

PROJET DE LOI

ENTITLED

The Court of Chief Pleas (Guernsey) Law, 2004 *

[CONSOLIDATED TEXT]

NOTE

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* No. XVII of 2004 (Ordres en Conseil Vol. XLIV(1), p. 423); as amended by the Court of Chief Pleas (Guernsey) (Amendment) Law, 2009 (No. VII of 2009); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. ** of 2016). See also the Deputy Bailiff (Guernsey) Law, 1969 (Ordres en Conseil Vol. XXII, p. 122).

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ARRANGEMENT OF SECTIONS

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SCHEDULE The Fiefs.

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THE STATES, in pursuance of their Resolution of the 28th day of July, 2004^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

Sittings of the Court of Chief Pleas.

1. From the date of the commencement of this Law –
 - (a) the Michaelmas sittings of the Court of Chief Pleas shall take place as before, and
 - (b) the January and Easter sittings of the Court of Chief Pleas shall not take place, unless the Bailiff considers it necessary or desirable for the sitting to take place for any purpose,

and paragraphs (a) and (b) are without prejudice to the Court of Chief Pleas sitting at any time extraordinarily for any purpose.

NOTE

In accordance with the provisions of the Deputy Bailiff (Guernsey) Law, 1969, section 5(4), with effect from 9th September, 1969, in the event of the Deputy Bailiff discharging any functions or exercising any powers appertaining to the office of Bailiff which he is authorised to discharge or exercise under or by virtue of the 1969 Law, the provisions contained herein relating to the discharge of such functions or the exercise of such powers shall have effect as if the references herein to the Bailiff included a reference to the Deputy Bailiff.

^a Article IV of Billet No XII of 2004.

Business of the Court of Chief Pleas.

2. The matter of receiving the annual report of the [States' Trading Supervisory Board] on controlled streams, pursuant to the Loi Relative aux Douits, 1936^b, as amended, formerly dealt with at the January sitting of the Court of Chief Pleas, may be dealt with by the Royal Court.

NOTES

In section 2, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 12(b), Schedule 2, Part 8, with effect from 1st May, 2016.

The functions, rights and liabilities of the Public Services Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the States' Trading Supervisory Board and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 12(b), Schedule 2, Part 8, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

Removal of requirement for Seigneurs to do homage, etc.

3. All duties and rights of the Seigneurs, including any duty or right to attend to pay suit of court or do homage, in connection with any sitting of the Court of Chief Pleas which, pursuant to the provisions of this Law, does not take place, are abrogated in respect of that sitting.

Orders of Royal Court as to sittings of Court of Chief Pleas.

4. (1) The Royal Court may by order –
- (a) direct that any matter dealt with at the Michaelmas sitting of the Court of Chief Pleas may be dealt with by the Royal Court,
 - (b) prescribe the formalities attendant on any ordinary or extraordinary sitting of the Court of Chief Pleas,

^b Ordres en Conseil Vol. X, p. 419.

including any duty or right of any person or class or description of persons to attend or otherwise participate in the proceedings, and

- (c) amend the provisions of the Schedule.
- (2) An order under subsection (1) –
- (a) may be amended or repealed by a subsequent order hereunder,
 - (b) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to the Royal Court to be necessary or expedient, and
 - (c) may make provision notwithstanding any enactment, customary rule or practice to the contrary.

Interpretation.

5. In this Law, unless the context requires otherwise –

"Easter sitting" of the Court of Chief Pleas means the sitting of that Court on the first Monday after Easter Monday,

"January sitting" of the Court of Chief Pleas means the sitting of that Court on the first Monday after the feast of St Maur on the 15th January,

"Michaelmas sitting" of the Court of Chief Pleas means the sitting of that Court on the first Monday after Michaelmas on the 29th September [or on such other day as the Royal Court may by order determine],

"Royal Court" means the Royal Court sitting as a Full Court,

"Seigneurs" means the seigneurs and dames for the time being of the fiefs set out in the Schedule.

NOTES

In section 5, the words in square brackets in the definition of the expression "Michaelmas sitting" were inserted by the Court of Chief Pleas (Guernsey) (Amendment) Law, 2009, section 1, with effect from 27th April, 2009.

The following Rules of Court have been made under section 5:

*Court of Chief Pleas (Michaelmas Sitting) Order, 2009;
Court of Chief Pleas (Michaelmas Sitting) (No. 2) Order, 2009;
Court of Chief Pleas (Michaelmas Sitting) Order, 2011.*

Citation.

6. This Law may be cited as the Court of Chief Pleas (Guernsey) Law, 2004.

Commencement.

7. This Law shall come into force on the date of its registration on the records of the Island of Guernsey.

NOTE

The Law was registered on the Records of the Island of Guernsey on 6th December, 2004.

SCHEDULE

Section 5

THE FIEFS

Fief de Blanchelande
Fief d' Anneville
Fief de Sausmarez
Fief des Bruniaux de St Martin
Fief des Mauxmarquis
Fief des Bruniaux de Noirmont
Fief de Vaugrat
Fief des Philippes
Fief de Canelly
Fief de Fantôme
Fief des Rohais