

PROJET DE LOI

ENTITLED

The Matrimonial Causes Law (Guernsey) 1939, Amendment Law (No. 2), 1946 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. XIII, p. 38. See also the Criminal Justice (Bailiwick of Guernsey) Law, 1979 (Ordres en Conseil Vol. XXVII, p. 172). This Law is prospectively repealed by the Matrimonial Causes (Bailiwick of Guernsey) Law, 2022 (No. ** of 2022).

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ARRANGEMENT OF ARTICLE

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THE STATES have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Bailiwick of the Island of Guernsey.

Where, during the period commencing on the 30th day of June, 1940, and ending on the 1st day of January, 1942, the circumstances were such that a decree of divorce or for judicial separation might have been pronounced by the Court, on one or other of the grounds mentioned in paragraph (f) of section (1) of Article 16 of the Matrimonial Causes Law (Guernsey), 1939, had that Law been in operation during that period, then, notwithstanding that the petition is presented later than ten years after the date of the sentence referred to in that paragraph and in the proviso thereto and that at the time of the pronouncement of the decree or of the presentation of the petition the respondent is no longer undergoing penal servitude or imprisonment or in confinement as a criminal lunatic, the provisions of that paragraph and of that proviso shall be deemed to have been sufficiently complied with so far as regards a petition for divorce presented before the 1st day of January, 1948, and the Court may pronounce a decree of divorce or for judicial separation accordingly.

NOTES

Consolidated text

The Law received Royal Sanction on 10th March, 1947 and was registered on the Records of the Island of Guernsey and came into force on 29th March, 1947.

In accordance with the provisions of the Criminal Justice (Bailiwick of Guernsey) Law, 1979, section 2(1), with effect from 19th December, 1979, and subject to the provisions of section 2(3) of that Law, no person shall be sentenced by a Court to penal servitude and accordingly the power conferred under this article shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term of penal servitude for which a sentence could have been passed in that case immediately before that date.

Article 16 of the Matrimonial Causes Law (Guernsey), 1939 has since been substituted by the Matrimonial Causes (Amendment) (Guernsey) Law, 1972, Article 1(k), with effect from 6th March, 1973.
