

STATES OF JERSEY



Jersey

DRAFT CIVIL STATUS (ABOLITION OF LEGITIMACY ETC.) (JERSEY) LAW 202-

Lodged au Greffe on 27th May 2025
by the Minister for Justice and Home Affairs
Earliest date for debate: 8th July 2025

STATES GREFFE



DRAFT CIVIL STATUS (ABOLITION OF LEGITIMACY ETC.) (JERSEY) LAW 202-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Minister for Justice and Home Affairs has made the following statement –

In the view of the Minister for Justice and Home Affairs, the provisions of the Draft Civil Status (Abolition of Legitimacy Etc.) (Jersey) Law 202- are compatible with the Convention Rights.

Signed: **Deputy M.R. Le Hegarat of St. Helier North**
Minister for Justice and Home Affairs

Dated: 23rd May 2025

REPORT

Introduction

Only children whose parents are married and in a mixed-sex relationship are currently provided with the status of being “legitimate” at birth. In 2024, the proportion of births registered to married parents was 53%.¹ This means that around 50% of children born in Jersey are conferred with the outdated status of being “illegitimate”, based solely on the status of their parents’ legal union. This is out of step with policy developments over the last few decades to modernise family law, so that legislation reflects modern family units more equitably.

The Draft Civil Status (Abolition of Legitimacy Etc.) (Jersey) Law 202- (“the Draft Legitimacy Law”) would abolish the status of legitimacy except for a small number of savings provisions, consequentially remove or amend discriminatory terminology relating to illegitimacy, and repeal the following pieces of legislation:

- a. the [Legitimacy \(Jersey\) Law 1963](#);
- b. the [Legitimacy \(Jersey\) Law 1973](#);
- c. the [Legitimacy and Illegitimacy \(Re-Registration of Births\) \(Jersey\) Regulations 1974](#); and
- d. the [Legitimacy Rules 1974](#).

The Draft Legitimacy Law would come into force on the same day as, and immediately after, the [Children and Civil Status \(Amendments\) \(Jersey\) Law 2024](#) (“the 2024 Law”) and the [Children and Civil Status \(Consequential Amendments\) \(Jersey\) Amendment Regulations 2025](#) (“the 2025 Regulations”). These pieces of legislation, approved by the States Assembly on 19th March 2024 and 5th February 2025 respectively, will establish new routes for same-sex parents and parents using fertility treatments to gain legal parental status and parental responsibility. The Draft Legitimacy Law is key to enabling the 2024 Law to be brought into force in an equitable manner, to ensure that children of same-sex parents would not be discriminated against and registered as illegitimate at birth. This package of legislation to modernise family law is led by the Minister for Children and Families. As part of this overarching project, the Draft Legitimacy Law is being proposed by the Minister for Justice and Home Affairs, who holds responsibility for legislation governing legitimacy.

Background

It has been a long-term policy to remove any inequalities associated with the status of illegitimacy, to the extent that rights are now nearly equalised. A Review of the 2024 Law ([S.R.2/2024](#)), published by the Children, Education, and Home Affairs Scrutiny Panel (“the CEHA Panel”) on 13th March 2024, issued Recommendation 5:

“During the remainder of this electoral term, the Government should undertake and publish a review considering the relevance of retaining laws relating to legitimacy in Jersey, to include consideration of compatibility with the United Nations Convention on the Rights of the Child, the European Convention on Human Rights and how the law reflects public expectation.”

Subsequently, a commitment was made to review Jersey’s position regarding legitimacy, and the potential consequences of abolishing the status within Jersey Law.²

¹ [R-14-2025.pdf](#)

² [S.R.2/2024 Res.](#)

The Legitimacy Review was originally due for publication in early 2026, during this term of government. The research element was conducted, and progressed well, during the second half of 2024. However, as work on the 2025 Regulations progressed, it became apparent that the default position on legitimacy needed to be rectified at pace with primary legislation to allow the 2024 Law to be brought into force in an equitable manner. The research for the Legitimacy Review indicated that the rights of children with illegitimate and legitimate statuses had gradually been equalised over time, and that the statuses now have limited practical implications for conferring material rights. Research indicated that the statuses were outdated, discriminatory to children, and out of step with the modern family units which would be recognised in the 2024 Law. The research also identified a model, based on the [Family Law \(Scotland\) Act 2006](#) (“the 2006 Act”), which would allow legitimacy to be abolished within Jersey Law. It was established that a new piece of primary legislation would be required to repeal the legitimacy legislation. As a result, law drafting for the Draft Legitimacy Law commenced at pace, with the intention that it would be brought into force on the same day as the 2024 Law and 2025 Regulations. If approved by the States Assembly, this will ensure enhanced rights for all Jersey children.

Indicative Findings of the Legitimacy Review

Work on the Legitimacy Review commenced during the summer and autumn of 2024 alongside policy work to progress the 2025 Regulations. The Legitimacy Review sought to:

- establish areas of Jersey Law where legitimacy status still has potential consequences;
- consider the relevance of retaining laws relating to legitimacy in Jersey;
- consider the compatibility of legitimacy legislation with the United Nations Convention on the Rights of the Child (“UNCRC”), the European Convention on Human Rights (“ECHR”), and how the legislation reflects public expectations;
- compare Jersey’s position on legitimacy status with other UK jurisdictions; and
- identify policy options and legislative models for abolishing the status of legitimacy.

By December 2024, the majority of research for the Legitimacy Review had been completed. This included a comprehensive review of current Jersey legislation and wider UK legislation. Publications relating to Jersey customary provision, including *La Grande Coutumier de Normandie*, *Traité du Droit Coutumier de l’Île de Jersey* by C. S. Le Gros (1943), and relevant articles in the *Jersey & Guernsey Law Review*, were consulted. Policy options were considered, including those detailed in Family Law Reports by the Law Commission and the Scottish Law Commission developed as early as the 1980s. This wide-ranging evidence helped to establish that it would be possible to abolish legitimacy status at pace with minimal impact.

Various legal and policy models for addressing the inequality of legitimacy status were considered within the scope of the Legitimacy Review. While many jurisdictions, including Jersey, have focussed on equalising the rights of people with illegitimate and legitimate status and removing any disadvantages associated with illegitimacy, fewer have abolished the statuses completely. For example, illegitimacy is still retained as a status within English Law, but the Family Law Reform Act 1987 removed remaining material distinctions of rights between children born to married and unmarried parents. Conversely, the 2006 Act, which amended the Law Reform (Parent and Child) (Scotland) Act 1986, abolished the status of illegitimacy under Scots Law. In 2016, the Post-Legislative Scrutiny Report of the 2006 Act indicated that legitimacy was abolished in Scotland with little comment or impact.³ This policy option, improving the rights of all children, was

³ [6th Report, 2016 \(Session 4\): Post-legislative Scrutiny of the Family Law \(Scotland\) Act 2006 - Parliamentary Business : Scottish Parliament](#)

deemed strongly preferential to continuing to label the children of same-sex married parents as illegitimate or lodging primary legislation to ‘harmonise’ the status of legitimacy with the 2024 Law.

The research for the Legitimacy Review established that there were very few areas of Jersey Law where legitimacy status was still relevant for conferring material rights. The Wills and Successions (Amendment) (Jersey) Law 2010 provided that a child with illegitimate status should have the same rights of succession as if they were the legitimate issue of their parents, apart from in relation to manorial rights. The Children and Adoption (Amendment) (Jersey) Law 2016 provided that the biological father of a child, who was not married to the child’s mother at the time of the child’s birth, would acquire parental responsibility by being registered or re-registered as the child’s father in the Register of Births. These removed some of the last significant distinctions regarding legitimacy status.

Legitimacy status only confers a difference of rights in a very limited number of circumstances, including hereditary titles and manorial rights. For example, Article 22 of the [Wills and Successions \(Jersey\) Law 1993](#) (“the 1993 Law”) provides that manorial rights, including *privileges*, *amortissements*, and *préciputs*, which are by custom attached to certain houses and manors in Jersey, are not affected by the 1993 Law. In specific cases related to manors or certain houses, the succession rights of children with illegitimate status may not be the same. To fully understand the relevance of legitimacy status in relation to the succession of manorial rights would require a disproportionately extensive piece of historical research. The research for the Legitimacy Review helped with the identification of possible savings provisions, such as the above, where the concept of legitimacy might still be relevant.

