

ORDER IN COUNCIL

**III
2001**

ratifying a Projet de Loi

ENTITLED

The Children and Young Persons (Amendment) (Guernsey) Law, 2000

(Registered on the Records of the Island of Guernsey
on the 6th March, 2001.)



2001

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 6th day of March, 2001 before Andrew Christopher King Day, Esquire, Deputy Bailiff; present:— Mrs. Eileen May Glass, Laurence Lenfestey Guille, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory, Keith Bichard, OBE, Esquires, The Reverend Peter Gerald Lane, Michael John Wilson, and Michael Henry De La Mare, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 14th day of February, 2001, approving and ratifying a *Projet de Loi* entitled “The Children and Young Persons (Amendment) (Guernsey) Law, 2000”, THE COURT, after having heard Her Majesty’s Comptroller thereon, ORDERED that the said Order in Council be registered on the records of this Island of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 14th day of February, 2001

PRESENT,

The Queen's Most Excellent Majesty in Council

WHEREAS, there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 6th day of February 2001 in the words following, viz.:—

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

1. That, in pursuance of their Resolution of the 26th day of July 2000, the States of Deliberation at a meeting held on the 27th day of September, 2000 approved a Bill or “Projet de Loi” entitled “The Children and Young Persons (Amendment) (Guernsey) Law, 2000”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is as set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Children and Young Persons (Amendment) (Guernsey) Law, 2000”, and to order that the same shall have force of law in the Islands of Guernsey, Herm and Jethou.”

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, and it is hereby ordered, that the same shall have the force of law within the Islands of Guernsey, Herm and Jethou.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

A. K. Galloway

The Children and Young Persons (Amendment) (Guernsey) Law, 2000

THE STATES, in pursuance of their Resolution of the 26th day of July, 2000^a, have approved the following provisions, which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

Amendment to Law of 1967.

1. For section 2 of the Children and Young Persons (Guernsey) Law, 1967, as amended^b, substitute the following section-

"Children and young persons in need of care, protection or control.

2. (1) A child or young person is in need of care, protection or control within the meaning of this Law if-

- (a) any of the conditions mentioned in subsection (2) of this section is satisfied with respect to him, and he is not receiving, or is not likely to receive, such care, protection and guidance as a good parent may reasonably be expected to give; or
- (b) he is, or is likely to be, beyond the control of his parent or guardian.

^a Article IV of Billet d'État No. XVIII of 2000.

^b Ordres en Conseil Vol. XXI, p. 34; Vol. XXIII, pp. 3 and 238; Vol. XXIX, p. 124; Vol. XXXI, p. 326; No. XIX of 1991; No. XXIX of 1997.

(2) The conditions referred to in paragraph (a) of subsection (1) of this section are that-

- (a) he is falling, or is likely to fall, into bad associations or is, or is likely to be, exposed to moral danger; or
- (b) the lack of care, protection or guidance is, or would be, likely to cause him unnecessary suffering or seriously to affect his health or proper development; or
- (c) any of the offences mentioned in the First Schedule to this Law has been committed in respect of him or in respect of a child or young person who is, or is likely to be, a member of the same household; or
- (d) he is, or is likely to be, a member of the same household as a person who has been convicted of such an offence in respect of a child or young person; or
- (e) the child or young person is, or is likely to be, a female member of a household a member of which has committed or attempted to commit an offence under Article I of the Law entitled

"Loi pour la Puniton d'Inceste" registered on the 3rd day of August, 1909^c; or

- (f) he has misused a volatile substance by deliberately inhaling, other than for medicinal purposes, that substance's vapour."

Repeals.

- 2. (1) In the Child Protection (Guernsey) Law, 1972^d -
 - (a) in section 1(2)(a), the words "and Part IV";
 - (b) section 7(1)(e);
 - (c) section 15(6)(c);
 - (d) Part IV (sections 25 to 30);
 - (e) the entry in Part I of the Schedule relating to the Family Allowances (Guernsey) Law, 1950^e; and

^c Ordres en Conseil Vol. XXIII, p. 238.

^d Ordres en Conseil Vol. XIV, p. 332; Vol. XX, p. 63; Vol. XXI, p. 34, Vol. XXIII, p. 238; Vol. XXVI, pp. 150 and 292; Vol. XXVIII, p. 406; No. VI of 1999; Recueil d'Ordonnances Tome XXI, p. 460; Tome XXVI, p. 177; No. XXIV of 1999.

^e Ordres en Conseil Vol. XVIII, p. 192; Vol. XXI, p. 34; Vol. XXIII, p. 238; No. VIII of 1997; No. XII of 2000.

- (f) the first two entries in Part I of the Schedule relating to the Adoption (Guernsey) Law, 1960^f,

are repealed.

(2) The Children and Young Persons (Amendment) (Guernsey) Law, 1985^g is repealed.

(3) Section 11A of the Family Allowances (Guernsey) Law, 1950^h is repealed.

(4) In the Adoption (Guernsey) Law, 1960, as amended-

- (a) in section 5(3), the words "or by virtue of section twenty-six of the Child Protection (Guernsey) Law, 1972"; and
- (b) section 14(4),

are repealedⁱ.

Citation.

3. This Law may be cited as the Children and Young Persons (Amendment) (Guernsey) Law, 2000.

^g Ordres en Conseil Vol. XXIX, p. 124.

^h Section 11A was inserted by section 33(1) of and Part I of the Schedule to the Child Protection (Guernsey) Law, 1972.

The words in section 5(3) and section 14(4) were inserted by section 33(1) of and Part I of the Schedule to the Child Protection (Guernsey) Law, 1972.

