

PROJET DE LOI

ENTITLED

The Adoption (Guernsey) Law, 1966 *

[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.

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* Ordres en Conseil Vol. XX, p. 262. This Law is applied, with modifications, to the Island of Alderney by the Alderney (Application of Legislation) (Adoption) Ordinance, 1974 (Recueil d'Ordonnances Tome XIX, p. 247). See also the Law Reform (Age of Majority and Guardianship of Minors) (Guernsey) Law, 1978 (Ordres en Conseil Vol. XXVI, p. 264).

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ARRANGEMENT OF SECTIONS

1. Extension of enactments referring to adoption.
2. Evidence of adoptions, etc.
3. Registration of adoptions outside this Island.
4. Further provision for revocation of adoption orders in cases of legitimation, etc.
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THE STATES, in pursuance of their Resolution of the third day of February, nineteen hundred and sixty-five, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

Extension of enactments referring to adoption.

1. (1) Any provision, however expressed, in any enactment passed before the commencement of this Law under which a person adopted in pursuance of an adoption order is for any purpose treated as the child of the adopter, or any other relationship is deduced by reference to such an order, shall have effect, as respects anything done or any event occurring after the commencement of this Law, as extending also to adoptions in pursuance of orders made, whether before or after the commencement of this Law, in any part of the United Kingdom, in the Isle of Man or in the Island of Jersey, and subsection (3) of section sixteen of the Adoption (Guernsey) Law, 1960^a (hereafter in this Law referred to as "**the Law of 1960**") shall extend to any such order as is mentioned in this subsection.

(2) An order authorising adoption made outside the Island after the commencement of this Law shall also have the same effect as an adoption order for the purposes of subsection (2) of section thirteen and section fourteen of the Law of 1960, if the order is made in any part of the United Kingdom, in the Isle of Man or in the Island of Jersey.

^a Ordres en Conseil Vol. XVIII, p. 192.

(3) Any such provision as is mentioned in subsection (1) of this section which, by virtue of subsection (3) of section thirty-seven of the Law of 1960, applies in relation to orders under that section shall, as respects anything done after the commencement of this Law, apply also in relation to similar orders made, whether before or after the commencement of this Law, in any part of the United Kingdom, in the Isle of Man or in the Island of Jersey, and shall be construed accordingly; and any such order made after the commencement of this Law shall also have the same effect as an adoption order for the purposes of the provisions mentioned in the last preceding subsection.

NOTES

The Law is applied to the Island of Alderney by the Alderney (Application of Legislation) (Adoption) Ordinance, 1974, section 1, with effect from 1st July, 1974, subject to the exceptions, adaptations and modifications set out in the right-hand column of the Schedule to the 1974 Ordinance.

In its application to the Island of Alderney, section 1 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Adoption) Ordinance, 1974, section 1, Schedule, with effect from 1st July, 1974.

Evidence of adoptions, etc.

2. Any document which, under any provision of any enactment for the time being in force in any part of the United Kingdom, in the Isle of Man or in the Island of Jersey corresponding to subsection (2) of section seventeen of the Law of 1960, is receivable as evidence of any matter in that part of the United Kingdom, in the Isle of Man or in the Island of Jersey, as the case may be, shall be so receivable also in the Island.

Registration of adoptions outside this Island.

3. (1) Where the Registrar is notified by the authority maintaining a register of adoptions in any part of the United Kingdom, in the Isle of Man or in the Island of Jersey that an order has been made in that country authorising the adoption of an infant to whom an entry in the Register of Births or the Adopted Children Register relates, he shall cause the entry to be marked with the word "Adopted" or "Re-adopted", as the case may require, followed by the name, in brackets, of the country in which the order was made.

(2) Where, after an entry has been so marked, the Registrar is notified as aforesaid that the order has been quashed, that an appeal against the order has been allowed or that the order has been revoked, he shall cause the marking to be cancelled; and a copy or extract of an entry in any register, being an entry the marking of which is cancelled under this subsection, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

(3) The preceding provisions of this section shall apply in relation to orders corresponding to orders under section thirty-seven of the Law of 1960 as they apply in relation to orders authorising the adoption of an infant; but any marking of an entry required by virtue of this subsection shall consist of the word "Provisionally" followed by the words mentioned in subsection (1) of this section.

NOTES

In its application to the Island of Alderney, section 3 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Adoption) Ordinance, 1974, section 1, Schedule, with effect from 1st July, 1974.

In accordance with the provisions of the Law Reform (Age of Majority and Guardianship of Minors) (Guernsey) Law, 1978, section 1(1), section 1(2) and section 3, with effect from 1st July, 1978 and subject to the saving provision in section 1(6) of the 1978 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.

Further provision for revocation of adoption orders in cases of legitimation, etc.

4. (1) Where any person legitimated by virtue of section one of the Legitimacy (Guernsey) Law, 1966, had been adopted by his father and mother before the commencement of that Law, the Court may, on the application of any of the parties concerned, revoke the adoption order.

(2) Where an adoption order has been revoked under this section or under section twenty of the Law of 1960, or where an order made, whether before or after the commencement of this Law, in any part of the United Kingdom, in the Isle of Man or in the Island of Jersey authorising the adoption of any person has been revoked by reason of the subsequent legitimation of that person, the revocation shall not affect the operation of section fifteen and section sixteen of the Law of 1960, or the operation of those sections as extended by subsection (1) of section one of this Law, as the case may be in relation to –

- (a) the devolution of any property on the death of a person dying intestate before the revocation,
- (b) any disposition of property made before the revocation,
- (c) the devolution of that part of the personal property of any person which is not disposable testamentarily under the provisions of the Law entitled "Loi relative à la Portion Disponible des Biens Meubles des Pères et Mères" registered on the twentieth day of January, nineteen hundred and thirty^b, as amended by subsection (3) of section fifteen of the Law of 1960, on the death

^b Ordres en Conseil Vol. VIII, p. 390.

of such person before the revocation.

(3) The reference to section twenty of the Law of 1960 in subsection (2) of that section shall be construed as including a reference to subsection (1) of this section.

NOTES

In its application to the Island of Alderney, section 4 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Adoption) Ordinance, 1974, section 1, Schedule, with effect from 1st July, 1974.

The Loi relative à la Portion Disponible des Biens Meubles des Pères et Mères, 1930 has since been repealed by the Inheritance (Guernsey) Law, 2011, section 2(b), with effect from 2nd April, 2012.

The Loi relative à la Portion Disponible des Biens Meubles des Pères et Mères (Auregny) has since been repealed by the Inheritance (Alderney) Law, 2015, section 57(d), with effect from 16th December, 2015.

Citation and construction.

5. (1) This Law may be cited as the Adoption (Guernsey) Law, 1966, and this Law and the Law of 1960 may be cited together as the Adoption (Guernsey) Laws, 1960 and 1966.

(2) This Law shall be construed as one with the Law of 1960.

NOTE

The Law received Royal Sanction on 5th July, 1966 and was registered on the Records of the Island of Guernsey and came into force on 26th July, 1966.
