

# PROJET DE LOI

ENTITLED

## **The States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970 \***

*[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. XXII, p. 521; as amended by the States Children Board (Amendment) (Bailiwick of Guernsey) Law, 1990 (Ordres en Conseil Vol. XXXII, p. 155); the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009 (No. VII of 2010). See also the Children (Guernsey and Alderney) Law, 2008 (No. XIV of 2009); 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). This Law is prospectively amended by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009 (No. VII of 2010)

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## **The States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970**

### ARRANGEMENT OF SECTIONS

#### PART I

##### *The States Children Board*

1. Establishment of the Board.
2. Constitution of the Board.
3. Transfer of functions of former Board.
4. Transitional provisions; former Board.
5. Interpretation of Part I.

#### PART II

##### *Transfer of certain functions from the Hospital Board*

6. Transfer of functions from Hospital Board.
7. Transitional provisions; Hospital Board.
8. Interpretation of Part II.

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##### *General*

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FIRST SCHEDULE	Enactments containing powers transferred under Part I of this Law.
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# PROJET DE LOI

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## **The States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970**

**THE STATES**, in pursuance of their Resolution of the twenty-ninth day of October, nineteen hundred and sixty-nine, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

### PART I

#### *The States Children Board*

#### **[Establishment of the Board.]**

1. There shall be established and constituted in accordance with the provisions of the next succeeding section a committee of the States to be styled the States Children Board (hereinafter referred to as "**the Board**") which shall exercise the powers and perform the functions conferred or imposed upon it by or under the provisions of this Part of this Law.

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#### **NOTES**

*In section 1, the marginal note was substituted by the States Children Board (Amendment) (Bailiwick of Guernsey) Law, 1990, section 1(a), with effect from 1st October, 1990.*

*In accordance with the provisions of the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004, the States Children Board has since been replaced by the Health and Social Services Department; and the functions, rights and liabilities of the States Children Board and of its President arising under or by virtue of this Law have been transferred to and vested in, respectively, the Health and Social Services Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 8, with effect from that same date, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance. In accordance with the provisions of the*

*Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016, the Health and Social Services Department has since been replaced by the Committee for Health & Social Care; and 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 have been 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.*

*In accordance with the provisions of the Children (Guernsey and Alderney) Law, 2008, section 123, Schedule, paragraph 19 (shown, incorrectly, in the printed version of the 2008 Law as paragraph 18), 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.*

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**[Constitution of the Board.]**

2. The constitution of the Board shall be such as shall, from time to time, be prescribed by the States by Resolution.]

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**NOTE**

*Section 2 was substituted by the States Children Board (Amendment) (Bailiwick of Guernsey) Law, 1990, section 1(b), with effect from 1st October, 1990, subject to the savings in section 2 of the 1990 Law.*

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**Transfer of functions of former Board.**

3. (1) The powers and functions vested in the Children Board under and by virtue of the provisions of any of the Laws set out in the First Schedule to this Law are hereby transferred to and vested in the Board.

(2) In addition to the powers and functions transferred and vested under the provisions of the last preceding subsection there are so transferred and vested all rights and liabilities enjoyed by, or incumbent on, the Children Board in, or as a result of, the exercise of those powers or functions.

**Transitional provisions; former Board.**

4. (1) Nothing done by, or in relation to, the Children Board under or as a consequence of the powers or functions transferred under the provisions of

subsection (1) of the last preceding section before the coming into force of this Part of this Law shall be invalidated by the coming into force thereof.

(2) Anything in process of being done under any of the provisions of the Laws to which subsection (1) of the last preceding section applies by, or in relation to, the Children Board at the time of the coming into force of this Part of this Law, whether by way of legal proceedings or otherwise, may be continued by, or in relation to, the Board.

### **Interpretation of Part I.**

5. In this Part of this Law the expression "**the Children Board**" means the Children Board of the States Public Assistance Authority constituted under the provisions of the Law of 1937.

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#### **NOTE**

*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, the States Public Assistance Authority has since been replaced by the Social Security Department; and the functions, rights and liabilities of the States Public Assistance Authority and of its President arising under or by virtue of this Law have been transferred to and vested in, respectively, the Social Security Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 22, with effect from that same date, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance. 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, the Social Security Department has since been replaced by 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 have been transferred to and vested in, respectively, the Committee for Employment & Social Security and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 13, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.*

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## **PART II**

### *Transfer of certain functions from the Hospital Board*

**Transfer of functions from Hospital Board.**

6. The Country Hospital Charitable Fund Law, 1958 (hereinafter referred to as **"the Law of 1958"**)<sup>a</sup>, is hereby amended as follows –

- (a) in paragraph (a) of subsection (1) of section two thereof, the words "the Hospital Board" are hereby repealed and the words "such committee of the States (hereinafter referred to as **"the Committee"**) as may, from time to time, be designated in that behalf by the States by Resolution" are hereby substituted therefor,
- (b) in paragraph (c) of subsection (1) and in subsection (2) of section two and in section three thereof the words "the Hospital Board" are hereby repealed and the words **"the Committee"** are hereby substituted therefor.

