

2018.10.09

20 Deputy L.M.C. Doublet of the Chief Minister regarding civil partnerships for mixed-sex couples: [OQ.145/2018]

Further to announcements from the U.K. Prime Minister that legislation there will be changed to allow mixed-sex couples the option of having a civil partnership, what plans, if any, are there for such provision to be made in Jersey's legislation, please?

Senator J.A.N. Le Fondré (The Chief Minister):

I can confirm that a public consultation will be launched before the end of the year, seeking the public's views on the future of civil partnerships.

3.20.1 Deputy L.M.C. Doublet:

Does the Minister not agree that we should just make this change, rather than spending money on a public consultation? Recently a renowned Jersey advocate has come out saying in her experience this is something that is really needed in Jersey and also, given the line of reasoning behind extending marriage to same-sex couples was that they wanted the tradition behind the marriage and the meaning that a marriage brought, there are lots of couples that do not want the meaning of a marriage and they might see it as a patriarchal institution and they might prefer a civil partnership. Could the Minister perhaps just bring forward the proposals and we could have the debate in the Assembly and we will naturally take into account the public's views without spending money on any extended consultation, which I believe was done as part of the original marriage consultation?

Senator J.A.N. Le Fondré:

There are quite a lot of points in there. I think the point is do we need to consult? I am advised yes, because although the U.K. have gone down one approach, which I will say personally I have some degree of sympathy with - I think we did cover that in the work we did earlier in the year - but another approach, which is what has happened in Sweden, is that civil partnerships get closed to new couples. I personally would prefer the first one, but I think one has got to understand and see what the outcome of any consultation is on that across the Island community.

3.20.2 Deputy M. Tadier:

The difference is of course that a lot of our workforce does not come from Sweden, was it, or from Scandinavia, it comes from the U.K. and we are part of Great Britain. Part of the issue is of course for couples who will be different sex coming to Jersey and they will not be recognised. Does the Minister accept that there is not really any alternative and that it is almost automatic that Jersey needs to do this? It is the right thing to do anyway, and rather than having a consultation, we should just lodge and inform the public and give them as much information as possible and as much time as possible to get used to the new requirements. It is hardly controversial.

Senator J.A.N. Le Fondré:

I think there are 3 points there. First, around 25 per cent of our working population is from Europe. I have no idea whether that is Sweden or not, but anyway, I cite that as an example of the difference in approach. I have said what my personal view is and my personal view is whatever it is, the present situation is not fair, which is why action will be taken. However, what I have also been advised and the reason there is a consultation being put together is there are a variety of other aspects that need to be consulted upon, which I think has been wrapped up in one document. Then there will be one set of changes that will come through to the law because that does cover divorce

reform and obviously the future of civil partnerships, and I understood - and I am not sighted in what this means - the age of marriage.

3.20.3 Deputy M. Tadier:

As a supplementary: is Jersey leaving itself open to legal challenge between now and the eventual time that we bring in the change in law?

Senator J.A.N. Le Fondré:

I am not a lawyer and I cannot answer that question.

3.20.4 Deputy K.G. Pamplin:

As we are naming European countries, may I bring into light that civil partnerships have been in France since 1999, known as the P.A.C.S. (*pacte civil de solidarité*)? In fact, statistically those who fear for the state of marriage in the U.K. should not panic yet, marriage seems to be the most popular choice for couples in France: 184,000 P.A.C.S. were recorded in 2016 and there were 225,000 marriages. As part of the consultation, will he be including speaking to our French colleagues, friends and counterparts in France?

Senator J.A.N. Le Fondré:

If the Deputy insists, I suggest he contacts the relevant officers and asks them to do that. Thank you for the statistics. Bluntly, it is a decision as to whether one retains civil partnerships and expands them or whether one basically closes it down to new entrants. My personal view is the former, but I believe there has to be a consultation on that process. I hope that helps matters.

The Bailiff:

A final supplementary? No, very well. Congratulations to all Members, you have managed to get through 20 questions in 2 minutes under 2 hours.