

# ORDER IN COUNCIL

**XXV**  
**2001**

ratifying a Projet de Loi

ENTITLED

## **The Age of Majority (Alderney) Law, 2001**

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(Registered on the Records of the Island of Guernsey  
on the 20th November, 2001.)

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2001

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 20th day of November, 2001 before de Vic Graham Carey, Esquire, Bailiff; present:— David Charles Lowe, Esquire, Mrs. Eileen May Glass, Laurence Lenfestey Guille, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory, Keith Bichard, OBE, Esquires, The Reverend Gerald Peter Lane, Michael Henry De La Mare and Michael John Tanguy, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 31st day of October, 2001, approving and ratifying the Projet de Loi of the States of Alderney entitled “The Age of Majority (Alderney) Law, 2001”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller thereon, ORDERED 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 for registration on the records of that Island, of which Order in Council the tenor followeth:—

# At the Court at Buckingham Palace

The 31st day of October, 2001

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 18th day of September 2001 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 at a Meeting of the States of Alderney held on the 6th day of June 2001, the States adopted a Resolution that a Projet de Loi entitled “The Age of Majority (Alderney) Law, 2001” be approved: That at the meeting of the States aforesaid Your Humble Petitioner was authorised to present to Your Majesty in Council a Petition that the said Projet de Loi be sanctioned: That the said 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 Projet de Loi entitled “The Age of Majority (Alderney) Law, 2001” and order that the same shall have force of Law within the Island of Alderney.”

“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 Island of Alderney.

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, of the said Island of Guernsey, and also the Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*A. K. Galloway*

# PROJET DE LOI

ENTITLED

## **The Age of Majority (Alderney) Law, 2001**

**THE STATES OF ALDERNEY**, in pursuance of their Resolution of the 6<sup>th</sup> day of June, 2001, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Alderney.

### **Reduction of age of majority to 18.**

1. (1) From the date of the commencement of this Law a person shall attain full age on attaining the age of 18 years instead of on attaining the age of 20 years.

(2) A person shall attain full age on the date of the commencement of this Law if he has then already attained the age of 18 years but not the age of 20 years.

(3) Subsections (1) and (2) apply for the purposes of any rule of law and, in the absence of a definition or any indication of a contrary intention, for the construction in the English language of "full age", "infant", "infancy", "minor" and "minority", and in the French language of "âge de la majorité", "enfant", "mineur" and "minorité", and similar expressions in those languages, in -

- (a) any provision of an enactment, statutory instrument or rule of court, whether passed or made before, on or after the date of the commencement of this Law; and



(b) any agreement, will, trust instrument, settlement or other instrument of whatever nature (not being a provision of an enactment, statutory instrument or rule of court) made on or after that date.

(4) In the definition of the expression "infant" in section 1(1) of the Adoption (Guernsey) Law, 1960, as it has effect in Alderney<sup>a</sup>, for the reference to 20 years of age there is substituted a reference to 18 years of age.

(5) The transitional and savings provisions set out in the Schedule shall have effect in relation to this section.

(6) Notwithstanding any rule of law, a will or codicil executed before the date of the commencement of this Law shall not be treated for the purposes of this section as made on or after that date by reason only that the will or codicil is confirmed by a codicil executed on or after that date.

**Time at which a person attains a particular age.**

2. (1) The time at which a person attains a particular age expressed in years shall be the commencement of the relevant anniversary of the date of his birth.

(2) This section applies only where the relevant anniversary falls on a date after the date of the commencement of this Law and, in relation to any enactment, statutory instrument or rule of court, or any agreement, will, trust

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<sup>a</sup> Ordres en Conseil Vol. XVIII, p. 192; the Law was extended to Alderney with exceptions, adaptations and modifications by the Alderney (Application of Legislation) (Adoption) Ordinance, 1974 (Recueil d'Ordonnances, Tome XIX, p. 247).

instrument, settlement or other instrument, has effect subject to any provision therein.

**Persons under full age may be described as minors.**

3. A person who is not of full age may be described as a minor instead of as an infant.

**Interpretation.**

4. (1) In this Law, unless the context requires otherwise-

"**enactment**" includes an Ordinance, whether or not made under an Order in Council;

"**rule of court**" means rules of court made by the Court of Alderney or by the Royal Court in respect of the Court of Alderney under -

(a) section 17 of the Government of Alderney Law, 1987<sup>b</sup>;

(b) section 64 of the Reform (Guernsey) Law, 1948<sup>c</sup>;

(c) section 3 of the Court of Alderney (Appeals) Law, 1969<sup>d</sup>;

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<sup>b</sup> Ordres en Conseil Vol. XXX, p. 37.

<sup>c</sup> Ordres en Conseil Vol. XIII, p. 288.

<sup>d</sup> Ordres en Conseil Vol. XXII, p.192.

- (d) section 40 of the Arbitration (Alderney) Law, 1983<sup>e</sup>;
- (e) section 1 or 2 of the Judgments (Interest) (Bailiwick of Guernsey) Law, 1985<sup>f</sup>; or
- (f) any other power of the Royal Court to make rules in respect of the Court of Alderney;

"**statutory instrument**" includes any regulation, order, rule, byelaw or other instrument of a similar nature, applying to persons in general or to any substantial class or classes of persons, made in or in respect of Alderney under any enactment or rule of court.

(2) The Interpretation (Guernsey) Law, 1948<sup>g</sup> shall apply to the interpretation of this Law.

(3) Any reference in this Law to an enactment is a reference thereto as amended, re-enacted (with or without modification), extended or applied.

#### **Citation.**

5. This Law may be cited as the Age of Majority (Alderney) Law, 2001.

#### **Commencement.**

6. This Law shall come into force on the day appointed by Ordinance of the States of Alderney.

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<sup>e</sup> Ordres en Conseil Vol. XXVIII, p. 236.

<sup>f</sup> Ordres en Conseil Vol. XXIX, p. 133.

<sup>g</sup> Ordres en Conseil Vol. XIII, p. 355.



## SCHEDULE

Section 1(5).

### **Adoption orders.**

1. Section 1 of this Law shall not prevent the making of an adoption order or a provisional adoption order under the Adoption (Guernsey) Law, 1960, as it has effect in Alderney, in respect of a person who has attained the age of 18 years if the application for the order was made before the date of the commencement of this Law; and in relation to any such case that Law shall have effect as if section 1 of this Law had not been passed.

### **Provisions incorporated in agreements, wills, etc.**

2. Section 1 of this Law shall not affect the construction of any provision of an enactment where it is incorporated in and has effect as part of any agreement, will, trust instrument, settlement or other instrument the construction of which is not affected by that section.