

# PROJET DE LOI

ENTITLED

## **The Children and Young Persons (Guernsey) Law, 1967 \***

[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.*

---

\*

Ordres en Conseil Vol. XXI, p. 34; as amended by the States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 521); the Children and Young Persons (Amendment) (Guernsey) Law, 1971 (Ordres en Conseil Vol. XXIII, p. 3); the States Supervisor and Treasurer of the States (Transfer of Functions) Law, 1971 (Ordres en Conseil Vol. XXIII, p. 188); the Child Protection (Guernsey) Law, 1972 (Ordres en Conseil Vol. XXIII, p. 238); the Children and Young Persons (Amendment) (Guernsey) Law, 1985 (Ordres en Conseil Vol. XXIX, p. 124); the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Juvenile Court (Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 326); the Children and Young Persons (Miscellaneous Provisions) (Guernsey) Law, 1991 (No. XIX of 1991); the Children and Young Persons (Amendment) (Guernsey) Law, 1997 (No. XXIX of 1997, Ordres en Conseil Vol. XXXVII, p. 504); the Children and Young Persons (Amendment) (Guernsey) Law, 2000 (No. III of 2001, Ordres en Conseil Vol. XLI, p. 151); 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). See also the Deputy Bailiff (Guernsey) Law, 1969 (Ordres en Conseil Vol. XXII, p. 122); the Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); the Children and Young Persons (Miscellaneous Provisions) (Guernsey) Law, 1991 (No. XIX of 1991); the Government of Alderney Law, 2004 (No. III of 2005); the Children (Guernsey and Alderney) Law, 2008 (No. XIV of 2009); the Magistrate's Court (Guernsey) Law, 2008 (No. XVIII of 2009). This Law is prospectively amended by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009 (No. VII of 2010).

© States of Guernsey

# PROJET DE LOI

ENTITLED

## **The Children and Young Persons (Guernsey) Law, 1967**

### ARRANGEMENT OF SECTIONS

#### PART I INTERPRETATION

1. Interpretation.

#### PART II

...

2. ...
3. ...
4. ...

#### PART III

...

5. ...
- 5A. ...

#### PART IV FIT PERSONS ORDERS, SUPERVISION ORDERS, SPECIAL CARE ORDERS AND RECOGNISANCES

6. ...
7. Committal to the Committee for Health & Social Care as a "fit person".
8. General provisions as to children and young persons committed to the care of fit persons.
9. Escapes from care of fit persons.
10. ...
11. Special care orders.
12. ...
13. Escapes from care of local authority, etc.
14. ...

#### PART V

PROVISIONS RELATING TO PROCEEDINGS IN CONNECTION  
WITH CHILDREN AND YOUNG PERSONS

- 15. Age of criminal responsibility.
- 16. ...
- 17. Attendance at court of parent or guardian of child or young person brought before a court.
- 18. Process to enforce attendance before a court.
- 19. Power to proceed with case in absence of child or young person.
- 20. ...
- 21. ...
- 22. ...
- 23. Newspaper and broadcast reports of proceedings involving children and young persons.

PART VI  
MISCELLANEOUS PROVISIONS

- 24. ...
- 25. ...
- 26. ...
- 27. ...
- 28. Contributions to be made by parents of children or young persons committed to the care of fit persons or made subject to special care orders, etc.
- 29. Duty of parents to notify changes of address.
- 30. ...
- 31. Recovery of arrears of contributions.
- 32. Variation of trusts for maintenance of child or young person.
- 33. Power of the States to make Ordinances with respect to children and young persons committed to the care of fit persons or boarded-out by the Committee for Health & Social Care.
- 34. ...
- 35. Rules of procedure.
- 36. Appeals.

PART VII  
AMENDMENTS, REPEALS, TRANSITIONAL PROVISIONS,  
CITATION, COMMENCEMENT AND EXTENT

- 37. Amendments, repeals and transitional provisions.
- 38. Citation, commencement and extent.

FIRST SCHEDULE	Serious offences against children and young persons.
SECOND SCHEDULE	Amendments and repeals.
Part I	Amendments.
Part II	Repeals.

THIRD SCHEDULE  
FOURTH SCHEDULE

Transitional provisions.

Application of this Law to the Island of Alderney and the Island of Sark.

Part I

Exceptions, adaptations and modifications in application to the Island of Alderney.

Part II

Application to the Island of Sark.

# PROJET DE LOI

ENTITLED

## **The Children and Young Persons (Guernsey) Law, 1967**

**THE STATES**, in pursuance of their Resolution of the thirtieth day of March, nineteen hundred and sixty-six, 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 INTERPRETATION

#### **Interpretation.**

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

[ ... ]

[ ... ]

**"Chief Officer of Police"** means the Chief Officer of the salaried police force of the Island of Guernsey,

**"child"** means a person under the age of fourteen years,

**"the [Committee for Health & Social Care]"** means the [States [Committee for Health & Social Care]],

**"guardian"**, in relation to a child or young person, includes any person who, in the opinion of the court, has for the time being the charge of or control over the child or young person,

**"Her Majesty's Procureur"** includes Her Majesty's Comptroller,

**"the Island of Guernsey"** includes the Island of Herm and the Island of Jethou,

[ **"juvenile"** means a person under the age of 17 years,]

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

**"the Law of 1928"** means 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>c</sup>,

[ **"local authority"** means a local authority authorised by the Secretary of State under subsection (2) of section twenty-six of the Children and Young Persons Act 1969 to receive into its care any person named in such authorisation,]

**"Magistrate"** means the Magistrate or any Acting Magistrate

---

<sup>b</sup> Ordres en Conseil Vol. V, p. 345.

<sup>c</sup> Ordres en Conseil Vol. VIII, p. 238; Vol. XI, p. 91.

appointed under the Magistrate's Court (Guernsey) Law, 1954<sup>d</sup>,

**"officer of police"** means a member of the salaried police force of the Island of Guernsey and includes, in relation to the Island of Sark, the Constable and Vingtenier,

**"place of safety"** has the meaning assigned to it by the Law of 1917,

**"prescribed"** means prescribed by rules made under section thirty-five of this Law (which relates to rules of procedure),

**"probation order"** has the meaning assigned to it by Article 2 of the Law entitled "Loi relative à la Probation de Délinquants" registered on the twenty-third day of November, nineteen hundred and twenty-nine<sup>e</sup>,

[ **"special care order"** means an order made by a court committing any person to the care of the [Committee for Health & Social Care] and requiring the [Committee for Health & Social Care] to transfer that person to the care of a local authority,]

**"supervision order"** means an order under this Law placing a child or young person under the supervision of a probation officer or of some other person appointed for the purpose by the [Juvenile Court],

**"young person"** means a person who has attained the age of fourteen years and is under the age of seventeen years.

(2) Except where the context otherwise requires, any reference in

---

<sup>d</sup> Ordres en Conseil Vol. XVI, p. 103.

<sup>e</sup> Ordres en Conseil Vol. VIII, p. 363.



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

(3) The Interpretation (Guernsey) Law, 1948<sup>f</sup>, shall apply to the interpretation of this Law throughout the Bailiwick of Guernsey.

---

## NOTES

*Section 1 was repealed, in respect of the Islands of Guernsey, Alderney, Herm and Jethou, by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(b), with effect from 4th January, 2010.*

*In section 1,*

*the words omitted in the first and second pairs of square brackets in subsection (1) were repealed by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(1)(b)(i), with effect from 1st May, 1971;*

*the words "Committee for Health & Social Care" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;<sup>1</sup>*

*the word in the second pair of square brackets in the definition of the expression "Committee for Health & Social Care" in subsection (1) was substituted consequentially upon the amendments made by section 3 of, and the First Schedule to, the States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970, with effect from 16th December, 1970;*

*the definition of the expression "juvenile" in subsection (1) was inserted by the Juvenile Court (Guernsey) Law, 1989, section 8(1)(d), with effect from 1st October, 1990;*

*the definitions of the expressions "local authority" and "special care order" in subsection (1) were inserted by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, respectively section 1(1)(b)(ii) and section 1(1)(b)(iii), with effect from 1st May, 1971;*

*the words in square brackets in the definition of the expression*

---

<sup>f</sup> Ordres en Conseil Vol. XIII, p. 355.

*"supervision order" in subsection (1) were substituted by the Juvenile Court (Guernsey) Law, 1989, section 8(1)(a), with effect from 1st October, 1990.*

*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 were 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.<sup>2</sup>*

*The following cases have referred to this Law:*

*B v. States Children Board (1996) 21.GLJ.8;*

*Re K (an Infant) (2005) (Unreported, Juvenile Court, 14th March) (Guernsey Judgment No. 15/2005).*

*In accordance with the provisions of the Children (Guernsey and Alderney) Law, 2008, section 123, Schedule, paragraph 17 (shown, incorrectly, in the printed version of the 2008 Law as the second paragraph 16), 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 Magistrate's Court (Guernsey) Law, 2008, section 47(3), with effect from 1st September, 2009, the references in this section to the "Magistrate" and "Acting Magistrate" shall be construed as references to, respectively, a Judge and a Deputy Judge of the Magistrate's Court within the meaning of the 2008 Law.*

*In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.*

*The Magistrate's Court (Guernsey) Law, 1954 has since been repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(b), with effect from 1st September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.*

*The Loi relative à la Probation de Délinquants, 1929 has since been repealed by the Probation (Bailiwick of Guernsey) Law, 2018, section 21(1), with effect from 17th October, 2019.*

*The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.*

PART II  
CHILDREN AND YOUNG PERSONS IN NEED OF CARE, PROTECTION OR  
CONTROL

**[Children and young persons in need of care, protection or control.]**

2. ...]

