

PROJET DE LOI

ENTITLED

The Separation, Maintenance and Affiliation Proceedings (Alderney) Law, 1964 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. XIX, p. 241; as amended by the Decimal Currency (Bailiwick of Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 560); the Separation, Maintenance and Affiliation Proceedings (Amendment) (Alderney) Law, 1973 (Ordres en Conseil Vol. XXIV, p. 150); the Uniform Scale of Fines (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 306); the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2014 (No. II of 2015); the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018 (No. ** of 2018); the Separation, Maintenance and Affiliation Proceedings (Amount of Weekly Sum) (Alderney) Ordinance, 1972 (Alderney Ordinance No. V of 1972); the Separation, Maintenance and Affiliation Proceedings (Amount of Weekly Sum) (Alderney) Ordinance, 1979 (Alderney Ordinance No. II of 1979); the Separation, Maintenance and Affiliation Proceedings (Amount of Weekly Sum) (Alderney) Ordinance, 1991 (Alderney Ordinance No. VII of 1991); the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009 (No. VII of 2010); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Alderney) Ordinance, 2018 (Alderney Ordinance No. VIII of 2018). See also the Court of Alderney (Appeals) Law, 1969 (Ordres en Conseil Vol. XXII, p. 192); the Social Insurance (Guernsey) Law, 1978 (Ordres en Conseil Vol. XXVI, p. 292); the Police Force (Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); the Age of Majority (Alderney) Law, 2001 (No. XXV of 2001, Ordres en Conseil Vol. XLI, p. 738); the Government of Alderney Law, 2004 (No. III of 2005); the Children (Guernsey and Alderney) Law, 2008 (No. XIV of 2009); the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009 (*supra*).

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The Separation, Maintenance and Affiliation Proceedings (Alderney) Law, 1964

THE STATES, in pursuance of their Resolution of the fourteenth day of January, nineteen hundred and sixty-four, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Alderney.

PART I INTERPRETATION

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 –

"affiliation order" has the meaning assigned to it by section twelve of this Law (which relates to the powers of the Court on hearing an application under section ten of this Law),

["child of the family"]: see subsection (2),]

["Committee"] means the Committee for Health & Social Care,]

"the Court" means the Court of Alderney,

"dependant" means a person –

- (a) who is either receiving full-time instruction at an educational establishment or undergoing training for a

trade, profession or vocation in such circumstances that he is required to devote the whole of his time to that training for a period of not less than two years, or

- (b) whose earning capacity is impaired through illness or disability of mind or body,

["**full age**" means the age of 18 years,]

["**maintenance order**" means an order of the Court for the payment of money under Part II,]

"**officer of police**" means a member of the salaried police force of the Island of Guernsey or a member of any police force which may be established by the States,

["**respondent**": see section 2(1),]

"**the States**" means the States of Alderney.

[(2) Any reference in Part II of this Law to [a child of the family], however expressed, shall be construed, in relation to one or both of the parties to a marriage, as including an illegitimate or adopted child of that party or, as the case may be, of both parties and any other child, not being a child who has been boarded-out with those parties by the States of Guernsey [Committee for Health & Social Care] or otherwise, who has been treated by both of those parties as a child of the marriage; and "**adopted**" means adopted in pursuance of –

- (a) an adoption order made under the Adoption (Guernsey) Law, 1960, or
- (b) an adoption order made in any part of the United Kingdom, in the Isle of Man or in the Island of Jersey, or
- (c) subject to sections six and seven of the Adoption

(Guernsey) Law, 1970, an overseas adoption within the meaning of section five of that Law.]

[(3)] The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Law as it applies to the interpretation of an enactment in force in the Island of Guernsey.

[(4)] 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.

NOTES

In section 1,

first, the definition of the expression "maintenance order" in subsection (1) was substituted, second, the definitions of the expressions "child of the family", "Committee", "full age" and "respondent" therein were inserted and, third, the words in the first pair of square brackets in subsection (2) were substituted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 3, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 6th December, 2018;

first, subsection (2) was inserted and, second, subsection (3) and subsection (4) were renumbered by the Separation, Maintenance and Affiliation Proceedings (Amendment) (Alderney) Law, 1973, respectively section 1(a) and section 1(b), with effect from 1st October, 1973;

the words in the second pair of square brackets in subsection (2) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

In accordance with the provisions of the Children (Guernsey and Alderney) Law, 2008, section 123, Schedule, paragraph 45 (shown, incorrectly, in the printed version of the 2008 Law as paragraph 44), with effect from 4th January, 2010, this Law is one of those specific enactments that the States may repeal, amend, extend, adapt, modify or disapply, and make

transitional and savings provisions in relation to, by Ordinance made under the said section 123.

In accordance with the provisions of the Police Force (Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

PART II

SEPARATION AND MAINTENANCE PROCEEDINGS

[Grounds of application.

2. (1) Either party to a marriage may apply to the Court for an order under section 3 on the ground that the other party to the marriage (the "respondent") –

- (a) has failed to provide reasonable maintenance for the applicant,
- (b) has failed to provide, or make a proper contribution towards, reasonable maintenance for any child of the family,
- (c) has behaved in such a way that the applicant cannot reasonably be expected to live with the respondent,
- (d) has deserted the applicant, or
- (e) subject to subsection (2), has committed adultery and the applicant finds it intolerable to live with the respondent.

(2) Only conduct between the respondent and a person of the opposite sex may constitute adultery for the purposes of subsection (1)(e).]

NOTE

Section 2 was substituted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 3 (the second section 3), with effect from 6th December, 2018, subject to the transitional and savings provisions in section 6 of the 2018 Law.³

[Orders for financial provision and separation.]

3. (1) Where an applicant for an order under this section satisfies the Court of any ground mentioned in section 2, the Court, subject to the provisions of this Law, may order that –

- (a) the respondent shall –
 - (i) make to the applicant such periodical payments, for such term, as may be specified,
 - (ii) pay to the applicant such lump sum as may be specified,
 - (iii) make to the applicant for the benefit of a child of the family, or to such a child, such periodical payments, for such term, as may be specified,
 - (iv) pay to the applicant for the benefit of a child of the family, or to such a child, such lump sum as may be specified,
- (b) the applicant be no longer bound to reside with the respondent (such an order having effect in all respects as a decree of judicial separation granted by the Matrimonial Causes Division of the Royal Court).

