

# ORDER IN COUNCIL

**XVII  
2009**

ratifying a Projet de Loi

ENTITLED

## **The Education (Guernsey) (Amendment) Law, 2009**

(Registered on the Records of the Island of Guernsey  
on the 24th July, 2009.)



2009



## ORDER IN COUNCIL



### IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

24<sup>th</sup> day of July, 2009 before Sir Geoffrey Rowland, Bailiff; present:- Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, Michael John Tanguy, Esquires, Barbara Jean Bartie, Stephen Murray Jones, Esquire, Claire Helen Le Pelley, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated 8<sup>th</sup> July 2009 approving and ratifying a Projet de Loi entitled “The Education (Guernsey) (Amendment) Law, 2009”, 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.



*At the Court at Buckingham Palace*

THE 8th DAY OF JULY 2009

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY  
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

"In accordance with Your Majesty's General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

"That, in pursuance of their Resolutions of 25th April 2001, 2nd November 2007 and 25th February 2009, the States of Deliberation at a meeting on 25th February 2009 approved a Projet de Loi entitled the Education (Guernsey) (Amendment) Law, 2009 and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the Projet de Loi is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction the Education (Guernsey) (Amendment) Law, 2009, and to order that it shall have force of law in the Island of Guernsey.

"The Committee have considered the Projet de Loi and have agreed to report that it may be advisable for Your Majesty to approve and ratify it".

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the Projet de Loi (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Island of Guernsey and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty's Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty's Order and to proceed accordingly.

*Judith Simpson*

# PROJET DE LOI

ENTITLED

## **The Education (Guernsey) (Amendment) Law, 2009**

**THE STATES**, in pursuance of their Resolutions of the 25<sup>th</sup> April 2001<sup>a</sup>, 2<sup>nd</sup> November, 2007<sup>b</sup> and 25th February 2009<sup>c</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 Island of Guernsey.

### **Amendment of Law of 1970.**

1. The Education (Guernsey) Law, 1970<sup>d</sup> ("**the Law**") is further amended as follows.

2. In section 1(1) of the Law (interpretation) -

(a) after the definition of "**committee of management**",  
insert -

"**company**" means a body corporate, of whatever description, incorporated with or without limited liability in any part

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<sup>a</sup> Billet d'État No. VII of 2001.

<sup>b</sup> Article XI of Billet d'État No. XXII of 2007.

<sup>c</sup> Article I of Billet d'État No. VII of 2009.

<sup>d</sup> Ordres en Conseil Vol XXII, p.318; Vol. XXVI, p. 107, Vol. XXVII, p. 347; Vol. XXVIII, p. 181; Vol. XXX, p. 179; Vol. XXXI, p. 168 and Vol. XXXII, p. 144 and the Education (Compulsory School Age) (Guernsey) Ordinance, 2008, approved by resolution of the States on 28<sup>th</sup> May, 2008.

of the world, ",

(b) after the definition of "**the Council**" insert -

"**enactment**" means any Law, Ordinance or subordinate legislation, ", and

(c) after the definition of "**special educational needs**" and "**special educational provision**" insert -

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect, ".

3. In section 16 of the Law (compulsory school age) -

(a) for subsections (3) and (4) substitute -

"(3) Any person who -

(a) attains an age which is the upper limit of the compulsory school age at any time from the beginning of a school year up to and including the last Friday in June in that school year, shall be deemed not to have attained that age until the end of that last Friday in June, or

(b) is to attain an age which is the upper limit of the compulsory school age at any time after the last Friday in June in a school year but before

the beginning of the school year next following, shall be deemed to have attained that age at the end of that last Friday in June.

(4) In subsection (3) "**school year**" means the period beginning on 1<sup>st</sup> September in any year and ending at the end of the 31<sup>st</sup> August next following.", and

(b) in the proviso at the end of the section, for the words "paragraph (c)" substitute " paragraph (b)".

4. In section 23 of the Law (general duties of the Council with respect to further education), in paragraph (a) for the words "vocational and industrial training" substitute ", without limitation, vocational, social, physical, recreational and industrial training".

