STATUTORY INSTRUMENTS

# 1983 No. 1700

# EVIDENCE

# PROTECTION OF TRADING INTERESTS

## The Evidence (Proceedings in Other Jurisdictions) (Jersey) Order 1983

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| *Made* - - - - | 18*th November* 1983 |
| *Coming into Operation* | 18*th December* 1983 |

At the Court of Saint James, the 18th day of November 1983

Present,

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 3rd day of November 1983, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Charles, Prince of Wales, being authorised thereto by the said Letters Patent, and in pursuance of section 10(3) of the Evidence (Proceedings in Other Jurisdictions) Act 1975 (**a**) and section 8(8) of the Protection of Trading Interests Act 1980 (**b**), by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

**1.** This Order may be cited as the Evidence (Proceedings in Other Jurisdictions) (Jersey) Order 1983 and shall come into operation on 18th December 1983.

**2.** In this Order, "Jersey" means the Bailiwick of Jersey and the territorial waters adjacent thereto.

**3.**—(1) Subject to paragraph (2) below, sections 1, 2, 3, 5, 9 and 10 of the Evidence (Proceedings in Other Jurisdictions) Act 1975 shall extend to Jersey with the exceptions, adaptations and modifications specified in the Schedule to this Order.

(2) Sections 1, 2 and 3 shall not extend to Jersey except for the purposes of section 5 (and accordingly shall have effect in Jersey only for the purposes of criminal proceedings).

**4.** The Protection of Trading Interests Act 1980 (Jersey) Order 1983 (**c**) shall be amended by the substitution, for paragraph 5(2) of the Schedule, of the following provision:—

(**a**) 1975 c.34. (**b**) 1980 c.11. (**c**) S.I. 1983/607.

"(2) In section 4, after the words "Evidence (Proceedings in Other Jurisdictions) Act 1975" there shall be inserted the words "or under Article 3 of the Service of Process and Taking of Evidence (Jersey) Law, 1960".".

*N. E. Leigh,*
Clerk of the Privy Council.

## SCHEDULE

Article 3

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO PROVISIONS OF THE EVIDENCE (PROCEEDINGS IN OTHER JURISDICTIONS) ACT 1975 AS EXTENDED TO JERSEY

1. In section 1 (as applied by section 5)—
   *(a)* for the words "the High Court, the Court of Session or the High Court of Justice in Northern Ireland" there shall be substituted the words "the Royal Court";
   *(b)* for the words "in the part of the United Kingdom in which it exercises jurisdiction" there shall be substituted the words "in Jersey";
   *(c)* for the words "any other part of the United Kingdom or in a country or territory outside the United Kingdom" there shall be substituted the words "a country or territory outside Jersey"; and
   *(d)* for the words "the High Court, Court of Session or High Court of Justice in Northern Ireland, as the case may be," there shall be substituted the words "the Court".

2. In section 2(1) (as applied by section 5), for the words from "the High Court, the Court of Session" to "exercises jurisdiction" there shall be substituted the words "the Royal Court shall have power, on any such application as is mentioned in section 1 above, by order to make such provision for obtaining evidence in Jersey".

3. In section 3 (as applied by section 5)—
   *(a)* in subsection (1)*(a)*, for the words "the part of the United Kingdom in which the court that made the order exercises jurisdiction" there shall be substituted the word "Jersey"; and
   *(b)* in subsection (3), after the words "the United Kingdom" there shall be inserted the words "or of Jersey".

4. In section 5—
   *(a)* subsection (1)*(a)* shall be omitted; and
   *(b)* in subsection (1)*(b)*, for the words "that section" there shall be substituted the words "section 1 above".

5. Section 9(2) and (3) shall be omitted.

6. Section 10(2) and (3) shall be omitted.

## EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order extends to the Bailiwick of Jersey certain provisions of the Evidence (Proceedings in Other Jurisdictions) Act 1975 with the exceptions, adaptations and modifications specified in the Schedule to the Order. The principal modification is that the extension relates only to criminal proceedings. It also makes a consequential amendment to the Protection of Trading Interests Act 1980 (Jersey) Order 1983.

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