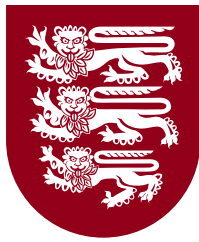


# STATES OF JERSEY



Jersey

## **DRAFT CHILDREN AND CIVIL STATUS (CONSEQUENTIAL AMENDMENTS) (JERSEY) AMENDMENT REGULATIONS 202-**

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**Lodged au Greffe on 23rd December 2024  
by the Minister for Children and Families  
Earliest date for debate: 4th February 2025**

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**STATES GREFFE**

## REPORT

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### Introduction

On 19 March 2024, the States Assembly voted to approve the [Children and Civil Status \(Amendments\) \(Jersey\) Law 2024 \(P.104/2023\)](#) (the “Amendment Law”). This Law sought to provide parity for every child in Jersey, as far as possible, by creating new routes for parents to acquire legal parent status and parental responsibility. The Amendment Law has the following effects:

- provides the power for the Court in Jersey to make a parental order for a Jersey born child, to provide the applicants with legal parent status and parental responsibility;
- provides the power for the Court in Jersey to make a recognition order for a Jersey born child, to recognise a parental order granted previously by a court in England or Wales;
- enables couples who use fertility treatment and donor sperm to become either a father (opposite-sex couples) or second parent (same-sex couples);
- enables a second parent or father who is party to fertility treatment to be registered on a birth certificate;
- enables a same-sex female couple to re-register the birth of their child so that the second parent’s name can be added to the birth certificate; and
- treats civil partners the same as married couples when registering the birth of their child and acquiring parental responsibility.

The Amendment Law expands who can be deemed to be a child’s legal parents, so that both parents in a same-sex couple, and some couples undergoing fertility treatment, can gain legal parental status for their child via new routes, without the requirement to adopt their own child. In particular, two new routes were created to allow same-sex couples, and some couples undergoing fertility treatment, to acquire legal parental status:

Firstly, second parents or fathers who are the birth mother’s spouse, civil partner or partner, and party to relevant fertility treatment, will be able to be registered on their child’s birth certificate in the same manner as a biological father. The new status of a second parent will be treated in legislation as amended by these draft Regulations, as far as possible, with equivalence to a father.

Secondly, parental orders, corresponding with existing provision in England and Wales, will be introduced. These will give the Court in Jersey powers to issue orders to reassign legal parenthood and parental responsibility to the intended parents of a child born to a surrogate mother, providing that one of the intended parents is genetically related to the child. Parts of the Amendment Law were modelled on the UK Human Fertilisation and Embryology Act 2008, allowing for UK parental orders to be treated as equivalent to Jersey parental orders within Law. The Court in Jersey will also have the power to grant a recognition order, to enable parental orders granted by courts in England or Wales to be recognised in Jersey. This will provide more certainty for parents whose children are already subject to a parental order.

Children of parents via these new routes will have the same rights as children born to other family units currently provided for in Jersey law, including children born naturally to a mother and father. The Amendment Law and these draft consequential amendment Regulations will allow more children who have same-sex parents or parents undergoing certain fertility treatments to be afforded the same rights in relation to their parents as their peers. The change extends family rights to a wider range of modern family units, providing parity for parents who have relationships, such as civil partnerships, which are already recognised in law. These draft

consequential amendments are fundamental to achieving the original policy intentions of the Amendment Law across the statute book.

### **Consequential Amendments**

Extensive consequential amendments, made by these draft Regulations, have been drafted to allow the policy intentions of the Amendment Law to be fully enacted effectively in Law. These draft consequential amendments provide second parents and parents via parental order with the same rights and responsibilities as other parents in equivalent circumstances.

A wide-ranging review has been conducted to identify the relevant legislation which requires amendment as a result of the Amendment Law, and, in particular, the introduction of the new statuses of second parent and parent via parental order. During this process searches were conducted across the statute book for terms related to parenthood and appropriate amendments were identified. While the consequential amendments will not impact upon the original intent of each individual article of legislation, the amendments will extend the legal provision contained in these articles to encompass the new routes available to acquire legal parental status and parental responsibility. In many examples, the interpretation of “parents” has been mapped to the new expanded interpretations contained in the Children (Jersey) Law 2002. This work has been extremely complex and for each amendment consideration has been given to how the original legislative intention might relate to the new expanded routes to parenthood. For illustration, Article 68(1) of the Criminal Procedure (Jersey) Law 2018 will be amended to ensure that second parents might not be selected for jury service at the same time as their child, widening the provision that currently covers mothers or fathers. In short, wherever the concept of parenthood intersects with the Law, a potential amendment needed to be identified and considered.

It has not been possible to extend the draft consequential amendments to cover every possible aspect of parenthood within the Law, a small number of exceptions remain unamended, for both practical reasons and to bring the amendments before the Assembly in a timely manner. Amendment of the Social Security Reciprocal Agreements with other jurisdictions would require an extended and complex diplomatic process, causing an unacceptable delay with limited benefit. Reciprocal Agreements will be addressed as and when they are updated with each jurisdiction. A few pieces of extended UK legislation are also not covered within the scope of these draft consequential amendments. For example, the Canons of the Church of England are an ecclesiastic matter for the Anglican Church.

### **Advancing Rights**

In 2014, Jersey became a State Party to the United Nations Convention on the Rights of the Child (“UNCRC”), when the UK’s ratification was extended to the Island. The Amendment Law, accompanied by these draft consequential amendments, marks another stage in the journey towards progressively realising and improving children’s rights in compliance with the UNCRC. Article 4 of the UNCRC states “State Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention”. These draft consequential amendments will help enable the Amendment Law to be brought into force, thus making changes to our legislation to adhere to UNCRC rights. Article 7 of the UNCRC provides rights for all children to be registered at birth and, as far as possible, to be cared for by their parents. Currently, Article 7 rights are infringed upon in the Marriage and Civil Status (Jersey) Law 2001, as the acquisition of legal parent status is not possible for both parents in same-sex couples or, in certain circumstances, opposite-sex couples undergoing fertility treatments. In these cases, one parent is denied from acquiring legal parent status. Furthermore, bringing the Amendment Law into force would further adhere to Article 5 of the UNCRC for State Parties to “respect the responsibilities, rights and duties of parents”.

To improve parity, the particulars recorded for births, parental orders, and adoptions will now mirror each other. The consequential amendments change the particulars required in Schedule 1 to the Adoption (Jersey) Law 1961 to reflect the details required for both parental orders, under the Amendment Law, and birth registrations, under Article 46 of the Marriage and Civil Status (Jersey) Order 2018. This means that all children, regardless of their parents, will have registration certificates providing legal parental status which look similar and contain the same information.

