

Guernsey Statutory Instrument 1999 No. 9

Board of Industry

**THE EMPLOYMENT PROTECTION (SUMMONSING OF
WITNESSES AND DOCUMENTS) ORDER, 1999**

Made11th February, 1999

Laid before the States 1999

Coming into force11th February, 1999

Under the powers conferred upon it by paragraph 2 of the Schedule to the Employment Protection (Guernsey) Law, 1998¹ (“the Law”), and in the exercise of all other powers enabling it in that behalf, the Board hereby makes the following order:—

Summonsing of witnesses.

1. An adjudicator may summons any person to appear before him as a witness.

Summonsing of documents.

2. An adjudicator may also summons any person to appear before him and to produce before him any document, exhibit or other relevant item or material in his possession, custody or power.

Parties may require issue of summons.

3. An adjudicator shall not, pursuant to paragraph 1(1)(h) of the Schedule to the Law, authorise any party to cause a summons to be served on any person to give evidence or produce any document if—

- (a) the evidence to be given by the witness in question would be irrelevant or, as the case may be,

¹ No. IX of 1998.

- (b) the document in question would be irrelevant.

Administration of oath.

4. An adjudicator may require any witness appearing before him to take the oath or affirmation, which the adjudicator may administer.

Form of summons.

5. Every summons shall be in writing and shall contain the following information—

- (a) the names of the parties to the proceedings;
- (b) the place where the proceedings are to be heard;
- (c) the date upon which and the time at which the witness is to appear;
- (d) the descriptions of any document, exhibit or other relevant item or material or any class thereof which the witness is to produce;
- (e) where the witness is summonsed to appear on the request of any party to the proceedings, the name of that party.

Issue and service of summons.

6. Every summons shall be issued under the hand of the adjudicator and shall be served on the witness—

- (a) by being delivered to him or by being left at, or sent by registered post or recorded delivery service to, his usual or last known place of abode or employment; or
- (b) in any manner in which a document may be served under Part I of the Royal Court Civil Rules, 1989.

Interpretation.

7. The provisions of the Interpretation (Guernsey) Law, 1948² 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.

Commencement.

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

Citation.

9. This Order may be cited as the Employment Protection (Summoning of Witnesses and Documents) Order, 1999.

Signed

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

Date 11th February, 1999.

EXPLANATORY NOTE

The purpose of this order is to provide for the summoning of witnesses to appear before proceedings of an adjudicator under the Employment Protection (Guernsey) Law, 1998, either to give testimony or to produce documents.

² Ordres en Conseil Vol. XIII, p. 355.