---

**NOTE**

*Part II, and section 2 thereof (which latter was originally substituted by the Children and Young Persons (Amendment) (Guernsey) Law, 2000, section 1, with effect from 6th March, 2001), were repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010.<sup>3</sup>*

---

**Powers of the Juvenile Court in respect of children and young persons in need of care, protection or control.**

3. ...

---

**NOTE**

*Section 3 was repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.<sup>4</sup>*

---

**Powers of Juvenile Court to deal with persons in the care of the [Health and Social Services Department].**

4. ...

---

**NOTES**

*Section 4 was repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.<sup>5</sup>*

*In accordance with the provisions of the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016 and subject to the savings and transitional provisions in section 3 of the 2016 Ordinance, the Health and Social Services Department has since been replaced by the Committee for Health & Social Care.*

---

### PART III

#### POWERS IN RESPECT OF JUVENILE OFFENDERS

**Power to make special care orders in respect of juvenile offenders or to commit them to fit persons.**

5. ...

---

#### NOTE

*Part III, and section 5 thereof, were repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.<sup>6</sup>*

---

**[Failure to comply with the requirements of a supervision order made in criminal proceedings.**

5A. ...]

---

#### NOTE

*Section 5A (which was originally inserted by the Juvenile Court (Guernsey) Law, 1989, section 8(1)(g), with effect from 1st October, 1990) was repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney)*

*Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.*

---

#### PART IV

#### FIT PERSONS ORDERS, SUPERVISION ORDERS, [SPECIAL CARE ORDERS] AND RECOGNISANCES

#### **Provisions as to the making, duration and effect of orders of committal to fit persons.**

6. ...

---

#### NOTES

*The words in square brackets in the heading to Part IV were substituted by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(2), Schedule, paragraph 3, with effect from 1st May, 1971.*

*Section 6 was repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.*

---

#### **Committal to the [Committee for Health & Social Care] as a "fit person".**

7. (1) ...

(2) ...

(3) Where a child or young person has by an order of any court under this Law[, other than a special care order,] been committed to the care of the [Committee for Health & Social Care], then, if it appears to the [Committee for Health & Social Care] that it will or may be for the benefit of the child or young person so to do, the [Committee for Health & Social Care] may, notwithstanding

anything in this Law or in the order, but without prejudice to the powers of the [Committee for Health & Social Care] in relation to the child or young persons by virtue of the order, allow, until the [Committee for Health & Social Care] otherwise determines, the child or young person to be under the charge and control of a parent, guardian, relative or friend.

(4) In respect of any period during which, under the last preceding subsection a child or young person who has been committed as aforesaid to the care of the [Committee for Health & Social Care] is allowed by the [Committee for Health & Social Care] to be under the control of a parent, guardian, relative or friend of the child or young person –

(a) no contributions shall be payable under any order made in respect of the child or young person under section twenty-eight of this Law (which relates to contributions to be made by parents of children or young persons committed to the care of fit persons or [made subject to special care orders], etc.), and

[(b) sections 11(e) and (f) of the Family Allowances (Guernsey) Law, 1950 shall not have effect in relation to the child or young person.]

(5) If –

(a) a child or young person committed as aforesaid to the care of the [Committee for Health & Social Care] has been allowed by the [Committee for Health & Social Care] under subsection (3) of this section to be under the charge and control of a parent, guardian, relative or friend, and

- (b) the [Committee for Health & Social Care] at any time determines under the said subsection (3) that the child or young person shall no longer be allowed to remain under that charge and control, and
- (c) any instructions of the [Committee for Health & Social Care] with respect to their return of the child or young person are not complied with,

then for the purposes of section nine of this Law (which relates to escapes from the care of fit persons) the child or young person shall be deemed to have run away from the [Committee for Health & Social Care].

(6) In the last three preceding subsections the expression "**young person**" includes a person who has attained the age of seventeen years but has not attained the age of eighteen years.

---

## NOTES

*In section 7,*

*the words "Committee for Health & Social Care" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;<sup>7</sup>*

*subsection (1) and subsection (2) were repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance;<sup>8</sup>*

*subsection (3), subsection (4), subsection (5) and subsection (6) were repealed, in respect of the Islands of Guernsey, Alderney, Herm and Jethou, by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(b), with effect from 4th January, 2010, subject to the savings and transitional provisions in*

*section 4 of, and Schedule 2 to, the 2009 Ordinance;*

*the words in the first pair of square brackets in subsection (3) were inserted by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(2), Schedule, paragraph 4, with effect from 1st May, 1971;*

*the words in the third pair of square brackets in subsection (4) were substituted by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(2), Schedule, paragraph 5, with effect from 1st May, 1971;*

*paragraph (b) of subsection (4) was substituted by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(d), with effect from 4th January, 2010.<sup>9</sup>*

---

**General provisions as to children and young persons committed to the care of fit persons.**

8. (1) ...

(2) ...

(3) ...

(4) ...

(5) The Royal Court sitting as an Ordinary Court, in any case where it appears to it to be for the benefit of a child or young person, may authorise the person to whose care he has been committed to arrange for his emigration, but except with the authority of the said Court no person to whose care a child or young person has been committed shall arrange for his emigration:

Provided that the said Court shall not authorise such a person to arrange for the emigration of a child or young person, unless it is satisfied that the child or young person consents or, being too young to form or express a proper opinion on the matter, is to emigrate in company with a parent, guardian or relative of his, or is to



emigrate for the purpose of joining a parent, guardian, relative or friend and also that his parents have been consulted or that it is not practicable to consult them.

(6) ...

(7) ...

---

## NOTES

*In section 8,*

*subsection (1), subsection (2)<sup>10</sup>, subsection (3)<sup>11</sup>, subsection (4)<sup>12</sup> and subsection (6) were repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance;*

*subsection (5) was repealed, in respect of the Islands of Guernsey, Alderney, Herm and Jethou, by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(b), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance;*

*subsection (7) was repealed by the Child Protection (Guernsey) Law, 1972, section 33(2), Schedule, Part II, with effect from 1st May, 1972.*

*The following case has referred to section 8:*

*B v. States Children Board (1996) 21.GLJ.8.*

---

## **Escapes from care of fit persons.**

9. (1) Where a child or young person runs away or is without lawful authority taken away from a person to whose care he has been committed under this Law or from a person with whom he has been boarded-out by the [Committee for Health & Social Care] under the provisions of the Law of 1928, the Chief Officer of Police shall cause such steps to be taken as may be necessary –

- (a) in the case where the child or young person has run away or been so taken away from a person to whose care he has been committed as aforesaid, to bring the child or young person back to that person, if he is willing to receive him or, if he is not so willing to receive him, to bring him before the [Juvenile Court],
- (b) in the case where the child or young person has run away or been so taken away from a person with whom he has been boarded-out as aforesaid, to bring the child or young person back to such person or to such place as the [Committee for Health & Social Care] may direct,

and in any case where a child or young person is brought before the [Juvenile Court] under this subsection, the [Juvenile Court] may make any order with respect to him which it might have made if he had been brought before the [Juvenile Court] as being a child or young person beyond the control of his parent or guardian.

(2) Any person who –

- (a) knowingly assists or induces, or persistently attempts to induce, a child or young person to run away from a person to whose care he has been committed as aforesaid or from a person with whom he has been boarded-out as aforesaid, or
- (b) without lawful authority takes away a child or young person from such a person, or
- (c) knowingly harbours or conceals a child or young person who has so run away or has been so taken away,

or prevents him from returning,

shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the uniform scale] or to imprisonment for a term not exceeding two months, or to both such fine and such imprisonment.

---

## NOTES

*Section 9 was repealed, in respect of the Islands of Guernsey, Alderney, Herm and Jethou, by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(b), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.<sup>13</sup>*

*In section 9,*

*the words "Committee for Health & Social Care" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;<sup>14</sup>*

*the words in the second, fourth, fifth and sixth pairs of square brackets in subsection (1) were substituted by the Juvenile Court (Guernsey) Law, 1989, section 8(1)(a), with effect from 1st October, 1990;*

*the words and figure in square brackets in subsection (2) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(5), Schedule, Part I, with effect from 1st July, 1989.*

---

## **Supervision orders.**

**10.     ...**

---

## NOTE

*Section 10 was repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.<sup>15</sup>*

---

**[Special care orders.]**

**11.** (1) ...

(2) ...

(3) ...

(4) ...

(5) ...

(6) ...

