

GREFFE
ROYAL COURT
12 FEB 1999
GUERNSEY

Guernsey Statutory Instrument 1999 No. 8

Board of Industry

THE EMPLOYMENT PROTECTION (RECOVERABLE COSTS)
ORDER, 1999

Made11th February..... 1999

Laid before the States 1999

Coming into force11th February..... 1999

Under the powers conferred upon it by paragraph 5 of the Schedule to the Employment Protection (Guernsey) Law, 1998(a) ("the Law"), and in the exercise of all other powers enabling it in that behalf, the Board hereby makes the following order:-

Maximum costs which may be awarded by adjudicator.

1. Where an adjudicator orders that the whole or any part of the costs of a hearing of a complaint under section 17(1)(a) or (b) ^{or (c)} of the Law shall be paid by one or more of the parties, the maximum amount of costs which may be recovered by the person in whose favour the order was made shall be as hereinafter provided.

[Order in
Council No.
VIII, 2002]

Witness costs.

2. (1) The maximum costs which may be recovered by a party in respect of the costs, fees and expenses of a witness-

- (a) in the case of a witness necessarily absent from his place of residence overnight in order to attend as a witness, shall be a night allowance not exceeding the expenses actually and reasonably incurred for board and lodging for that night;

(a) No. IX of 1998.

- (b) in the case of a witness necessarily incurring expenses in travelling to and from the place of the hearing for the purpose of attending to give evidence, shall be an allowance not exceeding the expenses actually and reasonably incurred;
- (c) for loss of earnings, shall be as necessarily incurred but not exceeding £75 per day;
- (d) where the witness is an expert witness, shall be-
 - (i) £50 per hour, for attending to give expert evidence; and
 - (ii) £500, for work in connection with the preparation of such evidence.

(2) For the purposes of this article a party giving evidence shall not be deemed to be a witness.

Summons costs.

3. The costs which may be recovered by the Board in respect of the issue of each witness summons shall be £15.

Parties' costs.

4. The maximum costs which may be recovered by a party shall be-

- (a) in respect of his costs, fees and expenses reasonably incurred in the preparation or presentation of his case, £75;
- (b) where he is necessarily absent from his place of residence overnight in order to attend the hearing, a night allowance not exceeding the expenses actually and reasonably incurred for board and lodging for that night;

- (c) where he necessarily incurs expenses in travelling to and from the place of the hearing for the purpose of attending the hearing, an allowance not exceeding the expenses actually and reasonably incurred.

Administrative costs.

5. The maximum costs which may be recovered by the Board in respect of the costs, fees and expenses of the holding or conduct of the hearing (other than the costs, fees, expenses and allowances of the adjudicator) shall be £75 per day.

Adjudicator's costs.

6. The maximum costs which may be recovered by the Board in respect of the costs, fees, expenses and allowances of the adjudicator shall be £75 per day.

No costs for legal representation.

7. No costs may be recovered by a party in respect of the costs, fees and expenses of his Advocate or other legal adviser.

Order for costs to specify amount.

8. Where an adjudicator orders that the whole or any part of the costs of a hearing shall be paid by one or more of the parties, his order shall specify-

- (a) the amount to be paid under the order; and
- (b) the basis on which the amount is calculated.

Interpretation.

9. (1) The provisions of the Interpretation (Guernsey) Law, 1948(b) shall apply to the interpretation of this Order as they apply to the interpretation of an enactment; and expressions used in this Order shall, except where the context excludes, have the same meanings as in the Law.

(b) Ordres en Conseil.Vol. XIII, p. 355.

(2) Any reference in this Order to a day or half day shall include a reference to any part of a day or half day.

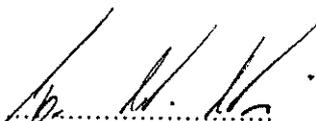
Commencement.

10. This Order shall come into force on the 11th day of February 1999.

Citation.

11. This Order may be cited as the Employment Protection (Recoverable Costs) Order, 1999.

Signed



E. W. Walters

Vice-President (for and on behalf of the Board).

Date 11-02-99

EXPLANATORY NOTE

The purpose of this order is to prescribe the maximum amounts of witness costs and other costs which may be awarded by an adjudicator in favour of any party to proceedings before him under the Employment Protection (Guernsey) Law, 1998.