

STATES OF JERSEY



DRAFT CHILDREN AND CIVIL STATUS (CONSEQUENTIAL AMENDMENTS) (JERSEY) AMENDMENT REGULATIONS 202- (P.89/2024): COMMENTS

**Presented to the States on 31st January 2025
by the Children, Education and Home Affairs Scrutiny Panel**

STATES GREFFE

COMMENTS

The Panel received a briefing from the Minister, Assistant Minister and Government officers about the Draft Children and Civil Status (Consequential Amendments) (Jersey) Amendment Regulations 202- (the ‘draft Regulations’) on 24th January 2025.

In early 2024 the Children, Education and Home Affairs Scrutiny Panel undertook a review of the Draft Children and Civil Status (Amendments) (Jersey) Law 202- (the ‘Amendment Law’), which was subsequently approved by the States Assembly on 19th March 2024. The Panel’s review of the Amendment Law is published as a Scrutiny Report [[S.R.2/2024](#)].

The Panel is supportive of the Amendment Law in principle and will not restate its understanding of the practical changes that this will result in as part of these Comments, as it is covered in the report accompanying the proposition and the Panel’s previous Scrutiny report.

What legislation will the Consequential Amendments change?

The Panel was advised that the concept of parent / parenthood is present across a wide range of legislation in Jersey which would require change to reflect the Amendment Law. It was confirmed that an extensive search and review had been undertaken to capture all the relevant matters of legislation within the consequential amendments.

Whilst the draft Regulations will amend various legislation (not all of which would usually sit in the remit of this Panel’s to review), the Panel has received confirmation that the proposed changes will only have the effect of mapping the new definition of “parent” included in the Children (Jersey) Law 2002 and the definitions that expand the definition of parents that are introduced by the Amendment Law. The Panel was advised that there was no change to the original policy intent of any of the legislation amended by the draft Regulations.

At the time of the Panel’s review of the Amendment Law in 2024, it was advised that 33 items of legislation had been identified as requiring a consequential amendment as a result of the adoption of the Amendment Law, however, it was noted that this number could increase following a full review of the statute book.

The Panel has subsequently been advised that the draft Regulations make approximately 180 amendments, across 42 items of legislation. The Panel has compared lists and has noted that the draft Regulations include amendments to the following (which had not previously been highlighted to the Panel):

- Capacity and Self-Determination (Jersey) Law 2016 amended
- Civil Partnership (Jersey) Law 2012 amended
- Criminal Procedure (Jersey) Law 2018 amended
- Education (Grants and Allowances) (Jersey) Order 2018 amended
- Employers’ Liability (Compulsory Insurance) (Jersey) Law 1973 amended
- Limited Liability Companies (Winding Up and Dissolution) (Jersey) Regulations 2022
- Regulation of Care (Jersey) Law 2014 amended
- Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018 amended

- Social Security (Claims and Payments) (Jersey) Order 1974 amended
- Social Security (General Benefit) (Jersey) Order 1975 amended
- Social Security (Parental Benefit) (Jersey) Order 2020 amended

The Panel has noted that the following legislation which was previously listed to the Panel (as per review [S.R.2/2024](#)) is not included in the draft Regulations:

- Bankruptcy (Recovery and Resolution) (Jersey) Law 2017
- Legitimacy and Illegitimacy (Re-registration of Births) (Jersey) Regulations 1974
- Legitimacy (Jersey) Law 1963
- Legitimacy (Jersey) Law 1973

The report accompanying the proposition sets out the reasons for the removal of consequential amendments relating to legitimacy and it has been confirmed that this will be dealt with in a separate amendment later in 2025.

In relation to the Amendment Law, the Panel made a number of findings and a recommendation in relation to the status of legitimacy. The Panel understands that it is the Government's intention to propose the abolition of the status of legitimacy in Jersey law, so that there is an equitable position for all children and families, regardless of the marital status of their parents. Whilst it has been confirmed that legitimacy has limited practical or legal relevance, until the position is resolved, only children born into an opposite-sex marriage would be registered as legitimate. The Panel will review that work, which will be undertaken before the Appointed Day Act is lodged for the enactment of the Amendment Law.

Following queries, the Panel received confirmation that the Bankruptcy (Recovery and Resolution) (Jersey) Law 2017 is not included in the consequential amendments, this previous reference should have referred to the Bank (Recovery and Resolution) (Jersey) Law 2017.

As set out in the report accompanying the proposition, the draft Regulations will help enable the Amendment Law to be brought into force. The Amendment Law is considered to be compatible with the European Convention on Human Rights and is also supportive of Children's Rights under the United Nations Convention on the Rights of the Child.

The information regarding the financial and staffing implications listed in the proposition report for the Judicial Greffe and the Office of the Superintendent Registrar aligns with the information previously provided to the Panel in 2024.

Practical changes and communication of change

The Panel was provided with confirmation that the practical changes required to be put in place across various areas of Government service were all underway. The Panel was advised that:

- The development of new Rules of Court was nearing completion;
- New certificates, registers and processes were in development for use by the Office of the Superintendent Registrar;

- There had been engagement with the Assisted Reproduction Unit with regards to the changes that would be required to their consent forms and website information, but it was confirmed that this would be minimal; and
- There had been engagement with the Social Security policy team on parental benefits for new routes to parenthood.

The Panel had previously been advised that the Government would undertake a coordinated communication of changes to the public ahead of the commencement of the Amendment Law. The Panel asked for further information about this and was advised that a communications plan had been developed and a meeting of all the relevant departments' Head of Communications would be held in the week commencing 27th January 2025. The Panel was advised that the Government would contact families who were known to be impacted by aspects of the Amendment Law, for example, those who were likely to apply for a Recognition Order of a pre-existing Parental Order that had been made in England or Wales. However, it was clarified that communications would not just be targeted, there would be broader communications shared with the public to get the message out about the changes.

When will the changes take effect?

The Law will not come into effect until an Appointed Day Act is approved by the States Assembly. The Panel is advised that the Minister for Children and Families intends to lodge the Appointed Day Act in Summer / Autumn 2025, pending the States Assembly approval of the draft Regulations and, also, completion of the work to resolve legitimacy (which the Panel is advised is at an advanced stage).

Conclusion

The Panel is supportive of the draft Regulations. As referenced above, the Panel remains supportive of the changes that will result from the Amendment Law but notes that these will not take effect until an Appointed Day Act is approved by the States Assembly. The Panel intends to undertake further scrutiny of any law to abolish legitimacy, ahead of the lodging of the Appointed Day Act.