



Jersey

COVID-19 (CIVIL PARTNERSHIP AND MARRIAGE No. 2) (JERSEY) REGULATIONS 2020

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COVID-19 (CIVIL PARTNERSHIP AND MARRIAGE No. 2) (JERSEY) REGULATIONS 2020

Made 16th June 2020
Coming into force 17th June 2020

THE STATES make these Regulations under Article 2 of the Covid-19 (Enabling Provisions) (Jersey) Law 2020¹ –

1 Temporary amendment of Civil Partnership (Jersey) Law 2012

For Article 26D of the Civil Partnership (Jersey) Law 2012² there is substituted –

“26D Ceremonies must comply with guidance

- (1) This Article applies to a civil partnership registrar who reasonably believes that the arrangements for a civil partnership ceremony that the civil partnership registrar is to solemnize under Article 14 do not or will not comply with any guidance issued by the Superintendent Registrar under Article 26F.
- (2) The civil partnership registrar must take reasonable steps to ensure that the arrangements for the ceremony comply with the guidance.
- (3) If, despite reasonable steps being taken, the civil partnership registrar believes that the arrangements for the ceremony will not comply with the guidance, the civil partnership registrar –
 - (a) must not attend the ceremony;
 - (b) if already in attendance, must not start the ceremony; or
 - (c) if the ceremony has started, must suspend the ceremony (and must not solemnize the civil partnership).
- (4) The civil partnership registrar must inform the Minister for the Environment of any circumstances relating to the ceremony that might constitute a statutory nuisance under Regulation 1A of the Statutory Nuisances (Jersey) Regulations 2017³.
- (5) In this Article, “arrangements” includes factors (such as the layout of the venue and the number of guests) that influence whether physical distancing and other safety measures can be achieved as well as the conduct of the people attending the ceremony.

26E Suspension of right of public to freely attend civil partnership ceremonies

Article 14(3) does not apply.

26F Superintendent Registrar may issue guidance

- (1) The Superintendent Registrar may, in response to the outbreak of Covid-19, publish guidance for any purpose connected with this Law.
- (2) The Superintendent Registrar must publish the guidance in a manner that the Superintendent Registrar considers will be likely to draw the guidance to the attention of any person affected by it.

26G Change to approval of premises

- (1) The Superintendent Registrar may approve premises in accordance with Article 13 and any Order made under that Article.
- (2) References in Article 13 to the Connétable must be read as also referring to the Superintendent Registrar.
- (3) A premises provided by the States for use by the Superintendent Registrar is an approved premises.

26H Searches of register

Despite Articles 17(2), 21(1) and (2), –

- (a) the Superintendent Registrar is not required to allow a member of the public to inspect or search a register or index kept by the Superintendent Registrar; but
- (b) the Superintendent Registrar must, upon payment of the fee prescribed in relation to Article 21(2)(a), search a register or index on behalf of a member of the public.

26I Expiry of this Part

This Part expires on 30th September 2020.”.

2 Temporary amendment of Marriage and Civil Status (Jersey) Law 2001

- (1) After Article 23(1) of the Marriage and Civil Status (Jersey) Law 2001⁴ there is inserted –
“(1A) A location is an approved location if –
 - (a) it is approved under the scheme established by Order made under paragraph (2); or
 - (b) it is provided by the States for use by the Superintendent Registrar.”
- (2) After Article 23(4)(b) of the Marriage and Civil Status (Jersey) Law 2001 there is inserted –

“(c) an approval for only a marriage specified in the approval to be solemnized at that location.”.

- (3) For Article 24M of the Marriage and Civil Status (Jersey) Law 2001⁵ there is substituted –

“24M Suspension of right of public to freely attend marriage ceremonies

Article 17(6) does not apply.

24N Additional information required in notices of solemnization

A notice of solemnization of marriage displayed under Article 17(4) must, in addition to the requirements of Article 17(5), contain a telephone number that would enable a member of the public to contact the Superintendent Registrar to register a lawful objection to the marriage taking place.

24O Change to location of intended marriage

- (1) 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 not later than 10 days before the date of the intended marriage.
- (2) This Article overrides Article 18(2) and is subject to Article 24.

24P Searches of register

Despite Article 78(2), –

- (a) the Superintendent Registrar is not required to allow a member of the public to search a register or index kept by the Superintendent Registrar; but
- (b) the Superintendent Registrar must, upon payment of the prescribed fee, search a register or index on behalf of a member of the public.”.
- (4) After Article 80D of the Marriage and Civil Status (Jersey) Law 2001 there is inserted –

“80E Ceremonies must comply with guidance related to Covid-19

- (1) This Article applies to a marriage celebrant who reasonably believes that arrangements for a marriage ceremony that the celebrant is to solemnize under Part 2 or 3 do not or will not comply with any guidance issued by the Superintendent Registrar intended to address the outbreak of Covid-19.
- (2) The marriage celebrant must take reasonable steps to ensure that the arrangements for the ceremony comply with the guidance.

- (3) If, despite reasonable steps being taken, the marriage celebrant believes that the arrangements for the ceremony will not comply with the guidance, the marriage celebrant –
 - (a) must not attend the ceremony;
 - (b) if already in attendance, must not start the ceremony; or
 - (c) if the ceremony has started, must suspend the ceremony (and must not solemnize the marriage).
- (4) The marriage celebrant must inform the Minister for the Environment of any circumstances relating to the ceremony that might constitute a statutory nuisance under Regulation 1A of the Statutory Nuisances (Jersey) Regulations 2017⁶.
- (5) In this Article, “arrangements” includes factors (such as the layout of the venue and the number of guests) that influence whether physical distancing and other safety measures can be achieved as well as the conduct of the people attending the ceremony.

