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(Enregistré sur les Records le 21 août 1930.)

AT THE COURT AT BUCKINGHAM PALACE,

The 28th day of July, 1930.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

VISCOUNT D'ABERNON

LORD CHAMBERLAIN

MR. CRAIGIE AITCHISON.

Loi relative à
la Séparation
de Mariés en
Police Cor-
rectionnelle.

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 25th day of July, 1930, in the words following, viz. :—

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—(1) That by an Order in Council of the 20th June, 1890, the Law intituled ‘ Loi relative à la Séparation de Mariés en Police Correctionnelle ’ was duly registered on the Records of the Island of Guernsey ; (2) That on the 22nd June, 1929, the Royal Court adopted a *Projet de Loi* prepared by the Law Officers of the Crown, amending the aforesaid Law and widening the powers of the Magistrate in such cases, and requested the Bailiff to submit the same to the States for their approval ; (3) That on the 10th July, 1929, the said *Projet de Loi* was duly considered by the States, when a resolution was passed approving the same and authorizing the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto ; (4) That accordingly the said Bill or *Projet de Loi* was duly transmitted for Your Majesty’s Royal Sanction on the 13th July, 1929, and was returned on the 16th August following with certain observations of the Legal Advisers of the Home Office with a view to its amendment ; (5) That those of the suggested amendments adaptable to local procedure and circumstances were incorporated in an amended Bill or *Projet de Loi* which was

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submitted to and approved by the States on the 18th September, 1929, when the President was authorized to submit the same to Your Majesty in Council for Your Royal Sanction; (6) That the amended *Projet de Loi* is intituled 'Loi relative à la Séparation de Mariés en Police Correctionnelle,' and is in the words and figures set forth in the Schedule to the said Petition. And humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the amended Bill or *Projet de Loi* of the States of Guernsey intituled 'Loi relative à la Séparation de Mariés en Police Correctionnelle,' and to order and direct that the same shall have the force of Law within the Island 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*."

HIS MAJESTY, having taken the said Report into consideration is pleased, by and with the advice of His 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 Island of Guernsey.

And His 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 or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His 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.

- M. P. A. HANKEY.

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LOI RELATIVE À LA SÉPARATION DE MARIÉS EN POLICE CORRECTIONNELLE.

Rappel de la
Loi de 1890.

Est et demeure rappelée la loi relative à la séparation de mari et femme en Police Correctionnelle sanctionnée par Ordre de Sa Majesté en Conseil en date du 30 juin 1890 enregistré sur les Records de cette Ile le 12 juillet 1890 et y est substituée la loi qui ensuit rédigée en anglais.

Causes for
which a
married
woman may
apply for a
separation
order.

1.—Any married woman whose husband

- (a) is a habitual drunkard, or
- (b) has been convicted of an aggravated assault upon her, or
- (c) has deserted her, or
- (d) has been guilty of persistent cruelty to her or her children, or of continued wilful neglect to provide reasonable maintenance for her or her children whom he is legally liable to maintain, or
- (e) while suffering from a venereal disease, and knowing that he was so suffering, has insisted on having sexual intercourse with her, or
- (f) has compelled her to submit herself to prostitution (provided that where he has, in the opinion of the Court, been guilty of such conduct as was likely to result and has resulted in her submitting herself to prostitution, he shall, for the purpose of this subsection, be deemed to have compelled her so to submit herself)

may apply to the Court for an order, and the Court may make an order or orders containing all or any of the provisions following, viz. :—

Provisions of
order.

- (a) a provision that the applicant be no longer bound to cohabit with her husband (which provision while in force shall have the effect in all respects of a judicial separation (séparation de corps et biens) granted by the Royal Court) ;

- (b) a provision that the legal custody of any children of the marriage between the applicant and her husband, while under the age of sixteen years, be committed to the applicant ;
- (c) a provision that the husband shall pay to the applicant personally or, for her use or for the use of herself and such children, to a third person on her behalf, such weekly sum not exceeding two pounds as the Court shall, having regard to the means of both the husband and wife, consider reasonable.

2.—No order shall be made under this law on the application of a married woman if it shall be proved that such married woman has committed an act of adultery ; provided that the husband has not condoned, or connived at, or by his wilful neglect or misconduct conduced to such act of adultery.

Adultery by married woman.

3.—Where the wife of a married man is a habitual drunkard or has been guilty of persistent cruelty to his children, the married man shall be entitled to apply to the Court for an order under this law and on such application the Court may make one or more orders containing all or any of the provisions following, viz. :—

Causes for which a married man may apply for a separation order.

- (a) a provision that the applicant be no longer bound to cohabit with his wife (which provision while in force shall have the force in all respects of a judicial separation (*séparation de corps et biens*) granted by the Royal Court) ;
- (b) a provision for the legal custody of any children of the marriage ;
- (c) a provision that the applicant shall pay to his wife personally, or for her use to any other person on her behalf, such weekly sum not exceeding two pounds as the Court shall, having regard to the means both of the applicant and his wife, consider reasonable.

Provisions of order.

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Neglect of
married man
to make
payment
under order
of the Court.

4.—Where a married man fails or neglects to make payment of any sum of money directed to be paid by any order under this Law or under the Law hereby repealed, he may be produced before the Police Court and shall be liable to imprisonment not exceeding eight days with or without hard labour for each weekly sum which he shall have failed to pay. Such imprisonment shall not exceed three months.

No arrears to
accrue during
imprison-
ment.

Where a man is imprisoned under this article, then, unless the Court otherwise directs, no arrears shall accrue under such order during the time that he is in prison.

Court may
vary, alter or
discharge
order.

5.—The Court may on the application of a married man or of a married woman, and upon cause being shown upon fresh evidence to the satisfaction of the Court at any time, alter, vary, or discharge any such order, and may upon any such application from time to time increase or diminish the amount of any weekly payment ordered to be made, so that the same do not in any case exceed the weekly sum of two pounds. The Court, before exercising jurisdiction under this Article may consider the conduct of the parties or either of them since the date of such order.