It is acknowledged that this legislation has taken some time to develop, partially due to the complexity of the proposed changes. However, the Amendment Law, accompanied by these consequential amendments, will advance the journey to equality for same-sex families started by the introduction of the Civil Partnership (Jersey) Law 2012 and subsequent recognition of same-sex marriage in 2018. Since same-sex unions have been recognised in Law, it has long been acknowledged that there is a need for legal provision to recognise parents in same-sex relationships in the same manner as other parents. Going further than the counterpart legislation in the UK, provisions in the Amendment Law will allow second parents and parents via parental order to retrospectively gain legal parental status for their children. This acknowledges that children born to same-sex parents in the years subsequent to the introduction of civil-partnerships and same-sex marriage have not been afforded equal rights in relation to their parents. The Amendment Law aims to retrospectively provide a solution for those families currently experiencing this inequality and waiting keenly and patiently for the Amendment Law to come into force. It establishes their fundamental right to be recognised in Law as a parent of their own children. It will provide more certainty for parents in circumstances where relationships break down or tragically one parent dies.

There is currently, other than through adoption, no means by which the birth mother's female partner can be recognised in law as the parent of their child, even if she is biologically related to the child. Adoption can be a lengthy and complex process, and it can be upsetting for parents having to adopt their own children. The Amendment Law will enable the re-registration of a birth, allowing the birth mother's female spouse or partner to be registered as the second parent of their child. This will enable children born into relationships with same-sex female parents before the commencement of the Amendment Law to be recognised as children of their parents in the same manner as those born after the Amendment Law comes into force. In recognition of the historic iniquity, the Superintendent Registrar will waive fees relating to the re-registration of births in these circumstances.

The Amendment Law will provide for the retrospective recognition of pre-existing parental orders granted in England and Wales. The Royal Court will have the power to make a recognition order to recognise these parental orders as having the same effect and function as a parental order made in Jersey. The granting of a recognition order by the court will reallocate legal parent status and parental responsibility in Jersey Law to those parties named in the original parental order. This will provide legal certainty for the parents of children born prior to the enactment of the Amendment Law, who have already been granted parental orders in the English or Welsh courts.

## **Legitimacy**

The Amendment Law did not alter the concept of legitimacy, including provisions under the Legitimacy (Jersey) Law 1973 (the "1973 Law"). Legitimacy is a concept that has limited practical legal implications regarding conveyable rights. As a concept, legitimacy is considered outdated and discriminatory, by causing some children to be labelled as illegitimate. It is not a position that is reflective of modern families and amendment of this position is required to fully implement the improved equality intended in the Amendment Law. There are risks that maintaining the position in the 1973 Law would constitute a breach in children's rights. As work on the Amendment Law and consequential amendments has progressed, it has become increasingly apparent that the position on legitimacy should be resolved to achieve an equitable position if it is possible to do so in a timely fashion.

A review to consider the implications of removing of the concept of legitimacy under Jersey Law commenced in mid-2024 and research is at an advanced stage. Current findings support assertions that the concept of legitimacy now impacts few aspects of legislation. However, there are still some questions to be resolved regarding the position of legitimacy in relation to customary law. There have been successive changes resulting in near equal rights to all children, regardless of legitimacy status. In 2010, the States Assembly voted through [P.7/2010](#), which made amendments to the Wills and Successions (Jersey) Law 1993, to allow for children whose parents were not married to inherit on equal terms as children whose parents were, apart from in relation to manorial rights. This removed one of the few remaining material distinctions relating to the status of legitimacy. Various legal models for repealing or amending the legitimacy law are being considered. Recognising the long-term policy objective of abolishing illegitimacy, policy work has been expedited with the aim of improving the current position.

### **Next Steps**

A number of operational changes will be required prior to the Amendment Law coming into force via an Appointed Day Act. Engagement has taken place with key stakeholders, including the Superintendent Registrar, Health and Community Services, and the Jersey Family Court Advisory Service to support them to make any necessary operational changes required. These operational changes will be supported by a communications plan to notify families and stakeholders of how the new Law will benefit them and how the Law will function at an operational level. Furthermore, alongside these draft consequential amendments, the Rules of Court, which have been progressed by the Judicial Greffier, will enable the Amendment Law to be brought into force.

The Amendment Law also intersects with fertility treatment and surrogacy. The Assisted Reproduction Unit will be required to develop forms and processes for any artificial insemination treatment provided in Jersey. Policy developments regarding surrogacy in other jurisdictions, especially in the UK are also being monitored. The Law Commission of England and Wales and the Scottish Law Commission issued a joint report in March 2023, outlining recommendations and draft legislation for a robust new system to govern surrogacy, which is under consideration by the UK Government.<sup>1</sup> In the future, further work may be required to develop Jersey's provision on surrogacy, to provide additional clarity for both surrogate mothers and intended parents.

### **Financial and staffing implications**

Any financial and staffing implications caused by widening the range of parents who have legal parental status is foreseen to be minimal in regard to the improved rights and legal certainty for this small number of families. Any ongoing costs will be absorbed as part of normal operational procedures.

### **Judicial Greffe**

There have been one-off costs for drafting the new Court Rules to set out the processes and standards required by the Court to issue parental orders and recognition orders. Furthermore, new internal processes, application forms, and procedures have been developed to enable these applications. These one-off costs have been covered out of the existing Judicial Greffe budget.

A maximum of 10 parental orders are known to have been granted by courts in England and Wales for Jersey born children. It is likely that the Court will need to consider around 10 recognition orders to recognise these parental orders in Jersey. As ongoing costs, it is expected that around 2 parental orders will be granted per year. For both of these orders a fee will be charged at rate G (£130) to cover the Judicial Greffe's administration costs. There may also be additional cases

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<sup>1</sup> [Surrogacy - Law Commission](#)

relating to disputes under the new provisions. However, these will be conducted as part of normal operations and any relevant Court fees will be charged accordingly.

### **Office of the Superintendent Registrar**

A one-off cost will be required to design and order new registers to reflect the amended particulars and new registrations required in the Amendment Law and consequential amendments. This cost is estimated at £13,000. There will also be one-off costs to create new forms and processes to provide for the new types of registration and re-registration, which will be met within existing operational budgets.

The costs of new routes to registration, such as parental orders and birth registrations where there is a second parent, will be absorbed within the existing staffing budget of the Office of the Superintendent Registrar. The cost of re-registration of birth for same-sex female parents will be provided free of charge by the Superintendent Registrar to recognise the historic inequality. These numbers are very low and will not impact upon normal operations.

### **Assisted Reproductive Unit**

There will be one-off staffing requirements to create application and consent forms and update the webpages to provide information and explain the procedures to members of the public. These costs are likely to be minimal and will be absorbed within existing operational costs.

