

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Legitimacy (Guernsey) Law, 1966

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



1966.

IX

1966

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

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

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 5th day of July, 1966, ratifying a *Projet de Loi* entitled "The Legitimacy (Guernsey) Law, 1966", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 5th day of July, 1966.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

MR. SECRETARY HUGHES

MISS HERBISON

MR. BENN

MR. SILKIN

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 27th day of June, 1966, in the words following, viz.:—

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

1. That, in pursuance of their Resolution of the 3rd day of February 1965, the States of Deliberation at a meeting held on the 30th day of March, 1966, approved a Bill or “Projet de Loi” entitled “The Legitimacy (Guernsey) Law, 1966” which Bill is designed to apply to the Bailiwick of Guernsey, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the States of the Island of Alderney at a meeting held on the 26th day of May, 1966, considered the said bill or “Projet de Loi” when a Resolution was

passed agreeing to the application of the same to Alderney. 3. That the Chief Pleas of the Island of Sark at a meeting held on the 27th day of May, 1966, considered the said Bill or "Projet de Loi" when a Resolution was passed agreeing to the application of the same to Sark. 4. That the said Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Legitimacy (Guernsey) Law, 1966" and to order that the same shall have force of law in the Bailiwick of Guernsey.'

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

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

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

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

W. G. Agnew.

**Projet de Loi referred to in the foregoing
Order in Council.**

PROJET DE LOI

ENTITLED

The Legitimacy (Guernsey) Law, 1966

THE STATES, in pursuance of their Resolution of the third day of February, nineteen hundred and sixty-five, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

1. Where the parents of an illegitimate person marry or have married one another, whether before or after the commencement of this Law, and at the time of the act of intercourse resulting in the birth of that illegitimate person either of his parents was married to a third person, then, notwithstanding any rule of law to the contrary, the marriage of his parents shall, if the father of that illegitimate person was or is at the date of such marriage domiciled in the Bailiwick, render that illegitimate person, if living, legitimate from the commencement of this Law or from the date of such marriage, whichever last happens.

Legitimation
of adulterine
children by
subsequent
marriage of
parents.

2. (1) Subject to the provisions of this section, the child of a void marriage, whether born before or after the commencement of this Law, shall be treated as the legitimate child of the parties to the marriage if at the time of the act of intercourse resulting in the birth (or at the time of the celebration of the marriage if later) both or either of the parties reasonably believed that the marriage was valid.

Legitimacy
of children
of certain
void
marriages.

(2) This section applies, and applies only, where the father of the child was domiciled in the Bailiwick at the time of the birth or, if he died before the birth, was so domiciled immediately before his death.

(3) In this section the expression "void marriage" means a marriage, not being voidable only, in respect of which the Matrimonial Causes Division of the Royal Court has or had jurisdiction to grant a decree of nullity, or would have or would have had such jurisdiction if the parties were domiciled in the Bailiwick.

Provisions
supplemen-
tary to
section one
and section
two.

3. (1) Nothing in section one or section two of this Law shall affect—

- (a) any rights under the intestacy of a person who died before the commencement of this Law;
- (b) any rights to any interest in any real or personal property of a person who died before the commencement of this Law where such property was not disposable testamentarily by that person at the time of his death under any enactment or any rule of law;
- (c) the operation or construction of any disposition of real or personal property, whether by instrument inter vivos or by will (including codicil), coming into operation before the commencement of this Law.

(2) Nothing in section one or section two of this Law shall enable any person to exercise the right of "retrait lignager" by reason of the sale or otherwise of any real property which occurred before the commencement of this Law.

Amendment
of entries in
Registers
of Births.

4. (1) Where a declaration is made at any time to the Registrar-General of Births and Deaths for the

Bailiwick (hereafter in this section referred to as "the Registrar-General") by the father and mother of any person born before their marriage to one another acknowledging such person as their child and the Registrar-General is satisfied that such person has been legitimated by virtue of the marriage of his parents, the Registrar-General shall cause any entry in any Register of Births to be amended in such manner as may appear to him to be necessary to ensure that such entry shall only specify such particulars as would have been specified therein had such person been born of his father and mother in lawful wedlock.

(2) Where a declaration is made at any time to the Registrar-General by the father or mother of any person born before their marriage to one another acknowledging such person as their child, the Registrar-General shall cause any entry in any Register of Births relating to such person to be amended in accordance with the provisions of subsection (1) of this section if—

- (a) the paternity of such person has been established by an affiliation order or otherwise by a decree of a court of competent jurisdiction; or
- (b) such person is described in such entry as the illegitimate child of the father.

(3) The Royal Court sitting as an Ordinary Court may, upon application being made to it in that behalf, authorise the Registrar-General to cause any entry in any Register of Births relating to any person born before the marriage of his father and mother to be amended in accordance with the provisions of subsection (1) of this section if the Court is satisfied that such person has been legitimated by virtue of the marriage of his father and mother; and

upon being so authorised the Registrar-General shall cause such entry to be amended accordingly.

(4) Where any entry in any Register of Births has been amended in pursuance of the provisions of this section, any certified copy thereof shall be a copy of the entry as amended, without the reproduction of any matter which may have been cancelled; and a copy or extract of such entry shall be deemed to be accurate only if any cancellation is omitted therefrom.

(5) Where a declaration is made by any person to the Registrar-General under this section—

- (a) the Registrar-General may require such person to give him such information concerning the matter as he may consider necessary and to verify such information in such manner as he may direct;
- (b) such person shall pay to the Registrar-General a fee in the sum of ten shillings in respect of the declaration.

Repeals.

5. The Laws described in the first column of the Schedule to this Law are hereby repealed to the extent specified in the second column of that Schedule.

Citation and construction.

6. (1) This Law may be cited as the Legitimacy (Guernsey) Law, 1966.

(2) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Law throughout the Bailiwick.

SCHEDULE

Section five

Repeals

Law	Extent of repeal
The Law entitled "Loi ayant rapport aux Mariages célébrés dans l'Île de Guernesey et dans les Îles d'Auregny et de Serk" registered on the sixth day of May, nineteen hundred and nineteen (a).	Article 29.
The Law entitled "Loi ayant rapport aux Mariages célébrés dans l'Île d'Auregny" registered on the first day of October, nineteen hundred and twenty-three (b).	Article 25.
The Law entitled "Loi relative à l'Enregistrement des Naissances et Décès dans l'Île d'Auregny" registered on the thirty-first day of October, nineteen hundred and twenty-five (c).	Article 6.
The Law entitled "Loi relative à l'Enregistrement des Naissances et Décès dans le Bailiage de l'Île de Guernesey" registered on the ninth day of March, nineteen hundred and thirty-five (d).	In section (3) of Article 2, the words "d'une veuve ou d'une femme non mariée". Section (4) of Article 2. Article 6.

R. H. VIDELO,

Her Majesty's Greffier

- (a) Ordres en Conseil Vol. VI, p. 57.
 (b) Ordres en Conseil Vol. VII, p. 121.
 (c) Ordres en Conseil Vol. VII, p. 417.
 (d) Ordres en Conseil Vol. X, p. 20.