The indicative findings of the Legitimacy Review suggested that for equality it was necessary to either completely abolish the status of legitimacy or ‘harmonise’ the status with modern family units which would be recognised in the 2024 Law. Around 50% of children are born into families where the parents are not married and are therefore conferred with the status of illegitimate. When the [Civil Partnership \(Amendment\) \(Jersey\) Law 2023](#) extended provisions to allow mixed-sex couples to enter civil partnerships, their children continued to be registered as illegitimate, despite the Government’s policy position to provide parity between marriage and civil partnership. Furthermore, the 2024 Law will provide more equitable rights, allowing both same-sex female parents to be registered on their child’s birth certificate. According to the current position, their children would also be registered as illegitimate, even if their parents are married. This position would be discriminatory and out of step with the intentions of the 2024 Law. The option of abolishing the status of legitimacy is strongly preferable, as it is no longer reflective of modern family life.

As part of the Legitimacy Review work, an extensive search of Jersey Law was conducted to identify potential consequential amendments that would be required to remove terminology related to illegitimacy. Amendments across over 20 pieces of legislation were identified. This research was fundamental in assisting the expedited legislative drafting process for the Draft Legitimacy Law.

In short, the indicative research findings of the Legitimacy Review suggested that:

- Jersey has pursued a policy of gradually equalising the rights of people who have illegitimate status;
- legitimacy status now has minimal impact upon the conferral of material rights;
- the status of legitimacy is considered discriminatory and would be out of step with modern family units recognised in the 2024 Law;
- the abolition of legitimacy status would have minimal impact upon how rights are currently conferred;
- legitimacy was abolished under Scots Law, providing a useful policy model;

- some savings provisions, where legitimacy status would still be relevant, would be required in a limited number of circumstances relating to hereditary titles and manorial rights;
- transitionary savings provisions would be required so that the abolition of legitimacy status should not apply to enactments passed, or trusts established, before the commencement of the Draft Legitimacy Law;
- it is preferable to refer to the status of the parents' union rather than label their children; and
- outdated and discriminatory terminology, including references to the French word "bâtard," should be removed from Jersey Law.

Advancing Rights

The CEHA Panel Scrutiny Review of the 2024 Law ([S.R.2/2024](#)), recommended that the Legitimacy Review should consider compatibility of legitimacy status with the UNCRC, the ECHR, and public expectations. The indicative review findings found that legitimacy is considered an outdated and discriminatory concept, by causing some children to be labelled as illegitimate. It is not a position that is reflective of modern families or attitudes and amendment of the current position is required to fully implement the improved equity as intended in the 2024 Law.

Many jurisdictions, including Jersey, have pursued a long-term policy objective of equalising the rights of children born to unmarried parents. This process has been supported by international treaties. Article 25(2) of the Universal Declaration of Human Rights states that "all children, whether born in or out of wedlock, shall enjoy the same social protection".⁴ The UK has ratified the European Convention on the Legal Status of Children Born out of Wedlock (1981), which aims to establish the same legal status for children born out of wedlock as those born in wedlock, ensuring non-discrimination.⁵

As highlighted in the Report accompanying the 2024 Law, Article 14 of the ECHR (prohibition of discrimination), when taken with Article 8 (right to private life), raises the potential that provisions determining a person's civil status or legal relationships by regard to that person's parents' marital status could be incompatible with the right to private life or constitute a violation of the principle of non-discrimination in the enjoyment of Convention rights.⁶ In Jersey law, though there are no significant material distinctions between people with legitimate and illegitimate statuses in matters of succession, there are, nevertheless, various other residual provisions in legislation which refer to a person having the status of being illegitimate which may engage aspects of the right to private life under Article 8 ECHR. Though not considered as posing a significant ECHR incompatibility risk, abolishing the status of illegitimacy and removing references to illegitimacy in these instances would be considered a rights-enhancing move.

In 2014, Jersey became part of the UK State Party to the UNCRC. Article 2 of the UNCRC (the right to non-discrimination) requires States Parties to respect and ensure the rights of children without discrimination of any kind, irrespective of the child's or parent's birth or other status. Article 2 UNCRC is given a broad interpretation and the UN Committee on the Rights of the Child has focussed frequently on discrimination against children born "out of wedlock". It is likely that provisions in Jersey law that determine a child to be illegitimate would be considered incompatible with Article 2 UNCRC in principle. Furthermore, Article 3 UNCRC states that the

⁴ [European Convention on the Legal Status of Children born out of Wedlock \(1981\)](#)

⁵ The European Convention on the Legal Status of Children born out of Wedlock has not been extended to Jersey. However, it has been extended to Guernsey. The UK's ratification demonstrates long-standing support for the rights of children whose parents are not married.

⁶ [P.104/2023](#)

best interests of the child shall be a primary consideration in all actions concerning children. Article 3 UNCRC is also a general principle under the UNCRC, regard to which is required in implementing each article of the UNCRC, such as the right to non-discrimination. the status of illegitimacy as it amounts to an arbitrary and pejorative distinction in law, which is without purpose or meaningful relevance. Further consideration of legitimacy in relation to UNCRC rights is covered in the Children's Rights Impact Assessment accompanying this proposition.

The use of the term illegitimate has been considered to convey a social stigma. Scottish Law Commission Reports considered this point as early as the 1980s.² More recently governments and legislators have employed more factual descriptive terms, such as children of non-married parents. To advance the rights of children and their families, it is important that they are not conferred with a discriminatory status at birth, so that all children are simply registered as children of their parent or parents. The CEHA Scrutiny Panel have highlighted how retaining the status of legitimacy negatively impacts upon children's rights. The Children's Commissioner has also been briefed and is supportive of the abolition of legitimacy status. The Draft Legitimacy Law would enhance adherence to UNCRC rights and build upon the improvements contained within the 2024 Law. Symbolically, this would be a big step forward for children's rights.

Draft Civil Status (Abolition of Legitimacy Etc.) Law

The long-term legislative changes providing equalised rights to people with illegitimate status means that the retention of legitimacy is no longer necessary, and it may be seen as a historical legacy. Article 1 of the Draft Legitimacy Law provides that "*no person whose status is governed by the law of Jersey is illegitimate, and any rule of customary law to the contrary is abolished*". The fact that a person's parents are not married would not be taken into account in determining their legal status or establishing the legal relationship between them and another person. The Draft Legitimacy Law also prevents actions being brought for the determination of legitimacy status, including declarations of legitimacy and illegitimacy.

Savings Provisions

The Draft Legitimacy Law includes a small number of savings provisions, where the abolition of legitimacy will not apply. For transitional purposes, this includes certain enactments or judgments made before commencement to prevent any retrospective actions. The Draft Legitimacy Law would also not affect the succession of a person who died before commencement of the Law. This is to prevent any retrospective claims on estates and any upset or uncertainty for these families. Savings provisions have also been added so that the abolition of legitimacy will not apply to trusts established before the commencement of the Draft Legitimacy Law. This is intended to prevent legal uncertainty for the beneficiaries of a trust, so that the new law may not impinge upon the original deeds.

The savings provisions mean that legitimacy status will still be relevant in regard to:

- a title, coat of arms, honour, or dignity transmissible on the death of its holder; and
- the *privilèges*, *amortissements* and *préciputs* which are by custom attached to certain houses and manors in Jersey.

As outlined above, research for the Legitimacy Review identified succession of hereditary titles and manorial rights as areas where legitimacy status might still confer a material difference in rights between individuals. The Scottish 2006 Act contains savings provisions so that the abolition of legitimacy would not apply to hereditary titles, coats of arms, honours or dignities, or the granting of arms. Article 22 of the 1993 Law does not apply the equalising of succession rights

² [Family law: report on illegitimacy \(SLC 82\)](#)

for people with illegitimate status to certain manorial rights. Hereditary titles and manorial rights are complex areas of Law. Any attempt to apply the abolition of legitimacy to these areas would require substantial consideration. This would have caused unacceptable delays to the lodging of the Draft Legitimacy Law, and a disproportionate amount of research and policy development time. Without these savings provisions, uncertainty may have been created regarding matters of succession for a small number of families with titles or manorial rights. These savings provisions ensure that the proposed legislative changes do not interfere with the succession of titles or dignities or manorial rights with unintended consequences. Nevertheless, the arguments for abolishing legitimacy for all purposes are understandable, and the Draft Legitimacy Law contains Regulation making powers which would allow the States Assembly to make such changes in the future, if this was deemed desirable.