(2) Without prejudice to the generality of subsection (1)(a), an order thereunder for the payment of a lump sum may be made to enable the applicant to meet any liability or expense reasonably incurred before the making of

the order in maintaining the applicant or any child of the family.]

NOTE

Section 3 was substituted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 3 (the second section 3), with effect from 6th December, 2018, subject to the transitional and savings provisions in section 6 of the 2018 Law.⁴

[Matters to which Court is to have regard.]

4. (1) The Court, in deciding whether and in what manner to exercise its powers under section 3, shall have regard to all the circumstances of the case, first consideration being given to the welfare while a minor of any child of the family who has not attained full age.

(2) As regards the exercise of its powers under section 3(1)(a)(i) or (ii), the Court shall in particular have regard to the following matters –

- (a) the income, earning capacity, property and other financial resources which each party to the marriage has or is likely to have in the foreseeable future, including in the case of earning capacity any increase in that capacity which it would in the opinion of the Court be reasonable to expect either party to take steps to acquire,
- (b) the financial needs, obligations and responsibilities which each party has or is likely to have in the foreseeable future,
- (c) the standard of living enjoyed by the parties before the occurrence of the conduct which is alleged as the ground of the application,
- (d) the age of each party and the duration of the marriage,
- (e) any physical or mental disability of either party,

- (f) the contributions which each party has made or is likely to make in the foreseeable future to the welfare of the family, including any contribution made by looking after the home or caring for the family,
- (g) the conduct of each party if that conduct is such that it would, in the opinion of the Court, be inequitable to disregard it.

(3) As regards the exercise of its powers under section 3(1)(a)(iii) or (iv), the Court shall in particular have regard to the following matters –

- (a) the financial needs of the child,
- (b) the income, earning capacity (if any), property and other financial resources of the child,
- (c) any physical or mental disability of the child,
- (d) the standard of living enjoyed by the family before the occurrence of the conduct which is alleged as the ground of the application,
- (e) the manner in which the child was being and in which the parties to the marriage expected the child to be educated or trained,
- (f) the matters mentioned in subsections (2)(a) and (b) of this section.

(4) As regards the exercise of its powers under section 3 in favour of a child of the family who is not a child of the respondent, the Court shall also have regard –

- (a) to whether the respondent has assumed any

responsibility for the child's maintenance and, if so, to the extent to which, the basis on which, and the length of time during which, the respondent assumed that responsibility,

- (b) to whether, in assuming and discharging that responsibility, the respondent did so knowing that the child was not the respondent's own child,
- (c) to the liability of any other person to maintain the child.]

NOTE

Section 4 was substituted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 3 (the second section 3), with effect from 6th December, 2018, subject to the transitional and savings provisions in section 6 of the 2018 Law.⁵

Duration of orders for financial provision.

5. (1) The term to be specified in an order under section 3(1)(a)(i) shall not begin before the date of the application for the order.

(2) An order under section 3(1)(a)(i) ceases to have effect upon –

- (a) the remarriage or civil partnership of the party in whose favour the order was made, or
- (b) the death of either party to the marriage,

whichever is earlier.

(3) The term to be specified in an order under section 3(1)(a)(iii) shall not begin before the date of the application for the order or, subject to subsection (5), extend beyond the date on which the child attains full age.

(4) Subject to subsection (5), no order shall be made under section 3(1)(a)(iii) or (iv) for the benefit of a child who has attained full age.

(5) The term to be specified in an order under section 3(1)(a)(iii) may extend beyond the date on which the child attains full age, and an order may be made under section 3(1)(a)(iii) or (iv) for the benefit of a child who has attained full age, if it appears to the Court –

- (a) that the child is, or will be, or would be if the term were so extended or such an order were made, receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not the child is also, or will also be, in gainful employment, or
- (b) that there are special circumstances that justify so extending the term or making such an order.

(6) An order under section 3(1)(a)(iii) ceases to have effect upon the death of the child or the person liable to make the payments under the order.

(7) Where an order ceases to have effect under subsection (2) or (6), the order may nevertheless be relied upon in relation to any arrears due under it.]

NOTE

Section 5 was substituted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 3 (the second section 3), with effect from 6th December, 2018, subject to the transitional and savings provisions in section 6 of the 2018 Law.⁶

[Orders which have been agreed.]

6. (1) Either party to a marriage may apply to the Court for an order under this section on the ground that the applicant or the other party to the marriage has agreed to make the financial provision specified in the application, and on such an application, subject to subsection (3), the Court may order that the

applicant or the respondent, as the case may be, shall make the financial provision specified in the application provided it is satisfied that –

- (a) the applicant or the respondent, as the case may be, has agreed to make that provision, and
- (b) it would not be contrary to the interests of justice to make the order.

(2) In this section "**financial provision**" means –

- (a) the making of periodical payments by one party to the other,
- (b) the payment of a lump sum by one party to the other,
- (c) the making of periodical payments by one party to a child of the family or to the other party for the benefit of such a child,
- (d) the payment of a lump sum by one party to a child of the family or to the other party for the benefit of such a child.

(3) The Court shall not order the making of any financial provision under subsection (1) to or for the benefit of a child unless it considers that the provision provides for, or make a proper contribution towards, the financial needs of the child.

(4) Where on an application under subsection (1) the Court decides that –

- (a) it would be contrary to the interests of justice to order the making of the financial provision specified in the application, or

- (b) the financial provision specified in the application where it is to be made to or for the benefit of a child, does not provide for, or make a proper contribution towards, the financial needs of the child,

then, if both the parties agree to the making of some other financial provision proposed by the Court, the Court may order that the applicant or the respondent, as the case may be, shall make that provision.

(5) Section 5 applies to an order –

- (a) for the making of the financial provision mentioned in subsection (2)(a) as it applies to an order under section 3(1)(a)(i),
- (b) for the making of the financial provision mentioned in subsection (2)(c) or (d), as it applies respectively to an order under section 3(1)(a)(iii) or (iv).

(6) Section 3(2) applies to an order for the making of the financial provision mentioned in subsections (2)(b) and (d) as it applies to an order under section 3(1)(a).]