### **Parental Benefits and Leave**

As new routes for gaining legal parental status and parental responsibilities will be expanded, more parents will be able to benefit from parental leave, parental allowance, and the parental grant. However, parents via parental order and same-sex female parents are already eligible for parental leave, so the cost of any increase is likely to be minimal. Improved legal certainty, may cause a minor increase in the number of parents choosing these routes and this will result in an increased number of claims, and therefore costs to the Social Security Scheme. However, this will be minimal in relation to the benefits provided by equalising parents' rights, as all parents who pay into the Social Security Scheme should be entitled to these benefits.

### **Children's Rights Impact Assessment**

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

## EXPLANATORY NOTE

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These Regulations contain amendments required as a consequence of the coming into force of the Children and Civil Status (Amendments) (Jersey) Law 2024 (the “2024 Law”). The 2024 Law amended the Children (Jersey) Law 2002, the Marriage and Civil Status (Jersey) Law 2001 and the Marriage and Civil Status (Jersey) Order 2018 to make provision for children who are conceived as a result of fertility treatment or surrogacy arrangements, including provision for the making of parental orders, the acquisition of parental responsibility, and the associated registration procedures.

*Regulation 1* amends the Adoption (Jersey) Law 1961 to take account of the routes to parenthood set out in Schedule A1 to the 2024 Law, the status of “second parent” introduced by the 2024 Law, and the making of parental orders or recognition orders as defined by that Law.

*Regulations 3, 4, 5, 8 to 10, 13, 14, 16 to 21, 23 to 31, 34 to 36, 40 and 41* amend enactments to provide that definitions of “child” and “parent” include the concept of a child subject to a parental order in which a person is named as the child’s parent.

*Regulation 2* amends the Aircraft Registration (Births, Deaths and Missing Persons) (Jersey) Regulations 2015 to provide for the status of “second parent” under the 2024 Law.

*Regulation 6* amends the Capacity and Self-Determination (Jersey) Law 2016 to provide that it is not permitted to take a decision on a person’s behalf that would result in a person becoming a parent under Schedule A1 of the 2024 Law. Further, a decision consenting to the person’s name being included on a parental order or birth certificate may only be made by the Royal Court.

*Regulations 7, 11, 22 and 33* amend enactments to provide that parental orders are taken into account when calculating prohibited degrees of relationship.

*Regulation 12* amends a definition in the Data Protection (Jersey) Law 2018.

*Regulation 15* amends the Employment (Jersey) Law 2003 to –

- include the new definitions introduced by the 2024 Law;
- provide for an entitlement to ante-natal leave, parental leave and parental bereavement leave for applicants for a parental order;
- amend the definition “qualifying relationship” to take account of the new routes to parenthood introduced by the 2024 Law;
- provide that a person is unfairly dismissed if the reason for their dismissal is connected with becoming a parent via a parental order.

*Regulation 32* amends the Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018 to –

- include the new definitions introduced by the 2024 Law;
- extend to people who would be parents of a child if they had parental responsibility the requirements relating to counselling and information, preparation of a child permanence report, and consideration of the Adoption Panel’s recommendation;
- update the required information relating to the health of a child’s biological parents and siblings under Schedule 1.

*Regulations 37 and 38* amend the Social Security (Jersey) Law 1974 and the Social Security (Parental Benefit) (Jersey) Order 2020 to –

- include the new definitions introduced by the 2024 Law;
- provide for an entitlement to a parental grant, parental allowance, survivor’s benefit and death grant for applicants for a parental order;

- include the application requirements for people applying by reason of being an applicant for a parental order.

*Regulation 39* makes a minor amendment to Schedule 1 to the Stamp Duties and Fees (Jersey) Law 1998.

*Regulation 42* amends the Wills and Successions (Jersey) Law 1998 to provide that Article 18A (gamete donors) of that Law does not affect the operation of the Children (Jersey) Law 2002 as amended by the 2024 Law.

*Regulation 43* gives the citation and provides that these Regulations come into force immediately after the 2024 Law.





Jersey

## DRAFT CHILDREN AND CIVIL STATUS (CONSEQUENTIAL AMENDMENTS) (JERSEY) AMENDMENT REGULATIONS 202-

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Jersey

## DRAFT CHILDREN AND CIVIL STATUS (CONSEQUENTIAL AMENDMENTS) (JERSEY) AMENDMENT REGULATIONS 202-

*Made* [date to be inserted]

*Coming into force* [date to be inserted]

**THE STATES** make these Regulations under Article 82A of the [Children \(Jersey\) Law 2002](#) and Article 82(6) of the [Marriage and Civil Status \(Jersey\) Law 2001](#) –

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

- (1) This Regulation amends the [Adoption \(Jersey\) Law 1961](#).
- (2) In Article 1(1) (interpretation) –
  - (a) Before the definition “Adoption and Children Act” there is inserted –  
“Adopted Children Register” means the register maintained under Article 24;
  - (b) after the definition “child” there is inserted –  
“Children Law” means the [Children \(Jersey\) Law 2002](#);  
“Circumstance A”, “Circumstance B”, “Circumstance C” and “Circumstance D” have the meanings given in Schedule A1 (fertility treatment and artificial insemination) to the Children Law;
  - (c) in the definition “father” for “natural” there is substituted “biological”;
  - (d) after the definition “guardian” there is inserted –  
“Marriage and Civil Status Law” means the [Marriage and Civil Status \(Jersey\) Law 2001](#)”;
  - (e) after the definition “Minister” there is inserted –  
“mother” has the same meaning as in the Children Law;
  - (f) for the definitions “parent” and “parental responsibility” there is substituted –  
“parent” has the same meaning as in the Children Law;  
“parental responsibility” has the same meaning as in the Children Law;
  - (g) for paragraph (b) of the definition “relative” there is substituted –
    - (b) if the child is illegitimate, the parents of the child and any person who would be a relative of the child within the meaning of this definition if the child were the legitimate child of the child’s parents.
  - (h) after the definition “relative” there is inserted –

