

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Children and Young Persons (Guernsey) Law, 1967

(Registered on the Records of the Island of Guernsey
on the 7th day of March, 1967.)



1974

I
1967

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 7th day of March, 1967, before Sir William Arnold, Kt., C.B.E., C. St. J., Bailiff; present :—
Théophile Le Messurier Allez, Claude Fortescue Nason, Stanley Walter Gavay, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Carl Edward Blad, Albert Victor Dorey, Esquires, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., William Burton Fox, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., and Edward Martel, Esquire, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 10th day of February, 1967, ratifying a *Projet de Loi* entitled "The Children and Young Persons (Guernsey) Law, 1967", 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 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 Buckingham Palace

The 10th day of February, 1967.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT
LORD SHEPHERD
LORD CHAMPION
MR. SECRETARY JENKINS
MR. DIAMOND
MR. SILKIN
SIR GEOFFREY DE FREITAS
SIR ERIC FLETCHER
MR. WHITELAW

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 31st day of January, 1967, 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 30th day of March, 1966, the States of Deliberation at a meeting held on the 29th day of June, 1966, approved a Bill or “Projet de Loi” entitled “The Children and Young Persons (Guernsey) Law, 1967” 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 5th day of October, 1966, 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 3rd day of November, 1966, 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 Children and Young Persons (Guernsey) Law, 1967" 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 Children and Young Persons
(Guernsey) Law, 1967**

Arrangement of sections

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- 37. Amendments, repeals and transitional provisions.
- 38. Citation, commencement and extent.

FIRST SCHEDULE: Serious offences against children and young persons.

SECOND SCHEDULE: Amendments and repeals.

THIRD SCHEDULE: Transitional provisions.

FOURTH SCHEDULE: Application of this Law to the Island of Alderney and the Island of Sark.

PROJET DE LOI

ENTITLED

The Children and Young Persons (Guernsey) Law, 1967

THE STATES, in pursuance of their Resolution of the thirtieth day of March, nineteen hundred and sixty-six, 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

INTERPRETATION

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

“approved school” means a school approved by the Secretary of State under section seventy-nine of the Children and Young Persons Act, 1933;

“approved school order” means an order made by a court sending any person to an approved school;

“Chief Officer of Police” means the Chief Officer of the salaried police force of the Island of Guernsey;

“child” means a person under the age of fourteen years;

“the Children Board” means the Children Board of the States Public Assistance Authority constituted under the provisions of the Public Assistance Law, 1937(a);

“guardian”, in relation to a child or young person, includes any person who, in the opinion of the court, has for the time being the charge of or control over the child or young person;

“Her Majesty’s Procureur” includes Her Majesty’s Comptroller;

“the Island of Guernsey” includes the Island of Herm and the Island of Jethou;

“the Law of 1917” means the Law entitled “Loi ayant rapport à la protection des enfants et des jeunes personnes” registered on the tenth day of February, nineteen hundred and seventeen(b);

“the Law of 1928” means the Law entitled “Loi ayant rapport à l’Asile des Enfants” registered on the twenty-fourth day of November, nineteen hundred and twenty-eight(c);

“Magistrate” means the Magistrate or any Acting Magistrate appointed under the Magistrate’s Court (Guernsey) Law, 1954(d);

“officer of police” means a member of the salaried police force of the Island of Guernsey and includes, in relation to the Island of Sark, the Constable and Vingtenier;

“place of safety” has the meaning assigned to it by the Law of 1917;

(a) Ordres en Conseil Vol. XI, p. 91; Vol. XIII, p. 245.

(b) Ordres en Conseil Vol. V, p. 345.

(c) Ordres en Conseil Vol. VIII, p. 238 Vol. XI, p. 91.

(d) Ordres en Conseil Vol. XVI, p. 103.

“prescribed” means prescribed by rules made under section thirty-five of this Law (which relates to rules of procedure);

“probation order” has the meaning assigned to it by Article 2 of the Law entitled “Loi relative à la Probation de Délinquants” registered on the twenty-third day of November, nineteen hundred and twenty-nine(e);

“supervision order” means an order under this Law placing a child or young person under the supervision of a probation officer or of some other person appointed for the purpose by the Magistrate’s Court;

“young person” means a person who has attained the age of fourteen years and is under the age of seventeen years.

(2) Except where the context otherwise requires, any reference in this Law to any other enactment shall be construed as including a reference to that enactment as amended, repealed, replaced, extended or applied by or under any other enactment including this Law.

(3) The Interpretation (Guernsey) Law, 1948(f), shall apply to the interpretation of this Law throughout the Bailiwick of Guernsey.

PART II

CHILDREN AND YOUNG PERSONS IN NEED OF CARE, PROTECTION OR CONTROL

2. (1) A child or young person is in need of care, protection or control within the meaning of this Law if—

Children and young persons in need of care, protection or control.

(e) Ordres en Conseil Vol. VIII, p. 363.

(f) Ordres en Conseil Vol. XIII, p. 355.

- (a) any of the conditions mentioned in subsection (2) of this section is satisfied with respect to him, and he is not receiving such care, protection and guidance as a good parent may reasonably be expected to give; or
- (b) he is beyond the control of his parent or guardian.

(2) The conditions referred to in paragraph (a) of subsection (1) of this section are that—

- (a) he is falling into bad associations or is exposed to moral danger; or
- (b) the lack of care, protection or guidance is likely to cause him unnecessary suffering or seriously to affect his health or proper development; or
- (c) any of the offences mentioned in the First Schedule to this Law has been committed in respect of him or in respect of a child or young person who is a member of the same household; or
- (d) he is a member of the same household as a person who has been convicted of such an offence in respect of a child or young person; or
- (e) the child or young person is a female member of a household a member of which has committed or attempted to commit an offence under Article I of the Law entitled "Loi pour la Punition d'Inceste" registered on the third day of August, nineteen hundred and nine(g).

3. (1) Where Her Majesty's Procureur has reasonable grounds for believing that a child or young person is in need of care, protection or control he may—

Powers of the Magistrate's Court in respect of children and young persons in need of care, protection or control.

(a) direct the Chief Officer of Police to cause the child or young person to be brought before the Magistrate's Court; and

(b) where it appears necessary so to do, direct the Chief Officer of Police in writing to cause the child or young person to be taken to a place of safety;

and where the child or young person is taken to a place of safety in accordance with a direction given under this subsection, he shall, subject to the provisions of section twenty-seven of this Law (which relates to children and young persons detained in places of safety), be detained there until he can be brought before the Magistrate's Court:

Provided that a direction under this subsection shall not be given in respect of any person of or over the age of sixteen years who is or has been married.

(2) The Chief Officer of Police shall, as soon as may be, take such steps as may be necessary to comply with any direction given under subsection (1) of this section.

(3) If the Magistrate's Court is satisfied that any person brought before it under this section is a child or young person in need of care, protection or control, the Magistrate's Court may—

(a) order him to be sent to an approved school; or

(b) commit him to the care of any fit person, whether a relative or not, who is willing to undertake the care of him; or

- (c) order his parent or guardian to enter into a recognisance, with or without sureties, to exercise proper care and guardianship; or
- (d) without making any other order, or in addition to making an order under either of the last two foregoing paragraphs, make an order placing him for a specified period, not exceeding three years, under the supervision of a probation officer or of some other person appointed for the purpose by the Magistrate's Court.

Powers of Magistrate's Court to deal with persons in the care of the Children Board.

4. Where the Children Board, upon application being made by it to the Magistrate's Court with the assent of Her Majesty's Procureur for an order under this section, satisfies the Magistrate's Court that a child or young person in its care, otherwise than in pursuance of any order made under this Law, is refractory and the Magistrate's Court thinks it expedient so to do, the Magistrate's Court may—

- (a) order him to be sent to an approved school; or
- (b) commit him to the care of a fit person (other than the Children Board) whether a relative or not, who is willing to undertake the care of him;

and where the Magistrate's Court commits him to the care of a fit person and that person consents, it may also, if it thinks it expedient so to do, make an order placing the child or young person for a specified period, not exceeding three years, under the supervision of a probation officer or of some other person appointed for the purpose by the Magistrate's Court.