(7) The [Juvenile Court] may –

(a) upon the application of Her Majesty's Procureur, from time to time extend any provision made in pursuance of subsections (4) or (5) of this section for not more than twenty-eight days and any such provision may be so extended in the absence of the person to whom it relates,

(b) if it appears, upon the application of Her Majesty's Procureur, that a young person made subject to a special care order is of so unruly or depraved a character that the [Committee for Health & Social Care] is unable to make suitable provision for his care, commit such young person to custody in a place of safety or to custody in prison until he can be transferred to the care of a local authority,

- (c) if it appears, upon the application of Her Majesty's Procureur, that by reason of the mental condition or behaviour of a person subject to a special care order it is in the interest of such person or in the public interest for that person to continue to be in the care of a local authority, order that the special care order shall continue in force until he attains the age of nineteen years; but the court shall not make an order under this subsection unless the person in question is present before the court,
- (d) if it appears, upon the application of Her Majesty's Procureur, that it is appropriate to discharge a special care order, discharge it and, unless the person to whom the order related has attained the age of eighteen years, make a supervision order or a fit person order in respect of him.

(8) Subject to the provisions of this section, a special care order shall cease to have effect –

- (a) if the person to whom it relates had attained the age of sixteen years when the order was originally made, when he attains the age of nineteen years, and
- (b) in any other case, when that person attains the age of eighteen years.

(9) Where a local authority –

- (a) allows a person who is in its care pursuant to a special care order to return to the Bailiwick of Guernsey to be under the charge and control of a parent, guardian, relative or friend for such period as the local authority may determine, then such person shall be deemed for the purposes of this Law to remain in the care of the local authority,
- (b) allows a person who is in its care pursuant to a special care order to return to the Bailiwick of Guernsey under any other circumstances, then such person shall be deemed for the purpose of this Law to be the subject of an order committing him to the care of the [Committee for Health & Social Care] as a fit person.

(10) Where a special care order has been made in respect of a child or young person, any person who knowingly harbours or conceals him after the time has come for him to be transferred to the care of a local authority shall be liable, on conviction, to a fine not exceeding [level 2 on the uniform scale] or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

(11) Any person who –

- (a) knowingly assists or induces a person to escape from any such custody as is referred to in subsection (5) or paragraph (b) of subsection (7) of this section, or
- (b) without lawful authority takes a person away from such custody, or
- (c) knowingly harbours or conceals a person who has so

escaped or has been so taken away or prevents him from returning,

shall be liable, on conviction, to a fine not exceeding [level 4 on the uniform scale] or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.]

---

## NOTES

*Section 11 was substituted by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(1)(c), with effect from 1st May, 1971.*

*In section 11,*

*subsection (1), subsection (2), subsection (3)<sup>16</sup>, subsection (4)<sup>17</sup>, subsection (5)<sup>18</sup> and subsection (6) were repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance;*

*subsection (7) was repealed, in respect of the Islands of Guernsey, Alderney, Herm and Jethou, by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(b), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance;*

*the words in the first pair of square brackets in subsection (7) were substituted by the Juvenile Court (Guernsey) Law, 1989, section 8(1)(a), with effect from 1st October, 1990;*

*the words "Committee for Health & Social Care" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;<sup>19</sup>*

*the words and figure in square brackets in subsection (10) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989;*

*the words and figure in square brackets in subsection (11) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(5), Schedule, Part I, with effect from 1st July, 1989.*

*In accordance with the provisions of the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 1, with effect from 4th January, 2010, the reference in this section to "parent" shall mean, in relation to a child and subject to the conditions in paragraph (a) and (b) of subsection (1) and the exceptions in paragraph (a) and (b) of subsection (2) of that section, a father or mother who has parental responsibility in respect of the child.*

*In accordance with the provisions of the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 2, with effect from 4th January, 2010, and having regard to the reference in this section to "guardian", a guardian or person referred to as such has parental responsibility in respect of a child if the conditions in paragraph (a) or paragraph (b) of that section are satisfied.*

---

**Effect of special care order on fit person.**

12. ...

---

**NOTE**

*Section 12 was repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.<sup>20</sup>*

---

**[Escapes from care of local authority, etc.]**

13. (1) The Chief Officer of Police shall –

- [(a) cause such steps to be taken as may be necessary to apprehend any person in the case of whom any power of arrest may be exercisable under the provisions of section thirty-two of the Children and Young Persons Act 1969 (which relates to the detention of absentees),]
- (b) where any such person has been apprehended in pursuance of the provisions of paragraph (a) of this



subsection, make such arrangements as may be necessary for the return of such person,

- (c) until such time as any such person who has been so apprehended is returned as aforesaid, cause him to be detained in such place as Her Majesty's Procureur shall direct having regard to the age and character of such person.

(2) Any person who –

- (a) knowingly assists or induces or persistently attempts to induce any such person as is mentioned in paragraph (a) of subsection (1) of this section to escape or run away, or
- (b) without lawful authority takes away any such person as is mentioned as aforesaid, or
- (c) knowingly harbours or conceals any such person as is mentioned as aforesaid or prevents him from returning,

shall be liable, on conviction, to a fine not exceeding [level 4 on the uniform scale] or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

---

## NOTES

*Section 13 was repealed, in respect of the Islands of Guernsey, Alderney, Herm and Jethou, by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(b), with effect from 4th January, 2010.*

*In section 13,*

*the marginal note thereto was substituted by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(2), Schedule, paragraph 9, with effect from 1st May, 1971;*

*paragraph (a) of subsection (1) was substituted by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(1)(d), with effect from 1st May, 1971;*

*the words and figure in square brackets in subsection (2) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(5), Schedule, Part I, with effect from 1st July, 1989.*

---

### **Recognisance to exercise proper care and guardianship.**

14. ...

---

#### **NOTE**

*Section 14 was repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.<sup>21</sup>*

---

## **PART V**

### **PROVISIONS RELATING TO PROCEEDINGS IN CONNECTION WITH CHILDREN AND YOUNG PERSONS**

#### **Age of criminal responsibility.**

15. It shall be conclusively presumed that no child under the age of ten years can be guilty of an offence.

---

#### **NOTE**

*Section 15 was repealed, in respect of the Islands of Guernsey, Alderney, Herm and Jethou, by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I,*

paragraph 15(b), with effect from 4th January, 2010.

---

**General considerations.**

16. ...

---

**NOTE**

*Section 16 was repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010.*

---

**Attendance at court of parent or guardian of child or young person brought before a court.**

17. (1) Where a child or young person is charged with any offence or is for any other reason brought before a court, any person who is a parent or guardian of his may be required to attend at the court before which the case is heard or determined during all the stages of the proceedings, and any such person shall be so required at any stage where the court thinks it desirable, unless the court is satisfied that it would be unreasonable to require his attendance.

(2) Where a child or young person is arrested or taken to a place of safety, such steps shall be taken as may be practicable to inform at least one person whose attendance may be required under this section.

---

**NOTE**

*Section 17 was repealed, in respect of the Islands of Guernsey, Alderney, Herm and Jethou, by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(b), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.*

---

**Process to enforce attendance before a court.**

**18.** (1) The Magistrate may, in any case where it appears necessary in order to enforce the attendance before the Magistrate's Court [or Juvenile Court] of a child or young person for the purpose of any proceedings instituted or intended to be instituted under this Law, issue a warrant authorising any officer of police to arrest the child or young person and bring him before the Magistrate's Court [or Juvenile Court], and a warrant so issued in respect of any child or young person may include a direction that the child or young person shall be detained in a place of safety until he can be brought before the Magistrate's Court [or Juvenile Court].

(2) Where the parent or guardian of a child or young person is required to attend at any court under the last preceding section, a warrant authorising any officer of police to arrest the parent or guardian and bring him before the court may be issued –

(a) in the case where the parent or guardian is so required to attend –

(i) at the Magistrate's Court [or Juvenile Court], by the Magistrate,

(ii) at the Court of Alderney, by the Chairman of the Court of Alderney,

(iii) at the Court of the Seneschal of Sark, by the Seneschal of Sark,

(b) in any other case, by the Bailiff, a Lieutenant-Bailiff or the Juge Délégué.

(3) A warrant issued under this section shall be issued in the

prescribed form.

(4) A warrant issued under this section may be executed by an officer of police notwithstanding that it is not in his possession at the time; but the warrant shall, on the demand of the person arrested, be shown to him as soon as practicable.

(5) In this section the expression "**young person**" includes a person who has attained the age of seventeen years but has not attained the age of eighteen years.