- “second parent” has the same meaning as in the Children Law;
- (3) In the following places –
- (a) for “[Children \(Jersey\) Law 2002](#)” there is substituted “Children Law” –
- (i) Article 1(1) in the definition “guardian”,
- (ii) Article 12B(4)(a)(i),
- (iii) Article 20(2)(a)(ii),
- (iv) Article 33(3) and (4)(d);
- (b) for “[Marriage and Civil Status \(Jersey\) Law 2001](#)” there is substituted “Marriage and Civil Status Law” –
- (i) Article 24(3),
- (ii) Article 30(2),
- (iii) Article 46(4).
- (4) In Article 10 (power to make adoption orders) –
- (a) in paragraph (1A)(c) “(and for this purpose it is irrelevant whether the 2 persons are of different genders or the same gender)” is deleted;
- (b) after paragraph (1A) there is inserted –
- (1AA) For the purpose of paragraph (1A) it is irrelevant whether the 2 persons are of the same gender or of different genders.
- (c) in paragraph (3) for “mother or father” there is substituted “mother, father or second parent”.
- (5) In Article 11(1)(a) and (2)(a) (age and sex of applicant) for “mother or father” there is substituted “mother, father or second parent”.
- (6) In Article 12(7) (freeing child for adoption) there is substituted –
- (7) Paragraph (7A) applies in the case of a child whose father does not have parental responsibility for the child.
- (7A) The Court must, before making an order under this Article, satisfy itself in relation to any person claiming to be the father of the child that –
- (a) the person has no intention, within the next 6 months, of applying for –
- (i) registration as the father of the child under Part 5 of the Marriage and Civil Status Law, or
- (ii) parental responsibility under Article 9C of the Children Law; or
- (b) if the person did make an application under sub-paragraph (a)(ii) it would be likely to be refused.
- (7B) The Court must, before making an order under this Article in the case of a child who has a second parent who does not have parental responsibility for the child, satisfy itself in relation to a person claiming to be the second parent of the child that –
- (a) the person has no intention, within the next 6 months, of applying for –
- (i) registration as the second parent of the child under Part 5 of the Marriage and Civil Status Law, or
- (ii) parental responsibility under Article 9D of the Children Law; or
- (b) if the person did make an application under sub-paragraph (a)(ii) it would be likely to be refused.

- (7) In Article 12B (revocation of Article 12 order) –
- (a) in paragraph (1) after “his or her former parent” there is inserted “or a person who, immediately before the making of the order was treated in law as a parent of the child”;
  - (b) in paragraph (3) for sub-paragraphs (b) and (c) there is substituted –
    - (b) to give parental responsibility –
      - (i) if the child was conceived as a result of intercourse, to the child’s mother, and if a man is named as the child’s father in the register of births maintained under Article 50 of the Marriage and Civil Status Law, to that man,
      - (ii) if any of Circumstances A to D apply, to the child’s birth mother and the other person (if any) who is to be treated as the parent of the child in whichever Circumstance applies;
    - (c) to revive any of the following extinguished by the making of the Article 12 order –
      - (i) parental responsibility acquired by a father under Article 9C(1)(a) of the Children Law,
      - (ii) a parental responsibility agreement under Article 9C(1)(b), 9D(b) or 9E(a) of the Children Law,
      - (iii) an order under Article 9C, 9D, 9E or 9G of the that a person is to have parental responsibility,
      - (iv) an appointment of a guardian in respect of the child (whether by a court or otherwise).
- (8) For Article 13(6) (parental agreement) there is substituted –
- (6) Paragraph (7) applies in the case of a child whose father does not have parental responsibility for the child.
  - (7) The Court must, before making an order under this Article, satisfy itself in relation to any person claiming to be the father of the child that –
    - (a) the person has no intention, within the next 6 months, of applying for –
      - (i) registration as the father of the child under Part 5 of the Marriage and Civil Status Law, or
      - (ii) parental responsibility under Article 9C of the Children Law; or
    - (b) if the person did make an application under sub-paragraph (a)(ii) it would be likely to be refused.
  - (8) The Court must, before making an order under this Article in the case of a child who has a second parent who does not have parental responsibility for the child, the Court must satisfy itself, in relation to a person claiming to be the second parent of the child that –
    - (a) the person has no intention, within the next 6 months, of applying for –
      - (i) registration as the second parent of the child under Part 5 of the Marriage and Civil Status Law, or
      - (ii) parental responsibility Article 9D of the Children Law; or
    - (b) if the person did make an application under sub-paragraph (a)(ii) it would be likely to be refused.

- (9) In Article 22(1) and (2) (orders and agreements for maintenance of illegitimate children) after “the father” there is inserted “or second parent”.
- (10) In Article 25 (registration of adoptions) –
- (a) for paragraph (1) there is substituted –
- (1) Every adoption order must –
- (a) contain a direction to the Superintendent Registrar to make an entry in the Adopted Children Register containing the information specified in Schedule 1; and
- (b) specify the particulars to be entered in accordance with items 2 to 13 of that Schedule.
- (b) for paragraph (3) there is substituted –
- (3) In item 5 of Schedule 1, if a child was born in Jersey but the parish in which the birth took place is not proved to the satisfaction of the Court, or if the child is treated by virtue of paragraph (2)(b) as born in Jersey, “St. Helier” must be entered as the parish.
- (c) in paragraph (4) “or the Adoption of Children (Jersey) Law 1947” is deleted;
- (d) in paragraph (5) for “shall” there is substituted “must”;
- (e) in paragraph (6) –
- (i) for “The Judicial Greffier shall” there is substituted “The Judicial Greffier must, as soon as reasonably practicable,”, and
- (ii) for “the Superintendent Registrar shall” there is substituted “the Superintendent Registrar must”.
- (11) In Article 32 (legitimation: marking of entries on re-registration of births) for “Article 56 or 57 of the [Marriage and Civil Status \(Jersey\) Law 2001](#)” there is substituted “Article 56, 56A, 56B, 56C or 57 of the Marriage and Civil Status Law”.
- (12) For Schedule 1 (form of entry in Adopted Children Register) there is substituted –

## SCHEDULE 1

(Article 25)

### PARTICULARS TO BE ENTERED IN THE ADOPTED CHILDREN REGISTER

1. Number of the entry in the register
2. Full name of child, including any middle names
3. Sex of child
4. Date of birth
5. Place of birth (including, in the case of a child born in Jersey, the parish)
6. Full name of adopter, including any middle names and birth surname (if applicable)
7. Occupation of adopter
8. Full name of adopter, including any middle names and birth surname (if applicable)
9. Occupation of adopter
10. Address of adopter or adopters

11. Date of adoption order
12. Date of registration
13. Name of Superintendent Registrar

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

In Schedule 1 (birth) to the [Aircraft Registration \(Births, Deaths and Missing Persons\) \(Jersey\) Regulations 2015](#) –

- (a) in items 6 and 7 after “father” there is inserted “or second parent within the meaning of the [Children \(Jersey\) Law 2002](#)”;
- (b) in note (g) for “Except in the circumstances mentioned at (e) above only one person (usually the mother or father) should act as informant” there is substituted “Both parents must act as informants”.