PART III

POWERS IN RESPECT OF JUVENILE
OFFENDERS

5. (1) Any court by or before which a child or young person is found guilty of an offence punishable in the case of an adult with imprisonment shall, in addition to any other powers exercisable by virtue of any other enactment, have power—

Power to send juvenile offenders to approved schools or to commit them to fit persons.

(a) to order him to be sent to an approved school;

(b) to commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(2) Where an order is made under this section committing a child or young person to the care of a fit person, a probation order may also be made.

PART IV

FIT PERSONS ORDERS, SUPERVISION ORDERS,
APPROVED SCHOOL ORDERS AND
RECOGNISANCES

6. (1) A court shall, before making an order under this Law committing a child or young person to the care of a fit person, endeavour to ascertain the religious persuasion of the child or young person, and in selecting the person to whose care the child or young person is to be committed the court shall if possible select a person who is of the same religious persuasion as the child or young person or who gives an undertaking that he will be brought up in accordance with that religious persuasion.

Provisions as to the making, duration and effect of orders of committal to fit persons.

(2) Every order under this Law committing a child or young person to the care of a fit person shall contain a declaration—

(a) as to the age; and

(b) as to the religious persuasion;

of the child or young person with respect to whom it is made.

(3) Subject to the provisions of this Law and of subsection (3) of section fourteen of the Adoption (Guernsey) Law, 1960^(h), every order under this Law committing a child or young person to the care of a fit person shall remain in force until he attains the age of eighteen years.

(4) The person to whose care a child or young person is committed by any such order as aforesaid shall, while the order is in force, have the same rights and powers and be subject to the same liabilities in respect of his maintenance as if he were his parent, and the person so committed shall continue in his care notwithstanding any claim by a parent or any other person.

Committal to
the Children
Board as a
"fit person".

7. (1) The Children Board shall, for the purposes of the provisions of this Law relating to the making of orders committing a child or young person to the care of a fit person, be deemed to be a fit person and accordingly orders may be made, with the consent of the Children Board, committing children and young persons to the care of the Children Board.

(2) Where there is for the time being in force an order under this Law committing any person to the care of the Children Board, the provisions of the Law of 1928 shall apply in relation to such person notwithstanding that he may have attained the age

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

at which education ceases to be compulsory by law and as if the references in those provisions to a Children's Home (gallicized "Asile pour des Enfants") included references to any other place under the control of the Children Board.

(3) Where a child or young person has by an order of any court under this Law been committed to the care of the Children Board, then, if it appears to the Children Board that it will or may be for the benefit of the child or young person so to do, the Children Board may, notwithstanding anything in this Law or in the order, but without prejudice to the powers of the Children Board in relation to the child or young person by virtue of the order, allow, until the Children Board otherwise determines, the child or young person to be under the charge and control of a parent, guardian, relative or friend.

(4) In respect of any period during which, under the last preceding subsection a child or young person who has been committed as aforesaid to the care of the Children Board is allowed by the Children Board to be under the control of a parent, guardian, relative or friend of the child or young person—

(a) no contributions shall be payable under any order made in respect of the child or young person under section twenty-eight of this Law (which relates to contributions to be made by parents of children or young persons committed to the care of fit persons or sent to approved schools, etc.); and

(b) paragraph (f) of section eleven of the Family Allowances (Guernsey) Law, 1950⁽ⁱ⁾ (which provides that a person who is a child within the meaning of that Law shall not, for the purposes of that Law, be treated as included

(i) Ordres en Conseil Vol. XIV, p. 332; No. VIII, 1965.

in any family as respects any period during which he is in the care of the Children Board under an order in force committing that person as aforesaid) shall not have effect in relation to the child or young person.

(5) If—

- (a) a child or young person committed as aforesaid to the care of the Children Board has been allowed by the Children Board under subsection (3) of this section to be under the charge and control of a parent, guardian, relative or friend; and
- (b) the Children Board at any time determines under the said subsection (3) that the child or young person shall no longer be allowed to remain under that charge and control; and
- (c) any instructions of the Children Board with respect to the return of the child or young person are not complied with;

then for the purposes of section nine of this Law (which relates to escapes from the care of fit persons) the child or young person shall be deemed to have run away from the Children Board.

(6) In the last three preceding subsections the expression “young person” includes a person who has attained the age of seventeen years but has not attained the age of eighteen years.

General provisions as to children and young persons committed to the care of fit persons.

8: (1) The provisions of this section shall apply in relation to orders under this Law committing a child or young person to the care of a fit person and in this section and the next succeeding section the expressions “child” and “young person” mean a person with respect to whom such an order is in force,

irrespective of whether at the date of the making of the order, or at any subsequent date while the order is in force, he was, or is, a child or young person.

(2) An order committing a child or young person to the care of a fit person may be varied or revoked by the Magistrate's Court—

(a) upon application being made to it in that behalf by Her Majesty's Procureur or by the Chief Officer of Police on the direction of Her Majesty's Procureur, by the parent or guardian of the child or young person or by the person to whose care he has been committed by the order;

(b) whether or not any such application has been made;

and where the order is revoked, the Magistrate's Court may substitute for that order an order placing the child or young person for a specified period not exceeding three years under the supervision of a probation officer or of some other person appointed for the purpose by the Magistrate's Court.

(3) Where the Children Board is of opinion that it is desirable so to do in the interests of a child or young person who has been committed to its care, the Children Board may, with the assent of Her Majesty's Procureur, apply to the Magistrate's Court and the Magistrate's Court may, if it thinks it desirable in his interests so to do, revoke the order committing him to the care of the Children Board and, where it revokes that order—

(a) commit him to the care of another fit person, whether a relative or not, who is willing to undertake the care of him; or

(b) order him to be sent to an approved school; or

- (c) order his parent or guardian to enter into a recognisance, with or without sureties, to exercise proper care and guardianship; or
- (d) without making any other order, or in addition to an order under paragraph (a) or paragraph (c) of this subsection, make an order placing him for a specified period, not exceeding three years, under the supervision of a probation officer or of some other person appointed for the purpose by the Magistrate's Court.

(4) If on an application made by the parent or guardian or any near relative of a child or young person committed by any such order as aforesaid to the care of a fit person the Magistrate's Court is satisfied that he is not being brought up in accordance with his religious persuasion, the Magistrate's Court shall, unless a satisfactory undertaking is offered by the person to whose care he has been committed, either revoke the order or vary it in such manner as the Magistrate's Court thinks best calculated to secure that he is thenceforth brought up in accordance with that persuasion.

(5) The Royal Court sitting as an Ordinary Court, in any case where it appears to it to be for the benefit of a child or young person, may authorise the person to whose care he has been committed to arrange for his emigration, but except with the authority of the said Court no person to whose care a child or young person has been committed shall arrange for his emigration:

Provided that the said Court shall not authorise such a person to arrange for the emigration of a child or young person, unless it is satisfied that the child or young person consents or, being too young to form

or express a proper opinion on the matter, is to emigrate in company with a parent, guardian or relative of his, or is to emigrate for the purpose of joining a parent, guardian, relative or friend and also that his parents have been consulted or that it is not practicable to consult them.

(6) Section thirty-six of the Adoption (Guernsey) Law, 1960 (which, subject to exceptions, requires the authority of a provisional adoption order for the taking or sending abroad for adoption of infants who are British subjects) shall not apply in the case of any infant emigrating under the authority of the Royal Court sitting as an Ordinary Court given under the last preceding subsection.

(7) The provisions of Part I of the Law of 1917 (which relate to infant life protection) shall not apply in relation to any person to whose care a child under the age of seven years is committed by any order under this Law or, where a child under that age has been boarded-out by the Children Board under the provisions of the Law of 1928, to the person with whom he has been boarded-out.

9. (1) Where a child or young person runs away or is without lawful authority taken away from a person to whose care he has been committed under this Law or from a person with whom he has been boarded-out by the Children Board under the provisions of the Law of 1928, the Chief Officer of Police shall cause such steps to be taken as may be necessary—

Escapes
from care
of fit
persons.

