

SCHEDULE

Article 3

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO SECTIONS 20 TO 24 OF THE SUPREME COURT ACT 1981 AS EXTENDED TO THE BAILIWICK OF GUERNSEY

1. Any reference to an Act of Parliament (including the Supreme Court Act 1981) or to a provision of such an Act shall be construed, unless the contrary intention appears, as a reference to that Act or provision as it has effect in the Bailiwick.

2. Any reference to an enactment of the States of Guernsey shall be construed, unless the contrary intention appears, as including a reference thereto as amended, repealed and replaced, extended or applied by or under any other such enactment.

3. In section 20—

- (a) for the words “the High Court” wherever they appear there shall be substituted the words “the appropriate Bailiwick court”;
- (b) in subsection (1), for paragraph (d) there shall be substituted the following paragraph:
 - “(d) any jurisdiction connected with ships or aircraft which is vested in the appropriate Bailiwick court apart from this section.”; and
- (c) in subsection (2), in paragraph (s), the words “, or for droits of Admiralty” shall be omitted.

4. In section 21—

- (a) for the words “the High Court” wherever they appear there shall be substituted the words “the appropriate Bailiwick court”;
- (b) in subsection (7), for the words “England or Wales” there shall be substituted the words “the Bailiwick”; and
- (c) in subsection (8), for the word “writ” wherever it occurs there shall be substituted the word “summons”.

5. In section 22—

- (a) for subsection (2) there shall be substituted the following subsection:
 - “(2) No court in any Island of the Bailiwick shall entertain an action in personam to enforce a claim to which this section applies unless—
 - (a) the defendant has his habitual residence or a place of business within that Island; or
 - (b) the cause of action arose within inland waters of that Island or within the limits of a harbour of that Island; or
 - (c) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court.

In this subsection— “inland waters” includes any part of the sea adjacent to the coast of any of the Islands of the Bailiwick certified by the Secretary of State to be waters falling by international law to be treated as within the territorial sovereignty of Her Majesty apart from the operation of that law in relation to territorial waters; “Island” includes any dependency of an island; “harbour” means—

- (i) as respects the Island of Guernsey, the harbour of Saint Peter Port or the harbour of Saint Sampson as defined in the Harbour Dues (Saint Peter Port and Saint Sampson) Law 1957;
- (ii) as respects the Island of Alderney, the area to the southward of a line drawn from the north eastern end of the submerged portion of the Alderney Breakwater to the Outer Grois Rock;

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- (iii) as respects the Island of Sark, Le Creux Harbour and the area within two hundred feet of the Jetty of La Maseline Harbour.”;
 - (b) in subsections (3), (6) and (8), for the words “the High Court” there shall be substituted the words “the appropriate Bailiwick court”;
 - (c) in subsection (3) for the words “in any court outside England and Wales” there shall be substituted the words “in any other court whether within or without the Bailiwick”; and
 - (d) subsection (7) shall be omitted.
6. In section 23, for the words “the High Court” wherever they appear there shall be substituted the words “the appropriate Bailiwick court”.
- 7.—(1) In section 24(1)—
- (a) before the definition of “collision regulations” there shall be inserted the following definition—
 - ““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;”;
 - (b) for the definition of “collision regulations” there shall be substituted the following definition:
 - ““collision regulations means”—
 - (a) regulations for the prevention of collisions made under section 21 of the Merchant Shipping Act 1979⁽¹⁾; or
 - (b) any enactment for the time being in force in any of the Islands of the Bailiwick relating to the lights and signals to be carried, or the steps for avoiding collisions to be taken, by vessels navigating in any harbour or the approaches thereto;”;
 - (c) in the definition of “ship” the words “in the definition of “port” in section 22(2) and” shall be omitted and after the words “section 2(3) of the Hovercraft Act 1968”⁽²⁾ there shall be inserted the words “(as it has effect in the United Kingdom)”.
- (2) In section 24(2)—
- (a) in paragraph (a), for the words “the High Court” there shall be substituted the words “the appropriate Bailiwick court”; and
 - (b) in paragraph (c), after the words “section 2(3) of the Hovercraft Act 1968” there shall be inserted the words “(as it has effect in the United Kingdom)”.

(1) 1979 c. 39.
(2) 1968 c. 59.