Repeals

The following pieces of legislation will be repealed:

- a. the [Legitimacy \(Jersey\) Law 1963](#);
- b. the [Legitimacy \(Jersey\) Law 1973](#);
- c. the [Legitimacy and Illegitimacy \(Re-Registration of Births\) \(Jersey\) Regulations 1974](#); and
- d. the [Legitimacy Rules 1974](#).

This will remove unnecessary and outdated processes and procedures that currently allow the Court to make declarations of legitimacy or illegitimacy. These cases are now rarely heard by the Court. Technological developments, such as DNA tests, also means that certainty around biological paternity can be provided, without recourse to legitimacy legislation. This ensures that legislation is kept relevant and up to date.

Where legitimacy status is still relevant regarding the savings provisions, for example to determine the succession of a hereditary title, the customary law position will not be ‘reset.’ Instead, any proceedings will be heard *as if* the 1973 Law and Legitimacy Rules 1974 remained in force. This ensures that current rights would be maintained and that there will be no reduction of rights.

Consequential Amendments

Terminology

As a consequence of the Draft Legitimacy Law, amendments are required to around 20 pieces of legislation to remove references to the status of illegitimacy. In many cases, it has been possible to simply delete the reference to illegitimacy, as it would no longer have any consequence. Many of these references were originally included to ensure that people who were classed as illegitimate were treated in the same manner as those classed as legitimate. These consequential amendments remove discriminatory terminology from legislation, including references to the French term “bâtard”. In cases where the status of a parents’ legal union is relevant, reference is made to the parents’ union and not the child. This merely states a fact of whether the parents are in a legal union or not and ensures that a pejorative status is not conferred upon their children.

Registration of Deceased Parents

In the 2024 Law, routes to parental registration on a child’s birth certificate are based upon a joint agreement by both parents. If a parent has sadly passed away before their child is born, they would

be unable to make a declaration. The Draft Legitimacy Law would correspondingly repeal Article 2(2) of the 1973 Law:

“The fact that a child is born or conceived during the subsistence of a lawful marriage raises a presumption that the husband is the father of the child which may be rebutted only by strong and satisfactory evidence to the contrary.”

The route to registration by the married mother alone, based on this presumption, would therefore be removed.

The new Article 55AA of the [Marriage and Civil Status \(Jersey\) Law 2001](#) (“2001 Law”) provides a route for registration on the record of birth if a father in a mixed-sex enduring relationship sadly dies before his baby is born. Article 55AA replaces the birth registration route via legitimacy presumption with a simple declaration by the mother, supported by evidence of the father’s death and their relationship. Consideration has been given to make this process robust, yet as compassionate as possible. The provision covers mixed-sex civil partnerships and those in enduring relationships to better reflect modern family structures. Where there is insufficient evidence to support a presumption of parenthood, cases to determine the parental status of the deceased may be referred to the Court. Where a child is born via fertility treatment but their father or second parent has sadly passed away, there will be greater assurance regarding intended parenthood due to consent forms.

Re-Registration upon Parents Marriage or Civil Partnership

Article 57 of the 2001 Law, for the re-registration of legitimated person, will be replaced with a new provision allowing births to be re-registered upon the marriage or civil partnership of a child’s parents. Article 57 was originally intended to allow re-registration to reflect that children were legitimated upon the marriage of their parents. However, it is still used by many families to update a child’s record to reflect the subsequent marriage of their parents and union of surnames. Article 57 would be amended to allow all parents, including same-sex parents and those entering civil partnerships, to re-register their child’s birth and update family records to reflect the happy occasion of the parents’ legally recognised union.

Re-Registration to Correct Historic Presumption of Paternity

The new Article 57A of the 2001 Law provides for the re-registration of a birth following the abolition of legitimacy status. It applies to birth registrations before the commencement of the Draft Legitimacy Law, where the mother’s husband was wrongly registered as the father of her child, based on the presumption under Article 2(2) of the 1973 Law, that the birth mother’s husband is the father of the child. This may have resulted in some husbands being registered as the father of their wife’s baby, even if the couple had separated, and he was not the biological father. Incorrect registration has severe implications for the child’s identity into adulthood and disputes over inheritance.

The new Article 57A allows for the person’s birth to be re-registered with their correct biological father. This would be conducted on application to the Minister and supported by strong evidence of the correct biological paternity, including DNA evidence and declarations from the biological parents and incorrectly registered father. This Article will only apply to straightforward cases where all parties agree and consent for the error to be corrected. Any paternity cases which are disputed, or where one party has passed away, would need to be referred to the Court.

Bringing the Children and Civil Status Law and Draft Legitimacy Law into Force

The Draft Legitimacy Law makes an amendment to enable the 2024 Law to be commenced via Order by the Minister for Children and Families on a specified date, rather than an Appointed Day Act. Logistically and operationally commencement via Order is preferable, as it will allow the Minister for Children and Families to specify a coming into force date as soon as possible.

It is still anticipated that the required operational changes, such as the acquisition of bespoke registers and development of Court processes, will be completed to enable the 2024 Law to be implemented in the autumn. Some minor additional consequential amendments, which were identified during the policy development work for the Draft Legitimacy Law, will be made along a parallel timeline. The Draft Legitimacy Law would be brought into force immediately after both the 2024 Law and 2025 Regulations. Careful consideration has been taken to ensure that these amendments occur in the correct order and that they may come into force as soon as possible.

A clear coming into force date will ensure the readiness of departments and stakeholders to make the changes required to smoothly implement this package of legislation. Officers have been working closely with departmental stakeholders to ensure that they are making the required changes, such as developing new processes, to implement the 2024 Law. Clear and co-ordinated communications will be targeted at existing families, potential parents, and the wider community who may benefit from this new package of legislation.

The Draft Legitimacy Law will have limited operational impact. For example, this will not require changes to be made to the existing format of birth registers and certificates. The date and place of the parents' marriage or civil partnership will still be recorded. Cases held under the legitimacy legislation are now rare, and the operational impact for the Courts will be minimal. The repealed Legitimacy Laws and Rules would simply be removed, with little additional work required. Information regarding changes to legitimacy will be incorporated into the comprehensive communications plan to roll out the 2024 Law.

The development of this legislation has been extremely complex, and it is recognised that families have been waiting for a long time for the introduction of the 2024 Law. The Draft Legitimacy Law is a key component of bringing the 2024 Law into force in an equitable manner. Considering this pressing need, it is the intention of the Minister for Children and Families to bring this package of legislation into force as soon as possible in autumn 2025 via Order.

Financial and staffing implications

There are no additional financial or staffing implications.

Human Rights Notes

The notes on the human rights aspects of the draft Law in the **Appendix** have been prepared by the Law Officers' Department and are included for the information of States Members. They are not, and should not be taken as, legal advice.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment has been prepared in relation to this proposition and is available to read on the States Assembly website.

APPENDIX TO REPORT**Human Rights Notes on the Draft Civil Status (Abolition of Legitimacy Etc.) (Jersey) Amendment Law 202-**

These notes have been prepared in respect of the draft Civil Status (Abolition of Legitimacy Etc.) (Jersey) Law 202- (the “draft Law”) by the Law Officers’ Department. They summarise the principal human rights issues arising from the contents of the draft Law and explain why, in the Law Officers’ opinion, the draft Law, in the form reviewed by them, is compatible with the European Convention on Human Rights (“ECHR”).

These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.

By way of background –

- a. The Children and Civil Status (Amendments) (Jersey) Law 2024 (the “Amendment Law”) would make various amendments to the Children (Jersey) Law 2002 (the “2002 Law”) and the Marriage and Civil Status (Jersey) Law 2001 (the “2001 Law”). Key among the amendments would be provision for parental orders, recognition orders, and the recognition in law of the parental status of men and women who become parents through assisted reproduction.
- b. The Children and Civil Status (Consequential Amendments) (Jersey) Amendment Regulations 2025 (the “Amending Regulations”) would make amendments to several enactments, including the 2001 Law, consequential on the enactment of the Amendment Law.

The draft Law would, if passed, in effect abolish the birth status of legitimacy and illegitimacy in Jersey law. This would be achieved through the draft Law by means of, in general terms, (i) broad provision intended to abolish illegitimacy in the determination of a person’s status under Jersey law, and negating the marital status of a person’s parents as a factor in determining that person’s legal status or relationship to another person; and (ii) repealing certain enactments and making amendments to other enactments consequential to the abolition of the status of legitimacy.