NOTE

Section 6 was substituted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 3 (the second section 3), with effect from 6th December, 2018, subject to the transitional and savings provisions in section 6 of the 2018 Law.⁷

[Orders where parties are living apart by agreement.]

7. (1) Where the parties to a marriage have lived apart for not less than 3 months, neither party having deserted the other, and one party has made periodical payments for the benefit of the other party or of a child of the family, the other party may apply to the Court for an order under this section, specifying in the application, so far as possible, the aggregate amount of the payments made during the period of 3 months immediately preceding the application.

(2) Where on an application under subsection (1) the Court is satisfied that the respondent to the application has made the payments specified in the application, the Court may, subject to the provisions of this Law, order that the respondent shall –

- (a) make to the applicant such periodical payments, for such term, as may be specified,
- (b) make to the applicant for the benefit of a child of the family, or to such a child, such periodical payments, for such term, as may be specified,

but, subject to subsection (4), the Court shall not order the respondent to make payments which exceed in aggregate in any period of 3 months the aggregate amount paid by the respondent for the benefit of the applicant or the child, as the case may be, during the period of 3 months immediately preceding the application.

(3) Section 4 applies to an application under subsection (1) as it applies to an application under section 3.

(4) Where the Court considers that an order under subsection (2) –

- (a) would not provide reasonable maintenance for the applicant, or
- (b) if the application relates to a child, would not provide or make a proper contribution towards reasonable maintenance for the child,

the Court may treat the application as if it were an application under section 3.

(5) Section 5 –

- (a) applies to an order under subsection (2)(a) as it applies to an order under section 2(1)(a)(i), and

- (b) applies to an order under subsection (2)(b) as it applies to an order under section 3(1)(a)(iii).]

NOTE

Section 7 was substituted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 3 (the second section 3), with effect from 6th December, 2018, subject to the transitional and savings provisions in section 6 of the 2018 Law.⁸

[Revocation and variation of orders.]

8. (1) Where the Court has made an order under section 17 of the Children (Guernsey and Alderney) Law, 2008 in respect of a child, or any order varying such an order, the Court may make such order regarding the making of financial provision as it thinks fit.

(2) Where the Court has made a community parenting order under the Children (Guernsey and Alderney) Law, 2008, the Court may make such order regarding the making of periodical payments to the Committee or to the child as it thinks fit.

(3) The Court, in deciding whether and in what manner to make an order under subsection (1) or (2), shall have regard to all the circumstances of the case, including the matters to which it is required to have regard under section 4(3); and, in deciding whether to make an order against a party to the marriage who is not a parent of the child, shall also have regard to the matters to which it is required to have regard under section 4(4).

(4) Section 5 applies to –

- (a) an order under subsection (1) or (2) for the making of periodical payments as it applies to an order under section 3(1)(a)(iv), and
- (b) an order under subsection (1) for the payment of a lump sum as it applies to an order under section

3(1)(a)(iv).

(5) Section 3(2) applies to an order under subsection (1) for the payment of a lump sum as it applies to an order under section 3(1)(a)(iv).

(6) In subsection (1) "**financial provision**" means –

- (a) the making of periodical payments by any person to the child or to another person for the benefit of the child,
- (b) the payment of a lump sum by any person to the child or to another person for the benefit of the child.]

NOTE

*Section 8 was substituted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 3 (the second section 3), with effect from 6th December, 2018, subject to the transitional and savings provisions in section 6 of the 2018 Law.*⁹

[Revocation and variation of orders.]

8A. (1) The Court may by order vary or revoke an order under this Part for the making of periodical payments on an application by or on behalf of –

- (a) any person required by the order to make the payments, or
- (b) any person to whom or for whose benefit the payments were ordered to be made, including where appropriate the Committee.

(2) On an application under subsection (1), the Court may make any order for the payment of a lump sum which it could have made when making the order to which the application relates, whether or not the person required to pay the lump sum was required to pay a lump sum by a previous order under this Part.

(3) Where, under subsection (1), the Court varies an order for the making of periodical payments, the varied payments shall be made from such date as may be specified, not being earlier than the date of the application for the variation.

(4) Where the Court has made an order for the making of periodical payments to or for the benefit of a child, including an order for the making of periodical payments to the Committee in respect of the child, and such order has ceased to have effect, the Court may, on the application of the child after the child attains full age but before the child attains the age of 21, order that the order for the making of periodical payments shall be revived subject to such variations and from such date, not being earlier than the date of the application for the revival, as may be specified.

(5) In deciding whether and in what manner to exercise its powers under this section, the Court shall, so far as it appears just to do so, give effect to any agreement between the parties in relation to the application and, if there is no such agreement, or if the Court decides not to give effect to it, the Court shall have regard to all the circumstances of the case, first consideration being given to the welfare while a minor of any child of the family who has not attained full age, and the circumstances of the case include any change in any of the matters to which the Court was required to have regard when making the order to which the application for a variation, revocation or revival relates.]

NOTE

Section 8A was inserted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 3 (the second section 3), with effect from 6th December, 2018, subject to the transitional and savings provisions in section 6 of the 2018 Law.¹⁰

Interim orders.

8B. (1) Where on an application under this Part the Court has power to order the making of periodical payments or the payment of a lump sum, the Court, at any time before disposing of the application, may make an order (an "**interim maintenance order**") for the making of such periodical payments as it thinks fit.

(2) An interim maintenance order may provide for payments to be made from such date as the Court may specify, not being earlier than the date of the application in question.

(3) An interim maintenance order ceases to have effect upon –

- (a) the date specified in the order or, if none, the expiration of 3 months from the making of the order, or
- (b) the disposal of the application, whichever is earlier.

(4) Before an interim maintenance order ceases to have effect by virtue of subsection (3), the Court may by order extend it for a further period, and in that case it shall cease to have effect upon –

- (a) the date specified in the order providing for the extension or, if none, the expiration of 3 months from the making of that order, or
- (b) the disposal of the application,

whichever is earlier.

(5) No appeal lies from the making, variation, revocation or extension of an interim maintenance order, or from a refusal to do any of those things.]

NOTE

Section 8B was inserted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 3 (the second section 3), with effect from 6th December, 2018, subject to the transitional and savings provisions in section 6 of the 2018 Law.¹¹

[Payment of lump sums by instalments.]

