



Jersey

MARRIAGE AND CIVIL PARTNERSHIP (DISSOLUTION AND SEPARATION) (JERSEY) LAW 202-

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Jersey

MARRIAGE AND CIVIL PARTNERSHIP (DISSOLUTION AND SEPARATION) (JERSEY) LAW 202-

A **LAW** to empower the Royal Court to make orders dissolving marriages (formerly referred to as a decree of divorce) and orders dissolving civil partnerships, to make separation orders, and to make provision for incidental matters.

<i>Adopted by the States</i>	<i>26 February 2026</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

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

PART 1

INTERPRETATION AND JURISDICTION

1 Interpretation

In this Law –

“annulment order” means an order made by the court under Article 7, annulling a marriage or a civil partnership;

“child of the family”, in relation to parties to a marriage or civil partnership, means –

- (a) a child who has both of the parties as parents (as defined in the [Children \(Jersey\) Law 2002](#)); or
- (b) a child, other than a child placed with the parties as foster parents by the Minister for Children and Families or a voluntary organisation, who has been treated by both parties as a child of their family;

“civil partnership” has the definition given in Article 2 of the Civil Partnership Law;

“Civil Partnership Law” means the [Civil Partnership \(Jersey\) Law 2012](#);

“court” means the Family Division of the Royal Court;

“dissolution order” means an order made by the court under Article 3, dissolving a marriage or a civil partnership;

“financial order” means an order made under –

- (a) Article 21, 23, 24, 27, or 36; or
- (b) Regulations made under Article 29;

“interim order” means an order made under Article 33 or 34;

“lack of capacity” has the meaning given in Article 4 of the [Capacity and Self-Determination \(Jersey\) Law 2016](#);

“Marriage Law” means the [Marriage and Civil Status \(Jersey\) Law 2001](#);

“Minister” means the Minister for Justice and Home Affairs;

“order presuming death” means an order made by the court under Article 11 dissolving a marriage or a civil partnership on the presumption of death of either of the parties;

“overseas order” has the meaning given in Article 42(2);

“prescribed” means prescribed by Rules of Court;

“Rules of Court” means Rules made under the [Royal Court \(Jersey\) Law 1948](#) and this Law;

“sale of property order” means an order made under Article 25;

“separation order” means an order made by the court under Article 4 in respect of a marriage or a civil partnership.

2 Jurisdiction of court

- (1) The court has jurisdiction to deal with an application for –
 - (a) a dissolution order;
 - (b) a separation order;
 - (c) an annulment order;
 - (d) an order presuming death; or
 - (e) any other matter that may be tried under this Law.
- (2) The court has jurisdiction to deal with applications from a party or parties to a marriage or a civil partnership for a dissolution order or a separation order only if –
 - (a) either of the parties to the marriage or civil partnership are domiciled in Jersey on the date the application is made; or
 - (b) either of the parties to the marriage or civil partnership was habitually resident in Jersey throughout the period of 1 year ending with that date.
- (3) The court has jurisdiction to deal with applications from a party or parties to a marriage or a civil partnership for an annulment order only if –
 - (a) either of the parties to the marriage or civil partnership are domiciled in Jersey on the date the application is made; or
 - (b) either of the parties to the marriage or civil partnership –
 - (i) was habitually resident in Jersey throughout the period of 1 year ending with that date; or
 - (ii) died before that date and either –
 - (A) was at death domiciled in Jersey; or
 - (B) had been habitually resident in Jersey throughout the period of 1 year ending with the date of death.

- (4) The court has jurisdiction to deal with applications from a party to a marriage or a civil partnership for an order presuming death only if –
 - (a) the applicant is domiciled in Jersey on the date the application is made; or
 - (b) the applicant was habitually resident in Jersey throughout the period of 1 year ending with that date.
- (5) If there are proceedings pending for which the court has jurisdiction under paragraph (2) or (3), the court may also consider other proceedings in respect of the same marriage or civil partnership, even if it would not have jurisdiction to do so under paragraph (2) or (3).

PART 2

DISSOLUTION OF MARRIAGE OR CIVIL PARTNERSHIP

DIVISION 1 – DISSOLUTION AND SEPARATION

3 Application for dissolution order

- (1) Either or both parties to a marriage or civil partnership may apply to the court for a dissolution order, which provides for the dissolution of the marriage or civil partnership.
- (2) To be a valid application, an application must be –
 - (a) made in the prescribed form; and
 - (b) accompanied by a statement, signed by the applicant or applicants, that the applicant or applicants seek the dissolution of the marriage or civil partnership.
- (3) On receipt of a valid application, the court must –
 - (a) take the statement to be conclusive evidence that the party or parties seek the dissolution of the marriage or civil partnership; and
 - (b) make a dissolution order.
- (4) A dissolution order –
 - (a) is, in the first instance, a conditional order; and
 - (b) must not be made final before the expiry of the sooner of –
 - (i) the period of time fixed by the court in the first instance; or
 - (ii) 6 months after the making of the conditional order.
- (5) After the expiry of the period of time specified in paragraph (4)(b), the applicant or applicants may apply for a final dissolution order.
- (6) The court must not make a final dissolution order unless –
 - (a) in the case of an application made by 1 party to the marriage or civil partnership, that party has confirmed to the court that they wish the order to be made final; or
 - (b) in the case of an application made by both parties to the marriage or civil partnership, those parties have confirmed to the court that they wish the order to be made final (but see Article 13).

- (7) If more than 3 months has elapsed since the expiry of the time period specified in paragraph (4)(b), and neither party has confirmed to the court that a final order can be made, either party to the marriage or civil partnership may apply to the court to –
 - (a) make the final order;
 - (b) revoke the conditional order; or
 - (c) make whatever order the court sees fit.
- (8) The Minister may by Order amend this Law to amend the length of time specified in paragraph (4)(b)(ii) or (7).

4 Application for separation order

- (1) Either or both parties to a marriage or civil partnership may apply to the court for a separation order, which provides for the separation of the parties to the marriage or civil partnership.
- (2) To be a valid application, an application must be –
 - (a) made in the prescribed form; and
 - (b) accompanied by –
 - (i) if the application is by 1 party to the marriage or civil partnership, a statement, signed by the applicant, that they seek to be separated from the other party to the marriage or civil partnership; or
 - (ii) if the application is by both parties to the marriage or civil partnership, a statement, signed by both of them, that they seek to be separated from each other.
- (3) On receipt of a valid application, the court must –
 - (a) take the statement to be conclusive evidence that the party or parties seek to be separated; and
 - (b) make a separation order.
- (4) The court may revoke a separation order at any time after it is made (unless a dissolution order or annulment order has been made in respect of the marriage or civil partnership) on application by both parties to the marriage or civil partnership.
- (5) The revocation of a separation order does not affect the rights or remedies that any other person would have had if the order had not been revoked.

5 Application for dissolution or annulment after making of separation order

Either or both parties to a marriage or civil partnership may apply under Article 3 for a dissolution order or under Article 7 for an annulment order at any time after –

- (a) a separation order has been made; or
- (b) an order is made under the [Separation and Maintenance Orders \(Jersey\) Law 1953](#).

DIVISION 2 – ANNULMENT**6 Interpretation of Division 2**

In this Division –

“respondent”, in relation to an application for an annulment order, means the party to the marriage or civil partnership who did not make the application;

“void” means –

- (a) in relation to a marriage, that –
 - (i) the marriage is void under the Marriage Law; or
 - (ii) at the time the marriage was formed, the applicant lacked capacity to consent to its formation;
- (b) in relation to a civil partnership, that –
 - (i) the civil partnership is void under the Civil Partnership Law; or
 - (ii) at the time the civil partnership was formed, the applicant lacked capacity to consent to its formation;

“voidable”, in relation to a marriage or civil partnership, means that 1 of the circumstances in Article 9 applies.