- (a) in the case where the child or young person has run away or been so taken away from a person to whose care he has been committed as aforesaid, to bring the child or young person back to that person, if he is

willing to receive him or, if he is not so willing to receive him, to bring him before the Magistrate's Court;

- (b) in the case where the child or young person has run away or been so taken away from a person with whom he has been boarded-out as aforesaid, to bring the child or young person back to such person or to such place as the Children Board may direct;

and in any case where a child or young person is brought before the Magistrate's Court under this subsection, the Magistrate's Court may make any order with respect to him which it might have made if he had been brought before the Magistrate's Court as being a child or young person beyond the control of his parent or guardian.

(2) Any person who—

- (a) knowingly assists or induces, or persistently attempts to induce, a child or young person to run away from a person to whose care he has been committed as aforesaid or from a person with whom he has been boarded-out as aforesaid; or
- (b) without lawful authority takes away a child or young person from such a person; or
- (c) knowingly harbours or conceals a child or young person who has so run away or has been so taken away, or prevents him from returning;

shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding two months, or to both such fine and such imprisonment.

Supervision
orders.

10. (1) The probation officer or other person under whose supervision any person has been placed by a

supervision order shall, while the order remains in force, visit, advise and befriend him and, when necessary, endeavour to find him suitable employment and may, with the assent of Her Majesty's Procureur and if it appears necessary in the interests of the person placed under supervision so to do, at any time while the order is in force, bring him before the Magistrate's Court and the Magistrate's Court may, if it thinks it desirable in his interests so to do—

- (a) order him to be sent to an approved school; or
- (b) commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him; or
- (c) order his parent or guardian to enter into a recognisance, with or without sureties, to exercise proper care and guardianship; and
- (d) in a case where the Magistrate's Court orders him to be sent to an approved school or commits him to the care of a fit person, revoke the order placing him under the supervision of the person by whom he is brought before the Magistrate's Court.

(2) A supervision order may contain such provisions as the Magistrate's Court, having regard to the particular circumstances of the case, considers necessary for effecting the purpose of the order.

(3) A supervision order shall cease to have effect when the person placed under supervision attains the age of eighteen years.

(4) The Magistrate's Court may revoke a supervision order—

- (a) upon the application of Her Majesty's Procureur or of the Chief Officer of Police on the direction of Her Majesty's Procureur;

- (b) upon the application of the person under whose supervision any other person has been placed by the order;
- (c) where an order is in force under this Law committing the person under supervision to the care of a fit person, upon the application of such fit person;
- (d) where an order under this Law committing the person under supervision to the care of a fit person is revoked, without any application being made to the Magistrate's Court in that behalf.

(5) Subject to the provisions of the next succeeding subsection, the Magistrate's Court may, upon the application of Her Majesty's Procureur or of the Chief Officer of Police on the direction of Her Majesty's Procureur, upon the application of the person under whose supervision any other person has been placed by a supervision order or, where an order is in force under this Law committing the person under supervision to the care of a fit person, upon the application of such fit person, vary the supervision order—

- (a) by substituting for the supervision of a probation officer supervision by a person appointed for the purpose by the Magistrate's Court; or
- (b) by substituting for the supervision of a person appointed for the purpose by the Magistrate's Court supervision by some other person so appointed or supervision by a probation officer; or
- (c) by cancelling any of the requirements of the order or by inserting therein (either in addition to or in substitution for any such requirement) any other requirement which the Magistrate's Court, having regard to the

particular circumstances of the case, considers necessary for effecting the purpose of the order.

(6) The Magistrate's Court shall not vary a supervision order under the last preceding subsection by reducing the period of supervision specified in the order or by extending that period beyond the end of three years from the date of the original order.

(7) Where an application for the revocation or variation of a supervision order made in respect of any person is made by the person under whose supervision he is, the applicant may, for the purpose of the application, bring the person under supervision before the Magistrate's Court.

(8) The provisions of Part I of the Law of 1917 (which relate to infant life protection) shall not apply in relation to any person having the care of a child under the age of seven years in compliance with a supervision order.

11. (1) A court before making an approved school order with respect to any child or young person shall endeavour to ascertain his religious persuasion. Approved school orders.

(2) Every approved school order shall contain a declaration—

(a) as to the age; and

(b) as to the religious persuasion;
of the child or young person with respect to whom it is made.

(3) The Magistrate's Court shall not order a child under the age of ten years to be sent to an approved school under this Law unless for any reason, including the want of a fit person of his own religious persuasion who is willing to undertake the care of

him, the Magistrate's Court is satisfied that he cannot suitably be dealt with otherwise.

(4) Every approved school order shall provide for such time as may elapse before the person to whom it relates can be sent to an approved school by committing him—

- (a) to custody in a place of safety; or
- (b) to the custody of a fit person to whose care he might have been committed under this Law; or
- (c) where the person to whom the order relates is a young person and the court making the order is satisfied that he is of so unruly a character that he cannot safely be detained in a place of safety or of so depraved a character that he is not fit to be so detained, to custody in prison.

(5) Subject to the provisions of the next succeeding subsection, any provision made in pursuance of the last preceding subsection shall cease to have effect at the expiration of twenty-eight days.

(6) The Magistrate's Court may—

- (a) upon the application of Her Majesty's Procureur or of the Chief Officer of Police on the direction of Her Majesty's Procureur, from time to time extend any provision made in pursuance of subsection (4) of this section for not more than twenty-eight days and any such provision may be so extended in the absence of the person to whom it relates;
- (b) in any case, upon the application of Her Majesty's Procureur or of the Chief Officer of Police on the direction of Her Majesty's Procureur or, in the case where a child or

young person is committed to the custody of a fit person by any such provision, upon the application of that fit person, vary any such provision;

and where the Magistrate's Court proposes to vary any such provision in respect of a young person who has not been committed thereby to custody in prison and the Magistrate's Court is satisfied that such young person is of so unruly a character that he cannot be safely detained in a place of safety or of so depraved a character that he is not fit to be so detained, the Magistrate's Court may vary such provision by substituting therefor a provision that such young person be committed to custody in prison.

(7) Where a child or young person has been ordered to be sent to an approved school, any person who knowingly harbours or conceals him after the time has come for him to go to his school shall be liable, on conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

(8) Any person who—

- (a) knowingly assists or induces a person to escape from any such custody as is referred to in paragraph (a) and paragraph (b) of subsection (4) of this section; or
- (b) without lawful authority takes a person away from such custody; or
- (c) knowingly harbours or conceals a person who has so escaped or has been so taken away or prevents him from returning;

shall be liable, on conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

Effect of
approved
school
order
on fit
person.

12. Where a person has been committed by an order made under this Law to the care of a fit person and, while the order is in force, an approved school order is made in respect of him, the order committing him to the care of that person shall be of no effect while he is under the care of the managers of an approved school; but this section shall not affect the power of the Magistrate's Court under section eight of this Law (which contains general provisions as to children and young persons committed to the care of fit persons) to vary or revoke the first-mentioned order.

Escapes from
approved
schools, etc.

13. (1) The Chief Officer of Police shall—

- (a) cause such steps to be taken as may be necessary to apprehend any person in the case of whom any power of arrest may be exercisable under the provisions of section ten of the Children and Young Persons Act, 1963 (which relates to the escape of persons subject to approved school orders) or by virtue of the provisions of section fifty-three of that Act (which relates to the arrest in one part of the British Islands of children or young persons escaping in another part of the British Islands);
- (b) where any such person has been apprehended in pursuance of the provisions of paragraph (a) of this subsection, make such arrangements as may be necessary for the return of such person;
- (c) until such time as any such person who has been so apprehended is returned as aforesaid, cause him to be detained in such place as Her Majesty's Procureur shall direct having regard to the age and character of such person.