**Transitional provisions; Hospital Board.**

7. (1) Nothing done by, or in relation to, the Hospital Board under or as a consequence of the powers vested in the Hospital Board immediately before the coming into force of this Part of this Law under and by virtue of the provisions of the Law of 1958 shall be invalidated by the coming into force of this Part of this Law.

(2) Anything in the process of being done under any of the provisions of the Law of 1958 by, or in relation to, the Hospital Board at the time of the coming into force of this Part of this Law, whether by way of legal proceedings or otherwise, may be continued by, or in relation to, the Committee referred to in the Law of 1958 as amended by this Part of this Law.

**Interpretation of Part II.**

8. In this Part of this Law the expression **"the Hospital Board"** means the Hospital Board of the Public Assistance Authority constituted under the provisions of the Law of 1937.

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<sup>a</sup> Ordres en Conseil Vol. XVII, p. 500.

## PART III

### *General*

#### **Repeals.**

9. The enactments set out in the left hand column of the Second Schedule to this Law are hereby repealed to the extent set out in the right hand column of the said Schedule.

#### **General Interpretation.**

10. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"the Law of 1937" means the Public Assistance Law, 1937<sup>b</sup>,

"the States" means the States of Guernsey.

(2) Any reference in this Law to any other enactment shall be construed as a reference to that enactment as repealed and replaced, amended, extended or applied by or under any other enactment including this Law.

#### **Extent.**

11. (1) The provisions of this Law, other than Part II thereof, shall have effect throughout the Bailiwick.

(2) Part II of this Law shall have effect in the Island of Guernsey.

#### **Citation.**

12. This Law may be cited as the States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970.

#### **Commencement.**

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<sup>b</sup> Ordres en Conseil Vol. XI, p. 91.

**13.** This Law shall come into force on such day as the States may by Ordinance appoint and different days may be so appointed for the coming into force of different Parts of this Law.

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**NOTE**

*The Law was brought into force on 16th December, 1970 by the States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970 (Commencement) Ordinance, 1970, section 1.*

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FIRST SCHEDULE Section three  
ENACTMENTS CONTAINING POWERS TRANSFERRED UNDER PART I OF  
THIS LAW

The Law entitled "Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes (1917)" registered on the tenth day of February, nineteen hundred and seventeen<sup>c</sup>,

The Law entitled "Loi ayant rapport à l'Asile des Enfants" registered on the twenty-fourth day of November, nineteen hundred and twenty-eight<sup>d</sup>,

The Adoption (Guernsey) Law, 1960<sup>e</sup>,

[...]

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**NOTES**

*In the First Schedule, the words omitted in square brackets were repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 17(b), with effect from 4th January, 2010.*

*The First Schedule is prospectively amended by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009.*

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<sup>c</sup> Ordres en Conseil Vol. V, p. 342.  
<sup>d</sup> Ordres en Conseil Vol. VIII, p. 238.  
<sup>e</sup> Ordres en Conseil Vol. XVIII, p. 192.

## SECOND SCHEDULE

### REPEALS

## Section nine

Enactments	Extent of Repeal
The Public Assistance Law, 1937	<p>Sub paragraphs (a) and (d) of paragraph (2) of Article one.</p> <p>In paragraph (4) of Article two the words and comma "of the Hospital Board,"</p> <p>Article three</p> <p>Article four</p> <p>Article nine</p> <p>Article ten</p> <p>In Article eleven the words "a States-elected Member of the Hospital Board elected to the Committee by that Board" and the words "The President of the Children Board".</p> <p>Sub-paragraphs (a) and (d) of Article fifteen.</p> <p>Paragraph (2) of Article twenty-one.</p>
States Committees (Amendment) Law, 1948 <sup>g</sup>	Section two.

<sup>g</sup> Ordres en Conseil Vol. XIII, p. 245.

States Committees (Amendment) Law, 1966 <sup>h</sup>	Section three.
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<sup>h</sup> Ordres en Conseil Vol. XX, p. 135.