Abolition of legitimacy

The status of illegitimacy is a current feature of Jersey law, governed by, inter alia, the Legitimacy (Jersey) Law 1973 and the Legitimacy (Jersey) Law 1963. Though the material relevance of illegitimacy in legal and practical terms has been substantially limited by legislative reform, Jersey legislation retains numerous provisions requiring regard to a person’s status as illegitimate. Examples include –

- a. Provisions defining what it means to be the ‘relative’ of an illegitimate person and having the effect of including in the scope of ‘relative’ persons who would be a relative of the child if the child were the legitimate child of the child’s mother and father; or requiring an illegitimate child to be treated as the legitimate child of his or her mother and reputed father. See for example, Incorporated Limited Partnerships (Jersey) Regulations 2011 (Article 47(3)(b)); Bank (Recovery and Resolution) (Jersey) Law 2017 (Article 116(3)(b)).
- b. Provisions dealing with certain procedural requirements pertaining to illegitimate children. See for example, Marriage and Civil Status (Jersey) Law 2001 (Article 57)

- providing for the re-registration of birth of a legitimated person; Adoption (Jersey) Law 1961 (Article 31 and 32) concerning the revocation of adoption orders, and the marking of entries in the Adoption Register on the legitimation of an adopted child.
- c. Provisions addressing legal obligations toward illegitimate children specifically. See for example, Adoption (Jersey) Law 1961 (Article 22) which deals with the payment of maintenance orders by the father of an illegitimate child where that child is then adopted.
- d. Provisions ensuring equal treatment in the application of substantive law as between illegitimate and legitimate children. See for example, the Wills and Successions (Jersey) Law 1993 (Articles 8C – 8E).

In ECHR terms, the personal characteristic of birth status, which includes legitimacy status, has long been assessed in ECHR case-law as a status that engages the prohibition on discrimination under Article 14 ECHR, when read in conjunction with other Convention rights, such as the right to private and family life under Article 8 ECHR and the right to property under Article 1, Protocol 1 ECHR (“A1P1”).

Many of the ECHR themes and case law in this area involves inheritance laws, in which an illegitimate child is in some way denied an entitlement to property because that child was born “out of wedlock”. Restrictions on a person’s inheritance rights on grounds of birth are incompatible with the ECHR. In Jersey law, there is no material distinction between legitimate and illegitimate children in matters of succession. The Wills and Succession (Jersey) Law 1993, which makes, inter alia, provision relating to inheritance and wills of movable and immovable estate, has long been amended to include provisions (in Part 3A of that Law) that bring about equality of succession rights of legitimate and illegitimate children. As such, there is no material difference of treatment in Jersey law in the case of a child on the grounds of birth status that would engage Article 14 ECHR, read together with A1P1.

There are, however, as noted above, numerous residual provisions in Jersey law referring to a person’s status as illegitimate. Though, on balance, not of significantly material effect, those provisions which operate to class a person as illegitimate or which require a person’s civil status to be registered as “illegitimate” have the potential to engage the Article 8 ECHR right of the child and the parents of that child. In ECHR case law, cases concerning the marital or parental status of an individual fall within the ambit of private and family life. Moreover, Article 8 ECHR has been interpreted to include “personal identity” within the meaning of “private life”, and it is possible that a person’s civil status or treatment as illegitimate might have a detrimental impact on an individual’s personal identity to the extent that it interferes with the Article 8 ECHR right.

The draft Law would abolish the status of illegitimacy, as it affects the individual, by providing that no person whose status is governed by the law of Jersey is illegitimate (Article 1(1)), and would provide that a person’s parent’s marital status must not be taken into account in determining that person’s legal status (Article 1(2)(a)), or establishing the legal relationship between the person and another person (Article 1(2)(b)).

Article 4 and the Schedule to the draft Law set out amendments addressing the various provisions in Jersey legislation referencing illegitimacy (as outlined further above). These amendments would negate the effect of references to illegitimacy by either (i) deleting offending provisions (see for example the deletion of Article 31 and 32 of the Adoption (Jersey) Law 1961, per paragraph 1(4) of the Schedule to the draft Law); (ii) by rewording the provision so as to remove the relevance of illegitimacy in the application of the provision (see for example the rewording of Article 8C of the Wills and Successions (Jersey) Law 1993, per Article 4 of the draft Law); or, where a provision requires regard to a person’s illegitimacy in defining legal relations, by removing references to a person being illegitimate (see for example the amendment to Article 176B(3) of the Companies (Jersey) Law 1991, per paragraph 6 to the Schedule).

The substantive provisions and consequential amendments outlined above are considered to be rights-enhancing measures. The provisions would effectively remove from Jersey law remaining references to, and relevance of, illegitimacy. The effect in ECHR terms would be to nullify any potential ongoing risk of adverse ECHR implications in these residual matters as regards the Article 8 and 14 ECHR rights of persons that would previously have come within the ambit of those provisions.

Saving provisions

Article 3 of the draft Law contains several saving provisions that would restrict or limit the application of the draft Law in specific areas.

i) Provision to ensure no retrospective effect

In overview, Article 3(1) of the draft Law would, inter alia, make provision to ensure the provisions in Article 1 of the draft Law as to the abolition of legitimacy do not have retrospective effect. For example, Article 3(1)(a)(i) provides that nothing in Article 1 applies to the construction or effect of an enactment passed or made before the commencement of Article 1; and Article 3(2) would provide that the Law does not affect the succession of a person who died before the commencement of Article 1.

Although retrospective provision in legislation affecting civil matters is not precluded by the ECHR in principle, retrospective provisions do in any case require particular focus in assessing the compatibility of legislative measures with the ECHR. The provisions in Article 3(1) of the draft Law are important, therefore, in contributing to the overall compatibility assessment of the draft Law. They provide clearly that the Law should not have any retrospective effect in its application to the construction prior of, inter alia, enactments and documents, or in matters of succession in which, historically, the status of illegitimacy has had relevance in Jersey law.

ii) Construction of wills

Article 3(1)(a)(iv) of the draft Law would provide that nothing in the abolition of legitimacy provision in Article 1 of the draft Law applies to the construction or effect of “a document, other than a will, executed or a disposition made before” the commencement of the draft Law. The effect of this is that a will executed prior to the commencement of the draft Law will be required, on commencement of the draft Law, to be construed in accordance with the abolition of legitimacy provision in Article 1 of the draft Law.

Article 3(1)(a)(iv) of the draft Law is of note because section 1 of the Law Reform (Parent and Child) (Scotland) Act 1986 (the “1986 Act”) was amended by the Family Law (Scotland) Act 2006 (the “2006 Act”) to abolish the status of illegitimacy in Scottish law. Section 1(4) of the 1986 Act contained saving provisions - in similar terms to Article 3 of the draft Law – but which, in contrast to the proposed Jersey law provision, is unqualified, providing that the abolition of illegitimacy does not apply to the construction or effect of “any deed executed” before the commencement of the 2006 Act. A deed would include a will and, as a result, the effect of the saving provision is that provisions in wills, executed before the commencement of the 2006 Act, which would operate to exclude a illegitimate person in a succession of the deceased’s estate, would not be affected by the abolition of legitimacy in their construction.

This position in Scottish law is highlighted here because it has been suggested in human rights critique of the 1986 Act that section 1(4) of that 1986 Act, specifically the inclusion of deeds without qualification is potentially incompatible with the ECHR. The incompatibility argument advanced suggests that preserving, and not ousting, the effect of exclusory provisions in wills in the case of illegitimate heirs would violate the right to property under A1P1 of persons within this scope, when taken with the non-discrimination provision in Article 14 ECHR.

The risk of incompatibility argument is of comparative relevance in assessing the draft Law, however, any material incompatibility in the case of the draft Law should not arise because Article 3(1)(a)(iv) explicitly excludes wills from the saving provision as to construction and effect of the abolition of legitimacy provision in Article 1 of the draft Law.

iii) Disapplication of Law in specified areas

Article 3(3)(a) would provide that the draft Law does not apply to a title, coat of arms, honour or dignity transmissible on the death of its holder. The enjoyment of a title - and by analogy a coat of arms, honour or dignity - does not constitute a human right, and the European Court of Human Rights has held that issues relating to nobility titles, including succession to those titles, will generally not fall within the scope of Article 8 ECHR. Furthermore, because Article 14 ECHR concerns only discrimination affecting the rights and freedoms guaranteed by the ECHR, differences in treatment between individuals on the basis of the birth status of the individual in the succession to titles do not come within the scope of the ECHR. Moreover, it has been held that nobility titles - and by analogy a coat of arms, honour or dignity - cannot be regarded as amounting to a 'possession' for the purposes of A1P1. It is considered, therefore, that the saving provision at Article 3(3)(a) - saving as it does any potential application of illegitimacy status in a succession to a title, coat of arms, honour or dignity - is not incompatible with Article 8 and A1P1 ECHR, and would not violate Article 14 ECHR taken with those provisions of the ECHR.

