

GUERNSEY STATUTORY INSTRUMENT

2006 NO. 9

**The Sex Discrimination (Summoning of  
Witnesses and Documents) Order, 2006**

*Made* , 2006

*Laid before the States* , 2006

*Coming into force* 1<sup>st</sup> March, 2006

**THE COMMERCE AND EMPLOYMENT DEPARTMENT**, in exercise of the powers conferred on it by paragraph 3 of the Schedule to the Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005<sup>a</sup> ("**the Ordinance**") and all other powers enabling it in that behalf, hereby makes the following order:-

**Application of Order.**

1. This Order applies in relation to the hearing and determination by the Employment and Discrimination Tribunal ("**the Tribunal**") of complaints described in section 38(1)(a) or (b) of the Sex Discrimination (Employment) (Guernsey) Ordinance, 2005<sup>b</sup> ("**the Sex Discrimination Ordinance**").

**Summoning of witnesses.**

2. The Tribunal may summons any person to appear before it as a witness.

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<sup>a</sup> Ordinance No. XXX of 2005.

<sup>b</sup> Ordinance No. XXXI of 2005.

**Summoning of documents.**

3. The Tribunal may also summons any person to appear before it and to produce before it any document, exhibit or other relevant item or material in his possession, custody or power.

**Parties may require issue of summons.**

4. The Tribunal shall not, pursuant to paragraph 2(h) of the Schedule to the Ordinance, 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,
- (b) the document in question would be irrelevant.

**Administration of oath.**

5. The Tribunal may require any witness appearing before it to take the oath or affirmation, which the person chairing the Tribunal may administer.

**Form of summons.**

6. 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.**

7. Every summons shall be issued under the hand of the person chairing the Tribunal 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.**

8. (1) In this Order -

"**Department**" means the Commerce and Employment Department,

"**Ordinance**" means the Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005<sup>c</sup>,

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<sup>c</sup> Ordinance No. XXX of 2005.

"**Sex Discrimination Ordinance**" means the Sex Discrimination (Employment) (Guernsey) Ordinance, 2005<sup>d</sup>,

"**Tribunal**" means the Employment and Discrimination Tribunal established under the Ordinance,

and other expressions, except where the context excludes, have the same meanings as in the Sex Discrimination Ordinance or, as the case may require, the Ordinance.

(2) The Interpretation (Guernsey) Law, 1948<sup>e</sup> applies to the interpretation of this Order as it applies to the interpretation of an enactment;

**Commencement.**

9. This Order shall come into force on the 1<sup>st</sup> March, 2006.

**Citation.**

10. This Order may be cited as the Sex Discrimination (Summoning of Witnesses and Documents) Order, 2006.

Dated this 9th day of February, 2006

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S. FALLA

Minister of the States Commerce and Employment Department

For and on behalf of the Department

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<sup>d</sup> Ordinance No. XXXI of 2005.

<sup>e</sup> Ordres en Conseil Vol. XIII, p. 355.

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**EXPLANATORY NOTE**

The purpose of this order is to provide for the summoning of witnesses to appear before proceedings of the Employment and Discrimination Tribunal under the Sex Discrimination (Employment) (Guernsey) Ordinance, 2005, either to give testimony or to produce documents.