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

For Article 116(3)(a) (definitions relating to transactions at an undervalue and preferences) of the [Bank \(Recovery and Resolution\) \(Jersey\) Law 2017](#) there is substituted –

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

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

For Article 17B(3)(a) (certain definitions in respect of Articles 17 and 17A) of the [Bankruptcy \(Désastre\) \(Jersey\) Law 1990](#) there is substituted –

- (a) a relationship of the half-blood is treated as a relationship of the whole blood;
- (aa) the following are treated as the child of a person –
  - (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,
- (v) a child who is the subject of a parental order or a recognition order within the meaning of that Law, in which the person is named as the child's parent; and

## 5 [Capacity and Self-Determination \(Capacity and Liberty – Assessors\) \(Jersey\) Regulations 2018](#) amended

In Regulation 2 (assessors – criteria for appointment) of the [Capacity and Self-Determination \(Capacity and Liberty – Assessors\) \(Jersey\) Regulations 2018](#) –

- (a) in paragraph (2) “and for these purposes a relationship of the half-blood shall be treated as a relationship of the whole blood and the stepchild or adopted child of a person as his or her child” is deleted;
- (b) after paragraph (2) there is inserted –
  - (2A) For the purposes of paragraph (2) –
    - (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 a person –
      - (i) the person's stepchild,
      - (ii) the person's adopted child,
      - (iii) a child who is the subject of a parental order or a recognition order within the meaning of the [Children \(Jersey\) Law 2002](#) in which the person is named as the child's parent.

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

- (1) This Regulation amends the [Capacity and Self-Determination \(Jersey\) Law 2016](#).
- (2) In Article 7(1) (excluded decisions) –
  - (a) for sub-paragraph (a)(vii) there is substituted –
    - (vii) the person undergoing fertility treatment that might result in the person becoming pregnant, or
    - (viii) another person undergoing fertility treatment that would or might result in the person becoming a parent under the circumstances set out in Schedule A1 (fertility treatment and artificial insemination) of the [Children \(Jersey\) Law 2002](#); or
  - (b) after sub-paragraph (b) there is inserted –
    - (c) a decision to be made, on behalf of another person, that would result in the person becoming a parent under Schedule A1 of the [Children \(Jersey\) Law 2002](#).
- (3) In Article 27(2) (specific provision which may be made under this Part as to P's health and welfare) after sub-paragraph (c) there is inserted –
  - (d) consent to the making of a parental order or a recognition order (within the meaning of the [Children \(Jersey\) Law 2002](#)) in P's name; or
  - (e) consent to the including of P's name as a second parent or father on a child's birth certificate under Schedule A1 to that Law.



**7 [Civil Partnership \(Jersey\) Law 2012](#) amended**

In Schedule 2 (prohibited degrees of relationship) to the [Civil Partnership \(Jersey\) Law 2012](#) –

- (a) for the list in paragraph (1) there is substituted –
- Adoptive child
  - Child
  - Child via parental order
  - Former adoptive child
  - Former child via parental order
  - Grandchild
  - Adoptive grandchild
  - Grandchild via parental order
  - Former grandchild via parental order
  - Parent’s sibling
  - Sibling of a person who is a parent via parental order
  - Sibling
  - Sibling via parental order
  - Sibling of the child of a person who is a parent via parental order.

- (b) for the list in paragraph 3(b) there is substituted –
- Adoptive child of former civil partner
  - Child via parental order of former civil partner
  - Adoptive child of former spouse
  - Child via parental order of former spouse
  - Adoptive grandchild of former civil partner
  - Grandchild via parental order of former civil partner
  - Adoptive grandchild of former spouse
  - Grandchild via parental order of former spouse
  - Child of former civil partner
  - Child of former spouse
  - Grandchild of former civil partner
  - Grandchild of former spouse.

- (c) for paragraph 4 there is substituted –

**4** In this Schedule –

“child of the family”, in relation to another person, means a person who –

- (a) has lived in the same household as that other person; and  
(b) has been treated by that other person as a child of that person’s family;

“via parental order” means –

- (a) a parental order or a recognition order, within the meanings given in the [Children \(Jersey\) Law 2002](#), has been made conferring parental responsibility in respect of a child; and

- (b) the child is treated in law as the child of the person conferred with parental responsibility under that order.

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

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

- (a) in Article 1(1) (interpretation) after the definition “paid up” there is inserted –  
“parental order” has the meaning given in Article 1(1) of the [Children \(Jersey\) Law 2002](#) and includes a recognition order made under Article 9N of that Law;
- (b) after Article 58A(9) (Treasury shares) there is inserted –
- (10) In paragraph (9) 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.
- (c) in Article 74ZA(2) (persons connected with director for purposes of Article 74) –
  - (i) in sub-paragraph (c) for “step-children” there is substituted “stepchildren, including adopted children and children the subject of a parental order in which the director is named as their parent”,
  - (ii) in sub-paragraph (d) for “step-children” in both places there is substituted “stepchildren”;
- (d) for Article 176B(3)(a) (definitions relating to transactions at an undervalue and preferences) there is substituted –
  - (a) a relationship of the half-blood is treated as a relationship of the whole blood;
  - (aa) the following are treated as the child of a person –
    - (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,
    - (v) a child who is the subject of a parental order, in which the person is named as the child’s parent; and

## 9 [Control of Housing and Work \(Residential and Employment Status\) \(Jersey\) Regulations 2013](#) amended

For Regulation 2(7) (conditions for Entitled status and loss of status) of the [Control of Housing and Work \(Residential and Employment Status\) \(Jersey\) Regulations 2013](#) there is substituted –

- (7) In this Regulation “child” includes –
  - (a) a child adopted under an adoption order made by a court of competent jurisdiction in the British Islands or elsewhere; and

- (b) a child who is the subject of a parental order under the [Children \(Jersey\) Law 2002](#) or a parental order made under the Human Fertilisation and Embryology Act 2008 of the United Kingdom, made by a court referred to in sub-paragraph (a).

