

# ORDER IN COUNCIL

**XII**  
**2000**

ratifying a Projet de Loi

ENTITLED

## **The Adoption (Amendment) (Guernsey) Law, 2000**

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(Registered on the Records of the Island of Guernsey  
on the 12th December, 2000.)

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2000

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 12th day of December, 2000 before Andrew Christopher King Day, Esquire, Deputy Bailiff; present:—David Charles Lowe, Esquire, Mrs. Eileen May Glass, Laurence Lenfestey Guille, Derek Martin Le Page, Alan Cecil Bisson, David Michael Jory, Keith Bichard, OBE, Esquires, The Reverend Peter Gerald Lane, 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 15th day of November, 2000, approving and ratifying a *Projet de Loi* entitled “The Adoption (Amendment) (Guernsey) Law, 2000”, THE COURT, after the reading of the said Order in Council and 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 15th day of November, 2000

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 7th day of November 2000 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 November 1997, the States of Deliberation at a meeting held on the 31st day of May, 2000 approved a Bill or “Projet de Loi” entitled “The Adoption (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 Adoption (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*

# PROJET DE LOI

ENTITLED

## **The Adoption (Amendment) (Guernsey) Law, 2000**

**THE STATES**, in pursuance of their Resolution of the 26th day of November, 1997<sup>a</sup>, 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.

### **Amendments to Law of 1960.**

1. The Adoption (Guernsey) Law, 1960, as amended<sup>b</sup>, is further amended as follows -

- (a) in section 17(5), immediately after "Court" insert "or in accordance with section 20A(1)"; and
- (b) immediately after Part II, insert the following Part -

#### **"PART IIA**

#### ***Disclosure of birth records and Adoption Contact Register***

### **Disclosure of birth records of adopted children.**

**20A.** (1) On an application made in the specified manner by an

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<sup>a</sup> Article VII of Billet d'État No. XXII of 1997.

<sup>b</sup> Ordres en Conseil Vol. XVIII, p. 192; Vol. XXI, p. 34; Vol. XXIII, p. 238; No. VIII of 1997.



adopted person -

(a) a record of whose birth is kept by the Registrar, and

(b) who has attained the age of 18 years,

the Registrar must, subject to section 20B, give the applicant such information as is necessary to enable the applicant to obtain a certified copy of the record of his birth.

(2) On an application made by an adopted person a record of whose birth is kept by the Registrar and who -

(a) is under the age of 18 years, and

(b) intends to be married in the Island,

the Registrar must inform the applicant whether or not it appears from information contained in the Register of Births or other records that the applicant and the person whom the applicant intends to marry may be within the prohibited degrees of relationship for the purposes of the Law entitled "Loi sur les Empêchements au Mariage à cause de Parenté, et sur l'Etablissement de la Juridiction Civile dans les Causes Matrimoniales", registered on the 21st day of March, 1936<sup>c</sup>, and the Marriage (Enabling) (Guernsey) Law, 1961<sup>d</sup>.

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<sup>c</sup> Ordres en Conseil Vol. X, p. 308.

<sup>d</sup> Ordres en Conseil Vol. XVIII, p. 312.

(3) The duty to give any information under this section, where a fee for giving that information is prescribed by an order made by the Board and the Registrar has demanded the fee, only arises if the fee has been paid.

(4) In this section "**specified**" means specified by an order made by the Board.

**Disclosure of birth records: counselling.**

**20B.** (1) Where a person applies for information under section 20A(1), the Registrar must not supply the information to the applicant unless the applicant has attended an interview with a counsellor arranged by the Board.

(2) Where the Registrar is prevented by subsection (1) from supplying the information to a person who is not living in the Island, the Registrar may supply the information to any body which -

- (a) the Board is satisfied is suitable to provide counselling to that person, and
- (b) has notified the Board that it is prepared to provide such counselling.

(3) Where an adopted person who is in the Island is supplied with information under section 20A, the Board must, if asked by the applicant to do so, provide counselling for the applicant.