Article 3(3)(b) would provide that the draft Law does not affect the *privilèges*, *amortissements* and *préciputs* which are by custom attached to certain houses and manors in Jersey. These manorial rights have the potential to bestow certain property rights on individuals which could fall within the scope of A1P1. Customary rules that determine succession to these manorial rights on the basis of the marital status of an individual's parents have the potential to engage Article 14 ECHR, taken with A1P1 ECHR.

The abolition of the status of illegitimacy is not at this stage to be applied in the context of manorial rights owing to the complexity and further work required to understand the subject. Article 2(3)(b) would mean, therefore, that the proposed abolition of illegitimacy status would not have any effect in the succession to manorial rights. It can be noted, however, that the draft Law contains a power to make regulations for the States to bring forward provision addressing illegitimacy in this context, as necessary.

The saving provision at Article 3(3)(b) is not incompatible with the ECHR. To the extent that the Jersey law relating to succession to *privilèges*, *amortissements* and *préciputs* is incompatible with the ECHR, that incompatibility arises as a result of Jersey law as it exists presently, not because of a provision in the draft Law, and as such any new or existing incompatibility is not created or extended by the draft Law.

New provisions relating to the registration of birth

Paragraph 16 of the Schedule to the draft Law would make several amendments to the 2001 Law, in its current form and as would be amended by the Amendment Law when enacted, for the registration and re-registration of birth of children. The amendments would introduce –

- i) A new Article 55AA to the 2001 Law, providing for the registration of a person as father where that person dies while his child is *entre ventre sa mère*, i.e. while in the mother's womb.
- ii) A new Article 57 to the 2001 Law, providing for the re-registration of a child on the marriage or partnership of his or her parents.
- iii) A new Article 57A to the 2001 Law, providing for the re-registration of a child's birth following the abolition of the status of legitimacy.

New Article 55AA would enable the father of a child who died while his partner was pregnant with his child to be registered as the father of the child in the register of births, if the requirements in that provision are met. New Article 57 would, inter alia, enable the spouse or civil partner, as father or second parent of a child, to be entered in the register of birth on the marriage or civil partnership of that person and the child's mother, if the mother's partner had not already been entered in the register (new Article 57(3)). New Article 57A would enable the re-registration of the birth of a child, formerly registered as illegitimate, to record the child's biological father as the child's father in the register of births in place of the child's registered father.

In ECHR terms, registration of birth will engage the Article 8 ECHR rights of the child and parents because the recording of a parent's identity in the birth register is an important feature of the child's and parent's family life and personal identity, within the scope of Article 8 ECHR. New Articles 55AA, 57 and 57A are, therefore, rights-enhancing measures in the draft Law. They will enable the registration of a person as father or second parent of a child in the circumstances addressed in those provisions, thereby recording the legal relationship between those individuals as parent and child. These measures will contribute toward an important aspect of individual identity within the scope of Article 8 ECHR, and would be applied without discrimination, absenting provision for, or requiring regard to, the marital status of the child's parents.

EXPLANATORY NOTE

The Draft Civil Status (Abolition of Legitimacy Etc.) (Jersey) Law 202-, if adopted, will abolish the status of illegitimacy for people whose status is governed by the law of Jersey, save for certain specified exemptions, and make supplemental amendments to the law relating to children and civil status.

In particular –

Article 1 abolishes the status of legitimacy in Jersey law. It provides that other enactments must be read in accordance with this provision unless it is specifically disapplied. It further prevents any future legal action for a declaration of legitimacy or illegitimacy, or determinations of questions of legitimacy.

Article 2 repeals the Legitimacy (Jersey) Law 1963, the Legitimacy (Jersey) Law 1973, the Legitimacy and Illegitimacy (Re-Registration of Births) (Jersey) Regulations 1974 and the Legitimacy Rules 1974.

Article 3 is a savings provision that states that this Law does not apply in certain circumstances, such as acts taken before the commencement of this Law or the succession of a person who dies before the commencement of the Law. It further does not apply to titles, coats of arms, honours, dignities, *privilèges*, *amortissements* and *préciputs*, or their succession or devolution.

Article 4 amends the Wills and Successions (Jersey) Law 1993 to provide for the treatment of certain aspects of wills and successions in consequence of the abolition of legitimacy.

Article 5 amends the Children and Civil Status (Amendments) (Jersey) Law 2024 (which is not yet in force) to allow that Law to be brought into force by the Minister by Order instead of by the States by Act. This is to allow for that Law and this draft Law to come into force in the necessary sequence.

Article 6 introduces the Schedule, which contains consequential amendments to other enactments that remove references to the concepts of legitimacy and illegitimacy.

Article 7 provides that the States may by Regulations make amendments to any enactment that are necessary or convenient for the purposes of this Law or in consequence of it.

Article 8 gives the citation and provides that –

- *Article 5* of the Law will come into force 7 days after it is registered, and
- the remainder of the Law will come into force immediately after the commencement of the Children and Civil Status (Consequential Amendments) (Jersey) Amendment Regulations 2025.



Jersey

DRAFT CIVIL STATUS (ABOLITION OF LEGITIMACY ETC.) (JERSEY) LAW 202-

Contents

Article

1	Status of illegitimacy abolished	19
2	Repeals.....	19
3	Savings	20
4	Wills and Successions (Jersey) Law 1993 amended.....	20
5	Article 52 (citation and commencement) of Children and Civil Status (Amendments) (Jersey) Law 2024 amended	22
6	Consequential amendments.....	22
7	Regulations	22
8	Citation and commencement	22

SCHEDULE

23

CONSEQUENTIAL AMENDMENTS

23

1	Adoption (Jersey) Law 1961 amended	23
2	Aircraft Registration (Births, Deaths and Missing Persons) (Jersey) Regulations 2015 amended.....	23
3	Bank (Recovery and Resolution) (Jersey) Law 2017 amended	24
4	Bankruptcy (Désastre) (Jersey) Law 1990 amended.....	24
5	Children (Jersey) Law 2002 amended.....	24
6	Companies (Jersey) Law 1991 amended	24
7	Criminal Law (Child Abduction) (Jersey) Law 2005 amended.....	25
8	Fatal Accidents (Jersey) Law 1962 amended	25
9	Financial Services (Investment Business (Qualifying Segregated Managed Accounts – Exemption)) (Jersey) Order 2014 amended.....	25
10	Health Insurance (Jersey) Law 1967	25
11	Health Insurance (Medical Benefit) (General Provisions) (Jersey) Order 1967 amended.....	25
12	Income Tax (Jersey) Law 1961 amended.....	25
13	Incorporated Limited Partnerships (Jersey) Regulations 2011 amended	26
14	Limited Liability Companies (Winding Up and Dissolution) (Jersey) Regulations 2022 amended.....	26
15	Loi (1960) modifiant le droit coutumier amended	26
16	Marriage and Civil Status (Jersey) Law 2001 amended	26
17	Marriage and Civil Status (Jersey) Order 2018 amended	30

18	Matrimonial Causes (Jersey) Law 1949 amended	32
19	Nursing Homes (Jersey) Law 1994 amended.....	32
20	Social Security (Claims and Payments) (Jersey) Order 1974 amended	32
21	Stamp Duties and Fees (Jersey) Law 1998 amended.....	32
22	Teachers' Superannuation (Existing Members) (Jersey) Order 1986 amended.....	33



Jersey

DRAFT CIVIL STATUS (ABOLITION OF LEGITIMACY ETC.) (JERSEY) LAW 202-

A **LAW** to abolish the status of illegitimacy, and for related purposes.

<i>Adopted by the States</i>	<i>[date to be inserted]</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 –

1 Status of illegitimacy abolished

- (1) No person whose status is governed by the law of Jersey is illegitimate, and any rule of customary law to the contrary is abolished.
- (2) The fact that a person's parents are not or have not been married to each other is not relevant in –
 - (a) determining the person's legal status; or
 - (b) establishing the legal relationship between the person and another person.
- (3) No person may bring an action for –
 - (a) a declaration of legitimacy;
 - (b) a declaration of illegitimacy; or
 - (c) the determination of a question of legitimacy.
- (4) A reference in an enactment or legal document to a relative is to be read in accordance with this Article unless this Article is expressly disapplied.