---

#### NOTES

*Section 18 was repealed, in respect of the Islands of Guernsey, Alderney, Herm and Jethou, by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(b), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.<sup>22</sup>*

*In section 18, the words in square brackets in subsection (1) and in subparagraph (i) of paragraph (a) of subsection (2) were inserted by the Juvenile Court (Guernsey) Law, 1989, section 8(1)(c), with effect from 1st October, 1990.*

*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 section to the "Magistrate" shall be construed as a reference to a Judge of the Magistrate's Court within the meaning of the 2008 Law.*

*In accordance with the provisions of the Deputy Bailiff (Guernsey) Law, 1969, section 5(4), with effect from 9th September, 1969, in the event of the Deputy Bailiff discharging any functions or exercising any powers appertaining to the office of Bailiff which he is authorised to discharge or exercise under or by virtue of the 1969 Law, the provisions contained herein relating to the discharge of such functions or the exercise of such powers shall have effect as if the reference herein to the Bailiff included a reference to the Deputy Bailiff.*

---

#### **Power to proceed with case in absence of child or young person.**

19. Where in any proceedings with relation to any of the offences mentioned in the First Schedule to this Law, the Court is satisfied that the attendance before the court of any child or young person in respect of whom the offence is alleged to have been committed is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the child or young person.

---

**NOTE**

*Section 19 was repealed, in respect of the Islands of Guernsey, Alderney, Herm and Jethou, by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(b), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.*

---

**Provisions as to attaining the age of 17 years.**

20. ...

---

**NOTE**

*Section 20 was repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.<sup>23</sup>*

---

**Presumption and determination of age.**

21. ...

---

**NOTE**

*Section 21 was repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010, subject to the savings*

*and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.*

---

**Medical evidence by certificate.**

22. ...

---

**NOTE**

*Section 22 was repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010.*

---

**Newspaper and broadcast reports of proceedings involving children and young persons.**

23. (1) In relation to any proceedings in any court, other than such proceedings as are mentioned in [section 11(1) of the Criminal Justice (Children and Juvenile Court Reform) (Bailiwick of Guernsey) Law, 2008 or are brought under the Children (Guernsey and Alderney) Law, 2008], the court may direct that –

- (a) no newspaper report of the proceedings shall reveal the name, address or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in the proceedings, either as being the person by or against or in respect of whom the person by or against or in respect of whom the proceedings are taken, or as being a witness therein,
- (b) no picture shall be published in any newspaper as being or including a picture of any child or young person so concerned in the proceedings as aforesaid,

except in so far (if at all) as may be permitted by the direction of the court.

(2) ...

(3) The provisions of [subsection (1)] shall apply[...] in relation to any proceedings on appeal in connection with any proceedings as are mentioned in that subsection as those provisions apply in relation to such last-mentioned proceedings.

(4) The provisions of this section shall, with the necessary modifications, apply in relation to sound and television broadcasts as they apply in relation to newspapers.

(5) Any person who publishes any matter in contravention of this section shall be guilty of an offence and liable on conviction to a fine not exceeding [level 3 on the uniform scale] in respect of each offence.

(6) Where a person convicted of an offence under this section is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

---

## NOTES

*In section 23,*

*the words, figures and parentheses in square brackets in, first, subsection (1) and, second, the first pair of square brackets in subsection (3) were substituted by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, respectively paragraph 15(e) and paragraph 15(f)(i), with effect from 4th January, 2010;*

*first, subsection (2) and, second, the words omitted in the second*



*pair of square brackets in subsection (3) were repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, respectively paragraph 15(a) and paragraph 15(f)(ii), with effect from 4th January, 2010;<sup>24</sup>*

*the words and figure in square brackets in subsection (5) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(5), Schedule, Part I, with effect from 1st July, 1989.*

---

## PART VI

### MISCELLANEOUS PROVISIONS

#### **Interim orders.**

24. ...

---

#### **NOTE**

*Section 24 was repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.<sup>25</sup>*

---

#### **Disqualification for keeping for reward children or young persons below the upper limit of the compulsory school age.**

25. ...

---

#### **NOTE**

*Section 25 was repealed by the Child Protection (Guernsey) Law, 1972, section 33(2), Schedule, Part II, with effect from 1st May, 1972.*

---

#### **Removal of persons about to be brought before the [Juvenile Court] to places of safety.**

26. ...

---

**NOTE**

*Section 26 was repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.<sup>26</sup>*

---

**Children and young persons detained in places of safety.**

27. ...

---

**NOTE**

*Section 27 was repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.<sup>27</sup>*

---

**Contributions to be made by parents of children or young persons committed to the care of fit persons or [made subject to special care orders], etc.**

28. (1) Where an order has been made under this Law committing any person to the care of a fit person or [a special care order has been made in respect of any person], it shall be the duty of the father and the mother of the person to whom the order relates to make contributions in respect of him, but only so long as he has not attained the age of sixteen years.

(2) Where an order has been made under this Law committing any person to the care of a fit person, it shall be the duty of the person to whom the order relates, if he has attained the age of sixteen years and is engaged in remunerative full-time work to make contributions in respect of himself.

(3) Where an order has been made under this Law committing any person to the care of a fit person or [a special care order has been made in respect of any person] the court by which the order was made may, at the same time, make an order (hereafter in this Law referred to as a "**contribution order**") on any person who is under subsection (1) or subsection (2) of this section liable to make contributions in respect of the person to whom the first mentioned order relates requiring him to contribute such weekly sum as the court, having regard to his means, thinks fit.

(4) The power conferred by the last preceding subsection to make a contribution order in respect of any person shall be exercisable at any time after the making of the order committing that person to the care of a fit person or [the special care order] –

(a) ...

(b) ...

(c) by the Court of the Seneschal against any person who is liable as aforesaid and who is for the time being residing in the Island of Sark:

Provided that a contribution order shall not be made by virtue of this subsection in respect of any person in any case where a contribution order has previously been made in respect of that person and is still in force.

(5) A contribution order may be made –

(a) in respect of any person committed to the care of a fit person under this Law, not being the [Committee for Health & Social Care], upon the application of such fit

person,

- (b) in respect of any person committed to the care of the [Committee for Health & Social Care] under this Law or in respect of any person [made subject to a special care order] under this Law, upon the application of the States.

[ (6) A contribution order shall remain in force, in the case of a child or young person committed to the care of a fit person, so long as the order for his committal is in force, and in the case of a child or young person made subject to a special care order, until he ceases to be under the care of a local authority:

Provided that no contributions shall be payable under a contribution order in respect of any period during which a person made subject to a special care order is allowed by the local authority to be under the charge and control of a parent, guardian, relative or friend.]

(7) Contributions under subsection (1) or subsection (2) of this section or under a contribution order shall be payable –

- (a) in the case of a child or young person committed to the care of a fit person, not being the [Committee for Health & Social Care], to that person, and shall be applied by him in or towards the maintenance, or otherwise for the benefit, of the child or young person,
- (b) in the case of a child or young person committed to the care of the [Committee for Health & Social Care] or [made subject to a special care order], to the States.

(8) A contribution order may be varied or revoked by the court by which it was made on the application of any person or on the application of the States.

(9) ...

(10) ...

(11) Notwithstanding anything in this section, the court by which a contribution order is made may, where it is satisfied that it is desirable so to do, include in the order a direction that the contributions payable under the order shall be payable –

(a) ...

(b) where the contribution order is made by the Court of the Seneschal of Sark, to the Greffier of Sark, or

(c) ...

and the officer of the Court to which the contributions are payable by virtue of any such direction shall transmit any contributions received by him to the person for the time being entitled to receive the same or, where the States are for the time being entitled to receive the same, to the [Committee for Health & Social Care]:

Provided that any such direction shall not affect the right of such person or of the States, as the case may be, to institute any proceedings for the recovery of any contributions payable under the contribution order which are in arrear.

[ (12) The expenses of the conveyance of any person transferred to the care of a local authority in pursuance of a special care order and of the

reconveyance of that person when discharged or when released with the permission of the local authority while still subject to the special care order shall be borne by the States, and the States shall make such contributions towards the expenses of the local authority as shall be agreed from time to time with that local authority.]

---

## NOTES

*In section 28,*

*the words in, first, the square brackets in the marginal note thereto, second, the square brackets in subsection (1) and in subsection (3), third, the first pair of square brackets in subsection (4) and, fourth, the third pairs of square brackets in subsection (5) and in subsection (7) were substituted by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(2), Schedule, respectively paragraph 11, paragraph 12, paragraph 13 and paragraph 14, with effect from 1st May, 1971;*

*subsection (1), subsection (2), subsection (3), subsection (5), subsection (6), subsection (7), subsection (8), subsection (9) and subsection (12) were repealed, in respect of the Islands of Guernsey, Alderney, Herm and Jethou, by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(b), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance;*

*first, paragraph (a) and paragraph (b) of subsection (4), second, subsection (9) and subsection (10) and, third, paragraph (a) and paragraph (c) of subsection (11) were repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance;<sup>28</sup>*

*the words "Committee for Health & Social Care" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;<sup>29</sup>*

*subsection (6) was substituted by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(1)(e), with effect from 1st May, 1971;*

*subsection (12) was substituted by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(1)(f), with effect from 1st May, 1971.*

---

**Duty of parents to notify changes of address.**

**29.** (1) The parent of a person who is –

- (a) [ in the care of a local authority in pursuance of a special care order] made under this Law shall keep the [Committee for Health & Social Care] informed of the parent's address,
- (b) in the care of a fit person in pursuance of an order made under this Law, shall keep that fit person informed of the parent's address.

