

PROJET DE LOI

ENTITLED

Loi relative à l'Entretien des Enfants Illégitimes, 1927 *

[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. VIII, p. 130; as amended by the Public Assistance Law, 1937 (Ordres en Conseil Vol. XI, p. 91); the Maintenance and Affiliation Orders (Amendment) Law, 1955 (Ordres en Conseil Vol. XVI, p. 173); the Maintenance and Affiliation Orders (Amendment) Law, 1962 (Ordres en Conseil Vol. XIX, p. 21); the Decimal Currency (Bailiwick of Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 560); the Maintenance and Affiliation Orders (Amendment) (Guernsey) Law, 1984 (Ordres en Conseil Vol. XXVIII, p. 418); the Illegitimacy (Amendment) (Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 337); the Domestic Proceedings and Magistrate's Court (Guernsey) Law, 1988 (Ordres en Conseil Vol. XXXI, p. 171); the Domestic Proceedings and Magistrate's Court (Amendment) (Guernsey) Law, 1992 (No. II of 1992, Ordres en Conseil Vol. XXXIV, p. 129); the Maintenance and Affiliation Orders (Maximum Weekly Payments) Ordinance, 1975 (Recueil d'Ordonnances Tome XX, p. 145); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009 (No. VII of 2010); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Guernsey) Ordinance, 2017 (No. ** of 2017). 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 Loi ayant rapport aux Débiteurs et à la Renonciation (Ordres en Conseil Vol. VIII, p. 310); the Public Assistance Law, 1937 (*supra*); the Reform (Guernsey) Law, 1948 (Ordres en Conseil Vol. XIII, p. 288); the Supplementary Benefit (Guernsey) Law, 1971 (Ordres en Conseil Vol. XXIII, p. 26); the Social Insurance (Guernsey) Law, 1978 (Ordres en Conseil Vol. XXVI, p. 292); the Children (Guernsey and Alderney) Law, 2008 (No. XIV of 2009); the Magistrate's Court (Guernsey) Law, 2008 (No. XVIII of 2009); the Ordonnance relative à l'Entretien des Enfants Illégitimes (Recueil d'Ordonnances Tome VI, p. 178).

PROJET DE LOI

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Loi relative à l'Entretien des Enfants Illégitimes, 1927

ARRANGEMENT OF ARTICLES

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- 1A. Applications under Article 1.
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PROJET DE LOI

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Loi relative à l'Entretien des Enfants Illégitimes, 1927

Application to Magistrate for summons to be served on the man alleged to be the father of [an illegitimate child].

1. Any single woman, who may be with child or who may be delivered of [an illegitimate child] after the passing of this law, may, either before the birth or at any time within twelve months from the birth of such child, or at any time thereafter, [...] make application to the Magistrate for a summons to be served on the man alleged by her to be the father of the child, and upon such application being made the woman shall make a deposition upon oath stating who is the father of such child, and the Magistrate shall thereupon order that a summons shall be issued to the person alleged to be the father of such child to appear before him on the day and hour specified in such summons.

The expression, **any single woman**, shall include a widow or a married woman living apart from her [spouse], if the child of such married woman is the offspring of an adulterous intercourse.

NOTES

In Article 1,

the words "an illegitimate child" in square brackets, wherever occurring, have been substituted in accordance with the provisions of the Domestic Proceedings and Magistrate's Court (Amendment) (Guernsey) Law, 1992, section 2(e), with effect from 25th August, 1992;

the words omitted in the second pair of square brackets were repealed by the Domestic Proceedings and Magistrate's Court (Amendment) (Guernsey) Law, 1992, section 2(a), with effect from 25th August, 1992;

the word in square brackets in the second paragraph was substituted by the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Guernsey) Ordinance, 2017, section 1, Schedule 1, Part I, paragraph 2, with effect from 2nd May, 2017.

The Law is applied to the Island of Herm by the Herm Laws Ordinance,

1948, Article 1, Schedule, Part ID, with effect from 13th March, 1948.

The following cases have referred to this Law:

A. v. B. (1993) 15.GLJ.9;
A. v. B. (1993) 16.GLJ.8;
A v. B 2007–08 GLR N-22.

In accordance with the provisions of the Children (Guernsey and Alderney) Law, 2008, section 123, Schedule, paragraph 9, 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.