7 Application for annulment order

- (1) Either or both parties to a marriage or civil partnership may apply to the court for an annulment order, which provides for the annulment of the marriage or civil partnership.
- (2) To be a valid application, an application must –
 - (a) be made in the prescribed form; and
 - (b) contain the grounds for annulment under Article 8, 9 or 10.
- (3) On receipt of a valid application –
 - (a) on the grounds specified in Article 8, the court must make an annulment order; or
 - (b) on any other grounds, the court may make an annulment order.
- (4) An annulment order –
 - (a) is, in the first instance, a conditional order; and
 - (b) must not be made final before the expiry of the sooner of –
 - (i) the period of time fixed by the court; or
 - (ii) 3 months after the making of the conditional order.
- (5) After the expiry of the period of time specified in paragraph (4)(b), the applicant or applicants may apply for a final annulment order.
- (6) The court must not make a final annulment order unless –
 - (a) in the case of an application made by 1 party to the marriage or civil partnership, that party has confirmed to the court that they wish the order to be made final; or

- (b) in the case of an application made by both parties to the marriage or civil partnership, those parties have confirmed to the court that they wish the order to be made final.
- (7) After the court has made a conditional order, but before the order is made final, any person (including the Attorney General) may, in the prescribed manner, submit evidence as to why the order should not be made final, by reason of material facts not having been brought before the court.
- (8) In the circumstances specified in paragraph (7), the court may –
 - (a) make the final order;
 - (b) revoke the conditional order;
 - (c) require further enquiry; or
 - (d) otherwise deal with the case as the court thinks fit.
- (9) If more than 3 months has elapsed since the expiry of the time period specified in paragraph (4)(b), paragraphs (7) or (8) do not apply, and neither party has confirmed to the court that a final order can be made, either party to the marriage or civil partnership may apply to the court to –
 - (a) make the final order;
 - (b) revoke the conditional order; or
 - (c) make whatever order the court sees fit.
- (10) The Minister may by Order amend this Law to amend the length of time specified in paragraph (4)(b)(ii) or (9).

8 Grounds for annulment – marriage or civil partnership is void

The court must make an annulment order if the marriage or civil partnership is void.

9 Grounds for annulment – marriage or civil partnership is voidable

- (1) The court may make an annulment order if the marriage or civil partnership was formed because of fraud, threats or duress by the respondent upon the applicant.
- (2) The court must not make an annulment order in the circumstances specified in paragraph (1) if the respondent satisfies the court –
 - (a) that the applicant, knowing that it was open to the applicant to obtain an annulment order, led the respondent to reasonably believe that the applicant would not apply for that order; and
 - (b) that it would be unjust to the respondent to make the order.

10 Grounds for annulment if marriage or civil partnership has been converted

- (1) This Article applies to –
 - (a) a marriage that has been converted, or is purported to have been converted, from a civil partnership under Article 22 of the Marriage Law; or
 - (b) a civil partnership that has been converted, or is purported to have been converted, from a marriage under Article 26AD of the Civil Partnership Law.
- (2) A marriage that results from the purported conversion of a void civil partnership is void.

- (3) A marriage that results from the conversion of a civil partnership is voidable if Article 9 applied at the date from which the marriage is treated as having subsisted under Article 22(15) of the Marriage Law.
- (4) A civil partnership that results from the purported conversion of a void marriage is void.
- (5) A civil partnership that results from the conversion of a marriage is voidable if Article 9 applied at the date from which the civil partnership is treated as having subsisted under Article 26AD(15) of the Civil Partnership Law.

DIVISION 3 – PRESUMPTION OF DEATH

11 Order of dissolution of marriage or civil partnership on presumption of death

- (1) If a married person or a civil partner believes that they have reasonable grounds to consider that the other party to the marriage or the civil partnership is dead, the person may apply to the court for an order presuming death on those grounds.
- (2) If the court is satisfied that reasonable grounds exist, the court may make an order presuming death.
- (3) In proceedings under paragraph (1), the other party to the marriage or civil partnership is presumed, in the absence of other evidence, to be dead if –
 - (a) for a period of 7 years or more the other party to the marriage or civil partnership has been continually absent from the applicant; and
 - (b) the applicant has no reason to believe that the other party has been alive within that time.

12 Conditional orders presuming death

- (1) An order presuming death –
 - (a) is, in the first instance, a conditional order; and
 - (b) must not be made final before the expiry of the sooner of –
 - (i) the period of time fixed by the court; or
 - (ii) 3 months after the making of the conditional order.
- (2) The court must not make a final order unless the applicant has confirmed to the court that they wish the order presuming death to be made final.
- (3) After the court has made a conditional order, but before the order is made final, any person (including the Attorney General) may, in the prescribed manner, submit evidence as to why the order should not be made final, by reason of –
 - (a) the conditional order having been obtained by collusion; or
 - (b) material facts not having been brought before the court.
- (4) In the circumstances specified in paragraph (3), the court may –
 - (a) make the final order;
 - (b) revoke the conditional order;
 - (c) require further enquiry; or
 - (d) otherwise deal with the case as the court thinks fit.

- (5) The Minister may by Order amend the length of time specified in paragraph (1)(b)(ii).

PART 3

PROCEDURE AND POWERS OF COURT

13 Joint application may be converted to sole, or vice versa

- (1) This Article applies if the court has made a conditional dissolution order or conditional annulment order in a case.
- (2) If the application was made by the parties to the marriage or civil partnership jointly, and 1 party does not wish to apply jointly for the final order, the other party may apply to the court for leave to submit the application for the final order alone.
- (3) If the application was made by 1 party to the marriage or civil partnership, and both parties agree, the parties may apply to the court for leave to submit the application for the final order jointly.
- (4) Rules of Court may prescribe the procedure to be followed if an application is made under paragraph (2) or (3).

14 Duties of Attorney General

- (1) This Article applies in the case of an application for an annulment order or an order presuming death.
- (2) If the court considers that there is a question in the application that would benefit from full argument, the court may send the necessary papers to the Attorney General.
- (3) Before a final order is made in a case, any person may give to the Attorney General documents or information that are material to the outcome of the case.
- (4) The Attorney General –
 - (a) must argue before the court the matters contained in the papers sent under paragraph (2);
 - (b) may take whatever steps the Attorney General thinks necessary or expedient in relation to documents or information received under paragraph (3);
 - (c) may charge the costs of the proceedings as part of the expenses of the Attorney General's office.
- (5) When acting under paragraph (4), the Attorney General may intervene and call witnesses if –
 - (a) as a consequence of information received under paragraph (2) or (3), the Attorney General suspects –
 - (i) that an order may be obtained against the justice of the case; or
 - (ii) that material facts are not before the court; and
 - (b) by intervening or calling witnesses the Attorney General may prove any allegations as the Attorney General sees fit.

15 Costs of Attorney General

- (1) If the Attorney General acts under Article 14 in relation to a matter, the court may –
 - (a) order a party to the proceedings to pay all or part of the costs incurred by the Attorney General; or
 - (b) order the Attorney General to pay all or part of the costs incurred by a party to the proceedings.
- (2) If an order under paragraph (1)(a) is not made for the full amount of the Attorney General's costs, the difference must be made up from the annual appropriation made in respect of the Law Officers' Department under Article 10 of the [Public Finances \(Jersey\) Law 2019](#).
- (3) If an order is made under paragraph (1)(b), the costs awarded under the order form part of the appropriation referred to in paragraph (2).

16 Power of court to order alternative dispute resolution

- (1) On an application under this Law, the court may require the parties to the marriage or civil partnership to provide evidence that the parties have taken action to avoid all or part of the proceedings, including by engaging in alternative dispute resolution.
- (2) If the court is not satisfied that sufficient action has been taken to avoid proceedings, the court may adjourn proceedings and order the parties to attend alternative dispute resolution.
- (3) An order under paragraph (2) may apportion the cost of alternative dispute resolution between the parties in the manner that appears to the court to be equitable.

17 Proceedings discontinued on death of party

An application for dissolution of marriage or civil partnership is discontinued if either of the parties to the marriage or civil partnership dies before the final order is made under the relevant Article.

