

Island of



Guernsey

## Ordinance of the States

**III**  
**2007**

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Made .....28th March, 2007

Coming into Operation .....28th March, 2007

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### **The Regulation of Utilities (Bailiwick of Guernsey) (Amendment) Ordinance, 2007**

## **The Regulation of Utilities (Bailiwick of Guernsey) (Amendment) Ordinance, 2007**

**THE STATES**, in pursuance of their Resolution of the 1<sup>st</sup> June, 2006<sup>a</sup>, and in exercise of the powers conferred on them by sections 14(9), 15(8) and 23 of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 and all other powers enabling them in that behalf, hereby order:-

### **Amendment of Law of 2001.**

1. The Regulation of Utilities (Bailiwick of Guernsey) Law, 2001, as amended<sup>b</sup> ("**the Law of 2001**") is further amended as follows.

2. In section 14 of the Law of 2001 subsections (1) to (8) are repealed.

3. In section 15(1) of the Law of 2001 for "the Utility Appeals Tribunal" substitute "the Royal Court".

4. In section 15(4)(a) of the Law of 2001 for "14 days" substitute "28 days".

5. In section 15(5), (6) and (7) of the Law of 2001 for "the Utility Appeals Tribunal" and "the Tribunal" substitute "the Royal Court".

6. After section 15(7) of the Law of 2001 insert the following subsection-

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<sup>a</sup> Article XIV of Billet d'État No. X of 2006.

<sup>b</sup> Order in Council No. XI of 2001; amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003).

"(7A) For the purposes of determining an appeal under this section, the Royal Court -

(a) may appoint one or more assessors to assist it, and

(b) is properly constituted by the Bailiff sitting unaccompanied by the Jurats."

7. For section 16 of the Law of 2001 substitute the following -

**"Appeals from Royal Court to Court of Appeal.**

16. (1) A person aggrieved by a decision of the Royal Court on an appeal under section 15 may, with leave of the Royal Court or Court of Appeal, appeal to the Court of Appeal on a question of law.

(2) Section 21 of the Court of Appeal (Guernsey) Law, 1961<sup>c</sup> ("powers of a single judge") applies to the powers of the Court of Appeal to give leave to appeal under this section as it applies to the powers of the Court of Appeal to give leave to appeal under Part II of that Law."

8. Section 17 of the Law of 2001 is repealed.

9. Section 18(1)(a) of the Law of 2001 is repealed.

10. In section 22(1) of the Law of 2001 -

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<sup>c</sup> Ordres en Conseil Vol. XVIII, p. 315.

- (a) immediately before the definition of "Bailiwick" insert the following definition -

**"Bailiff"** means the Bailiff, Deputy-Bailiff, Lieutenant-Bailiff or Juge Délégué,"

- (b) in the definition of "consult" repeal ", 14(1)",
- (c) in the definition of "Royal Court" after "an Ordinary Court" insert ", constituted (for the purposes of an appeal under section 15) in accordance with section 15(7A)",
- (d) the definitions of "Utility Appeals Panel" and "Utility Appeals Tribunal" are repealed.

11. In section 22(6) of the Law of 2001 repeal ", 14(1)".

12. Section 23(1)(c)(iii) of the Law of 2001 is repealed.

13. Section 24(1)(f) of the Law of 2001 is repealed.

14. In section 24(5) of the Law of 2001 the words "or the Utility Appeals Tribunal" are repealed.

15. In paragraph 7 of the Schedule to the Law of 2001 for "the Utility Appeals Tribunal" substitute "the Royal Court".

### **Repeal.**

16. The Regulation of Utilities (Utility Appeals Tribunal) Ordinance,

2001<sup>d</sup> is repealed.

**Savings provision for extant appeals.**

17. (1) An appeal to the Utility Appeals Tribunal instituted by summons in accordance with section 15 of the Law of 2001 before the date of commencement of this Ordinance shall be determined by the Tribunal in all respects as if this Ordinance had not been enacted.

(2) Accordingly, the repeals and amendments effected by this Ordinance do not have effect in relation to any such appeal.

(3) The Utility Appeals Tribunal means the Tribunal appointed under section 14(5) of the Law of 2001.

**Citation.**

18. This Ordinance may be cited as the Regulation of Utilities (Bailiwick of Guernsey) (Amendment) Ordinance, 2007.

**Commencement.**

19. This Ordinance shall come into force on the 28<sup>th</sup> March, 2007.

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<sup>d</sup> Ordinance No. XXXIII of 2001.