

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Adoption (Guernsey) Law, 1966

(Registered on the Records of the Island of Guernsey
on the 26th day of July, 1966.)



1966.

VIII

1966

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 26th day of July, 1966, before Sir William Arnold, Kt., C.B.E., C. St. J., Bailiff; present:—
Bertram Guy Blampied, Claude Fortescue
Nason, Stanley Walter Gavey, Esquires, Gilbert
Carey de Jersey, Esquire, C.B., Carl Edward
Blad, Albert Victor Dorey and William Burton
Fox, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 5th day of July, 1966, ratifying a *Projet de Loi* entitled "The Adoption (Guernsey) Law, 1966", 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 Buckingham Palace

The 5th day of July, 1966.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

MR. SECRETARY HUGHES

MISS HERBISON

MR. BENN

MR. SILKIN

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 27th day of June, 1966, 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 3rd day of February, 1965, the States of Deliberation at a meeting held on the 30th day of March, 1966, approved a Bill or “Projet de Loi” entitled “The Adoption (Guernsey) Law, 1966” 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 Adoption (Guernsey) Law, 1966" and to order that the same shall have 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 Adoption (Guernsey) Law, 1966

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.

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.

Extension of
enactments
referring to
adoption.

(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

(a) Ordres en Conseil Vol. XVIII, p. 192.

made in any part of the United Kingdom, in the Isle of Man or in the Island of Jersey.

(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.

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.

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.

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

(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 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.

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.

R. H. VIDELO,

Her Majesty's Greffier.