18 Marriage or civil partnership after dissolution, annulment or presumption of death

- (1) A person may marry or enter into a civil partnership once a final dissolution order or order presuming death is made.
- (2) In relation to an annulment order, a person may marry or enter into a civil partnership –
 - (a) if there is no right of appeal, once a final annulment order is made under Article 7; or
 - (b) if there is a right of appeal against an annulment order –
 - (i) if no appeal is made, once the time for appeal expires; or
 - (ii) if an appeal is made, once the appeal is dismissed.
- (3) A religious representative may, but is not compelled to –
 - (a) solemnise the marriage of a person whose former marriage or civil partnership has been dissolved and whose former spouse or civil partner is still living; or

- (b) permit the marriage of a person described in sub-paragraph (a) to be solemnised in the place of worship of the religious representative.
- (4) In paragraph (3), a “religious representative” means –
 - (a) a religious organisation;
 - (b) a member of the clergy; or
 - (c) an authorised religious official as defined in Article 1 of the Marriage Law.

19 Restrictions on final order affecting children

- (1) This Article applies to –
 - (a) a child of the family who has not yet reached the age of 16 at the date when the court considers the case under this Article; and
 - (b) a child of the family who has reached that age at that date and in relation to whom, having considered the factors set out in paragraph (2), the court directs that this Article applies.
- (2) In considering an application for a dissolution order, an annulment order or a separation order, the court must consider –
 - (a) whether there are any children of the family to whom this Article applies; and
 - (b) if there are children, whether (in the light of the arrangements that have been made, or are proposed to be made, for their upbringing and welfare) it may or must exercise any of its powers under the Children Law with respect to any of them.
- (3) Paragraph (4) applies if it appears to the court that –
 - (a) the circumstances of the case require it, or are likely to require it, to exercise a power under the Children Law with respect to a child;
 - (b) it is not able to exercise that power, without giving further consideration to the case; and
 - (c) there are exceptional circumstances that make it desirable in the interests of the child that the court give a direction under this Article.
- (4) The court may direct that, until it orders otherwise –
 - (a) a separation order is not to be made; or
 - (b) a conditional dissolution order or conditional annulment order is not to be made final.
- (5) In this Article, “Children Law” means the [Children \(Jersey\) Law 2002](#).

20 Rights of succession cease on dissolution of marriage or civil partnership

A party to a marriage or civil partnership that has been dissolved or annulled is not entitled, on the death of the other party, to –

- (a) a share or interest in the personal estate of the deceased person;
- (b) in the case of marriage, a right of *franc veuvage* in the real estate of the deceased person; or
- (c) a right of dower in the real estate of the deceased person.

PART 4

FINANCIAL RELIEF

DIVISION 1 – FINANCIAL ORDERS

21 Provision for children

- (1) The court may, on or after making a conditional dissolution order, conditional annulment order or separation order –
 - (a) order either party to pay, for the benefit of a child of the family, either or both of –
 - (i) a gross sum of money; or
 - (ii) a periodic sum of money; and
 - (b) approve an instrument in relation to an order under sub-paragraph (a) and direct the parties to sign it.
- (2) The court must not secure a sum of money under paragraph (1) for a period that ends after the date of the child's 21st birthday unless it appears to the court that –
 - (a) the child is, will be or (if an order were to be made under paragraph (1)) would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not while in gainful employment; or
 - (b) there are special circumstances that justify the making of an order that extends beyond that date.
- (3) The court must not make an order under paragraph (1) in respect of a child of the family who is aged 18 or over unless paragraph (2)(a) or (b) apply.

22 Power of court to vary nuptial agreements and nuptial trusts

- (1) This Article applies if the court has made a final dissolution order or final annulment order in a case.
- (2) The court may set aside, vary, modify or terminate a nuptial agreement or a nuptial trust in the circumstances set out in paragraph (3) on the application of –
 - (a) either party to the marriage or civil partnership; or
 - (b) another person who is beneficially interested.
- (3) The circumstances are that –
 - (a) the nuptial agreement or nuptial trust was made because of fraud, threats or duress on either of the parties to the nuptial agreement or nuptial trust;
 - (b) either or both parties did not have access to independent legal advice about the nuptial agreement or nuptial trust;
 - (c) either or both of the parties did not provide full and frank financial disclosure before entering into the nuptial agreement or nuptial trust;
 - (d) enforcing the nuptial agreement or nuptial trust would cause substantial hardship to either party or to a child of the family; or

- (e) the nuptial agreement or nuptial trust was entered into during the period of time beginning 4 weeks before the date of the marriage or civil partnership and ending 4 weeks after the date of the marriage or civil partnership.
- (4) In making an order under paragraph (2) the court must consider the provisions of Articles 30 to 32.
- (5) The court may exercise the powers under this Article even if the marriage or civil partnership was solemnised, or the agreement or trust was entered into, in a jurisdiction other than Jersey.
- (6) In this Article –
 - “nuptial agreement” means an agreement made before or during a marriage or civil partnership to determine how the parties’ assets should be divided in the event of dissolution or separation of the marriage or civil partnership;
 - “nuptial trust” means a trust settled for the benefit of 1 or both parties to a marriage or civil partnership or their children, and that was created in contemplation of, or during, their marriage or civil partnership.

23 Power of court to order transfer or settlement of property

- (1) This Article applies if the court has made –
 - (a) a final dissolution order;
 - (b) a final annulment order; or
 - (c) a separation order.
- (2) The court may order –
 - (a) that a party to the marriage or civil partnership transfer property (whether movable or immovable) to which they are entitled, to –
 - (i) the other party to the marriage or civil partnership;
 - (ii) a child of the family; or
 - (iii) another specified person, for the benefit of a child of the family;
 - (b) that a party to the marriage or civil partnership make a settlement of property (whether movable or immovable) to which they are entitled, for the benefit of –
 - (i) the other party to the marriage or civil partnership; or
 - (ii) a child of the family.
- (3) In making an order under paragraph (2) the court must consider the provisions of Articles 30 to 32.
- (4) The court may make an order under this Article in respect of a child of the family if –
 - (a) the child has not attained the age of 21;
 - (b) the child is, will be or (if an order were to be made under this Article) would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not while in gainful employment; or
 - (c) there are special circumstances that justify the making of an order.
- (5) If paragraph (4) applies, the court may make an order under paragraph (2) even if the child has already attained the age of majority.

24 Financial provision for party to marriage or civil partnership in case of dissolution

- (1) A person may apply for an order under this Article if the court has made a conditional dissolution order or a conditional annulment order in respect of the person's marriage or civil partnership.
- (2) But the court must not make an order under this Article until the court has made a separation order, a final dissolution order or a final annulment order in respect of the person's marriage or civil partnership.
- (3) The court may order that 1 party to the marriage or civil partnership (the "first party") must pay to the other party to the marriage or civil partnership (the "second party") either or both of –
 - (a) for a specified term (which may be whole life), the periodic sum for the maintenance and support of the second party that the court considers reasonable; or
 - (b) the lump sum or sums that the court considers reasonable.
- (4) When making an order under paragraph (3) –
 - (a) the court may further order that security be given for the payment of the sum ordered; and
 - (b) the court must consider the provisions of Articles 30 to 32.
- (5) An order under this Article that the first party must pay a lump sum to the second party –
 - (a) may be made to enable the second party to meet liabilities or expenses reasonably incurred in maintaining themselves or any child of the family before applying for an order under this Article; and
 - (b) may provide for the payment of that sum by instalments of the amount specified in the order.
- (6) If the court has made an order under this Article that the first party must pay a periodic sum to the second party –
 - (a) the court may vary the order to instead order that the first party must pay a lump sum to the second party; and
 - (b) the lump sum ordered to be paid is in addition to any lump sum that the court has already ordered must be paid by the first party to the second party.

25 Power of court to order sale of property

- (1) At or after the time that a financial order is made the court may make an order for the sale of specified property (a "sale of property order").
- (2) A sale of property order may contain the consequential or supplementary provisions that the court thinks fit and may –
 - (a) require the making of a payment out of the proceeds of sale of a specified property; and
 - (b) require the specified property to be offered for sale to a person, or class of people, specified in the order.
- (3) If a sale of property order is made on or after the making of a conditional dissolution order or conditional annulment order, the order does not take effect unless a final dissolution or final annulment order is made.

