

ORDER IN COUNCIL

XIX
1991

ratifying a Projet de Loi

ENTITLED

**The Children and Young Persons
(Miscellaneous Provisions) (Guernsey)
Law, 1991**

(Registered on the Records of the Island of Guernsey
on the 20th day of January, 1992.)



1991

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 20th day of January, 1992 before Sir Charles Frossard, K.B.E., Bailiff; present:—Harry Wilson Bisson, Herbert Nicolle Machon, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss, John Edward Morris, Charles Anthony Spensley, Kenneth John Rowe, Lawrence Oscar Ozanne and John Richard Rowe Henry, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 19th November, 1991, approving and ratifying a *Projet de Loi* entitled "The Children and Young Persons (Miscellaneous Provisions) (Guernsey) Law, 1991", 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 of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 19th day of November 1991

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 12th day of November 1991, 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 6th day of March 1991, the States of Deliberation at a meeting held on the 27th day of June 1991, approved a Bill or “Projet de Loi” entitled “The Children and Young Persons (Miscellaneous Provisions) (Guernsey) Law, 1991”, 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 Children and Young Persons (Miscellaneous Provisions) (Guernsey) Law, 1991”, and to order that the same shall have force of Law in the Island 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, and it is hereby ordered, that the same shall have the force of Law within the Island 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.

G. I. de Deney

PROJET DE LOI

ENTITLED

The Children and Young Persons (Miscellaneous Provisions) (Guernsey) Law, 1991

THE STATES, in pursuance of their Resolution of the 6th March, 1991(a), 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.

Attendance of child or young person at care proceedings.

1.(1) Subject to subsections (2) and (3), in any proceedings under the Children and Young Persons (Guernsey) Law, 1967, as amended(b), notwithstanding any reference in that Law, however expressed, to a child or young person being brought before the Juvenile Court ("the Court"), a child or young person shall not be required to be present in the Court unless the Court otherwise directs.

(2) A direction of the Court shall not be required where a child or young person is called to give evidence or make an unsworn statement.

(3) This section shall not apply in the case of a child or young person charged with an offence.

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- (a) Article XVI of Billet d'Etat No. V of 1991.
(b) Ordres en Conseil Vol. XXI, p.37; Vol. XXIII, pp.3 and 238; No. XIV of 1985; No. VIII of 1989.

Hearsay evidence in proceedings relating to care etc.

2. In any proceedings in which the court is empowered to make any order relating to the care, protection or control of a child or young person, evidence given in connection with the upbringing, maintenance or welfare of a child or young person shall be admissible notwithstanding any rule of law relating to hearsay.

Unsworn evidence of child.

3. Where, in any civil proceedings, any child of tender years called as a witness does not, in the opinion of the court, understand the nature of an oath, his evidence may be heard if the court considers -

- (a) he understands that it is his duty to speak the truth; and
- (b) he has sufficient understanding to justify his evidence being heard.

Amendment to Law of 1967.

4. In section 20(1) of the Children and Young Persons (Guernsey) Law, 1967, as amended, immediately after the words "before a court" there is inserted "under Part II of this Law or".

Interpretation.

5. In this Law, the expressions "child" and "young person" have the same meanings as in the Children and Young Persons (Guernsey) Law, 1967, as amended.

Citation.

6. This Law may be cited as the Children and Young Persons (Miscellaneous Provisions) (Guernsey) Law, 1991.