

# ORDER IN COUNCIL

**XII**  
**1970**

ratifying a Projet de Loi .

ENTITLED

## **The States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970**

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(Registered on the Records of the Island of Guernsey  
on the 27th day of October, 1970.)

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1970.

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 27th day of October, 1970, before Sir William Arnold, Kt., C.B.E., Bailiff; present :—Bertram Guy Blampied, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Albert Victor Dorey, Esquire, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., Jean Le Pelley and Walter Francis Robin, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 30th day of September, 1970, ratifying a *Projet de Loi* entitled "The States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller 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 and to the Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth:—

## At the Court at Balmoral

The 30th day of September 1970

PRESENT,

### The Queen's Most Excellent Majesty

LORD PRESIDENT

MR. PYM

MR. WYLIE

MR. JOHN DAVIES

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 10th day of September 1970, 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 the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 29th day of October 1969, the States of Deliberation at a meeting held on the 29th day of July 1970 approved a Bill or “Projet de Loi” entitled “The States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970” which Bill is designed to apply to the Bailiwick of Guernsey, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the Chief Pleas of the Island of Sark at a meeting held on the 14th day of July 1970, considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Sark. 3. That

the States of the Island of Alderney at a meeting held on the 24th day of July 1970 considered the said Bill or "Projet de Loi" when a Resolution was passed agreeing to the application of the same to Alderney. 4. That the said Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970" and to order that the same shall have force of law in the Bailiwick of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi 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 Bailiwick of Guernsey.

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 in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*W. G. Agnew.*

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

## PROJET DE LOI

ENTITLED

### **The States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970**

THE STATES, in pursuance of their Resolution of the twenty-ninth day of October, nineteen hundred and sixty-nine, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

#### PART I

##### *The States Children Board*

1. There shall be established and constituted in accordance with the provisions of the next succeeding section a committee of the States to be styled the States Children Board (hereinafter referred to as "the Board") which shall exercise the powers and perform the functions conferred or imposed upon it by or under the provisions of this Part of this Law.

Constitution  
of Board.

2. (1) The Board shall consist of:—

Composi-  
tion of  
Board.

- (a) a President who shall be a member of the States having a seat therein; and
- (b) six other persons (hereinafter referred to as "ordinary members")—
  - (i) four of whom shall be members of the States having a seat therein; and

- (ii) two of whom shall be co-opted by the President and the four members referred to in the preceding sub-paragraph.

(2) The President and the four ordinary members referred to in sub-paragraph (i) of paragraph (b) of the last preceding subsection shall be elected by the States.

(3) At least two members of the Board shall be female persons with experience of child welfare.

(4) The term of office of the person first elected as President of the Board in pursuance of the provisions of subsection (2) of this section shall expire on the thirtieth day of April, nineteen hundred and seventy-four, and thereafter the said President shall hold office for a period of three years.

(5) Two ordinary members of the Board shall retire from office on the thirtieth day of April, nineteen hundred and seventy-one, and thereafter two ordinary members shall retire on the thirtieth day of April terminating each succeeding period of one year.

(6) The ordinary members of the Board to retire in accordance with the provisions of the last preceding subsection shall be the ordinary members who have held office longest since they were last elected or re-elected by the States or co-opted in accordance with the provisions of sub-paragraph (ii) of paragraph (b) of subsection (1) of this section, as the case may be, save that when more than two ordinary members were elected or so co-opted on the same day the order of their retirement shall be determined by agreement or failing such agreement by lot.

3. (1) The powers and functions vested in the Children Board under and by virtue of the provisions of any of the Laws set out in the First Schedule to this Law are hereby transferred to and vested in the Board.

Transfer of  
functions of  
former  
Board.

(2) In addition to the powers and functions transferred and vested under the provisions of the last preceding subsection there are so transferred and vested all rights and liabilities enjoyed by, or incumbent on, the Children Board in, or as a result of, the exercise of those powers or functions.

4. (1) Nothing done by, or in relation to, the Children Board under or as a consequence of the powers or functions transferred under the provisions of subsection (1) of the last preceding section before the coming into force of this Part of this Law shall be invalidated by the coming into force thereof.

Transitional  
provisions;  
former  
Board.

(2) Anything in process of being done under any of the provisions of the Laws to which subsection (1) of the last preceding section applies by, or in relation to, the Children Board at the time of the coming into force of this Part of this Law, whether by way of legal proceedings or otherwise, may be continued by, or in relation to, the Board.