In accordance with the provisions of the Supplementary Benefit (Guernsey) Law, 1971, section 19(1)-(3), with effect from 11th June, 1971, where a supplementary benefit is paid under the provisions of that Law by reference to the requirements of an illegitimate child, and if no affiliation order is in force, the Committee for Employment & Social Security may within three years from the date of the commencement of the payment of the supplementary benefit make application to the Court for a summons to be served under this Article; and in any such application the Court shall hear such evidence as that Committee may produce in addition to the evidence required by the Court under Article 2 of this Law and shall in all other respects, but subject to the provisions of section 19(4) of the 1971 Law, proceed as on an application made by the mother under this Article.

In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 2008, section 47(3), with effect from 1st September, 2009, the references in this Article to the "Magistrate" shall be construed as references to a Judge of the Magistrate's Court within the meaning of the 2008 Law.

In accordance with the provisions of the Ordonnance relative à l'Entretien des Enfants Illégitimes¹, where a single woman has made application to a Judge of the Magistrate's Court for a summons to be served on the man alleged by her to be the father of the child, and the Judge has ordered that a summons shall be issued to such man to appear before him on the day and hour specified in the summons, such summons and the proceedings consequent thereon shall not be withdrawn and no settlement of the action shall be made without the sanction of the Judge.

[Applications under Article 1.

1A. An application may be made under Article 1 of this Law by a woman who was a single woman at the date of the birth of the child whether or not she is a single woman at the time of the application.]

NOTES

Article 1A was inserted by the Illegitimacy (Amendment) (Guernsey) Law, 1986, section 1, with effect from 16th December, 1986.

[Article 2.]

2. (1) After the birth of the said child the Magistrate shall, upon the appearance of the man so summoned, or upon proof that the summons was duly served on him or was left at his usual or last-known place of abode in either case not less than three clear days prior to the date of the hearing, hear any evidence tendered by or on behalf of the parties.

(2) The Magistrate may, if the mother's evidence is satisfactorily corroborated in some material particular, adjudge the man to be the child's putative father.

(3) The Magistrate may thereupon, having regard to all the circumstances of the case, order the putative father to make such periodical payments for such term (which may run from the date of the summons), or to pay such lump sum, or both, as the Magistrate thinks fit in respect of the child's maintenance and education, the expenses incidental to its birth, its funeral expenses (if it has died before the making of the order) and the costs incurred in obtaining the order.

(4) If the summons is issued within two months of the child's birth, such financial provision may, if the Magistrate thinks fit, be calculated from the date of birth.

(5) Sections 2(2) and (3), 3(1) and (3), 4(4) to (7), 18(1) and (3) to (7)(a), 19, 24, 26 to 29, 30(1) to (3), (5) and (6), 31(1), (3), (4) and (8) and 32 of the Domestic Proceedings and Magistrate's Court (Guernsey) Law, 1988, as amended, shall apply in relation to an order under this Law for the making of periodical payments or for the payment of a lump sum as they apply respectively in relation to an order under section 2(1)(a)(iii) or (iv) of the said Law of 1988; and references in those sections (however expressed) to the parties to the marriage or to any child of the family shall be construed respectively as references to the mother and putative father and to the child in question.]

NOTES

Article 2 was substituted by the Domestic Proceedings and Magistrate's Court (Amendment) (Guernsey) Law, 1992, section 2(b), with effect from 25th August, 1992.²

In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 2008, section 47(3), with effect from 1st September, 2009, the references in this Article to the "Magistrate" shall be construed as references to a Judge of the Magistrate's Court within the meaning of the 2008 Law.

In accordance with the provisions of the Social Insurance (Guernsey) Law, 1978, section 29(2)(a), with effect from 1st January, 1979, the fact that the mother of an illegitimate child is entitled to maternity benefit shall not be taken into consideration by the Magistrate's Court in deciding whether or not to make an order under this Law.

In accordance with the provisions of the Supplementary Benefit (Guernsey) Law, 1971, section 19(4), with effect from 11th June, 1971, an order made hereunder may, on an application made by the Committee for Employment & Social Security under section 19(2) or (5) of the 1971 Law, be made so as to provide that the payments or a part of the payments to be made hereunder shall be made to that Committee or to such other person as the Court may direct; and, in accordance with the provisions of section 19(6) of the 1971 Law, an order made hereunder, whether made before or after that date, may, on the application of that Committee, be varied as so provided in that subsection.

Payment limited to the age of fourteen years.

3. ...

NOTE

Article 3 was repealed by the Domestic Proceedings and Magistrate's Court (Amendment) (Guernsey) Law, 1992, section 2(c), with effect from 25th August, 1992.³

Payment under an order.

4. ...

