MARRIAGE AND CIVIL STATUS (AMENDMENT No. 4) (JERSEY) LAW 2018

Arrangement

Article

1. Interpretation

2. Parts 1 and 2 substituted

2A. Article 35 amended

3. Article 39 amended

4. Article 40A repealed

5. Article 41 amended

6. Article 42 substituted

7. Article 44 amended

8. Article 45 amended

9. Article 47 amended

10. Article 51 amended

11. Article 53 amended

12. Article 58 amended

13. Article 60 amended

14. Article 61 amended

15. Article 64 amended

16. Article 68 amended

17. Article 69 amended

18. Article 70 substituted

19. Article 71 amended

20. Article 74 amended

21. Article 75 amended

22. Article 76 substituted

23. Article 78 substituted

24. Articles 80A, 80B, 80C and 80D inserted

25. Article 82 amended

26. Schedule 1 and 2 substituted

27. Amendment of other enactments

28. Repeals

29. Citation and commencement

SCHEDULE

AMENDMENT OF OTHER ENACTMENTS
Arrangement

Marriage and Civil Status (Amendment No. 4) (Jersey)

Law 2018

1. Agriculture (Loans) (Jersey) Regulations 1974 amended ........................................... 48
3. Children (Jersey) Law 2002 amended ................................................................................. 48
4. Discrimination (Jersey) Law 2013 amended ............................................................................. 48
5. Employment (Jersey) Law 2003 amended ................................................................................. 49
6. Fire Precautions (Designated Premises) (Jersey) Regulations 2012 amended ......................... 49
7. Gender Recognition (Jersey) Law 2010 amended ................................................................. 49
8. Gender Recognition (Disclosure of Information) (Jersey) Order 2010 amended .................. 51
10. Income Tax (Purchased Life Annuities) (Jersey) Order 1959 amended ......................... 57
11. Interpretation (Jersey) Law 1954 amended .............................................................................. 57
13. Loi (1864) réglant la Procédure Criminelle amended ......................................................... 58
14. Loi (1880) sur la Propriété Foncière amended ........................................................................ 58
15. Loi (1915) sur la Propriété Foncière (Garanties) amended ................................................. 58
16. Loi (1908) au sujet des témoins et informateurs amended .................................................. 58
17. Matrimonial Causes (Jersey) Law 1949 amended ................................................................. 58
18. Mental Health (Jersey) Law 1969 amended ......................................................................... 59
19. Public Employees (Contributory Retirement Scheme) (Former Hospital Scheme) (Jersey) Regulations 1992 amended ................................................................. 60
20. Public Employees (Contributory Retirement Scheme) (Jersey) Regulations 1967 amended .......... 60
21. Public Employees (Pension Scheme) (Membership and Benefits) (Jersey) Regulations 2015 amended ........................................................................................................ 60
22. Separation and Maintenance Orders (Maintenance Payments) (Jersey) Regulations 1972 amended ........................................ ......................................................... 60
23. Social Security (Jersey) Law 1974 amended ........................................................................... 60
24. Social Security (Classification) (Jersey) Order 1974 amended ............................................. 61
25. Social Security (Contributions) (Jersey) Order 1975 amended ............................................. 61
27. Social Security (Residence and Persons Abroad) (Jersey) Order 1974 amended ..................... 61
28. Standing Orders of the States of Jersey ................................................................................. 62
29. Teachers’ Superannuation (Existing Members) (Jersey) Order 1986 amended .................... 62
30. Trusts (Jersey) Law 1984 amended ....................................................................................... 62
31. Wills and Successions (Jersey) Law 1993 amended ............................................................. 62
MARRIAGE AND CIVIL STATUS (AMENDMENT No. 4) (JERSEY) LAW 2018

A LAW to amend the Marriage and Civil Status (Jersey) Law 2001 to permit the solemnization of marriages between persons of the same sex, permit the solemnization of marriages by conversion of civil partnerships, amend the formalities for marriages and amend the registration requirements for births and deaths and for connected purposes.

Adopted by the States 1st February 2018
Sanctioned by Order of Her Majesty in Council 23rd May 2018
Registered by the Royal Court 1st June 2018

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

1 Interpretation
In this Law “2001 Law” means the Marriage and Civil Status (Jersey) Law 20011.

2 Parts 1 and 2 substituted
For Parts 1 and 2 of the 2001 Law there shall be substituted the following Parts –

“PART 1
INTRODUCTION

Interpretation

1 Interpretation
(1) In this Law, unless the context otherwise requires –
‘1995 Law’ means the Inquests and Post-Mortem Examinations (Jersey) Law 1995;  
‘acquired gender’ has the meaning given by Article 1(2) of the Gender Recognition (Jersey) Law 2010;  
‘apostille’ means a certificate of authenticity applied to a document in accordance with the process required under the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents done at the Hague on 5th October 1961;  
‘approved location’ shall be construed in accordance with Article 23;  
‘approving authority’ means the Connétable of the parish in which a location that is subject to an application for approval under the scheme in Article 23 is situated or such other person to whom the Connétable may delegate the responsibility for approving locations for the purposes of this Law;  
‘authorized civil celebrant’ means a person authorized as such under Article 6(3);  
‘authorized religious official’ means a person authorized as such under Article 6(3);  
‘banns’ means banns of matrimony;  
‘brother’ includes a brother of the half-blood;  
‘certificate of freedom to marry’ shall be construed in accordance with Article 14;  
‘certificate of no impediment to marriage’ shall be construed in accordance with Article 16;  
‘child of the family’, in relation to any person, means another person who, when not of full age, has lived in the same household as that person and been treated by that person as a child of his or her family;  
‘civil marriage’ means a marriage that is not solemnized according to any religious rites or usages;  
‘civil marriage celebrant’ means the Superintendent Registrar, a Deputy Superintendent Registrar or an authorized civil celebrant;  
‘clergyman’ means the Dean, a priest or a deacon of the Anglican Church;  
‘conversion’ means a conversion of a civil partnership to a marriage under this Law;  
‘conversion declaration form’ shall be construed in accordance with Article 21;  
‘Dean’ includes the Vice-Dean;  
‘deputy registrar’ means a person appointed as such under Article 42(1A)(b);
‘Deputy Superintendent Registrar’ means a person employed under the Employment of States of Jersey Employees (Jersey) Law 2005\textsuperscript{4} as a Deputy Superintendent Registrar for the purposes of this Law or a person engaged as an assistant Deputy Superintendent Registrar under Article 41(1B);

‘freedom to marry declaration’ shall be construed in accordance with Article 10;

‘governing authority’ means the person or persons recognized by the members of a recognized and established religious organization as its governing authority;

‘illegitimate child’ means a child who is not legitimate by birth, as defined in Article 2(1) of the Legitimacy (Jersey) Law 1973\textsuperscript{5};

‘immigration officer’ means an immigration officer appointed under Schedule 2 to the Immigration Act 1971 of the United Kingdom, as extended to the Bailiwick of Jersey by the Immigration (Jersey) Order 1993\textsuperscript{6} or a person who carries out similar duties to such an officer in another jurisdiction;

‘marriage authority’ means the authority in the jurisdiction of the person’s usual place of residence outside Jersey that is able to search the relevant records relating to the civil status of its residents;

‘marriage celebrant’ means, in relation to the solemnization of any marriage, any person mentioned in paragraph (1)(a) to (d) of Article 6;

‘marriage schedule’ shall be construed in accordance with Article 15;

‘Minister’ means the Minister for Home Affairs;

‘notice of intended marriage’ shall be construed in accordance with Article 10;

‘notice of intended marriage form’ shall be construed in accordance with Article 10;

‘notices of intended marriage book’ means the notices of intended marriage book held by the Superintendent Registrar under Article 24B(2)(c);

‘officer of the Impôts’ means the Agent of the Impôts, Deputy Agent of the Impôts or an officer of the Impôts appointed under Article 4 of the Customs and Excise (Jersey) Law 1999\textsuperscript{7};

‘licence’, ‘ordinary licence’ and ‘special licence’ shall be construed in accordance with Part 3;

‘parish assembly’ means, in relation to a parish, the assembly of principals and officers of the parish;

‘prescribed’ means, except in Articles 28(2) and 40, prescribed by Order of the Minister;
Article 2

‘register of approved locations’ means the register kept pursuant to Article 24B(2)(d);

‘register of authorized civil celebrants’ means the register kept pursuant to Article 24B(2)(a);

‘register of authorized religious officials’ means the register kept pursuant to Article 24B(2)(b);

‘registered medical practitioner’ shall have the same meaning as in the Medical Practitioners (Registration) (Jersey) Law 1960;

‘registrar’ means a person appointed as such under Article 42;

‘religious marriage’ means a marriage solemnized according to religious rites or usages;

‘same sex marriage’ means the marriage of 2 persons of the same sex and includes a marriage by conversion;

‘signature verification form’ shall be construed in accordance with Article 15(3);

‘sister’ includes a sister of the half-blood;

‘Superintendent Registrar’ means the person employed under the Employment of States of Jersey Employees (Jersey) Law 2005 as the Superintendent Registrar for the purposes of this Law under Article 41;

‘working day’ means any day other than Christmas Day, Good Friday, a Sunday or a day observed as a bank holiday pursuant to the Public Holidays and Bank Holidays (Jersey) Law 1951.

(2) For the purposes of this Law, relationship by blood shall include such a relationship even though arising otherwise than by lawful marriage.

(3) In this Law, any reference to the registrar in relation to a marriage, birth, stillbirth or death means the registrar of the parish in which the marriage is solemnized or the birth, stillbirth or death occurs, and includes the registrar’s deputy.

Right to marry and restrictions on marriage

2 Right to marry or convert civil partnership to marriage

(1) It shall be lawful –

(a) for 2 persons of the same sex to marry; and

(b) for civil partners to marry by converting their civil partnership to a marriage,

if the marriage is solemnized in accordance with this Law.

(2) Nothing in this Article affects the rights of 2 persons of the opposite sex to marry in accordance with this Law.
3 Restriction on marriage

(1) A marriage shall be void if at the time of the solemnization of the marriage either party is already lawfully married.

(2) A marriage shall be void if at the time of the solemnization of the marriage either party is already in a civil partnership with a person, except that a solemnization of a marriage between civil partners converting their civil partnership to a marriage shall not be void if the marriage is solemnized in accordance with this Law.

(3) A marriage shall be void if it is between a person and any person listed in Schedule 1.

(4) Subject to paragraph (5), a marriage shall be void if it is between a person and—

(a) his or her former spouse’s child or grandchild or former civil partner’s child or grandchild;

(b) his or her former spouse’s adoptive child or adoptive grandchild or former civil partner’s adoptive child or adoptive grandchild;

(c) his or her father’s former spouse or former civil partner or grandfather’s former spouse or civil partner; or

(d) his or her mother’s former spouse or former civil partner or grandmother’s former spouse or former civil partner.

(5) Any marriage to which paragraph (4) applies shall not be void by reason only of that paragraph if—

(a) both the parties to the marriage are of full age at the time of the marriage; and

(b) the younger party has not, at any time before attaining full age, been a child of the family in relation to the other party.

4 Marriage of a minor

(1) A marriage shall be void if at the time of the solemnization of the marriage, either party is under the age of 16.

(2) A person whose marriage is void under paragraph (1) because at the time of the solemnization of the marriage the other party to the marriage is under the age of 16—

(a) shall not be guilty of the offence mentioned in the first section of Article 4 of the Loi (1895) modifiant le droit criminel if the person establishes that, at the time of commission of the alleged offence, the person had sufficient reason to believe that the person in respect of whom the offence is alleged to have been committed was the person’s wife;

(b) shall not be guilty of the offence of indecent assault if the person establishes that, at the time of commission of the alleged offence, the person had sufficient reason to believe
that the person in respect of whom the offence is alleged to have been committed was the person’s spouse.

(3) Where the marriage of a minor over 16 years is intended to be solemnized on the authority of a marriage schedule or certificate of no impediment to marriage issued by the Superintendent Registrar, or an ordinary licence or special licence of the Dean, the consent of the persons specified in Schedule 2 shall be required.

(4) The Superintendent Registrar may refuse to issue any marriage schedule or certificate of no impediment to marriage, and the Dean may refuse to issue any licence, unless satisfied by production of written evidence that the consent of a person specified in Schedule 2 has in fact been obtained.

(5) Where the consent of any person whose consent is required under paragraph (3) cannot be obtained, by reason of absence or inaccessibility or by reason of his or her being under a disability, the Superintendent Registrar, when deciding whether to issue a marriage schedule or certificate of no impediment to marriage, or the Dean, when deciding whether to issue an ordinary licence or special licence, may dispense with the consent of that person before issuing the marriage schedule, certificate of no impediment to marriage or ordinary or special licence, as the case may be.

(6) Where the Superintendent Registrar or the Dean, as the case may be, refuses to dispense with the consent of any person required under paragraph (3), the Inferior Number of the Royal Court may, on the application of the minor, give consent in place of that person.

(7) Where an application is made under paragraph (6) in consequence of a refusal to give consent, the applicant shall serve notice of the application on the person who has refused consent.

(8) Where the marriage of a minor is intended to be solemnized after the publication of banns then, if any person whose consent would have been required under paragraph (3) for the solemnization of the marriage on the authority of any marriage schedule, certificate of no impediment to marriage, ordinary licence or special licence openly and publicly declares or causes to be declared in the Church in which the banns are published, at the time of publication, his or her dissent from the intended marriage, the publication of banns shall be void.

5 Restriction on marriage by conversion

(1) A marriage which results from the purported conversion of a void civil partnership shall be void.