(2) A parent of a person who, knowing that that person is [in the care of a local authority in pursuance of a special care order] or is in the care of a fit person as mentioned in subsection (1) of this section, fails to comply with that subsection shall be liable, on conviction, to a fine not exceeding [level 1 on the uniform scale]; but in any proceedings under this subsection it shall be a defence to prove that the defendant was residing at the same address as the other parent and had reasonable cause to believe that the other parent had kept the [Committee for Health & Social Care] or fit person, as the case may be, informed of the address of both.

---

**NOTES**

*Section 29 was repealed, in respect of the Islands of Guernsey, Alderney, Herm and Jethou, by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(b), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.*

*In section 29,*

*the words in, first, the first pair of square brackets in paragraph (a) of subsection (1) and, second, the first pair of square brackets in subsection*

*(2) were substituted by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(2), Schedule, respectively paragraph 16 and paragraph 17, with effect from 1st May, 1971;*

*the words "Committee for Health & Social Care" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;<sup>30</sup>*

*the words and figure in the second pair of square brackets in subsection (2) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

---

### **Provisions as to affiliation orders.**

**30.** ...

---

#### **NOTE**

*Section 30 was repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part 1, paragraph 15(a), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.<sup>31</sup>*

---

### **Recovery of arrears of contributions.**

**31.** (1) Subject to the provisions of subsection (5) of this section, where during any period (in this section referred to as "**the period of default**") a person was liable to make contributions under section twenty-eight of this Law (which relates to contributions to be made by parents of children or young persons committed to the care of fit persons or [made subject to special care orders], etc.) in respect of a child or young person and no contribution order was in force requiring him to make contributions –

- (a) the Magistrate's Court, if he is for the time being residing in the Island of Guernsey,



- (b) the Court of Alderney, if he is for the time being residing in the Island of Alderney,
- (c) the Court of the Seneschal of Sark, if he is for the time being residing in the Island of Sark,

may, on the application of the person who would have been entitled to receive payment under such an order or, where the States would have been so entitled, on the application of the States, make an order (in this section referred to as an "**arrears order**") requiring him to pay such weekly sum, for such period, as the court, having regard to his means, thinks fit; but the aggregate of the payments required to be made by any person under an arrears order shall not exceed the aggregate that, in the opinion of the court, would have been payable by him under a contribution order in respect of the period of default or, if it exceeded three months, the last part thereof, less the aggregate of the payments (if any) made by him in respect of his liability during that period or, as the case may be, the last part thereof:

Provided that an arrears order shall not be made against any person in respect of any contributions payable in respect of any other person in any case where an arrears order has previously been made in respect of those contributions.

(2) For the purposes of subsection (1) of this section, the last part of the period of default shall be taken to be the last three months thereof and such time, if any, preceding the last three months as is equal to the time during which it continued after the making of the application for the arrears order.

(3) No application for an arrears order shall be made later than three months after the end of the period of default.

(4) An arrears order shall be treated as a contribution order for the purposes of subsection (9) and subsection (11) of section twenty-eight and section

thirty-six (which relates to appeals) of this Law.

(5) An arrears order shall not be made against any person in any case where a contribution order may not be made against that person by virtue of subsection (10) of section twenty-eight of this Law.

(6) A person liable to make payments under an arrears order shall, except at a time when he is under a duty to give information of his address under subsection (1) of section twenty-nine of this Law (which relates to the duty of parents to notify changes of address), keep the person to whom the payments are to be made or, in the case where the payments are to be made or, in the case where the payments are to be made to the States, keep the [Committee for Health & Social Care] informed of his address: and if he fails so to do he shall be liable, on conviction, to a fine not exceeding [level 1 on the uniform scale].

---

## NOTES

*Section 31 was repealed, in respect of the Islands of Guernsey, Alderney, Herm and Jethou, by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(b), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.*

*In section 31,*

*the words in square brackets in subsection (1) were substituted by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(2), Schedule, paragraph 5, with effect from 1st May, 1971;*

*the words in the first pair of square brackets in subsection (6) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;<sup>32</sup>*

*the words and figure in the second pair of square brackets in subsection (6) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

---

**Variation of trusts for maintenance of child or young person.**

32. Where a child or young person is by an order made under this Law removed from the care of any person, and that person is entitled under any trust to receive any sum of money in respect of the maintenance of the child or young person, the court by which such order has been made may order the whole or any part of the sums so payable under the trust to be paid to any person to whose care the child or young person is committed, to be applied by that person for the benefit of the child or young person in such manner as, having regard to the terms of the trust, the court may decide.

---

**NOTE**

*Section 32 was repealed, in respect of the Islands of Guernsey, Alderney, Herm and Jethou, by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(b), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.*

---

**Power of the States to make Ordinances with respect to children and young persons committed to the care of fit persons or boarded-out by the [Committee for Health & Social Care].**

33. (1) The States may from time to time by Ordinance make provision –

- (a) as to the manner in which children and young persons committed to the care of fit persons under this Law are to be dealt with and as to the duties of the persons to whose care they are so committed,
- (b) for the welfare of children and young persons boarded-out by the [Committee for Health & Social Care] under the Law of 1928, whether or not they have been

committed to the care of the [Committee for Health & Social Care] under this Law,

- (c) without prejudice to the generality of the provisions of the last preceding paragraph –
  - (i) for the recording by the [Committee for Health & Social Care] of information relating to persons with whom children and young persons are boarded-out as aforesaid and persons who are willing to have children so boarded-out with them,
  - (ii) for securing that where possible the person with whom any child or young person is to be boarded-out is either of the same religious persuasion as the child or young person or gives an undertaking that the child or young person will be brought up in that religious persuasion,
  - (iii) for securing that children and young persons boarded-out as aforesaid, and the premises in which they are boarded-out, will be supervised and inspected by the [Committee for Health & Social Care] and that children will be removed from those premises if their welfare appears to require it.

(2) In this section the expression "**young person**" includes a person who has attained the age of seventeen years but has not attained the age of eighteen years.

---

## NOTES

*In section 33, the words "Committee for Health & Social Care" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016.<sup>33</sup>*

*The following Ordinance has been made under section 33:*

*Children and Young Persons (Regulation of Boarding-Out) Ordinance, 1968.*

*Section 33 is prospectively repealed, in respect of the Islands of Guernsey, Alderney, Herm and Jethou, by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(c).*

---

## **Extension of scope of Adoption Rules.**

**34.** ...

---

## NOTE

*Section 34 was repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 15(a), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.<sup>34</sup>*

---

## **Rules of procedure.**

**35.** Rules in regard to any matter to be prescribed under this Law and rules dealing with all matters of procedure and incidental matters arising out of this Law and for carrying this Law into effect shall be made by the Royal Court.

---

## NOTE

*The following Rules have been made by Order of the Royal Court under section 35:*

*Juvenile Court (Criminal Cases) Rules, 1990;*  
*Juvenile Court (Criminal Cases) (Amendment) Rules, 1994.*

---

**Appeals.**

**36.** (1) Appeals to the Royal Court from orders made under this Law by the [Juvenile Court] or by the Royal Court sitting as an Ordinary Court may be brought in the following cases and by the following persons, that is to say –

- (a) in the case of an order committing a child or young person to the care of a fit person, [a special care order, or an order] placing a child or young person under the supervision of a probation officer or other person, by the child or young person or his parent or guardian,
- (b) in the case of an order requiring a person to enter into a recognisance to exercise proper care and guardianship over a child or young person, by the person required to enter into the recognisance,
- (c) in the case of an order requiring a person to pay the sum or part thereof by which he is bound by such recognisance, whether as a principal or not, upon such recognisance being declared to be forfeited, by the person required to pay such sum or such part thereof,
- (d) in the case of an order requiring a person to contribute in respect of himself or any other person, by the person required to contribute,
- (e) in the case of an order requiring all or any part of the

payments accruing due under an affiliation order to be paid to some other person, by the person who would but for the order be entitled to the payment,

- (f) in the case of an order requiring the whole or any part of the sums payable under any trust in respect of the maintenance of a child or young person to be paid to some other person, by the person who would but for the order be entitled to receive such sums.

(2) Any person aggrieved by the decision of the [Juvenile Court] on an application under subsection (2) of section eight of this Law (which contains general provisions as to children and young persons committed to the care of fit persons) for the variation or revocation of an order committing a person to the care of a fit person may appeal against the decision to the Royal Court.

(3) The provisions of the Police Court Appeals Law, 1939<sup>m</sup>, shall apply in relation to appeals to the Royal Court under this section, subject to any necessary modifications.

(4) ...

(5) An appeal to the Royal Court from an order of the Court of the Seneschal of Sark under this Law requiring a person to contribute in respect of himself or any other person may be brought by the person required to contribute.

---

#### **NOTES**

*In section 36,*

---

<sup>m</sup> Ordres en Conseil Vol. XI, p. 461.