2 Repeals

The following enactments are repealed –

- (a) the [Legitimacy \(Jersey\) Law 1963](#);
- (b) the [Legitimacy \(Jersey\) Law 1973](#);
- (c) the [Legitimacy and Illegitimacy \(Re-Registration of Births\) \(Jersey\) Regulations 1974](#);

- (d) the [Legitimacy Rules 1974](#).

3 Savings

- (1) Nothing in Article 1 –
- (a) applies to the construction or effect of –
- (i) an enactment passed or made before the commencement of Article 1;
 - (ii) an Act or judgment of the Royal Court made before that commencement;
 - (iii) a trust established before that commencement; or
 - (iv) a document, other than a will, executed or a disposition made before that commencement; or
- (b) prevents a person from bringing an action in relation to that enactment, Act, judgment, trust or document for –
- (i) a declaration of legitimacy;
 - (ii) a declaration of illegitimacy; or
 - (iii) a determination of a question of legitimacy.
- (2) This Law does not affect the succession of a person who died before the commencement of Article 1.
- (3) This Law –
- (a) does not apply to a title, coat of arms, honour or dignity transmissible on the death of its holder;
 - (b) does not affect the *privilèges, amortissements and préciputs* that are by custom attached to certain houses and manors in Jersey;
 - (c) does not affect the succession to or devolution of anything described in sub-paragraphs (a) or (b); and
 - (d) does not prevent a person from bringing an action, in relation to that succession or devolution, for –
 - (i) a declaration of legitimacy;
 - (ii) a declaration of illegitimacy; or
 - (iii) a determination of a question of legitimacy.
- (4) Article 5, 6 or 7 (as the case may be) of the [Legitimacy \(Jersey\) Law 1973](#) and the corresponding Rules in the [Legitimacy Rules 1974](#) apply to an action under paragraph (1)(b) or (3)(d) as that Law and those Rules had effect immediately before their repeal by this Law.
- (5) In this Article, “disposition” means a transfer of property by gift, sale or will.

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

- (1) This Article amends the [Wills and Successions \(Jersey\) Law 1993](#).
- (2) In the heading to Part 3A, “of legitimate and illegitimate issue” is deleted.
- (3) In Article 8A, for the definition “commencement day” there is substituted –
- “commencement day” means the day the Civil Status (Abolition of Legitimacy Etc.) (Jersey) Law 202- came into force;

- (4) For Articles 8C, 8D, 8E and 8F there is substituted –

8C Equality of succession

The fact that a person's parents are not or have not been married to each other is not relevant in determining the rights of succession –

- (a) of that person;
- (b) of another person to that person's estate; or
- (c) of another person to an estate traced through a relationship of which that person was the progeny.

8D Construction of dispositions

- (1) A disposition executed on or after the commencement day must be construed in accordance with –
 - (a) Article 8C; and
 - (b) Schedule A1 to the [Children \(Jersey\) Law 2002](#).
- (2) A disposition executed before the commencement day is not to be treated as executed on or after that day by reason only that the will or instrument in which it appears has been confirmed by a codicil or further instrument executed on or after that day.

8E Presumption of survivorship

- (1) Unless the contrary is proved, a person is presumed not to have been survived by a parent, or someone related to the person only through that parent, if the parent is not named on the person's relevant certificate.
- (2) Unless the contrary is proved, for the purposes of obtaining a grant of probate or administration, it is presumed that the deceased was not survived by –
 - (a) a child, if the deceased was not named on the child's relevant certificate; or
 - (b) a person whose relationship to the deceased is traceable only through that child.
- (3) In this Article, "relevant certificate" means –
 - (a) the person's birth certificate; or
 - (b) a parental order (as defined in Article 1(1) of the [Children \(Jersey\) Law 2002](#)) or adoption order relating to the person.

8F Effect of customary laws

Any rule of customary law that conflicts with Article 8C is of no effect to the extent of that conflict.

- (5) In Article 18A(1) (gamete donors), for "as if a child were the legitimate issue of a man where" there is substituted "to the child of a man if".

5 Article 52 (citation and commencement) of Children and Civil Status (Amendments) (Jersey) Law 2024 amended

In Article 52 of the Children and Civil Status (Amendments) (Jersey) Law 2024, for “comes into force on a day to be specified by the States by Act” there is substituted “comes into force on a day to be specified by the Minister by Order”.

6 Consequential amendments

The Schedule contains consequential amendments.

7 Regulations

The States may by Regulations make the amendments to any enactment that appear to the States to be necessary or convenient for the purposes of this Law, for transitional provisions or in consequence of any provision made by this Law.

8 Citation and commencement

This Law may be cited as the Civil Status (Abolition of Legitimacy Etc.) (Jersey) Law 202- and comes into force as follows –

- (a) Article 5 comes into force 7 days after it is registered;
- (b) the remaining provisions come into force immediately after the Children and Civil Status (Consequential Amendments) (Jersey) Amendment Regulations 2025.

SCHEDULE

(Article 6)

CONSEQUENTIAL AMENDMENTS

1 [Adoption \(Jersey\) Law 1961](#) amended

- (1) This paragraph amends the [Adoption \(Jersey\) Law 1961](#).
- (2) In Article 1(1) –
 - (a) the definition “father” is deleted;
 - (b) for the definition “relative” there is substituted –
“relative”, in relation to a child –
 - (a) means a grandparent, brother, sister, uncle or aunt, whether of the full blood or half-blood or by marriage or civil partnership; and
 - (b) if an adoption order has been made in respect of the child or any other person by a court of competent jurisdiction in the British Islands, includes a person who would be a relative of the child within the meaning of this definition if the adopted person were the child of the adopter born in lawful wedlock or in the course of a civil partnership.
- (3) For Article 22 there is substituted –

22 Orders and agreements for maintenance if child adopted by parent

- (1) Article 20(2)(a)(iii) does not apply –
 - (a) if the adopter is the parent of the child; or
 - (b) to prevent the recovery of arrears that are due under the order or agreement at the date of the adoption order.
- (2) The Court must not order a parent of a child to make payments for the benefit of the child after the date of the adoption order unless –
 - (a) the sole adopter is a parent of the child; and
 - (b) the order is made against the child’s other parent.
- (4) Articles 31 and 32 are deleted.

2 [Aircraft Registration \(Births, Deaths and Missing Persons\) \(Jersey\) Regulations 2015](#) amended

- (1) This paragraph amends the [Aircraft Registration \(Births, Deaths and Missing Persons\) \(Jersey\) Regulations 2015](#).
- (2) Regulation 4 is deleted.
- (3) In Schedule 1 –
 - (a) in Note (e), for “If child is illegitimate the particulars relating to the father must not be recorded in the return unless at the joint request of the mother and of the person acknowledging himself to be the father of the child, in which case such person shall, as well as the mother, sign the completed return as an

informant” there is substituted “Both parents must sign the completed return as informants”;

(b) for Note (g) there is substituted –

(g) The informants’ names, relationship (if any) to the child and postal address must be stated.

(4) In the form in Schedule 3, in both places, after “father” there is inserted “or second parent”.

3 [Bank \(Recovery and Resolution\) \(Jersey\) Law 2017](#) amended

Article 116(3)(b) of the [Bank \(Recovery and Resolution\) \(Jersey\) Law 2017](#) is deleted.

4 [Bankruptcy \(Désastre\) \(Jersey\) Law 1990](#) amended

Article 17B(3)(b) of the [Bankruptcy \(Désastre\) \(Jersey\) Law 1990](#) is deleted.

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

(1) This paragraph amends the [Children \(Jersey\) Law 2002](#) as amended by the Children and Civil Status (Amendments) (Jersey) Law 2024.

(2) In Article 1 –

(a) for paragraph (2) there is substituted –

(2) References in this Law –

(a) to a child whose parents were married to each other at the time of the child’s birth include a child who is the subject of an adoption order under Article 10 of the [Adoption \(Jersey\) Law 1961](#);

(b) to a child whose parents were not married to each other at the time of the child’s birth do not include a child who is the subject of an adoption order under that Article.

(b) paragraph (2A) is deleted.

