

BILLET D'ÉTAT No. X, 2006

31st May, 2006

	<i>Page</i>
Projet de Loi entitled "The Public Assistance (Amendment) Law, 2006"	1
The Marriage Fees (Guernsey) (Amendment) Ordinance, 2006	9
The Legitimacy (Guernsey) Law (Fees) (Amendment) Ordinance, 2006	12
The Public Records (Fees for Registration and Certified Copies of Documents) (Amendment) Ordinance, 2006	13
The Births, Deaths and Marriage Certificates (Fees) (Amendment) Ordinance, 2006	16
The Preferred Debts (Guernsey and Alderney) (Amendment) Ordinance, 2006	18

PROJET DE LOI

ENTITLED

The Public Assistance (Amendment) Law, 2006

THE STATES, in pursuance of their Resolutions of the 28th April, 2005^a and 26th January, 2006^b, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

Amendment of Law of 1937.

1. The Public Assistance Law, 1937^c (referred to hereinafter as "**the Law of 1937**") is amended in the manner set out in the schedule to this Law.

Interpretation.

2. (1) In the schedule to this Law, except where the context otherwise requires, a reference to a numbered Article, or paragraph of an Article, is a reference to the Article, or paragraph of the Article, of the Law of 1937 which is so numbered.

(2) Unless the context otherwise requires, references in this Law to an enactment are references thereto as amended, re-enacted (with or without modification), extended or applied.

Repeals.

3. The Public Assistance (Guernsey) Law, 1955^d is repealed.

^a Article VIII of Billet d'État No. IV of 2005.

^b Article VI of Billet d'État No. II of 2006.

^c Ordres en Conseil Vol. XI, p. 91; Vol. XIV, p. 363; Vol. XVI, p. 264; Vol. XVII, p. 255; Vol. XIX, p. 149; Vol. XX, p. 135; Vol. XXI, p. 34; Vol. XXII, p. 521; Vol. XXIX, p. 204 and Vol. XXXII, p. 50.

^d Ordres en Conseil Vol. XVI, p. 264.

Citation.

4. This Law may be cited as the Public Assistance (Amendment) Law, 2006.

SCHEDULE

Section 1

AMENDMENT OF THE LAW OF 1937

Amendment of Article I.

1. In Article I -

- (a) paragraphs (3) and (4), and
- (b) the words "and the Parochial Outdoor Assistance Boards" in paragraph (5),

are repealed.

Amendment of Article VI.

2. In Article VI the words "and for overseeing the work of the Parochial Outdoor Assistance Boards" are repealed.

Repeal of Articles VII, VIII, XIII, XIV, XVI, XIX, XX and XXI.

3. Articles VII, VIII, XIII, XIV, XVI, XIX, XX and XXI are repealed.

Substitution of Article XVII.

4. For Article XVII substitute -

"ARTICLE XVII
PROCUREURS OF THE POOR

(1) The Douzaine of any Parish may upon, and from time to time after, the coming into force of this Article, by written resolution determine the manner in which, and by whom, all or any of the functions of the office of Procureur of the Poor, shall be carried out at any time upon and after the 1st January 2007.

(2) Without limiting the generality of paragraph (1), the Douzaine

of any Parish may, by written resolution made under that paragraph -

- (a) establish in respect of the Parish one or two offices under this Law which shall be called, or styled, "**Procureur**" and qualified by the name of the Parish concerned, and
- (b) determine that all, or such as may be specified in the resolution, of the functions of the office of Procureur of the Poor shall be carried out by the holder, or holders, of that, or those, office or offices,

in which case the provisions of the First Schedule to this Law shall apply in respect of the office, or offices, so established.

(3) A written resolution made under paragraph (1) (the "prior resolution") may be revoked, amended or supplemented by a subsequent written resolution, but without prejudice to anything done in good faith under the prior resolution.

(4) Where no resolution has been made under paragraph (1) the Constables, for the time being of the Parish to which the functions of the office of Procureur of the Poor relate, may carry out those functions."