*the words in subsection (2), and in the first pair of square brackets in subsection (1), were substituted by the Juvenile Court (Guernsey) Law, 1989, section 8(1)(a), with effect from 1st October, 1990;*

*the words in the second pair of square brackets in subsection (1) were substituted by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(2), Schedule, paragraph 19, with effect from 1st May, 1971;*

*subsection (4) was repealed by the Children and Young Persons (Amendment) (Guernsey) Law, 1997, section 1(a), with effect from 24th June, 1998.*

*In accordance with the provisions of the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 1, with effect from 4th January, 2010, the reference in this section to "parent" shall mean, in relation to a child and subject to the conditions in paragraph (a) and (b) of subsection (1) and the exceptions in paragraph (a) and (b) of subsection (2) of that section, a father or mother who has parental responsibility in respect of the child.*

*In accordance with the provisions of the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 2, with effect from 4th January, 2010, and having regard to the reference in this section to "guardian", a guardian or person referred to as such has parental responsibility in respect of a child if the conditions in paragraph (a) or paragraph (b) of that section are satisfied.*

*The Police Court Appeals Law, 1939 has since been repealed by the Magistrate's Court (Criminal Appeals) Law, 1988, section 10(2), with effect from 4th September, 1989, subject to the savings in section 11 of the 1988 Law.*

---

## PART VII

### AMENDMENTS, REPEALS, TRANSITIONAL PROVISIONS, CITATION, COMMENCEMENT AND EXTENT

#### **Amendments, repeals and transitional provisions.**

37. (1) The Laws described in the first column of Part I of the Second Schedule to this Law shall have effect subject to the amendments set out in the second column of that Schedule.

(2) The expression "**jeune personne**" in Article 30, Article 31,



Article 34, Article 35, Article 36 and Article 37 of the Law of 1917 and in the definition of the expression "lieu de sûreté" in that Law shall, notwithstanding anything in that Law, be deemed to include a person who is sixteen years of age.

(3) The Laws described in the first column of Part II of the Second Schedule to this Law are hereby repealed to the extent specified in the second column of that Schedule.

(4) This Law shall have effect subject to the transitional provisions contained in the Third Schedule to this Law.

**Citation, commencement and extent.**

**38.** (1) This Law may be cited as the Children and Young Persons (Guernsey) Law, 1967.

(2) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States.

(3) The provisions of this Law, other than the next two succeeding subsections, shall have effect in the Island of Guernsey.

[ (4) The provisions of this Law shall have effect in the Island of Alderney, subject to the exceptions, adaptations and modifications specified in Part I of the Fourth Schedule to this Law.]

(5) The provisions of this Law described in the first column of Part II of the Fourth Schedule to this Law shall have effect in the Island of Sark by virtue of this subsection to the extent specified in the second column of that Part of that Schedule.

(6) The provisions of this Law relating to the rights, powers and

duties –

- (a) of a person to whose care any other person has been committed by an order under this Law,
- (b) of a person under whose supervision any other person has been placed by a supervision order,

shall have effect in the Island of Alderney and the Island of Sark.

---

**NOTES**

*In section 38, subsection (4) was substituted by the Children and Young Persons (Amendment) (Guernsey) Law, 1997, section 1(b), with effect from 24th June, 1998.*

*The Law was brought into force on 29th November, 1967 by the Children and Young Persons (Guernsey) Law, 1967 (Commencement) Ordinance, 1967, section 1.*

---

FIRST SCHEDULE

Section two.

Section nineteen.

Section twenty-five

*Serious offences against children and young persons*

Murder.

Manslaughter.

Infanticide.

Any offence under the Law entitled "Loi pour la Punition d'Inceste" registered on the third day of August, nineteen hundred and nine.

Any offence under the Law entitled "Loi relative à la protection des Femmes et des Filles mineures" registered on the first day of August, nineteen hundred and fourteen<sup>n</sup>.

Any offence under Article 7, Article 9, Article 10, Article 11, Article 12, section one of Article 41 and section one, section two, section three and section four of Article 51 of the Law of 1917.

Any offence under the Law entitled "Loi relative à la Sodomie" registered on the first day of June, nineteen hundred and twenty-nine<sup>o</sup>.

Any other offence involving bodily injury to a child or young person.

---

<sup>n</sup> Ordres en Conseil Vol. V, p. 74.

<sup>o</sup> Ordres en Conseil Vol. VIII, p. 273.

**NOTE**

*The Loi pour la punition d'inceste, 1909, the Loi relative à la protection des Femmes et des Filles mineures, 1914 and the Loi Relative à la Sodomie, 1929, have all since been repealed by the Sexual Offences (Bailiwick of Guernsey) Law, 2020, section 111, Schedule 2, respectively paragraph 1, paragraph 2 and paragraph 4 ("Repeals"), with effect from 1st March, 2022, subject to the savings in section 2 of the Sexual Offences (Bailiwick of Guernsey) Law, 2020 (Commencement) Ordinance, 2022.*

---

SECOND SCHEDULE

Section thirty-seven

*Amendments and repeals*

PART I

Amendments

Law	Amendment
<p>The Law entitled "Loi relative à la protection des Femmes et des Filles mineures" registered on the first day of August, nineteen hundred and fourteen.</p> <p>The Family Allowances (Guernsey) Law, 1950.</p>	<p>In the proviso in Article 2, for the comma immediately after the words "coups de verges" there is hereby substituted a full stop.</p> <p>Section eleven is hereby repealed and the following section is hereby substituted therefor –</p> <p>"11. A child shall not, for the purposes of this Law, be treated as included in any family as respects any period during which he is –</p> <p>(a) detained in any place by virtue of an order made under the provisions of Article thirty-four or Article thirty-five of the Law entitled "Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes" registered on the tenth day of February, nineteen hundred and</p>

	<p>seventeen,</p> <p>(b) detained by virtue of the provisions of the Law entitled "Loi ayant rapport à l'Asile des Enfants" registered on the twenty-fourth day of November, nineteen hundred and twenty-eight, in any institution and is not boarded-out by virtue of the provisions of the said Law,</p> <p>(c) detained in any place by virtue of the provisions of section one of the Homicide (Guernsey) Law, 1965,</p> <p>(d) detained by virtue of an order made under the provisions of the Children and Young Persons (Guernsey) Law, 1967, in any approved school and is not absent from the school under supervision,</p> <p>(e) in custody in any place in pursuance of a provision of an order made by virtue of the provisions of subsection (4) of section eleven of the Children and Young Persons (Guernsey) Law, 1967,</p>
--	--

<p>The Adoption (Guernsey) Law, 1960.</p>	<p>(f) in the care of the Children Board under an order in force under the Children and Young Persons (Guernsey) Law, 1967, committing him to the care of the Children Board and is not boarded-out by virtue of the provisions of the said Law." <sup>35</sup></p> <p>Subsection (3) of section five is hereby repealed and the following subsection is hereby substituted therefor –</p> <p>"(3) The reference in paragraph (a) of subsection (1) of this section to a parent of an infant does not include a reference to any person having the rights and powers of a parent of the infant by virtue of subsection (4) of section six of the Children and Young Persons (Guernsey) Law, 1967 (which contains provisions as to the making, duration and effect of orders of committal to fit persons)." <sup>36</sup></p> <p>In subsection (3) of section fourteen, for the reference to the Law of 1917 there is hereby substituted a reference to this Law.</p> <p>In paragraph (a) of subsection (2) of section twenty-five, for the reference to the Law of 1917 there is hereby substituted a reference to this Law and in paragraph (b) of that subsection, for the words "paragraph (a) of section eleven" there are hereby substituted the words "paragraph (b) or paragraph (f) of section eleven".</p>
---	---

	<p>In paragraph (c) of subsection (2) of section twenty-six, immediately after the words "probation order" there are hereby inserted the words "or supervision order".</p> <p>Paragraph (d) of subsection (2) of section twenty-six is hereby repealed and the following paragraph is hereby substituted therefor –</p> <p>"(d) by virtue of an order in force under the Children and Young Persons (Guernsey) Law, 1967, committing the child to the care of that person,".</p>
--	--

## PART II

### Laws repealed

Law	Extent of repeal
<p>The Law entitled "Loi relative à la protection des Femmes et des Filles mineures" registered on the first day of August, nineteen hundred and fourteen.</p> <p>The Law of 1917.</p>	<p>In the proviso contained in Article 2, the words from and including the words "et pourra aussi la Cour" to the end of the proviso.</p> <p>Article 13.</p> <p>Article 14.</p> <p>Article 15.</p>



	<p>Article 16.</p> <p>Article 17.</p> <p>Article 19.</p> <p>Article 20.</p> <p>In Article 22. section one.</p> <p>Part III.</p> <p>Article 29.</p> <p>In Article 36, paragraph (c), paragraph (d), paragraph (e) and paragraph (f).</p> <p>In Article 43, section one.</p> <p>Article 45.</p> <p>Article 46.</p> <p>Article 47.</p> <p>In section three of Article 49, the words "si le contrevenant est un enfant pourra être envoyé à une école industrielle, et".</p> <p>In the definitions set out immediately before Article 52, the definitions of the expressions "école réformatoire", "école industrielle" and "école certifiée".</p>
<p>The Law entitled "Loi ayant rapport a l'Asile des Enfants" registered on the twenty-fourth day of November, nineteen hundred and twenty-eight.</p>	<p>In Article II, the words "qui seront placés sous les soins du Conseil des Pauvres d'une paroisse par Ordre de la Cour Royale aux fins des dispositions de la Loi ayant rapport à la Protection des Enfants et des Jeunes</p>

<p>The Public Assistance Law, 1937<sup>P</sup>.</p> <p>The Homicide (Guernsey) Law, 1965<sup>q</sup>.</p>	<p>Personnes (1917) ou" and the word "autre" immediately before the word "cause".</p> <p>In Article XX, paragraph (a).</p> <p>Subsection (1) of section two.</p>
---	--

---

**NOTE**

*The Loi relative à la protection des Femmes et des Filles mineures, 1914 has since been repealed by the Sexual Offences (Bailiwick of Guernsey) Law, 2020, section 111, Schedule 2, paragraph 2 ("Repeals"), with effect from 1st March, 2022, subject to the savings in section 2 of the Sexual Offences (Bailiwick of Guernsey) Law, 2020 (Commencement) Ordinance, 2022.*

---

---

<sup>P</sup> Ordres en Conseil Vol. XI, p. 90.

