

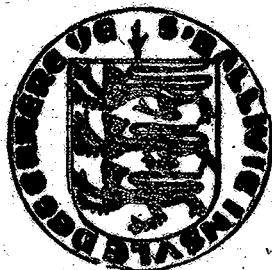
ORDER IN COUNCIL

ratifying a *Projet de Loi*

ENTITLED

The Marriage (Amendment) Law, 1951.

(Registered on the Records of the Island of Guernsey
on the 24th day of November, 1951.)



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1951.

XIX

1951

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY.

The 24th day of November, 1951, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present : Ernest de Garis, Esquire, O.B.E., Sir John Leale, Arthur Falla, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark, Walter John Gavey, Ernest Francis Lainé, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx and Stephen James Falla, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 1st day of November, 1951, ratifying a *Projet de Loi* entitled "The Marriage (Amendment) Law, 1951",—the Court, after the reading of the said Order in Council and after having heard His Majesty's Comptroller 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 His Majesty's Greffier to the Seneschal of Sark for registration on the records of that Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 1st day of November, 1951.

PRESENT,

The King's Most Excellent Majesty.

LORD PRESIDENT

VISCOUNT SWINTON

LORD DE L'ISLE AND DUDLEY

LORD CHERWELL

SECRETARY SIR DAVID MAXWELL FYFE

MR. THOMAS

MR. ECCLES.

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 October, 1951, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, 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 13th day of December, 1950, the States of Deliberation at a meeting held on the 30th day of May, 1951, approved a Bill or “Projet de Loi” entitled “The Marriage (Amendment) Law, 1951” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2. That the Chief Pleas of Sark at a meeting held on the 29th day of June, 1951, approved the said Bill or “Projet de Loi”: 3. 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 Marriage (Amendment) Law, 1951" and to order that the same shall have the force of Law in the Islands of Guernsey, Sark, 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."

HIS MAJESTY having taken the said Report into 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 Islands of Guernsey, Sark, Herm and Jethou.

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 and 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.

F. J. Fernau.

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

PROJET DE LOI

ENTITLED

The Marriage (Amendment) Law, 1951.

THE STATES, in pursuance of their Resolution of the 13th day of December, 1950, have approved the following provisions, which, subject to the sanction of His Most Excellent Majesty in Council shall have force of law in the Islands of Guernsey, Sark, Herm and Jethou.

PART I

Consent to Marriage of Minors

1. (1) Where the marriage of a minor, not being a widower, widow or divorced person, is intended to be solemnized on the production of a licence, a special licence or a certificate from the Registrar General, the consent of the person or persons specified in the Schedule to this Law shall be required:

PROVIDED that—

- (a) if the Registrar General is satisfied that the consent of any person whose consent is so required cannot be obtained by reason of absence or inaccessibility or by reason of his being under any disability, the necessity for the consent of that person shall be dispensed with, if there is any other

person whose consent is also required; and if the consent of no other person is required, the Registrar General may dispense with the necessity of obtaining any consent, or the court may, on application being made, consent to the marriage, and the consent of the court so given shall have the same effect as if it had been given by the person whose consent cannot be so obtained.

- (b) if any person whose consent is required refuses his consent, the court may, on application being made, consent to the marriage and the consent so given shall have the same effect as if it had been given by the person whose consent is refused.

(2) The foregoing subsection shall apply to marriages intended to be solemnized by the Clergy of the Church of England by licence or by special licence of the Bishop's Surrogate, with the substitution of references to the Bishop's Surrogate for references to the Registrar General.

(3) Where the marriage of a minor, not being a widower, widow or divorced person, is intended to be solemnized after the publication of banns of matrimony then, if any person whose consent to the marriage would have been required under this section in the case of a marriage intended to be solemnized otherwise than after the publication of the banns, openly and publicly declares or causes to be declared, in the church or chapel in which the banns are published, at the time of the publication, his dissent from the intended marriage, the publication of the banns shall be void.

2. (1) Applications under the foregoing section of this Law, shall, in the case of a marriage intended to be solemnized in any of the Islands of Guernsey, Herm and Jethou, be made to the Royal Court sitting as an Ordinary Court or to the Magistrate and shall, in the case of a marriage intended to be solemnized in the Island of Sark, be made to the Court of the Seneschal; all such applications shall be heard and determined otherwise than in open court.

(2) Where an application is made in consequence of a refusal to give consent, notice of the application shall be served upon the person who has refused consent and the form of such notice and manner of service thereof shall be as from time to time prescribed by Order of the Royal Court.

PART II

Marriage Fees

3.—(1) The States may from time to time, by Ordinance, prescribe the fees payable to the Registrar General and, in the case of Sark, to the Deputy Registrar, in respect of and in connection with marriages.

(2) For the purposes of the foregoing subsection the States may, by Ordinance, amend or repeal any provision of any Law relating to the fees payable in respect of and in connection with marriages.

PART III

Miscellaneous

4. Article twenty of the Loi ayant rapport aux Mariages célébrés dans les Iles de Guernesey, d'Auregny et de Serk, registered on the records of this Island on the 6th day of May, 1919, (hereinafter called "the principal Law") is hereby repealed.

5. This Law may be cited as "The Marriage (Amendment) Law, 1951", and this Law and the principal Law may be cited together as the "Marriage Laws, 1919 to 1951".

6. This Law shall come into force fourteen days after the Order of His Majesty in Council sanctioning the same is registered on the Records of this Island.

SCHEDULE

I. *Where the Minor is Legitimate*

<i>Circumstances.</i>	<i>Person whose consent is required.</i>
1. Where both parents are living :	
(a) if parents living together:	Both parents
(b) if parents are divorced or separated by order of court or are living apart by agreement:	The parent to whom the custody of the minor is committed by order of the court or by the agreement, or if the custody of the minor is so committed to one parent during part of the year and to the other parent during the rest of the year, both parents.
(c) if one person has been deserted by the other:	The parent who has been deserted.
(d) if both parents have been deprived of custody of minor by order of court:	The person to whose custody the minor is committed by order of the court.

<i>Circumstances</i>	<i>Person whose consent is required.</i>
(e) if, under arrangements for <i>de facto</i> adoption, the custody of a minor has been transferred to a guardian:	The guardian.
2. If one parent is dead :	The surviving parent, or, if, under arrangements for <i>de facto</i> adoption, the custody of the minor has been transferred to a guardian, the guardian.
3. If both parents are dead :	The guardian.

II. *Where the Minor is Illegitimate*

<i>Circumstances</i>	<i>Person whose consent is required.</i>
1. If the mother of the minor is alive:	The mother, or if she has by order of the court been deprived of the custody of the minor, the person to whom the custody of the minor has been committed by order of the court, or if, under arrangements for <i>de facto</i> adoption, the custody of the minor has been transferred to a guardian, the guardian.
2. If the mother of the minor is dead:	The guardian.

JAMES E. LE PAGE.

H.M. Greffier.