Substitution of Article XXII.

5. For Article XXII substitute -

"ARTICLE XXII
ORDINANCES OF THE STATES

(1) The States may by Ordinance make such provision as they think necessary or expedient for carrying this Law into effect.

(2) An Ordinance under this Law -

- (a) may be amended or repealed by a subsequent Ordinance hereunder,
- (b) may contain such transitional, consequential, incidental, supplementary and savings provisions as the States think fit, including (without limitation) provision repealing, amending or disapplying any enactment (including any provision of this Law) or any rule of law (including customary law), and
- (c) may make any such provision of any such extent as might be made by Projet de Loi.

(3) Any power conferred by this Law to make an Ordinance may be exercised -

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
- (b) so as to make, as respects the cases in relation to which it is exercised -
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,

- (iii) any such provision either unconditionally or subject to any prescribed conditions."

Amendment of Article XXV.

6. In Article XXV, insert "Second" immediately before the words "Schedule".

Insertion of First Schedule to the Law of 1937.

7. Immediately before the Schedule to the Law of 1937, insert the following schedule -

"FIRST SCHEDULE

Article XVII

PROVISIONS APPLICABLE WHERE DOUZAINES ESTABLISH OFFICE
OR OFFICES UNDER ARTICLE XVII

Functions and responsibility.

1. (1) The functions of the office, or offices, shall be such as the Douzaine may determine under Article XVII.

(2) An office holder shall be responsible for the discharge of his functions to the Douzaine of the Parish in respect of which those functions relate.

Election to and tenure of office.

2. The provisions of the Reform (Guernsey) Law, 1948^e relating to -

^e Ordres en Conseil Vol. XIII, p. 288; Vol. XIV, p. 407; Vol. XV, p. 279; Vol. XVI, p. 178; Vol. XVIII, p. 275; Vol. XIX, pp. 84 and 140; Vol. XXII, p. 122; Vol. XXIII, p. 476; Vol. XXV, p. 326; Vol. XXVI, p. 255; Vol. XXIX, p. 56; Vol. XXX, p. 16; Vol. XXXI, pp. 164 and 278; Vol. XXXII, p. 41; No. V of 1993; No. II of 1996; No. III of 1998; No. X of 1998; No. XIII of 2003; No. III of 2004; the Reform (Guernsey) (Amendment) Law, 2004; and Ordinances XXXIII of 2003 and III of 2004.

(a) the election of persons to the office of Constable, and

(b) tenure of the office of Constable after election,

shall, subject to any modifications contained in this Schedule, apply to the election to, and tenure of, an office, or offices, established under Article XVII.

Term of office.

3. The term of office of an office holder shall be 2 years commencing on the 1st January following his election; PROVIDED THAT if an office holder notifies the Dean of his Parish's Douzaine before the end of October in his first year of office that he so wishes, then his term of office shall expire at the end of that year.

Re-election and tenure of other offices.

4. For the avoidance of doubt, an office holder -

(a) may stand for re-election, and

(b) shall not be disqualified from standing for election, or re-election, solely because he holds any other parochial office.

Accounts.

5. (1) An office holder shall, at least once in each year of his tenure of office, produce to the Dean of his Parish a written account of the administration of any funds, of whatever origin, for which he is responsible.

(2) Any account produced under subparagraph (1) shall, be audited by 2 parishioners appointed for the purpose by the electorate for the Parish at a Parish Meeting."

Amendment to title of Schedule to Law of 1937.

7. Re-title the Schedule to the Law of 1937 as the "Second Schedule".

The Marriage Fees (Guernsey) (Amendment) Ordinance, 2006

THE STATES, in pursuance of their Resolution of the 29th March, 2006^a, and in exercise of the powers conferred on them by section 3 of the Marriage (Amendment) Law, 1951^b and all other powers enabling them in that behalf, hereby order:-

Amendment of fees.

