

*(Enregistré sur les Records le 4 juin 1927.)*

AT THE COURT AT BUCKINGHAM PALACE,  
The 13th day of May, 1927.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT

LORD CHAMBERLAIN

SECRETARY SIR JOHN GILMOUR

MR. BRIDGEMAN

Loi relative  
à l'entretien  
des Enfants  
Illégitimes,  
1927.

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 10th day of May, 1927, in the words following, viz. :—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth :—(1) That a law intituled ‘ Loi relative à l'Entretien des Enfants Illégitimes ’ was sanctioned by an Order of Her late Majesty Queen Victoria in Council dated the 29th day of February, 1868 ; (2) That for the better administration of justice it has been deemed desirable to introduce a new law based on the English Acts 1872-1873 ; (3) That, accordingly, the Royal Court, at a sitting held on the 20th day of January, 1926, adopted a Bill or Projet de Loi

1927

prepared by the Law Officers of the Crown, and requested the Bailiff to submit the said Bill to the States for their approval ; (4) That on the 10th day of March, 1926, the said Bill or *Projet de Loi* was submitted to and considered by the States of Deliberation, when a resolution was passed approving the same with certain modifications, and authorizing the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto ; (5) That following a conference at the Home Office with the Bailiff on the terms of the Bill, it was returned by the Secretary of State with certain suggestions as to its amendment ; (6) That these amendments were considered and in part adopted by the Royal Court and thereafter, on the 23rd day of March, 1927, submitted to the States who passed the Bill in an amended form and authorized the President to present a most humble petition to Your Majesty in Council praying for Your Royal Sanction thereto. (7) That the said Bill or *Projet de Loi* is intituled 'Loi relative à l'Entretien des Enfants Illégitimes, 1927,' and is in the words and figures set forth in the Schedule to the said Petition. And humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or *Projet de Loi* of the States of Guernsey intituled 'Loi relative à l'Entretien des Enfants Illégitimes, 1927,' and to order and direct that the same shall have the force of law within the Island 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*."

HIS MAJESTY, having taken the said Report into

1927

consideration, is pleased, by and with the advice of His 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 Island of Guernsey.

AND HIS 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 or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His 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.

M. P. A. HANKEY.

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“PROJET DE LOI” referred to in the foregoing Order in Council.

“LOI RELATIVE À L'ENTRETIEN DES  
ENFANTS ILLÉGITIMES, 1927.”

ARTICLE 1.

Application  
to Magistrate  
for summons  
to be served  
on the man  
alleged to be  
the father of  
a bastard  
child.

Any single woman, who may be with child or who may be delivered of a bastard child after the passing of this law, may, either before the birth or at any time within twelve months from the birth of such child, or at any time thereafter, upon proof that the man alleged to be the father of such child has within the twelve months next after the birth of such child paid money for its maintenance, or at any time within the twelve months next after the return to the Island of the man alleged to be the father of such child, upon proof that he ceased to reside in the Island within the

1927

twelve months next after the birth of such child, make application to the Magistrate for a summons to be served on the man alleged by her to be the father of the child, and upon such application being made the woman shall make a deposition upon oath stating who is the father of such child, and the Magistrate shall thereupon order that a summons shall be issued to the person alleged to be the father of such child to appear before him on the day and hour specified in such summons.

The expression, any single woman, shall include a widow or a married woman living apart from her husband, if the child of such married woman is the offspring of an adulterous intercourse.

## ARTICLE 2.

After the birth of such bastard child, on the appearance of the person so summoned, or on proof that the summons was duly served on such person or left at his place of abode six days at least prior to the day fixed for his appearance, the Magistrate shall hear the evidence of such woman and such other evidence as she may produce, and shall also hear any evidence tendered by or on behalf of the person alleged to be the father, and if the evidence of the mother be corroborated in some material particular by other evidence to the satisfaction of the Magistrate, he may adjudge the man to be the putative father of such bastard child; and he may also, if he sees fit, having regard to all the circumstances of the case, make an order on the putative father for the payment to the mother of the bastard child, or to any person who may be appointed to have the custody of such child, of a sum of money weekly, not exceeding ten shillings a week, for the maintenance and education of the child, and of the expenses incidental to the birth of such child, and of the funeral expenses of the child, provided that it has died before the making of such

Evidence.

Magistrate may make an order for the payment of a weekly sum not exceeding ten shillings and incidental expenses, &c.

1927

order, and of such costs as may have been incurred in the obtaining of such order, and if the application be made before the birth of the child, or within two calendar months after birth of the child, such weekly sum may, if the magistrate thinks fit, be calculated from the birth of the child.

Failure to  
pay sum in  
pursuance of  
an order.

