

## **Orders of the Royal Court**

**2  
2017**

### **IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY**

The 13th day of November, 2017 before Sir Richard Collas, Bailiff; present:- Barbara Jean Bartie, Stephen Murray Jones, Esquire, Claire Helen Le Pelley, Constance Helyar-Wilkinson, David Percy Langley Hodgetts, Esquire, L.V.O., Niall David McCathie, Terry John Ferbrache, David Allan Grut, Steven John Morris, David James Mortimer, Esquires, Joanne Marie Wyatt and Alan Stevenson Boyle, Esquire, Jurats.

**No. 2 Order, 2017**

**ENTITLED**

**THE ROYAL COURT (ADOPTION) (GUERNSEY AND ALDERNEY) RULES,  
2017**

# ORDER OF THE ROYAL COURT

ENTITLED

## **The Royal Court (Adoption) (Guernsey and Alderney) (Amendment) Rules, 2017**

**THE ROYAL COURT**, in exercise of the powers conferred upon it by Article 10 of the Adoption (Guernsey) Law, 1960<sup>a</sup>, and of all other powers enabling it in that behalf, hereby orders:-

### **Amendments to 2006 Rules.**

1. The Royal Court (Adoption) (Guernsey and Alderney) Rules, 2006<sup>b</sup> are amended as follows.

2. In Rule 17, for "spouses" substitute "partners".

3. In Part 1 of Form 1, set out in the First Schedule, under the heading "Status" –

(a) for the sub-heading "**Applying to adopt as a married couple**" and the first paragraph thereafter, substitute –

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<sup>a</sup> Ordres en Conseil Vol. XVIII, p. 192; amended by Vol. XXI, p. 34; Vol. XXII, p. 521; Vol. XXII, p. 102; Vol. XXIII, p. 26; Vol. XXVI, p. 264; Vol. XXXI, p. 278; Vol. XXXVII, p. 130; Order in Council No. XII of 2000; No. III of 2001; Adoption (Guernsey) (Amendment) Law, 2017; Ordinance No. XXXIII of 2003; No. VII of 2010; No. IX of 2016; No. XIII of 2017.

<sup>b</sup> O.R.C. No. VIII of 2006; amended by Ordinance No. IX of 2016.

**"Applying to adopt jointly**

We are married to each other/are civil partners and a certified copy of our marriage certificate/civil partnership certificate is attached to this application *or*

We are living as partners in an enduring family relationship (*delete as appropriate*)",

(b) under the sub-heading "**Applying to adopt alone**" –

(i) for paragraph (n), substitute "I have never been married or in a civil partnership",

(ii) immediately after paragraph (p) insert the following additional paragraph –

"(pp) My civil partnership has been dissolved",

(iii) in paragraph (r), after "married" insert "or in a civil partnership" and for "husband/wife" in each place where it appears, and for "*wife/husband*", substitute "husband/wife/civil partner",

(iv) immediately after paragraph (r), insert the following additional paragraph –

"(s) I am living in an enduring family relationship with my partner and I confirm that either –

- my partner consents, or
- my partner cannot be found, or
- my partner is not capable of making an application

*(see note 10A)*

*If paragraph (s) applies to you, please give details of your partner below:*

Name of partner

Address

*(if different from your address)"*

4. In Form 1, in the "LIST OF DOCUMENTS ATTACHED TO THIS APPLICATION" –

- (a) for "Original marriage certificate" substitute "Original marriage or civil partnership certificate",
- (b) immediately after "Any other documents in relation to marriage or former marriage" insert ", or civil partnership or former civil partnership,".

5. In the "NOTES ON COMPLETING THE FORM AND DOCUMENTS TO ACCOMPANY THE APPLICATION", in relation to Form 1 –

(a) in *Note 4*, for "evidence of marriage" substitute "document",

(b) in *Note 9* –

(i) immediately after "judicially separated," insert "or your civil partnership has been dissolved",

(ii) immediately after "*Decree Absolute*" insert "or *Final Order*",

(iii) immediately after "deceased spouse" insert "or "civil partner",

(c) in *Note 10* –

(i) immediately after "you are married" insert "or in a civil partnership",

(ii) after "*marriage certificate*" insert "*or civil partnership certificate*",

(iii) for "husband/wife" in each place where it appears, substitute "husband/wife/civil partner",

(d) in *Notes 9 & 10* –

(i) immediately after "marriage certificate" insert

"or civil partnership certificate",

(ii) immediately after "evidence of marriage" insert  
"or civil partnership",

(iii) immediately after "divorce" insert "  
dissolution",

(e) immediately after "*Notes 9 & 10*" insert the following  
additional Note –

***"Note 10A***

If you are applying to adopt alone and you are in an enduring family relationship with a partner, you must satisfy the court that :

- your partner consents to the application, or
- your partner cannot be found, or
- your partner is incapable of making an application (for example due to physical or mental ill-health) in which case you should briefly explain why in the box provided.

You must show on the application form which of these applies in your case by ticking the appropriate box, and give the name and address of your partner."

**Interpretation.**

6. (1) In this Order -

"**enactment**" includes a Law, an Ordinance and any subordinate

legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation,

**"subordinate legislation"** means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance.

(2) The Interpretation (Guernsey) Law, 1948<sup>c</sup> applies to the interpretation of this Order.

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

**Citation.**

7. This Order may be cited as the Royal Court (Adoption) (Guernsey and Alderney) (Amendment) Rules, 2017.

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