1. The Marriage Fees (Guernsey) Ordinance, 1978^c ("**the 1978 Ordinance**") is amended in accordance with the following provisions of this Ordinance.

Fee payable to officiating minister.

2. In section 2 of the 1978 Ordinance for "£1.50"^d substitute "£5".

Fees payable to Registrar-General, etc.

3. For the schedule to the 1978 Ordinance^e substitute the schedule set out in the schedule to this Ordinance.

Repeal.

4. The following are repealed -

^a Article IV of Billet d'État No. VII of 2006.

^b Ordres en Conseil Vol. XV, p. 200.

^c Recueil d'Ordonnances Tome XXI, p. 104; amended by Tome XXV, p. 238 and Tome XXVI, p. 6.

^d That amount was inserted by Tome XXV, p. 238.

^e The schedule was substituted by Tome XXV, p. 238.

- (a) section 1 of, and the Schedule to, the Births, Deaths and Marriages (Fees) (Amendment) Ordinance, 1991^f, and
- (b) the Marriage Fees (Amendment) Ordinance, 1992^g.

Citation.

5. This Ordinance may be cited as the Marriage Fees (Guernsey) (Amendment) Ordinance, 2006.

^f Tome XXV, p. 238.

^g Tome XXVI, p. 6.

SCHEDULE

Section 3

"SCHEDULE

FEES PAYABLE TO THE REGISTRAR-GENERAL OR, IN THE CASE OF
SARK, TO THE DEPUTY REGISTRAR

	MATTER	FEE
1.	Entry of notice of marriage.	£50
2.	Certificate for marriage.	£15
3.	Licence for marriage.	£25
4.	Special licence for marriage.	£40
5.	Solemnisation of marriage.	£50
6.	Additional fee when marriage performed outside Greffe opening hours.	£20
7.	Attendance of Registrar in licensed building.	£40
8.	Attendance of Registrar in private house (except where paragraph 9 applies).	£50
9.	Attendance of Registrar in private house or hospital etc. pursuant to section 2(bb) of the principal Law.	£5"

The Legitimacy (Guernsey) Law (Fees) (Amendment) Ordinance, 2006

THE STATES, in pursuance of their Resolution of the 29th March, 2006^a, and in exercise of the powers conferred on them by section 4(6) of the Legitimacy (Guernsey) Law, 1966^b and all other powers enabling them in that behalf, hereby order:-

Amendment of fee.

1. In section 4(5)(b) of the Legitimacy (Guernsey) Law, 1966 for "five pounds"^c substitute "£15".

Citation.

2. This Ordinance may be cited as the Legitimacy (Guernsey) Law (Fees) (Amendment) Ordinance, 2006.

^a Article IV of Billet d'État No. VII of 2006.

^b Ordres en Conseil Vol. XX, p. 267; and No. XVIII of 1991.

^c That amount was inserted by Order in Council No. XVIII of 1991.

The Public Records (Fees for Registration and Certified Copies of Documents) (Amendment) Ordinance, 2006

THE STATES, in pursuance of their Resolution of the 29th March, 2006^a, hereby order:-

Amendment of fees.

1. The Public Records (Fees for Registration and Certified Copies of Documents) Ordinance, 1960^b ("the 1960 Ordinance") is amended in accordance with the following provisions of this Ordinance.

Registration fees for documents.

2. In section 1 of the 1960 Ordinance -

- (a) in paragraph (a) for "two pounds"^c substitute "£30",
- (b) in paragraphs (b) and (c) for "thirty new pence" substitute "£2.50".

Fees for certified copies of documents.

3. In section 2 of the 1960 Ordinance -

- (a) in paragraph (a) for "thirty new pence" substitute "£2",
- (b) in paragraph (b) for "thirty new pence" substitute "£4".

Fees for uncertified copies of documents, and fees for bonds.

4. After section 2 of the 1960 Ordinance insert the following sections -

^a Article IV of Billet d'État No. VII of 2006.