NOTE

Article 4 was repealed by the Domestic Proceedings and Magistrate's Court (Amendment) (Guernsey) Law, 1992, section 2(c), with effect from 25th August, 1992.

[Illegitimate child] chargeable under Poor Law.

5. (1) When [an illegitimate child] becomes chargeable under the Poor Law to the States of the Island, [the President] or other member of the [Committee for Employment & Social Security], duly authorised by [the Committee] for the purpose, may apply to the Magistrate and thereupon the Magistrate may summon the man alleged to be the father of the child to appear before him to show cause why an order should not be made against him to contribute towards the relief of the child, and upon his appearance or on proof that the summons was duly served on him, or left at his place of abode six days at least before the day appointed for his appearance, the Magistrate shall hear the evidence of the mother and such other evidence as she or the [Committee for Employment & Social Security] may produce, and shall also hear evidence tendered by or on behalf of the person alleged to be the father, and if the evidence of the mother be corroborated in some material particular by other evidence to the satisfaction of the Magistrate, he may adjudge the man to be the putative father of such [illegitimate child], and he may make an order upon such putative father to pay to the [Committee for Employment & Social Security] such sum, weekly or otherwise towards the relief of the child during such time as the child shall continue or afterwards be chargeable, as shall appear to the Magistrate to be proper; and any payment so ordered to be made shall be recoverable by the [Committee for Employment & Social Security] in the manner provided by Article 2 of this law for the recovery of payments under an order obtained by the mother:

Provided as follows –

- (1) that subject to the provisions of section (2) of this article no payments shall be recoverable under such order except in respect of the time during which the child is actually in receipt of relief,
- (2) that an order under this article shall not be made, and if made, shall cease except for the recovery of arrears, when the mother of the child has obtained an order under this law,
- (3) that nothing in this law shall be deemed to relieve the mother of [an illegitimate child] from her liability to maintain such child,

- (4) that if, after an order has been made under this Article, the mother should apply for an order under Article 1 of this law, the order made under this Article shall be *prima facie* evidence that the man upon whom the order is made is the father of the child.

(2) Where an order has been made in pursuance of section (1) of this Article the Magistrate may, on the application of the [Committee for Employment & Social Security], the mother or any [person having parental responsibility in respect of the child under the Children (Guernsey and Alderney) Law, 2008], vary such order by providing for the continuance thereof after the child has ceased to be chargeable to the States, and for the purposes of the continuance of the order may alter the amount of the sums payable thereunder and order that payments becoming due thereunder shall be paid to the mother or [person having parental responsibility in respect of the child.]

[...]

NOTES

In Article 5,

the words "Illegitimate child" and "an illegitimate child" in square brackets, wherever occurring, have been substituted in accordance with the provisions of the Domestic Proceedings and Magistrate's Court (Amendment) (Guernsey) Law, 1992, section 2(e), with effect from 25th August, 1992;

the words, first, "the President" and "Committee for Employment & Social Security" and, second, "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 2, Schedule 1, paragraph 13 and section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;⁴

the words in the second and third pairs of square brackets in section (2) were substituted by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, respectively paragraph 6(a) and paragraph 6(b), with effect from 4th January, 2010;

the words omitted in the fourth pair of square brackets in section (2) were repealed by the Domestic Proceedings and Magistrate's Court (Amendment) (Guernsey) Law, 1992, section 2(d), with effect from 25th August, 1992.⁵

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 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.⁶

In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 2008, section 47(3), with effect from 1st September, 2009, the references in this Article to the "Magistrate" shall be construed as references to a Judge of the Magistrate's Court within the meaning of the 2008 Law.

The Loi ayant rapport à l'Administration des Pauvres de l'Île, 1925 (the "Poor Law") has since been repealed by the Public Assistance Law, 1937, Article XXV, Second Schedule, with effect from 22nd October, 1937.

Article 6.

6. When and so often as [an illegitimate child] for whose maintenance an order has been made by the Magistrate on the application of the mother shall become chargeable under the Poor Law to the States, the Magistrate may, if he shall see fit, make an order appointing the Procureur of the Poor of the parish in which the mother resides or some other officer nominated for the purpose by the States [Committee for Employment & Social Security] to receive such proportion of the payments then due or becoming due under the said order as may accrue during the period for which such child is chargeable and such appointment shall remain in force for one whole year, and may afterwards from time to time be renewed by the Magistrate for the like period; and any payment so ordered to be made shall be recoverable by the Procureur of the Poor or other officer so nominated by the States [Committee for Employment & Social Security] in the manner provided for the recovery of payments under an order obtained by the mother under Article 2 of this law.