8C. Where the Court makes, or has made, an order for the payment of a lump sum, the Court may –

- (a) allow time for payment, or order payment by instalments,
- (b) where time for payment has been allowed, allow further time or order payment by instalments,
- (c) vary the number of instalments, the amount of any instalment and the date on which any instalment becomes payable.]

NOTE

Section 8C was inserted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 3 (the second section 3), with effect from 6th December, 2018, subject to the transitional and savings provisions in section 6 of the 2018 Law.¹²

Summons required to be served on respondent to an application under this Part of this Law.

9. (1) Subject to the provisions of section twenty-five of this Law (which relates to an application where the respondent is outside the Island of Alderney), the Court shall not proceed to hear and determine any application under this Part of this Law unless there has been served on the respondent to the application not less than six days before the day on which the application is made to the Court a summons requiring him to appear before the Court on the day and at the time of the making of the application and stating shortly the matter of the application and the day and time on and at which the application is to be made to the Court.

(2) A summons required to be served under subsection (1) of this section shall be served personally on the respondent to the application to which the summons relates by the Clerk of the Court.

NOTE

In accordance with the provisions of the Government of Alderney Law, 2004, section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by law to the Clerk of the Court.

PART III
AFFILIATION PROCEEDINGS

Commencement of affiliation proceedings.

10. (1) A single woman who is with child, or who has been delivered of an illegitimate child may apply to the Court for a summons to be served on the man alleged by her to be the father of the child and the Court may thereupon order a summons to be served on such man to appear before the Court on the day and at the time specified in the summons to answer the allegations made by the applicant.

(2) A summons ordered to be served on any person under subsection (1) of this section shall be served not less than six days before the day on which that person is required to appear before the Court and shall be served personally on that person by the Clerk of the Court.

(3) An application under this section, if made before the birth of the child, shall be substantiated on oath.

(4) An application under this section may be made by a woman who was a single woman at the date of the birth of the child whether or not she is a single woman at the time of the application and the reference in the next succeeding section to a single woman shall be construed accordingly.

NOTE

In accordance with the provisions of the Government of Alderney Law, 2004, section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by

law to the Clerk of the Court.

Time for application for summons.

11. (1) An application under the last preceding section, where the applicant has been delivered of an illegitimate child, may be made –

- (a) at any time within twelve months from the child's birth, or
- (b) at any subsequent time, upon proof that the man alleged to be the father of the child has within the twelve months next after the birth paid money for its maintenance, or
- (c) at any time within twelve months next after the man's return to the Island of Alderney, upon proof that he ceased to reside in the Island of Alderney within the twelve months next after the birth.

(2) A single woman who has been delivered of a child may, upon proof that –

- (a) before the birth she was a party to a marriage which would have been valid but for the provisions of any enactment in force in the Island of Alderney making it void on account of her, or the other party to the marriage, being under the age of sixteen years, and
- (b) the said other party had access to her within twelve months before the birth,

make at any time an application under the last preceding section against that party, notwithstanding that he may not within the twelve months next after the birth have paid money for the child's maintenance.

Powers of the Court on hearing of application.

12. (1) Upon the appearance before the Court of the respondent to any application under section ten of this Law (which relates to the commencement of affiliation proceedings) or upon proof that the summons ordered to be served on him under that section has been served on him in accordance with the provisions of subsection (2) of that section, the Court shall hear the evidence of the mother (notwithstanding any consent or admission on the part of the respondent) and such other evidence as she may produce, and shall also hear any evidence tendered by or on behalf of the respondent.

(2) If the evidence of the mother is corroborated in some material particular by other evidence to the satisfaction of the Court, the Court may adjudge the respondent to be the putative father of the child and may also, if it thinks fit in all the circumstances of the case, proceed to make against him an order (hereafter in this Law referred to as "**an affiliation order**") for the payment by him of –

- (a) a weekly sum, not exceeding [one hundred pounds], or such other sum as the States may from time to time by Ordinance prescribe, for the maintenance and education of the child,
- (b) the expenses incidental to the birth of the child, and
- (c) if the child has died before the making of the order, the child's funeral expenses.

(3) Where an application under section ten of this Law is made before or within two months after the birth of the child, any weekly sum ordered to be paid under paragraph (a) of the last preceding subsection may, if the Court thinks fit, be calculated from the date of the birth.

NOTES

In section 12, the words in square brackets in paragraph (a) of subsection (2) were substituted by the Separation, Maintenance and Affiliation Proceedings (Amount of Weekly Sum) (Alderney) Ordinance, 1991, section 1(5), with effect from 6th June, 1991.¹³

In accordance with the provisions of the Social Insurance (Guernsey) Law, 1978, section 29(2)(b), with effect from 1st January, 1979, the fact that the mother of an illegitimate child is entitled to maternity benefit shall not be taken into consideration by the Court in deciding whether or not to make an order under this Law.

Persons entitled to payments under affiliation orders.

13. (1) Subject to the provisions of this Part of this Law and subject to the provisions of section seventeen of the Non-Contributory Pensions (Guernsey) Law, 1955 (which relates to affiliation orders), the person entitled to any payments to be made under an affiliation order shall be the child's mother, and the order shall provide accordingly.

(2) An affiliation order may, on the application of a person other than the child's mother who [has parental responsibility under the Children (Guernsey and Alderney) Law, 2008 in respect of the child], either legally or by any arrangement approved by the Court, be made or varied by the Court so as to entitle that person to any payments to be made under the order.

(3) ...

(4) ...

NOTES

In section 13, the words in square brackets in subsection (2) were substituted, and subsection (3) and subsection (4) were repealed, by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, respectively paragraph 14(c) and paragraph 14(b), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.

The Non-Contributory Pensions (Guernsey) Law, 1955 has since been repealed by the Income Support (Guernsey) Law, 1971, section 29, First Schedule, with effect from 11th June, 1971, subject to the savings and transitional provisions in section 30 of, and the Second Schedule to, the 1971 Law.

Duration of affiliation orders.

14. Subject to the provisions of this Part of this Law, an affiliation order

shall not, except for the purpose of recovering money previously due under the order, be of any force or validity after the child has attained the age of sixteen years or has died; and payments under the order shall not be required to be made in respect of any period after the child has attained the age of thirteen years unless the order contains a direction that payments to be made under it are to continue until the child attains the age of sixteen years.

