

ORDER IN COUNCIL

XI

1955

ratifying a *Projet de Loi*

ENTITLED

The Maintenance and Affiliation Orders (Amendment) Law, 1955.

(Registered on the Records of the Island of Guernsey
on the 18th day of June, 1955.)



1955.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 18th day of June, 1955, before Henry James Casey, Esquire, M.B.E., M.C., Lieutenant-Bailiff; present :—Sir John Leale, Arthur Falla, Walter John Sarre, Ernest Francis Lainé, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E.; Osmond Priaulx, Stephen James Falla, Esquires, Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez and Bertram Guy Blampied, Esquires, Jurats.

The Lieutenant-Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 31st day of May, 1955, ratifying a *Projet de Loi* entitled "The Maintenance and Affiliation Orders (Amendment) Law, 1955",—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court at Balmoral

The 31st day of May, 1955.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

EARL OF MUNSTER

MR. GEOFFREY LLOYD

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 10th day of May, 1955, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 6th day of October, 1954, the States of Deliberation at a meeting held on the 20th day of April, 1955, approved a Bill or “Projet de Loi” entitled “The Maintenance and Affiliation Orders (Amendment) Law, 1955” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de

Loi" of the States of Guernsey entitled "The Maintenance and Affiliation Orders (Amendment) Law, 1955" and to order that the same shall have the force of Law in the Islands of Guernsey, Herm and Jethou.'

"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."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her 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 Islands of Guernsey, Herm and Jethou.

AND HER 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 and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her 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.

W. G. AGNEW.

**Projet de Loi referred to in the foregoing
Order in Council.**

PROJET DE LOI

ENTITLED

**The Maintenance and Affiliation Orders
(Amendment) Law, 1955.**

THE STATES, in pursuance of their resolution of the 6th day of October, 1954, 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.

PART I

Maintenance Orders

1. The Law entitled "Loi relative à la Séparation de Mariés en Police Correctionnelle" registered on the Records of this Island on the 21st day of August, 1930, as amended, (hereinafter referred to as "the Separation Law") is hereby further amended as follows:—

- (a) in paragraph (c) (which relates to payments by the husband to the wife) of Article one thereof the words "or for the use of herself and such children" are hereby deleted;
- (b) in the said paragraph (c) the words "two pounds" are hereby deleted and the words "five pounds" substituted therefor;
- (c) in paragraph (c) of Article three thereof the words "two pounds" are hereby deleted and the words "five pounds" substituted therefor.

2. (1) An order under Article one of the Separation Law made on the application of a married woman,

which contains a provision committing the legal custody of any children of the marriage to the applicant, may, in addition to any other provision authorised by the Separation Law, include a provision that the husband shall pay to the applicant or to a third person on her behalf, a weekly sum not exceeding thirty shillings for the maintenance of each such child until such child attains the age of sixteen years.

(2) Any such order made before the passing of this Law may be varied, on the application of the married woman, so as to include from the date of the variation of the order such a provision for the maintenance of the children as aforesaid.

(3) In Article five of the Separation Law the words "of two pounds" are hereby deleted and the words "which may be ordered to be paid under the provisions of this Law" are hereby substituted therefor.

3. (1) The court may vary an order made by virtue of the provisions of the last preceding section, notwithstanding anything in that section, in accordance with the following provisions of this section.

(2) If, upon the application of the married woman, it appears to the court that a child for whose maintenance provision is made by the order is or will be engaged in a course of education or training after attaining the age of sixteen years and that it is expedient for that purpose that the payments required by the order should continue, the court may direct that those payments shall continue for such period after the child attains that age, not exceeding two years from the date of the order, as may be specified in the order.

(3) The period specified in an order made under the foregoing provisions of this section may, from

time to time, be extended by a subsequent order made thereunder but shall not be extended beyond the date when the child attains the age of twenty years.

PART II

Affiliation Orders

4. In Article two and Article five of the Law entitled "Loi relative à l'entretien des Enfants Illégitimes, 1927" (hereinafter referred to as "the Illegitimacy Law") the words "ten shillings" are hereby deleted and the words "thirty shillings" substituted therefor.

5. (1) The power under Article three and Article five of the Illegitimacy Law to vary or revive an affiliation order shall, notwithstanding anything in those Articles, include the power to vary or revive it in accordance with the following provisions of this section.

(2) If, upon the application of the mother of the child in respect of whom the affiliation order was made, it appears to the Court that a child is or will be engaged in a course of education or training after attaining the age of sixteen years and that it is expedient for that purpose for payments to be made under the order after the child attains that age then, subject to the provisions of the next succeeding subsection, the Court may by order direct that payments shall be so made for such period not exceeding two years from the date of the order as may be specified in the order.

(3) The period specified in an order made by virtue of the foregoing provisions of this section may from time to time be extended by a subsequent order so made but shall not in any case extend beyond the date when the child attains the age of twenty years.

PART III

Citation and Construction.

6. This Law and the Separation Law shall be construed as one and may be cited together as the Separation Laws, 1930 and 1955.

7. This Law and the Illegitimacy Law shall be construed as one and may be cited together as the Illegitimacy Laws, 1927 and 1955.

JAMES E. LE PAGE,

Her Majesty's Greffier.