

PROJET DE LOI

ENTITLED

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

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. 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.

© States of Guernsey

^{*} No. XIX of 1991. See also the Children (Guernsey and Alderney) Law, 2008 (No. XIV of 2009).

PROJET DE LOI

ENTITLED

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

ARRANGEMENT OF SECTIONS

1. Attendance of child or young person at care proceedings.
2. Hearsay evidence in proceedings relating to care etc.
3. Unsworn evidence of child.
4. Amendment to Law of 1967.
5. Interpretation.
6. Citation.

PROJET DE LOI

ENTITLED

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

THE STATES, in pursuance of their Resolution of the 6th March, 1991^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of Law in the Island of Guernsey.

Attendance of child or young person at care proceedings.

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

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

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

^a Article XVI of Billet d'État No. V of 1991.

^b Ordres en Conseil Vol. XXI, p. 37; Vol. XXIII, pp. 3 and 238; No. XIV of 1985; No. VIII of 1989.

NOTE

In accordance with the provisions of the Children (Guernsey and Alderney) Law, 2008, section 123, Schedule, paragraph 32 (shown, incorrectly, in the printed version of the 2008 Law as paragraph 31), 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.

Hearsay evidence in proceedings relating to care etc.

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

Unsworn evidence of child.

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

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

Amendment to Law of 1967.

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

NOTE

Section 20 of the Children and Young Persons (Guernsey) Law, 1967 has since been repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.

Interpretation.

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

Citation.

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

NOTE

The Law received Royal Sanction on 19th November, 1991 and was registered on the Records of the Island of Guernsey and came into force on 20th January, 1992.