Revocation, variation and revival of affiliation orders.

15. The Court may, upon application being made to it in that behalf, revoke, vary or revive an affiliation order:

PROVIDED that where the Court increases the amount of any weekly sum payable under an affiliation order, such weekly sum, as so increased, shall not exceed the weekly sum which may for the time being be ordered to be paid under paragraph (a) of subsection (2) of section twelve of this Law (which relates to the powers of the Court on hearing an application under section ten of this Law).

Continuance of payments in certain cases.

16. (1) If, on the application of the mother of any child in respect of whom an affiliation order has been made, it appears to the Court that the child is or will be a dependant after attaining the age of sixteen years and the Court is of the opinion that it is expedient to make provision for his maintenance while he is a dependant, the Court may by order direct that payments under the order shall be made to the mother of the child or to the child for such period during which the child is over the age of sixteen years but under the age of twenty years as may be specified in the order.

(2) Any reference in this section to the mother of the child shall be taken as including a reference to any person, for the time being having the custody of the child either legally or by any arrangement approved by the Court.

Misconduct by person appointed by Court to have custody of illegitimate child.

17. ...

NOTE

Section 17 was repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 14(b), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.¹⁴

Affiliation orders in cases where public assistance is given.

18. (1) The following provisions of this section shall have effect where assistance is given by the Public Assistance Committee of the States of Alderney (hereafter in this section referred to as "**the Committee**") by reference to the requirements of an illegitimate child.

(2) If no affiliation order is in force, the Committee may, within one year from the time when the assistance was given, make application to the Court for a summons to be served under section ten of this Law (which relates to the commencement of affiliation proceedings).

(3) In any proceedings on an application under the last preceding subsection the Court shall hear such evidence as may be produced by the Committee, in addition to the evidence required to be heard by section twelve of this Law (which relates to the powers of the Court on hearing an application under section ten of this Law), and shall in other respects, but subject to the provisions of the next succeeding subsection, proceed as on an application made by the mother under section ten of this Law.

(4) An affiliation order made on an application under subsection (2) of this section may be made so as to provide that the payments or a part of the payments to be made thereunder shall, in lieu of being made to the mother or a person having [parental responsibility under the Children (Guernsey and Alderney) Law, 2008 in respect of the child], be made to the Committee or such person as the Court may direct.

(5) On an application by the Committee, in any proceedings under section ten of this Law brought by the mother of the child, an affiliation order may be made so as to provide as aforesaid.

(6) An affiliation order may, on the application of the Committee, be varied so as to provide as aforesaid; and an affiliation order which provides as aforesaid may, on the application of the mother of the child, be varied so as to provide that payments thereunder shall be made to her or to a person having [parental responsibility under the Children (Guernsey and Alderney) Law, 2008 in respect of the child] either legally or by any arrangement approved by the Court.

NOTE

In section 18, the words in square brackets in subsection (4) and subsection (6) were substituted by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, respectively paragraph 14(d)(i) and paragraph 14(d)(ii), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.

Guardians ad litem.

19. In any proceedings instituted or intended to be instituted under this Part of this Law, if it appears to the Court that any person who is or will be a party to such proceedings is an infant, that is to say, a person under the age of twenty years and –

- (a) the father of the infant is dead and no guardian has been appointed in respect of the infant by the Court, or
- (b) the father of the infant is by reason of his absence from the Island of Alderney, his incapacity or otherwise, unable to represent the infant in such proceedings,

the Court may appoint a person to act as guardian ad litem of the infant for the purpose of such proceedings with the duty of safeguarding the interests of the infant before the Court.

NOTES

In accordance with the provisions of the Age of Majority (Alderney) Law, 2001, section 1(1), section 1(3) and section 3, with effect from 14th

December, 2001 and subject to the transitional and savings provisions in section 1(5) of, and the Schedule to, the 2001 Law, the references in this section to an "infant" shall be construed as a reference to a "minor", that is to say a person under the age of 18 years.

In accordance with the provisions of the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 2, with effect from 4th January, 2010, and having regard to the references in this section to "guardian", a guardian or person referred to as such has parental responsibility in respect of a child if the conditions in paragraph (a) or paragraph (b) of that section are satisfied.

Summons required to be served on respondent to application for revocation, etc., of an affiliation order.

20. (1) Subject to the provisions of section twenty-five of this Law (which relates to an application where the respondent is outside the Island of Alderney), the Court shall not proceed to hear and determine an application for the revocation, revival or variation of an affiliation order or an application under subsection (1) of section sixteen of this Law (which relates to the continuance of payments in certain cases), unless there has been served on the respondent to the application not less than six days before the day on which the application is made to the Court a summons requiring him to appear before the Court on the day and at the time of the making of the application and setting out shortly the matter of the application and the day and time on and at which the application is to be made to the Court:

PROVIDED that where the respondent to the application is the States of Guernsey Insurance Authority, the Court may proceed to hear and determine the application if it is proved to the satisfaction of the Court, on oath or affirmation, that a notice has been delivered or sent by registered post or the recorded delivery service to the President of the Authority aforesaid not less than six days before the day on which the application is made to the Court and setting out shortly the matter of the application and the day and time on and at which the application is to be made to the Court.

(2) A summons required to be served under subsection (1) of this section shall be served personally on the respondent to the application to which the summons relates by the Clerk of the Court.

(3) Where the respondent to any application to which the provisions of subsection (1) of this section apply is the Public Assistance Committee of the States of Alderney, the summons required to be served under that subsection shall be served on the President of that Committee in accordance with the provisions of that subsection and of the last preceding subsection.

NOTE

In accordance with the provisions of the Government of Alderney Law, 2004, section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by law to the Clerk of the Court.

PART IV

ENFORCEMENT OF MAINTENANCE ORDERS AND AFFILIATION ORDERS

Enforcement of maintenance orders and affiliation orders.

