



Jersey

CHILDREN'S BENEFIT FUNDS (JERSEY) LAW 1969

Official Consolidated Version

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CHILDREN’S BENEFIT FUNDS (JERSEY) LAW 1969

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CHILDREN'S BENEFIT FUNDS (JERSEY) LAW 1969¹

A LAW to provide for the establishment of funds to be applied for the benefit of children in the care of the States, for the transfer to those funds of funds now held in trust in connection with the Jersey Home for Boys and the Jersey Female Orphans' Home respectively, for the payment into the funds so established of bequests, devises or gifts made, or hereafter to be made, for the benefit of such children, for the administration and application of the funds so established, and for matters connected therewith

Commencement [[see endnotes](#)]

1 Interpretation

- (1) In this Law, unless the context otherwise requires –
 - “benefit” includes maintenance, education, training, reward, entertainment and pleasure;
 - “Capital Fund” and “Interest Fund” have the meanings respectively assigned to them by Article 2 of this Law;
 - “income” includes rents and profits;
 - “States” includes any administration of the States.
- (2) References in this Law to children in the care of the States exclude references to children in the care of the States solely for the purpose of their education at school.

2 Establishment, administration and application of Children's Benefit Funds

- (1) For the purposes of this Law, there shall be established funds to be known respectively as the Children's Benefit (Capital) Fund (referred to as the “Capital Fund”) and the Children's Benefit (Interest) Fund (referred to as the “Interest Fund”).
- (2) There shall be transferred to the Capital Fund all securities and immovable property which, at the commencement of this Law, are held in trust by or on behalf of the States on account of –
 - (a) the Jersey Home for Boys, that is to say –

- (i) the Benevolent Fund and the Jubilee Fund mentioned in Article 1 of the Loi (1924) au sujet des fonds du "Jersey Home for Boys",
 - (ii) the Renouf Library Grant,
 - (iii) the M. Rolstone Legacy,
 - (iv) the Amy Legacy;
 - (b) the Jersey Female Orphans' Home, that is to say –
 - (i) the Girls' Benevolent Fund (Capital) established by Article 4 of the Jersey Female Orphans' Home Law 1961,
 - (ii) the S. A. Wimble Legacy,
 - (iii) the Charitable Trust Fund;
 - (c) the Don Le Couteur.
- (3) There shall be transferred to the Interest Fund all monies, including monies on call or on deposit in any bank, which, at the commencement of this Law, are held in trust by or on behalf of the States on account of –
- (a) the funds, grant and legacies specified in paragraph (2)(a), and the legacy and fund mentioned in paragraph (2)(b)(ii) and (iii);
 - (b) the Girls' Benevolent Fund (Income) established by Article 4 of the Jersey Female Orphans' Home Law 1961;
 - (c) the Don Le Couteur.
- (4) The Capital Fund and the Interest Fund shall be vested in the Treasurer of the States as perpetual trustee on behalf of the States, and the Capital Fund shall be invested by the Treasurer of the States in accordance with the provisions of paragraph (9):
- Provided that where, after the commencement of this Law, there is added to the Capital Fund in pursuance of paragraph (5) any bequest or gift of securities, not being securities such as are mentioned in the said paragraph (9), or any devise of immovable property, the provisions of this paragraph shall not have effect so as to require the Treasurer of the States to sell the securities so bequeathed or given, or the immovable property so devised, and to re-invest the proceeds of sale in such securities as are so mentioned.
- (5) Where, after the commencement of this Law, any bequest, devise or gift is made for the benefit, however expressed, of children in the care of the States, such bequest, devise or gift shall, unless the testator or donor by whom the bequest, devise or gift was made expresses a contrary intention, be added to, and shall form part of, the Capital Fund.
 - (6) Where the instrument by which any bequest, devise or gift is, or has been, made expresses that the bequest, devise or gift is made, either wholly or in part, for the benefit of persons who were formerly children in the care of the States, this Article shall have effect, in relation to that bequest, devise or gift, as if references therein to children in the care of the States included references to such persons.
 - (7) Where the instrument by which any bequest, devise or gift is made for the benefit of children in the care of the States expresses that the bequest, devise or gift is made for the purpose of providing a particular benefit for such children, or for any class or description, or for the benefit generally of a particular class or description,

of such children, and it appears to the Minister for Children and Education at any time that –

