
STATUTORY INSTRUMENTS

1968 No. 1199

ARBITRATION

**The Arbitration (International Investment
Disputes) (Guernsey) Order 1968**

Made - - - - 26th July 1968
Coming into Operation 1st September 1968

At the Court at Buckingham Palace, the 26th day of July 1968

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 6 of the Arbitration (International Investment Disputes) Act 1966, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The provisions of the Arbitration (International Investment Disputes) Act 1966 shall extend to the Bailiwick of Guernsey subject to the exceptions, adaptations and modifications specified in the Schedule to this Order.
2. The Interpretation Act 1889 shall apply for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament.
3. This Order may be cited as the Arbitration (International Investment Disputes) (Guernsey) Order 1968 and shall come into operation on 1st September 1968.

W. G. Agnew

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SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS

1. Any reference to the Arbitration (International Investment Disputes) Act 1966 shall be construed as a reference to that Act as extended to the Bailiwick of Guernsey by this Order.

2.—(1) In section 1(2) for the words “the High Court” there shall be substituted the words “the appropriate Bailiwick court”.

(2) For section 1(6) there shall be substituted the following subsection—

“(6) The Royal Court sitting as a Full Court may from time to time make rules of court—

- (a) prescribing the procedure for applying for registration under this section, and requiring an applicant to give prior notice of his intention to other parties;
- (b) prescribing the matters to be proved on the application and the manner of proof, and in particular requiring the applicant to furnish a copy of the award certified pursuant to the Convention;
- (c) prescribing the manner in which awards shall be registered;
- (d) providing for the service of notice of registration of the award by the applicant on other parties;

and in this and the next following section “prescribed” means prescribed by such rules of court.”

(3) In section 1(7), immediately before paragraph (a) thereof, there shall be inserted the following paragraph:—

“(a) “the appropriate Bailiwick court” means —

- (i) as respects the Islands of Guernsey, Herm and Jethou, the Royal Court sitting as an Ordinary Court,
- (ii) as respects the Island of Alderney, the Court of Alderney,
- (iii) as respects the Island of Sark, the Court of the Seneschal of Sark,”

and the existing paragraphs (a) and (b) shall accordingly be respectively redesignated as paragraphs (b) and (c).

3.—(1) In section 2(1) for the words “the High Court”, wherever they occur, there shall be substituted the words “the appropriate Bailiwick court”.

(2) In section 2(2) for the words “Rules of court under section 99 of the Supreme Court of Judicature (Consolidation) Act 1925” there shall be substituted the words “Rules of court under subsection (6) of the last preceding section”.

4. For section 3 there shall be substituted the following section:—

“Proceedings in the Bailiwick of Guernsey

3.—(1) The Bailiff may, by rules made under this subsection—

- (a) make provision, in relation to such proceedings pursuant to the Convention as are specified in those rules, being proceedings taking place in the Bailiwick of Guernsey, for the attendance of witnesses, the taking of evidence and the production of documents;

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(b) direct that any of the provisions of the Foreign Tribunals Evidence Act 1856⁽¹⁾ (which relates to the taking of evidence for the purpose of proceedings before a foreign tribunal) shall apply to such proceedings pursuant to the Convention as are specified in those rules, with or without any modifications or exceptions specified in those rules.

(2) Any rules made under subsection (1) of this section may be varied or revoked by subsequent rules so made.”.

5. Sections 5, 6(1)(a) and (c), 7, 8 and 9(2) shall be omitted.

EXPLANATORY NOTE

This Order extends to the Bailiwick of Guernsey, with exceptions, adaptations and modifications, the provisions of the Arbitration (International Investment Disputes) Act 1966 (which implements the Convention on the settlement of investment disputes between States and nationals of other States which was opened for signature in Washington on 18th March 1965).

⁽¹⁾ 1856 c. 113.