(2) Any person who—

- (a) knowingly assists or induces or persistently attempts to induce any such person as is mentioned in paragraph (a) of subsection (1) of this section to escape or run away; or
- (b) without lawful authority takes away any such person as is mentioned as aforesaid; or
- (c) knowingly harbours or conceals any such person as is mentioned as aforesaid or prevents him from returning;

shall be liable, on conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

44. (1) Subject to the provisions of subsection (2) of this section, where any person disobeys an order of the Magistrate's Court under this Law to enter into a recognisance to exercise proper care and guardianship in respect of any child or young person, the Magistrate's Court may—

Recogni-
sances to
exercise
proper care
and
guardian-
ship.

- (a) order him to pay a sum not exceeding one pound for every day during which he is in default; or
- (b) commit him to custody until he has remedied his default.

(2) A person shall not by virtue of subsection (1) of this section be ordered to pay more than twenty pounds or be committed to custody for more than two months.

(3) Subject to the provisions of the next succeeding subsection, the Magistrate's Court may, if it is satisfied that the person bound as principal by a recognisance to exercise proper care and guardianship in respect of any child or young person in

pursuance of an order of the Magistrate's Court as aforesaid has been guilty of conduct constituting a breach of the conditions of the recognisance, declare the recognisance to be forfeited and order the persons bound thereby, whether as principal or sureties, or any of them, to pay the sum in which they are respectively bound.

(4) Where the Magistrate's Court declares a recognisance to be forfeited under the last preceding subsection, the Magistrate's Court may—

- (a) instead of ordering any person to pay the whole sum in which he is bound by the recognisance, order him to pay only part of the sum or remit the sum;
- (b) if any person bound by the recognisance, whether as principal or surety, fails to pay the sum in which he is so bound or any part thereof in compliance with an order made under the last preceding subsection or under this subsection, as the case may be, within the seven days next following the day on which the recognisance was declared to be forfeited as aforesaid, commit him to custody until he has remedied his default, so however that a person shall not be committed to custody under this subsection for more than two months.

(5) Payment of any sum ordered to be paid under this section shall be applied as if it were a fine.

(6) Recognisances required to be entered into by an order of the Magistrate's Court under this Law shall be in the prescribed form, shall be taken before the Magistrate and shall be given to and kept in the custody of Her Majesty's Greffier.

PART V

PROVISIONS RELATING TO PROCEEDINGS
IN CONNECTION WITH CHILDREN AND
YOUNG PERSONS

15. It shall be conclusively presumed that no child under the age of ten years can be guilty of an offence.

Age of criminal responsibility.

16. Every court in dealing with a child or young person who is brought before it, either as being in need of care, protection or control or as an offender or otherwise, shall have regard to the welfare of the child or young person and shall in a proper case take steps for removing him from undesirable surroundings and for securing that proper provision is made for his education and training.

General considerations.

17. (1) Where a child or young person is charged with any offence or is for any other reason brought before a court, any person who is a parent or guardian of his may be required to attend at the court before which the case is heard or determined during all the stages of the proceedings, and any such person shall be so required at any stage where the court thinks it desirable, unless the court is satisfied that it would be unreasonable to require his attendance.

Attendance at court of parent or guardian of child or young person brought before court.

(2) Where a child or young person is arrested or taken to a place of safety, such steps shall be taken as may be practicable to inform at least one person whose attendance may be required under this section.

18. (1) The Magistrate may, in any case where it appears necessary in order to enforce the attendance before the Magistrate's Court of a child or

Process to enforce attendance before a court.

young person for the purpose of any proceedings instituted or intended to be instituted under this Law, issue a warrant authorising any officer of police to arrest the child or young person and bring him before the Magistrate's Court, and a warrant so issued in respect of any child or young person may include a direction that the child or young person shall be detained in a place of safety until he can be brought before the Magistrate's Court.

(2) Where the parent or guardian of a child or young person is required to attend at any court under the last preceding section, a warrant authorising any officer of police to arrest the parent or guardian and bring him before the court may be issued:—

(a) in the case where the parent or guardian is so required to attend—

(i) at the Magistrate's Court, by the Magistrate;

(ii) at the Court of Alderney, by the Chairman of the Court of Alderney;

(iii) at the Court of the Seneschal of Sark, by the Seneschal of Sark;

(b) in any other case, by the Bailiff, a Lieutenant-Bailiff or the Juge Délégué.

(3) A warrant issued under this section shall be issued in the prescribed form.

(4) A warrant issued under this section may be executed by an officer of police notwithstanding that it is not in his possession at the time; but the warrant shall, on the demand of the person arrested, be shown to him as soon as practicable.

(5) In this section the expression "young person" includes a person who has attained the age of seventeen years but has not attained the age of eighteen years.

19. Where in any proceedings with relation to any of the offences mentioned in the First Schedule to this Law, the Court is satisfied that the attendance before the court of any child or young person in respect of whom the offence is alleged to have been committed is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the child or young person.

20. (1) Where proceedings in respect of a young person are begun before the Magistrate's Court under Part II of this Law and he attains the age of seventeen years before the conclusion of the proceedings, the Magistrate's Court may continue to deal with the case and may make any order which it could have made if he had not attained that age.

Provisions
as to
persons
between the
ages of 17
and 18.

(2) Where, in any such proceedings, or in any proceedings under subsection (3) of section eight (which contains general provisions as to children and young persons committed to the care of fit persons); subsection (1) of section nine (which relates to escapes from the care of fit persons) or subsection (1) of section ten (which relates to supervision orders) of this Law, the Magistrate's Court makes in respect of a person who has attained the age of seventeen years an order sending him to an approved school, committing him to the care of a fit person; or placing him under the supervision of a probation officer or of some other person appointed for the purpose by the Magistrate's Court, the provisions of this Law relating to the making of such an order and relating to persons so ordered to be sent, committed or placed, shall apply in relation to him as they apply in relation to persons who have not attained the age of seventeen years.

Presump-
tion and
determina-
tion of age.

21. Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the Court that he is a child or young person, the court shall make due inquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Law and of the Law of 1917, be deemed to be the true age of that person, and, where it appears to the court that the person so brought before it has attained the age of seventeen years, that person shall, for the purposes of this Law and the Law of 1917, be deemed not to be a child or young person.

Medical
evidence by
certificate.

22. In any proceedings under this Law, any document purporting to be a certificate of an authorised medical practitioner, that is to say, a medical practitioner authorised to practise as such in the Island of Guernsey according to the law for the time being in force, as to any person's physical or mental condition shall be admissible as evidence of that condition.

Newspaper
and broad-
cast reports
of proceed-
ings
involving
children
and young
persons.

23. (1) In relation to any proceedings in any court, other than such proceedings as are mentioned in the next succeeding subsection, the court may direct that—

- (a) no newspaper report of the proceedings shall reveal the name, address or school, or include any particulars calculated to lead to the identification, of any child or young

person concerned in the proceedings, either as being the person by or against or in respect of whom the proceedings are taken, or as being a witness therein;

(b) no picture shall be published in any newspaper as being or including a picture of any child or young person so concerned in the proceedings as aforesaid;

except in so far (if at all) as may be permitted by the direction of the court.

(2) No newspaper report of any proceedings in the Magistrate's Court, the Royal Court sitting as an Ordinary Court, the Court of Alderney or the Court of the Seneschal of Sark against any child or young person charged with an offence, or of any proceedings in the Magistrate's Court under this Law shall reveal the name, address or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in those proceedings, either as being the person against or in respect of whom the proceedings are taken or as being a witness therein, nor shall any picture be published in any newspaper as being or including a picture of any child or young person so concerned in any such proceedings as aforesaid:

Provided that any such court as aforesaid may in any case, if satisfied that it is in the interests of justice so to do, by order dispense with the requirements of this subsection to such extent as may be specified in the order.

(3) The provisions of the last preceding subsection shall apply, with the necessary modifications, in relation to any proceedings on appeal in connection with any such proceedings as are mentioned in that subsection as those provisions apply in relation to such last-mentioned proceedings.

(4) The provisions of this section shall, with the necessary modifications, apply in relation to sound and television broadcasts as they apply in relation to newspapers.

