

Island of



Guernsey

Ordinance of the States

XX
2016

Made 27th July, 2015
Coming into Operation 27th July, 2015
Laid before the States 2nd March, 2016

The Children (Guernsey and Alderney) (Amendment) Ordinance, 2015

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THE STATES LEGISLATION SELECT COMMITTEE, in exercise of the powers conferred on the States by section 119 of the Children (Guernsey and Alderney) Law, 2008^a and all other powers enabling the States in that behalf, and in exercise of the powers conferred on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948^b, and having regard to the Policy Letter of the Health and Social Services Department^c, hereby orders:-

Amendment of Law of 2008.

1. The Children (Guernsey and Alderney) Law, 2008 ("**the Law of 2008**") is further amended as follows.

2. Immediately after section 64 of the Law of 2008, insert the following section -

"Powers of police officers to recover children for whom Department is responsible.

64A. (1) Subsection (2) applies -

(a) in relation to a child in respect of whom -

(i) a care requirement,

(ii) a community parenting order,

(iii) an emergency child protection order, or

^a Order in Council No. XIV of 2009; as amended by Recueil d'Ordonnances Tome XXXIII, pp. 480 and 709.

^b Ordres en Conseil Vol. XIII, p. 288 (there are amendments not material to this Ordinance).

^c Article XVI of Billet d'Etat No. VI of 2016.

(iv) a secure accommodation order.

has been made, and

(b) where the child -

(i) has been unlawfully taken away or is being unlawfully kept away from the Department,

(ii) has run away or is staying away from the Department, or

(iii) is missing, and

(c) where the Department has requested a police officer to assist in the recovery of the child.

(2) A police officer may recover the child -

(a) by requiring any person who has information as to the child's whereabouts to disclose that information,

(b) by directing any person who is in a position to do so to produce the child,

(c) by entering without warrant any premises upon which he reasonably suspects the child to be for the purposes of searching for the child,

(d) by removing the child to such place as the Department may request, or

(e) by requiring any person to deliver the child to the Department.

(3) No person shall be excused from complying with any request made under subsection (2)(a) on the ground that complying with it might incriminate him or his spouse of an offence but a statement or admission made in complying shall not be admissible in evidence against either of them in proceedings for an offence other than perjury."

3. In section 65 of the Law of 2008, in subsections (1) and (3) for "or 64" substitute ", 64 or 64A".

4. For section 117 of the Law of 2008 substitute the following -

"Additional power of court upon disposal of an application for an order.

117. On disposing of any application for an order under this Law, the court may -

- (a) whether or not it makes any other order in response to the application, order that no application for an order under this Law of any specified kind may be made with respect to the child concerned by the person named in the order without leave of the court,
- (b) in the case of a recovery order under section 92, and for the avoidance of doubt, direct that the order remains in force for such period as the court may order, provided that the period shall not extend beyond the day on which the relevant requirement or order, as the case may be, referred to in subsection (2) of that section comes to an end."

Citation.

5. This Ordinance may be cited as the Children (Guernsey and Alderney) (Amendment) Ordinance, 2015.

Commencement.

6. This Ordinance shall come into force on the 27th July, 2015.

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