

GUERNSEY STATUTORY INSTRUMENT

20 No 89

**The Children (Residence) Regulations, 2009**

<i>Made</i>	<i>22<sup>nd</sup> December, 2009</i>
<i>Coming into operation</i>	<i>4<sup>th</sup> January, 2010</i>
<i>Laid before the States</i>	<i>, 2010</i>

**THE HEALTH AND SOCIAL SERVICES DEPARTMENT** in exercise of the powers conferred upon it by sections 120 and 122 of the Children (Guernsey and Alderney) Law, 2008<sup>a</sup> and of all other powers enabling it in that behalf, hereby makes the following Regulations:-

**Children who are resident in Guernsey and Alderney.**

1. (1) A child is resident, or shall be deemed to be resident, in Guernsey or Alderney for the purposes of the Children Law if -

- (a) he is physically present -
  - (i) in Guernsey or Alderney, or
  - (ii) in the territorial waters, or
- (b) he is not physically so present, but -

---

<sup>a</sup> Order in Council No. XIV of 2009

- (i) he is in the care of the Department and the circumstances described in paragraph (2) apply, or
- (ii) he is receiving medical treatment arranged by the Department.

(2) The circumstances for the purposes of paragraph (1) are that the child in question -

- (a) is subject to -
  - (i) a care requirement,
  - (ii) a community parenting order, or
  - (iv) a secure accommodation order made under section 69 of the Children Law,
- (b) is placed in secure accommodation under section 71 of the Children Law, or
- (c) is placed in accommodation provided by or on behalf of the Department.

**Interpretation.**

2. (1) For the purposes of these Regulations, unless the context otherwise requires -

"the Children Law" means the Children (Guernsey and Alderney) Law, 2008,

"the territorial waters" means the territorial sea adjacent to the Islands of Guernsey or Alderney, as the case may be, the breadth thereof being measured from the baselines established by the Territorial Waters Order in Council 1964<sup>b</sup>,

and any other expressions have the same meaning as in the Children Law.

(2) Unless the context otherwise requires, a reference in these Regulations to any enactment, rule or order is a reference to that enactment, rule or order as amended, repealed and replaced, extended or applied by or under any other enactment, rule or order, including these Regulations.

(3) The Interpretation (Guernsey) Law, 1948<sup>c</sup> applies to the interpretation of these Regulations as it applies to the interpretation of an enactment.

**Citation and commencement.**

3. These Regulations may be cited as The Children (Residence) Regulations, 2009 and shall come into force on the 4<sup>th</sup> January 2010.

Dated this 22<sup>nd</sup> day of December, 2009



A. H. ADAM

Minister of the States Health and Social Services Department

For and on behalf of the Department

---

<sup>b</sup> Order in Council of the 25<sup>th</sup> September 1964.

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

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under the Children (Guernsey and Alderney) Law, 2008 by the Health and Social Services Department. They prescribe the meaning of "the children of Guernsey and Alderney" for the purposes of that 2008 Law.