21. (1) Subject to the following provisions of this section, if at any time after the expiration of fourteen days from the making of a maintenance order or affiliation order it is proved to the satisfaction of the Court, on oath or affirmation, that default has been made in the payment of a sum ordered to be paid by the order, the Court may –

- (a) issue a summons against the person liable to make such payments requiring him to appear before the Court on such day and at such time as shall be specified in the summons to show cause why he should not be committed to prison under this section,
- (b) whether or not a summons has previously been issued, issue a warrant authorising an officer of police to arrest that person and bring him before the Court.

(2) A summons issued by the Court against any person under subsection (1) of this section shall be served not less than three days before the day

on which that person is required by the summons to appear before the Court and shall be served personally on that person by the Clerk of the Court.

(3) A warrant shall not be issued by the Court under subsection (1) of this section against a person in respect of whom a summons has previously been issued under that subsection unless he has failed to appear before the Court on the day and at the time specified in the summons and it is proved to the satisfaction of the Court, on oath, that the summons has been served personally on that person.

(4) A warrant issued under subsection (1) of this section –

- (a) may include a direction that the person against whom it is issued shall be detained in such place as shall be specified in the warrant until he can be brought before the Court,
- (b) 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 possible.

(5) Subject to the provisions of the next succeeding subsection, where a person appears before the Court in answer to a summons issued under subsection (1) of this section or is brought before the Court under a warrant issued under that subsection, as the case may be, the Court shall inquire in the presence of that person whether the default in respect of which such summons or warrant was issued was due to his wilful refusal or culpable neglect and if it is satisfied that the default was so due may order that person to be committed to prison for a period not exceeding one month.

(6) The Court shall not make an order under the last preceding subsection committing any person to prison in any case where the Court is of the opinion, having regard to all the circumstances of the case, including the means of that person, that it is more appropriate to enforce the payment of the sum in respect of which that person is in default –

- (a) by an order of the Court attaching not more than one-half of the wages, salary or pension of that person and directing the amount attached to be paid to the person specified in the order, or
- (b) by an order of the Court empowering the Clerk of the Court to arrest and sell so much of the goods and chattels of that person as shall be sufficient to satisfy that sum and any expenses incurred by the Clerk of the Court in carrying out the arrest and sale of such goods and chattels,

and in any case where the Court is of that opinion, the Court shall make such order as is mentioned in paragraph (a) or paragraph (b) of this subsection as the Court thinks fit.

(7) An order such as is mentioned in paragraph (b) of the last preceding subsection shall have effect in respect of any wages, salary or pension falling to be paid from time to time to the person against whom such order is made until such time as the sum in respect of which that person is in default has been satisfied and such order shall be an authority to the person by whom any such wages, salary or pension are payable to make payments in accordance with the order until such time aforesaid and the receipt of the person to whom the payments are directed by such order to be made shall be a good discharge to the payor.

(8) For the purpose of the making of an order such as is mentioned in paragraph (a) of subsection (6) of this section, the Court may order any person appearing to the Court to be an employer of the person against whom such first-mentioned order is intended to be made to give to the Court, within such period as may be specified by the order under this subsection, a statement signed by him or on his behalf of such particulars as may be so specified of the wages or salary of the said person against whom such first-mentioned order is intended to be made and a document purporting to be such a statement shall be received in evidence and be deemed to be such a statement without further proof unless the contrary is shown.

- (9) A person who –
- (a) fails to comply with an order under the last preceding subsection,
 - (b) gives a statement in pursuance of such an order which he knows to be false in a material particular,
 - (c) recklessly gives such a statement which is false in a material particular,

shall be liable, on conviction, to a fine not exceeding [level 1 on the Alderney uniform scale].

NOTES

In section 21, the words and figure in square brackets in subsection (9) were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

In accordance with the provisions of the Government of Alderney Law, 2004, section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by law to the Clerk of the Court.

Effect of order of committal to prison.

22. Where a person has been imprisoned by virtue of an order made under the last preceding section in respect of his failure to pay any sum due under a maintenance order or an affiliation order –

- (a) the imprisonment shall not operate to discharge him from his liability to pay the sum in respect of which he has been imprisoned,
- (b) notwithstanding anything in that section, no such order under that section shall thereafter be made in respect of that sum or any part thereof.

Release from prison and reduction of period of imprisonment on payment.

23. (1) Subject to the provisions of subsection (2) of this section, where a person is imprisoned by virtue of an order made under section twenty-one of this Law (which relates to the enforcement of maintenance orders and affiliation orders) in respect of his failure to pay any sum due under a maintenance order or affiliation order, then –

- (a) on the payment of that sum, he shall be released from prison unless he is in prison for some other cause,
- (b) on the payment of part of that sum, the period for which he is so imprisoned shall be reduced by such number of days as bears to the total number of days in that period less one day the same proportion as the amount so paid bears to so much of that sum and in calculating the reduction required under this subsection any fraction of a day shall be left out of account.

(2) No payment shall entitle any person to be released from prison or to the reduction of the period of his imprisonment under subsection (1) of this section unless it is received by the Clerk of the Court.

NOTE

In accordance with the provisions of the Government of Alderney Law, 2004, section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by law to the Clerk of the Court.

Power of the Court to remit arrears.

24. (1) In any proceedings under this Law for the enforcement, revocation, revival or variation of a maintenance order or affiliation order the Court may by order remit the whole or any part of any sum due under the order.

(2) If any person is, by virtue of an order made under section twenty-one of this Law (which relates to the enforcement of maintenance orders and affiliation orders), undergoing a period of imprisonment in respect of his failure to pay any sum due under a maintenance order or affiliation order at the time when the Court remits the whole or any part of that sum under subsection (1) of this section, then –

- (a) in the case where the whole of that sum has been remitted by the Court, he shall be released from prison unless he is in prison for some other cause,
- (b) in the case where any part of that sum has been remitted by the Court, paragraph (b) of subsection (1) of the last preceding section shall apply in relation to the period of imprisonment imposed by such first-mentioned order as if payment of such part of that sum had been received by the Clerk of the Court.

NOTE

In accordance with the provisions of the Government of Alderney Law, 2004, section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by law to the Clerk of the Court.

[PART IVA
DOMESTIC VIOLENCE

Domestic violence orders.