(5) Any person who publishes any matter in contravention of this section shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds in respect of each offence.

(6) Where a person convicted of an offence under this section is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

PART VI

MISCELLANEOUS PROVISIONS

Interim
orders.

24. (1) If the Magistrate's Court is not in a position to decide whether any and, if so, what, order ought to be made under the provisions of Part II of this Law or under the provisions of subsection (3) of section eight (which contains general provisions as to children and young persons committed to the care of fit persons) or subsection (1) of section ten (which relates to supervision orders) of this Law in respect of a child or young person brought before the Magistrate's Court under any of those provisions, the Magistrate's Court may make such interim order as it thinks fit for his detention or continued detention in a place of safety, or for his committal to the care of a fit person, whether a

relative or not, who is willing to undertake the care of him.

(2) An interim order under this section shall not remain in force for more than twenty-eight days but if at the expiration of that period the Magistrate's Court deems it expedient so to do, it may make a further interim order under this section, and, where the person concerned is under the age of five years or cannot be brought before the Magistrate's Court by reason of illness or accident, may do so in his absence.

25. (1) A person shall not maintain for reward a child or young person below the upper limit of the compulsory school age if—

Disqualifi-
cation for
keeping for
reward
children
or young
persons
below the
upper limit
of the
compulsory
school age.

- (a) an order has been made against him under Article 2 of the Law of 1917 (which relates to the removal of infants improperly kept) removing an infant from his care; or
- (b) an order has been made under this Law in respect of any child or young person found to be in need of care, protection or control, being an order by virtue of which the child or young person was removed from his care; or
- (c) he has been convicted of any offence specified in the First Schedule to this Law in respect of a child or young person;

unless he has disclosed that fact to the Children Board and obtained the consent of the Children Board.

(2) The provisions of Article 2 of the Law of 1917 shall apply in relation to any case where a child or young person is being kept or is about to be received by any person in contravention of the provisions of subsection (1) of this section as they

apply in relation to any case where an infant, in respect of whom a notice is required to be given under Part I of that Law, is kept by any person in contravention of the provisions of that Part of that Law.

Removal of persons about to be brought before the Magistrate's Court to places of safety.

26. (1) In any case where any person is about to be brought before the Magistrate's Court under section four (which relates to the powers of the Magistrate's Court to deal with persons in the care of the Children Board), subsection (3) of section eight (which contains general provisions as to children and young persons committed to the care of fit persons) or subsection (1) of section ten (which relates to supervision orders) of this Law, Her Majesty's Procureur may, where it appears necessary so to do, direct the Chief Officer of Police in writing to cause that person to be taken to a place of safety, and where any person is taken to a place of safety in accordance with a direction given under this subsection he shall, subject to the provisions of the next succeeding section, be detained there until he can be brought before the Magistrate's Court.

(2) The Chief Officer of Police shall, as soon as may be, comply with any direction given under subsection (1) of this section.

Children and young persons detained in places of safety.

27. (1) In any case where—

- (a) Her Majesty's Procureur directs the Chief Officer of Police under section three of this Law (which relates to the powers of the Magistrate's Court in respect of children and young persons in need of care, protection or control) or under the last preceding section to cause a child or young person to be taken to a place of safety;
- (b) the Magistrate issues a warrant under subsection (1) of section eighteen of this Law

(which relates to process to enforce attendance before a court) directing that a child or young person shall be detained in a place of safety;

- (c) the Royal Court sitting as an Ordinary Court orders the removal of an infant under Article 2 of the Law of 1917 (which relates to the removal of infants improperly kept) or orders the removal of a child or young person to a place of safety under section thirty-two of the Adoption (Guernsey) Law, 1960 (which relates to the removal of protected children from unsuitable surroundings);

there shall be specified in the direction, warrant or order, as the case may be, a period, which shall not exceed twenty-eight days, beyond which the child or young person must not be detained in a place of safety without being brought before the Magistrate's Court; and accordingly the Chief Officer of Police or, in the case where the child or young person is so detained in pursuance of any such order as aforesaid, the Children Board, shall cause the child or young person to be brought before the Magistrate's Court not later than the end of that period unless he has been released or received into the care of the Children Board.

(2) Notwithstanding anything in subsection (1) of this section, where the person to be brought before the Magistrate's Court is under the age of five years or cannot be brought before the Magistrate's Court by reason of illness or accident, the duty to bring him before the Magistrate's Court may be discharged by the making of an application by the Chief Officer of Police or of an application by or on behalf of the Children Board, as the case

may be, for an order under the next succeeding subsection.

(3) Where a person is brought before the Magistrate's Court in pursuance of subsection (1) of this section or an application is made in respect of any person to the Magistrate's Court in pursuance of the last preceding subsection, the Magistrate's Court may either order him to be released or make an interim order for his detention in a place of safety, or for his committal to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(4) An interim order under this section shall cease to have effect not later than twenty-eight days after it is made; but if before the expiration of that period the Magistrate's Court thinks it expedient so to do it may make a further interim order under this section, and, where the person concerned is under the age of five years or cannot be brought before the Magistrate's Court by reason of illness or accident, may do so in his absence.

(5) In the foregoing provisions of this section the expression "young person" includes a person of or over the age of seventeen years who is about to be brought before the Magistrate's Court under subsection (1) of section ten of this Law (which relates to supervision orders).

Contributions to be made by parents of children or young persons committed to the care of fit persons or sent to approved schools, etc.

28. (1) Where an order has been made under this Law committing any person to the care of a fit person or sending him to an approved school, it shall be the duty of the father and the mother of the person to whom the order relates to make contributions in respect of him, but only so long as he has not attained the age of sixteen years.

(2) Where an order has been made under this Law committing any person to the care of a fit person, it shall be the duty of the person to whom the order relates, if he has attained the age of sixteen years and is engaged in remunerative full-time work to make contributions in respect of himself.

(3) Where an order has been made under this Law committing any person to the care of a fit person or sending him to an approved school the court by which the order was made may, at the same time, make an order (hereafter in this Law referred to as a "contribution order") on any person who is under subsection (1) or subsection (2) of this section liable to make contributions in respect of the person to whom the first mentioned order relates requiring him to contribute such weekly sum as the court, having regard to his means, thinks fit.

(4) The power conferred by the last preceding subsection to make a contribution order in respect of any person shall be exercisable at any time after the making of the order committing that person to the care of a fit person or sending him to an approved school—

- (a) by the Magistrate's Court against any person who is under subsection (1) or subsection (2) of this section liable to make contributions in respect of the person to whom the last-mentioned order relates and who is for the time being residing in the Island of Guernsey;
- (b) by the Court of Alderney against any person who is liable as aforesaid and who is for the time being residing in the Island of Alderney;
- (c) by the Court of the Seneschal of Sark against any person who is liable as aforesaid

and who is for the time being residing in the Island of Sark:

Provided that a contribution order shall not be made by virtue of this subsection in respect of any person in any case where a contribution order has previously been made in respect of that person and is still in force.

(5) A contribution order may be made—

- (a) in respect of any person committed to the care of a fit person under this Law, not being the Children Board, upon the application of such fit person;
- (b) in respect of any person committed to the care of the Children Board under this Law or in respect of any person ordered to be sent to an approved school under this Law, upon the application of the States.

(6) A contribution order shall remain in force, in the case of a child or young person committed to the care of a fit person, so long as the order for his committal is in force, and in the case of a child or young person ordered to be sent to an approved school, until he ceases to be under the care of the managers of such a school:

Provided that no contributions shall be payable under a contribution order in respect of any period during which a person ordered to be sent to an approved school is out on licence or under supervision from such a school.

(7) Contributions under subsection (1) or subsection (2) of this section or under a contribution order shall be payable—

- (a) in the case of a child or young person committed to the care of a fit person, not being the Children Board, to that person, and shall be applied by him in or towards

the maintenance, or otherwise for the benefit, of the child or young person;

- (b) in the case of a child or young person committed to the care of the Children Board or ordered to be sent to an approved school, to the States.

