

ORDINANCE
OF THE STATES OF DELIBERATION

ENTITLED

The Alderney (Application of Legislation) (Adoption)
Ordinance, 1974 *

[CONSOLIDATED TEXT]

NOTE

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* Recueil d'Ordonnances Tome XIX, p. 247; as amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). See also the Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207).

**ORDINANCE
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ARRANGEMENT OF SECTIONS

1. Adoption Laws and Ordinance to have effect in Alderney.
2. Interpretation.
3. Citation.
4. Commencement.

SCHEDULE

(Made on 29th May, 1974.)

The Alderney (Application of Legislation) (Adoption) Ordinance, 1974

THE STATES, in pursuance of their Resolution of the twenty-sixth day of July, nineteen hundred and seventy-three, and in exercise of the powers conferred upon them by section one of the Alderney (Application of Legislation) Law, 1948, as amended^a, hereby order: –

Adoption Laws and Ordinance to have effect in Alderney.

1. The Laws and the Ordinance set out in the left-hand column of the Schedule to this Ordinance shall, subject to the exceptions, adaptations and modifications set out in the right-hand column of that Schedule, have effect in the Island of Alderney as they have effect in the Island of Guernsey.

Interpretation.

2. In this Ordinance any reference to the Adoption (Guernsey) Law, 1960^b, shall be construed as a reference to that Law as amended by the Children and Young Persons (Guernsey) Law, 1967^c, the States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970^d, and the Child Protection (Guernsey) Law, 1972^e.

^a Ordres en Conseil Vol. XIII, p. 448; Vol. XVI, p. 126, No. I of 1974.

^b Ordres en Conseil Vol. XVIII, p. 192.

^c Ordres en Conseil Vol. XXI, p. 34.

^d Ordres en Conseil Vol. XXII, p. 521.

^e Ordres en Conseil No. II of 1972.

Citation.

3. This Ordinance may be cited as the Alderney (Application of Legislation) (Adoption) Ordinance, 1974.

Commencement.

4. This Ordinance shall come into force on the first day of July, nineteen hundred and seventy-four.

SCHEDULE

Section one

Laws and Ordinance	Exceptions, Adaptations and Modifications
<p>The Adoption (Guernsey) Law, 1960.</p>	<p>1. In subsection (1) of section one –</p> <p>(a) the definitions of the expressions "authorised medical practitioner", "[the Committee]", "the Court", "the Island", "officer of police" and "place of safety" are deleted and the following definitions are respectively substituted therefor –</p> <p style="padding-left: 40px;">"authorised medical practitioner" means a medical practitioner authorised to practise as such in the Islands of Guernsey or Alderney according to the law for the time being in force,</p> <p style="padding-left: 40px;">"[the Committee]" means the States of Guernsey [Committee for Health & Social Care],</p> <p style="padding-left: 40px;">"the Court" means the Royal Court of Guernsey sitting as an Ordinary Court,</p> <p style="padding-left: 40px;">"the Island" means the Island of Alderney,</p> <p style="padding-left: 40px;">"officer of police" means a member of the salaried police force of the Island of Guernsey or a member of any police force which may be established by the States of Alderney,</p>

"place of safety" means any home, or police station, or any hospital, surgery, or any other suitable place, the occupier of which is willing temporarily to receive an infant, child or young person,"

(b) the definitions of the expressions "the Law of 1917" and "Registrar" are deleted,

(c) immediately after the definition of the expression "relative" there is inserted the following additional definition –

"the Royal Court" means the Royal Court of Guernsey sitting as a Full Court,".

2. Subsection (3) of section five is deleted and the following subsection is substituted therefor –

"(3) The reference in paragraph (a) of subsection (1) of this section to a parent of an infant does not include a reference to any person having the like control over an infant as if he were a parent of the infant by virtue of subsection (1) of section seven of the Child Protection (Alderney) Law, 1953 (which relates to the maintenance of a child or young person when committed to the care of any person under an order of any Court)."