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

- (1) This Regulation amends the [Criminal Law \(Child Abduction\) \(Jersey\) Law 2005](#).
- (2) For Article 1(1) (interpretation) there is substituted –
  - (1) In this Law –
    - “care order”, “guardian”, “parental responsibility”, “parent”, “residence order” and “second parent” have the same meanings as in Article 1(1) of the Children Law;
    - “Children Law” means the [Children \(Jersey\) Law 2002](#);
    - “parental order” has the meaning given in Article 1(1) of the Children Law and includes a recognition order made under Article 9N of that Law.
- (3) In Article 2 (abduction of child by parent etc.) –
  - (a) in paragraph (2)(b) after “to each other” there is inserted “, or civil partners of each other,”;
  - (b) in paragraph (2) after paragraph (e) there is inserted –
    - (f) the person is the second parent of the child.
  - (c) in paragraph (3)(a) after clause (iv) there is inserted –
    - (v) a person who is a second parent of the child;
- (4) For Article 3(2) (abduction of child by other persons) there is substituted –
  - (2) The offence in paragraph (1) does not apply to –
    - (a) the child’s parents, if they were married to each other, or civil partners of each other, at the time of the child’s birth;
    - (b) the child’s mother, if, at the time of the child’s birth, she was not –
      - (i) married to or the civil partner of the child’s father, or
      - (ii) married to or the civil partner of the child’s second parent;
    - (c) a guardian of the child;
    - (d) a person in whose favour a residence order is in force with respect to the child;
    - (e) a person in whose favour a parental order is in force with respect to the child;
    - (f) a person who is the child’s second parent; or
    - (g) a person who has custody of the child.
- (5) In Article 3(3)(a) for “were not married to each other” there is substituted “were not married to each other, nor civil partners of each other,”.
- (6) After Article 3(3)(a) there is inserted –
  - (aa) the person is the child’s second parent, and the second parent and mother of the child were not married or in a civil partnership at the time of the child’s birth; or

- (7) In the Schedule (modifications of “appropriate consent” for the purposes of Article 2) at the end there is inserted –

6.	A child who is the subject of a pending application for a parental order.	The leave of the Royal Court.
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#### 11 [Criminal Procedure \(Jersey\) Law 2018](#) amended

For Article 68(1) (non-selection of person for jury service - family relationship) of the [Criminal Procedure \(Jersey\) Law 2018](#) there is substituted –

- (1) This Article applies if it appears to the Bailiff that the panel list contains both of –
- (a) a parent and child;
  - (b) 2 persons married to each other;
  - (c) 2 persons in a civil partnership with each other;
  - (d) 2 siblings.
- (1A) In this Article “parent” has the meaning given in the [Children \(Jersey\) Law 2002](#).

#### 12 [Data Protection \(Jersey\) Law 2018](#)

In Article 61(8) (health, education and social work) of the [Data Protection \(Jersey\) Law 2018](#) for the definition “proceedings relating to families or children” there is substituted –

- “proceedings relating to families or children” includes proceedings relating to –
- (a) adoption;
  - (b) matrimonial matters;
  - (c) guardianship;
  - (d) the making of parental orders under Article 9G of the [Children \(Jersey\) Law 2002](#); or
  - (e) the making of recognition orders under Article 9N of that Law;

#### 13 [Education \(Grants and Allowances\) \(Jersey\) Order 2018](#) amended

In the [Education \(Grants and Allowances\) \(Jersey\) Order 2018](#) –

- (a) in Article 1 (interpretation) for the definition “parent” there is substituted –  
“parent” has the meaning given in Article 1(1) of the [Children \(Jersey\) Law 2002](#);
- (b) in Article 2(1)(e) (dependent and independent students) “natural or adoptive” is deleted.

**14 [Employers' Liability \(Compulsory Insurance\) \(Jersey\) Law 1973](#) amended**

In Article 1(2)(a) (interpretation) of the [Employers' Liability \(Compulsory Insurance\) \(Jersey\) Law 1973](#) for “father, mother” there is substituted “parent (as defined in Article 1(1) of the [Children \(Jersey\) Law 2002](#))”.

**15 [Employment \(Jersey\) Law 2003](#) amended**

- (1) This Regulation amends the [Employment \(Jersey\) Law 2003](#).
- (2) In Article 1(1) (interpretation and application) after the definition “officer acting for the purposes of this Law” there is inserted –
  - “parental order” has the meaning given in Article 1(1) of the [Children \(Jersey\) Law 2002](#) and includes a recognition order made under Article 9N of that Law;
- (3) After Article 31(3)(c)(ii) (the right not to suffer detriment) there is inserted –
  - (iia) the making of a parental order in respect of a child,
- (4) In Article 55A(1) (interpretation for the purposes of Part 5A) –
  - (a) before the definition “adopter” there is inserted –
    - “2002 Law” means the [Children \(Jersey\) Law 2002](#);
    - “2008 Act” means the Human Fertilisation and Embryology Act 2008 of the United Kingdom;
  - (b) in the definition “childbirth” for “surrogate parent” there is substituted “receiving parent”;
  - (c) for the definition “parental responsibility” there is substituted –
    - “parental responsibility” has the meaning given by Article 1(1) of the 2002 Law;
  - (d) for the definition “partner” there is substituted –
    - “partner”, in the case of parental leave or parental bereavement leave, means a person (whether of a different sex or the same sex) who –
      - (a) lives with a parent, adopter or receiving parent and the child in an enduring family relationship; and
      - (b) is not the parent’s or adopter’s or receiving parent’s relative;
  - (e) after the definition “partner” there is inserted –
    - “receiving parent” means –
      - (a) a person on whose application a parental order has been made, under which a child is to be treated in law as a child of that person; or
      - (b) a person who is a potential applicant for a parental order under Article 9G of the 2002 Law, and for the purposes of this definition a person is a potential applicant if, at the time an application is made by the person, the requirements of Article 9I(2)(a) to (d) of that Law are met and the remaining requirements of that paragraph can reasonably be expected to be met, in relation to that person;
  - (f) in the definition “relative” for “surrogate” there is substituted “receiving”;
  - (g) after the definition “relative” there is inserted –
    - “second parent” has the meaning given by Article 1(1) of the 2002 Law;

- (h) the definition “surrogate parent” is deleted.
- (5) In Article 55B(4)(c) (right to time off for ante-natal or pre-adoption appointments) –
  - (a) in clause (ii) after “father” there is inserted “or second parent”;
  - (b) for clause (iii) there is substituted –
    - (iii) a potential applicant for a parental order in respect of the expected child, or
    - (iv) the partner of the applicant.
- (6) In Article 55D (entitlement to parental leave) –
  - (a) in paragraph (2) –
    - (i) in sub-paragraph (a) after “mother” there is inserted “or the receiving parent”,
    - (ii) in sub-paragraph (b)(i) for “or adopter” there is substituted “, adopter or receiving parent”;
  - (b) For paragraph (7) there is substituted –
  - (7) For the purposes of this Article, if 1 of the conditions in paragraph (7A) is met, a person has a “qualifying relationship” with –
    - (a) a child;
    - (b) the child’s mother;
    - (c) the child’s adopter; or
    - (d) a person named in a parental order in respect of a child.
  - (7A) The conditions are that the person is –
    - (a) at the date of childbirth, the date of making of a parental order or the date of placement for adoption, married to, or the civil partner or partner of –
      - (i) the child’s mother (but not of a surrogate mother as defined in Article 1(1) of the [Children \(Jersey\) Law 2002](#)),
      - (ii) if only 1 person is matched with the child, the child’s adopter, or
      - (iii) if only 1 person is named in the parental order made in respect of the child, that person;
    - (b) the father or second parent of the child; or
    - (c) a receiving parent of the child.
- (7) In Article 55HA(1) (parental bereavement leave) –
  - (a) in sub-paragraph (b) after “father” there is inserted “or second parent”;
  - (b) in sub-paragraph (d) for “surrogate” there is substituted “receiving”.
- (8) In Article 67(1) (dismissal for family or other reasons) after sub-paragraph (b) there is inserted –
  - (ba) the fact that a parental order has been made conferring parental responsibility for a child on the employee;
- (9) In Article 71(2)(a) (replacements) for “or adoption” there is substituted “, adoption or the making of a parental order”.