- (4) The court may direct that a sale of property order, or part of a sale of property order, does not take effect until –
 - (a) the occurrence of a specified event; or
 - (b) the expiry of a specified period.
- (5) A provision of a sale of property order ceases to have effect if –
 - (a) the provision requires that the proceeds of sale of a specified property are used to secure periodic payments to a party to the marriage or civil partnership; and
 - (b) that party dies, marries or forms a civil partnership.
- (6) Before making a sale of property order, the court must allow representations to be made by a person who is not a party to the marriage or civil partnership (an “affected person”) if –
 - (a) a party to a marriage or civil partnership has a beneficial interest in a specified property or in the proceeds of sale of that property; and
 - (b) the affected person also has a beneficial interest in that property or in the proceeds of sale.
- (7) In this Article, “specified property” means real or personal property in which either or both of the parties to the marriage or civil partnership has or have a beneficial interest, and includes –
 - (a) a beneficial interest in the proceeds of sale of a property; and
 - (b) a reversionary interest in a property.

DIVISION 2 – PENSIONS

26 Application and interpretation of this Division

- (1) A person may apply for an order under this Division if the court has made a conditional dissolution order or a conditional annulment order in respect of the person’s marriage or civil partnership.
- (2) But the court must not make an order under this Division until the court has made a final dissolution order or a final annulment order in respect of the person’s marriage or civil partnership.
- (3) In this Division –
 - “Income Tax Law” means the [Income Tax \(Jersey\) Law 1961](#);
 - “party” means a party to a marriage or civil partnership;
 - “public service pension scheme” means –
 - (a) a pension scheme established by Regulations made under Article 2(1) of the [Public Employees \(Retirement\) \(Jersey\) Law 1967](#); and
 - (b) the Public Employees Pension Scheme established by or under the [Public Employees \(Pensions\) \(Jersey\) Law 2014](#);
 - “scheme manager” has the meaning given in Article 130(1) of the Income Tax Law;

27 Power of court to order lump sum from pension arrangement

- (1) This Article applies if –

-
- (a) a party is a pension holder of a pension arrangement that allows the party to elect that a lump sum payment is paid in a particular circumstance; and
 - (b) the pension arrangement is not subject to an order of the court under Regulations made under Article 29.
 - (2) The court may order that –
 - (a) the party who is the pension holder must elect for the lump sum payment to be made; and
 - (b) when the lump sum is paid, that party must pay all or part of it to the other party (the “second party”).
 - (3) If, under the terms of the pension arrangement, the party who is the pension holder may nominate the person to whom the lump sum or part of it is to be paid, the court may order that they nominate the second party.
 - (4) The court may order that, when payment of the lump sum falls due, the pension officer must pay the whole or part of it to the second party instead of to the person to whom it would be paid if the order had not been made.
 - (5) The pension officer or the party who is the pension holder (as the case may be) must pay a lump sum in the manner specified in the court order.
 - (6) In making an order under this Article the court must consider –
 - (a) the benefits under a pension arrangement that a party has or is likely to have;
 - (b) the benefits under a pension arrangement that, by reason of the dissolution or annulment of the marriage or civil partnership, a party to the marriage will lose the chance of acquiring; and
 - (c) Articles 30 to 32.
 - (7) In this Article –

“pension arrangement” means a fund, scheme or other arrangement, constituted in 1 or more instruments or agreements or under an enactment that is, or is held out as being –

 - (a) an approved Jersey scheme, approved drawdown contract or approved trust, as defined in Article 130(1) of the Income Tax Law;
 - (b) an occupational pension scheme for overseas employees approved under Article 131A of the Income Tax Law;
 - (c) a retirement annuity contract for overseas residents approved under Article 131C of the Income Tax Law;
 - (d) a public service pension scheme;
 - (e) a pension scheme established under the [Teachers’ Superannuation \(Jersey\) Law 1979](#);
 - (f) a pension protection fund established by the Pensions Act 2004 of the United Kingdom; or
 - (g) a scheme or contract, equivalent to one falling under sub-paragraphs (a) to (e), that is constituted outside Jersey;

“pension holder” means –

 - (a) in relation to a pension scheme, a member of the scheme;
 - (b) in relation to a retirement annuity contract, the individual by whom the contract was made;
 - (c) in relation to a retirement trust scheme, the primary beneficiary;
-

“pension officer” includes –

- (a) the scheme manager; and
- (b) any other person who is responsible for determining who is to be paid a lump sum payment payable under the terms of the pension scheme.

28 Apportionment of fees

The court may provide for the apportionment between the parties of any charge levied by the scheme manager as a result of complying with an order under Article 27 or under Regulations made under Article 29.

29 Further provisions regarding pensions

The States may by Regulations amend this or any other enactment to make further provision in relation to orders the court may make regarding pension rights and benefits.

DIVISION 3 – ADDITIONAL FUNCTIONS OF COURT RELATING TO FINANCIAL RELIEF

30 Duty of court to consider circumstances

In making an order under this Part, the court must consider all the circumstances of the case, and particularly those circumstances set out in Articles 31 and 32.

31 Ascertainment of assets and liabilities of parties

- (1) In relation to a party to the marriage or civil partnership, the court must consider –
 - (a) the income, earning capacity, property, pensions and other financial resources that the party has or is likely to have in the foreseeable future;
 - (b) an increase in earning capacity that in the opinion of the court it would be reasonable to expect the party to take steps to acquire;
 - (c) the financial needs, obligations and responsibilities that the party has or is likely to have in the foreseeable future;
 - (d) the standard of living enjoyed by the family before the breakdown of the marriage or civil partnership;
 - (e) the age of the party and the duration of the marriage or civil partnership;
 - (f) any physical or mental disability of the party;
 - (g) the contributions that the party has made or is likely in the foreseeable future to make to the welfare of the family, including a contribution by looking after the home or caring for the family;
 - (h) the conduct of the party, if in the opinion of the court it would be inequitable to disregard it;
 - (i) in the case of proceedings for dissolution or annulment, the value to the party to the marriage or civil partnership of any benefit that, by reason of the dissolution or annulment of the marriage or civil partnership, that party will lose the chance of acquiring; and

- (j) nuptial agreements entered into by the party, or nuptial trusts of which the party is a beneficiary or settlor.
- (2) In relation to a child of the family, the court must consider –
 - (a) the financial needs of the child;
 - (b) the income, earning capacity (if any), property and other financial resources of the child;
 - (c) any physical or mental disability of the child;
 - (d) the manner in which the child was being, and in which the parties to the marriage or civil partnership expected the child to be, educated or trained.
- (3) In relation to a child of the family who is not the child of 1 of the parties to the marriage or civil partnership, the court must consider –
 - (a) whether the party who is not the parent of the child assumed responsibility for the child's maintenance, and if so –
 - (i) the extent to which the party assumed the responsibility;
 - (ii) the basis upon which the party assumed the responsibility; and
 - (iii) the length of time for which the party discharged the responsibility;
 - (b) whether in assuming or discharging responsibility for the child's maintenance, the party did so knowing that the child was not the party's own; and
 - (c) the liability of any other person to maintain the child.
- (4) The court may require the parties to the marriage or civil partnership to provide a sworn declaration in respect of the matters set out in paragraphs (1) to (3).

32 Court to consider 'clean break'

The court must consider if it would be appropriate to exercise the powers conferred by this Part so that the financial obligations of the parties towards each other will be terminated as soon after the making of the order as the court considers reasonable.

33 Interim financial orders

- (1) The court may make an interim order directing either party to the marriage or civil partnership to pay to the other party to the marriage or civil partnership the amount for the maintenance and support of the other party or a child of the family that the court considers reasonable.
- (2) An interim order remains in force until –
 - (a) it is discharged by the court;
 - (b) the court makes a final order in respect of the matters dealt with in the interim order; or
 - (c) the court refuses the application for financial support.