If at any time after the expiration of fourteen clear days from the making of such order as aforesaid it be made to appear to the Magistrate, upon oath or affirmation, that any sum to be paid in pursuance of such order has not been paid, the Magistrate may order H.M.'s Sheriff to apprehend and bring the putative father before him, and in case such putative father neglect or refuse to make payment of the sums due from him under such order, or since any commitment for disobedience to such order as hereinafter provided, together with the costs attending the apprehension and bringing up of such putative father, the Magistrate may direct that the sum so appearing to be due together with the costs, be recovered by the sale of the goods and chattels of such putative father, to be held before H.M.'s Sheriff : and the Magistrate may further order that such putative father be detained and kept in custody until a report from H.M.'s Sheriff as to the result of the sale be received, unless the putative father give sufficient security, by way of recognisance or otherwise, to the satisfaction of the Magistrate, for his appearance before him on such day as the Magistrate may appoint for the return of the report by H.M.'s Sheriff ; but if upon the return of such report, or if by the admission of such putative father, it appears that the putative father has not sufficient goods and chattels within the jurisdiction to satisfy the claim, then the Magistrate may, if he sees fit, cause such putative father to be committed to prison for any term not exceeding three calendar months unless such sum and costs, including the costs of the sale and commitment be sooner paid and

Penalty.

satisfied; provided however that the term of imprisonment shall not exceed the limits prescribed by the law relating to procedure in criminal matters sanctioned by Order of Her Majesty in Council dated the 13th day of August, 1877, registered on the Records of this Island on the 30th day of August, 1877.

1927

## ARTICLE 3.

No order for the maintenance and education or for contribution towards the relief of any such child made in pursuance of this law, shall, except for the purpose of recovering money previously due under such order, be of any force or validity after the child in respect of whom it was made has attained the age of fourteen years, or after the death of such child; provided that the Magistrate may, when making the order, direct that the payments to be made under it in respect of the child shall continue until the child attains the age of sixteen years, in which case such order shall be in force until that period: Provided further that the Magistrate may at any time on the application of the mother, the putative father, the States Central Board for the Administration of the Poor if the child be chargeable to the States, or the person for the time being having the custody of the child, upon cause being shown, upon fresh evidence to the satisfaction of the Magistrate, revoke, revive or vary any order made by him. The Magistrate may further rescind the whole order if he is satisfied at any time, on fresh evidence, that the defendant is not the putative father of the child.

Payment limited to the age of fourteen years.

Revocation, revision or revival of an order upon fresh evidence.

## ARTICLE 4.

(1)—All money payable under an order as aforesaid shall be due and payable to the mother of the bastard child in respect of such time and so long as she lives and is of sound mind, and is not in prison or

Payment under an order.

1927

under sentence of penal servitude ; and after the death of the mother of such bastard child or whilst such mother is of unsound mind or confined in any prison or under sentence of penal servitude, the Magistrate, so long as such child is not chargeable under the Poor Law to the States may, if he thinks fit, make an order empowering the guardian (tuteur) of such bastard child to make application for the recovery of all payments becoming due under his order as aforesaid in the same manner as the mother of such bastard child might have done, and any payments so ordered to be made shall be recovered by the guardian of the child in the manner provided for the recovery of payments under an order obtained by the mother in pursuance of Article 2 of this law.

Where the Magistrate makes an order under Article 2 of this law, he shall, unless upon representations expressly made in that behalf by the applicant for the order he is satisfied that it is undesirable to do so, provide in the order that all payments thereunder shall be made to H.M.'s Greffier at the office of the Greffe, and if the order so provides, all payments under the order shall be made to H.M.'s Greffier and not otherwise.

(3)—It shall be the duty of H.M.'s Greffier to receive all such payments as may be directed to be made to him under this law and to pay on demand at the office of the Greffe to the mother of the bastard child, or to such other person as is named in the order, the sum directed to be paid under the order, or such part thereof as he receives, without making any deduction therefrom, and, where any such payment or any part thereof is in arrear for seven days, H.M.'s Greffier shall give notice in writing to the person who is entitled under the order to receive that payment, stating the particulars of the arrears.

Nothing in this law shall affect the right of the mother or other person entitled to recover payments

under the order to proceed against the putative father of the child to enforce payment of any sum due to such person, but on the request in writing of the mother or other person entitled to recover payments under the order, it shall be lawful for H.M.'s Greffier to proceed in his name on behalf of the mother or such other person against the putative father for the recovery of payments under the order, and in any such case the liability of the person on whose behalf the proceedings are taken for all costs properly incurred in or about the proceedings shall be the same as if the proceedings had been taken by that person.

1927

For the purpose of this article the expression H.M.'s Greffier means His Majesty's Greffier or any person duly appointed by him to act as a Deputy of His Majesty's Greffier.

#### ARTICLE 5.

(1)—When a bastard child becomes chargeable under the Poor Law to the States of the Island, the President or other member of the Central Board for the Administration of the Poor, duly authorised by the Board for the purpose, may apply to the Magistrate and thereupon the Magistrate may summon the man alleged to be the father of the child to appear before him to show cause why an order should not be made against him to contribute towards the relief of the child, and upon his appearance or on proof that the summons was duly served on him, or left at his place of abode six days at least before the day appointed for his appearance, the Magistrate shall hear the evidence of the mother and such other evidence as she or the Central Board for the Administration of the Poor may produce, and shall also hear any evidence tendered by or on behalf of the person alleged to be the father, and if the evidence of the mother be corroborated in some material particular by other evidence to the satisfaction of the Magis-

Bastard child  
chargeable  
under Poor  
Law.