(2) A marriage which results from the conversion of a civil partnership shall be void if –

(a) the civil partnership is between a person and any person listed in Schedule 1;
(b) at the time the civil partnership was formed, either party was under the age of 16;

(c) at the time the civil partnership was formed, either party was a minor and consent had not been obtained before the formation of the civil partnership from a person specified in Schedule 2; or

(d) the civil partnership is between a person and –

(i) his or her former spouse’s child or grandchild or former civil partner’s child or grandchild,

(ii) his or her former spouse’s adoptive child or adoptive grandchild or former civil partner’s adoptive child or adoptive grandchild,

(iii) his or her father’s former spouse or former civil partner or grandfather’s former spouse or civil partner, or

(iv) his or her mother’s former spouse or former civil partner or grandmother’s former spouse or former civil partner.

(3) Any marriage to which paragraph (2)(d) applies shall not be void by reason only of that paragraph if –

(a) both the parties to the civil partnership were of full age at the time of the formation of the civil partnership; and

(b) the younger party had not, at any time before attaining full age, been a child of the family in relation to the other party.

**Persons authorized to solemnize marriage**

6 **Persons authorized to solemnize marriages in Jersey**

(1) A marriage may only be solemnized by –

(a) the Superintendent Registrar or a Deputy Superintendent Registrar;

(b) a clergymen;

(c) an authorized civil celebrant; or

(d) an authorized religious official.

(2) Every civil marriage celebrant has a duty to solemnize the marriage of 2 persons –

(a) whether or not they are of the same sex or the opposite sex; and

(b) whether or not the marriage is by conversion.

(3) The Minister shall prescribe a scheme for the authorization by the Superintendent Registrar of persons as authorized civil celebrants or authorized religious officials, which must include –

(a) the procedures for applying to be authorized;
(b) the matters to be taken into account in determining whether to authorize a person provisionally or fully;

(ba) in the case of persons to be authorized as civil celebrants, such qualifications, awarded by such persons or bodies, as the Minister may consider appropriate;

(c) the duration and renewal of an authorization;

(d) the conditions that shall or may be imposed on the grant or renewal of an authorization, including any condition in respect of the circumstances in which –

(i) an authorized civil celebrant or authorized religious official may solemnize a marriage, or

(ii) a marriage must be solemnized by an authorized civil celebrant;

(e) the training and monitoring of marriage celebrants;

(f) the determination and charging of prescribed fees in respect of the grant of or renewal of an authorization and for the charging by the Superintendent Registrar for the training of a person authorized or to be authorized as a marriage celebrant;

(g) the circumstances in which an authorization shall or may be granted, renewed, suspended or revoked; and

(h) the review or appeal of any decision to refuse to grant or renew an authorization, impose a condition on the grant or renewal of an authorization or suspend or revoke an authorization.

(4) The Superintendent Registrar shall not authorize a person as both an authorized civil celebrant and an authorized religious official.

(5) Before solemnizing any marriage, an authorized civil celebrant must take an oath before the Royal Court to well and faithfully perform the duties imposed on him or her by or under this Law and to carry out such duties relating to the solemnization and registration of marriages as the Superintendent Registrar directs.

(6) An authorized civil celebrant or an authorized religious official must carry out the solemnization of marriages –

(a) in compliance with the requirements of this Law and with any guidance issued by the Superintendent Registrar; and

(b) in such a way as to uphold the dignity and solemnity of marriage.

(7) Every person who immediately before the coming into force of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018 was authorised to solemnize marriages in registered buildings –

(a) shall be deemed to be an authorized religious official for a period of 12 months beginning on the day of the coming into force of that Law;

(b) during that period shall only be authorized to solemnize marriages of persons in buildings in respect of which he or
she was authorized to solemnize marriages before the coming into force of that Law, unless the Superintendent Registrar, upon the application of that person, authorizes him or her to solemnize marriages in another approved location;

(c) during that period shall only be authorized to solemnize marriages of persons of the opposite sex unless the Superintendent Registrar, upon the application of that person, authorizes that person to solemnize marriages of persons of the same sex.

7 Marriages according to religious rites: no compulsion to solemnize marriage etc.

(1) A person shall not be compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement) to do any of the following in respect of 2 persons of the same sex or of a person whom the marriage celebrant reasonably believes to be a person is of an acquired gender, within the meaning of Article 1(2) of the Gender Recognition (Jersey) Law 2010:

(a) to solemnize same sex marriages;
(b) to solemnize the marriage of the person believed to be of an acquired gender;
(c) to be present at or participate in the solemnization of a same sex marriage or a marriage of a person believed to be of an acquired gender;
(d) to consent to the solemnization of a same sex marriage or a marriage of a person believed to be of an acquired gender;
(e) to apply for authorization for a person to solemnize a same sex marriage or a marriage of a person believed to be of an acquired gender; or
(f) to give consent or certify any matter relating to a same sex marriage or a marriage of a person believed to be of an acquired gender,

where the reason for not doing so is that the marriage concerns 2 persons of the same sex or a marriage of a person believed to be of an acquired gender.

(2) For the avoidance of doubt –

(a) a person cannot be compelled by any means to refrain from doing any of the activities described in paragraph (1)(a), (b), (c), (d), (e) or (f); and

(b) a person may withdraw, and shall not be compelled to refrain from withdrawing, a consent or certificate previously given or an application previously made.
(3) In paragraphs (1) and (2), ‘person’ includes a religious organization, an authorized religious official or a clergyman but does not include a civil marriage celebrant.

(4) In paragraphs (1) and (2), ‘person’ applies to an individual whether or not the religious organization to which he or she may belong consents to marriages of 2 persons of the same sex being solemnized according to the rites or usages of that religious organization.

(5) Any duty of a member of the clergy to solemnize marriages (and any corresponding right of persons to have their marriages solemnized by members of the clergy) is not extended by this Law to marriages of 2 persons of the same sex or marriages of persons of an acquired gender.

PART 2

MARRIAGE AUTHORIZED UNDER MARRIAGE SCHEDULE OR CERTIFICATE OF NO IMPEDIMENT TO MARRIAGE ISSUED BY SUPERINTENDENT REGISTRAR

Pre-marriage procedural requirements and solemnization of marriage

8 Application for notice of intended marriage

(1) Where a marriage is intended to be solemnized on the authority of a marriage schedule or certificate of no impediment to marriage issued by the Superintendent Registrar, one or both of the persons intending to marry, or that person’s or those person’s representative, must—

(a) deliver to the Superintendent Registrar an application for a notice of intended marriage not earlier than 1 year before the day of the intended marriage; and

(b) pay the prescribed fee.

(2) The application for a notice of intended marriage must—

(a) include such information as may be prescribed;

(b) be in such form as the Superintendent Registrar may by notice require; and

(c) be accompanied by such documents that corroborate the information required under sub-paragraph (a) as the Superintendent Registrar may by notice require, including (but not limited to)—

(i) evidence of the identity, residence and nationality of the parties,

(ii) evidence of the parties’ immigration status in Jersey, and
(iii) evidence of any previous marriage or civil partnership and evidence that it has ended.

9 Consideration of application for notice of intended marriage

(1) The Superintendent Registrar may consider the application for notice of intended marriage delivered under Article 8 before he or she has inspected the original or certified copy of any document delivered under Article 8(2)(c).

(2) The Superintendent Registrar may request such other information or documents as he or she considers to be necessary and interview either or both of the parties to the intended marriage or any other person for the purpose of considering the application and in particular for the purpose of any of the following –

(a) verifying the accuracy of any information provided or the authenticity of any document;

(b) satisfying himself or herself that both parties are capable of consenting to the marriage and are entering into the marriage freely; and

(c) satisfying himself or herself whether any other ground exists for not issuing a notice of intended marriage.

(3) The Superintendent Registrar may –

(a) reject any information or evidence provided under Article 8 and this Article if he or she has reasonable grounds for suspecting that information or evidence is false or inaccurate; and

(b) proceed under this Law as if that rejected information or evidence had not been provided.

10 Giving notice of intended marriage and making freedom to marry declaration

(1) The parties to the intended marriage must have been resident at their place of residence (whether in Jersey or elsewhere) for at least 7 days before they give notice of their intended marriage to the Superintendent Registrar.

(2) Subject to paragraph (3), notice of intended marriage may not be given until the Superintendent Registrar has inspected the original or certified copies of all of the documents provided in corroboration (as required under Article 8(2)(c)) of the information required under Article 8(2)(a) and has satisfied himself or herself of their authenticity.

(3) A notice of intended marriage may be given despite the Superintendent Registrar not seeing the original or certified copy of a document referred to in paragraph (2) in a case where Article 24 applies or where the Superintendent Registrar has otherwise satisfied himself or herself that the parties to the intended marriage
have corroborated the information provided under Article 8(2)(a) by some other means.

(4) If the Superintendent Registrar is satisfied that the information and documents referred to in Articles 8 and 9 reveal no reason why the intended marriage between the parties cannot take place, the parties may give notice of their intended marriage in accordance with paragraph (5) or (6).

(5) If the parties to the intended marriage attend the office of the Superintendent Registrar to give notice of their intended marriage they must, in the presence of the Superintendent Registrar –

(a) both sign the notice of intended marriage in respect of their intended marriage in the notices of intended marriage book; and

(b) each sign a freedom to marry declaration.

(6) If the parties to the intended marriage do not intend to attend the office of the Superintendent Registrar to give notice of their intended marriage –

(a) the Superintendent Registrar must send to the parties a notice of intended marriage form in respect of their intended marriage and a freedom to marry declaration in respect of each of the parties; and

(b) the parties must sign and return the notice of intended marriage form and freedom to marry declarations to the Superintendent Registrar,

(7) Upon receipt of the notice of intended marriage form and freedom to marry declarations under paragraph (6) the Superintendent Registrar must enter a notice of intended marriage in the notices of intended marriage book.

(8) A notice of intended marriage form shall be in such form as the Superintendent Registrar decides and must include the prescribed particulars.

(9) A freedom to marry declaration shall be in such form as the Superintendent Registrar decides, must include the prescribed particulars and must contain the following declaration –

‘I [AB] solemnly declare that I know of no legal impediment to my intended marriage to BC on grounds of kindred or affinity or on any other ground and I have not at any time before attaining full age, been a child of the family in relation to [BC].’.

(10) In a case where paragraph (5) applies, the date upon which the parties sign the notice of intended marriage in the notices of intended marriage book is the date upon which the parties give notice of their intended marriage.

(11) In the case where paragraph (6) applies, the date on which the Superintendent Registrar enters the details of the intended marriage in the notices of intended marriage book, shall be deemed to be the date on which the parties to the marriage have given notice of their
intended marriage (whether or not that date is different to the date on which the parties to the marriage signed the notice of intended marriage form).

(12) In the case where Article 24 applies and the Superintendent Registrar has not seen the original or a certified copy of a document submitted to him or her under Article 8 or 9 at the time of entering the details referred to in paragraph (11), the Superintendent Registrar must endorse upon the notices of intended marriage book and the notice of intended marriage that the notice of intended marriage is a provisional notice.

11 Publication of notice of intended marriage and entry in notices of intended marriage book

(1) The Superintendent Registrar must publish the notice of intended marriage any time after the notice has been given provided that it must not be published more than one year before the intended date of the marriage and, subject to Article 24, must be published for a period of at least 25 clear days ending on the date of the marriage –

(a) at the Office of the Superintendent Registrar;
(b) on the website of the States of Jersey; and
(c) in any other place that the Superintendent Registrar considers appropriate.

(2) A notice of intended marriage shall be void after the expiry of 1 year beginning on the day on which it is first published.

12 Caveat against issue of marriage schedule or certificate of no impediment to marriage

(1) A person having reason to believe that there is lawful cause to obstruct the issue of a marriage schedule or certificate of no impediment to marriage may enter a caveat with the Superintendent Registrar against such issue.

(2) A caveat shall be signed by or on behalf of the person by whom it is entered, state his or her place of residence and the grounds for entering the caveat.

(3) Subject to paragraph (6), where a caveat is entered, the Superintendent Registrar shall not issue a marriage schedule or certificate of no impediment to marriage until –

(a) he or she has examined into the matter of the caveat and is satisfied that it ought not obstruct the issue of a marriage schedule or certificate of no impediment to marriage; or
(b) the caveat is withdrawn by the person who entered it.

(4) If the Superintendent Registrar is doubtful whether to issue a marriage schedule or certificate of no impediment to marriage, he
or she may refer the matter of the caveat to the Inferior Number of the Royal Court.

(5) Where the matter of a caveat is referred to the Inferior Number of the Royal Court, the Royal Court may uphold the caveat or order that the marriage schedule or certificate of no impediment to marriage be issued and no appeal shall lie from the decision of the Royal Court.

(6) Where a caveat is entered against a marriage on the ground that the persons to be married are not both of full age or that one of those persons has, at any time before attaining full age, been a child of the family in relation to the other then, even if the caveat is withdrawn by the person who entered it, the Superintendent Registrar shall not issue a marriage schedule or certificate of no impediment to marriage unless a declaration is obtained from the Inferior Number of the Royal Court under paragraph (7).

(7) In the case described in paragraph (6), one of the persons to be married may apply to the Inferior Number of the Royal Court for a declaration that, both those persons being of full age and the younger of those persons not having been, at any time before attaining full age, a child of the family in relation to the other, there is no impediment (on the grounds referred to in paragraph (6)) to the solemnization of the marriage.

(8) The Inferior Number of the Royal Court, in any proceedings before it under this Article, may order the person who entered the caveat to pay all or part of the costs of the proceedings and damages to the person against whose marriage the caveat was entered.