34 Interim occupation orders

- (1) The court may make an interim occupation order under this Article if a party to a marriage or civil partnership has applied for a dissolution order, an annulment order or a separation order.
- (2) An interim occupation order may –

- (a) specify a dwelling that must be used to provide living accommodation for a child of the family who has not attained the age of 18 years, and grant a party the right (which may be exclusive) to occupy the dwelling with that child of the family; or
 - (b) specify a dwelling that must be used to provide living accommodation for a party to the marriage or civil partnership; and
 - (c) contain the other provisions and conditions that the court thinks fit, which may include –
 - (i) requiring the non-occupying party to leave the dwelling;
 - (ii) regulating the occupation of the dwelling by the occupying party;
 - (iii) permitting the non-occupying party to enter or remain in the dwelling;
 - (iv) excluding the non-occupying party from a specified area in which the dwelling is located;
 - (v) granting the occupying party possession or use of the contents of the dwelling;
 - (vi) requiring the occupying party to take reasonable care of the contents of the dwelling;
 - (vii) requiring the occupying party to take reasonable steps to keep the dwelling or its contents secure.
- (3) Before making an interim occupation order the court must hear from both parties to the marriage or civil partnership, unless the court is satisfied it is not reasonably practicable to do so.
- (4) In making an interim occupation order the court must consider all the circumstances of the case, including –
 - (a) the housing needs and housing resources of each of the parties to the marriage or civil partnership and any child of the family, including the particular needs of the child;
 - (b) the financial needs, obligations and responsibilities of the parties to the marriage or civil partnership;
 - (c) the likely effect of an order, or the lack of an order, on the health, safety or well-being of a party to the marriage or civil partnership or a child of the family; and
 - (d) the conduct of the parties, if it would not be equitable to disregard it.
- (5) An interim occupation order remains in force until –
 - (a) it is discharged by the court;
 - (b) if the order specifies that it has effect for a specified period or until the occurrence of a specified event, that specified period elapses or specified event occurs; or
 - (c) the court makes a final order in respect of the matters dealt with in the interim occupation order.
- (6) The court must not make an interim occupation order for a period that ends after the date of a child's 21st birthday unless it appears to the court that –
 - (a) the child is, will be or (if an order were to be made under paragraph (1)) would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not while in gainful employment; or

- (b) there are special circumstances that justify the making of an order that extends beyond that date.
- (7) The court must not make an order under paragraph (1) in respect of a child of the family who is aged 18 or over unless paragraph (6)(a) or (b) apply.
- (8) The court must not make an order under this Article that would require or permit the occupation of premises in breach of the [Control of Housing and Work \(Jersey\) Law 2012](#).
- (9) In this Article –
 - “occupying party” means the party to the marriage or civil partnership who is granted a right under paragraph (2)(b);
 - “non-occupying party” means the party to the marriage or civil partnership who is not granted that right.

35 Support for people lacking capacity

- (1) If the court makes an order under this Part in favour of a person who lacks capacity the court may order that payments under the order be made to a person nominated by the court.
- (2) The person nominated by the court must act in the best interests (as defined in Article 6 of the [Capacity and Self-Determination \(Jersey\) Law 2016](#)) of the person lacking capacity.

36 Orders for payment in respect of legal services

- (1) The court may make an order requiring 1 party to pay to another party an amount for the purpose of allowing that other party (the “applicant”) to obtain legal services for the purpose of proceedings for –
 - (a) a dissolution order;
 - (b) an annulment order;
 - (c) a separation order; or
 - (d) a financial order, interim order or sale of property order.
- (2) The court must not make an order under this Article unless it is satisfied that, without the amount, the applicant would not reasonably be able to obtain appropriate legal services for the purposes of the proceedings or part of the proceedings.
- (3) In particular, the court must be satisfied that the applicant –
 - (a) does not have the income or assets available to pay for the services;
 - (b) is not reasonably able to secure a loan to pay for the services; and
 - (c) is unlikely to be able to obtain the services by granting a charge over any assets recovered in the proceedings.
- (4) An order under this Article may be made to enable the applicant –
 - (a) to access legal services of a particular description; or
 - (b) to access legal services within a specified period or for the purposes of a specified part of the proceedings.
- (5) An order under this Article may –

- (a) provide for the payment of all or part of the amount by instalments of specified amounts; and
 - (b) require the instalments to be secured to the satisfaction of the court.
- (6) An order under this Article may direct that payment of all or part of the amount is to be deferred.
- (7) The court may at any time in the proceedings vary an order made under this Article if it considers that there has been a material change of circumstances since the order was made.
- (8) In this Article, “legal services”, in relation to proceedings, includes –
 - (a) providing advice as to how the law applies in the particular circumstances;
 - (b) providing advice and assistance in relation to the proceedings;
 - (c) providing other advice and assistance in relation to the settlement or other resolution of the dispute that is the subject of the proceedings;
 - (d) providing advice and assistance in relation to the enforcement of decisions in the proceedings or as part of the settlement or resolution of the dispute; and
 - (e) providing advice and assistance in the form of representation and any form of dispute resolution.

37 Power to vary orders

- (1) In respect of an order made under this Part, the court may –
 - (a) discharge or vary the order;
 - (b) temporarily suspend a provision of the order; or
 - (c) revive a suspended provision of the order.
- (2) In exercising the powers conferred by this Article, the court must consider all the circumstances of the case, including any increase or decrease in the means of either of the parties to the marriage or civil partnership.

38 Execution of instruments by order of court

- (1) This Article applies if a person fails to –
 - (a) comply with an order made under this Part; or
 - (b) take any action required to give effect to an order made under this Part.
- (2) The court may, on the terms and conditions it considers reasonable, order that the action be taken –
 - (a) by a person nominated by the court; and
 - (b) at the cost of the person in default.
- (3) An action taken under paragraph (2) is treated as having been taken by the person originally directed to take it.
- (4) In this Article, “action” includes –
 - (a) the making of a conveyance;
 - (b) the making of an assignment; and
 - (c) the execution of a document or instrument.

39 Death of party before final financial order or sale of property order

- (1) This Article applies if either of the parties to an application for a dissolution order or an annulment order die –
 - (a) after a final order in that application is made; but
 - (b) before a financial order or a sale of property order is made.
- (2) The court may make a financial order, an interim order or a sale of property order as if the death had not occurred, and the order takes effect as if it had been made immediately before the death.
- (3) The court may make an order under this Article on the application of a person who is, in the opinion of the court, an interested person, if the court is satisfied that notice of the proceedings has been given to every person whose interests may be affected by the order.

40 Transactions intended to prevent or reduce payment under financial order or sale of property order

- (1) A party to a marriage or civil partnership (“person A”) may apply to the court for an order restraining the other party (“person B”) from making a reviewable disposition if –
 - (a) either person has applied to the court for a financial order or a sale of property order in respect of the other person; and
 - (b) person A believes that person B is taking, or is about to take, action to impede the application.
- (2) If the court is satisfied that person B may be about to make a reviewable disposition, the court may make an order restraining person B from doing so.
- (3) The court may set aside a disposition, and make a financial order or a sale of property order as if the disposition had not occurred, if the court is satisfied that –
 - (a) the disposition is a reviewable disposition;
 - (b) person B has made the disposition with the intention of impeding the court; and
 - (c) if that disposition had not happened the amount of the financial order or sale of property order would be altered.
- (4) If a financial order or a sale of property order has already been made, and the court is satisfied on application by person A that person B has made a reviewable disposition, the court may make an order setting aside the disposition.
- (5) If the court sets aside an order under paragraph (3) or (4) setting aside a disposition, it must give the directions it thinks fit for giving effect to the order.
- (6) Person B impedes person A’s application if person B, by their actions –
 - (a) prevents a financial order or a sale of property order from being granted to person A;
 - (b) prevents a financial order or a sale of property order from being granted to person A for the benefit of a child of the family;
 - (c) reduces the amount of a financial order or sale of property order that might be granted under sub-paragraphs (a) or (b); or
 - (d) frustrates or impedes the enforcement of a financial order or sale of property order that might be or has been made in favour of person A.

- (7) In this Article, “reviewable disposition” means any disposition of real or personal property made by person B, whether before or after the proceedings for financial relief, unless –
- (a) the disposition is made in a will or codicil; or
 - (b) for a disposition that has already been made, the disposition was made for valuable consideration to a person who, at the time of the disposition, acted in relation to it in good faith and without notice of an intention on the part of person B to impede an application for financial relief.