(3) In Article 9C(3), “If a child is treated in law as legitimate” is deleted.

6 [Companies \(Jersey\) Law 1991](#) amended

In the [Companies \(Jersey\) Law 1991](#) –

(a) after Article 123(7) there is inserted –

(8) In paragraph (7), the following are treated as the child of a person –

(a) the person’s adopted child;

(b) a child who is the subject of a parental order in which the person is named as the child’s parent.

(b) For Article 176B(3) there is substituted –

(3) For the purposes of this Article, a person is a relative of an individual if they are that individual’s brother, sister, uncle, aunt, nephew, niece, lineal ancestor or lineal descendant, for which purpose –

(a) a relationship of the half-blood is treated as a relationship of the whole blood;

- (b) the following are treated as the child of an individual –
 - (i) the person's stepchild;
 - (ii) the person's adopted child;
 - (iii) a child of a person who is the child's father under Schedule A1 (fertility treatment and artificial insemination) to the [Children \(Jersey\) Law 2002](#);
 - (iv) a child of a person who is the child's second parent under that Schedule; and
 - (v) a child who is the subject of a parental order or a recognition order (having the meanings given to those terms in that Law), in which the person is named as the child's parent.

7 [Criminal Law \(Child Abduction\) \(Jersey\) Law 2005](#) amended

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

- (a) Article 2(2)(b) is deleted;
- (b) In Article 2(3)(a)(v), after “of the child” there is inserted “if that person has parental responsibility for the child”.

8 [Fatal Accidents \(Jersey\) Law 1962](#) amended

Article 1(2)(c) of the [Fatal Accidents \(Jersey\) Law 1962](#) is deleted.

9 [Financial Services \(Investment Business \(Qualifying Segregated Managed Accounts – Exemption\)\) \(Jersey\) Order 2014](#) amended

In Article 1 of the [Financial Services \(Investment Business \(Qualifying Segregated Managed Accounts – Exemption\)\) \(Jersey\) Order 2014](#), in the definition “relative”, sub-paragraph (b) is deleted.

10 [Health Insurance \(Jersey\) Law 1967](#)

In Article 17(2)(b) of the [Health Insurance \(Jersey\) Law 1967](#), “or in cases of illegitimacy of deceased persons, to or amongst others,” is deleted.

11 [Health Insurance \(Medical Benefit\) \(General Provisions\) \(Jersey\) Order 1967](#) amended

In Article 18(2) of the [Health Insurance \(Medical Benefit\) \(General Provisions\) \(Jersey\) Order 1967](#), “(or, where the deceased was illegitimate, to or amongst other persons)” is deleted.

12 [Income Tax \(Jersey\) Law 1961](#) amended

In Article 90B(1)(b)(ii), for “his or her illegitimate child” there is substituted “the parent's child for whom the parent does not have parental responsibility”.

13 [Incorporated Limited Partnerships \(Jersey\) Regulations 2011](#) amended

Regulation 47(3)(b) of the [Incorporated Limited Partnerships \(Jersey\) Regulations 2011](#) is deleted.

14 [Limited Liability Companies \(Winding Up and Dissolution\) \(Jersey\) Regulations 2022](#) amended

Regulation 32(2)(b)(iii) of the [Limited Liability Companies \(Winding Up and Dissolution\) \(Jersey\) Regulations 2022](#) is deleted.

15 [Loi \(1960\) modifiant le droit coutumier](#) amended

- (1) This paragraph amends the [Loi \(1960\) modifiant le droit coutumier](#).
- (2) In the long title, for “de parenté, de mariage ou de bâtardise” there is substituted “de parenté ou de mariage”.
- (3) In the fourth paragraph of the preamble, “soit de bâtardise,” is deleted.
- (4) Article 1(1)(g) is deleted.

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

- (1) This paragraph amends the [Marriage and Civil Status \(Jersey\) Law 2001](#).
- (2) In Article 1(1) –
 - (a) the definition “illegitimate child” is deleted;
 - (b) after the definition “immigration officer” there is inserted –
“Inferior Number” means the Inferior Number of the Royal Court;
- (3) In Article 49 –
 - (a) for paragraph (3A) there is substituted –
(3A) In this Part, references to a child whose parents were married to each other at the time of the child’s birth include a child who is the subject of an adoption order under Article 10 of the Adoption Law.
 - (b) paragraph (3B) is deleted.
- (4) Article 55(4) is deleted.
- (5) Article 55A(4) is deleted.
- (6) After Article 55A there is inserted –

55AA Registration of father if father dies while child *en ventre sa mère*

- (1) This Article applies if –
 - (a) the mother and the father of a child were, at the time of the child’s conception –
 - (i) married to or civil partners of each other; or
 - (ii) in a relationship that is similar to a marriage or civil partnership and that had existed, without breaking down, for a continuous period of at least 2 years;
 - (b) the child’s father was alive at the time of the child’s conception; and

- (c) the child's father dies before the child is registered.
- (2) The child's mother may apply to the Superintendent Registrar for the child's father to be entered in the register of births by producing –
 - (a) the particulars set out in Article 46 (registration of births and stillbirths) of the [Marriage and Civil Status \(Jersey\) Order 2018](#);
 - (b) a declaration by the mother that her late husband or civil partner was the child's father;
 - (c) a copy of the father's death certificate; and
 - (d) any other documentation that the Superintendent Registrar considers appropriate in the circumstances of the case.
- (3) On receiving an application under paragraph (2), the Superintendent Registrar must –
 - (a) enter the name of the person in the register of births as the child's father; or
 - (b) if the Superintendent Registrar is not satisfied that they should make the registration, refer the application to the Inferior Number.
- (4) If a reference is made under paragraph (3)(b), the Inferior Number may –
 - (a) direct the Superintendent Registrar to proceed with the registration in accordance with the instructions it considers necessary; or
 - (b) forbid further action by the Superintendent Registrar in relation to the matter.
- (5) If the Inferior Number forbids further action by the Superintendent Registrar in relation to the matter, the mother of the child may apply to the Inferior Number.
- (6) Upon an application under paragraph (5), the Inferior Number may order, as it considers necessary, that persons are convened, evidence is taken and enquiries are made, and may make any order that it considers fit.
- (7) The Judicial Greffier must, as soon as reasonably practicable, send a copy of an order made under paragraph (6) to the Superintendent Registrar.
- (8) If a person makes a request to the relevant registrar under paragraph (2), the giving by that person of particulars of the birth of the child and the signing of the register of births under Article 72 acts as a discharge of the duties imposed under Article 51 or 52.
- (7) Article 55B(4) is deleted.
- (8) Article 55C(4) is deleted.
- (9) Article 56(6) is deleted.
- (10) Article 56A(6) is deleted.
- (11) Article 56B(6) is deleted.
- (12) Article 56C(7) is deleted.
- (13) For Article 57 there is substituted –

57 Re-registration of child on marriage or civil partnership of parents

- (1) This Article applies if, after a person's birth, the person's parents marry each other or enter into a civil partnership with each other.

- (2) If, under Article 55, 55B or 56, the name of the spouse or civil partner of the person's mother has already been entered in the register of births as the person's father or second parent, the spouse, civil partner or the person's mother must, not later than 3 months after the date of the solemnisation of the marriage or civil partnership, make a declaration as to the prescribed matters.
- (3) If the name of the spouse or civil partner has not been entered in the register of births as the person's father or second parent, the spouses or civil partners, following the solemnisation of their marriage, may make a declaration as to the prescribed matters.
- (4) A separate declaration must be made in respect of each person whose parents have married or entered into a civil partnership.
- (5) A person who applies under this Article must do so to the Superintendent Registrar and include in that application the prescribed particulars and evidence.
- (6) Paragraph (7) applies to a person who is required by or under this Law to register a marriage or civil partnership, or to make a return of the particulars of the marriage or civil partnership for the purposes of registration.
- (7) The person to whom this paragraph applies must countersign a declaration and deliver it to the Superintendent Registrar if the declaration is made immediately after the solemnisation of the marriage or civil partnership and in the person's presence.
- (8) A person requesting re-registration under this Article must pay the prescribed fee to the Superintendent Registrar.
- (9) The person countersigning the declaration under paragraph (7) is entitled to receive from the Superintendent Registrar one half of the fee paid under paragraph (8).
- (10) If a request for re-registration is made in accordance with this Article, the Superintendent Registrar must –
 - (a) if the relevant registration duties have not been retained –
 - (i) cause an entry to be made in the register for the parish in which the birth took place as if the child's parents had been married or in a civil partnership at the time of the child's birth; and
 - (ii) note the re-registration against the original entry; or
 - (b) if the relevant registration duties are retained by the parish –
 - (i) direct the registrar for the parish in which the birth took place to make an entry in the register of births as if the child's parents had been married or in a civil partnership at the time of the child's birth; and
 - (ii) note the re-registration against the original entry.
- (11) Both parents of the child must sign the new entry in the register of births.
- (12) If the Superintendent Registrar is not satisfied as to whether a re-registration should be made, before acting in accordance with paragraph (10) the Superintendent Registrar may refer the matter to the Inferior Number.
- (13) If the status of a person's parents is established by a judgment of the Royal Court, the Judicial Greffier must, as soon as reasonably practicable, send a copy of the relevant order to the Superintendent Registrar.