13 Forbidding of issue of marriage schedule or certificate of no impediment to marriage

(1) Subject to paragraph (3), any person whose consent is required to a marriage intended to be solemnized on the authority of a marriage schedule or certificate of no impediment to marriage under Article 4 may forbid the issue of a marriage schedule or certificate of no impediment to marriage by writing, at any time before its issue, the word ‘forbidden’ in the margin of the notices of intended marriage book next to the entry of the notice of intended marriage and subscribing to that word the person’s name, place of residence and the capacity, in relation to either of the persons to be married, in which he or she forbids the issue of the schedule or certificate.

(2) Subject to paragraph (3), where the issue of a marriage schedule or certificate of no impediment to marriage is forbidden under paragraph (1), the notice of intended marriage and all proceedings on it shall be void.

(3) Where the Inferior Number of the Royal Court orders that the marriage schedule or certificate of no impediment to marriage be issued under Article 12(5), in the place of a person who has refused consent, that person shall not be entitled to forbid the issue of a marriage schedule or certificate of no impediment to marriage for
that marriage under this Article and the notice of intended marriage and proceedings on it shall not be void by virtue of this Article.

14 Marriage in Jersey by non-Jersey resident: certificate of freedom to marry issued by other authority

(1) Any person, whose ordinary place of residence is outside Jersey, must, if he or she intends to marry in Jersey, deliver to the Superintendent Registrar a valid certificate of freedom to marry issued in respect of that person by the marriage authority in the jurisdiction of the person’s ordinary place of residence.

(2) The Superintendent Registrar may require a person who intends to marry in Jersey to deliver to the Superintendent Registrar a certificate of freedom to marry issued in respect of that person by the marriage authority of the jurisdiction in which that person previously resided or the jurisdiction of the person’s nationality where –

(a) the person has been resident in his or her ordinary place of residence for a total period of less than 2 years; or

(b) the Superintendent Registrar reasonably considers that additional checks are necessary to satisfy himself or herself that no lawful impediment exists to prevent the person from freely entering into the intended marriage.

(3) For the purposes of this Law, a certificate of freedom to marry is a document (whether or not described as a certificate of freedom to marry) that provides official confirmation from a marriage authority of any marriage or civil partnership entered into by the person in that jurisdiction.

(4) The certificate of freedom to marry must –

(a) include the full names of the parties to the intended marriage and the location of the intended marriage;

(b) be issued not more than 3 months before the intended date of marriage; and

(c) if it contains a date of expiry, be a date that falls after the date of the intended marriage.

(5) The Superintendent Registrar may require the certificate of freedom to marry delivered under this Article to be authenticated by way of an apostille applied to the document or in such other manner as the Superintendent Registrar may reasonably require.

(6) The Superintendent Registrar may refuse to issue a marriage schedule in respect of any person intending to marry in Jersey who fails to deliver to the Superintendent Registrar a valid certificate of freedom to marry as may be required under paragraph (1) or (2) unless the Superintendent Registrar is satisfied that the failure is beyond the control of the person in respect of whom the requirement applies.
15 Issue of marriage schedule

(1) Where a marriage is intended to be solemnized in Jersey one of the parties to the intended marriage must, subject to Article 24, at least 2 clear days and not more than 10 clear days before the day on which the marriage is to be solemnized, request the Superintendent Registrar to issue a marriage schedule.

(2) The request must be accompanied by the prescribed fee.

(3) The Superintendent Registrar must not issue a marriage schedule unless –

(a) both parties to the intended marriage have attended the office of the Superintendent Registrar (together or separately), and in the presence of the Superintendent Registrar, have signed a signature verification form, and the Superintendent Registrar is satisfied that the signatures on the freedom to marry declarations are the signatures of the persons signing the signature verification form;

(b) each person who is required under Article 14 to provide a certificate of freedom to marry has delivered the original of a valid certificate to the Superintendent Registrar;

(c) the prescribed fee has been paid; and

(d) if the marriage celebrant to be named in the marriage schedule is an authorized religious official, in the case of a same sex marriage, he or she consents to solemnizing the marriage.

(4) The Superintended Registrar must refuse to issue a marriage schedule if he or she satisfied that –

(a) any party to the marriage is incapable of consenting to the marriage or is not entering into the marriage freely; or

(b) any other ground exists for not issuing a marriage schedule.

(5) Subject to paragraphs (3) and (4), the Superintendent Registrar shall issue the marriage schedule to the marriage celebrant unless –

(a) any lawful impediment has been shown to his or her satisfaction; or

(b) its issue has been forbidden under Article 13.

(6) The marriage schedule and signature verification form shall be in such form as the Superintendent Registrar may decide and contain such particulars as may be prescribed.

(7) Upon issuing the marriage schedule, the Superintendent Registrar shall also issue to the marriage celebrant –

(a) 3 marriage certificates for completion at the solemnization of the marriage;

(b) a notice of time and location of the marriage; and

(c) the signature verification form signed by both parties to the intended marriage.
(8) The marriage certificates shall be in such form as the Superintendent Registrar decides and must contain such particulars as may be prescribed.

(9) A notice under paragraph 7(b) shall contain such particulars and be in such from as the Superintendent by notice requires.

(10) Subject to Article 24, if the marriage –
    (a) is not solemnized on the date specified in the marriage schedule;
    (b) is not solemnized in the location specified in the marriage schedule; and
    (c) is solemnized earlier than the time specified in the marriage schedule, or more than 1 hour later than the time specified in the marriage schedule,

the marriage schedule shall be void and no person shall solemnise the marriage on its authority.

16 Issue of certificate of no impediment by Superintendent Registrar for marriage outside Jersey

(1) A party to a marriage who is resident in Jersey and whose marriage is intended to be solemnized outside Jersey may request the Superintendent Registrar to issue a certificate of no impediment to marriage in respect of that person.

(2) Subject to Article 24, the request must be made before the day on which the marriage is to be solemnized and must be accompanied by the prescribed fee.

(3) The Superintendent Registrar must not issue a certificate of no impediment to marriage under paragraph (1) unless –
    (a) the notice of intended marriage has been published in accordance with Article 11;
    (b) the person requiring the certificate of no impediment to marriage has attended the office of the Superintendent Registrar and signed the certificate of no impediment to marriage in the Superintendent Registrar’s presence; and
    (c) the prescribed fee has been paid.

(4) The Superintendent Registrar must sign the certificate of no impediment to marriage and endorse upon it the date on which he or she signed it and must issue the certificate of no impediment to marriage to the party who requested it, or to his or her representative, unless –
    (a) any lawful impediment has been shown to his or her satisfaction;
    (b) its issue has been forbidden under Article 13;
    (c) any party to the marriage is incapable of consenting to the marriage or is not entering into the marriage freely; or
(d) any other ground exists for not issuing a certificate of no impediment to marriage.

(5) The certificate of no impediment to marriage –
(a) must state the date upon which notice of intended marriage was given;
(b) must state the residence of the person in respect of whom it relates; and
(c) may be in such form as the Superintendent Registrar may decide and contain such particulars as may be prescribed.

(6) A certificate of no impediment to marriage issued under this Article –
(a) is only valid for a marriage that takes place on the date and at the location indicated on the certificate; and
(b) shall remain valid for a period of 3 months from the date that notice of intention of marriage was given.

(7) A certificate of no impediment to marriage shall be void if it is not issued in accordance with this Article and no person shall solemnize the marriage on its authority.

17 Solemnization of marriage

(1) This Article is subject Article 24.

(2) Where a marriage schedule states that a marriage between the persons named in the marriage schedule is intended to be solemnized in an approved location and by the marriage celebrant named in that marriage schedule, the marriage must be solemnized in that location and by that marriage celebrant in accordance with this Article but otherwise according to such form and ceremony as those persons may see fit to adopt.

(3) A marriage must be solemnized –
(a) between the hours of 8 a.m. and 7 p.m.;
(b) by a marriage celebrant; and
(c) in the presence of 2 or more witnesses, in addition to the marriage celebrant.

(4) The marriage celebrant must display a notice of the solemnization of the marriage, or cause a notice of the solemnization of the marriage to be displayed, at the approved location named in the marriage schedule for at least one hour before the commencement of the ceremony and until the conclusion of the ceremony.

(5) The notice of the solemnization of the marriage displayed under paragraph (4) must contain the forenames and surnames of both parties to the marriage and the time, date and location of the solemnization of the marriage.

(6) Members of the public shall be permitted to attend freely the solemnization of a marriage.
(7) Each of the persons to the marriage shall, in some part of the marriage ceremony and in the presence of the witnesses and the marriage celebrant –

(a) make the following declaration –

‘I solemnly declare that I know of no lawful reason why I, [AB], may not be joined in marriage to [CD]; and

(b) say to the other person –

‘I call upon the persons here present to witness that I, [AB], take you, [CD], to be my lawful wedded wife [or husband] [or spouse].’.

(8) A civil marriage celebrant must not permit any marriage solemnized by him or her to include any religious ritual or symbol or permit prayers or any religious worship or service to be conducted during the marriage ceremony.

(9) A civil marriage celebrant, if satisfied that the content of the marriage ceremony does not contravene paragraph (8), must permit any marriage solemnized by him or her to contain any of the following –

(a) hymns, songs or chants, whether or not they contain any references of a religious nature;

(b) readings from the bible or other holy books or any other reading that contains any references of a religious nature;

(c) vows or statements of commitment by the persons to each other that make any references of a religious nature, provided that any such vow or statement does not replicate any made in any religious marriage ceremony.

(10) A marriage celebrant must permit candles, lights, incense, ribbons and other decorations provided that, in the case of a civil celebrant, he or she is satisfied that they are not used in contravention of paragraph (8).

(11) After the parties have made the declaration under paragraph (7) the parties to the marriage and the witnesses must sign the marriage schedule and the marriage certificates.

(12) The marriage celebrant, if satisfied that the parties celebrating the marriage are the same parties whose signatures are on the signature verification form given to him or her by the Superintendent Registrar, shall sign and date the marriage schedule and the marriage certificates.

(13) The parties to the marriage shall be married upon the signing of the marriage schedule by the marriage celebrant.

(14) Two of the marriage certificates may be kept by the parties to the marriage.

(15) Nothing in this Article shall be construed as requiring a marriage celebrant to attend the solemnization of a marriage on a particular day or at a particular time.
18 Changes to date, time or location of intended marriage

(1) If the parties to an intended marriage wish to change the date or time of the marriage contained in the notice of intended marriage, both parties must notify the Superintendent Registrar in writing of the new date or time (subject to Article 24) not later than 25 clear days before the new date.

(2) If the parties to a marriage intended to take place in Jersey wish to change the location of the intended marriage contained in the notice of intended marriage, both parties must notify the Superintendent Registrar in writing of the new location (subject to Article 24) not later than 25 clear days before the date of the intended marriage.

(3) The Superintendent Registrar shall, as soon as reasonably practicable after receiving notice under paragraph (1) or (2), and upon payment by the parties to the marriage of the prescribed fee, endorse a note of any change of date, time or location upon the published notice of intended marriage, the notices of intended marriage book and on any electronic records so as to accurately record the change of date, time or location, as the case may be.

(4) Where for any reason a marriage in respect of which a notice of intended marriage has been published is not to take place, the Superintendent Registrar must endorse a note in the notices of intended marriage book and on any electronic records to that effect.

Marriage by Conversion

19 Application for conversion

(1) Subject to Article 24, where civil partners wish to convert their civil partnership to a marriage, one or both of the civil partners or that person’s or those persons’ representative, must –

(a) deliver to the Superintendent Registrar an application for a conversion not earlier than 1 year before the day of the intended conversion; and

(b) pay the prescribed fee.

(2) The parties to the intended conversion must have been resident at their place of residence (whether in Jersey or elsewhere) for at least 7 days before they make their application to the Superintendent Registrar.

(3) The application for a conversion must –

(a) include the prescribed information;

(b) be in such form as the Superintendent Registrar may by notice require; and

(c) be accompanied by such documents that corroborate the information required under sub-paragraph (a) as the
Superintendent Registrar may by notice require, including (but not limited to) –

(i) evidence of the identity, residence and nationality of the parties,

(ii) evidence of the parties’ immigration status in Jersey, and

(iii) evidence that when the civil partnership was formed, if it had instead been a marriage, it would not have been be a void marriage under Article 3.

20 Consideration of application for conversion

(1) The Superintendent Registrar may consider the application for a conversion delivered under Article 19 before he or she has inspected the original or certified copy of any document referred to in Article 19(3)(c) but he or she must not issue a conversion declaration form unless the Superintendent Registrar has inspected the original or certified copy of those documents.

(2) The Superintendent Registrar may request such other information or documents as he or she considers to be necessary and interview either or both of the parties to the intended conversion or any other person for the purpose of considering the application and in particular for the purpose of –

(a) verifying the accuracy of any information provided or authenticity of any document;

(b) satisfying himself or herself that both parties are capable of consenting to the conversion and are entering into the marriage freely; and

(c) satisfying himself or herself whether any other ground exists for not issuing a conversion declaration form.

(3) If the Superintendent Registrar concludes that the information and documents referred to in Article 19(3) and paragraph (2) reveal no reason why the civil partners may not marry by conversion, the Superintendent Registrar must notify the civil partners of that conclusion and that the conversion declaration form may be issued.

21 Issue of conversion declaration form

(1) One or both of the parties to the intended marriage must, subject to Article 24, at least 2 clear days and not more than 10 clear days before the day on which the marriage by conversion is to be solemnized, request the Superintendent Registrar to issue a conversion declaration form for signing by the parties to the marriage.