NOTES

In Article 6,

the words "an illegitimate child" in square brackets have been substituted in accordance with the provisions of the Domestic Proceedings and Magistrate's Court (Amendment) (Guernsey) Law, 1992, section 2(e), with effect from 25th August, 1992;

the words "Committee for Employment & Social Security" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule

1, paragraph 13, with effect from 1st May, 2016.⁷

*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 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.*⁸

In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 2008, section 47(3), with effect from 1st September, 2009, the references in this Article to the "Magistrate" shall be construed as references to a Judge of the Magistrate's Court within the meaning of the 2008 Law.

In accordance with the provisions of the Public Assistance Law, 1937, Article XVII(1), with effect from 19th December, 2006, the Douzaine of any Parish may by written resolution determine the manner in which, and by whom, all or any of the functions of the office of Procureur of the Poor, shall be carried out at any time upon and after the 1st January, 2007; in which case the provisions of paragraph (2) of that Article, and of the First Schedule to that Law, shall apply in respect of the office, or offices, so established. Absent such written resolution, in accordance with the provisions of Article XVII(4) of the 1937 Law, the Constables, for the time being of the Parish to which the functions of the office of Procureur of the Poor relate, may carry out those functions.

The Loi ayant rapport à l'Administration des Pauvres de l'Île, 1925 (the "Poor Law") has since been repealed by the Public Assistance Law, 1937, Article XXV, Second Schedule, with effect from 22nd October, 1937.

Renunciation or cession shall not release putative father from liability for payment.

7. When the Magistrate shall have made an order against the putative father of [an illegitimate child] and such putative father shall thereafter be admitted to the benefit of renunciation or cession or shall make a composition with his creditors which shall be binding on them, such renunciation, cession or composition shall not release him from liability for payment of the money due under the order so made by the Magistrate except to such an extent and under such conditions as the Court may expressly order in respect of such liability.

NOTES

In Article 7, the words "an illegitimate child" in square brackets have been substituted in accordance with the provisions of the Domestic Proceedings and Magistrate's Court (Amendment) (Guernsey) Law, 1992, section 2(e), with effect from 25th August, 1992.

In accordance with the provisions of the Loi ayant rapport aux Débiteurs et à la Renonciation, 1929 (the Law relating to Debtors and Renunciation), Article V, with effect from 30th September, 1929, cession has been abolished.

In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 2008, section 47(3), with effect from 1st September, 2009, the references in this Article to the "Magistrate" shall be construed as references to a Judge of the Magistrate's Court within the meaning of the 2008 Law.

Persons subject to the Army, Naval or Air Force Acts.

8. (1) A person subject to the Army Act, 1881 (44 and 45 Vict. Ch. 58) or to the Naval Discipline Act or to the Air Force (Annual) Act, as amended by any enactments for the time being in force, shall be liable to contribute to the maintenance of any [illegitimate child] of which he may be proved to be the father to the same extent as if he were not so subject, but execution of any order in respect of such liability shall not issue against his person, pay, arms, ammunition, equipments, instruments, regimental necessities or clothing.

(2) Where an order is made under this law for payment by a person subject to the above Acts of the cost of the maintenance of any [illegitimate child] of whom he is the putative father, a copy of such order shall be sent by H.M.'s Greffier to the Lieutenant-Governor.

(3) No proceedings under this law shall be valid against a person subject to the above Acts if served after such person is under orders for service beyond the sea.

NOTE

In Article 8, the words "illegitimate child" in square brackets, wherever occurring, have been substituted in accordance with the provisions of the Domestic Proceedings and Magistrate's Court (Amendment) (Guernsey) Law, 1992, section 2(e), with effect from 25th August, 1992.

Orders made prior to the operation of this law.

9. ...

NOTE

Article 9 was repealed by the Domestic Proceedings and Magistrate's Court (Amendment) (Guernsey) Law, 1992, section 2(c), with effect from 25th August, 1992.

Appeal to Royal Court.

10. ...

NOTE

Article 10 was repealed by the Domestic Proceedings and Magistrate's Court (Amendment) (Guernsey) Law, 1992, section 2(c), with effect from 25th August, 1992.⁹

Ordinances.

11. The Royal Court is hereby authorised to pass all and such Ordinances as may be deemed necessary for the purpose of carrying out this law and of regulating the legal procedure and the scale of costs payable under it.