24A. (1) On the application of either party to a marriage, the Court may grant an order (a "**domestic violence order**") requiring the other party to the marriage ("**the respondent**") –

- (a) not to molest or threaten to molest the applicant, any child of the family or any child living with the

applicant,

- (b) to leave, or not to enter, the matrimonial home or any part thereof, or any other specified premises, or any specified area,
- (c) to permit any person described in paragraph (a) to enter and remain in the matrimonial home or any part thereof,
- (d) not to do or omit to do any other thing specified in the order the doing or omission of which is, in the Court's opinion, likely or calculated to cause harm or distress to any person described in paragraph (a),
- (e) not to incite or assist any other person to do anything which, by virtue of the order, the respondent could not lawfully do.

(2) A domestic violence order –

- (a) may be made subject to such conditions as the Court considers necessary or expedient to effect the purposes of the order,
- (b) may be made for such term as may be specified, and
- (c) may contain all or any of the requirements set out in paragraphs (a) to (e) of subsection (1).

(3) Except insofar as it affects rights of occupation, a domestic violence order does not affect any estate or interest in the matrimonial home.

(4) The Court may by order vary or revoke a domestic violence order on the application of either party to the marriage in question.]

NOTE

Part IVA, and section 24A thereof, were inserted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2014, section 1(3), with effect from 12th January, 2015.¹⁵

[Arrest for breach of domestic violence order.]

24B. (1) The Court may attach a power of arrest to a domestic violence order if it considers it necessary to do so for the protection of any person described in section 24A(1)(a).

(2) Where a power of arrest is attached to a domestic violence order, an officer of police may arrest the respondent if he has reasonable cause to suspect that the respondent has disobeyed the order in any respect.

(3) Where a power of arrest is not attached to a domestic violence order a Jurat of the Court may, if satisfied by information on oath that the respondent has disobeyed the order in any respect, direct his arrest by an officer of police.

(4) A person arrested under subsection (2) or (3) –

- (a) shall be brought before the Court within 24 hours of his arrest, and
- (b) shall not be released within that period except by direction of the Court,

and nothing in this section authorises his detention beyond that period.

(5) In reckoning a period of 24 hours for the purposes of subsection (4), no account shall be taken of –

- (a) a Saturday, Sunday, Good Friday or Christmas Day,
- (b) a day appointed as a public holiday by Ordinance of

the States, or

- (c) a day appointed as a day of public thanks-giving or public mourning.]

NOTE

Section 24B was inserted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2014, section 1(3), with effect from 12th January, 2015.¹⁶

[Unmarried couples.]

24C. Sections 24A and 24B apply in relation to two persons who live or have lived together in the same household as if they were married as they apply in relation to the parties to a marriage, and references in those sections to a party to a marriage, to a child of the family and to the matrimonial home shall be construed accordingly.]

NOTE

Section 24C (which was originally inserted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2014, section 1(3), with effect from 12th January, 2015) was substituted by the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Alderney) Ordinance, 2018, section 1, Schedule 1, paragraph 7, with effect from 14th June, 2018.¹⁷

PART V
MISCELLANEOUS

Application where respondent is outside the Island of Alderney.

25. (1) The Court may proceed to hear and determine an application under this Law for the revocation or variation of a maintenance order or affiliation order in the absence of the respondent to the application notwithstanding that a summons has not been served on the respondent if –

- (a) the Court is satisfied that there is reason to believe that the respondent has been continuously outside the

Island of Alderney during a period of not less than one month immediately preceding the making of the application, and

- (b) it is proved to the satisfaction of the Court, on oath or affirmation, that the applicant –
 - (i) has caused a notice in the form set out in the Schedule to this Law to be delivered to the respondent, or
 - (ii) has caused a notice in the form aforesaid to be sent by registered post or the recorded delivery service addressed to the respondent at his last known or usual place of abode or at his place of business or at such other address at which there is ground for believing that it will reach him, or
 - (iii) has caused a notice summarising the effect of the form aforesaid to be inserted in one or more newspapers on one or more occasions, and
- (c) the Court thinks it reasonable in all the circumstances to proceed to hear and determine the application.

(2) Where it is proposed to take any such steps as are mentioned in sub-paragraph (ii) or sub-paragraph (iii) of paragraph (b) of subsection (1) of this section, the applicant shall apply for directions to the Court and the taking of such steps shall be effective for the purposes of that subsection only if they were taken in accordance with the directions given by the Court.

(3) Nothing in this section shall be construed as authorising the Court to vary –

- (a) any provision in a maintenance order or affiliation order requiring payments to be made by any person by increasing the amount of such payments,
- (b) an order under Part II of this Law by adding thereto any provision requiring payments to be made by any person,

unless that person has appeared at the hearing of the application for the variation of the order or a summons has been served on that person in accordance with the provisions of this Law.

Notification of change of address by person liable to make payments under a maintenance order or affiliation order.

26. (1) Any person who is under an obligation to make payments under a maintenance order or affiliation order shall give notice of any change of address to any person to whom he is required for the time being by the order to make the payments.

(2) Any person who without reasonable excuse fails to comply with subsection (1) of this section shall be liable, on conviction, to a fine not exceeding [level 1 on the Alderney uniform scale].

NOTE

In section 26, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

Payments under maintenance orders or affiliation orders through Clerk of the Court.

27. (1) Notwithstanding anything in this Law, the Court may, in any case where it is satisfied that it is desirable so to do, order that any payments to be made under a maintenance order or affiliation order shall be made to the Clerk of the Court:

PROVIDED that an order under this subsection shall not affect the right of any person to proceed in his or her own name for the recovery of sums payable on his or her behalf under a maintenance order or affiliation order.

(2) The Clerk of the Court shall receive all such payments as may be ordered under subsection (1) of this section to be made to him and shall, without making any deduction therefrom, remit any such payments received by him to the person for the time being entitled to such payments; and where any such payment or any part thereof is in arrear for seven days, the Clerk of the Court shall give notice in writing to the person for the time being entitled to such payments stating the particulars of the arrears.

(3) Where any payments under a maintenance order or affiliation order are ordered as aforesaid to be made to the Clerk of the Court and any such payments are in arrear, the Clerk of the Court shall, if the person for the time being entitled to such payments so requests in writing and unless it appears to the Clerk of the Court that it is unreasonable in the circumstances so to do, proceed in his own name for the recovery of such payments; but the said person shall have the same liability for all the costs properly incurred in and about the proceedings as if the proceedings had been taken by him.