(2) The request must be accompanied by the prescribed fee.
(3) The Superintendent Registrar must not issue a conversion declaration form unless –

(a) both parties to the intended conversion have attended the office of the Superintendent Registrar (together or separately), and –

(i) have brought with them the original or certified copy of the documents required under Articles 19(3)(c) and 20(2), and

(ii) in the presence of the Superintendent Registrar have signed a signature verification form; and

(b) subject to paragraph (5), the Superintendent Registrar has inspected the original or certified copies of all of the documents provided in corroboration of the information required under Articles 19(3) and 20(2) and has satisfied himself or herself of their authenticity; and

(c) the prescribed fee has been paid.

(4) Subject to paragraph (3) the Superintendent Registrar must refuse to issue the conversion declaration form to the marriage celebrant if he or she is satisfied that –

(a) any party to the marriage is incapable of consenting to the conversion or is not entering into the marriage freely; or

(b) any other ground exists for not issuing a conversion declaration form.

(5) The Superintendent Registrar may issue a conversion declaration form for completion by the parties to the marriage, despite not seeing the original or certified copy of a document referred to in paragraph (3)(b) in a case where Article 24 applies or where the Superintendent Registrar has otherwise satisfied himself or herself that the parties to the intended conversion have corroborated any information provided under Articles 19(3) and 20(2) by some other means.

(6) Upon issuing the conversion declaration form the Superintendent Registrar shall also issue to the marriage celebrant –

(a) the form for entering details of the marriage by conversion into the conversion register held by the registrar of the parish;

(b) 3 marriage certificates for completion at the solemnization of the marriage;

(c) a signature verification form, signed by both parties to the intended marriage.

(7) The conversion declaration form, signature verification form and the marriage certificates shall be in such form as the Superintendent Registrar decides and contain such particulars as may be prescribed.
22 Marriage by conversion

(1) This Article is subject to Article 24.

(2) A marriage by conversion may be solemnized between the hours of 8 a.m. and 7 p.m. in the presence of a marriage celebrant.

(3) The marriage may be solemnized –

(a) upon payment to the Superintendent Registrar or a Deputy Superintendent Registrar of the prescribed fee; or

(b) upon such payment as any other marriage celebrant and the parties to the marriage may agree is payable for the services of the marriage celebrant.

(4) If the civil partners do not wish to have any ceremony other than making the declarations contained in paragraph (9), the marriage must be solemnized before the Superintendent Registrar or a Deputy Superintendent Registrar at any approved location for the solemnization of civil marriages.

(5) If the civil partners wish to have any ceremony in addition to making the declarations contained in paragraph (9), the marriage must be solemnized –

(a) by a marriage celebrant, other than an authorized religious official, at any approved location for the solemnization of civil marriages; or

(b) by an authorized religious official at any approved location for the solemnization of marriages.

(6) A civil marriage celebrant must not permit any marriage ceremony solemnized by him or her under this Article to include any religious ritual or symbol or permit prayers or any religious worship, or service to be conducted during the marriage ceremony.

(7) A civil marriage celebrant, if satisfied that the content of the marriage ceremony does not contravene paragraph (6), must permit any marriage ceremony solemnized by him or her to contain any of the following –

(a) hymns, songs or chants, whether or not they contain any references of a religious nature;

(b) readings from the bible or other holy books or any other reading that contains any references of a religious nature;

(c) vows or statements of commitment by the persons to each other that make any references of a religious nature, provided that any such vow or statement does not replicate any made in any religious marriage ceremony.

(8) A marriage celebrant must permit candles, lights, incense, ribbons and other decorations provided that, in the case of a civil celebrant, he or she is satisfied that they are not used in contravention of paragraph (6).
Article 2

(9) Each of the civil partners shall in the presence of the marriage celebrant make the following declaration to each other –

‘I (AB) solemnly declare that I am in a civil partnership with you (CD) and I know of no lawful reason why we may not convert our civil partnership into marriage.

I understand that in making this declaration I will be converting our civil partnership into a marriage and that you (CD) will thereby become my lawful [husband][wife][spouse].’.

(10) After the civil partners have made the declaration in paragraph (9), they shall sign the conversion declaration form and the marriage certificates in the presence of each other and the marriage celebrant.

(11) The marriage celebrant, if satisfied that the parties converting the civil partnership are the same parties whose signatures are on the signature verification form given to him or her by the Superintendent Registrar, shall sign and date the conversion declaration form and the marriage certificates.

(12) The parties to the conversion shall be married upon the signing of the conversion declaration form by the marriage celebrant.

(13) Two marriage certificates may be kept by the parties to the conversion.

(14) Nothing in this Article shall be construed as requiring a marriage celebrant to attend the solemnization of a marriage under this Article on a particular day or at a particular time.

(15) A civil partnership that is converted to a marriage under this Law shall be treated for all purposes as if it had always been a marriage.

(16) Civil partners who convert their civil partnership to a marriage under this Law shall be treated for all purposes as if they had married on the date on which their civil partnership was formed.

23 Approved locations

(1) Subject to Article 24, a marriage shall not be solemnized at a location unless it is an approved location.

(2) The Minister shall by Order establish a scheme for the approval by an approving authority of any location for the purpose of solemnizing marriages at that location.

(3) The scheme shall not permit approval to be given in respect of a location unless the approving authority is of the opinion that the location is suitable for upholding the dignity and solemnity of marriage.

(4) An approval for a location under the scheme must be –

(a) an approval for religious marriages only to be solemnized at that location; or

(b) approval for any marriage to be solemnized at that location.
(5) An Order made under paragraph (2) may include provision in respect of any of the following matters—

(a) the kinds of locations in respect of which approvals may be granted;

(b) the type and nature of an approval and any matter that is or is not relevant to an approval given;

(c) the procedures in relation to applications for approval and the determination of applications;

(d) the information required to be given in an application for approval and any supporting documents to be supplied;

(e) the persons to be consulted in relation to the application, revision or revocation of any approval;

(f) the inspection of any location;

(g) the matters to be taken into account, or not to be taken into account, when determining whether to approve any location;

(h) the duration, renewal, revision or revocation of approvals;

(i) the conditions that shall or may be imposed on the grant or renewal of approvals;

(j) the determination and charging of fees in respect of applications for, or the grant of, the approvals and in respect of renewals, revisions or revocations of approvals, including any that must or may be payable before an application may be considered;

(k) the circumstances in which approvals shall or may be revoked;

(l) the review or appeal of any decision to refuse the approval, or the renewal of approval, or to impose conditions on the grant or renewal of approval or to revoke approval;

(m) any requirements as to the notification of any person of any matter related to the grant, renewal, revision or revocation of any approval, including any appeal; and

(n) any other purpose incidental to the approval of a location for the solemnization of marriages.

(6) Approval shall not be given for the solemnization of same sex marriages at a location that is the usual place of public religious worship according to the rites of the Church of England.

(7) Subject to paragraph (14), approval shall not be given for the solemnization of same sex marriages at a location that is certified by the Minister as the usual place of public religious worship of any religious organization unless—

(a) the governing authority of every religious organization in respect of which that location has been certified as its usual place of public worship has given written consent to the use of that location for the solemnization of same sex marriages; and
(b) the owner or trustee of the location has given written consent to the use of that location for the solemnization of same sex marriages.

(8) Neither a governing authority of a religious organization nor the owner or trustee of a location described in paragraph (7) shall be compelled to consent, or refrain from giving consent, to the approval of that location for the solemnization of same sex marriages where the reason for not consenting is that such marriages would be between 2 persons of the same sex and, where the governing authority or owner or trustee does so consent, they shall not be compelled by any person not to withdraw their consent.

(9) An authorized civil celebrant shall not be authorized to solemnize any marriage in any building or part of a building which has been certified under paragraph (7) as a usual place of public religious worship.

(10) An authorized religious official shall not be authorized to solemnize any marriage except in a location that –

(a) has been certified under paragraph (7) as a usual place of public religious worship of the religious organization to which the official is affiliated; or

(b) is approved by that religious organization for the purpose of solemnizing marriages according to the rites or usages of that religious organization to which the official is affiliated.

(11) An approving authority shall not approve a location belonging to the Connétable or the parish unless the Minister consents to that location being an approved location.

(12) The Minister may delegate the power to consent to a matter referred to in paragraph (11).

(13) The Minister shall certify locations as usual public places of public religious worship for the purposes of this Law.

(14) The Minister shall prescribe the process by which a location may be certified as a place of public religious worship including –

(a) the information that must be supplied with an application;

(b) the persons who may apply for the certificate;

(c) the locations that may or may not be certified; and

(d) the process by which a location may be certified.

(15) Any building that was registered under this Law for the solemnization of marriages immediately before the coming into force of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018 –

(a) shall be deemed to have been certified under paragraph (13) as a place of public religious worship of the religious organization in favour of whom it was registered; and

(b) shall be deemed to be an approved location under this Article for the purpose of solemnizing marriages according
to the rites or usages of that religious organization for a period of 12 months commencing on the day that the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018 comes into force.

(16) Despite the repeal of the Marriage and Civil Status (Approved Premises) (Jersey) Order 200214 –

(a) an approval of premises for the solemnization of marriages that was granted under that Order before the coming into force of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018 shall be deemed to be an approval of a location under the scheme established under this Article;

(b) any premises that are deemed to be an approved location under sub-paragraph (a) shall be deemed to be an approved location for the purpose of solemnizing civil marriages of persons of the same sex and persons of the opposite sex;

(c) the deemed approval of a location shall end on the earlier of –

(i) the day on which the approval of the premises would have ended if the Marriage and Civil Status (Approved Premises) (Jersey) Order 2002 had not been repealed, or

(ii) the day on which the trustee or proprietor of the premises notifies the Superintendent Registrar that the trustee or proprietor no longer wishes to permit the solemnisation of civil marriages to be conducted at that location.

24 Marriage: special circumstances

(1) This Article applies where special circumstances exist such that persons intending to solemnize their marriage on the authority of a marriage schedule or conversion declaration wish to –

(a) solemnize their marriage in a location that is not an approved location;

(b) solemnize their marriage at a time outside the hours of 8.00 a.m. and 7.00 p.m.;

(c) solemnize their marriage earlier than 25 clear days after the publication of notice of marriage under Article 11; or

(d) change the date, time or location of the marriage specified in the notice of intended marriage or application for a conversion.

(2) For the purposes of paragraph (1), special circumstances are any of the following –

(a) one or both of the parties to the intended marriage are expected to die within 3 months of applying for notice of
intended marriage under Article 8 or applying for a conversion under Article 19;

(b) one or both of the parties to the intended marriage are physically incapacitated such that it would be impossible to solemnize the marriage in an approved location;

(c) one or both of the parties to the intended marriage are unable to solemnize the marriage by reason of illness or unforeseen or unavoidable circumstances;

(d) one or both of the parties to the intended marriage are detained in prison or under the Mental Health (Jersey) Law 1969, such that it would be impossible to solemnize the married at an approved location; or

(e) an emergency has arisen such that it is impractical or impossible for the approved location named in the marriage schedule or conversion declaration form to be used, or for the marriage celebrant named in the marriage schedule or conversion declaration form to solemnize the marriage.

(3) The Minister shall prescribe the requirements and procedures that shall apply for allowing persons to solemnize their marriage according to a wish referred to in paragraph (1), which may include any of the following –

(a) the application process for seeking to solemnize a marriage in special circumstances;

(b) the fees payable;

(c) the medical evidence, information or documents that must be provided, or need not be provided, in support of an application for permission to solemnize a marriage in special circumstances;

(d) the timescales that apply or may be disapplied for making applications, giving notice, issuing declarations, schedules or certificates or searches in relation to a marriage or a conversion in special circumstances;

(e) the requirements for providing original documents and attending the office of the Superintendent Registrar;

(f) the time and location for the solemnization of a marriage; and

(g) the requirements for annotating any applications, notice, register or other document in consequence of any marriage being solemnized in special circumstances.

Miscellaneous

24A Retention of marriage schedule or conversion declaration form

(1) A marriage celebrant shall return each marriage schedule, conversion declaration form, marriage certificate or signature
verification form to the Superintendent Registrar as soon as reasonably practicable after the solemnization of a marriage.

(2) The Superintendent Registrar shall, as soon as reasonably practicable upon receipt of the marriage schedule or conversion declaration form, as the case may be –

(a) complete the entries in the copy marriage register or copy conversion register held by the Superintendent Registrar in respect of the marriage to which the schedule or conversion declaration form relates with the details contained in the marriage schedule or conversion declaration form, as the case may be; and

(b) return the original marriage schedule or conversion declaration form to the registrar of the parish in which the marriage was solemnized.

(3) The registrar must keep, in the date order in which each marriage is solemnized, a register of all marriages that are solemnized in his or her parish.

(4) The registrar must keep, in the date order in which each civil partnership is converted to marriage, a register of all conversions that are solemnized in his or her parish.

(5) A registrar shall be paid by the Superintendent Registrar the prescribed fee for each marriage which the registrar registers under paragraph (3) or (4) and for the provision of returns or registers.

24B Keeping of information, books, indexes, registers etc. relating to marriage

(1) The Superintendent Registrar shall retain an electronic copy of every application, information and document provided to him or her from any person, whether received in electronic or paper form.