57A Re-registration of child following abolition of status of illegitimacy

- (1) This Article applies if –
 - (a) a person was born before the relevant date;
 - (b) at the time of the person's birth the person's mother was married to a man who was not the person's biological father; and
 - (c) the mother's husband was presumed to be, and was registered as, the person's father (the "registered father") under Article 2(2) of the [Legitimacy \(Jersey\) Law 1973](#) (which was repealed on the relevant date).
- (2) An application to re-register the person's birth may be made to the Minister by –
 - (a) the person's mother and biological father;
 - (b) the person's registered father; or
 - (c) the person themselves, if the person is over the age of 18.
- (3) A separate application must be made in respect of each person to whom paragraph (1) applies.
- (4) An applicant must give notice of the application to the parties set out in paragraph (2).
- (5) An applicant must provide –
 - (a) in the case of –
 - (i) an application under paragraph (2)(a) –
 - (A) a declaration by the biological father that he is the person's father; and
 - (B) a declaration by the mother that the biological father is the person's father;
 - (ii) an application under paragraph (2)(b), a declaration by the registered father that he is not the person's father; or
 - (iii) an application under paragraph (2)(c), a declaration by the person that the registered father is not the person's biological father; and
 - (b) in any case –
 - (i) evidence (whether DNA evidence or other) that the registered father is not the biological father;
 - (ii) evidence that the parties set out in paragraph (2) have received notice of the application and do not object to the application proceeding;
 - (iii) the prescribed details; and
 - (iv) the prescribed fee.
- (6) On receipt of an application, the Minister may –
 - (a) direct the Superintendent Registrar to re-register the birth in the manner described in paragraph (8); or
 - (b) refer the application to the Inferior Number, if the Minister is not satisfied as to whether the birth should be re-registered.

- (7) If the registered father is deceased, or his whereabouts cannot be ascertained having made due enquiry, the applicant notify the Minister, who must refer the matter to the Inferior Number.
- (8) If a reference is made under paragraph (6)(b) or (7), the Inferior Number may –
 - (a) direct the Superintendent Registrar to re-register the birth in accordance with the instructions it considers necessary; or
 - (b) forbid further action by the Superintendent Registrar in relation to the matter.
- (9) If the Inferior Number forbids further action by the Superintendent Registrar in relation to the matter, the applicant may apply to the Inferior Number.
- (10) Upon an application under paragraph (9), the Inferior Number may order, as it considers necessary that persons are convened, evidence is taken and enquiries are made, and may make any order that it considers fit.
- (11) The Judicial Greffier must, as soon as reasonably practicable, send a copy of an order made under paragraph (10) to the Superintendent Registrar.
- (12) If the Minister or the Inferior Number direct that the birth be re-registered, the Superintendent Registrar must –
 - (a) if the relevant registration duties have not been retained –
 - (i) cause an entry to be made in the register for the parish in which the birth took place as if the biological father had been registered in place of the registered father; and
 - (ii) note the re-registration against the original entry; or
 - (b) if the relevant registration duties are retained by the parish –
 - (i) direct the registrar for the parish in which the birth took place to make an entry in the register of births as if as if the biological father had been registered in place of the registered father; and
 - (ii) note the re-registration against the original entry.
- (13) A person applying for re-registration under this Article must pay the prescribed fee to the Superintendent Registrar.
- (14) In this Article, “relevant date” means the date on which paragraph 16 of the Schedule to the Civil Status (Abolition of Status of Legitimacy Etc.) (Jersey) Law 202- came into force.
- (14) Article 59A(3) is deleted.
- (15) Schedule 2A, paragraph 2(3) is deleted.
- (16) In the following places, “of the Royal Court” is deleted –
 - (a) Article 12(4), (5), (6A), (7) and (8);
 - (b) Article 36(4), (5), (6A), (7) and (8);
 - (c) Article 67A(3)(b);
 - (d) Article 76(2)(d);
 - (e) Article 79(2) and (3).

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

In the [Marriage and Civil Status \(Jersey\) Order 2018](#) –

- (a) for Article 47 there is substituted –

47 Declaration for re-registration of birth on marriage or civil partnership of parents

The matters in respect of a declaration to be made under Article 57(2) or (3) of the Law are –

- (a) the name of the child as registered;
- (b) the date of birth of the child;
- (c) the child's place of birth and parish of birth;
- (d) the original date of the registration of the birth of the child;
- (e) details of the parents' marriage or civil partnership including –
 - (i) the first names, last name and occupation of the mother;
 - (ii) the first names, last name and occupation of the father or second parent;
 - (iii) any previous names of the mother, father or second parent;
 - (iv) the date of the parents' marriage or civil partnership;
 - (v) the location of the parents' marriage or civil partnership;
 - (vi) a statement as to whether the father or second parent is named on the original birth certificate;
 - (vii) if the father or second parent is named on the original birth certificate, a declaration by the father, mother or second parent (signed and dated) that they are the parents of the child and they wish to re-register the birth of the child following their marriage or civil partnership; and
 - (viii) if the father or second parent is not named on the original birth certificate, a declaration by the mother and the father or second parent (signed and dated) that they are the parents of the child and they wish to re-register the birth of the child following the marriage or civil partnership.

47A Declaration for re-registration of birth on abolition of status of legitimacy

The details in respect of an application to be made under Article 57A of the Law are –

- (a) the name of the child as registered;
- (b) the date of birth of the child;
- (c) the child's place of birth and parish of birth;
- (d) the original date of the registration of the birth of the child;
- (e) the first names, last name and occupation (if applicable) of the mother;
- (f) the first names, last name and occupation of the registered father;
- (g) the first names, last name and occupation of the biological father;
- (h) any previous names of the mother, registered father or biological father.

(b) in Schedule 1, Part 1, in the table, for items 11 and 12 there is substituted –

11.	Re-registration of birth if parents neither married nor civil partners	Article 56(3)	£60.71	The relevant registrar
11A.	Re-registration of birth if father married to, or civil partner of, mother	Article 56A(3)	£60.71	The relevant registrar
11B.	Re-registration of birth if mother married to, or civil partner of, second parent	Article 56B(3)	£60.71	The relevant registrar
11C.	Re-registration of birth to female same-sex couple before commencement of Children and Civil Status (Amendments) (Jersey) Law 2024	Article 56C(4)	£0	The relevant registrar
12.	Re-registration of birth on marriage or civil partnership of parents	Article 57(8)	£60.71	The Superintendent Registrar
12A.	Re-registration of birth following abolition of status of legitimacy	Article 57A(5)	£60.71	The Superintendent Registrar

18 [Matrimonial Causes \(Jersey\) Law 1949](#) amended

Article 18(2) of the [Matrimonial Causes \(Jersey\) Law 1949](#) is deleted.

19 [Nursing Homes \(Jersey\) Law 1994](#) amended

Article 2(2)(b) of the [Nursing Homes \(Jersey\) Law 1994](#) is deleted.

20 [Social Security \(Claims and Payments\) \(Jersey\) Order 1974](#) amended

In Article 17(2) of the [Social Security \(Claims and Payments\) \(Jersey\) Order 1974](#), “(or, where the deceased was illegitimate, to or amongst other persons)” is deleted.

21 [Stamp Duties and Fees \(Jersey\) Law 1998](#) amended

In the table in Schedule 1, paragraph 3 to the [Stamp Duties and Fees \(Jersey\) Law 1998](#), item 27 is deleted.

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

In Article 1(1) of the [Teachers' Superannuation \(Existing Members\) \(Jersey\) Order 1986](#), in the definition "child", "illegitimate or" is deleted.