(8) A contribution order may be varied or revoked by the court by which it was made on the application of any person or on the application of the States.

(9) A contribution order shall be enforceable—

- (a) in the Island of Guernsey, as an affiliation order made under the provisions of the Law entitled “Loi relative à l’Entretien des Enfants Illégitimes, 1927” registered on the fourth day of June, nineteen hundred and twenty-seven (j) (hereafter in this Law referred to as “the Law of 1927”);

- (b) in the Island of Alderney, as an affiliation order made under the provisions of the Separation, Maintenance and Affiliation Proceedings (Alderney) Law, 1964(k);

and the provisions of those Laws relating to the enforcement of affiliation orders shall apply accordingly, subject to any necessary modifications.

(10) Notwithstanding anything in this section, a contribution order shall not be made against any person in respect of any child or young person in any case where there is for the time being in force an order under subsection (3) of section seven of the Child Protection (Alderney) Law, 1953(l), requiring that person to make contributions in respect of the maintenance of that child or young person and, notwithstanding anything in that Law,

(j) Ordres en Conseil Vol. VIII, p. 130.

(k) Ordres en Conseil Vol. XIX, p. 241.

(l) Ordres en Conseil Vol. XV, p. 413.

an order under that subsection shall not be made against any person in respect of any child or young person in any case where a contribution order against that person in respect of that child or young person is for the time being in force.

(11) Notwithstanding anything in this section, the court by which a contribution order is made may, where it is satisfied that it is desirable so to do, include in the order a direction that the contributions payable under the order shall be payable—

- (a) where the contribution order is made by the Court of Alderney, to the Clerk of the Court of Alderney; or
- (b) where the contribution order is made by the Court of the Seneschal of Sark, to the Greffier of Sark; or
- (c) where the contribution order is made by any other court, to Her Majesty's Greffier;

and the officer of the Court to which the contributions are payable by virtue of any such direction shall transmit any contributions received by him to the person for the time being entitled to receive the same or, where the States are for the time being entitled to receive the same, to the States Supervisor: Provided that any such direction shall not affect the right of such person or of the States, as the case may be, to institute any proceedings for the recovery of any contributions payable under the contribution order which are in arrear.

(12) The expenses of the conveyance of any person ordered to be sent to an approved school under this Law and of the reconveyance of that person when discharged or released on licence shall be borne by the States, and the States shall make such contributions towards the expenses of the

managers of the school as shall be agreed from time to time by the Secretary of State.

29. (1) The parent of a person who is—

Duty of
parents to
notify
changes of
address.

(a) detained in an approved school in pursuance of an order made under this Law shall keep the States Supervisor informed of the parent's address;

(b) in the care of a fit person in pursuance of an order made under this Law, shall keep that fit person informed of the parent's address.

(2) A parent of a person who, knowing that that person is detained in an approved school or is in the care of a fit person as mentioned in subsection (1) of this section, fails to comply with that subsection shall be liable, on conviction, to a fine not exceeding five pounds; but in any proceedings under this subsection it shall be a defence to prove that the defendant was residing at the same address as the other parent and had reasonable cause to believe that the other parent had kept the States Supervisor or fit person, as the case may be, informed of the address of both.

30. (1) Where a child or young person who is ordered by a court to be committed to the care of a fit person, or to be sent to an approved school, is illegitimate, and an affiliation order made under the Law of 1927 for his maintenance is in force, that court may at the same time, and the Magistrate's Court may, if the putative father is for the time being residing in the Island of Guernsey, subsequently at any time, order the payments under the affiliation order to be paid to Her Majesty's Greffier, who shall transmit such payments—

Provisions
as to affilia-
tion orders.

(a) in the case where the States are for the time being entitled to receive contributions

in respect of that child or young person under section twenty-eight of this Law (which relates to contributions to be made by parents of children or young persons committed to the care of fit persons or sent to approved schools, etc.), to the States Supervisor; or

- (b) in the case where any person is for the time being so entitled to receive contributions in respect of that child or young person, to that person.

(2) Applications for orders under subsection (1) of this section may be made by the States or by any person in any case where applications for contribution orders may be made by the States or by such person, as the case may be, under section twenty-eight of this Law.

(3) Where an order under subsection (1) of this section with respect to an affiliation order is in force—

- (a) any sums received under the affiliation order shall be applied in like manner as if they were contributions received under a contribution order;
- (b) if the putative father changes his address, he shall forthwith give notice thereof to Her Majesty's Greffier and, if he fails so to do, he shall be liable, on conviction to a fine not exceeding five pounds.

(4) The making of an order under subsection (1) of this section with respect to an affiliation order shall not extend the duration of the affiliation order, and the affiliation order shall not in any case remain in force (except for the purpose of the recovery of arrears)—

- (a) in the case of a child or young person committed to the care of a fit person, after the order for his committal has ceased to be in force or after he has been allowed under subsection (3) of section seven of this Law (which authorises committal to the care of the Children Board) to be under the control of a parent, guardian, relative or friend;
- (b) in the case of a child or young person ordered to be sent to an approved school, after he has been released from his school, either absolutely or on licence or under supervision:

Provided that, where an affiliation order would, but for the provisions of this subsection have continued in force, the mother, or any other person entitled to make an application for an order under the Law of 1927, may apply to the Magistrate's Court for an order that the affiliation order may be revived, and that payments thereunder may until the expiration thereof be made to the applicant at such rate (not exceeding the maximum rate allowed under that Law) as may be proper, and the Magistrate's Court may make such an order accordingly.

(5) The provisions of this section shall have effect in the Island of Alderney as if for the references therein—

- (a) to the Law of 1927 there were substituted references to the Separation, Maintenance and Affiliation Proceedings (Alderney) Law, 1964;
- (b) to the Magistrate's Court there were substituted references to the Court of Alderney;
- (c) to Her Majesty's Greffier there were substituted references to the Clerk of the Court of Alderney;

and as if for the reference therein to the Island of Guernsey there were substituted a reference to the Island of Alderney.

Recovery of
arrears of
contribu-
tions.

31. (1) Subject to the provisions of subsection (5) of this section, where during any period (in this section referred to as "the period of default") a person was liable to make contributions under section twenty-eight of this Law (which relates to contributions to be made by parents of children or young persons committed to the care of fit persons or sent to approved schools, etc.) in respect of a child or young person and no contribution order was in force requiring him to make contributions—

- (a) the Magistrate's Court, if he is for the time being residing in the Island of Guernsey;
- (b) the Court of Alderney, if he is for the time being residing in the Island of Alderney;
- (c) the Court of the Seneschal of Sark, if he is for the time being residing in the Island of Sark;

may, on the application of the person who would have been entitled to receive payment under such an order or, where the States would have been so entitled, on the application of the States, make an order (in this section referred to as an "arrears order") requiring him to pay such weekly sum, for such period, as the court, having regard to his means, thinks fit; but the aggregate of the payments required to be made by any person under an arrears order shall not exceed the aggregate that, in the opinion of the court, would have been payable by him under a contribution order in respect of the period of default or, if it exceeded three months, the last part thereof, less the aggregate of the payments (if any) made by him in respect of his liability

during that period or, as the case may be, the last part thereof:

Provided that an arrears order shall not be made against any person in respect of any contributions payable in respect of any other person in any case where an arrears order has previously been made in respect of those contributions.

(2) For the purposes of subsection (1) of this section, the last part of the period of default shall be taken to be the last three months thereof and such time, if any, preceding the last three months as is equal to the time during which it continued after the making of the application for the arrears order.

(3) No application for an arrears order shall be made later than three months after the end of the period of default.

(4) An arrears order shall be treated as a contribution order for the purposes of subsection (9) and subsection (11) of section twenty-eight and section thirty-six (which relates to appeals) of this Law.

(5) An arrears order shall not be made against any person in any case where a contribution order may not be made against that person by virtue of subsection (10) of section twenty-eight of this Law.