(2) The Superintendent Registrar shall keep, in such form as he or she decides, and containing the prescribed particulars –

(a) a register of authorized civil celebrants;

(b) a register of authorized religious officials, and the religious organization that applied for the authorization of the religious official;

(c) a notices of intended marriage book;

(d) a register of approved locations;

(e) an index of the names of the parties to any marriage solemnized in Jersey under this Law;

(f) a copy of the entries in the marriage registers and conversion registers held by each registrar and each incumbent of an Anglican Church in which marriages may be solemnized;

(g) a copy of the entries in the registers of marriages by conversions maintained by the parish registrars.
Article 2

(3) The book, registers, indexes, notices and entries kept under paragraph (2) shall be open to public inspection free of charge during such hours at such locations as the Superintendent Registrar publishes.

(4) The parish registrars shall keep up to date and in such form and manner as the Superintendent Registrar may by notice require, and containing the prescribed details –

(a) a register of all marriages that took place in the parish before the coming into force of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018;

(b) the marriage schedules and conversion declaration forms in respect of all the marriages that take place in the parish.

(5) The registers to be kept under this Article shall be kept in permanent form, which may include their maintenance on a computer.

(6) The Minister may prescribe the matters that may or must be endorsed upon any book, registers, indexes, notices or entries kept under this Law.

24C Official searches of records by Superintendent Registrar

(1) Any person may apply to the Superintendent Registrar for a search to be made of the books, indexes, registers, notices or entries held at the Office of the Superintendent Registrar and at the Royal Court and for the applicant to be supplied with a certificate containing details of such of the following matters that are held in any of those books, indexes, registers, notices or entries –

(a) any marriage or civil partnership to which the applicant was a party;

(b) any decree for a divorce, nullity of marriage or presumption of death in respect of a marriage to which the applicant was a party;

(c) any decree for the dissolution of a civil partnership, nullity of a civil partnership or presumption of death in respect of a civil partnership to which the applicant was a party;

(d) any gender recognition certificate issued in respect of the applicant;

(e) any change of name of the applicant;

(f) the birth of the applicant; and

(g) the death of any former spouse or civil partner of the applicant.

(2) The applicant must pay the prescribed fee for any search conducted under this Article at the Office of the Superintendent Registrar or the Royal Court.
(3) The application for a search under paragraph (1) shall be in such form as the Superintendent Registrar may by notice require, and contain the prescribed information.

(4) The Superintendent Registrar shall, as soon as reasonably practicable after receiving the application and prescribed fee—

(a) search the records of the Superintendent Registrar; and

(b) request the Judicial Greffier of the Royal Court to search the records of the Royal Court,

and after such searches have been completed, issue to the applicant a search certificate setting out the information in paragraph (5)(a) or (5)(b), as the case may require.

(5) The search certificate must—

(a) state that there is no trace of any previous marriage or civil partnership by the applicant in Jersey, if that is the case; or

(b) if the search has confirmed the existence of a previous marriage or civil partnership by the applicant in Jersey, provide the date of and the parties to that previous marriage or civil partnership and, if it has ended, the date on which it ended and whether that was by nullity, dissolution or death; and

(c) provide details of any record of the birth of the applicant or change of name or any gender recognition certificate of the applicant.

(6) A search certificate under this Article shall not be evidence of a person’s residency in Jersey.

24D Proof of certain matters not necessary to validity of marriages

(1) Subject to Article 24F, where a marriage has been solemnized under this Part, it shall not be necessary, in support of the marriage, to give any proof—

(a) that, before the marriage, either of the parties to be married resided, or resided for any period, at the location stated in the notice of intended marriage to be his or her place of residence;

(b) that any person whose consent to the marriage is required under Article 4 has given his or her consent;

(c) that the location in which the marriage was solemnized was an approved location at the time of the solemnization;

(d) that the marriage celebrant was authorized under this Law to solemnize the marriage and he or she solemnised the marriage in accordance with the conditions of his or her authorization,

nor shall any evidence be given to prove the contrary in any proceedings touching the validity of the marriage.
(2) A marriage purporting to be solemnized in accordance with Article 23 in a location which, at the time of the solemnization, is not an approved location shall be valid as if the location had been an approved location.

(3) A civil marriage that is solemnized otherwise than in accordance with Article 17(8) or 22(6), as the case may be, shall be valid as if it had been solemnized in accordance with Article 17(8) or 22(6), as the case may be.

24E Marriages void under this Part

If any persons knowingly and intentionally marry under this Part –

(a) without having given due notice of intended marriage to the Superintendent Registrar;

(b) without a marriage schedule or conversion declaration form, as the case may be, having been duly issued;

(c) on the authority of a marriage schedule or a conversion declaration form that has been issued after one or both of the parties to the marriage have provided information or documents to the Superintendent Registrar that are false or inaccurate;

(d) on the authority of a marriage schedule or a conversion declaration form when a party to the marriage has provided false information as to his or her immigration status;

(e) on the authority of a marriage schedule which is void by virtue of Article 15(10);

(f) on the authority of a certificate of no impediment which is void by virtue of Article 16(7);

(g) in the case of a marriage purporting to be solemnized in an approved location, at any location that is not approved at the time the marriage is solemnized or, as the case may be, for the purposes of that marriage;

(h) in the absence of a marriage celebrant; or

(i) subject to Article 24, at a time, place or date that is not specified as the time, date or place of the marriage in the marriage schedule,

the marriage shall be void.

24F Co-operation and disclosure

(1) The Superintendent Registrar may disclose to any person any information or documents obtained by him or her in pursuance of any of his or her functions under this Law and request information and make such enquiries as he or she thinks fit for the purpose of –

(a) verifying the accuracy of any application or information delivered to him or her or the authenticity of any document provided to him or her under this Law; or
(b) determining whether any ground exists for the Superintendent Registrar to refuse to issue any notice, schedule, certificate or declaration.

(2) The Superintendent Registrar may, in particular, disclose information or documents to, and request information from, the following persons and organizations in pursuance of his or her functions under this Law –

(a) the Attorney General;
(b) a police officer;
(c) an immigration officer;
(d) an officer of the Impôts;
(e) any Minister of the States of Jersey;
(f) any Connétable or employee of a parish;
(g) the Royal Court.

(3) The Superintendent Registrar may, at the request of any person who carries out similar functions in another jurisdiction to the functions of the Superintendent Registrar in respect of the persons entering into a marriage or civil partnership in that other jurisdiction, disclose any information that the Superintendent Registrar reasonably believes may assist that other person in the exercise of his or her functions in that other jurisdiction.

(4) The Superintendent Registrar may disclose information to, and request information from, any person who carries out similar functions in another jurisdiction to the functions of a police officer, an immigration officer or an officer of the Impôts investigating the immigration status of a person intending to marry in that other jurisdiction, any information that the Superintendent Registrar reasonably believes may assist that other person in the exercise of his or her functions in that other jurisdiction.

24G Orders under this Part

The Minister may by Order –

(a) prescribe the information and particulars to be included in any application, certificate, declaration, form or notice under this Part and the manner in which that information or documents may or must be supplied;

(b) amend any period specified in this Part.”.

2A Article 35 amended

In Article 35 of the 2001 Law –

(a) in paragraph (1)(b) for the words “Article 6” there shall be substituted the words “Article 4(3)”; and
(b) in paragraph (3) for the words “Article 4(2)” there shall be substituted the words “Article 3(5)”.

3 Article 39 amended
In Article 39 of the 2001 Law –
(a) for the word “intermarry” there shall be substituted the words “marry”;
(b) for the word “6(7)” there shall be substituted the word “4(8)”.

4 Article 40A repealed
Article 40A of the 2001 Law shall be repealed.

5 Article 41 amended
In Article 41 of the 2001 Law –
(a) for paragraph (1) shall be substituted the following paragraphs –

“(1) A Superintendent Registrar and the Deputy Superintendent Registrars shall be States’ employees (within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005[16]) in the department for which the Minister for Home Affairs has responsibility.

(1A) The person holding the position of Superintendent Registrar immediately before the coming into force of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018, having been appointed by the Minister as such, and any person holding the position of a Deputy Superintendent Registrar before the coming into force of that Law, having been appointed by the Minister as such, shall continue to hold the position to which he or she was appointed as if he or she had been employed in that position as a States’ employee.

(1B) The Superintendent Registrar may from time to time engage the services of one or more persons to act as an assistant Deputy Superintendent Registrar who shall carry out such functions of the Superintendent Registrar under this Law as the Superintendent Registrar may from time to time require.

(1C) Any person who was a delegate of the Superintendent Registrar immediately before the coming into force of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018, having been appointed by the Minister as such, shall from the date of the coming into force of that Law have the status of assistant Deputy Superintendent Registrar.”;

(b) For paragraph (3) there shall be substituted the following paragraphs –

“(3) Each Deputy Superintendent Registrar and assistant Deputy Superintendent Registrar, as the case may be, shall have such powers as the Superintendent Registrar may delegate to him or her and shall be subject to the same duties, conditions and penalties as
6 **Article 42 substituted**

For Article 42 of the 2001 Law there shall be substituted the following Article –

“**42 Registrars and deputy registrars**

(1) The Superintendent Registrar shall publish a role description in respect of the roles of registrar and deputy registrar in a parish and a scheme setting out the process for –

(a) the training and monitoring of registrars and deputy registrars;
(b) investigating complaints against a registrar or deputy registrar;
(c) the circumstances in which a person may or must be suspended or removed from the role of registrar or deputy registrar; and
(d) the review of any decision to suspend or remove a person from the role of registrar or deputy registrar.

(2) In each parish –

(a) having regard to the published role description for registrars, the Connétable of each parish shall appoint a person as the registrar of the parish; and
(b) having regard to the published role description for deputy registrars, the Connétable of each parish shall appoint one or more persons as a deputy registrar of the parish.

(3) In the case of each parish other than St. Helier, subject to paragraph (8), a person appointed under paragraph (2)(a) or (b) –

(a) must be resident in the parish of which he or she is appointed; and
(b) shall cease to be a registrar or deputy registrar, as the case may be, of that parish upon ceasing to reside in that parish.

(4) A person appointed under paragraph (2)(a) or (b) shall be appointed for a term not exceeding 5 years and any person so appointed may be re-appointed at the end of that term.

(5) A Connétable shall not appoint a person under paragraph (2)(a) or (b) unless he or she has notified the parish assembly of the intended appointment.

(6) A person who is appointed to the position of registrar or deputy registrar must give the Connétable of the parish not less than 3 months’ notice of his or her intention to vacate that position.
(7) In a case where there is no registrar in a parish, a deputy registrar shall act as the registrar until such time as a new registrar is appointed.

(8) In a case where there is no registrar or deputy registrar in a parish, the Superintendent Registrar, a registrar or a deputy registrar of a different parish or an employee of the parish, may, with the consent of the Connétable and whether or not he or she resides in the parish, act in the capacity of the registrar or deputy registrar of the parish.”.

7 Article 44 amended
For Article 44 of the 2001 Law there shall be substituted the following Article –

“44 Premises for Superintendent Registrar
The States shall provide and maintain for the Superintendent Registrar an office where records and documents required to be kept by the Superintendent Registrar under this Law and any other enactment may be kept in safe custody and protected from fire.”.

8 Article 45 amended
For Article 45(1) of the 2001 Law, there shall be substituted the following Article –

(1) The registrar and each deputy of each parish shall display on the exterior of any premises which he or she uses as his or her office in his or her capacity as the registrar or deputy registrar, as the case may be, of that parish a notice stating his or her name and whether he or she is the registrar or a deputy registrar.”

9 Article 47 amended
In Article 47 of the 2001 Law –

(a) for paragraph (3) there shall be substituted the following paragraph –

“(3) A register supplied pursuant to paragraph (1) or (2) shall be in such form as the Superintendent Registrar decides and contain the prescribed particulars.”;

(b) for paragraph (5) there shall be substituted the following paragraph –

“(5) The Superintendent Registrar shall supply registered medical practitioners, free of charge, with the certificates required under Articles 61(3) and 64(1).”.

10 Article 51 amended
In Article 51 of the 2001 Law –
(a) for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraph –
   “(a) the father or mother;”;
(b) after paragraph (1) there shall be inserted the following paragraph –
   “(1A) Despite paragraph (1), where any particulars come to the attention of the Superintendent Registrar relating to the birth of a child, the Superintendent Registrar may inform the registrar of those particulars.”.

11 Article 53 amended

For Article 53(1) of the 2001 Law there shall be substituted the following paragraph –
   “(1) Where Article 51 has not been complied with, the Superintendent Registrar may, by notice in such form as the Superintendent Registrar decides, and to the extent that he or she has not received a particular about the birth of a child, require the father or mother of the child, any person who assisted at the birth and any person having care of the child, to provide him or her, to the best of the person’s ability, with the particulars of the birth.”.

12 Article 58 amended

In Article 58(1) of the 2001 Law, for the words “the prescribed certificate” there shall be substituted the words “a certificate containing the prescribed information in such form as the Superintendent Registrar may decide”.

13 Article 60 amended

In Article 60(1) and (2) of the 2001 Law, for the words “in the prescribed form” there shall be substituted the words “in such form as the Superintendent Registrar may by notice require”.

14 Article 61 amended

In Article 61 of the 2001 Law –
(a) in paragraph (1), for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraph –
   “(a) the father or the mother;”;
(b) in paragraph (3), for the words “in the prescribed form and manner” there shall be substituted the words “in such form and manner as the Superintendent Registrar may by notice require”;
(c) in paragraph (5), for the words “in the prescribed form” there shall be substituted the words “in such form as the Superintendent Registrar may by notice require”.

Page - 39
L.19/2018
15 **Article 64 amended**

In Article 64(1)(a), for the words “in the prescribed form and manner” there shall be substituted the words “in such form as the Superintendent Registrar may by notice require”.

16 **Article 68 amended**

In Article 68 of the 2001 Law, for the words “in the prescribed form” there shall be substituted the words “in such form as the Superintendent Registrar may by notice require”.