PART 5

RECOGNITION OF OVERSEAS DISSOLUTION, ANNULMENT OR SEPARATION

41 Recognition of dissolution, annulment and other proceedings granted in the British Islands

- (1) An order obtained from a court in any part of the British Islands for the dissolution or annulment of a marriage or civil partnership, or for the legal separation of spouses or civil partners, is recognised as valid in Jersey.
- (2) This Article does not apply in the circumstances described in Article 48.

42 Overseas dissolution, annulment and separation

- (1) Articles 43, 44 and 45 apply in respect of the recognition in Jersey of the validity of overseas orders (but are subject to Article 48).
- (2) In this Part, “overseas order” means an order for dissolution or annulment of a marriage or civil partnership, or an order for the legal separation of spouses or civil partners, that –
 - (a) has been obtained by means of judicial or other proceedings in any country outside the British Islands; and
 - (b) is effective under the law of that country.

43 Grounds for recognition

- (1) An overseas order is recognised as valid if, at the date on which the proceedings were instituted in the country in which it was obtained –
 - (a) either party to the marriage or civil partnership was habitually resident in that country; or
 - (b) either party to the marriage or civil partnership was a national of that country.
- (2) If the law of a country uses the concept of domicile as a ground of jurisdiction in matters of dissolution or annulment of marriages or civil partnerships, or in matters of legal separation of spouses or civil partners, paragraph (1)(a) has effect as if the reference to habitual residence included a reference to domicile within the meaning of that law.
- (3) If a country is made up of territories in which different systems of law are in force in matters of dissolution or annulment of marriages or civil partnerships, or in matters of legal separation of spouses or civil partners, the provisions of this Article

(except those relating to nationality) have effect as if each territory were a separate country.

44 Cross-proceedings and dissolution or annulment following legal separation

- (1) If there have been cross-proceedings, an overseas order obtained either in the original proceedings or in the cross-proceedings is valid if the requirements of Article 43(1) are satisfied in relation to the date on which either the original proceedings or the cross-proceedings were instituted.
- (2) If a legal separation that is recognised as valid under Article 43 or paragraph (1) is converted, in the country in which it was obtained, into a dissolution or annulment of the marriage or civil partnership, that dissolution or annulment is recognised as valid whether or not it would itself be recognised under those provisions.

45 Proof of facts relevant to recognition

- (1) Paragraph (2) applies for the purpose of deciding if an overseas order is entitled to recognition under this Part.
- (2) A finding of fact made, whether expressly or by implication, in the proceedings by which the overseas order was obtained and on the basis of which jurisdiction was assumed in those proceedings is –
 - (a) if both partners took part in the proceedings, conclusive evidence of the fact found; and
 - (b) in any other case, sufficient proof of that fact unless the contrary is shown.
- (3) In this Article, “finding of fact” includes a finding that either party was habitually resident or domiciled in, or a national of, the country in which the overseas order was obtained, and for the purposes of paragraph (1)(a), a party who has appeared in judicial proceedings is treated as having taken part in them.

46 Certain existing rules of recognition to continue in force

- (1) This Part does not affect the recognition of the validity of dissolutions or annulments of marriages or civil partnerships, and legal separations of spouses or civil partners, obtained outside the British Islands by virtue of –
 - (a) a rule of law relating to dissolutions or annulments, or legal separations, of spouses or civil partners obtained in the country of the parties’ domicile or obtained elsewhere and recognised as valid in that country; or
 - (b) an enactment other than this Law.
- (2) But this type of dissolution, annulment or legal separation is not recognised as valid in Jersey except as provided in this Part.

47 Non-recognition of dissolution or annulment by third country does not prevent subsequent civil partnership or marriage of either party

If the validity of a dissolution or annulment of a marriage or civil partnership obtained in a country is entitled to recognition under this Law or under a rule or enactment preserved by Article 46, neither spouse or civil partner is prevented from entering into a subsequent civil

partnership or marriage in Jersey on the ground that the validity of the dissolution or annulment of the marriage or civil partnership would not be recognised in another country.

48 Exceptions from recognition

- (1) An overseas order or an order described in Article 41 is not recognised as valid in Jersey if it was granted or obtained at a time when, according to the law of Jersey (including its rules of private international law and this Law), there was no subsisting marriage or civil partnership between the parties.
- (2) Recognition of the validity of an overseas order under this Part or under a rule preserved by Article 46 may be refused if –
 - (a) it was obtained by either spouse or civil partner –
 - (i) without reasonable steps having been taken to notify the other spouse or civil partner of the proceedings, having regard to the nature of the proceedings and the circumstances; or
 - (ii) without the other spouse or civil partner having been given, for any reason other than lack of notice, the opportunity to take part in the proceedings that the spouse or civil partner should reasonably have been given; or
 - (b) its recognition would manifestly be contrary to public policy.
- (3) Nothing in this Part is to be read as requiring the recognition of –
 - (a) findings of fault made in proceedings for the dissolution of a marriage or civil partnership or the legal separation of spouses or civil partners; or
 - (b) a maintenance, custody or other ancillary order made in those proceedings.

49 Recognition of dissolution, annulment or legal separation obtained before commencement of this Law

- (1) This Part applies to a dissolution or annulment of a marriage or civil partnership, or a legal separation of spouses or civil partners, whether obtained before, on or after the commencement of this Article.
- (2) For dissolutions or legal separations obtained before the commencement date of this Article, this Part –
 - (a) requires or precludes the recognition of its validity for any time before or after that date; but
 - (b) does not affect property rights acquired before that date or those determined by any competent court in the British Islands before that date.

PART 6

ADMINISTRATIVE PROVISIONS

50 Seal of court

- (1) The court must maintain a seal, which may be broken, altered and renewed at the discretion of the Superior Number of the Royal Court.

- (2) If an order, document or copy purports to be sealed with the seal of the court, it must be received in evidence without further proof being required.

51 Regulation of reports

- (1) A publisher commits an offence, and is liable to a fine, if they publish particulars in contravention of paragraphs (2) to (4).
- (2) In relation to proceedings for dissolution of a marriage or civil partnership or the separation of parties to a marriage or civil partnership, a publisher must not publish any particulars other than the following –
- (a) the names and occupations of the parties and witnesses;
 - (b) submissions on points of law arising during the proceedings and the decision of the court in relation to those points of law;
 - (c) the judgment of the court and observations made by members of the court in giving judgment.
- (3) In relation to proceedings for annulment of marriage or civil partnership on a ground other than the ground of lack of capacity, a publisher must not publish any particulars other than the following –
- (a) the names and occupations of the parties and witnesses;
 - (b) submissions on points of law arising during the proceedings and the decision of the court in relation to those points of law;
 - (c) the judgment of the court and observations made by members of the court in giving judgment.
- (4) In relation to proceedings for annulment of marriage or civil partnership on the ground of lack of capacity, a publisher must not publish any particulars whatsoever.
- (5) In this Article, “publisher” means –
- (a) if the publication is a newspaper or periodical, the proprietor, editor, master printer or publisher of the newspaper or periodical;
 - (b) in the case of any other publication, the person who publishes it.
- (6) This Article does not apply to –
- (a) the printing of pleadings, transcript of evidence or other document for use in connection with judicial proceedings, or the communication of those documents to persons concerned in the proceedings;
 - (b) the printing or publishing of copies or reports by direction of the court or of His Majesty or of the Lords of His Privy Council;
 - (c) the printing or publication of a matter in a separate volume or part of a genuine series of law reports that does not form part of another publication, and consists solely of reports of proceedings in courts of law; or
 - (d) the printing or publication of a matter in a publication of a technical character that is genuinely intended for circulation among members of the legal or medical profession.

52 Service of documents

Documents relating to an application under this Law must be served in the manner prescribed.

53 Evidence

- (1) If the court considers it appropriate, it may direct that people be excluded from the court during the taking of certain evidence.
- (2) The court –
 - (a) may exclude people from the court only if it thinks it necessary in the interest of the administration of justice or of public decency to do so; and
 - (b) must not exclude the following people from the court –
 - (i) members or officers of the court;
 - (ii) the parties to the proceedings; or
 - (iii) other persons directly concerned in the proceedings.