(6) A person liable to make payments under an arrears order shall, except at a time when he is under a duty to give information of his address under subsection (1) of section twenty-nine of this Law (which relates to the duty of parents to notify changes of address), keep the person to whom the payments are to be made on, in the case where the payments are to be made to the States, keep the States Supervisor informed of his address; and if he fails so to

do he shall be liable, on conviction, to a fine not exceeding five pounds.

Variation of trusts for maintenance of child or young person.

32. Where a child or young person is by an order made under this Law removed from the care of any person, and that person is entitled under any trust to receive any sum of money in respect of the maintenance of the child or young person, the court by which such order has been made may order the whole or any part of the sums so payable under the trust to be paid to any person to whose care the child or young person is committed, to be applied by that person for the benefit of the child or young person in such manner as, having regard to the terms of the trust, the court may decide.

Power of the States to make Ordinances with respect to children and young persons committed to the care of fit persons or boarded-out by the Children Board.

33. (1) The States may from time to time by Ordinance make provision—

- (a) as to the manner in which children and young persons committed to the care of fit persons under this Law are to be dealt with and as to the duties of the persons to whose care they are so committed;
- (b) for the welfare of children and young persons boarded-out by the Children Board under the Law of 1928, whether or not they have been committed to the care of the Children Board under this Law;
- (c) without prejudice to the generality of the provisions of the last preceding paragraph—
 - (i) for the recording by the Children Board of information relating to persons with whom children and young persons are boarded-out as aforesaid and persons who are willing to have children so boarded-out with them:

- (ii) for securing that where possible the person with whom any child or young person is to be boarded-out is either of the same religious persuasion as the child or young person or gives an undertaking that the child or young person will be brought up in that religious persuasion;
- (iii) for securing that children and young persons boarded-out as aforesaid, and the premises in which they are boarded-out, will be supervised and inspected by the Children Board and that children will be removed from those premises if their welfare appears to require it.

(2) In this section the expression "young person" includes a person who has attained the age of seventeen years but has not attained the age of eighteen years.

34. Section ten of the Adoption (Guernsey) Law, 1960 (which empowers the Royal Court to make rules with respect to matters arising out of Part II thereof) shall have effect as if—

Extension of
scope of
Adoption
Rules.

- (a) in subsection (1) thereof the references to Part II of that Law included references to section twenty-three and section twenty-four thereof (under which sections the right of a parent or of the Children Board to remove an infant from the care and possession of a person who has applied for an adoption order cannot be exercised without the leave of the court);
- (b) paragraph (a) of subsection (2) thereof included applications for the leave of the court under the said section twenty-three

and the said section twenty-four among the applications for the hearing and determination of which otherwise than in open court provision may be made by such rules as aforesaid.

Rules of
procedure.

35. Rules in regard to any matter to be prescribed under this Law and rules dealing with all matters of procedure and incidental matters arising out of this Law and for carrying this Law into effect shall be made by the Royal Court.

Appeals.

36. (I) Appeals to the Royal Court from orders made under this Law by the Magistrate's Court or by the Royal Court sitting as an Ordinary Court may be brought in the following cases and by the following persons, that is to say—

- (a) in the case of an order committing a child or young person to the care of a fit person, requiring a child or young person to be sent to an approved school, or placing a child or young person under the supervision of a probation officer or other person, by the child or young person or his parent or guardian;
- (b) in the case of an order requiring a person to enter into a recognisance to exercise proper care and guardianship over a child or young person, by the person required to enter into the recognisance;
- (c) in the case of an order requiring a person to pay the sum or part thereof by which he is bound by such recognisance, whether as a principal or not, upon such recognisance being declared to be forfeited, by the person required to pay such sum or such part thereof;

- (d) in the case of an order requiring a person to contribute in respect of himself or any other person, by the person required to contribute;
- (e) in the case of an order requiring all or any part of the payments accruing due under an affiliation order to be paid to some other person, by the person who would but for the order be entitled to the payments;
- (f) in the case of an order requiring the whole or any part of the sums payable under any trust in respect of the maintenance of a child or young person to be paid to some other person, by the person who would but for the order be entitled to receive such sums.

(2) Any person aggrieved by the decision of the Magistrate's Court on an application under subsection (2) of section eight of this Law (which contains general provisions as to children and young persons committed to the care of fit persons) for the variation or revocation of an order committing a person to the care of a fit person may appeal against the decision to the Royal Court.

(3) The provisions of the Police Court Appeals Law, 1939(m), shall apply in relation to appeals to the Royal Court under this section, subject to any necessary modifications.

(4) Appeals to the Royal Court from orders made under this Law by the Court of Alderney may be brought in the following cases and by the following persons, that is to say—

- (a) in the case of an order requiring a person to contribute in respect of himself or any

(m) Ordres en Conseil Vol. XI, p. 461.

other person, by the person required to contribute;

- (b) in the case of an order requiring all or any part of the payments accruing due under an affiliation order to be paid to some other person, by the person who would but for the order be entitled to the payments.

(5) An appeal to the Royal Court from an order of the Court of the Seneschal of Sark under this Law requiring a person to contribute in respect of himself or any other person may be brought by the person required to contribute.

PART VII

AMENDMENTS, REPEALS, TRANSITIONAL PROVISIONS, CITATION, COMMENCEMENT AND EXTENT

Amend-
ments,
repeals and
transitional
provisions.

37. (1) The Laws described in the first column of Part I of the Second Schedule to this Law shall have effect subject to the amendments set out in the second column of that Schedule.

(2) The expression "jeune personne" in Article 30, Article 31, Article 34, Article 35, Article 36 and Article 37 of the Law of 1917 and in the definition of the expression "lieu de sûreté" in that Law shall, notwithstanding anything in that Law, be deemed to include a person who is sixteen years of age.

(3) The Laws described in the first column of Part II of the Second Schedule to this Law are hereby repealed to the extent specified in the second column of that Schedule.

(4) This Law shall have effect subject to the transitional provisions contained in the Third Schedule to this Law.

38. (1) This Law may be cited as the Children and Young Persons (Guernsey) Law, 1967.

Citation,
commence-
ment and
extent.

(2) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States.

(3) The provisions of this Law, other than the next two succeeding subsections, shall have effect in the Island of Guernsey.

(4) The provisions of this Law described in the first column of Part I of the Fourth Schedule to this Law shall have effect in the Island of Alderney by virtue of this subsection to the extent specified in the second column of that Part of that Schedule.

(5) The provisions of this Law described in the first column of Part II of the Fourth Schedule to this Law shall have effect in the Island of Sark by virtue of this subsection to the extent specified in the second column of that Part of that Schedule.

(6) The provisions of this Law relating to the rights, powers and duties—

(a) of a person to whose care any other person has been committed by an order under this Law;

(b) of a person under whose supervision any other person has been placed by a supervision order;

shall have effect in the Island of Alderney and the Island of Sark.

Section two.
Section nineteen.
Section twenty-five.

FIRST SCHEDULE

Serious offences against children and young persons

Murder.

Manslaughter.

Infanticide.

Any offence under the Law entitled "Loi pour la Punition d'Inceste" registered on the third day of August, nineteen hundred and nine.

Any offence under the Law entitled "Loi relative à la protection des Femmes et des Filles mineures" registered on the first day of August, nineteen hundred and fourteen⁽ⁿ⁾.

Any offence under Article 7, Article 9, Article 10, Article 11, Article 12, section one of Article 41 and section one, section two, section three and section four of Article 51 of the Law of 1917.

Any offence under the Law entitled "Loi relative à la Sodomie" registered on the first day of June, nineteen hundred and twenty-nine^(o).

Any other offence involving bodily injury to a child or young person.

(n) Ordres en Conseil Vol. V, p. 74.

(o) Ordres en Conseil Vol. VIII, p. 273.