17 **Article 69 amended**

For Article 69(b) of the 2001 Law there shall be substituted the following paragraph –

“(b) in any other case, by the registrar of the parish in which the marriage was solemnized.”.

18 **Article 70 substituted**

Article 70 of the 2001 Law there shall be substituted the following Article –

```
“70 **Duty to record marriage**

The particulars of the marriage shall be recorded and a record of the particulars of the marriage shall be held, in accordance with prescribed requirements, by the registrar of the parish in which the marriage was solemnized.”.
```

19 **Article 71 amended**

In Article 71 of the 2001 Law, for the words “the parties to the marriage” there shall be substituted the words “the Superintendent Registrar”.

20 **Article 74 amended**

In Article 74 of the 2001 Law –

(a) in paragraph (a) after the words “a marriage” there shall be inserted the words “(including marriages by conversion)”;

(b) in paragraph (c), for the words “deaths and marriage” there shall be substituted the words “deaths and marriages (including marriages by conversion)”;

(c) after paragraph (g) for the full-stop there shall be substituted a semi-colon and the following sub-paragraph added –

“(h) the making of returns from parish registrars or the Anglican Church.”.
21 **Article 75 amended**

In Article 75(1), after the word “marriages” there shall be inserted the words “, including marriages by conversion”.

22 **Article 76 substituted**

For Article 76 there shall be substituted the following Article –

“76 **Offences relating to solemnization of marriage**

(1) It shall be an offence for a person, knowingly and voluntarily, to make a false declaration or sign any false document or otherwise provide false information for the purpose of giving notice of intended marriage or of obtaining any marriage schedule, certificate of no impediment to marriage or declaration of conversion of a civil partnership to a marriage or having a marriage solemnized or a civil partnership converted to a marriage.

(2) It shall be an offence for a person, when entering any caveat or forbidding the issue of any marriage schedule or certificate of no impediment to marriage, knowingly to make a statement that he or she is a person whose consent is required to a marriage or conversion, when he or she is not.

(3) It shall be an offence for the Superintendent Registrar, knowingly and voluntarily, to –

   (a) issue a marriage schedule or certificate of no impediment to marriage pursuant to a notice of intended marriage which is void by virtue of Article 11(2);

   (b) issue a marriage schedule where there are fewer than 25 clear days between the date on which the notice of intended marriage was given and the date of the marriage specified on that notice;

   (c) issue a certificate of no impediment to marriage where there are fewer than 25 clear days between the date on which the certificate of no impediment to marriage was issued and the date of the marriage specified on the notice of intended marriage;

   (d) issue a licence, schedule, or certificate on which a lawful objection has been entered;

   (e) authorize an authorized civil celebrant to solemnize a marriage in a location that is not an approved location, or only approved for the solemnization of marriages according to the rites or usages of a religious organization;

   (f) authorize an authorized religious official to solemnize a marriage in a location that is not an approved location for the solemnization of marriages according to the rites or usages of the particular religious organization that applied for the authorization of that official;
(g) authorize the solemnization of a marriage between 2 persons of the same sex in a location that is not approved for the solemnization of same sex marriages;
(h) authorize an authorized religious official to solemnize a marriage of 2 persons of the same sex according to the rites or usages of a religious organization that has not consented to the solemnization of same sex marriages.

(4) It shall be an offence for a person, knowingly and voluntarily, to solemnize a marriage declared void by this Law.

(5) It shall be an offence for a person, knowingly and voluntarily, to solemnize a marriage on the authority of a marriage schedule which is void or before the expiry of any period required by this Law to elapse after the issue of the marriage schedule and before the solemnization of the marriage.

(6) It shall be an offence for a person, knowingly and voluntarily, to solemnize a marriage pursuant to a marriage schedule in a location other than an approved location specified in the notice of intended marriage and marriage schedule or, in a case where Article 24 applies, at the location approved under that Article.

(7) It shall be an offence for a person other than a marriage celebrant to solemnize a marriage.

(8) It shall be an offence for a person, knowingly and voluntarily, to make a false declaration or sign any false document or otherwise provide false or inaccurate information –

(a) for the purpose of an application for an authorization of a person as an authorized civil celebrant or authorized religious official;

(b) for the purpose of an application for approval of a location as an approved location.

(9) A person guilty of an offence under this Article shall be liable to imprisonment for a term not exceeding 5 years or a fine, or both.”.

23 Article 78 substituted
For Article 78 there shall be substituted the following Article –

“78 Searches

(1) Every incumbent of an Anglican Church who keeps a register of marriages shall, at all reasonable hours, allow searches to be made in any register in his or her keeping and, upon payment of such fee as may be required by the incumbent, shall give a copy certified under his or her hand of any entry in such a register.

(2) Every registrar who keeps any register under this Law shall, at all reasonable hours, allow searches to be made in any register in his or her keeping and, upon payment of the prescribed fee, shall give
a copy certified under his or her hand of any entry in such a register.

(3) Any person shall be entitled, at such place and time as the Superintendent Registrar may publish –
(a) upon payment of the prescribed fee, to search the indexes maintained by the Superintendent Registrar pursuant to an Order made under Article 74;
(b) upon payment of the prescribed fee, to have a copy, certified under the hand of the Superintendent Registrar, of any entry in a book or register kept by him or her under this Law.

(4) A copy of an entry provided in accordance with this Article shall be received as evidence of the birth, stillbirth, death, marriage or conversion to which it relates without any further or other proof of the entry.”.

24 Articles 80A, 80B, 80C and 80D inserted
After Article 80 of the 2001 Law there shall be inserted the following Articles –

“80A Provision of documents to Superintendent Registrar
(1) All information or documents delivered to the Superintendent Registrar or a registrar under this Law –
(a) must be written in, or translated into, the French or English language; and
(b) if a document has been translated, the original document and a certified translation must be supplied to the Superintendent Registrar.
(2) Except as otherwise provided under this Law or prescribed, an application, information or document or other information delivered to the Registrar under this Law may be provided electronically.

80B Signing of documents
(1) A person who is required under this Law to sign a document may do so by signing with his or her usual signature or mark.
(2) If the signature comprises letters or symbols that are not in current use in the English language the person signing the document must print his or her name in English or French.
(3) A person who is required to sign a document under this Law who by reason of his or her physical incapacity is unable to sign or make a mark that is capable of being replicated by him or her may nominate a person (‘representative’) to sign the document on his or her behalf.
(4) In the case of a person who is unable to sign a marriage schedule, conversion declaration form or marriage certificate, the same representative must sign that marriage schedule or conversion declaration form, as the case may be and the marriage certificate.

(5) The Minister may prescribe –

(a) a description of the persons who may or must not be a representative;

(b) the requirements that must be satisfied before a representative signs a document on behalf of a person; and

(c) the particulars that must be provided in relation to the representative and documents that may or must be provided in relation to the representative;

(d) the duties of the Superintendent Registrar in relation to the recording of the signing of the documents by a representative.

80C Fees and charges

(1) A fee paid under this Law shall not be refundable except in such circumstances as may be prescribed.

(2) The Superintendent may charge for such services incidental to his or her functions under this Law as may be prescribed.

(3) The Superintendent Registrar may refuse to issue a form, certificate, notice or schedule under this Law if the prescribed fee for that form, certificate, notice or schedule, as the case may be, has not been paid.

80D Publications by Superintendent Registrar

(1) The Superintendent Registrar may publish guidance for any purpose connected with this Law.

(2) The Superintendent Registrar must publish any form, notice, guidance or other document that he requires or which he is required or permitted to publish under this Law in such manner as to draw it to the attention of any person affected by it.”.

25 Article 82 amended

For Article 82 of the 2001 Law there shall be substituted the following Articles –

“82 Power to make further provision in connection with marriages and registration of births, marriages and deaths

(1) The States may by Regulations amend this Law to –

(a) increase the age referred to in Article 4(1) and (2);
(b) make such other amendments to this Law as may be necessary in consequence of the age referred to in paragraphs (1) and (2) being increased.

(2) The States may by Regulations amend Articles 1, 17, 22, 23 and Part 5.

(3) The States may by Regulations make such amendments to any enactment (including this Law) as appear to the States to be expedient –
   (a) for the general purposes, or any particular purpose, of this Law;
   (b) in consequence of any provision made by or under this Law; or
   (c) for giving full effect to this Law or any provision of it.

(4) The Minister may prescribe any requirement in respect of the endorsement of any register, certificate, notice or index.

(5) The Minister may prescribe such transitional arrangements as the Minister considers necessary or expedient in consequence of the coming into force of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018 for the purposes of this Law including any such arrangements in respect of –
   (a) any notice, certificate, licence or schedules issued under this Law;
   (b) any caveat, consent, authorization or approval given under this Law;
   (c) any forms, books, records, registers or other documents used or kept for the purposes of this Law;
   (d) any fees paid or payable; and
   (e) any other formality required under this Law.

82A Regulations and Orders

(1) The Minister may by Order prescribe anything that may or shall be prescribed under this Law, other than anything that may be prescribed by Rules of Court.

(2) The power to make Regulations or Orders includes power to make any supplementary, incidental, consequential, transitional, transitory or saving provisions which appear to the States or the Minister, as the case may be, to be necessary or expedient for the purposes of the Regulations or Order.”.

26 Schedule 1 and 2 substituted

For Schedules 1 and 2 to the 2001 Law there shall be substituted the following Schedules –
“SCHEDULE 1
(Article 3(3) and 5)

RELATIONS WHOM PERSON IS PROHIBITED TO MARRY

parent
adoptive parent
former adoptive parent
child
adoptive child
former adoptive child
grandparent
grandchild
adoptive grandchild
former adoptive grandchild
sister
half-sister
brother
half-brother
aunt
uncle
niece
nephew

SCHEDULE 2
(Article 4(3) and 5)

CONSENTS REQUIRED TO THE MARRIAGE OF A MINOR

1 The consents are –
   (a) subject to sub-paragraphs (b) to (d), the consent of –
       (i) each parent (if any) of the minor who has parental responsibility for the minor, 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 the minor lives, or is to live, as a result of the order (in substitution for the consents mentioned in sub-paragraph (a));
   (c) where a care order is in force with respect to the minor, the consent of the Minister for Health and Social Services
(in addition to the consents mentioned in sub-paragraph (a)); and

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

In this Schedule ‘guardian’, ‘parental responsibility’, ‘residence order’ and ‘care order’ have the same meaning as in the Children (Jersey) Law 2002.”.

27 Amendment of other enactments

The enactments specified in the Schedule are amended in the manner specified in the Schedule.

28 Repeals

The following Orders are repealed—

(a) The Marriage and Civil Status (Approved Premises) (Jersey) Order 2002;

(b) The Marriage and Civil Status (Forms, Registration and Fees) (Jersey) Order 2002.

29 Citation and commencement

This Law may be cited as the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018 and shall come into force on such day or days as the States may by Act appoint.

L.-M. HART

Deputy Greffier of the States
SCHEDULE
(Article 26)

AMENDMENT OF OTHER ENACTMENTS

1 Agriculture (Loans) (Jersey) Regulations 1974 amended

In Regulation 4(3) of the Agriculture (Loans) (Jersey) Regulations 1974, for the words “a husband and wife” there shall be substituted the word “spouses”.

2 Building Loans (Miscellaneous Provisions) (Jersey) Regulations 1961 amended

For Regulation 5 of the Building Loans (Miscellaneous Provisions) (Jersey) Regulations 1961 there shall be substituted the following Regulation –

“5

A loan may be made to spouses jointly if the property on which the loan is to be secured is or will be owned by them for themselves and the survivor of them and the heirs of such survivor and if both spouses satisfy the conditions specified in Regulation 1.”.

3 Children (Jersey) Law 2002 amended

In the Children (Jersey) Law 2002 –

(a) in Article 1(1), in the definition “relative” after the word “step-parent” there shall be inserted the words “(whether by marriage or civil partnership)”;

(b) In Schedule 1, paragraph 9(6), in the definition “maintenance agreement”, for the words “father and mother” there shall be substituted the word “parents”.

4 Discrimination (Jersey) Law 2013 amended

In the Discrimination (Jersey) Law 2013, after paragraph 24 in Part 3 of Schedule 2, there shall be inserted the following paragraphs –

“24A Sex or sexual orientation: marriage between persons of the same sex

A person does not contravene Article 22, so far as it relates to the protected characteristic of sex only because the person –

(a) does not solemnize a same sex marriage;

(b) is not present at, or does not otherwise participate in the solemnization of a same sex marriage;

(c) does not consent to a same sex marriage being solemnized;
(d) does not apply for authorization to solemnize a same sex marriage; or
(e) does not give consent or certify any matter relating to same sex marriage,
in any case where a person is not compelled to do so under Article 7 of the Marriage and Civil Status (Jersey) Law 2001.

24B Sex and sexual orientation: marriage after gender reassignment

(1) A person does not contravene Article 22, so far as it relates to the protected characteristic of sex or sexual orientation only because the person –
(a) does not solemnize the marriage of a person of an acquired gender;
(b) is not present at, or does not otherwise participate in the marriage of a person of an acquired gender;
(c) does not consent to a marriage of a person of an acquired gender being solemnized;
(d) does not apply for authorization to solemnize the marriage of a person of an acquired gender; or
(e) does not consent or certify any matter relating to the marriage of a person of an acquired gender,
in any case where a person is not compelled to do so under Article 7 of the Marriage and Civil Status (Jersey) Law 2001.

(2) In this paragraph “acquired gender’ has the same meaning as in Article 1(2) of the Gender Recognition (Jersey) Law 2010.