80F Expiry of provisions related to temporary Covid-19 measures

The following provisions expire on 30th September 2020 –

- (a) Article 23(1A);
- (b) Article 23(4)(c);
- (c) the cross-heading above Article 24H;
- (d) Articles 24H to 24P;
- (e) Article 80E; and
- (f) this Article.”.

3 Temporary amendment of Civil Partnership (Approved Premises) (Jersey) Order 2012

- (1) After Article 2 of the Civil Partnership (Approved Premises) (Jersey) Order 2012⁷ there is inserted –

“2A Approvals temporarily limited to renewals and certain private residences

- (1) Despite anything to the contrary in Article 2, an application may be made for the approval of a premises only if –
 - (a) the application is to renew an existing approval; or
 - (b) the location to which the application relates is a home.
- (2) An application to which paragraph (1)(b) relates –
 - (a) must be made to the Superintendent Registrar; and
 - (b) must be considered and granted or refused by the Superintendent Registrar as if all relevant references to the Connétable in this Order are references to the Superintendent Registrar.
- (3) In this Article, “home” –

- (a) means a residential unit, within the meaning of the Residential Tenancy (Jersey) Law 2011⁸, in which a person resides; and
 - (b) includes any associated garden, yard, or other outdoor space to which the public do not have access without permission.
- (4) This Article expires on 30th September 2020.”.
- (2) After Article 4 of the Civil Partnership (Approved Premises) (Jersey) Order 2012⁹ there is inserted –

“4A Change to conditions in response to Covid-19 outbreak

- (1) Upon granting an approval the Connétable or Superintendent Registrar must attach to the approval the standard conditions contained in Schedule 1, modified as described in paragraph (2).
- (2) For paragraph 6(b) of Schedule 1, the following must be substituted –
 - “(b) containing a telephone number that would enable a member of the public to contact the Superintendent Registrar to register a lawful objection to the civil partnership taking place.”.
- (3) This Article overrides Article 4(1)(a).
- (4) This Article expires on 30th September 2020.”.
- (3) After Article 9 of the Civil Partnership (Approved Premises) (Jersey) Order 2012 there is inserted –

“9A Register temporarily closed to public inspection

- (1) Article 9(4) does not apply.
- (2) The Superintendent Registrar must, upon request, search the register of approved premises on behalf of a member of the public.
- (3) This Article expires on 30th September 2020.”.

4 Temporary amendment of Marriage and Civil Status (Jersey) Order 2018

- (1) After Article 20 of the Marriage and Civil Status (Jersey) Order 2018¹⁰ there is inserted –

“20A Additional standard conditions during Covid-19 outbreak

- (1) A marriage celebrant must ensure that all guidance issued by the Superintendent Registrar in response to the Covid-19 outbreak is complied with.
- (2) A marriage celebrant must ensure that the details of the solemnization of a marriage displayed under Article 20(2)(d) also include a telephone number that would enable a member of the public to contact the Superintendent Registrar to register a lawful objection to the marriage taking place.

- (3) This Article expires on 30th September 2020.”.
- (2) After Part 3 of the Marriage and Civil Status (Jersey) Order 2018¹¹ there is inserted –

“PART 3A

APPROVAL OF LOCATION FOR SOLEMNIZATION OF MARRIAGE DURING COVID-19 OUTBREAK

24A Approvals limited to renewals and homes

- (1) Despite anything to the contrary in Part 3, an application may be made for the approval of a location for the solemnization of marriage only if –
 - (a) the application is to renew an existing approval; or
 - (b) the location to which the application relates is a home.
- (2) In this Article, “home” –
 - (a) means a residential unit, within the meaning of the Residential Tenancy (Jersey) Law 2011¹², in which a person resides; and
 - (b) includes any associated garden, yard, or other outdoor space to which the public do not have access without permission.

24B Modifications to scheme for approval of locations

- (1) Applications to which Article 24A applies must not be approved unless the person approving the application is satisfied that any guidance issued by the Superintendent Registrar in response to the Covid-19 outbreak can be complied with at the location to which the application relates.
- (2) For applications to which Article 24A(1)(b) applies, all references to “approving authority” in Part 3 must be read as references to the Superintendent Registrar.
- (3) Despite Article 16(6)(b) –
 - (a) an approved location is not required to be accessible by the public; but
 - (b) it is a condition of approval in respect of an approved location that, during the period commencing at least one hour before the solemnization of a marriage at the location and ending at the end of the marriage ceremony, a notice is displayed at the location that contains a telephone number that would enable a member of the public to contact the Superintendent Registrar to register a lawful objection to the marriage taking place.

24C Expiry of this Part

This Part expires on 30th September 2020.”.

5 Citation and commencement

These Regulations may be cited as the Covid-19 (Civil Partnership and Marriage No. 2) (Jersey) Regulations 2020 and come into force on the day after they are made.

ENDNOTES**Table of Endnote Reference**

<i>1</i>	<i>L.2/2020</i>
<i>2</i>	<i>chapter 12.260</i>
<i>3</i>	<i>chapter 22.900.10</i>
<i>4</i>	<i>chapter 12.600</i>
<i>5</i>	<i>chapter 12.600</i>
<i>6</i>	<i>chapter 22.900.10</i>
<i>7</i>	<i>chapter 12.260.10</i>
<i>8</i>	<i>chapter 18.720</i>
<i>9</i>	<i>chapter 12.260.10</i>
<i>10</i>	<i>chapter 12.600.10</i>
<i>11</i>	<i>chapter 12.600.10</i>
<i>12</i>	<i>chapter 18.720</i>