SECOND SCHEDULE

Amendments and repeals

PART I

Amendments

Law	Amendment
<p>The Law entitled "Loi relative à la protection des Femmes et des Filles mineures" registered on the first day of August, nineteen hundred and fourteen.</p>	<p>In the proviso in Article 2, for the comma immediately after the words "coups de verges" there is hereby substituted a full stop.</p>
<p>The Family Allowances (Guernsey) Law, 1950.</p>	<p>Section eleven is hereby repealed and the following section is hereby substituted therefor—</p> <p>"11. A child shall not, for the purposes of this Law, be treated as included in any family as respects any period during which he is —</p> <p>(a) detained in any place by virtue of an order made under the provisions of Article thirty-four or Article thirty-five of the Law entitled "Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes" registered on the tenth day of February, nineteen hundred and seventeen;</p>

Law

Amendment

-
- (b) detained by virtue of the provisions of the Law entitled "Loi ayant rapport à l'Asile des Enfants" registered on the twenty-fourth day of November, nineteen hundred and twenty-eight, in any institution and is not boarded-out by virtue of the provisions of the said Law;
 - (c) detained in any place by virtue of the provisions of section one of the Homicide (Guernsey) Law, 1965;
 - (d) detained by virtue of an order made under the provisions of the Children and Young Persons (Guernsey) Law, 1967, in any approved school and is not absent from the school under supervision;
 - (e) in custody in any place in pursuance of a provision of an order made by virtue of the provisions of subsection (4) of section eleven of the Children and Young Persons (Guernsey) Law, 1967;
 - (f) in the care of the Children Board under an order in force under the Children and Young Persons (Guernsey) Law, 1967, committing him to the care of the Children Board and is not boarded-out by virtue of the provisions of the said Law."

Law

The Adoption (Guernsey) Law,
1960.

Amendment

Subsection (3) of section five is hereby repealed and the following subsection is hereby substituted therefor—

“(3) The reference in paragraph (a) of subsection (1) of this section to a parent of an infant does not include a reference to any person having the rights and powers of a parent of the infant by virtue of subsection (4) of section six of the Children and Young Persons (Guernsey) Law, 1967 (which contains provisions as to the making, duration and effect of orders of committal to fit persons).”.

In subsection (3) of section fourteen, for the reference to the Law of 1917 there is hereby substituted a reference to this Law.

In paragraph (a) of subsection (2) of section twenty-five, for the reference to the Law of 1917 there is hereby substituted a reference to this Law and in paragraph (b) of that subsection, for the words “paragraph (a) of section eleven” there are hereby substituted the words “paragraph (b) or paragraph (f) of section eleven”.

In paragraph (c) of subsection (2) of section twenty-six, immediately after the words “probation order” there are hereby inserted the words “or supervision order”.

Law	Amendment
	<p>Paragraph (d) of subsection (2) of section twenty-six is hereby repealed and the following paragraph is hereby substituted therefor—</p> <p>“(d) by virtue of an order in force under the Children and Young Persons (Guernsey) Law, 1967, committing the child to the care of that person;”.</p>

PART II

Laws repealed

Law	Extent of repeal
<p>The Law entitled “Loi relative à la protection des Femmes et des Filles mineures” registered on the first day of August, nineteen hundred and fourteen.</p>	<p>In the proviso contained in Article 2, the words from and including the words “et pourra aussi la Cour” to the end of the proviso.</p>
<p>The Law of 1917.</p>	<p>Article 13. Article 14. Article 15. Article 16. Article 17. Article 19. Article 20. In Article 22, section one. Part III. Article 29.</p>

Law	Extent of repeal
<p>The Law entitled "Loi ayant rapport à l'Asile des Enfants" registered on the twenty-fourth day of November, nineteen hundred and twenty-eight.</p>	<p>In Article 36, paragraph (c), paragraph (d), paragraph (e) and paragraph (f).</p> <p>In Article 43, section one.</p> <p>Article 45.</p> <p>Article 46.</p> <p>Article 47.</p> <p>In section three of Article 49, the words "si le contrevenant est un enfant pourra être envoyé à une école industrielle, et".</p> <p>In the definitions set out immediately before Article 52, the definitions of the expressions "école réformatrice", "école industrielle" and "école certifiée".</p> <p>In Article II, the words "qui seront placés sous les soins du Conseil des Pauvres d'une paroisse par Ordre de la Cour Royale aux fins des dispositions de la Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes (1917) ou" and the word "autre" immediately before the word "cause".</p>
<p>The Public Assistance Law, 1937^(p).</p>	<p>In Article XX, paragraph (a).</p>
<p>The Homicide (Guernsey) Law, 1965^(q).</p>	<p>Subsection (1) of section two.</p>

(p) Ordres en Conseil Vol. XI. p. 90.

(q) Ordre en Conseil No. VIII, 1965.

THIRD SCHEDULE

Transitional provisions

1. Any person who, at the commencement of this Law, is detained in an approved school by virtue of an order of any court or is absent from such a school on temporary leave of absence or on licence or is absent from such a school under supervision shall, for the purposes of this Law and of any other enactment, be deemed to have been ordered to be sent to an approved school under this Law.

2. Any person committed to the care of the Children Board or any other person by virtue of an order made under the Law of 1917 which was still in force immediately before the commencement of this Law shall, for the purposes of this Law and of any other enactment, be deemed to have been committed to the care of the Children Board or of such other person, as the case may be, by virtue of an order made under this Law.

3. Where before the commencement of this Law a child or young person has been committed to the care of the Children Board or of any other person or has been ordered to be sent to an approved school and an order under the Law of 1917 was in force immediately before the commencement of this Law requiring any person liable to maintain the child or young person to contribute to his maintenance or requiring the whole or any part of any payment under an affiliation order to be paid to the Treasurer of the States or to any other person, the order shall, for the purposes of this Law and of any other enactment, be deemed to be an order made under the appropriate provisions of this Law.

Section thirty-eight.

FOURTH SCHEDULE

*Application of this Law to the Island of Alderney
and the Island of Sark*

PART I

Application to the Island of Alderney

Section	Extent of application
Section one.	The whole section.
Section seven.	Subsection (3), subsection (4), subsection (5) and subsection (6).
Section eight.	Subsection (5).
Section nine.	The whole section.
Section eleven.	Subsection (7) and subsection (8).
Section thirteen.	The whole section.
Section fifteen.	The whole section.
Section seventeen.	The whole section.
Section eighteen.	The whole section.
Section nineteen.	The whole section.
Section twenty-three.	The whole section.
Section twenty-eight.	The whole section.
Section twenty-nine.	The whole section.
Section thirty-one.	The whole section.
Section thirty-two.	The whole section.
Section thirty-three.	The whole section.
Section thirty-five.	The whole section.
Section thirty-six.	Subsection (4).
Section thirty-seven.	Subsection (1) and subsection (3), in so far as those subsections relate to the Law entitled "Loi relative à la protection des Femmes et des Filles mineures" registered on the first day of August, nineteen hundred and fourteen, the Family Allowances (Guernsey) Law, 1950, and the Homicide (Guernsey) Law, 1965.
	Subsection (4).
Section thirty-eight.	Subsection (1), subsection (2) and subsection (4).

PART II

Application to the Island of Sark

Section	Extent of application
Section one.	The whole section.
Section seven.	Subsection (3), subsection (4), subsection (5) and subsection (6).
Section eight.	Subsection (5).
Section nine.	The whole section.
Section eleven.	Subsection (7) and subsection (8).
Section thirteen.	The whole section.
Section fifteen.	The whole section.
Section seventeen.	The whole section.
Section eighteen.	The whole section.
Section nineteen.	The whole section.
Section twenty-three.	The whole section.
Section twenty-eight.	The whole section, excluding subsection (9).
Section twenty-nine.	The whole section.
Section thirty-one.	The whole section, excluding the words "subsection (9) and" in subsection (4).
Section thirty-two.	The whole section.
Section thirty-three.	The whole section.
Section thirty-five.	The whole section.
Section thirty-six.	Subsection (5).
Section thirty-seven.	Subsection (1) and subsection (3), in so far as those subsections relate to the Law entitled "Loi relative à la protection des Femmes et des Filles mineures" registered on the first day of August, nineteen hundred and fourteen, and the Homicide (Guernsey) Law, 1965.
Section thirty-eight.	Subsection (4). Subsection (1), subsection (2) and subsection (5).

R. H. VIDELO,

Her Majesty's Greffier.