

STATES OF JERSEY



DRAFT COVID-19 (CIVIL PARTNERSHIP AND MARRIAGE) (JERSEY) REGULATIONS 202- (P.60/2020): COMMENTS

**Presented to the States on 18th May 2020
by the Education and Home Affairs Scrutiny Panel**

STATES GREFFE

COMMENTS

1. The [Draft Covid-19 \(Civil Partnership and Marriage\) \(Jersey\) Regulations 202-](#) (hereafter the “draft Regulations”) have been lodged by the Minister for Home Affairs in response to the ongoing Covid-19 outbreak. At present, the solemnization of marriages, registration of civil partnerships and the associated administration processes are currently suspended until the 1st July 2020. It is important to note that these draft Regulations form one part of the changes necessary to allow Marriages and Civil Partnerships to be undertaken safely during the Covid-19 outbreak. These proposals focus solely on administrative processes within the Office of the Superintendent Registrar, and it is intended for further legislative changes to be brought forward to address the safe running of ceremonies during this outbreak.
2. The draft Regulations are intended to amend the administration process in order to allow the Office of the Superintendent Registrar to carry out its functions in a way that protects all involved. It is noted that the ‘lead in’ time before a Marriage or Civil Partnership is able to take place is currently 6 weeks. In order for couples to be able to have ceremonies take place from 1st July it is necessary for the registration process to be operative from late May. Therefore, it is proposed under the draft Regulations that the following amendments to the process would take place –
 - Under the [Civil Partnership \(Jersey\) Law 2012](#) it is required for the Superintendent Registrar to display notice of intended civil partnerships in the Office of the Superintendent Registrar and on the Government of Jersey website. As the Office of the Superintendent Registrar is not open to the Public at present, this amendment would remove the requirement for this to be displayed in the office. It would, however, continue to be displayed on the Government of Jersey website. Changes would also be made to the [Marriage and Civil Status \(Jersey\) Law 2001](#) to the same effect.
 - A number of processes are required in order to register a couple’s intention to marry or enter into a civil partnership. Under the existing legislation, these are required to be carried out in the presence of the Superintendent Registrar. Due to the ongoing Covid-19 outbreak and need to maintain the safety of all concerned in the process, it is not possible for these processes to be undertaken as required by the Law. It is therefore intended that the relevant Laws would be amended to allow the following processes to take place without personal attendance at the Office of the Superintendent Registrar –
 - i. Where a person requests a licence for a civil partnership and is required to make a solemn declaration before the Superintendent Registrar and be positively identified by them as making such a declaration, this could be done by audio-visual link. It would also allow the Superintendent Registrar to annotate the required forms to state that such a process was carried out by audio-visual link.
 - ii. Remove the requirement for a number of forms relating to the registration of intention to marry, to allow for the Superintendent Registrar to witness the signing of forms by audio-visual link. This

would include the signature verification form or certificate of no impediment once the Superintendent Registrar has positively identified the applicants. This process would also apply to a couple seeking to convert their civil partnership to a marriage.

3. The Education and Home Affairs Scrutiny Panel (hereafter “the Panel”) was briefed on the proposed changes on Wednesday 13th May. It was intended for the briefing to take place prior to the final lodging of the draft legislation, however, due to the continuation of the States Assembly it was not possible to do so prior to the lodging deadline. The Panel would like to place on record its thanks to the Officers from the Department for Strategic Policy, Planning and Performance and the Law Officers’ Department for providing the relevant information to it well in advance of this deadline and for providing the briefing.
4. During the briefing the Panel questioned how many marriages and civil partnerships would be affected should the draft Regulations not be in place. Whilst the Officers were not in a position to provide these figures at the briefing, it was later confirmed by the Superintendent Registrar that 63 marriages are expected to take place between 1st July and 30th September. Likewise, it was expected, based on previous customer demand, that up to an additional 17 ceremonies may take place during this period above the 63 confirmed. In respect of civil partnerships, it was confirmed that no applications had been received for this period.
5. It was questioned whether the proposed changes could increase the opportunities for bigamy and sham marriages. It was explained by the Officers that whilst the ability to sign the relevant forms would be allowed via audio-visual link, the safeguards and checks in place at the Office of the Superintendent Registrar to prevent these issues would remain firmly in place.
6. One particular point was raised in relation to the impact of Covid-19 on the operation of the Office of the Superintendent Registrar. The registration of marriages and civil partnerships is one part of the work that is carried out by the Office, the other parts pertaining to the registration of births and deaths. Given the importance of these processes, especially the latter due to the Covid-19 outbreak, it was explained that it was especially important to protect the ability of the Office of the Superintendent Registrar to operate effectively. It was explained that by removing the requirement for physical contact, as per the primary Laws, this would ultimately protect the ability of the Office to carry out the wide range of important functions during this particularly difficult time.
7. Having received the briefing and upon examining the proposals further, the Panel has no serious concerns and understands the pragmatic approach that has been adopted in order to protect all parties within these processes. It will therefore be supporting the draft Regulations and would urge Members to support them as well.