



Jersey

LAW REFORM (MISCELLANEOUS PROVISIONS) (JERSEY) LAW 2003

Official Consolidated Version

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LAW REFORM (MISCELLANEOUS PROVISIONS) (JERSEY) LAW 2003

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LAW REFORM (MISCELLANEOUS PROVISIONS) (JERSEY) LAW 2003

A **LAW** to abolish the customary law right to bring an action for breach of promise of marriage, subject to a saving for such actions in respect of void marriages; to make provision, upon an agreement to marry being ended, for the return of gifts made by one of them to the other; and for connected purposes

Commencement [[see endnotes](#)]

1 Interpretation

In this Law, “commencement date” means the date this Law comes into force.

2 Agreement to marry unenforceable

- (1) An agreement between 2 persons to marry one another shall not have effect as a contract giving rise to legal rights.
- (2) No cause of action shall lie for breach of such an agreement, whatever the law applicable to it.
- (3) This Article –
 - (a) shall not affect any action commenced before the commencement date; but
 - (b) shall otherwise have effect in relation to agreements entered into before the commencement date.

3 Return of gifts

- (1) A party to an agreement to marry (the “giver”) who makes a gift of property to the other party to the agreement on the express or implied condition that it shall be returned if the agreement is ended shall not be prevented from recovering the property by reason only that the giver ends the agreement.
- (2) The gift of an engagement ring shall be presumed to be an absolute gift.

- (3) The presumption in paragraph (2) may be rebutted by proving that the ring was given on the express or implied condition that it should be returned if, for any reason, the marriage does not take place.

4 Damages for surviving party to void marriage

- (1) Where a person dies after the commencement date (the “deceased”) and is survived by someone (the “survivor”) who, whether before or after the commencement date had, in good faith, entered into a void marriage with the deceased, then, notwithstanding Article 2, a cause of action shall continue to accrue to the survivor in damages against the estate of the deceased.
- (2) A cause of action shall not so accrue if the marriage of the deceased and the survivor was dissolved or annulled during the deceased’s lifetime and the dissolution or annulment is recognized by the law of Jersey or if the survivor has, during the lifetime of the deceased, entered into a later marriage.

5 Citation

This Law may be cited as Law Reform (Miscellaneous Provisions) (Jersey) Law 2003.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Law Reform (Miscellaneous Provisions) (Jersey) Law 2003	L.2/2003	10 January 2003

Table of Renumbered Provisions

Original	Current
5	spent, omitted from this revised edition
6	5

Table of Endnote References

There are currently no endnote references