PART 7**RULES OF COURT, REGULATIONS AND ORDERS, TRANSITIONAL AND CLOSING****54 Rules of Court**

- (1) The power to make Rules of Court under the [Royal Court \(Jersey\) Law 1948](#) includes a power to make Rules for the purposes of this Law and the proviso in Article 3 of the [Separation and Maintenance Orders \(Jersey\) Law 1953](#).
- (2) In particular, Rules under paragraph (1) may provide for –
 - (a) applications to be made by applicants without means; and
 - (b) the hearing of urgent applications.
- (3) Rules of Court may authorise the Judicial Greffier or the Family Judge to discharge the prescribed functions of the court under this Law in relation to the prescribed proceedings.
- (4) In the authentication of orders, other documents or copies, the Judicial Greffier may be described as Registrar.
- (5) An order made or direction given by the Family Judge under Rules made under paragraph (3) may be appealed in the first instance to the Inferior Number of the Royal Court.
- (6) In this Article, “Family Judge” means a judge appointed under Article 12A of the [Royal Court \(Jersey\) Law 1948](#).

55 Regulations and Orders

- (1) The States may, by Regulations, amend this Law to make further or alternate provision in relation to dissolution, separation or annulment of marriage or civil partnership, and for ancillary purposes.
- (2) A power to make Regulations or Orders under this Law for the purpose of amending a provision of this Law includes the power to make transitional, consequential, incidental or supplementary amendments to any other provision of this Law or any other enactment.

56 Saving provisions

- (1) An application or an order made under the [Matrimonial Causes \(Jersey\) Law 1949](#) or Part 3 of the [Civil Partnership \(Jersey\) Law 2012](#) before the commencement of this Law continues as if that Law had not been repealed or that Part had not been deleted.
- (2) Paragraph (3) applies to the following –
 - (a) a divorce, a judicial separation, a decree of nullity or a decree of presumption of death granted under the [Matrimonial Causes \(Jersey\) Law 1949](#);
 - (b) a dissolution order, a separation order, a decree of annulment or a presumption of death order made under Part 3 of the [Civil Partnership \(Jersey\) Law 2012](#).
- (3) An application for financial relief must be made under the following provisions of the [Matrimonial Causes \(Jersey\) Law 1949](#) or Part 3 of the [Civil Partnership \(Jersey\) Law 2012](#) as if that Law had not been repealed or that Part had not been deleted –
 - (a) Articles 25 and 27 to 32 of the [Matrimonial Causes \(Jersey\) Law 1949](#); or
 - (b) Articles 44 and 47 to 52 of the [Civil Partnership \(Jersey\) Law 2012](#).

57 Consequential amendments

The Schedule contains consequential amendments.

58 Citation and commencement

This Law may be cited as the Marriage and Civil Partnership (Dissolution and Separation) (Jersey) Law 202- and comes into force on a day to be specified by the Minister by Order.

SCHEDULE

(Article 57)

REPEALS AND CONSEQUENTIAL AMENDMENTS

1 [Matrimonial Causes \(Jersey\) Law 1949](#) repealed

The [Matrimonial Causes \(Jersey\) Law 1949](#) is repealed.

2 [Recognition of Divorces and Legal Separations \(Jersey\) Law 1973](#) repealed

The [Recognition of Divorces and Legal Separations \(Jersey\) Law 1973](#) is repealed.

3 [Capacity and Self-Determination \(Jersey\) Law 2016](#) amended

In Article 7(1)(a)(iii) of the [Capacity and Self-Determination \(Jersey\) Law 2016](#), “a decree or divorce, or (in relation to a civil partnership)” is deleted.

4 [Child Abduction and Custody \(Jersey\) Law 2005](#) amended

In the [Child Abduction and Custody \(Jersey\) Law 2005](#) –

- (a) in Article 2(1)(c) and (d), for “Article 25 of the [Matrimonial Causes \(Jersey\) Law 1949](#)” there is substituted “Article 21 of the Marriage and Civil Partnership (Dissolution and Separation) (Jersey) Law 202-”; and
- (b) Article 2(1)(ca) is deleted.

5 [Child Custody \(Jurisdiction\) \(Jersey\) Law 2005](#) amended

(1) This paragraph amends the [Child Custody \(Jurisdiction\) \(Jersey\) Law 2005](#).

(2) in Article 1 –

(a) after the definition “child of the family” there is inserted –

“civil partnership proceedings” means proceedings for the dissolution or annulment of a civil partnership, or the separation (by way of a court order) of civil partners;

(b) for the definition “matrimonial proceedings” there is substituted –

“matrimonial proceedings” means proceedings for the dissolution or annulment of a marriage, or the separation (by way of a court order) of a married couple;

(c) for paragraph (4) there is substituted –

(4) In this Law, references to proceedings in respect of the marriage or civil partnership of the parents of a child include proceedings in respect of a marriage or civil partnership if there is a child who –

- (a) is not a child of both parties to the marriage or civil partnership; but
- (b) is a child of the family of those parties.

(3) In Article 3(1) –

- (a) after “matrimonial proceedings” there is inserted “or civil partnership proceedings”;
 - (b) after “marriage” there is inserted “or civil partnership”;
 - (c) for “whether or not a decree has been granted and whether or not, in the case of a decree of divorce or nullity of marriage, that decree has been made absolute” there is substituted “whether or not a dissolution, annulment or separation order has been granted and whether or not, in the case of a dissolution or annulment order, that order has been made final”.
- (4) In Article 5, at the end of the heading there is inserted “or civil partnership proceedings”.
- (5) In Article 6(2) –
- (a) after “matrimonial proceedings” there is inserted “or civil partnership proceedings”;
 - (b) after “marriage” there is inserted “or civil partnership”.
- (6) In Article 7 –
- (a) at the end of the heading there is inserted “or civil partnership proceedings”;
 - (b) in paragraph (1) –
 - (i) after “matrimonial proceedings” there is inserted “or civil partnership proceedings”;
 - (ii) after “marriage” there is inserted “or civil partnership”;
 - (c) in paragraph (2), for “judicial separation and after the grant of a decree of judicial separation on the relevant date, proceedings for divorce or nullity in respect of the marriage” there is inserted “separation and after the making of a separation order on the relevant date, proceedings for dissolution or annulment in respect of the marriage or civil partnership”;
 - (d) in paragraph (3)(a) after “matrimonial proceedings” there is inserted “or civil partnership proceedings”.
- (7) In Article 9 –
- (a) in paragraph (3) –
 - (i) after “matrimonial proceedings” there is inserted “or civil partnership proceedings”;
 - (ii) after “marriage” there is inserted “or civil partnership”;
 - (b) in paragraph (4)(a) –
 - (i) after “matrimonial proceedings” there is inserted “or civil partnership proceedings”;
 - (ii) after “marriage” there is inserted “or civil partnership”;
 - (iii) for “judicial separation, the decree of judicial separation” there is substituted “separation, the separation order”.

6 [Children \(Jersey\) Law 2002](#) amended

- (1) This paragraph amends the [Children \(Jersey\) Law 2002](#).
- (2) For Article 8(4) there is substituted –
 - (4) Unless a contrary intention appears, an appointment under Article 7(3) or (4) (including an appointment made in a will or codicil) is revoked if the person

appointed is the spouse or civil partner of the person who made the appointment and either –

- (a) the court by order dissolves or annuls the marriage or civil partnership; or
 - (b) the marriage or civil partnership is dissolved, and the dissolution is entitled to recognition in Jersey under Part 5 of the Marriage and Civil Partnership (Dissolution and Separation) (Jersey) Law 202-.
- (3) Article 8(4A) is deleted.

