

Island of



Guernsey

## Ordinance of the States

**VI**  
**2017**

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Made ..... 31st March, 2017

Coming into Operation ..... 3rd April, 2017

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## **The Population Management (Miscellaneous Provisions) Ordinance, 2017**



## **The Population Management (Miscellaneous Provisions) Ordinance, 2017**

THE STATES, in pursuance of their Resolution of the 2<sup>nd</sup> day of December, 2016<sup>a</sup>, and in exercise of the powers conferred on them by sections 76 and 78(9) and (10) of the Population Management (Guernsey) Law, 2016<sup>b</sup> and sections 119 and 120 of the Children (Guernsey and Alderney) Law, 2008<sup>c</sup>, hereby order:-

### **Minors accommodated in a dwelling in Guernsey pursuant to arrangements under the Children Law.**

1. (1) A minor who is accommodated in a dwelling in Guernsey pursuant to an arrangement made by the States Committee for Health & Social Care in exercise of its powers under the Children (Guernsey and Alderney) Law, 2008 ("**the Children Law**") may be so accommodated without holding a Certificate or Permit.

(2) Only where subsection (3) applies, a period during which a minor is accommodated in a dwelling in Guernsey pursuant to an arrangement of the type described in subsection (1) shall be treated as a period of ordinary residence for the purposes of the Population Management (Guernsey) Law, 2016 ("**the Law**").

(3) This subsection applies where the Administrator is satisfied that the minor was ordinarily resident –

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<sup>a</sup> Article VIII of Billet d'État No. XXIX of 2016.

<sup>b</sup> Order in Council No. VI of 2016.

<sup>c</sup> Order in Council No. XIV of 2009; as amended by Ordinances Nos. XI and XLVIII of 2009, and IX and XX of 2016.

- (a) immediately before, or
- (b) three months immediately after,

the period of accommodation in question.

**Students from other islands of the Bailiwick accommodated in Guernsey.**

2. (1) For the purposes of the Law, any period during which a person who is not normally resident is accommodated in a dwelling in Guernsey for the purpose of studying in Guernsey shall not be treated as a period of ordinary residence.

(2) A person who is accommodated in a dwelling in Guernsey for the purpose set out in subsection (1) pursuant to the term-time host scheme may be so accommodated without holding a Certificate or Permit.

**Persons receiving medical treatment outside Guernsey.**

3. (1) For the purposes of the Law, any period during which a person receives medical treatment outside Guernsey is deemed to be a period of ordinary residence if the condition in subsection (2) is satisfied.

- (2) The condition is the Administrator being satisfied that -
  - (a) the person was ordinarily resident immediately before leaving Guernsey for the purpose of receiving the medical treatment, and
  - (b) had the person not received the medical treatment, he

could have lived lawfully in Guernsey throughout the period.

**Persons sentenced to a period of lawful imprisonment.**

4. For the purposes of the Law, and subject to section 5, any period during which a person is imprisoned in Guernsey by order of a court –

- (a) shall be treated as a period of lawful residence in Guernsey, whether or not the person holds a Certificate or Permit, but
- (b) shall not be treated as a period of ordinary residence.

**Persons detained before trial.**

5. (1) The duties set out in subsection (2) arise when a person –

- (a) is detained in custody before trial, whether in or outside Guernsey,
- (b) was ordinarily resident at any point in the period of six months before being so detained, and
- (c) is subsequently not convicted of any offence.

(2) As soon as practicable after the person's release from detention the Administrator must –

- (a) ask him whether he wishes that period of detention to be treated, for the purposes of the Law, as a period of ordinary residence, or as a period of residence outside

Guernsey, and

- (b) subject to subsection (3), ensure that the period is treated, for the purposes of the Law, consistently with the person's expressed wishes.

(3) If at the end of the period of one month, the person has not expressed a wish pursuant to subsection (2) as to how that period of detention is to be treated for the purposes of the Law, then the Administrator must ensure that it is treated in the way which, in the opinion of the Administrator, is most advantageous to that person.

**Amendment of the Children Law.**

6. For section 78(2)(b)(i) of the Children Law, substitute –

- "(i) was ordinarily resident in Guernsey shall, for the purposes of the Housing (Control of Occupation) (Guernsey) Law, 1994, be treated as being ordinarily resident in Guernsey, and for the purposes of the Population Management (Guernsey) Law, 2016, be treated as ordinarily resident within the meaning of that Law, or".

**Interpretation.**

7. (1) In this Ordinance -

- (a) "**medical treatment**" means –

- (i) medical treatment or care, including such treatment or care in respect of physical or mental disability, or other mental health needs, and
  - (ii) any period of recovery following that treatment or care during which a person is advised by a medical practitioner not to travel, and
- (b) "**the term-time host scheme**" means the scheme referred to as the term-time host scheme and coordinated by the States Committee for Health & Social Care or any successor committee of the States,

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

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

**Citation and Commencement.**

8. This Ordinance may be cited as the Population Management (Miscellaneous Provisions) Ordinance, 2017, and shall come into force on 3<sup>rd</sup> April, 2017.

**Copies may be purchased from  
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