

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Marriage (Alderney) (Amendment) Law, 1953.

(Registered on the Records of the Island of Guernsey
on the 7th day of March, 1953.)



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ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 7th day of March, 1953, before Henry James Casey, Esquire, M.B.E., M.C., Lieutenant-Bailiff; present:—Ernest de Garis, Esquire, O.B.E., Sir John Leale, Arthur Falla, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark, Walter John Gavey, Ernest Francis Lainé, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx and Stephen James Falla, Esquires, Jurats.

The Lieutenant-Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 11th day of February, 1953, ratifying a *Projet de Loi* of the States of Alderney entitled "The Marriage (Alderney) (Amendment) Law, 1953",—the Court after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney for registration on the records of that Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace,

The 11th day of February, 1953.

PRESENT,

The Queen's Most Excellent Majesty

LORD CHANCELLOR.

LORD PRIVY SEAL.

SIR ALAN LASCELLES.

MR. BUCHAN-HEPBURN.

MR. HOPKINSON.

MR. DE SILVA.

COMMANDER GALBRAITH.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the affairs of Guernsey and Jersey, dated the 27th day of January, 1953, in the words following viz. :—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee a humble Petition of Sidney Peck Herivel, Esquire, President of the States of the Island of Alderney setting forth :

‘That on the nineteenth day of November, 1952, a Projet de Loi entitled “The Marriage (Alderney) (Amendment) Law, 1953,” was duly considered by the States, when a resolution was passed approving the same and authorising Your Humble Petitioner to present a Petition to Your Majesty in Council praying for Your Royal Sanction thereto. That the said Projet de Loi is in the words and figures set forth in the Schedule

annexed hereunto. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the *Projet de Loi* of the States of Alderney entitled "The Marriage (Alderney) (Amendment) Law, 1953" and to order and direct that the same shall have the force of law within the Island of Alderney.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition, and the *Projet de Loi* annexed thereto, into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said *Projet de Loi*."

HER MAJESTY, having taken the said Report into consideration, is pleased by and with the advice of Her Privy Council, to approve of and ratify the said *Projet de Loi*, and to order, as it is hereby ordered, that the same shall have the force of law within the Island of Alderney.

AND HER MAJESTY doth hereby further direct that this Order and the said *Projet de Loi* (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant-Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being, of the said Island of Guernsey, and also the Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. ACNEW.

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

The Marriage (Alderney) (Amendment) Law, 1953.

The States, in pursuance of their Resolution of the 28th day of July, 1950, 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 Alderney.

PART I.

Consent to Marriage of Minors.

1. (1) Where the marriage of a minor, not being a widower, widow or divorced person, is intended to be solemnized on the production of a licence, a special licence or a certificate from the Registrar, the consent of the person or persons specified in the Schedule to this Law shall be required:

Provided that—

(a) If the Registrar is satisfied that the consent of any person whose consent is so required cannot be obtained by reason of absence or inaccessibility or by reason of his being under any disability, the necessity for the consent of that person shall be dispensed with, if there is any other person whose consent is also required; and if the consent of no

other person is required, the Registrar may dispense with the necessity of obtaining any consent, or the court may, on application being made, consent to the marriage, and the consent of the court so given shall have the same effect as if it had been given by the person whose consent cannot be so obtained.

(b) If any person whose consent is required refuses his consent, the court may, on application being made, consent to the marriage and the consent so given shall have the same effect as if it had been given by the person whose consent is refused.

(2) The foregoing subsection shall apply to marriages intended to be solemnized by the Clergy of the Church of England by licence or by special licence of the Bishop's Surrogate, with the substitution of references to the Bishop's Surrogate for references to the Registrar.

(3) Where the marriage of a minor, not being a widower, widow or divorced person, is intended to be solemnized after the publication of banns of matrimony then, if any person whose consent to the marriage would have been required under this section in the case of a marriage intended to be solemnized otherwise than after the publication of the banns, openly and publicly declares or causes to be declared, in the church or chapel in which the banns are published, at the time of the publication, his dissent from the intended marriage, the publication of the banns shall be void.

2. (1) Applications under the foregoing section shall be heard and determined otherwise than in open court.

(2) Where an application is made in consequence of a refusal to give consent, notice of the application

shall be served upon the person who has refused consent and the form of such notice and manner of service thereof shall be as from time to time prescribed by Order of the Court.

PART II.

Marriage Fees.

3. (1) The States may from time to time, by Ordinance, prescribe the fees payable to the Registrar in respect of and in connection with marriages.

(2) For the purposes of the foregoing subsection the States may, by Ordinance, amend or repeal any provision of any Law relating to the fees payable in respect of and in connection with marriages.

4. Article sixteen of the "Loi ayant rapport aux Mariages Celebrés dans l'île d'Auregny", registered on the Records of the Island of Alderney on the first day of October, 1923 (hereinafter called "the principal Law") is hereby repealed.

5. This Law may be cited as "The Marriage (Alderney) (Amendment) Law, 1953", and this Law and the principal Law may be cited together as the "Marriage (Alderney) Laws, 1923 to 1953".

6. This Law shall come into force fourteen days after the Order of Her Majesty in Council sanctioning the same is registered on the Records of this Island.

SCHEDULE

I. *Where the Minor is Legitimate.**Circumstances.**Person whose consent is required.*

1. Where both parents are living:

(a) if parents living together:

Both parents.

(b) if parents are divorced or separated by order of court or are living apart by agreement:

The parent to whom the custody of the minor is committed by order of the court or by agreement, or if the custody of the minor is so committed to one parent during part of the year and to the other parent during the rest of the year, both parents.

(c) if one parent has been deserted by the other:

The parent who has been deserted.

(d) if both parents have been deprived of custody of minor by order of court:

The person to whose custody the minor is committed by order of the court.

(e) if, under arrangements for *de facto* adoption, the custody of a minor has been transferred to a guardian:

The guardian.

<i>Circumstances.</i>	<i>Person whose consent is required.</i>
2. If one parent is dead:	The surviving parent, or, if, under arrangements for <i>de facto</i> adoption, the custody of the minor has been transferred to a guardian, the guardian.
3. If both parents are dead:	The guardian.

II. *Where the Minor is Illegitimate.*

<i>Circumstances.</i>	<i>Person whose consent is required.</i>
1. If the mother of the minor is alive:	The mother, or if she has by order of the court been deprived of the custody of the minor the person to whom the custody of the minor has been committed by order of the court, or if, under arrangements for <i>de facto</i> adoption, the custody of the minor has been transferred to a guardian, the guardian.
2. If the mother of the minor is dead:	The guardian.

JAMES E. LE PAGE,

Her Majesty's Greffier.