^b Recueil d'Ordonnances Tome XII, p. 399; amended by Tome XXI, p. 59.

^c The amounts in the 1960 Ordinance were amended by Tome XXI, p. 59.

"Fees for uncertified copies of documents registered.

2A. There shall be paid to Her Majesty's Greffier for the account of the States in respect of any uncertified copy of a document to which this Ordinance applies and registered on the Records of this Island and supplied to any person by Her Majesty's Greffier -

- (a) a fee of £1 for each page or part of a page thereof,
- (b) where there is a plan annexed thereto -
 - (i) a fee of £3 for that plan (in the case of a colour copy), and
 - (ii) a fee of £1 for that plan (in the case of a monochrome copy).

Fees in respect of documents creating charge on land.

2B. There shall be paid to Her Majesty's Greffier for the account of the States in respect of any document creating a charge on real property registered on the Records of this Island (in addition to any other fee payable in respect of the document) -

- (a) a fee of £25 in respect of each debtor or guarantor entered in the index, and
- (b) a fee of £25 for the vacation of the document in whole or in part."

Repeal.

5. The Public Records (Fees for Registration and Certified Copies of

Documents) (Amendment) Ordinance, 1977^d is repealed.

Citation.

6. This Ordinance may be cited as the Public Records (Fees for Registration and Certified Copies of Documents) (Amendment) Ordinance, 2006.

^d Tome XXI, p. 59.

The Births, Deaths and Marriage Certificates (Fees) (Amendment) Ordinance, 2006

THE STATES, in pursuance of their Resolution of the 29th March, 2006^a, and in exercise of the powers conferred on them by section 3A of the Births, Deaths and Marriages Certificates (Miscellaneous Provisions) (Guernsey) Law, 1951^b and all other powers enabling them in that behalf, hereby order:-

Amendment of fees.

1. The Births, Deaths and Marriages Certificates (Miscellaneous Provisions) (Guernsey) Law, 1951 ("**the 1951 Law**") is amended in accordance with the provisions of this Ordinance.

Fee for short form birth certificate.

2. In section 1(2) of the 1951 Law for "three pounds"^c substitute "£10".

Fee for full birth, death and marriage certificates.

3. In sections 1(3), 2 and 3 of the 1951 Law for "five pounds" substitute "£15".

Repeal.

4. Sections 2, 3 and 4 of the Births, Deaths and Marriages (Fees) (Amendment) Ordinance, 1991^d are repealed.

^a Article IV of Billet d'État No. VII of 2006.

^b Ordres en Conseil Vol. XV, p. 46; amended by Vol. XXVII, p. 40; No. XVIII of 1991; and Recueil d'Ordonnances Tome XXV, p. 238.

^c The amounts in the 1951 Law were amended by Tome XXV, p. 238.

^d Tome XXV, p. 238.

Citation.

5. This Ordinance may be cited as the Births, Deaths and Marriage Certificates (Fees) (Amendment) Ordinance, 2006.

The Preferred Debts (Guernsey and Alderney) (Amendment) Ordinance, 2006

THE STATES, in pursuance of their Resolution of the 29th day of March, 2006^a, and in exercise of the powers conferred on them by section 1(2) of the Preferred Debts (Guernsey) Law, 1983, as amended^b and all other powers enabling them in that behalf, hereby order:-

Amendment of 1983 Law.

1. In section 1(2) of the Preferred Debts (Guernsey) Law, 1983, for the words "three thousand pounds"^c substitute "£5,000".

Extent.

2. This Ordinance shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Citation.

3. This Ordinance may be cited as the Preferred Debts (Guernsey and Alderney) (Amendment) Ordinance, 2006.

^a Article VI of Billet d'État No. VII of 2006.

^b Ordres en Conseil Vol. XXVIII, p. 184 as amended by No. VII of 1992; No. III of 1993; No. IX of 1998; and Ordinance No. XXXI of 2005.

^c Those words were inserted by Order in Council No. VII of 1992.