<sup>q</sup> Ordre en Conseil No. VIII, 1965.

THIRD SCHEDULE

Section thirty-seven

*Transitional provisions*

1. Any person who, at the commencement of this Law, is detained in an approved school by virtue of an order of any court or is absent from such a school on temporary leave of absence or on licence or is absent from such a school under supervision shall, for the purposes of this Law and of any other enactment, be deemed to have been ordered to be sent to an approved school under this Law.

2. Any person committed to the care of the [Committee for Health & Social Care] or any other person by virtue of an order made under the Law of 1917 which was still in force immediately before the commencement of this Law shall, for the purposes of this Law and of any other enactment, be deemed to have been committed to the care of the [Committee for Health & Social Care] or of such other person, as the case may be, by virtue of an order made under this Law.

3. Where before the commencement of this Law a child or young person has been committed to the care of the [Committee for Health & Social Care] or of any other person or has been ordered to be sent to an approved school and an order under the Law of 1917 was in force immediately before the commencement of this Law requiring any person liable to maintain the child or young person to contribute to his maintenance or requiring the whole or any part of any payment under an affiliation order to be paid to the [Chief Executive of the States of Guernsey] or to any other person, the order shall, for the purposes of this Law and of any other enactment, be deemed to be an order made under the appropriate provisions of this Law.

---

**NOTES**

*In the Third Schedule,*

*the words "Committee for Health & Social Care" in square brackets,*

*wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;*<sup>37</sup>

*the words in the second pair of square brackets in paragraph 3 were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 3, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.*<sup>38</sup>

*In accordance with the transitional provisions in section 4(3) of the Children and Young Persons (Amendment) (Guernsey) Law, 1971, the expression "approved school" in the Third Schedule shall have, prior to 1st May, 1971, the meaning assigned to it by section 1(1) of this Law.*

---

FOURTH SCHEDULE

Section 38

*Application of this Law to the Island of Alderney and the Island of Sark*

[PART I

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN APPLICATION TO  
THE ISLAND OF ALDERNEY

1. In sections 10(1) (on the first occasion the words appear), 10(2), 10(4), 10(5) (otherwise than in paragraph (a)), 10(6), 14, 18(1) (otherwise than on the final occasion the words appear), 20(2) (on the first occasion the words appear), 26(1) (otherwise than on the final occasion the words appear), 27 (otherwise than on the second occasion in subsection (1) the words appear) and 36(1), immediately after "the Juvenile Court" insert "or the Court of Alderney, as the case may be,".

2. In sections 1(1) (in the definition of "supervision order"), 10(5)(a), 10(7), 18(1) (on the final occasion the words appear), 20(2) (on the second occasion the words appear), 26(1) (on the final occasion the words appear) and 27(1) (on the second occasion the words appear), immediately after "the Juvenile Court" insert "or the Court of Alderney, as the case may be".

3. In sections 14(6), 18(1) and 27(1)(b), immediately after "the Magistrate" insert "or the Chairman of the Court of Alderney, as the case may be,".

4. In section 3(1), for "the Juvenile Court" substitute "the Court of Alderney".

5. Immediately after section 3(2), insert the following subsections –

" (2A) If the Court of Alderney is satisfied that any person

brought before it under this section is a child or young person in need of care, protection or control, the Court of Alderney may make such interim order as it thinks fit for his detention or continued detention in a place of safety.

(2B) An interim order under the last preceding subsection shall not remain in force for more than twenty-eight days but if at the expiration of that period the Court of Alderney deems it expedient so to do, it may make a further interim order under this section, and, where the person concerned is under the age of five years or cannot be brought before the Court of Alderney by reason of illness or accident, may do so in his absence.

(2C) Upon application being made to it by the [Health and Social Services Department], the Court of Alderney shall –

- (a) in addition to making a further interim order under this section, order the case to be transferred to the Juvenile Court to be determined in accordance with the provisions of this Law, or
- (b) make a supervision order in respect of the child or young person, or
- (c) order the parents or guardian of the child or young person to enter into a recognisance, with or without sureties, to exercise proper care and guardianship."

**6.** In section 3(3), for "under this section" substitute "upon transfer of the case from the Court of Alderney under an order under paragraph (a) of the last preceding subsection".

7. Omit sections 5 and 5A.

8. In section 10(1)(d), immediately after "Juvenile Court" insert –

",

and the Court of Alderney may, if it thinks it desirable in his interests so to do –

(e) order his parent or guardian to enter into a recognisance, with or without sureties, to exercise proper care and guardianship."

9. In section 14(6), immediately after "Her Majesty's Greffier" insert "or the Clerk of the Court of Alderney, as the case may be".

10. Immediately after section 16, insert the following section –

**"Proceedings to be held in camera.**

**16A.** (1) A sitting of the Court of Alderney for the purpose of any proceedings under this Law shall not be held in the same room in which a sitting of another court has been or will be held within one hour before or after, unless it is considered expedient by the Chairman of the Court of Alderney in the interests of justice.

(2) No person shall be present during the hearing of any proceedings under this Law except for –

(a) members and officers of that court,

- (b) the parties to the proceedings, their parents or guardians, their Advocates, and any witnesses and other persons directly concerned in the proceedings, and
- (c) such other persons as the court may specially authorise to be present."

**11.** Immediately after section 18(2), insert the following subsections –

" (2A) Where the Magistrate is satisfied that any person in the Island of Alderney is likely to be able to give material evidence, or produce any document or thing likely to be material evidence, in proceedings instituted before the Court of Alderney and thereafter transferred to the Juvenile Court under this Law and that that person will not voluntarily attend as a witness or will not voluntarily produce the document or thing, he shall issue a summons directed to that person requiring him to attend before the Juvenile Court at the time appointed in the summons to give evidence or produce the document or thing.

(2B) On the failure of any person to attend before the Juvenile Court in answer to a summons under the last preceding subsection, if

—

- (a) the Magistrate is satisfied by evidence on oath that he is likely to be able to give material evidence or produce any document or thing likely to be material evidence in the proceedings, and
- (b) it is proved on oath, or such other manner as



may be prescribed, that he has been duly served with the summons, and that a reasonable sum has been paid or tendered to him for costs and expenses, and

- (c) it appears to the Magistrate that there is no just excuse for the failure,

the Magistrate may issue a warrant to arrest him and bring him before the Juvenile Court at a time specified in the warrant."

**12.** In section 22, immediately before "the Island of Guernsey" insert "the Island of Alderney or".

**13.** In section 23(2), immediately before "under this Law" insert "or the Court of Alderney, as the case may be,".

**14.** Immediately after section 27(5), insert the following subsection –

" (6) Upon application being made to it by the [Health and Social Services Department], the Court of Alderney shall –

- (a) in addition to making a further interim order under this section, order the case to be transferred to the Juvenile Court to be determined in accordance with the provisions of this Law, or
- (b) make a supervision order in respect of the child or young person, or

- (c) order the parents or guardian of the child or young person to enter into a recognisance, with or without sureties, to exercise proper care and guardianship."

**15.** In section 30 –

- (a) for "the Law of 1927" substitute "the Separation, Maintenance and Affiliation Proceedings (Alderney) Law, 1964<sup>r</sup>",
- (b) for "the Magistrate's Court" substitute "the Court of Alderney",
- (c) for "the Island of Guernsey" substitute "the Island of Alderney",
- (d) for "Her Majesty's Greffier" substitute "the Clerk of the Court of Alderney", and
- (e) in subsection (1), delete "or Juvenile Court".

**16.** Omit section 37(2).

**17.** Omit section 38(5).

**18.** In section 38(6), for "the Island of Alderney" substitute "the Island of Guernsey".]

---

<sup>r</sup> Ordres en Conseil Vol. XIX, p. 241; Vol. XXIV, p. 150.

PART II

APPLICATION TO THE ISLAND OF SARK

Section	Extent of application
Section one.	The whole section.
Section seven.	Subsection (3), subsection (4), subsection (5) and subsection (6).
Section eight.	Subsection (5).
Section nine.	The whole section.
Section eleven.	[ Subsection (10) and subsection (11)].
Section thirteen.	The whole section.
Section fifteen.	The whole section.
Section seventeen.	The whole section.
Section eighteen.	The whole section.
Section nineteen.	The whole section.
Section twenty-three.	The whole section.

