

ORDER IN COUNCIL

ratifying a Projet de Loi

X
1971

ENTITLED

The Minors (Consent to Surgical, Medical and Dental Treatment) (Bailiwick of Guernsey) Law, 1971

(Registered on the Records of the Island of Guernsey
on the 21st day of September, 1971.)



1971.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 21st day of September, 1971, before John Henry Loveridge, Esquire, C.B.E., Deputy Bailiff; present:—Bertram Guy Blampied, Esquire, O.B.E., Stanley Walter Gavey, Esquire, Gilbert Carey de Jersey, Esquire, C.B., 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., Jean Le Pelley, Walter Francis Robin, Richard Alan Kinnersly, Esquires, and Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 28th day of July, 1971, ratifying a *Projet de Loi* entitled "The Minors (Consent to Surgical, Medical and Dental Treatment) (Bailiwick of Guernsey) Law, 1971", 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 28th day of July 1971

PRESENT,

The Queen's Most Excellent Majesty

LORD PRESIDENT

LORD ECCLES

MR. NOBLE

MR. GODBER

CHANCELLOR OF THE EXCHEQUER

SIR SEEWOOSAGUR RAMGOOLAM

LORD KILBRANDON

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 22nd day of July 1971, 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 24th day of February 1971, the States of Deliberation at a meeting held on the 31st day of March 1971 approved a Bill or “Projet de Loi” entitled “The Minors (Consent to Surgical, Medical and Dental Treatment) (Bailiwick of Guernsey) Law, 1971” which Bill is designed to apply to the Bailiwick of Guernsey, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the Chief Pleas of the Island of Sark at a meeting held on the 14th day of April

1971 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 2nd day of June 1971 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 Minors (Consent to Surgical, Medical and Dental Treatment) (Bailiwick of Guernsey) Law, 1971" 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 Minors (Consent to Surgical, Medical and Dental Treatment) (Bailiwick of Guernsey) Law, 1971

THE STATES, in pursuance of their Resolution of the twenty-fourth day of February, nineteen hundred and seventy-one, 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.

1. (1) The consent of a minor who has attained the age of sixteen years to any surgical, medical or dental treatment which, in the absence of consent, would constitute a trespass to his person, shall be as effective as it would be if he were of full age; and where a minor has by virtue of this section given an effective consent to any treatment it shall not be necessary to obtain any consent for it from his parent or guardian.

Consent by
persons over
sixteen to
surgical,
medical
and dental
treatment.

(2) In this section the expression "surgical, medical or dental treatment" includes any procedure undertaken for the purposes of diagnosis, and this section applies to any procedure (including, in particular, the administration of an anaesthetic) which is ancillary to any treatment as it applies to that treatment.

(3) Nothing in this section shall be construed as making ineffective any consent which would have been effective if this section had not been enacted.

Citation.

2. This Law may be cited as the Minors (Consent to Surgical, Medical and Dental Treatment) (Bailiwick of Guernsey) Law, 1971.

R. H. VIDELO,

Her Majesty's Greffier.