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

In Article 1 (interpretation) of the [Fatal Accidents \(Jersey\) Law 1962](#) –

- (a) in paragraph (1) for the definition “parent” there is substituted –
  - “parent” –
  - (a) has the meaning given in Article 1(1) of the [Children \(Jersey\) Law 2002](#); and
  - (b) includes a grandfather or grandmother;
- “parental order” has the meaning given in the [Children \(Jersey\) Law 2002](#) and includes a recognition order made under Article 9N of that Law;
- (b) before paragraph (2)(a) there is inserted –
  - (aa) a person who is the subject of a parental order is treated as the child of the person or persons named in the parental order and not as the child of any other person;

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

In Article 1 (interpretation) of the [Financial Services \(Investment Business \(Qualifying Segregated Managed Accounts – Exemption\)\) \(Jersey\) Order 2014](#) in the definition “relative” for sub-paragraph (a) there is substituted –

- (a) a relationship of the half-blood is treated as a relationship of the whole blood;
- (aa) the following are treated as the child of a person –
  - (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,
  - (v) a child who is the subject of a parental order or recognition order (having the meanings given to those terms in the [Children \(Jersey\) Law 2002](#)), in which the person is named as the child’s parent; and

**18 [Gambling Commission \(Jersey\) Law 2010](#) amended**

In Schedule 1 (constitution and operation of Commission), paragraph 1(4)(a)(iv) (appointment of commissioners) to the [Gambling Commission \(Jersey\) Law 2010](#) after “adopted by the applicant” there is inserted “or who is the subject of a parental order or a recognition order (having the meanings given to those terms in the [Children \(Jersey\) Law 2002](#)) in which the applicant is named as the child’s parent”.

**19 [Gender Recognition \(Jersey\) Law 2010](#) amended**

(1) This Regulation amends the [Gender Recognition \(Jersey\) Law 2010](#).

- (2) In Article 10 (parenthood) for “father or mother” there is substituted “father, mother or second parent (as defined in Article 1(1) of the [Children \(Jersey\) Law 2002](#))”.
- (3) In the Schedule (alteration of registers) after paragraph 2 there is inserted –

## **2A Parental Orders Register**

- (1) This paragraph applies if a parental order is entered in the Parental Orders Register in respect of a person to whom a full certificate is issued.
- (2) The Court must send a copy of the certificate to the Superintendent Registrar.
- (3) The Superintendent Registrar must amend the entry for the person in the Parental Orders Register to record –
  - (a) the person’s acquired gender; and
  - (b) the person’s acquired name.
- (4) The Superintendent Registrar must amend the index to the Parental Orders Register to accord with the requirements of sub-paragraph (3).
- (5) The amendments made under sub-paragraphs (3) and (4) must be made in a way that the reason for re-registration would not be disclosed –
  - (a) to a person searching the index; or
  - (b) in a certified copy of the entry in the Parental Orders Register.
- (6) If, under Article 6, there is a correction of a certificate that affects the person’s acquired name –
  - (a) the Court must send a copy of the corrected certificate to the Superintendent Registrar; and
  - (b) the Superintendent Registrar must cause the amended entry made under sub-paragraph (3) to be corrected accordingly.
- (7) If, under Article 7, a certificate is revoked –
  - (a) the Court must send a copy of its order revoking the certificate to the Superintendent Registrar; and
  - (b) the Superintendent Registrar must cancel any entries and markings made under sub-paragraph (3) or (4).
- (8) In this paragraph –

“parental order” has the meaning given in Article 1(1) of the [Children \(Jersey\) Law 2002](#) and includes a recognition order made under Article 9N of that Law;

“Parental Orders Register” means the register of that name maintained by the Superintendent Registrar under Article 61A of the [Marriage and Civil Status \(Jersey\) Law 2001](#).

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

In Regulation 47(3) (definitions relating to transactions at an undervalue and preferences) of the [Incorporated Limited Partnerships \(Jersey\) Regulations 2011](#) for sub-paragraph (a) there is substituted –

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



- (aa) the following are treated as the child of a person –
  - (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,
  - (v) a child who is the subject of a parental order or a recognition order (having the meanings given to those terms in the [Children \(Jersey\) Law 2002](#)), in which the person is named as the child’s parent; and

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

For Regulation 32(2)(b) (interpretation) of the [Limited Liability Companies \(Winding Up and Dissolution\) \(Jersey\) Regulations 2022](#) there is substituted –

- (b) a person is a relative of an individual if the person is that individual’s brother, sister, uncle, aunt, nephew, niece, lineal ancestor or lineal descendant, for which purpose –
  - (i) a relationship of the half-blood is treated as a relationship of the whole blood,
  - (ii) the following are treated as the child of a person –
    - (A) the person’s stepchild,
    - (B) the person’s adopted child,
    - (C) 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](#),
    - (D) a child of a person who is the child’s second parent under that Schedule,
    - (E) a child who is the subject of a parental order or a recognition order (having the meanings given to those terms in the [Children \(Jersey\) Law 2002](#)), in which the person is named as the child’s parent; and
  - (iii) an illegitimate child is to be treated as the legitimate child of the child’s mother and the person regarded as the father;

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

In Schedule 1 (relations whom it is prohibited to marry) to the [Marriage and Civil Status \(Jersey\) Law 2001](#) –

- (a) for paragraph 1(2) and (3) there is substituted –
- (2) The list referred to in sub-paragraph (1) is as follows –
  - Adoptive child
  - Child

Child via parental order  
Former adoptive child  
Former child via parental order  
Grandchild  
Adoptive grandchild  
Grandchild via parental order  
Former grandchild via parental order  
Parent's sibling  
Sibling of a person who is a parent via parental order  
Sibling  
Sibling via parental order  
Sibling's child  
Sibling of the child of a person who is a parent via parental order

(3) In the list in sub-paragraph (2) –

“sibling” means a brother, sister, half-brother or half-sister;

“via parental order” means –

(a) a parental order or a recognition order, within the meanings given in the [Children \(Jersey\) Law 2002](#), has been made conferring parental responsibility in respect of a child; and

(b) the child is treated in law as the child of the person conferred with parental responsibility under that order.