5. In this Part of this Law the expression "the Children Board" means the Children Board of the States Public Assistance Authority constituted under the provisions of the Law of 1937.

Interpreta-  
tion of  
Part I.



## PART II

*Transfer of certain functions from the Hospital Board*

Transfer of  
functions  
from  
Hospital  
Board.

6. The Country Hospital Charitable Fund Law, 1958 (hereinafter referred to as "the Law of 1958") (a), is hereby amended as follows:—

- (a) in paragraph (a) of subsection (1) of section two thereof, the words "the Hospital Board" are hereby repealed and the words "such committee of the States (hereinafter referred to as "the Committee") as may, from time to time, be designated in that behalf by the States by Resolution" are hereby substituted therefor;
- (b) in paragraph (c) of subsection (1) and in subsection (2) of section two and in section three thereof the words "the Hospital Board" are hereby repealed and the words "the Committee" are hereby substituted therefor.

Transitional  
provisions;  
Hospital  
Board.

7. (1) Nothing done by, or in relation to, the Hospital Board under or as a consequence of the powers vested in the Hospital Board immediately before the coming into force of this Part of this Law under and by virtue of the provisions of the Law of 1958 shall be invalidated by the coming into force of this Part of this Law.

(2) Anything in the process of being done under any of the provisions of the Law of 1958 by, or in relation to, the Hospital Board at the time of the coming into force of this Part of this Law, whether by way of legal proceedings or otherwise, may be continued by, or in relation to, the Committee refer-

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(a) Ordres en Conseil Vol. XVII, p. 500.

red to in the Law of 1958 as amended by this Part of this Law.

8. In this Part of this Law the expression "the Hospital Board" means the Hospital Board of the Public Assistance Authority constituted under the provisions of the Law of 1937. Interpretation of Part II.

### PART III

#### *General*

9. The enactments set out in the left hand column of the Second Schedule to this Law are hereby repealed to the extent set out in the right hand column of the said Schedule. Repeals.

10. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:— General Interpretation.

"the Law of 1937" means the Public Assistance Law, 1937(b);

"the States" means the States of Guernsey.

(2) Any reference in this Law to any other enactment shall be construed as a reference to that enactment as repealed and replaced, amended, extended or applied by or under any other enactment including this Law.

11. (1) The provisions of this Law, other than Part II thereof, shall have effect throughout the Bailiwick. Extent.

(2) Part II of this Law shall have effect in the Island of Guernsey.

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(b) Ordres en Conseil Vol. XI, p. 91.

## Citation

12. This Law may be cited as the States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970.

## Commencement.

13. This Law shall come into force on such day as the States may by Ordinance appoint and different days may be so appointed for the coming into force of different Parts of this Law.

## FIRST SCHEDULE Section three

*Enactments containing powers transferred under  
Part I of this Law*

The Law entitled "Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes (1917)" registered on the tenth day of February, nineteen hundred and seventeen(c).

The Law entitled "Loi ayant rapport à l'Asile des Enfants" registered on the twenty-fourth day of November, nineteen hundred and twenty-eight(d).

The Adoption (Guernsey) Law, 1960(e).

The Children and Young Persons (Guernsey) Law, 1967(f).

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(c) Ordres en Conseil Vol. V, p. 342.

(d) Ordres en Conseil Vol. VIII, p. 238.

(e) Ordres en Conseil Vol. XVIII, p. 192.

(f) No. I of 1967.

## SECOND SCHEDULE Section nine

*Repeals*

Enactments	Extent of Repeal
The Public Assistance Law, 1937	<p>Sub-paragraphs (a) and (d) of paragraph (2) of Article one.</p> <p>In paragraph (4) of Article two the words and comma "of the Hospital Board,"</p> <p>Article three</p> <p>Article four</p> <p>Article nine</p> <p>Article ten</p> <p>In Article eleven the words "a States-elected Member of the Hospital Board elected to the Committee by that Board" and the words "The President of the Children Board".</p> <p>Sub-paragraphs (a) and (d) of Article fifteen.</p> <p>Paragraph (2) of Article twenty-one.</p>
The States Committees (Amendment) Law, 1948(g)	Section two.
The States Committees (Amendment) Law, 1966(h)	Section three.

R. H. VIDELO,  
Her Majesty's Greffier.

(g) Ordres en Conseil Vol. XIII, p. 245.

(h) Ordres en Conseil Vol. XX, p. 135.