NOTES

The following Ordinance has been made under Article 11:

Ordonnance relative à l'Entretien des Enfants Illégitimes.¹⁰

In accordance with the provisions of the Reform (Guernsey) Law, 1948, Article 63, with effect from 17th January, 1949, the powers and functions of a legislative nature previously exercised by the Royal Court (save for the making, variation, modification and revocation of Rules of Procedure) were transferred to and vested in the States of Deliberation, and thenceforth any enactment conferring power on the Royal Court to exercise any such powers and functions by way of Ordinance shall be construed as having conferred the like power on the States of Deliberation or on the States Policy & Resources Committee, as the case may be.

Law of 1868 repealed.

12. The law intituled "Loi relative à l'entretien des enfants illégitimes" sanctioned by an Order of Her Late Majesty Queen Victoria in Council dated the 29th day of February, 1868, registered on the Records of this Island on the 14th day of March, 1868, is hereby repealed.

NOTE

The Law received Royal Sanction on 13th May, 1927 and was registered on the Records of the Island of Guernsey and came into force on 4th June, 1927.

¹ Recueil d'Ordonnances Tome VI, p. 178; the Ordinance was made and came into operation on 28th April, 1928; and was renewed as a permanent Ordinance on 18th January, 1932.

² Prior to its substitution, Article 2 was amended by the Maintenance and Affiliation Orders (Amendment) Law, 1955, section 4, with effect from 18th June, 1955; the Maintenance and Affiliation Orders (Amendment) Law, 1962, section 3(a), with effect from 20th February, 1962; the Maintenance and Affiliation Orders (Amendment) (Guernsey) Law, 1984, section 3(a), with effect from 3rd April, 1984; the Domestic Proceedings and Magistrate's Court (Guernsey) Law, 1988, section 36, Schedule 1, with effect from 5th December, 1989; and amended in accordance with the provisions of the Decimal Currency (Bailiwick of Guernsey) Law, 1970, section 8, with effect from 15th February, 1971; the Maintenance and Affiliation Orders (Maximum Weekly Payments) Ordinance, 1975, section 3(1), with effect from 30th July, 1975.

³ Prior to its repeal, Article 3 was amended by the Domestic Proceedings and Magistrate's Court (Guernsey) Law, 1988, section 36, Schedule 1, with effect from 5th December, 1989.

⁴ These words were previously substituted in accordance with the provisions of the Public Assistance Law, 1937, Article I(1), with effect from 13th November, 1937; and the words "Minister" and "Social Security Department" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 22, with effect from 6th May, 2004.

⁵ Prior to their repeal, these words were amended, in part, by the Maintenance and Affiliation Orders (Amendment) Law, 1955, section 4, with effect from 18th June, 1955; the Maintenance and Affiliation Orders (Amendment) Law, 1962, section 3(b), with effect from 20th February, 1962; the Maintenance and Affiliation Orders (Amendment) (Guernsey) Law, 1984, section 3(b), with effect

from 3rd April, 1984; the Domestic Proceedings and Magistrate's Court (Guernsey) Law, 1988, section 36, Schedule 1, with effect from 5th December, 1989; and amended in accordance with the provisions of the Decimal Currency (Bailiwick of Guernsey) Law, 1970, section 8, with effect from 15th February, 1971; the Maintenance and Affiliation Orders (Maximum Weekly Payments) Ordinance, 1975, section 3(2), with effect from 30th July, 1975.

⁶ The functions, rights and liabilities of the Social Security Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Public Assistance Authority and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 22, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions, rights and liabilities of the Public Assistance Authority and of its President arising under or by virtue of this Law were previously transferred to it from the Central Board for the Administration of the Poor by the Public Assistance Law, 1937, Article I(1), with effect from 13th November, 1937.

⁷ These words were previously substituted in accordance with the provisions of the Public Assistance Law, 1937, Article I(1), with effect from 13th November, 1937; and by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 22, with effect from 6th May, 2004.

⁸ The functions, rights and liabilities of the Social Security Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Public Assistance Authority and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 22, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions, rights and liabilities of the Public Assistance Authority and of its President arising under or by virtue of this Law were previously transferred to it from the Central Board for the Administration of the Poor by the Public Assistance Law, 1937, Article I(1), with effect from 13th November, 1937.

⁹ Prior to its repeal, Article 10 was amended by the Domestic Proceedings and Magistrate's Court (Guernsey) Law, 1988, section 36, Schedule 1, with effect from 5th December, 1989.

¹⁰ Recueil d'Ordonnances Tome VI, p. 178; the Ordinance was made and came into force on 28th April, 1928; and was renewed as a permanent Ordinance on 18th January, 1932.