



Jersey

# **CHILDREN'S PROPERTY AND TUTEURS (TRANSITIONAL PROVISIONS) (JERSEY) ORDER 2016**

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# CHILDREN'S PROPERTY AND TUTEURS (TRANSITIONAL PROVISIONS) (JERSEY) ORDER 2016

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Jersey

## CHILDREN'S PROPERTY AND TUTEURS (TRANSITIONAL PROVISIONS) (JERSEY) ORDER 2016

THE CHIEF MINISTER, in pursuance of Articles 8 and 15 of the [Children's Property and Tuteurs \(Jersey\) Law 2016](#), orders as follows –

Commencement [[see endnotes](#)]

### 1 Interpretation

In this Order, the “Law” means the [Children's Property and Tuteurs \(Jersey\) Law 2016](#), and a reference to the “commencement date” is to the date on which the Law comes into force.

### 2 Application of Law in relation to existing *tuteurs*, etc.

- (1) In relation to a *tuteur* under a *tutelle* formed before the commencement date (an “existing *tuteur*”), nothing in the Law shall be taken as invalidating the existing *tuteur*'s appointment and the Law shall apply, subject to paragraphs (3) to (7), as though –
  - (a) the existing *tuteur* were appointed under Article 2(1) or (3) and (7) of the Law; and
  - (b) references in the Law to a *tuteur* were to the existing *tuteur*.
- (2) For the avoidance of doubt, paragraph (1) does not have effect to save, on or after the commencement date, any function of the *électeurs* of a *tutelle* in relation to which that paragraph applies, except such a function exercisable in relation to the approval of accounts in respect of any period before the commencement date.
- (3) Article 2(14) shall not apply in relation to an existing *tuteur*.
- (4) Notwithstanding that, before the commencement date, a *tutelle* has been formed in relation to any property, an application for the appointment of a *tuteur* may be made to the Royal Court in relation to the same property under Article 2(6) of the Law.
- (5) Upon an application being made as provided by paragraph (4), the Royal Court may (in particular, and without derogating from the generality of its powers under the Law to make orders and give directions in such a case) exercise its powers under Article 2 of the Law –

- (a) to appoint a *tuteur* including (where an existing *tuteur* has been appointed) an additional *tuteur*; or
  - (b) to appoint a *tuteur* in place of an existing *tuteur*, and in such a case the Royal Court may also exercise its powers, under Article 5 of the Law, to discharge the existing *tuteur*.
- (6) In the case where a minor attains full age or dies on or after the commencement date but before 1st January 2017, the Law shall not apply, and the cessation of the *tutelle* shall take place in accordance with the relevant rules of customary law and any applicable provision of written law in force immediately before the commencement date.
- (7) In any case other than the case described in paragraph (6), Article 8 of the Law and Schedule 2 to the Law shall apply in relation to an existing *tuteur* –
  - (a) as though the definition “appointment date” in paragraph 1 of Schedule 2 were omitted;
  - (b) as though for paragraph 2 of Schedule 2 there were substituted the following paragraph –

“A *tuteur* must, no later than 31st December 2016, deliver to the Judicial Greffier –

    - (a) an inventory of the minor’s property; and
    - (b) a copy of the accounts last submitted, in accordance with Article 4 of the Loi (1862) sur les *Tuteurs*, to the *électeurs* of the *tutelle*.”;
  - (c) as though in paragraph 3 of Schedule 2 –
    - (i) for sub-paragraph (2) there were substituted the following sub-paragraph –

“(2) Accounts must be prepared for the calendar year commencing on 1st January 2017 and for each subsequent calendar year, for the duration of the *tuteur*’s appointment.”, and
    - (ii) in sub-paragraph (4) for the words “the period of 12 months” there were substituted the words “the end of the calendar year”.

### 3 Saving for right of action against *tuteurs* etc.

Notwithstanding Articles 12 and 13 of the Law, nothing in the Law or in this Order shall affect any right of action which has accrued at the commencement date against –

- (a) an existing *tuteur*; or
- (b) an *électeur* of a *tutelle* formed before the commencement date, under any rule of customary law or any provision of written law in force immediately before the commencement date.

### 4 Citation

This Order may be cited as the Children’s Property and Tuteurs (Transitional Provisions) (Jersey) Order 2016.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Children's Property and Tuteurs (Transitional Provisions) (Jersey) Order 2016	<a href="#">R&amp;O.79/2016</a>	22 August 2016 ( <a href="#">L.13/2016</a> )

### Table of Renumbered Provisions

Original	Current
None	

### Table of Endnote References

*There are currently no endnote references*