1927

trate, he may adjudge the man to be the putative father of such bastard child, and he may make an order upon such putative father to pay to the Central Board for the Administration of the Poor such sum, weekly or otherwise towards the relief of the child during such time as the child shall continue or afterwards be chargeable, as shall appear to the Magistrate to be proper ; and any payment so ordered to be made shall be recoverable by the Central Board for the Administration of the Poor in the manner provided by Article 2 of this law for the recovery of payments under an order obtained by the mother : Provided as follows :—

- (1) That subject to the provisions of section (2) of this article no payments shall be recoverable under such order except in respect of the time during which the child is actually in receipt of relief ;
- (2) That an order under this article shall not be made, and if made, shall cease except for the recovery of arrears, when the mother of the child has obtained an order under this law ;
- (3) That nothing in this law shall be deemed to relieve the mother of a bastard child from her liability to maintain such child.
- (4) That if, after an order has been made under this Article, the mother should apply for an order under Article 1 of this law, the order made under this Article shall be *prima facie* evidence that the man upon whom the order is made is the father of the child.

(2) Where an order has been made in pursuance of Section (1) of this Article the Magistrate may, on the application of the Central Board for the Administration of the Poor, the mother or any person for the time being having the custody of the child, vary such order by providing for the continuance thereof after the child has ceased to be chargeable to the States,

and for the purposes of the continuance of the order may alter the amount of the sums payable thereunder and order that payments becoming due thereunder shall be paid to the mother or person having the custody of the child.

1927

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Provided that the order shall not continue in force after the child has attained the age of sixteen years, or died, except for the recovery of arrears, and that the sums payable thereunder shall be weekly sums not exceeding ten shillings a week.

An application under this section may be made whilst the child is chargeable to the States, or at any time within six months after the child ceases to be so chargeable.

#### ARTICLE 6.

When and so often as a bastard child for whose maintenance an order has been made by the Magistrate on the application of the mother shall become chargeable under the Poor Law to the States, the Magistrate may, if he shall see fit, make an order appointing the Procureur of the Poor of the parish in which the mother resides or some other officer nominated for the purpose by the States Central Board for the Administration of the Poor to receive such proportion of the payments then due or becoming due under the said order as may accrue during the period for which such child is chargeable and such appointment shall remain in force for one whole year, and may afterwards from time to time be renewed by the Magistrate for the like period ; and any payment so ordered to be made shall be recoverable by the Procureur of the Poor or other officer so nominated by the States Central Board in the manner provided for the recovery of payments under an order obtained by the mother under Article 2 of this law,

1927

## ARTICLE 7.

Renunciation  
or cession  
shall not  
release  
putative  
father from  
liability for  
payment.

When the Magistrate shall have made an order against the putative father of a bastard child and such putative father shall thereafter be admitted to the benefit of renunciation or cession or shall make a composition with his creditors which shall be binding on them, such renunciation, cession or composition shall not release him from liability for payment of the money due under the order so made by the Magistrate except to such an extent and under such conditions as the Court may expressly order in respect of such liability.

## ARTICLE 8.

Persons  
subject to the  
Army, Naval  
or Air Force  
Acts.

(1)—A person subject to the Army Act, 1881 (44 and 45 Vict. Ch. 58) or to the Naval Discipline Act or to the Air Force (Annual) Act, as amended by any enactments for the time being in force, shall be liable to contribute to the maintenance of any bastard child of which he may be proved to be the father to the same extent as if he were not so subject, but execution of any order in respect of such liability shall not issue against his person, pay, arms, ammunition, equipments, instruments, regimental necessities or clothing.

(2)—Where an order is made under this law for payment by a person subject to the above Acts of the cost of the maintenance of any bastard child of whom he is the putative father, a copy of such order shall be sent by H.M.'s Greffier to the Lieutenant-Governor.

(3)—No proceedings under this law shall be valid against a person subject to the above Acts if served after such person is under orders for service beyond the sea.

Orders made  
prior to the  
operation of  
this law.

## ARTICLE 9.

An order made by the Court prior to the operation

of this law in respect of the maintenance of a bastard child shall be enforced in conformity with the provisions of the law. 1927

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## ARTICLE 10.

An appeal shall lie to the Royal Court sitting as the Full Court from any order, or extension, or *revocation* of such order, made by the Magistrate under this law or from any refusal by the Magistrate to make such an order or extension *or revocation* of it. Appeal to  
Royal Court.

## ARTICLE 11.

The Royal Court is hereby authorised to pass all and such Ordinances as may be deemed necessary for the purpose of carrying out this law and of regulating the legal procedure and the scale of costs payable under it. Ordinances.

## ARTICLE 12.

The law intituled “ Loi relative à l’entretien des enfants illégitimes ” sanctioned by an Order of Her late Majesty Queen Victoria in Council dated the 29th day of February, 1868, registered on the Records of this Island on the 14th day of March, 1868, is hereby repealed. Law of 1868  
repealed.

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