

Island of



Guernsey

Ordinance of the States

XI
2009

Made12th January, 2009

Laid before the States25th February, 2009

The Children (Guernsey and Alderney) Law, 2008 (Amendment) Ordinance, 2009

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THE STATES LEGISLATION SELECT COMMITTEE, in exercise of the power conferred on the States by section 119(1) of the Children (Guernsey and Alderney) Law, 2008 and in exercise of the powers conferred on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948^a and in pursuance of the States Resolution of the 28th October, 2004^b, hereby orders:-

Substitution of section 119(1) of Law of 2008.

1. For section 119(1) of the Law of 2008 substitute -

"(1) The States may by Ordinance -

- (a) amend Part VI, Part VII, Part XI, Part XII or Part XVI, where it appears to the States to be necessary or expedient to do so for the purpose of -
 - (i) protecting children from harm,
 - (ii) promoting their proper and adequate health, welfare and development,
 - (iii) ensuring the most beneficial and effective use, or application, of the child welfare principles,

^a Ordres en Conseil Vol. XIII, p. 288.

^b Article XVII of Billet d'État No. XVII of 2004.

(iv) facilitating the fair and efficient carrying out of the functions of -

(A) the Children's Convenor,

(B) the Board,

(C) the Office of the President,

(D) the office of the deputy President of the Tribunal

(E) the Tribunal, or

(F) the Safeguarder Service, or

(v) discharging any international obligation to which Guernsey or Alderney is subject, and

(b) make such additional provision as they think fit for the purposes of carrying this Law into effect."

Amendment of section 120 of Law of 2008.

2. In section 120 of the Law of 2008 -

(a) for subsection (1)(a)(i), substitute -

"(i) subject to subsection (4), create new liabilities, obligations, penalties and

offences, and", and

(b) immediately after subsection (3), insert –

"(4) The power conferred by virtue of subsection (1)(a)(i) shall not include power –

- (a) to provide for offences to be triable only on indictment,
- (b) to authorise the imposition, on summary conviction of any offence, of any term of imprisonment or of a fine exceeding the limits of jurisdiction imposed on the Magistrate's Court by section 9 of the Magistrate's Court (Guernsey) Law, 2008, or
- (c) to authorise the imposition, on conviction on indictment of any offence, of a term of imprisonment exceeding two years."

Interpretation.

3. (1) In this Ordinance, "the Law of 2008" means the Children (Guernsey and Alderney) Law, 2008.

(2) The provisions of the Interpretation (Guernsey) Law, 1948^c apply to the interpretation of this Ordinance.

Citation.

4. This Ordinance may be cited as the Children (Guernsey and

^c Ordres en Conseil Vol. XIII, p. 355.

Alderney) Law, 2008 (Amendment) Ordinance, 2009.

Commencement.

5. This Ordinance shall come into force on the same day as section 119 of the Law of 2008 comes into force.

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Her Majesty's Greffier.

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