3. Subsection (3) of section seven is deleted and the following subsection is substituted therefor –

"(3) Any reference in this section to a document being attested as is mentioned in this section is, if the document is executed in the Island of Guernsey, a reference to its being attested by a Jurat of the Royal Court, if

the document is executed in the Island of Alderney, a reference to its being attested by a Jurat of the Court of Alderney and, if it is executed outside of the Islands of Guernsey or Alderney, a reference to its being attested by a person of any such class as may be prescribed."

4. In subsection (3) of section thirteen immediately after the words "the Married Women's Property Law, 1928" there are inserted the words "as applied by the Alderney Land and Property, etc. Law, 1949".

5. In section fourteen –

(a) in subsection (3) of section fourteen the words "the Children and Young Persons (Guernsey) Law, 1967" are deleted and the words "the Child Protection (Alderney) Law, 1953" are substituted therefor,

(b) subsection (4) is deleted.

6. Subsection (3) of section fifteen is deleted and the following subsection is substituted therefor –

"(3) Where a person has been adopted under an adoption order –

(a) the Law entitled "Loi relative au retrait lignager, aux appropriations, et à la lecture de contrats aux Plaids d'Héritage (Auregny)" registered on the twenty-fifth day

of January, nineteen hundred and forty-nine,

(b) the Law entitled "Loi relative à la Portion disponible des Biens Meubles des Pères et Mères" registered on the sixteenth day of April, nineteen hundred and thirty (hereafter in this Law referred to as "**the Law of 1930**"), and

(c) the Alderney Land and Property, etc. Law, 1949,

shall have effect in all respects as if the adopted person were the child of the adopter born in lawful wedlock and were not the child of any other person."

7. In section seventeen, eighteen and nineteen respectively the word "Registrar" wherever that word occurs is deleted and the word "Registrar-General" is substituted therefor.

8. In subsection (3) of section twenty-one immediately after the words "The States" there are inserted the words "of Guernsey".

9. In paragraph (a) of subsection (2) of section twenty-five the words "the Children and Young Persons (Guernsey) Law, 1967" are deleted and the words "the Child Protection (Alderney) Law, 1953" are substituted therefor.

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10. In subsection (2) of section twenty-six –
- (a) in paragraph (b) immediately after the words "the States" there are inserted the words "of Guernsey",
 - (b) in paragraph (d) the words "the Children and Young Persons (Guernsey) Law, 1967" are deleted and the words "the Child Protection (Alderney) Law, 1953" are substituted therefor,
 - (c) paragraph (e) is deleted and the following paragraph is substituted therefor –
 - "(e) by virtue of an order in force under section one of the Mental Treatment (Transfer of Patients from Alderney) Law, 1952 placing the child in the care of that person."
11. Subsection (4) of section thirty-two is deleted and the following subsection is substituted therefor –
- " (4) The Board may receive into its care any child removed under this section."
12. Immediately after subsection (2) of section thirty-six there is inserted the following additional subsection numbered "(3)" –
- "(3) The provisions of this section shall not apply in the case of any infant emigrating under the authority of the Court given under the provisions of subsection (5) of section eight of the Children and Young Persons
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	<p>(Guernsey) Law, 1967."</p> <p>13. Subsection (2) of section forty-two is deleted.</p> <p>1. In subsection (1) of section one immediately after the words "the Adoption (Guernsey) Law, 1960" there are inserted the words "as extended by the Alderney (Application of Legislation) (Adoption) Ordinance, 1974".</p> <p>2. In section three the word "Registrar" wherever that word occurs is deleted and the word "Registrar-General" is substituted therefor.</p> <p>3. In paragraph (c) of subsection (2) of section four the words "the Law entitled "Loi relative à la Portion Disponible des Biens Meubles des Pères et Mères" registered on the twentieth day of January, nineteen hundred and thirty^(b)" are deleted and the words "the Law entitled "Loi relative à la Portion disponible des Biens Meubles des Pères et Mères" registered on the sixteenth day of April, nineteen hundred and thirty" are substituted therefor.</p>
<p>The Adoption (Guernsey) Law, 1966^f.</p> <p>The Children Board (Regulation of Adoption Arrangements) Ordinance, 1961^g.</p>	<p>1. In subsection (1) of section one the words "the [Committee for Health & Social Care] and includes a Committee of the [Committee for Health & Social Care]" are deleted and the words "the States of Guernsey [Committee for Health & Social Care] and includes a Committee of the States of Guernsey [Committee for Health & Social Care], and any other expressions have the same meanings as in the Adoption (Guernsey) Law, 1960, as extended by the Alderney (Application of Legislation) (Adoption)</p>