Section twenty-eight.	The whole section, excluding subsection (9).
Section twenty-nine.	The whole section.
Section thirty-one.	The whole section, excluding the words "subsection (9) and" in subsection (4).
Section thirty-two.	The whole section.
Section thirty-three.	The whole section.
Section thirty-five.	The whole section.
Section thirty-six.	Subsection (5).
Section thirty-seven.	Subsection (1) and subsection (3), in so far as those subsections relate to the Law entitled "Loi relative à la protection des Femmes et des Filles mineures" registered on the first day of August, nineteen hundred and fourteen, and the Homicide (Guernsey) Law, 1965.  Subsection (4).
Section thirty-eight.	Subsection (1), subsection (2) and subsection (5).

---

## NOTES

*In the Fourth Schedule,*

*Part I was substituted by the Children and Young Persons (Amendment) (Guernsey) Law, 1997, section 1(c), Schedule, with effect from 24th June, 1998;*

*the words in square brackets in Part I were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;<sup>39</sup>*

*the words, figures and parentheses in square brackets in Part II were substituted by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(2), Schedule, paragraph 20, with effect from 1st May, 1971.*

*In accordance with the provisions of the Government of Alderney Law, 2004, section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by law to the Clerk of the Court.*

*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 Schedule to the "Magistrate" shall be construed as a reference to a Judge of the Magistrate's Court within the meaning of the 2008 Law.*

*The Loi relative à la protection des Femmes et des Filles mineures, 1914 has since been repealed by the Sexual Offences (Bailiwick of Guernsey) Law, 2020, section 111, Schedule 2, paragraph 2 ("Repeals"), with effect from 1st March, 2022, subject to the savings in section 2 of the Sexual Offences (Bailiwick of Guernsey) Law, 2020 (Commencement) Ordinance, 2022.*

---

<sup>1</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004.

<sup>2</sup> The functions, rights and liabilities of the Health and Social Services Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the States Children Board and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 8, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions of the States Children Board under this Law were previously transferred to it from the Children Board of the States Public Assistance Authority constituted under the provisions of the Public Assistance Law, 1937 by the States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970, section 3, First Schedule, with effect from 16th December, 1970, subject to the transitional provisions in section 4 of the 1970 Law.

---

<sup>3</sup> Prior to its repeal, section 2 was amended by the Children and Young Persons (Amendment) (Guernsey) Law, 1985, section 1, with effect from 18th February, 1986.

<sup>4</sup> Prior to its repeal, section 3 was amended by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(2), Schedule, paragraph 1, with effect from 1st May, 1971; the Juvenile Court (Guernsey) Law, 1989, section 8(1)(a), with effect from 1st October, 1990.

<sup>5</sup> Prior to its repeal, section 4 was amended by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(2), Schedule, paragraph 1, with effect from 1st May, 1971; the Juvenile Court (Guernsey) Law, 1989, section 8(1)(a), with effect from 1st October, 1990; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004.

<sup>6</sup> Prior to its repeal, section 5 was amended by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(2), Schedule, paragraph 1 and paragraph 2, with effect from 1st May, 1971; the Juvenile Court (Guernsey) Law, 1989, section 8(1)(e) and section 8(1)(f), with effect from 1st October, 1990.

<sup>7</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004.

<sup>8</sup> Prior to their repeal, subsection (1) and subsection (2) were amended by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(2), Schedule, paragraph 4, with effect from 1st May, 1971; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004.

<sup>9</sup> Prior to its substitution, paragraph (b) of subsection (4) was amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004.

<sup>10</sup> Prior to its repeal, subsection (2) was amended by the Juvenile Court (Guernsey) Law, 1989, section 8(1)(a), with effect from 1st October, 1990.

<sup>11</sup> Prior to its repeal, subsection (3) was amended by: the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(2), Schedule, paragraph 1, with effect from 1st May, 1971; the Juvenile Court (Guernsey) Law, 1989, section 8(1)(a), with effect from 1st October, 1990; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004.

<sup>12</sup> Prior to its repeal, subsection (4) was amended by the Juvenile Court (Guernsey) Law, 1989, section 8(1)(a), with effect from 1st October, 1990.

<sup>13</sup> Prior to its repeal, section 9 was modified in its application in the Island of Guernsey in accordance with the provisions of the Children and Young Persons (Miscellaneous Provisions) (Guernsey) Law, 1991, section 1, with effect from 20th

---

January, 1992.

**14** These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004.

**15** Prior to its repeal, section 10 was amended by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(2), Schedule, paragraph 1 and paragraph 6, with effect from 1st May, 1971; the Child Protection (Guernsey) Law, 1972, section 33(2), Schedule, Part II, with effect from 1st May, 1972; the Juvenile Court (Guernsey) Law, 1989, section 8(1)(a), with effect from 1st October, 1990.

**16** Prior to its repeal, subsection (3) was amended by the Juvenile Court (Guernsey) Law, 1989, section 8(1)(a), with effect from 1st October, 1990.

**17** Prior to its repeal, subsection (4) was amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004.

**18** Prior to its repeal, subsection (5) was amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004.

**19** These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004.

**20** Prior to its repeal, section 12 was amended by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(2), Schedule, paragraph 7 and paragraph 8, with effect from 1st May, 1971 the Juvenile Court (Guernsey) Law, 1989, section 8(1)(a), with effect from 1st October, 1990.

**21** Prior to its repeal, section 14 was amended by the Juvenile Court (Guernsey) Law, 1989, section 8(1)(a), with effect from 1st October, 1990.

**22** Prior to its repeal, section 18 was modified in its application in the Island of Guernsey in accordance with the provisions of the Children and Young Persons (Miscellaneous Provisions) (Guernsey) Law, 1991, section 1, with effect from 20th January, 1992.

**23** Prior to its repeal, section 20 was amended by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(2), Schedule, paragraph 10, with effect from 1st May, 1971; the Juvenile Court (Guernsey) Law, 1989, section 8(1)(a) and section 8(1)(h); the Children and Young Persons (Miscellaneous Provisions) (Guernsey) Law, 1991, section 4, with effect from 20th January, 1992.

**24** Prior to its repeal, subsection (2) was amended by the Juvenile Court (Guernsey) Law, 1989, section 8(1)(c), with effect from 1st October, 1990.

**25** Prior to its repeal, section 24 was amended by the Juvenile Court (Guernsey) Law, 1989, section 8(1)(a), with effect from 1st October, 1990.

**26** Prior to its repeal, section 26 was amended by the Juvenile Court (Guernsey)

---

Law, 1989, section 8(1)(a), with effect from 1st October, 1990; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004; and modified in its application in the Island of Guernsey in accordance with the provisions of the Children and Young Persons (Miscellaneous Provisions) (Guernsey) Law, 1991, section 1, with effect from 20th January, 1992.

**27** Prior to its repeal, section 27 was amended by the Child Protection (Guernsey) Law, 1972, section 33(1), Schedule, Part I, with effect from 1st May, 1972; the Juvenile Court (Guernsey) Law, 1989, section 8(1)(a), with effect from 1st October, 1990; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004.

**28** Prior to its repeal, paragraph (a) was amended by the Juvenile Court (Guernsey) Law, 1989, section 8(1)(c), with effect from 1st October, 1990.

**29** The words "Committee for Health & Social Care" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004; and subsection (11) was previously amended by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(2), Schedule, paragraph 15, with effect from 1st May, 1971.

**30** The words "Committee for Health & Social Care" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004; and paragraph (a) of subsection (1), and subsection (2), were previously amended by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(2), Schedule, paragraph 15, with effect from 1st May, 1971.

**31** Prior to its repeal, section 30 was amended by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(1)(g) and section 1(2), Schedule, paragraph 5, paragraph 15 and paragraph 18, with effect from 1st May, 1971; the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989; the Juvenile Court (Guernsey) Law, 1989, section 8(1)(c), with effect from 1st October, 1990; the Children and Young Persons (Amendment) (Guernsey) Law, 1997, section 1(a), with effect from 24th June, 1998; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004; and modified by the Child Protection (Guernsey) Law, 1972, section 31, with effect from 1st May, 1972.

**32** Subsection (6) was previously amended by the Children and Young Persons (Amendment) (Guernsey) Law, 1971, section 1(2), Schedule, paragraph 15, with effect from 1st May, 1971; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004.

**33** These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph



---

8, with effect from 6th May, 2004.

**34** Prior to its repeal, section 34 was amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004.

**35** For subsequent amendments, see the consolidated text of the Family Allowances (Guernsey) Law, 1950.

**36** For subsequent amendments, see the consolidated text of the Adoption (Guernsey) Law, 1960.

**37** These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004.

**38** These words were previously amended in accordance with the provisions of the States Supervisor and Treasurer of the States (Transfer of Functions) Law, 1971, section 4, with effect from 1st April, 1972.

**39** These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004.