

PROJET DE LOI

ENTITLED

Loi ayant rapport à l'obligation réciproque des père, mère et des enfants de se fournir des Aliments, 1924 *

[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. VII, p. 237. This Law is applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Recueil d'Ordonnances Tome IX, p. 247). See also the Order in Council entitled "Ordonnance relative à l'administration des Pauvres dans la Paroisse de St. Pierre-Port", 1853 (Ordres en Conseil Vol. I, p. 226); the Loi relative à l'administration des pauvres des paroisses de la Campagne, 1876 (Ordres en Conseil Vol. II, p. 161); the Loi ayant rapport à l'Administration des Pauvres de l'Île, 1925 (Ordres en Conseil Vol. VII, p. 403); the Loi ayant rapport aux Pensions pour la Vieillesse, 1926 (Ordres en Conseil Vol. VII, p. 462); the Loi Supplémentaire à la Loi de 1924 ayant rapport à l'obligation réciproque des père, mère et des enfants de se fournir des Aliments, 1926 (Ordres en Conseil Vol. VIII, p. 46); the Loi ayant rapport aux Pensions pour la Vieillesse et la Cécité, 1931 (Orders in Council, Vol. IX, p. 138); the Contributory Pensions Law, 1935 (Orders in Council Vol. X, p. 110); the Public Assistance Law, 1937 (Ordres en Conseil Vol. XI, p. 91); the Social Insurance (Guernsey) Law, 1964 (Ordres en Conseil Vol. XIX, p. 286); the Social Insurance (Guernsey) Law, 1978 (Ordres en Conseil Vol. XXVI, p. 292); the Guernsey Social Security Authority (Transfer of Functions) Ordinance, 1993 (Recueil d'Ordonnances Vol. XXVI, p. 177); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

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Loi ayant rapport à l'obligation réciproque des père, mère et des enfants de se fournir des Aliments, 1924

ARRANGEMENT OF ARTICLES

- I. Obligation aux enfants de fournir aliments aux parents dans le besoin.
- II. Obligations sont réciproques.
- III. Proportion.
- IV. Quand décharge ou réduction d'obligation peut être demandée.
- V. Ceux qui peuvent intenter l'action de demande.
- VI. Responsabilité de ceux qui doivent aliments.

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Loi ayant rapport à l'obligation réciproque des père, mère et des enfants de se fournir des Aliments, 1924

Obligation aux enfants de fournir aliments aux parents dans le besoin.

I. Les enfants sont tenus de fournir des aliments à leur père et mère, et à leur grand-père et grand-mère qui sont dans le besoin et qui ne peuvent plus travailler.

NOTE

The Law is applied to the Island of Herm by the Herm Laws Ordinance, 1948, Article I, Schedule, Part ID, with effect from 13th March, 1948.

Obligations sont réciproques.

II. Les obligations résultant des dispositions de l'Article précédent sont réciproques.

Proportion.

III. Les aliments ne seront accordés que dans la proportion du besoin de celui qui réclame et de la fortune de celui qui doit.

Quand décharge ou réduction d'obligation peut être demandée.

IV. Lorsque celui qui fournit ou celui qui reçoit des aliments est remplacé dans un état tel que l'un ne puisse plus en donner ou que l'autre n'en ait plus besoin en tout ou en partie, la décharge ou réduction peut être demandée.

[Ceux qui peuvent intenter l'action de demande.]

V. L'action de demande pour une pension alimentaire pourra être intentée soit par la personne qui réclame la pension ou par son représentant légal, soit par [le Conseil des Pauvres d'une paroisse]. La procédure sera par une action civile devant la Cour Royale laquelle décidera toute question ayant rapport à la

demande.

