
STATUTORY INSTRUMENTS

1980 No. 1956

EVIDENCE

The Evidence (Proceedings in Other Jurisdictions) (Guernsey) Order 1980

Made - - - - 17th December 1980

Coming into Operation 10th January 1981

At the Court at Buckingham Palace, the 17th day of December 1980

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 10(3) of the Evidence (Proceedings in Other Jurisdictions) Act 1975, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Evidence (Proceedings in Other Jurisdictions) (Guernsey) Order 1980 and shall come into operation on 10th January 1981.

2. In this Order and in the Schedules hereto the following expressions have the meanings hereby respectively assigned to them:—

“the Bailiwick” means the Bailiwick of Guernsey and the territorial waters adjacent thereto;

“the appropriate Court” means—

- (a) as respects the Island of Guernsey, the Royal Court sitting as an Ordinary Court;
- (b) as respects the Island of Alderney, the Court of Alderney;
- (c) as respects the Island of Sark, the Court of the Seneschal of Sark.

3. The provisions of the Evidence (Proceedings in Other Jurisdictions) Act 1975 shall extend to the Bailiwick subject to the exceptions, adaptations and modifications specified in Schedule 1 to this Order.

4. The provisions of the Evidence (European Court) Order 1976 shall extend to the Bailiwick subject to the exceptions, adaptations and modifications specified in Schedule 2 to this Order.

N. E. Leigh
Clerk of the Privy Council

SCHEDULE 1

Article 3

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF THE EVIDENCE (PROCEEDINGS IN OTHER JURISDICTIONS) ACT 1975 TO THE BAILIWICK

1.—(1) For any reference in the Evidence (Proceedings in Other Jurisdictions) Act 1975, as extended to the Bailiwick by this Order, to the High Court, the Court of Session or the High Court of Justice in Northern Ireland, there shall be substituted a reference to the appropriate Court.

(2) For any reference in the said Act, as extended, to the United Kingdom, except the reference in section 3(3), there shall be substituted a reference to the Bailiwick.

2. In section 3(3), after the words “the United Kingdom” there shall be inserted the words “or the Bailiwick”.

3. Section 4 shall be omitted.

4. Section 6(2) shall be omitted.

5. In section 7, for the words from the beginning of the section to the words “Northern Ireland Act 1962”, there shall be substituted the words:—

“The power of the Royal Court sitting as a Full Court to make rules of court under Article 64 of the Reform (Guernsey) Law 1948, and section 12 of the Royal Court of Guernsey (Miscellaneous Reform Provisions) Law 1950.”

6. Section 8(1), together with Schedule 1 to the Act, shall be omitted.

7. In section 10, subsections (2) and (3) shall be omitted.

SCHEDULE 2

Article 4

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO THE EVIDENCE (EUROPEAN COURT) ORDER 1976 IN ITS EXTENSION TO THE BAILIWICK

1. In Article 2, after the words “Act 1975” there shall be inserted the words “(as extended, subject to adaptations, to the Bailiwick of Guernsey by the Evidence (Proceedings in Other Jurisdictions) (Guernsey) Order 1980)”.

2. Article 3 shall be omitted.

EXPLANATORY NOTE

This Order extends to the Bailiwick of Guernsey certain provisions of the Evidence (Proceedings in Other Jurisdictions) Act 1975, subject to the modifications made by this Order. The 1975 Act, as so extended, makes fresh provision to enable the courts in the Bailiwick of Guernsey referred to in this Order to assist in obtaining evidence required for the purposes of proceedings in other jurisdictions.

The Order also extends the Evidence (European Court) Order 1976 to the Bailiwick of Guernsey. By that Order, as so extended, evidence for proceedings before the European Court of Justice may be taken at the request of that Court by the Courts in the Bailiwick of Guernsey referred to in this Order.