

**The Industrial Disputes (Rules of Procedure and
Scale of Fees) Ordinance (1947).
(22nd February, 1947)**

THE COURT, by virtue of the provisions of Article 12 of the Industrial Disputes and Conditions of Employment Law (1947), (hereinafter referred to as "the Law") and having heard the Law Officers of the Crown, hereby lays down the following rules of procedure and scale of fees for enquiring into industrial disputes and for making awards and decisions by the Tribunal.

1. *Definitions.*

In this Ordinance any words or expressions used are to be interpreted as if this Ordinance were read in conjunction with the Law.

2. *Reference of industrial dispute to the Tribunal.*

Every reference of an industrial dispute to the Tribunal shall be made in writing as near as may be in form A set out in the Schedule hereto addressed to the Chairman of the Tribunal and signed by the Industrial Disputes Officer.

3. *Notice by Tribunal that it intends to enquire into and make an award as to an industrial dispute.*

Immediately upon the receipt by the Chairman of the Tribunal of the reference of an industrial dispute, he shall cause to be sent to each person or body mentioned in the reference a notice of the intention of the Tribunal to enquire into and make an award as to such dispute.

The notice shall be in writing signed by the Secretary to the Tribunal as near as may be in form B set out in the Schedule hereto.

The Chairman shall cause a copy of the notice to be exhibited in the Royal Court House from the time of its being so sent until the time of the beginning of the enquiry by the Tribunal.

4. *Representation.*

Any person or body to whom a notice has been sent under Rule 3 shall have the right to present his case before the Tribunal either personally or through some person producing to the Tribunal an authority in writing to appear on his behalf signed by the person or persons whom he represents.

5. *Record of the Proceedings.*

The Chairman of the Tribunal shall cause a record to be kept of the proceedings which shall include documents or copies thereof which shall have been put in evidence,

and where reasonably practicable such things as shall have been put in evidence as exhibits. At the end of the enquiry he shall sign such record and cause it to be delivered to the States Supervisor.

6. *Conduct of the Enquiry.*

A. Save as is otherwise provided by the Law or by these rules, the Tribunal shall regulate the manner in which the enquiry shall be conducted, including the number of speeches, the order in which they shall be heard and the order and manner in which evidence shall be taken:

PROVIDED THAT

- (1) every person presenting a case before the Tribunal shall be entitled to make two speeches;
- (2) only such evidence shall be admitted as is relevant to the dispute;
- (3) evidence shall be excluded if the Tribunal shall declare that it might tend to incriminate the witness and if the witness refuses to give such evidence;
- (4) any witness called before the Tribunal may be cross-examined by any person presenting a case before the Tribunal in furtherance of an interest other than that in support of which such witness is called; any witness so cross-examined may be re-examined on any matter arising out of cross-examination by a person presenting a case in furtherance of the interest in support of which such witness was called; any witness called by the Tribunal not on the application of any person presenting a case before it may be cross-examined by any person presenting a case before the Tribunal in such order as the Tribunal may direct.

B. No award, decision or interpretation by the Tribunal shall be invalidated solely by reason of any irregularity in the procedure laid down by these rules unless such irregularity shall amount to the prevention of any

person or body named in the reference of the dispute to the Tribunal from presenting and expounding his or its case fairly before the Tribunal.

7. *Summoning of Witnesses.*

The Tribunal may, and on the application of any person presenting a case before the Tribunal shall, unless the Tribunal shall decide that any evidence given by such witness would be irrelevant, summon any person to appear as a witness before it, and may, subject to Section (2) of the proviso to Rule 6, order such person to produce before the Tribunal any document or exhibit in his possession or control relevant to the dispute.

Every summons to a witness shall be in writing in form C in the schedule hereto signed by the Secretary to the Tribunal and shall be delivered to such person by His Majesty's Sergeant.

8. *Place and Time of sitting of the Tribunal.*

The Tribunal shall sit at such times and in such places as the Chairman may from time to time direct, and may adjourn the proceedings from time to time.