- (a) it is superfluous, or is not in the best interests of such children, to provide that particular benefit;
- (b) it is inexpedient or undesirable to limit the provision of any benefit to a particular class or description of such children; or
- (c) it is impossible or unreasonable to provide that particular benefit,

the Minister may apply to the Inferior Number of the Royal Court, in term or in vacation, for authority to apply such bequest, devise or gift, either wholly or in part, for the purpose of providing some other particular benefit for, or generally for the benefit of, children, or any class or description of children, in the care of the States, and the Court, if it is satisfied that it is in the best interests of such children so to do, may authorize the Minister for Children and Education to apply the bequest, devise or gift, either wholly or in part, for the purpose of providing some other particular benefit for, or generally for the benefit of, such children as aforesaid.²

- (8) Subject to the consent of the Minister for Treasury and Resources, the Treasurer of the States may –

- (a) sell any securities, or any immovable property, forming part of the Capital Fund and re-invest the proceeds of such sale;
- (b) for the purpose of making good any depreciation in the value of securities forming part of the Capital Fund, invest a proportion, not exceeding 5%, of the net income of the Interest Fund in the calendar year immediately preceding the making of such investment,

in accordance with the provisions of paragraph (9).

- (9) The Capital Fund shall be invested only in –

- (a) loans issued by the States;
- (b) stock issued by a public utility undertaking and guaranteed under the [Public Utilities Undertakings \(Guarantee on Loans\) \(Jersey\) Law 1963](#);
- (c) securities issued by the Government of the United Kingdom;
- (d) securities the payment of interest on which is guaranteed by the Government of the United Kingdom;
- (e) fixed interest securities issued by the government of any of the following countries, that is to say, Australia, Burma, Canada, Ceylon, Ghana, India, the Republic of Ireland, Malaysia, New Zealand, Pakistan and the Republic of South Africa;
- (f) such securities, or securities of such class, as the States, on the recommendation of the Minister for Treasury and Resources, may approve.³

- (10) The Treasurer of the States –

- (a) shall pay into the Interest Fund the whole of the income of the Capital Fund;
- (b) may place the whole, or any part, of the money from time to time standing to the credit of the Interest Fund on deposit in any bank.

- (11) The cost of administration of the Capital Fund and the Interest Fund shall be a first charge on the Interest Fund.
- (12) Subject to the provisions of paragraphs(8)(b) and (11), the Interest Fund shall be applied, in accordance with the directions of the Minister for Children and Education, for the benefit of children who are, or who have at any time been, in the care of the States. ⁴

3 Citation

This Law may be cited as the Children's Benefit Funds (Jersey) Law 1969.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Children's Benefit Funds (Jersey) Law 1969	L.2/1969	14 March 1969
Transfer of Functions (Health and Social Services Committee) (Jersey) Act 1995	R&O.8859	10 October 1995
States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005	R&O.45/2005	9 December 2005
States of Jersey (Transfer of Responsibilities and Functions) (Health and Social Services to Children and Housing) Order 2019	R&O.100/2019	9 October 2019
States of Jersey (Minister for Children and Education, Minister for Housing and Communities and Minister for External Relations and Financial Services) (Jersey) Order 2021	R&O.29/2021	2 March 2021

Table of Renumbered Provisions

Original	Current
3	spent, omitted from this revised edition
4	3

Table of Endnote References

- ¹ *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² Article 2(7) *amended by R&O 8859, R&O.100/2019, R&O.29/2021*
- ³ Article 2(9) *revised on 11 January 2024 by Law Revision Board item [2023/1](#)*
- ⁴ Article 2(12) *amended by R&O.8859, R&O.100/2019, R&O.29/2021*