

DRAFT CHILDREN (JERSEY) LAW 200- (P.200/2001): AMENDMENTS

**Lodged au Greffe on 12th February 2002
by the Health and Social Services Committee**



STATES OF JERSEY

STATES GREFFE

150

2002

P.200 Amd.

Price code: B

DRAFT CHILDREN (JERSEY) LAW 200- (P.200/2001): AMENDMENTS

PAGE 29, ARTICLE 1 -

In the definition of “parental responsibility”, after the word “responsibilities” insert the words “and authority”.

PAGE 41, ARTICLE 7 -

For paragraph (13) substitute the following paragraph -

“(13) Nothing in this Article shall prevent the child’s parent or the person appointed as the child’s guardian being appointed his *tuteur*.”.

PAGE 41, ARTICLE 8 -

In paragraph (2)(b), for the words “his signature” substitute the words “the signature”.

PAGE 58, ARTICLE 21 -

In paragraph 1, for the word “which” substitute the word “whom”.

PAGE 71, ARTICLE 30 -

In paragraph (3)(d)(i), delete the word “on”.

PAGE 106, ARTICLE 52 -

In paragraph (3), for the words “licence holder” substitute the words “the holder of a licence granted under Article 50”.

PAGE 135, ARTICLE 78 -

In paragraph (4), delete the word “prescribed” in the first place where it occurs.

PAGE 146, SCHEDULE 1 -

In paragraph 8(2)(b), after the words “disposed of” insert the word “or”.

PAGE 154, SCHEDULE 2 -

In paragraph 3(4), delete the word “be” in the first place where it occurs.

PAGE 154, SCHEDULE 2 -

For paragraph 4(1)(b) substitute the following clause -

“(b) with the approval of every person who has parental responsibility for the child arrange for, or assist in arranging for, any child not in the care of the Committee but looked after by it to live outside the Island.”.

PAGE 162, SCHEDULE 2 -

In paragraph 9(4)(e) after the words “Isle of Man”, insert a comma.

PAGE 182, SCHEDULE 5 -

Delete paragraph 11.

PAGE 183, SCHEDULE 6 -

Delete paragraph 2 and renumber paragraphs 3 to 5 as paragraphs 2 to 4 respectively.

PAGE 190, SCHEDULE 6 -

Delete paragraph 6 and renumber paragraphs 7 to 15 as paragraphs 5 to 13 respectively.

PAGE 194, SCHEDULE 6 -

At the beginning of paragraph (b) of Article 18 of the Family Allowances (Jersey) Law 1972 as substituted by paragraph 8, insert the word "is".

PAGE 199, SCHEDULE 6 -

Insert the following paragraph -

"Marriage and Civil Status (Jersey) Law 2001

14. In the Marriage and Civil Status (Jersey) Law 2001 -

(a) in Articles 55 and 56 -

(i) at the end of paragraph (2)(c) for the full-stop there shall be substituted the word ‘; or’, and

(ii) after sub-paragraph (2)(c) there shall be added the following sub-paragraphs -

‘(d) at the request of the mother or that person on production of -

(i) a copy of a parental responsibility agreement made between them in relation to the child, and

(ii) a declaration by the person making the request stating that the agreement was made in compliance with Article 5 of the Children (Jersey) Law 200 and has not been brought to an end by an order of a court; or

(e) at the request of the mother or that person on production of -

(i) a certified copy of an order under Article 5 of the Children (Jersey) Law 200- giving that person parental responsibility for the child, and

(ii) a declaration by the person making the request stating that the order has not been brought to an end by an order of a court; or

(f) at the request of the mother or that person on production of -

(i) a certified copy of an order under paragraph 1 of Schedule 1 to the Children (Jersey) Law 200- which requires that person to make any financial provision of the child and which is not an order falling within paragraph 4(3) of that Schedule, and

(ii) a declaration by the person making the request stating that the order has not been discharged by an order of a court.’;

(b) in Article 55(3) after the words ‘paragraph 2(c) there shall be added the words ‘to (f)’;

(c) for Article 55(5) there shall be substituted the following paragraph -

‘(5) For the purposes of this Article and Article 56-

(a) references to a child whose father and mother were not married to each other at the time of his birth shall be construed in accordance with Article 1(2) of the Children (Jersey) Law 200; and

(b) ‘parental responsibility agreement’ has the same meaning as in Article 5 of the Childrer

(Jersey) Law 200-.'; and

(d) For Schedule 2 there shall be substituted the following Schedule-

‘SCHEDULE 2

(Article 6(1))

CONSENTS REQUIRED TO THE MARRIAGE OF A MINOR

1. The consents are -

(a) subject to sub-paragraphs (b) to (d) of this paragraph, the consent of -

(i) each parent (if any) of the minor who has parental responsibility for him, and

(ii) each guardian (if any) of the minor;

(b) where a residence order is in force with respect to the minor, the consent of the person or persons with whom he lives, or is to live, as a result of the order (in substitution for the consents mentioned in sub-paragraph (a) of this paragraph);

(c) where a care order is in force with respect to the minor, the consent of the Health and Social Services Committee (in addition to the consents mentioned in sub-paragraph (a) of this paragraph); and

(d) where neither sub-paragraph (b) nor (c) of this paragraph applies but a residence order was in force with respect to the minor immediately before he reached the age of 16, the consent of the person or persons with whom he lives, or was to live, as result of the order (in substitution for the consent mentioned in sub-paragraph (a) of this paragraph).

2. In this Schedule ‘guardian’, ‘parental responsibility’, ‘residence order’ and ‘care order’ have the same meaning as in the Children (Jersey) Law 200-.’.”

HEALTH AND SOCIAL SERVICES COMMITTEE

Report

These amendments make minor corrections to the draft Law and amendments consequential on the Marriage and Civil Status (Jersey) Law 2001. The draft Law makes consequential amendments to the Loi (1842) sur L'Etat Civil and the Marriage of Infants (Jersey) Law 1961. Now that the 2001 Law replacing these Laws has been registered, it is necessary to replace those provisions by provisions making consequential amendments to the 2001 Law. The amendments do not make changes of substance.

These draft amendments have no implications for the financial or manpower resources of the States.