9. *Scale of Costs.*

The sums, which having been incurred by any person or body in the preparation or presentation of his case incidental to the hearing of any matter referred to it by the Tribunal, may be ordered by the Tribunal to be paid by the States of Guernsey or otherwise, shall be at the discretion of the Tribunal subject to the following maxima, which maxima shall be the sums payable only in cases of complexity:—

Fees payable to an advocate, if one shall be employed, for perusal of documents, conferences, advice prior to the enquiry by the Tribunal, and preparation and copying of documents, inclusive	£30
Fee payable to an advocate for presentation of case at the enquiry—for each day or part of a day	£10

Sums payable to a witness—travelling and maintenance expenses, and in addition £10 per diem for loss of wages or profit incurred through attendance, or through the preparation or perusal of documents with a view to giving evidence.

10. *Form of Oath.*

The oath to a witness shall be administered by the Chairman in the same form as the oath is administered in the Royal Court.

11. *Making of Award.*

The Tribunal shall orally announce the time and place at which it will orally pronounce its award and shall reduce its award to writing as near as may be according to form D in the schedule hereto; the Tribunal shall then not later than three working days thereafter both orally pronounce the award in public as part of the proceedings in the enquiry, adding thereto such observations by way of explanation as may seem fit to it and send copies of the award to any person presenting a case before it. The award shall be marked and distinguished by the year of the award followed by a serial number.

12. *Application for the Interpretation of an Award.*

Every application for the interpretation of an award shall be made in writing within 21 days of the making of the original award as near as may be in form E in the Schedule hereto, addressed to the Chairman of the Tribunal and to each of the persons who shall have presented a case before the Tribunal, and signed by the applicant or applicants.

13. *Interpretation of Award.*

Within 3 days of receipt of an application for the interpretation of an award the Chairman shall cause any person who presented a case before the Tribunal in the

original enquiry into the dispute to be informed of the date, time and place at which the Tribunal shall proceed to interpret its said award, and the Tribunal shall proceed to give its interpretation of its award not less than five working days after receipt of the said application.

Before giving its interpretation the Tribunal shall allow such persons as would be entitled to have presented a case before it in the original enquiry to speak before it (unless such persons shall have consented not so to speak) in such order and on such occasions as the Tribunal may think fit.

14. The interpretation shall first be reduced to writing as near as may be in form F of the Schedule hereto, and shall thereafter be pronounced and published in the same manner as if it were an original award.

THE SCHEDULE.

FORM A.

Reference of industrial dispute to the Tribunal.

In the matter of the Industrial Disputes and Conditions of Employment Law (1947).

WHEREAS I have been notified on the day
of 19 that an industrial dispute
exists
_____ between the persons and/or bodies whose
is apprehended
names and places of business are set out in the sheet
attached hereto:

AND WHEREAS it appears to me that the matter in
dispute is as follows:—

AND WHEREAS I have tried unsuccessfully to settle
the dispute by conciliation and by arbitration voluntarily
submitted to by such persons and bodies.

I hereby refer the dispute to the Tribunal that it may
enquire into and make an award as to it.

Signed

Industrial Disputes Officer.

This day of 19 .

FORM B.

Notice by the Tribunal of its intention to enquire into and make an award as to an industrial dispute.

In the matter of the Industrial Disputes and Conditions of Employment Law (1947).

WHEREAS the Industrial Disputes Officer has been notified that an industrial dispute between you exists

is apprehended:

AND WHEREAS it appears that the matter in dispute is as follows:—

AND WHEREAS the Industrial Disputes Officer has referred the dispute to the Industrial Disputes Tribunal that it may enquire into and make an award as to such dispute:

TAKE NOTICE that the Tribunal will proceed with such enquiry and award on the day of 19 , at the hour of in the noon at , and thereafter at such times and places as may to the Tribunal seem fit.

AND FURTHER TAKE NOTICE that should you attend before the Tribunal either in person or by some person on your behalf you, or such person if he produces to the Tribunal a document signed by you authorising him to represent you, shall be heard by the Tribunal.

AND FURTHER TAKE NOTICE that should you not so attend an award may be given in your absence.

AND FURTHER TAKE NOTICE that the Tribunal will consider any evidence either oral or otherwise relevant to the dispute which may be tendered before it.