5. For section 49 of the Law (power of the Council to give financial assistance in respect of children attending schools and students attending institutions of further education) substitute -

**"Power of the Council to give financial assistance in respect of children attending schools and students attending institutions of further education.**

49. (1) The Council may, in accordance with such conditions as the Council may from time to time determine and subject to such conditions as the States may from time to time by Resolution prescribe, for the purpose of enabling pupils to take advantage of any educational facilities available to them -

(a) defray such expenses of children attending any school maintained by the States as may be

necessary to enable them to take part in any school activities, or

- (b) pay the whole or any part of the fees and expenses payable in respect of pupils attending schools at which fees are payable.

(2) The Council may for the purpose of enabling persons to take advantage of any educational facilities available to them and subject to subsection (4) -

- (a) make loans, grants or allowances, pursuant to any arrangements made under paragraph (b) or otherwise, in respect of persons pursuing -
  - (i) a course of education at a university, university college, or other similar institution,
  - (ii) a course of training as a teacher,
  - (iii) a course at any other place of further education, or
  - (iv) a distance learning course in a subject of further education,
- (b) make and establish such arrangements as it thinks fit for the making of loans, grants or allowances to the persons specified in



paragraph (a) including, without limitation -

- (i) establishing, incorporating, dealing with, dissolving and winding up companies through which loans, grants or allowances made under paragraph (a) may be made or administered,
- (ii) entering into arrangements of any kind with any third party in relation to any such arrangements, and
- (iii) taking such steps as the Council considers necessary or expedient to allow a company through which the loans, grants or allowances are made or administered to effectively carry on such business including, without limitation, such steps as are necessary or expedient to enable such a company to manage or administer any loans or the portfolio of its business.

(3) Such provision as the Council considers necessary or expedient may be prescribed in relation to the making of loans, grants or allowances under subsection (2) including -

- (a) the matters in respect of which a loan, grant or allowance is available,

- (b) the amount of loan, grant or allowance available and the conditions subject to which they are made,
- (c) the courses in respect of which a loan, grant or allowance is available, and
- (d) the persons eligible for such loans, grants or allowances.

(4) The Council must exercise its powers under subsection

(2) -

- (a) in accordance with such conditions as the Council may from time to time determine,
- (b) in accordance with such provisions as may be prescribed under subsection (3), and
- (c) subject to such conditions as the States may from time to time by Resolution prescribe.

(5) The States may by Ordinance make such provision as they consider appropriate for appeals to be brought against decisions of the Council under subsection (2) in relation to the making of loans, grants or allowances including provision as to -

- (a) the decisions that may be appealed,
- (b) the persons who may bring such appeals,

- (c) the person to whom such an appeal is to be made,
- (d) the grounds of appeal, and
- (e) the procedure to be adopted for such appeals."

**6.** For section 57(2) of the Law (variation or revocation of orders or directions) substitute -

"(2) Any regulations or orders made, or directions given, under this Law -

- (a) may be amended or revoked by subsequent regulations, orders or directions, as the case may be, made or given, hereunder, and
- (b) may contain such consequential, incidental, supplemental and transitional provision as may appear to be necessary or expedient.

(3) Any power conferred by this Law to make regulations or orders, or give directions, 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 conditions specified in the regulations, order or direction, as the case may be."

7. After section 57 of the Law (provisions as to regulations, orders and directions under this law), insert -

**"General provisions as to Ordinances under this Law.**

**57A.** (1) An Ordinance under this Law -

- (a) may be amended or repealed by a subsequent Ordinance hereunder, and
- (b) may contain such consequential, incidental,

supplementary, transitional and savings provisions as may appear to be necessary or expedient (including, without limitation, provision making consequential amendments to this Law and any other enactment).

(2) Any power conferred by this Law to make an Ordinance 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 case,
- (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 classes of cases, or different provisions for the same case or class of case for different purposes, and
  - (iii) any such provision either unconditionally or subject to any

prescribed conditions.".

**Interpretation.**

8. Any reference in this Law to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modifications), extended or applied.

**Citation.**

9. This Law may be cited as the Education (Guernsey) (Amendment) Law, 2009.

**Commencement.**

10. This Law shall come into force on the day appointed by order of the States of Guernsey Education Department and different dates may be appointed for different provisions of this Law and for different purposes.

S.M. SIMMONDS,  
Her Majesty's Deputy Greffier.



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