

# **STATES OF JERSEY**

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## **DRAFT CHILD ABDUCTION AND CUSTODY (JERSEY) LAW 2005 (APPOINTED DAY) ACT 200-**

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**Presented to the States on 1st November 2005  
by the Legislation Committee**

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**STATES GREFFE**





Jersey

## **DRAFT CHILD ABDUCTION AND CUSTODY (JERSEY) LAW 2005 (APPOINTED DAY) ACT 200-**

### **REPORT**

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This Law will help parents and others with custody rights to obtain the return of abducted children. It will achieve this by enabling the United Kingdom, on the Island's behalf, to ratify and the Island to implement two international Conventions –

- (i) the Hague Convention of 1980 which requires the summary return of an abducted child to its country of habitual residence so that issues of custody can be decided there; and
- (ii) the European Convention, also of 1980, which enables custody decisions that have already been made to be recognised and enforced.

Both Conventions require contracting States to establish central authorities to undertake the administrative arrangements necessary to secure their objects. The central authorities act as channels for applications under both Conventions and they are required to assist applicants with the practical problems of tracing the child and securing its return. The Law provides for the functions in Jersey of the central authority to be discharged by the Attorney General.

This Law marks a significant departure from the existing reliance of the Royal Court on the customary law in this field. It enables Jersey to co-operate with other contracting States and in turn to request co-operation from those States. The procedures under the Conventions are such that the potential for protracted litigation will be curtailed and with this should abate the cost and above all the delay and uncertainty associated with the restoration of abducted children to their custodial parent.

This fundamental reform enables Jersey to take its place in the wider international community and play a full part in combating cross-border abduction of children.

There are no additional financial or manpower implications for the States arising from this draft Act.

## **Explanatory Note**

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This Act brings the Child Abduction and Custody (Jersey) Law 2005 into force on 1st January 2006. The Law was passed by the States on 5th July 2005 (P.105/2005) and received Royal Assent on 12th October 2005.





Jersey

## **DRAFT CHILD ABDUCTION AND CUSTODY (JERSEY) LAW 2005 (APPOINTED DAY) ACT 200-**

*Made*

*[date to be inserted]*

*Coming into force*

*[date to be inserted]*

**THE STATES**, in pursuance of Article 30(2) of the Child Abduction and Custody (Jersey) Law 2005,<sup>[1]</sup> have made the following Act –

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### **1 Commencement of Child Abduction and Custody (Jersey) Law 2005**

The Child Abduction and Custody (Jersey) Law 2005 shall come into force on 1st January 2006.

### **2 Citation**

This Act may be cited as the Child Abduction and Custody (Jersey) Law 2005 (Appointed Day) Act 200-.

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[1] L.29/2005.