5 Employment (Jersey) Law 2003 amended

(1) In this paragraph “Law” means the Employment (Jersey) Law 2003.
(2) In Article 77B(4)(a), for the words “any wife or widow,” there shall be substituted the words “any spouse or surviving spouse.”.
(3) In Article 77C(3)(a), for the words “any wife or widow,” there shall be substituted the words “any spouse or surviving spouse.”.

6 Fire Precautions (Designated Premises) (Jersey) Regulations 2012 amended

In Regulation 1(3)(b)(i) and (c) of the Fire Precautions (Designated Premises) (Jersey) Regulations 2012, for the words “husband and wife” there shall be substituted the words “spouses”.

7 Gender Recognition (Jersey) Law 2010 amended

(1) In this paragraph “Law” means the Gender Recognition (Jersey) Law 2010.
(2) For Article 2 there shall be substituted the following Article –

“2 Application for gender recognition certificate

(1) A person of full age may apply to the Court for a gender recognition certificate.

(2) An application for a gender recognition certificate shall be in a form approved by the Court and shall include –

(a) such evidence as may be prescribed; and

(b) any other information or evidence required by the Court, if the Court gives reasons for so requiring it.”.

(3) In Article 3(2) of the Law –

(a) in sub-paragraph (a), for the words “neither married nor in” there shall be substituted the words “not in”;

(b) in sub-paragraph (b), the words “married or” shall be deleted.

(4) Article 4 of the Law shall be repealed.

(5) In Article 5 of the Law –

(a) for paragraph (1)(a) there shall be substituted the following sub-paragraph –

“(a) the applicant’s civil partnership has been converted to a marriage under Article 22 of the Marriage and Civil Status (Jersey) Law 2001 within 6 months of the interim certificate being issued, or dissolved or annulled (other than on the ground mentioned in Article 4A) in proceedings instituted within 6 months of the interim certificate being issued; or”;

(b) in paragraph (1)(b) the words “spouse or” shall be deleted;

(c) for paragraph (2)(a) there shall be substituted the following sub-paragraph –

“(a) may be made within 6 months of the conversion of the applicant’s civil partnership to a marriage, or dissolution or annulment of the civil partnership or the death of the applicant’s civil partner, as the case may be, unless the applicant has entered into a civil partnership again during that period; and”;

(d) for paragraph (2)(b)(i) there shall be substituted the following clause –

“(i) the conversion of the civil partnership to a marriage under Article 22 of the Marriage and Civil Status (Jersey) Law 2001 and the date of the conversion, or the dissolution or annulment of the civil partnership and the date on which the relevant proceedings were instituted, or”;

(e) in paragraph (2)(b)(ii) the words “spouse or” shall be deleted;

(f) in paragraph (3)(a) the words “spouse or” shall be deleted;
(g) in paragraph (4) the words “married and is not” shall be deleted.

(6) In Article 17 of the Law –
(a) in the heading there shall be deleted the words “marriage or”;
(b) for paragraphs (2), (3), (4) and (5) there shall be substituted the following paragraphs –

“(2) Accordingly, a person is not to be regarded as being in a civil partnership by reason of having entered into a foreign post-recognition civil partnership.

(3) Notwithstanding paragraph (2), on and from the issue of a full certificate to a person who has entered into a foreign post-recognition civil partnership, the civil partnership is no longer to be regarded as being void on the ground that (at the time when it was entered into) the parties to it were not either both male or both female.

(4) Paragraph (3) does not apply to a foreign post-recognition civil partnership if a party to it has entered into a later, valid, marriage or civil partnership before the issue of the full certificate.”.

8 Gender Recognition (Disclosure of Information) (Jersey) Order 2010 amended

In Article 3(2)(b) of the Gender Recognition (Disclosure of Information) (Jersey) Order 2010 the words “marriage or” shall be deleted.

9 Income Tax (Jersey) Law 1961 amended

(1) In this paragraph “Law” means the Income Tax (Jersey) Law 1961.

(2) In Article 3(1) of the Law –
(a) in paragraph (a) of the definition “earned income” for the words “husband, wife” in both places where they appear there shall be substituted the word “spouse”;
(b) after the definition “shareholder loan” there shall be inserted the following definitions –

“‘spouse A’ means –
(a) in relation to a marriage between 2 persons of the opposite sex, the husband;
(b) in relation to a marriage between 2 persons of the same sex, the elder of the persons;

‘spouse B’ means –
(a) in relation to a marriage between 2 persons of the opposite sex, the wife;
(b) in relation to a marriage between 2 persons of the same sex, the younger of the persons;”.

L.19/2018
(3) In Article 3A(2) and (3) of the Law, for the words “-, wife, husband” in every place where they appear there shall be substituted the word “spouse”.

(4) For Article 18(1)(c) of the Law there shall be substituted the following sub-paragraph –

“(c) the name and address of every person who owns each source and, in each case, whether the person is of full age, resident in Jersey or incapacitated, or married or in a civil partnership and –

(i) in the case of a person who is married, whether the person is a spouse A or spouse B,

(ii) in the case of a person who is in a civil partnership, whether the person is a civil partner A or a civil partner B.”.

(5) For Articles 20(2)(b) and 20(2)(ba) of the Law there shall be substituted the following sub-paragraphs –

“(b) in the case of a person who is married and is spouse B, the full name of spouse A;

(ba) in the case of a person who is in a civil partnership and is civil partner B, the full name of civil partner A;”.

(6) For Articles 20A(2)(b) and 20A(2)(ba) of the Law there shall be substituted the following sub-paragraphs –

“(b) in the case of a person who is married and is spouse B, the full name of spouse A;

(ba) in the case of a person who is in a civil partnership and is civil partner B, the full name of civil partner A;”.

(7) In Article 41B of the Law –

(a) for paragraph (14) there shall be substituted the following paragraph –

“(14) Deductions shall be made, in accordance with this Article, from the earnings of a spouse B notwithstanding that, by virtue of Article 121(1), his or her income is deemed to be that of his or her spouse A.”;

(b) in paragraph (14A), for the words “notwithstanding” there shall be substituted the word “notwithstanding”.

(8) In Article 41D of the Law –

(a) in the heading, for the words “husbands and wives” there shall be substituted the word “spouses”;

(b) for paragraph (1) there shall be substituted the following paragraph –

“(1) In the case of spouses to whom Article 121(1) applies –

(a) a rate shall be determined in accordance with Article 41C(2) as if spouse A were the employee, whether or not he or she is in employment; and
(b) subject to paragraph (2), where the Comptroller has issued a notice under Article 41C specifying a rate, that rate shall apply to both spouses.”;
(c) in paragraph (2), for the words “husband and wife are each” there shall be substituted the words “spouses are both”;
(d) in paragraph (3), for the words “the husband and wife” there shall be substituted the words “each spouse”;
(e) in paragraph (4), for the words “the husband and wife” there shall be substituted the words “both spouses”;
(f) in paragraph (5)(a), for the words “the husband or wife” there shall be substituted the word “spouse”.

(9) For Article 41G(2) of the Law there shall be substituted the following paragraph –
“(2) Where the Comptroller receives an amount remitted under Article 41B or 41E which has been deducted from the earnings of, or payments made to, a spouse B whose income, by virtue of Article 121(1), is deemed to be that of his or her spouse A, the Comptroller shall receive the amount as a payment of tax by his or her spouse A.”.

(10) For Article 41H(7)(d) of the Law there shall be substituted the following sub-paragraph –
“(d) if the person is married, the date of the marriage and whether the person is spouse A or spouse B;”.

(11) For Article 42(2) of the Law there shall be substituted the following paragraph –
“(2) Where under the provisions of this Law income tax has been charged on the spouse A in respect of the profits or income of the spouse B, the powers of recovery provided in this Law in the case of non-payment of any such tax shall extend to the property, goods and chattels of the spouse B:

Provided that no action for recovery shall be instituted against the spouse B unless a notice demanding payment has been served by the Comptroller on the spouse B and he or she has failed to pay the amount of tax payable by his or her spouse A within 7 days of such service.”.

(12) In Article 92A of the Law –
(a) for paragraphs (2)(a) and (2)(b) there shall be substituted the following sub-paragraphs –
“(a) that he or she has his or her spouse B living with him or her; or
(b) that his or her spouse B is wholly maintained by him or her during the year of assessment and that he or she is not entitled, in computing the amount of his or her income for that year for the purpose of this Law, to make any
deductions in respect of sums paid for the maintenance of his or her spouse B,

the threshold applicable in his or her case is –

(i) if the individual also proves that, on 31st December 2016, either he or she or his or her spouse B was aged 65 years or older, £26,100,

(ii) in any other case, £23,350.”;

(b) for paragraph (4) there shall be substituted the following paragraph –

“(4) Where –

(a) an individual to whom paragraph (2) applies receives earned income for a year of assessment; and

(b) the individual’s spouse B also receives earned income for the year of assessment, which is included in the total income of the individual,

the threshold applicable in the individual’s case shall be increased by whichever is the lowest of –

(i) £5,000,

(ii) an amount equal to his or her earned income, or

(iii) an amount equal to his or her spouse B’s earned income.”.

(13) For Article 98A(3)(a) of the Law there shall be substituted the following sub-paragraph –

“(a) 2 persons who are not married to each other live together as if they were spouses for the whole or any part of a year of assessment; and”.

(14) for Article 121 of the Law there shall be substituted the following Article –

“121 General rule as to income tax on married persons

(1) Subject to Articles 121A and 121B, a spouse B’s income chargeable to income tax shall, so far as it is income for a year of assessment or part of a year of assessment during which he or she is married and living with his or her spouse, be deemed for the purposes of this Law to be spouse A’s income and not to be spouse B’s income:

Provided that the question whether there is any income of spouse B’s chargeable to income tax for any year of assessment, and, if so, what is to be taken to be the amount thereof for the purposes of this Law, shall not be affected by the provisions of this paragraph.

(2) Subject to Articles 121A and 121B, any tax falling to be assessed in respect of any income which, under paragraph (1) is to be deemed to be the income of a spouse A shall, instead of being assessed on spouse B, or on spouse B’s trustee, guardian or curator,
or on spouse B’s heirs, executors or administrators, be assessable on spouse A, or in the appropriate cases, on spouse A’s trustee, guardian or curator, or on spouse A’s heirs, executors or administrators:

Provided that nothing in this paragraph shall affect the operation of Article 74.”.

(15) In Article 121A of the Law –

(a) in the heading and in paragraphs (4) and (6) for the words “husband or wife” there shall be substituted the word “spouse”;  
(b) in paragraph (1) for the words “A married woman living with her husband, or her husband,” there shall be substituted the words “A spouse B living with his or her spouse A, or spouse A,”;  
(c) in paragraph (3), for the words “husband and wife” there shall be substituted the word “spouses”.

(16) For Articles 121B and 122 of the Law there shall be substituted the following Articles –

“121B Effect of election for separate assessment

(1) Subject to this Article, an election shall have the effect that –

(a) the spouse B’s income is not deemed, for the purposes of this Law, to be his or her spouse A’s income; and

(b) the spouses are separately assessed and charged under this Law.

(2) The spouse A’s and spouse B’s incomes shall be aggregated for the purpose of determining their entitlement to any allowances, exemptions and reliefs.

(3) The sum of the allowances, exemptions and reliefs to which the spouse A and spouse B are entitled shall not exceed the sum of such amounts to which they would have been entitled if the election had not been made.

(4) Subject to paragraph (5), any allowances, exemptions or reliefs (notwithstanding Articles 92B(2), 95(4) and 98A(4)) shall be apportioned between the spouses in proportion to the amounts or their respective incomes.

(5) The spouses may jointly, in accordance with paragraph (6), notify the Comptroller in writing that any allowances, exemptions and reliefs to which they are entitled, by virtue of the election, are to be apportioned and transferred between them in the manner specified in the notice.

(6) An apportionment notice delivered to the Comptroller before 31st January following a year of assessment shall have effect for that year and, unless replaced by a further apportionment notice or revoked, for ensuing years.
(7) The spouses may jointly revoke an apportionment notice by written notice delivered to the Comptroller.

(8) A revocation of an apportionment notice delivered before 31st January following a year of assessment shall have effect for that year and ensuing years unless a further apportionment notice is delivered.

(9) Either spouse may prepare and deliver the statement required by Article 16 on behalf of both of them, unless the Comptroller requires otherwise.

(10) An election shall not affect the operation of Article 74.

(11) In this Article, ‘apportionment notice’ means a notice under paragraph (5).

122 Construction of references to a spouse B living with his or her spouse A, and special provisions as to certain spouses geographically separated

(1) A spouse B shall be treated for all the purposes of this Law as living with his or her spouse A unless either –
   (a) they are separated under an order of a court of competent jurisdiction or by agreement of separation; or
   (b) they are in fact separated in such circumstances that the separation is likely to be permanent.

(2) Where a spouse B is living with his or her spouse A and either –
   (a) one of them is, and one of them is not, resident in Jersey for a year of assessment; or
   (b) both of them are resident in Jersey but one of them is, and one of them is not, absent from Jersey throughout that year,

   the same consequences shall follow for all the purposes of this Law as would have followed if, throughout that year of assessment, they had been in fact separated in such circumstances that the separation was likely to be permanent:

   Provided that, where this paragraph applies and the net aggregate amount of income tax falling to be borne by the spouse A and the spouse B for the year is greater than it would have been but for the provisions of this paragraph, the Comptroller shall give such relief as will reduce the said net aggregate amount by the amount of the excess.”.

