

Jersey Law 13/1963

ADOPTION (AMENDMENT) (JERSEY) LAW, 1963.

A LAW to amend the Law relating to the adoption of children, sanctioned by Order of Her Majesty in Council of the

29th day of JULY, 1963.

(Registered on the 23rd day of August, 1963).

STATES OF JERSEY.

The 12th day of February, 1963.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law: -

ARTICLE 1

For Article 15 of the Adoption (Jersey) Law, 1961,¹ (hereinafter referred to as “the principal Law”) there shall be substituted the following Article –

“**ARTICLE 15**

INTESTACIES, ETC

(1) Where, at any time after the making of an adoption order, the adopter or the adopted person or any other person dies intestate in respect of any real or personal property (other than personal property subject to an entailed interest under a disposition to which paragraph (3) of this Article does not apply), that property shall devolve in all respects as if the

¹ Tome 1961–1962, page 374.

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adopted person were the child of the adopter born in lawful wedlock and were not the child of any other person.

(2) For all the purposes of the law relating to the indefeasible right of a person to succeed to the personal property of his ascendants, an adopted person shall be deemed to be the child of the adopter born in lawful wedlock and not the child of any other person.

(3) In any disposition of real or personal property made, whether by instrument *inter vivos* or by will (including codicil), after the date of an adoption order –

- (a) any reference (whether express or implied) to the child or children of the adopter shall, unless the contrary intention appears, be construed as, or as including, a reference to the adopted person;
- (b) any reference (whether express or implied) to the child or children of the adopted person's natural parents or either of them shall, unless the contrary intention appears, be construed as not being, or as not including, a reference to the adopted person; and
- (c) any reference (whether express or implied) to a person related to the adopted person in any degree shall, unless the contrary intention appears, be construed as a reference to the person who would be related to him in that degree if he were the child of the adopter born in lawful wedlock and were not the child of any other person.

(4) For the purposes of paragraph (3) of this Article, a disposition made by will or codicil shall be treated as made on the date of the death of the testator.

(5) For the avoidance of doubt, it is hereby declared that an adopted child born before a natural child shall rank as principal heir in preference to the natural child.

(6) In the application of the law regarding the devolution of acquired real property (“acquets”) and personal property (“meubles”) and for the purposes of the construction of any such disposition as is mentioned in this Article, an adopted person shall be deemed to be related to any other person being the child or adopted child of the adopter or (in the case of a joint adoption) of either of the adopters –

- (a) where he or she was adopted by two spouses jointly, and that other person is the child or adopted child of both of them, as brother or sister of the whole blood ;
- (b) in any other case, as brother or sister of the half-blood.

(7) Notwithstanding anything in this Article, an executor of the will or an administrator of the personal estate of a deceased person may distribute any personal property to or among the persons entitled thereto without having ascertained that no adoption order has been made by virtue of which any person is or may be entitled to any interest therein, and shall not be liable to any such person of whose claim he has not had notice at the time of the distribution ; but nothing in this paragraph shall prejudice the right of any such person to follow the property, or any property representing it, into the hands of any person who may have acquired it by means of devolution or descent.

(8) Where an adoption order is made in respect of a person who has been previously adopted, the previous adoption shall be disregarded for the purposes of this Article in relation to the devolution of any property on the intestacy of, or any right to the personal property of, any person dying after the date of the subsequent adoption order, and in relation to any disposition of property made, or taking effect on the death of a person dying, after that date.”

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ARTICLE 2

References in Article 15 of the principal Law² as amended by this Law to an adoption order and to an adopted person include references to an adoption order made before the date of the commencement of this Law either under the principal Law or under the Adoption of Children (Jersey) Law, 1947,³ and to a person adopted under such an order, but nothing in this Law shall affect the devolution of any property on the intestacy of, or any right to the personal property of, any person who died before that date, or affect any disposition made before that date.

ARTICLE 3

(1) This Law may be cited as the Adoption (Amendment) (Jersey) Law, 1963, and this Law and the principal Law may be cited together as the Adoption (Jersey) Laws, 1961 and 1963.

(2) This Law shall come into force on the expiration of three months beginning with the day on which it is promulgated.

A.D. LE BROCCQ,

Deputy Greffier of the States.

² Tome 1961–1962, page 374.

³ Repealed by the Adoption (Jersey) Law, 1961, Article 35–Tome 1961–1962, page 387.