AND FURTHER TAKE NOTICE that should you require the compulsory attendance before the Tribunal of any witness on any matter relevant to the dispute, or should you require any person having in his possession or control any document or exhibit relative to such dispute to be compelled to produce such document or exhibit

before the Tribunal, you should so inform me in writing with all material particulars as soon as possible, or failing your so informing me you should orally inform the Tribunal as soon as possible after the beginning of the hearing, in order that such attendance or production may be enforced.

To

Signed

Secretary to the Industrial Disputes Tribunal,
States Office,
Guernsey.

This day of 19 .

FORM C.

Summons to Witness.

In the matter of the Industrial Disputes and Conditions of Employment Law (1947).

WHEREAS an industrial dispute has been referred to the Industrial Disputes Tribunal.

AND WHEREAS it appears that the matter in dispute is as follows:—

You are hereby summoned to appear for the purpose of giving evidence before the Tribunal at
on the day of 19 , at
the hour of in the noon, and there-
after at such times and places from time to time as the
Tribunal may require of you.

And you are required to produce before the Tribunal on your said appearance the following documents and/or things:—

Signed

Secretary to the Industrial Disputes Tribunal,
States Office,
Guernsey.

This day of 19 .

FORM D.

Award of the Industrial Disputes Tribunal.

In the matter of the Industrial Disputes and Conditions of Employment Law (1947).

WHEREAS on the _____ day of _____ 19____, there was referred to this Tribunal a dispute existing _____ between the persons set out in the sheet apprehended attached hereto.

AND WHEREAS this Tribunal has enquired into the said dispute.

TAKE NOTICE that the award of the Tribunal as to the said dispute is as follows:—

AND FURTHER TAKE NOTICE that the Tribunal orders that this award shall take effect from the _____ day of _____ 1947, being the date of knowledge.*

AND FURTHER TAKE NOTICE that the Tribunal makes the following order for the payment of the costs of the parties hereto incurred by them in the preparation or presentation of their cases incidental to this hearing:—

Signed

Chairman.

To

This _____ day of _____ 19____.

* delete if inapplicable.

FORM E.

*Application to the Tribunal for the interpretation of
an award.*

In the matter of the Industrial Disputes and Conditions
of Employment Law (1947).

WHEREAS the Industrial Disputes Tribunal on the
day of 19 made an award
as to a certain industrial dispute (serial number
of 19).

AND WHEREAS in the said award there appear the
following words:—

AND WHEREAS we, the undersigned, are uncertain
of the meaning of, and seek interpretation of the said
words, we do hereby request the Tribunal to interpret
them.

Signed

This day of 19 .

FORM F.

Interpretation of award by the Tribunal.

In the matter of the Industrial Disputes and Conditions
of Employment Law (1947).

WHEREAS on the day of 19 ,
the Tribunal made an award, serial number
of 19 , in an industrial dispute.

AND WHEREAS the Tribunal has been requested to interpret the following words forming part of the said award:—

The Tribunal hereby decides that the said words shall have the following interpretation:—

And the Tribunal hereby makes the following order regarding the costs of the parties hereto incurred in the preparation or presentation of their case incidental to this interpretation:—

Signed

Chairman.

This day of 19 .

Monuments Protection Ordinance, 1947.
(1st March, 1947)

THE COURT. by virtue of the provisions of Article 1 of the Law entitled “Loi relative à la Protection des Monuments de l’Ile” registered on the records of this Island on the 26th day of March, 1938 (hereinafter referred to as “the Law”), and in pursuance of the Resolutions of the States dated the 25th day of October, 1939, the 20th day of December, 1939, and the 11th day of December, 1946, and having heard His Majesty’s Comptroller, orders as follows:—

1. Each of the buildings, structures or objects or of the remains of buildings, structures or objects specified in the first column of the Schedule hereto and situate as set out in the second column of the said Schedule shall henceforth be a monument subject to the provisions of the Law.
2. The Ordinance entitled “Ordonnance relative à la Protection des Monuments de l’Ile (1940)” is hereby repealed.