

ORDER IN COUNCIL

**XII
2017**

ratifying a Projet de Loi

ENTITLED

The Adoption (Guernsey) (Amendment) Law, 2017

(Registered on the Records of the Island of Guernsey
on the 13th November, 2017.)



2017

ORDER IN COUNCIL



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.

The Bailiff, having this day placed before the Court an Order of Her Majesty in Council dated 11th October, 2017 approving and ratifying a Projet de Loi of the States of Guernsey entitled “The Adoption (Guernsey) (Amendment) Law, 2017”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Procureur thereon, ORDERED that the said Order be registered on the records of this Island.

S. SIMMONDS
Her Majesty’s Deputy Greffier.



At the Court at Buckingham Palace

THE 11th DAY OF OCTOBER 2017

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“In accordance with Your Majesty’s General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

“That, in pursuance of their Resolution of 24th June 2015, the States of Deliberation at a meeting on 21st June 2017 approved a *Projet de Loi* entitled the Adoption (Guernsey) (Amendment) Law, 2017 and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction the Adoption (Guernsey) (Amendment) Law, 2017, and to order that it shall have force of law in the Islands of Guernsey, Herm and Jethou.

“The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it”.

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Islands of Guernsey, Herm and Jethou and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty’s Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty’s Order and to proceed accordingly.

Richard Tilbrook

PROJET DE LOI

ENTITLED

The Adoption (Guernsey) (Amendment) Law, 2017

THE STATES, in pursuance of their Resolution of the 24th June, 2015^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

Amendments to 1960 Law.

1. The Adoption (Guernsey) Law, 1960^b is amended as follows.

2. In section 1(1), immediately after the definition of "**body of persons**", insert the following two definitions -

"**civil partner**" means a person who has registered as the civil partner of another person under the Civil Partnership Act 2004^c, or who is treated under that Act as having formed a civil partnership by virtue of having registered an overseas relationship within the meaning of that Act, and

^a Article V of Billet d'État No. XI of 2015.

^b Ordres en Conseil Vol. XVIII, p. 192; amended by Vol. XXI, p. 34; Vol. XXII, p. 521; 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; Ordinance No. XXXIII of 2003; No. VII of 2010; No. IX of 2016.

^c An Act of Parliament (2004 c. 33).

whose civil partnership, or registered overseas relationship, has not been dissolved or annulled, and "**civil partners**" and "**civil partnership**" is to be construed accordingly,

"**couple**" means -

- (a) a married couple, or
- (b) two people who are civil partners of each other, or
- (c) two people, whether of different sexes or the same sex, living as partners in an enduring family relationship, not including two people one of whom is the other's parent, grandparent, sister, brother, aunt or uncle,".

3. In section 1(1), immediately after the definition of "**officer of police**", insert the following definition -

"**partner**" means one of two people in a couple,".

4. In section 2 -

- (a) in subsection (2), for "two spouses" substitute "a couple", and
- (b) in subsection (3), for "spouse" substitute "partner".

5. In section 3(2), for "two spouses" substitute "a couple".

6. For section 5(1)(b), substitute "on the application of one of a couple, except with the consent of the other".

7. In section 6(4) -

(a) for "spouse" substitute "partner", and

(b) for "spouses" substitute "couple".

8. In section 11(2), for "spouses" substitute "a couple".

9. In section 12(2), for "where two spouses are the adopters, the spouses" substitute "where a couple adopt an infant, the couple".

10. In section 16(1)(a), for "two spouses" substitute "a couple".

11. In section 26(5), for "two spouses" substitute "a couple".

Amendments to 1961 Ordinance.

12. The Children Board (Regulation of Adoption Arrangements) Ordinance, 1961^d is amended as follows.

13. In section 1, insert the following additional subsection -

"(3) References in this Ordinance to "**civil partner**", "**civil partnership**", "**couple**" and "**partner**" shall have the same meanings as in the

^d Recueil d'Ordonnances Tome XIII, p. 20; amended by Tome XXVI, p. 11; Ordinance No. XXXV of 2001; No. XXXIII of 2003; No. IX of 2016.

Adoption (Guernsey) Law, 1960."

14. In Part II of the Second Schedule, for paragraph 9 substitute -

"9. If there are two proposed adopters -

- (a) whether the adopters are married or civil partners or living as partners in an enduring family relationship; and the date of marriage, of the registration of civil partnership or of the commencement of living as partners, as the case may be, and
- (b) whether either proposed adopter has previously been married or in a civil partnership and, if so, whether that marriage or civil partnership was dissolved or annulled."

15. In paragraph 10 of Part II of the Second Schedule -

- (a) for "married" substitute "married, in a civil partnership or living with a partner in an enduring family relationship", and
- (b) for "spouse" substitute "partner".

Interpretation.

16. (1) In this Law -

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

Citation.

17. This Law may be cited as the Adoption (Guernsey) (Amendment) Law, 2017.

Commencement.

18. This Law shall come into force on the date of its registration on the records of the Island of Guernsey.

Copies may be purchased from
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