

1963 No. 1496

TELEGRAPHS

The Tribunals and Inquiries (Guernsey) Order 1963

Made - - - - - 29th August 1963*Coming into Operation* 1st October 1963

At the Court at Balmoral, the 29th day of August 1963

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 9(8) of the Tribunals and Inquiries Act 1958(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The provisions of subsections (1) to (4) and (9) of section 9 of the Tribunals and Inquiries Act 1958 shall extend to the Bailiwick of Guernsey so far as they relate to proceedings in the said Bailiwick of the tribunal established under section 9 of the Wireless Telegraphy Act 1949(b) (as extended to the said Bailiwick by the Wireless Telegraphy (Channel Islands) Order 1952(c)) as modified in the manner set out in the Schedule to this Order:

Provided that, on and after the day appointed by Ordinance of the States of Guernsey under section 13 of the Court of Appeal (Guernsey) Law 1961 for the transfer of appellate jurisdiction in civil matters from the Royal Court to the Court of Appeal established by that Law, the said provisions shall so extend as if for the references to the Royal Court in subsections (2), (3) and (4) there were substituted references to the said Court of Appeal.

2. This Order may be cited as the Tribunals and Inquiries (Guernsey) Order 1963 and shall come into operation on 1st October 1963.

E. N. Landale.

SCHEDULE

FORM IN WHICH SECTION 9(1) TO (4) AND (9) OF THE TRIBUNALS AND INQUIRIES ACT 1958 EXTENDS TO THE BAILIWICK OF GUERNSEY

(1) If any party to proceedings before the tribunal established under section 9 of the Wireless Telegraphy Act 1949, as extended to the Bailiwick of Guernsey by the Wireless Telegraphy (Channel Islands) Order 1952, is dissatisfied in point of law with a decision of the tribunal given on or after 1st October 1963, he may, according as rules of court may provide, either appeal therefrom to the Royal Court sitting as an Ordinary Court (hereinafter referred to as "the Ordinary Court") or require the tribunal to state and sign a case for the opinion of the Ordinary Court.

(a) 6 & 7 Eliz. 2. c. 66.

(b) 12, 13 & 14 Geo. 6. c. 54.

(c) S.I. 1952/1900 (1952 III, p. 3414).

(2) Rules of court made with respect to the said tribunal may provide for authorising or requiring the tribunal, in the course of proceedings before it taking place on or after 1st October 1963, to state, in the form of a special case for the decision of the Ordinary Court, any question of law arising in the proceedings, and a decision of the Ordinary Court on a case stated by virtue of this subsection may, subject to subsection (4) of this section, be taken on appeal to the Royal Court.

(3) In relation to proceedings in the Ordinary Court or the Royal Court brought by virtue of this section the power to make rules of court shall include power to make rules prescribing the powers of the Ordinary Court or the Royal Court with respect to—

(a) the giving of any decision which might have been given by the tribunal ;

(b) the remitting of the matter with the opinion or direction of the court for rehearing and determination by the tribunal ;

(c) the giving of directions to the tribunal.

(4) No appeal to the Royal Court shall be brought by virtue of this section except with the leave of the Ordinary Court or the Royal Court.

(9) In this section the expression "decision" includes any direction or order, and references to the giving of a decision shall be construed accordingly.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order extends, with the necessary modifications, to proceedings in the Bailiwick of Guernsey the provisions of section 9 of the Tribunals and Inquiries Act 1958 relating to appeals to the High Court from the appeal tribunal constituted under section 9 of the Wireless Telegraphy Act 1949 (which is concerned with interference).