7 Civil Partnership (Jersey) Law 2012 amended

- (1) This paragraph amends the [Civil Partnership \(Jersey\) Law 2012](#).
- (2) In Article 2 –
- (a) for paragraph (3) there is substituted –
 - (3) A civil partnership ends only on dissolution or annulment in accordance with the Marriage and Civil Partnership (Dissolution and Separation) (Jersey) Law 202- or death.
 - (b) paragraph (4) is deleted.
- (3) In Article 21A –
- (a) for paragraph (1)(b) there is substituted –
 - (b) a dissolution order, an annulment order or an order presuming death in respect of a marriage or civil partnership to which the applicant was a party;
 - (b) paragraph (1)(c) is deleted;
 - (c) in paragraph (6)(b)(i) for “nullity” there is substituted “annulment”.
- (4) Parts 3 and 4 are deleted.

8 Civil Partnership (Procedures, Special Circumstances and Approved Locations) (Jersey) Order 2023 amended

- (1) This paragraph amends the [Civil Partnership \(Procedures, Special Circumstances and Approved Locations\) \(Jersey\) Order 2023](#).
- (2) In Article 12(d)(ii), “divorce or” is deleted.
- (3) For Article 19(3)(b)(i) there is substituted –
- (i) the dissolution of the marriage or civil partnership; or

9 Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013 amended

In the [Control of Housing and Work \(Residential and Employment Status\) \(Jersey\) Regulations 2013](#), for Regulation 4(2)(c) there is substituted –

- (c) the person has had a continuous period of ordinary residence in Jersey for no more than 5 years following the dissolution or annulment of a marriage or civil partnership, or breakdown of an enduring relationship, between the person and a person with Entitled status, Licensed status or Entitled for Work Only status;

10 [Court of Appeal \(Jersey\) Law 1961](#) amended

In Article 13(1) of the [Court of Appeal \(Jersey\) Law 1961](#) –

- (a) for sub-paragraph (b) there is substituted –
 - (b) from a final order for the dissolution or annulment of a marriage or civil partnership by a party who, having had time and opportunity to appeal from the conditional order on which the final order is founded, has not appealed;
- (b) in sub-paragraph (e)(ii), for “a decree in a matrimonial cause” there is substituted “an order for the dissolution or annulment of a marriage or civil partnership”.

11 [Interpretation \(Jersey\) Law 1954](#) amended

In the Schedule to the [Interpretation \(Jersey\) Law 1954](#), after the definition “dentist” there is inserted –

- “dissolution”, in relation to a marriage or civil partnership, includes –
 - (a) a dissolution order made under the Marriage and Civil Partnership (Dissolution and Separation) (Jersey) Law 202-;
 - (b) a decree of divorce granted under the [Matrimonial Causes \(Jersey\) Law 1949](#);
 - (c) a dissolution of a civil partnership made under Part 3 of the [Civil Partnership \(Jersey\) Law 2012](#); and
 - (d) a divorce or dissolution made or granted outside Jersey that is recognised as valid in Jersey under Part 5 of the Marriage and Civil Partnership (Dissolution and Separation) (Jersey) Law 202-;

12 [Legitimacy \(Jersey\) Law 1963](#) amended

In Article 3(4) of the [Legitimacy \(Jersey\) Law 1963](#) –

- (a) for “Matrimonial Causes” there is substituted “Family”;
- (b) for “a decree of nullity” there is substituted “an annulment order”.

13 [Legitimacy \(Jersey\) Law 1973](#) amended

Article 8(1) of the [Legitimacy \(Jersey\) Law 1973](#) is deleted.

14 [Long-Term Care \(Benefits\) \(Jersey\) Order 2014](#) amended

In Article 1 of the [Long-Term Care \(Benefits\) \(Jersey\) Order 2014](#), in the definition “breakdown”, for “a divorce,” there is substituted “an”.

15 [Maintenance Orders \(Enforcement\) \(Jersey\) Law 1999](#) amended

In Article 1 of the [Maintenance Orders \(Enforcement\) \(Jersey\) Law 1999](#), in the definition “maintenance order” –

- (a) for sub-paragraph (a)(i) there is substituted –

- (i) under Article 21, 24, 33, 35 or 37 of the Marriage and Civil Partnership (Dissolution and Separation) (Jersey) Law 202-;
- (b) sub-paragraph (a)(iii) is deleted.

16 [Maintenance Orders \(Facilities for Enforcement\) \(Jersey\) Law 2000](#) amended

In Article 33(5)(a) of the [Maintenance Orders \(Facilities for Enforcement\) \(Jersey\) Law 2000](#) –

- (a) for clause (iv) there is substituted –
 - (iv) in the case of a maintenance order made by reason of a dissolution or annulment of a marriage or civil partnership or a legal separation of a married couple or civil partners, the court is recognised by the law of Jersey as having jurisdiction in that matter.
- (b) clause (v) is deleted.

17 [Marriage and Civil Status \(Jersey\) Law 2001](#) amended

In Article 24C of the [Marriage and Civil Status \(Jersey\) Law 2001](#) –

- (a) for paragraph (1)(b) there is substituted –
 - (b) any order for the dissolution of a marriage or civil partnership, annulment of a marriage or civil partnership or presumption of death in respect of a marriage or civil partnership to which the applicant was a party;
- (b) paragraph (1)(c) is deleted;
- (c) in paragraph (5)(b), for “nullity” there is substituted “annulment”.

18 [Marriage and Civil Status \(Jersey\) Order 2018](#) amended

- (1) This paragraph amends the [Marriage and Civil Status \(Jersey\) Order 2018](#).
- (2) In Article 37(7)(c)(ii), for “divorce, dissolution of marriage” there is substituted “dissolution or annulment of marriage”.
- (3) In Article 39(d), “divorce or” is deleted.

19 [Royal Court \(Jersey\) Law 1948](#) amended

For Article 14 of the [Royal Court \(Jersey\) Law 1948](#) there is substituted –

14 Family Division

- (1) The Family Division constituted (as the Matrimonial Causes Division) under Article 3 of the [Matrimonial Causes \(Jersey\) Law 1949](#) is continued.
- (2) The Family Division may, in respect of the matters listed in Article 2(1) of the Marriage and Civil Partnership (Dissolution and Separation) (Jersey) Law 202-, grant any injunction or relief that the Samedi Division of the Royal Court has the power to grant.

- (3) The duties of the following people in relation to the Family Division are analogous to their respective duties in the Samedi Division –
 - (a) the Attorney General;
 - (b) the Viscount;
 - (c) the Solicitor General; and
 - (d) the Judicial Greffier.

20 [Separation and Maintenance Orders \(Jersey\) Law 1953](#) amended

In the [Separation and Maintenance Orders \(Jersey\) Law 1953](#) –

- (a) In Article 1 –
 - (i) the definition “habitual drunkard” is deleted;
 - (ii) in the definition “Royal Court”, for “Matrimonial Causes” there is substituted “Family”;
- (b) In Article 7(1), for “either of the husband or of the wife” there is substituted “of either party to the marriage”.

21 [Taxation \(Land Transactions\) \(Jersey\) Law 2009](#) amended

In the Schedule to the [Taxation \(Land Transactions\) \(Jersey\) Law 2009](#) –

- (a) in paragraph 6(1)(a), for “Article 28 of the [Matrimonial Causes \(Jersey\) Law 1949](#), or under Article 48 of the [Civil Partnership \(Jersey\) Law 2012](#)” there is substituted “Article 23 of the Marriage and Civil Partnership (Dissolution and Separation) (Jersey) Law 202-”; and
- (b) in paragraph 7(1)(a), for “Article 28 of the [Matrimonial Causes \(Jersey\) Law 1949](#), or under Article 48 of the [Civil Partnership \(Jersey\) Law 2012](#)” there is substituted “Article 23 of the Marriage and Civil Partnership (Dissolution and Separation) (Jersey) Law 202-”.

22 [Teachers’ Superannuation \(Existing Members\) \(Jersey\) Order 1986](#) amended

In Article 68(6) of the [Teachers’ Superannuation \(Existing Members\) \(Jersey\) Order 1986](#), “or divorce” is deleted.

23 [Wills and Successions \(Jersey\) Law 1993](#) amended

In the [Wills and Successions \(Jersey\) Law 1993](#) –

- (a) in Article 8(1)(b)(ii), for “decree of judicial separation” there is substituted “separation order”;
- (b) in the heading of Article 16, for “divorce or dissolution of civil partnership” there is substituted “dissolution of marriage or civil partnership”.