NOTES

In accordance with the provisions of the Loi Supplémentaire à la Loi de 1924 ayant rapport à l'obligation réciproque des père, mère et des enfants de se fournir des Aliments, 1926, with effect from 27th November, 1926, the claim for a "pension alimentaire" under this Article may be made, as well as by those mentioned herein, by the Committee of the States known as the "States Old Age Pensions Authority", established in accordance with the provisions of the Loi ayant rapport aux Pensions pour la Vieillesse, 1926, with effect from 12th April, 1926; the States Old Age Pensions Authority was subsequently reconstituted in accordance with the provisions of the Loi ayant rapport aux Pensions pour la Vieillesse et la Cécité, 1931, with effect from 2nd January, 1932. The functions of the States Old Age Pensions Authority were transferred to the States Insurance Authority in accordance with the provisions of the Contributory Pensions Law, 1935, with effect from immediately after 29th June, 1935; the States Insurance Authority was subsequently reconstituted in accordance with the provisions of, first, the Social Insurance (Guernsey) Law, 1964, section 47, with effect from 5th October, 1964 and, second, the Social Insurance (Guernsey) Law, 1978, section 92, with effect from 30th November, 1978. The functions of the States Insurance Authority under the 1978 Law were then transferred to the Guernsey Social Security Authority in accordance with the provisions of the Guernsey Social Security Authority (Transfer of Functions) Ordinance, 1993, section 1, Schedule 1, with effect from 29th September, 1993. In accordance with the provisions of the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 26, with effect from 6th May, 2004, references to the "Social Security Authority" were substituted with references to the States Social Security Department; and the functions, rights and liabilities of the Social Security Authority and of its President arising under or by virtue of this Law were transferred to and vested in, respectively, the Social Security Department and its Minister by the 2003 Ordinance, section 1, Schedule 1, paragraph 26, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 thereof. In accordance with the provisions of the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 13, with effect from 1st May, 2016, references to the "Social Security Department" were substituted with references to the Committee for Employment & Social Security; and the functions, rights and liabilities of the Social Security 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 Employment & Social Security and its President or Vice-President by the 2016 Ordinance, section 1, Schedule 1, paragraph 13, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 thereof.

In accordance with the provisions of, first, the Order in Council entitled "Ordonnance relative à l'administration des Pauvres dans la Paroisse de St. Pierre-Port", with effect from 1st January, 1853 and, second, the Loi relative à l'administration des pauvres des paroisses de la Campagne, 1876, with effect from 8th July, 1876, provision was made for the establishment of Conseils d'Administration pour les Pauvres in each Parish in the Island of Guernsey; in accordance with the provisions of the Loi ayant rapport à l'Administration des Pauvres de l'Île, 1925, with effect from 13th August 1925, the functions of these bodies in respect of the care

of and relief for the poor were transferred to a Conseil Central, assisted by Conseils for each Parish and a Conseil pour l'Hôpital de la Campagne; in accordance with the provisions of the Public Assistance Law, 1937, with effect from 1st January, 1938, the functions of the various Conseils ("Boards") constituted under the 1925 Loi were transferred to the States Public Assistance Authority, as constituted under the 1937 Law. In accordance with the provisions of the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 22, with effect from 6th May, 2004, references to the "States Public Assistance Authority" were substituted with references to the States Social Security Department; and the functions, rights and liabilities of the Public Assistance Authority and of its President arising under or by virtue of this Law were transferred to and vested in, respectively, the Social Security Department and its Minister by the 2003 Ordinance, section 1, Schedule 1, paragraph 22, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 thereof. In accordance with the provisions of the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 13, with effect from 1st May, 2016, references to the "Social Security Department" were substituted with references to the Committee for Employment & Social Security; and the functions, rights and liabilities of the Social Security 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 Employment & Social Security and its President or Vice-President by the 2016 Ordinance, section 1, Schedule 1, paragraph 13, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 thereof.

Responsabilité de ceux qui doivent aliments.

VI. Les personnes qui doivent les aliments en sont responsables conjointement et séparément, pourvu toujours que dans le cas où la Cour aura ordonné à l'une ou quelques-unes d'elles de payer une pension alimentaire, celles-ci auront recours légal contre les autres parents, solidairement responsables avec elles, pour le paiement ou la fourniture de leur part et portion de la dite pension alimentaire.

NOTE

The Law received Royal Sanction on 25th July, 1924 and was registered on the Records of the Island of Guernsey and came into force on 23rd August, 1924.
