

# ORDER IN COUNCIL

**VIII**  
**1997**

ratifying a Projet de Loi

ENTITLED

## **The Adoption (Amendment) (Guernsey) Law, 1997**

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(Registered on the Records of the Island of Guernsey  
on the 29th April, 1997.)

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1997

## ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 29th day of April, 1997 before Sir Graham Dorey, Bailiff; present:—  
Stanley Walter John Jehan, Leonard Arthur Moss, Charles Anthony  
Spensley, Lawrence Oscar Ozanne, Esquires, Mrs. Eileen May Glass,  
Laurence Lenfestey Guille, Derek Martin Le Page, Stephen Edward  
Francis Le Poidevin and Alan Cecil Bisson, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 19th day of March, 1997, approving and ratifying a *Projet de Loi* entitled "The Adoption (Amendment) (Guernsey) Law, 1997" 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 of which Order in Council the tenor followeth:—

## At the Court at Buckingham Palace

The 19th day of March, 1997

PRESENT,

### The Queen's Most Excellent Majesty in Council

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 4th day of March 1997 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 26th day of September 1996, the States of Deliberation at a meeting held on the 27th day of November 1996 approved a Bill or "Projet de Loi" entitled "The Adoption (Amendment) (Guernsey) Law, 1997" and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or "Projet de Loi" is as 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 Adoption (Amendment) (Guernsey) Law, 1997" and to order that the same shall have force of law in the Islands of Guernsey, Herm and Jethou."

"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, and it is hereby ordered, that the same shall have the force of Law within the Islands of Guernsey, Herm and Jethou.

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.

*N. H. Nicholls*

## **The Adoption (Amendment) (Guernsey) Law, 1997**

**THE STATES**, in pursuance of their Resolution of the 26th day of September, 1996<sup>a</sup>, have approved the following provisions, which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

### **Amendment to Law of 1960.**

1. Immediately after section 34 of the Adoption (Guernsey) Law, 1960, as amended<sup>b</sup>, insert the following section-

#### **"Permitted allowances.**

**34A.** (1) The Board may make regulations for the purpose of enabling it to pay allowances to persons who have adopted, or intend to adopt, an infant in pursuance of arrangements made by the Board.

(2) Section 34(1) shall not apply to any payment made by the Board in accordance with the regulations.

(3) The regulations may, in particular, make provision as to-

(a) the procedure to be followed by the Board in determining whether a person should be paid an allowance;

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<sup>a</sup> Article XIX of Billet d'État No. XXII of 1996.

- (b) the circumstances in which an allowance may be paid;
  - (c) the factors to be taken into account in determining the amount of an allowance;
  - (d) the procedure for review, variation and termination of allowances; and
  - (e) the information about allowances to be supplied by the Board to any person who is intending to adopt an infant.
- (4) Regulations of the Board made under this section-
- (a) may be amended or revoked by subsequent regulations so made;
  - (b) may contain such consequential, incidental, supplementary and transitional provision as may appear to the Board to be necessary or expedient;
  - (c) shall be laid before a meeting of the States as soon as possible and shall, if at that meeting or the next meeting the States resolve to annul them, cease to have effect, but without

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<sup>b</sup> Ordres en Conseil Vol. XVIII, p. 192; Vol. XXI, p. 34; Vol. XXIII, p. 238.



prejudice to anything done under them or to the making of new regulations.

(5) Any power conferred upon the Board by this section to make regulations may be exercised-

(a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases;

(b) so as to make, as respects the cases in relation to which it is exercised-

(i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise);

(ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes;

(iii) any such provision either unconditionally or subject to any prescribed conditions."

**Citation.**

2. This Law may be cited as the Adoption (Amendment) (Guernsey) Law, 1997.