(4) Where an adopted person has applied for information

under section 20A(1), the Board must, if asked by a relative of the adopted person to do so, provide counselling for him.

**Adoption Contact Register.**

**20C.** (1) The Registrar must maintain at the Greffe Office in accordance with this section a register in two Parts to be called the Adoption Contact Register (in this Part referred to as "**the Register**").

(2) Part I of the Register must give the names and addresses of adopted persons who have given notice expressing their wish to be included in that Part; and the entry for each adopted person must state (in accordance with the notice or a subsequent notice under section 20E(2)) that the adopted person wishes -

- (a) to make contact with all of his relatives,
- (b) to make contact only with such of his relatives as are described in the entry, or
- (c) not to make contact with any of his relatives.

(3) The Registrar may only make an entry in Part I of the Register for an adopted person -

- (a) a record of whose birth is kept by the Registrar,
- (b) who has attained the age of 18 years, and
- (c) who has been supplied by the Registrar with



information under section 20A or who the Registrar is satisfied has such information as is necessary to enable him to obtain a certified copy of the record of his birth.

(4) Before making an entry in Part I of the Register for an adopted person, or accepting any fee for doing so, in a case where there is any entry in Part II of the Register for any relative of the adopted person which shows that the relative does not wish to make contact with the adopted person, the Registrar must inform the adopted person of that fact and of the nature of the relationship.

(5) Part II of the Register must give the names and addresses of persons who have given notice expressing their wish to be included in that Part as relatives of an adopted person and the addresses given by them for the purposes of the Register; and the entry for each relative must state (in accordance with the notice or a subsequent notice under section 20E(2)) that the relative wishes, or does not wish, to make contact with the adopted person.

(6) The Registrar may only make an entry in Part II of the Register for a person -

- (a) who has attained the age of 18 years, and
- (b) who the Registrar is satisfied is a relative of an adopted person and has such information as is necessary to enable him to obtain a certified copy of the record of the adopted person's birth.

(7) Before making an entry in Part II of the Register for a relative of an adopted person, or accepting any fee for doing so, in a case where there is an entry in Part I of the Register for the adopted person which shows that the adopted person does not wish to make contact with the relative, the Registrar must inform the relative of that fact.

**Adoption Contact Register: disclosure.**

**20D.** (1) Where there is an entry in Part I of the Register which shows that an adopted person wishes to make contact with all of his relatives, the Registrar must give to the adopted person -

- (a) the name of any relative of his for whom there is an entry in Part II of the Register which shows that the relative wishes to make contact with him, and
- (b) the address shown for that relative in the Register.

(2) Where there is an entry in Part I of the Register which shows that an adopted person wishes to make contact with any of his relatives described in the entry, the Registrar must give to the adopted person -

- (a) the name of any relative of that description for whom there is an entry in Part II of the Register which shows that the relative wishes to make contact with him, and

(b) the address shown for that relative in the Register.

(3) The Register is not to be open to public inspection or search.

(4) The Registrar must not supply any person with information entered in the Register except in accordance with section 20C or this section.

**Adoption Contact Register: supplementary.**

**20E.** (1) The Register may be kept by means of a computer.

(2) The Registrar must amend or remove the entry for any person in the Register if the person gives notice requiring him to do so.

(3) Any notice given under section 20C or this section is to be in such form as may be determined by the Board.

(4) The Registrar is not required to make an entry in the Register, or in prescribed circumstances to consider an application to make such an entry unless any prescribed fee has been paid; and in this subsection "**prescribed**" means prescribed by an order made by the Board.

**Meaning of "relative".**

**20F.** In this Part "**relative**", in relation to an adopted person, means any person (other than an adoptive relative) who is related to the adopted person by blood (including half-blood) or marriage."

**Citation.**

2. This Law may be cited as the Adoption (Amendment) (Guernsey) Law, 2000.

**Commencement.**

3. This Law shall come into operation on such date as the States may by Ordinance appoint, and different dates may be appointed for different provisions and for different purposes.