^f Ordres en Conseil Vol. XX, p. 262.

^g Recueil d'Ordonnances Tome XIII, p. 20.

Ordinance, 1974 (hereafter in this Ordinance referred to as "**the Law of 1960**")" are substituted therefor.

2. In subsection (1) of section four the words "the Adoption (Guernsey) Law, 1960" are deleted and the words "the Law of 1960" are substituted therefor.

3. In section five the words "the Adoption (Guernsey) Law, 1960" are deleted and the words "the Law of 1960" are substituted therefor.

4. In the First Schedule –

(a) immediately after the words "The Children Board (Regulation of Adoption Arrangements Ordinance, 1961" there are inserted the words "as extended by the Alderney (Application of Legislation) (Adoption) Ordinance, 1974",

(b) immediately after the words "Royal Court" there are inserted the words "of Guernsey",

(c) the words "the [Committee for Health & Social Care]", wherever those words occur, are deleted and the words "the States of Guernsey [Committee for Health & Social Care]" are respectively substituted therefor.

5. In Part II of the Second Schedule –

(a) in paragraph 6 and paragraph 7 the words "in Guernsey, Herm or Jethou", wherever those words occur, are

deleted and the words "in Alderney" are respectively substituted therefor,

(b) in paragraph 16 –

(i) in sub-paragraph (a) and subparagraph (b) the words "the [Committee for Health & Social Care]", wherever those words occur, are deleted and the words "the States of Guernsey [Committee for Health & Social Care]" are respectively substituted therefor;

(ii) sub-paragraph (c) is deleted and the following sub-paragraph is substituted therefor –

"(c) had taken out of his custody, charge or care a child by virtue of an order under the Child Protection (Alderney) Law, 1953,"

(iii) in sub-paragraph (d) immediately after the words "the Adoption (Guernsey) Laws 1960" there are inserted the words "as extended by the Alderney (Application of Legislation) (Adoption) Ordinance, 1974".

6. In the Third Schedule immediately after the words "The Children Board (Regulation of Adoption Arrangements) Ordinance, 1961" there are inserted the words "as extended by the Alderney (Application of Legislation) (Adoption) Ordinance, 1974".

NOTES

In the Schedule, the words, first, "the Committee" and, second, "Committee for Health & Social Care" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 6 and section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

The Loi relative au retrait lignager, aux appropriements, et à la lecture de contrats aux Plaids d'Héritage (Auregny) has since been repealed by the Retrait Lignager (Abolition) (Alderney) Law, 2015, section 2(a), with effect from 26th November, 2015.

The Loi relative à la Portion Disponible des Biens Meubles des Pères et Mères (Auregny) has since been repealed by the Inheritance (Alderney) Law, 2015, section 57(d), with effect from 16th December, 2015.

The Mental Treatment (Transfer of Patients from Alderney) Law, 1952 has since been repealed by the Mental Health (Bailiwick of Guernsey) Law, 2010, section 105, Schedule 5, paragraph 2(c), with effect from 8th April, 2013.

¹ The words "Committee for Health & Social Care" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 8, with effect from 6th May, 2004.

² The functions, rights and liabilities of the Health and Social Services Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Children Board and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 8, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.