(17) For Article 130C(3)(a) of the Law there shall be substituted the following sub-paragraph –

   “(a) a spouse B’s relevant earnings shall not be treated as the spouse A’s relevant earnings, notwithstanding that spouse B’s income chargeable to tax is treated as spouse A’s income;”.

(18) In Schedule 1A to the Law –
(a) for paragraph 41B(14) there shall be substituted the following sub-
paragraph –

“(14) Deductions shall be made, in accordance with this Article, from the
earnings of a spouse B notwithstanding that, by virtue of
Article 121(1), his or her income is deemed to be that of his or her
spouse A.”;

(b) in paragraph (14A), for the words “notwithstanding” there shall be
substituted the word “notwithstanding”.

10 Income Tax (Purchased Life Annuities) (Jersey) Order 1959 amended

(1) In this paragraph “Order” means the Income Tax (Purchased Life
Annuities) (Jersey) Order 1959.

(2) For Article 13 of the Order there shall be substituted the following
Article –

“13

Where the payee is regarded as spouse B for the purposes of Part 16 of
the Law and is living with his or her spouse A, any reference in this
Order to repaying tax to the payee or to charging tax on the payee shall be
construed as requiring tax to be repaid to, or charged on, the spouse of
spouse B.”.

(3) For Article 15(a)(ii) of the Order there shall be substituted the following
sub-paragraph –

“(ii) if the payee is married and is living with his or her spouse
and, for the purposes of Part 16 the Law is spouse B, of
spouse A,”.

(4) For paragraph 6(a) of Part 1 of the Schedule to the Order there shall be
substituted the following sub-paragraph –

“(a) if the annuitant is a spouse B for the purposes of Part 16 of
the Law, the name of his or her spouse A;”.

11 Interpretation (Jersey) Law 1954 amended

In Part 1 of the Schedule to the Interpretation (Jersey) Law 1954[2], after the
definition “Magistrate” there shall be inserted the following definition –

“ ‘marriage’ includes a marriage between persons of the same sex,
and references to ‘spouse’ in any enactment shall be construed
accordingly;”.

12 Law Reform (Miscellaneous Provisions) (Jersey) Law 1978 amended

In the heading to Article 1 of the Law Reform (Miscellaneous Provisions)
(Jersey) Law 1978[3], for the words “husband and wife” there shall be substituted
the word “spouses”.
13 **Loi (1864) régulant la Procédure Criminelle amended**

In Article 39 of the Loi (1864) régulant la procédure criminelle⁴⁴, for the words “le mari et la femme” there shall be substituted the words “les époux”.

14 **Loi (1880) sur la Propriété Foncière amended**

Article 42 of the Loi (1880) sur la propriété foncière⁴⁵ shall be repealed.

15 **Loi (1915) sur la Propriété Foncière (Garanties) amended**

Article 5 of the Loi (1915) sur la Propriété Foncière (Garanties)⁴⁶ shall be repealed.

16 **Loi (1908) au sujet des témoins et informateurs amended**

In Article 2(6) of the Loi (1908) au sujet des témoins et informateurs⁴⁷, for the words “un mari et une femme” there shall be substituted the words “des époux”.

17 **Matrimonial Causes (Jersey) Law 1949 amended**

(1) In this paragraph “Law” means the Matrimonial Causes (Jersey) Law 1949³⁸.

(2) In Article 7 of the Law –

(a) in paragraphs (1) and (2), for the words “the husband or the wife” there shall be substituted the word “spouse”;

(b) after paragraph (2) there shall be added the following paragraph –

“(3) For the purposes of this Article, only conduct between the respondent and a person of the opposite sex may constitute adultery.”.

(3) In Article 12 of the Law –

(a) in paragraph (1), for the words “either by the husband or the wife” there shall be substituted the word “by a party to the marriage”;

(b) in paragraph (3), for the words “husband or wife” there shall be substituted the word “spouse”;

(c) after paragraph (4) there shall be added the following paragraph –

“(5) Paragraph (4) only applies in relation to the judicial separation of spouses who are of the opposite sex.”.

(4) In Article 13 of the Law, for the words “So long” there shall be substituted the words “In the case of a marriage of 2 persons of the opposite sex, so long”.

(5) In Article 14 of the Law, for paragraphs (1) and (2) there shall be substituted the following paragraphs –

“(1) No decree of judicial separation shall be enforceable and no liability shall accrue thereunder whilst the party to the marriage with respect to whom the decree was made resides with his or her
spouse, and any such decree shall cease to have effect if, for a period of 3 months after it is made, the parties to the marriage continue to live with each other.

(2) Where a party to the marriage with respect to whom a decree of judicial separation has been made resumes cohabitation with his or her spouse after living apart from him or her, the decree shall cease to have effect on the resumption of such cohabitation.”.

(6) In Article 17(1) of the Law, for the words “husband or a wife or if, in the answer to the petition the husband or the wife” there shall be substituted the words “spouse or if, in the answer to the petition the spouse”.

(7) In Article 18 of the Law –
(a) in paragraph (1)(f) the words “and the procuration of children” shall be deleted;
(b) in paragraph (1)(g) for the word “an interim” there shall be substituted the words “a gender recognition”;
(c) in paragraph (4) for the word “interim” there shall be substituted the words “gender recognition”;
(d) after paragraph (4) there shall be added the following paragraph –
“(5) Paragraphs (1)(a) and (c) do not apply to the marriage between persons of the same sex.”.

(8) After Article 18 of the Law there shall be inserted the following Article –

“18A Grounds on which a marriage converted from a civil partnership is void or voidable

(1) This Article applies to a marriage which has been converted, or is purported to have been converted, from a civil partnership under Article 22 of the Marriage and Civil Status (Jersey) Law 2001.

(2) A marriage which results from the purported conversion of a void civil partnership is void.

(3) A marriage which results from the conversion of a civil partnership is voidable if any of sub-paragraphs (b), (d), (e), (f), (g), (h) or (i) of Article 18(1) applied at the date from which the marriage is treated as having subsisted in accordance with Article 22(15) of the Marriage and Civil Status (Jersey) Law 2001.”.

18 Mental Health (Jersey) Law 1969 amended
In Article 29(5)(b) of the Mental Health (Jersey) Law 1969 –
(a) for the words “her husband, his wife or his or her” there shall be substituted the words “his or her spouse or”;
(b) for the words “husband or wife” there shall be substituted the word “spouse”.
19 Public Employees (Contributory Retirement Scheme) (Former Hospital Scheme) (Jersey) Regulations 1992 amended

In Regulation 13(b) of the Public Employees (Contributory Retirement Scheme) (Former Hospital Scheme) (Jersey) Regulations 1992, after the words “a man as the man’s wife” there shall be inserted the words “, or with a woman as the woman’s spouse”.

20 Public Employees (Contributory Retirement Scheme) (Jersey) Regulations 1967 amended

In Regulation 8(3)(c) of the Public Employees (Contributory Retirement Scheme) (Jersey) Regulations 1967, after the words “a man as the man’s wife” there shall be inserted the words “or with a woman as the woman’s spouse”.

21 Public Employees (Pension Scheme) (Membership and Benefits) (Jersey) Regulations 2015 amended

In Regulation 3 of the Public Employees (Pension Scheme) (Membership and Benefits) (Jersey) Regulations 2015 –

(a) in paragraphs (3)(b) and (c) and (5)(c), for the words “husband and wife” in each place where they appear there shall be substituted the word “spouses”;

(b) paragraph (7) shall be deleted.

22 Separation and Maintenance Orders (Maintenance Payments) (Jersey) Regulations 1972 amended

In the Separation and Maintenance Orders (Maintenance Payments) (Jersey) Regulations 1972 –

(a) in Regulation 1, for the words “a wife in respect of the wife’s maintenance” there shall be substituted the words “a party to a marriage or civil partnership in respect of his or her maintenance”;

(b) in Regulation 2, for the words “a wife in respect of the maintenance of any child of the marriage of whom the wife is given the legal custody” there shall be substituted the words “a party to a marriage or civil partnership in respect of the maintenance of any child of the marriage or civil partnership of whom he or she is given the legal custody.”.

23 Social Security (Jersey) Law 1974 amended

(1) In this paragraph “Law” means the Social Security (Jersey) Law 1974.

(2) In Article 21 of the Law –

(a) in paragraph (1)(b) for the word “husband” there shall be substituted the word “spouse”;

(b) for paragraph (6) there shall be substituted the following paragraph –

“(6) In this Article ‘spouse’ includes –
(a) a woman’s late spouse; or
(b) a former spouse,
where the benefit is claimed in respect of a child conceived during the subsistence of the marriage.”.

(3) For paragraph 5(2)(b)(i) of Schedule 2 to the Law there shall be substituted the following sub-clause –

“(ii) where the relevant person is the spouse and he or she was dead or over pensionable age on that date, the date of him or her attaining pensionable age or dying under that age.”.

24 Social Security (Classification) (Jersey) Order 1974 amended

In the Social Security (Classification) (Jersey) Order 1974, in Schedule 1 –

(a) in paragraphs 11 and 16, in Column (A), for the word “wife” there shall be substituted the word “spouse”;
(b) for paragraphs 17 and 17A in Columns (A) and (B) there shall be substituted the following paragraph –

| “17. Employment of a person (whether or not under contract of service) by, or as partner of, or in any similar association with, his or her spouse or civil partner. | 17. None.”. |

25 Social Security (Contributions) (Jersey) Order 1975 amended

In the Social Security (Contributions) (Jersey) Order 1975, in paragraph 2(4) of Schedule 1, for the words “a husband and wife” there shall be substituted the word “a person and his or her spouse or civil partner”.

26 Social Security (Maternity Benefit) (Jersey) Order 1975 amended

In Article 2(b) of the Social Security (Maternity Benefit) (Jersey) Order 1975, in the modification to paragraph 5(2)(b) of Schedule 2 to the Social Security (Jersey) Law 1974, for sub-clause (i) there shall be substituted the following sub-clause –

“(i) where the relevant person is the spouse and he or she was dead or over pensionable age on the date of the making of the claim, the date of his or her attaining pensionable age or dying under that age, and”.

27 Social Security (Residence and Persons Abroad) (Jersey) Order 1974 amended

In the Social Security (Residence and Persons Abroad) (Jersey) Order 1974 –
(a) for Article 2A(1) there shall be substituted the following paragraph –

“(1) Where –
   (a) spouse B is an insured person;
   (b) his or her spouse A is not an insured person, by reason only that he or she does not fulfil the residence condition in Article 2; and
   (c) under the 1961 Law, they are assessed jointly, whether by virtue of Article 121 or the operation of the proviso to Article 122,

   spouse A shall be deemed to be resident in Jersey and insured under the Law for the purpose of the liability to pay spouse B’s LTC contributions, to the extent that spouse B’s income is deemed to be spouse A’s income and not his or her own.

(1A) The references to spouse A and spouse B in paragraph (1) have the meaning given to those expressions in Article 3(1) of the 1961 Law;”;

(b) in Article 5, for the words “wife, husband” there shall be substituted the words “spouse, civil partner”.

28 **Standing Orders of the States of Jersey**

In standing order 1(1) of the Standing Orders of the States of Jersey50, in the definition “cohabitee”, for the words “husband and wife” there shall be substituted the word “spouses”.

29 **Teachers’ Superannuation (Existing Members) (Jersey) Order 1986 amended**

In Article 68(5) of the Teachers’ Superannuation (Existing Members) (Jersey) Order 198651, for the words “as husband and wife” there shall be substituted the words “as a spouse”.

30 **Trusts (Jersey) Law 1984 amended**

In Article 9(6) of the Trusts (Jersey) Law 198452, in paragraph (b) of the definition “personal relationship” for the words “husband and wife” there shall be substituted the word “spouses”.

31 **Wills and Successions (Jersey) Law 1993 amended**

For Article 6A of the Wills and Successions (Jersey) Law 199353 there shall be substituted the following paragraph –
“6A Extension of right in nature of dower to surviving spouses and surviving civil partners

Where a civil partner or in the case of a marriage by persons of the same sex, a spouse, dies testate as to immovable estate, his or her civil partner or spouse, as the case may be, shall have a right of usufruit in that immovable estate to the same extent and upon the same terms as a widow has by virtue of her right of dower in the immovable estate as to which her husband dies testate.”.
1. chapter 12.600
2. chapter 07.455
3. chapter 12.320
4. chapter 16.325
5. chapter 12.450
6. chapter 21.700
7. chapter 24.660
8. chapter 20.600
9. chapter 16.325
10. chapter 15.560
11. chapter 08.540
12. L.19/2018
13. chapter 12.320
14. chapter 12.600.30
15. chapter 20.650
16. chapter 16.325
17. chapter 12.200
19. R&O.33/2002 (chapter 12.600.60)
20. chapter 01.400.25
21. chapter 24.090.30
22. chapter 12.200
23. chapter 15.260
24. chapter 12.600
25. chapter 12.320
26. chapter 05.255
27. chapter 23.150.25
28. chapter 12.320
29. chapter 12.600
30. chapter 12.320.20
31. chapter 24.750
32. chapter 15.360
33. chapter 04.640
34. chapter 08.740
35. chapter 18.495
36. chapter 18.450
37. chapter 07.910
38. chapter 12.650
39. chapter 12.600
40. chapter 20.650
41. chapter 16.650.24
42. chapter 16.650.48
43. chapter 16.640.30
44. chapter 12.800.60
45. chapter 26.900
46. chapter 26.900.08
47. chapter 26.900.24
48. chapter 26.900.46
49. chapter 26.900.78
50. chapter 16.800.15
51. chapter 16.850.60
52. chapter 13.875
53. chapter 04.960