NOTE

In accordance with the provisions of the Government of Alderney Law, 2004, section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by law to the Clerk of the Court.

Appeals.

28. (1) An appeal shall lie to the Royal Court sitting as a Full Court (hereafter in this section referred to as "**the Royal Court**") from the making of any order under this Law or from the refusal by the Court to make any such order, or from the revocation revival or variation by the Court of any such order.

(2) On an appeal against an affiliation order by the person

adjudged to be the putative father of the child to whom the order relates, as well as on an appeal against a refusal to make an affiliation order, the Royal Court shall hear the evidence of the mother and such other evidence as she may produce, and shall also hear any evidence tendered by or on behalf of the other party, but the Royal Court shall not confirm the order appealed against or reverse the refusal to make an order unless the evidence of the mother is corroborated in some material particular by other evidence to the Royal Court's satisfaction.

NOTE

In accordance with the provisions of the Court of Alderney (Appeals) Law, 1969, section 14, with effect from 4th November, 1969, nothing in that Law contained shall derogate from the provisions of this section.

Rules of Court.

29. (1) The Court may from time to time make rules dealing generally with all matters of procedure and incidental matters arising out of this Law and for carrying this Law into effect.

Citation.

30. This Law may be cited as the Separation, Maintenance and Affiliation Proceedings (Alderney) Law, 1964.

NOTE

The Law received Royal Sanction on 3rd July, 1964 and was registered on the Records of the Island of Guernsey and came into force on 25th August, 1964.

SCHEDULE

Section twenty-five

NOTICE TO PERSON OUTSIDE THE ISLAND OF ALDERNEY OF
APPLICATION FOR REVOCATION OR VARIATION OF A MAINTENANCE
ORDER OR AFFILIATION ORDER.

In the Court of Alderney.

To A. B.

An application is to be made by me the undersigned on the _____ day of _____, 19____, to the Court of Alderney under the Separation, Maintenance and Affiliation Proceedings (Alderney) Law, 1964, that the maintenance [or affiliation] order made by that Court on the _____ day of _____, 19____, should be {revoked} {or varied by _____}.

The application will be heard by that Court on the _____ day of _____, 19____, at the hour of _____ in the _____ noon.

You may appear in person or be represented by an Advocate of the Royal Court of Guernsey. If you do neither, the Court may, if it thinks it reasonable, deal with the case in your absence.

Dated the _____ day of _____ 19____.

(Signed) _____ B. B.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004.

The functions, rights and liabilities of the Health and Social Services Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Children Board and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 8, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003

Ordinance.

³ The corresponding entry in the Arrangement of Sections was substituted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 2, with effect from 6th December, 2018.

⁴ The corresponding entry in the Arrangement of Sections was substituted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 2, with effect from 6th December, 2018. Prior to its substitution, section 3 was amended by or in accordance with the Decimal Currency (Bailiwick of Guernsey) Law, 1970, section 8, with effect from 2nd February, 1971; the Separation, Maintenance and Affiliation Proceedings (Amount of Weekly Sum) (Alderney) Ordinance, 1972, section 1, with effect from 8th November, 1972; the Separation, Maintenance and Affiliation Proceedings (Amount of Weekly Sum) (Alderney) Ordinance, 1979, section 1, with effect from 2nd August, 1979; the Separation, Maintenance and Affiliation Proceedings (Amount of Weekly Sum) (Alderney) Ordinance, 1991, section 1, with effect from 6th June, 1991; the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, respectively paragraph 14, with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.

⁵ The corresponding entry in the Arrangement of Sections was substituted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 2, with effect from 6th December, 2018.

⁶ The corresponding entry in the Arrangement of Sections was substituted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 2, with effect from 6th December, 2018. Prior to its substitution, section 5 was amended by or in accordance with the Decimal Currency (Bailiwick of Guernsey) Law, 1970, section 8, with effect from 2nd February, 1971; the Separation, Maintenance and Affiliation Proceedings (Amount of Weekly Sum) (Alderney) Ordinance, 1972, section 1(4), with effect from 8th November, 1972; the Separation, Maintenance and Affiliation Proceedings (Amount of Weekly Sum) (Alderney) Ordinance, 1979, section 1(4), with effect from 2nd August, 1979; the Separation, Maintenance and Affiliation Proceedings (Amount of Weekly Sum) (Alderney) Ordinance, 1991, section 1(4), with effect from 6th June, 1991; the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 14(b), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.

⁷ The corresponding entry in the Arrangement of Sections was substituted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 2, with effect from 6th December, 2018.

⁸ The corresponding entry in the Arrangement of Sections was substituted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 2, with effect from 6th December, 2018.

⁹ The corresponding entry in the Arrangement of Sections was substituted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 2, with effect from 6th December, 2018.

¹⁰ The corresponding entry in the Arrangement of Sections was inserted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 2, with effect from 6th December, 2018.

¹¹ The corresponding entry in the Arrangement of Sections was inserted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 2, with effect from 6th December, 2018.

¹² The corresponding entry in the Arrangement of Sections was inserted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2018, section 2, with effect from 6th December, 2018.

¹³ These words were previously substituted in accordance with the provisions of the Decimal Currency (Bailiwick of Guernsey) Law, 1970, section 8, with effect from 2nd February, 1971; the Separation, Maintenance and Affiliation Proceedings (Amount of Weekly Sum) (Alderney) Ordinance, 1972, section 1(5), with effect from 8th November, 1972; the Separation, Maintenance and Affiliation Proceedings (Amount of Weekly Sum) (Alderney) Ordinance, 1979, section 1(5), with effect from 2nd August, 1979.

¹⁴ Prior to its repeal, section 17 was amended by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(5), Schedule, with effect from 1st October, 1989.

¹⁵ The entries corresponding to Part IVA, and section 24A thereof, in the Arrangement of Sections were inserted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2014, section 1(2), with effect from 12th January, 2015.

¹⁶ The entry corresponding to section 24B in the Arrangement of Sections was inserted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2014, section 1(2), with effect from 12th January, 2015.

¹⁷ The entry corresponding to section 24C in the Arrangement of Sections was originally inserted by the Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2014, section 1(2), with effect from 12th January, 2015.