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

(2) The list referred to in sub-paragraph (1) is –

Adoptive child of former civil partner

Child via parental order of former civil partner

Adoptive child of former spouse

Child via parental order of former spouse

Adoptive grandchild of former civil partner

Grandchild via parental order of former civil partner

Adoptive grandchild of former spouse

Grandchild via parental order of former spouse

Child of former civil partner

Child of former spouse

Grandchild of former civil partner

Grandchild of former spouse

(3) In the list in sub-paragraph (2) “via parental order” means –

(a) a parental order is made under Article 9G of the [Children \(Jersey\) Law 2002](#), or a recognition order is made under Article 9N of that Law, conferring parental responsibility in respect of a child; and

(b) the child is treated in law as the child of the person conferred with parental responsibility under that order.

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

In Schedule 1A (particulars to be recorded in the Parental Orders Register) to the [Marriage and Civil Status \(Jersey\) Order 2018](#) –

- (a) for item 7 there is substituted –
  - 7. Full name of parent, including any middle names and birth surname (if applicable)
- (b) for item 9 there is substituted –
  - 9. Full name of parent, including any middle names and birth surname (if applicable)
- (c) item 11 is deleted.

### 24 [Mental Health \(Jersey\) Law 2016](#) amended

- (1) This Regulation amends the [Mental Health \(Jersey\) Law 2016](#).
- (2) In Article 1(1) (interpretation) –
  - (a) after the definition “nearest person” there is inserted –
    - “parental order” has the meaning given in the [Children \(Jersey\) Law 2002](#) and includes a recognition order made under Article 9N of that Law;
  - (b) after the definition “responsible medical officer” there is inserted –
    - “second parent” has the same meaning as in the [Children \(Jersey\) Law 2002](#);
- (3) In Article 8 (definition of ‘nearest relative’) –
  - (a) for paragraph (3)(c) there is substituted –
    - (c) father, mother or second parent;
  - (b) in paragraph (5) –
    - (i) after sub-paragraph (b) there is inserted –
      - (ba) a person who is the subject of a parental order is treated as the child of the person or persons named in the parental order;
    - (ii) for sub-paragraph (c)(ii) there is substituted –
      - (ii) if the child’s father or second parent has parental responsibility for the child, as the child of their father or second parent.
  - (c) in paragraph (6)(c) for “father or mother of the patient” there is substituted “father, mother or second parent of the patient”.
- (4) For Article 9(4)(b) (‘nearest relative’ of certain patients aged under 18) there is substituted –
  - (b) by virtue of a separation agreement made between –
    - (i) the patient’s father and mother,
    - (ii) the patient’s father and second male parent,
    - (iii) the patient’s mother and second female parent, or
    - (iv) the people named as the patient’s parents in a parental order,

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

In Article 2 (meaning of “relative”) of the [Nursing Homes \(Jersey\) Law 1994](#) –

- (a) for paragraph (1)(c) there is substituted –
  - (c) father, mother or second parent;
- (b) for paragraph (2)(a) there is substituted –
  - (a) a relationship by marriage or civil partnership is treated as a relationship by blood;
  - (aa) a relationship of the half-blood is treated as a relationship of the whole blood;
  - (ab) the following are treated as the child of a person –
    - (i) the person’s stepchild,
    - (ii) the person’s adopted child,
    - (iii) a child who is the subject of a parental order or a recognition order (having the meanings given to those terms in the [Children \(Jersey\) Law 2002](#)), in which the person is named as the child’s parent; and

**26 [Public Employees \(Contributory Retirement Scheme\) \(Jersey\) Regulations 1967](#)  
amended**

In Regulation 1(1) (interpretation) of the [Public Employees \(Contributory Retirement Scheme\) \(Jersey\) Regulations 1967](#) –

- (a) in the definition “child” –
  - (i) for sub-paragraph (a) there is substituted –
    - (a) a child of that individual whether or not born of a marriage or civil partnership entered into by that individual;
    - (ii) after sub-paragraph (c) there is inserted –
      - (ca) a child subject to a parental order in which the person is named as the child’s parent; or
  - (b) after the definition “normal retiring age” there is inserted –  
“parental order” has the meaning given in Article 1(1) of the [Children \(Jersey\) Law 2002](#) and includes a recognition order made under Article 9N of that Law;
- (c) for the definition “relations” there is substituted –  
“relations” means –
  - (a) the widow, widower or surviving civil partner of the contributory member or any former husband, wife or civil partner of the contributory member;
  - (b) a child of the contributory member, including –
    - (i) a stepchild,
    - (ii) a legally adopted child,
    - (iii) a child via 1 of Circumstances A to D in Schedule A1 (fertility treatment and artificial insemination) to the [Children \(Jersey\) Law 2002](#),
    - (iv) a child named in a parental order in which the member is named as the child’s parent, and

- (v) a child to whom, in the opinion of the Committee of Management, the contributory member or other person as appropriate stands, or would but for the contributory member's death have stood, *in loco parentis*;
- (c) the surviving spouse or surviving civil partner of a child under sub-paragraph (b);
- (d) a descendent of a child under sub-paragraph (b), and the surviving spouse or surviving civil partner of that descendent;
- (e) a parent or other ancestor of the contributory member and the surviving spouse or surviving civil partner of that parent or ancestor; and
- (f) a sibling of the contributory member, including –
  - (i) a whole blood or half-blood sibling,
  - (ii) an adoptive sibling,
  - (iii) a sibling via 1 of the Circumstances A to D in Schedule A1 (fertility treatment and artificial insemination) to the [Children \(Jersey\) Law 2002](#), and
  - (iv) a sibling via parental order ;
- (d) after the definition “United Kingdom transferring arrangement” there is inserted –
  - “via parental order” means –
    - (a) a parental order has been made conferring parental responsibility in respect of a child; and
    - (b) the child is treated in law as the child of the person conferred with parental responsibility under that order.

## 27 [Public Employees \(Contributory Retirement Scheme\) \(Existing Members\) \(Jersey\) Regulations 1989](#) amended

In Regulation 1 (interpretation) of the [Public Employees \(Contributory Retirement Scheme\) \(Existing Members\) \(Jersey\) Regulations 1989](#) –

- (a) in the definition “child” –
  - (i) for sub-paragraph (a) there is substituted –
    - (a) a child of that individual whether or not born of a marriage or civil partnership entered into by that individual;
    - (ii) after sub-paragraph (c) there is inserted –
      - (ca) a child subject to a parental order in which the person is named as the child's parent; or
- (b) after the definition “normal retiring age” there is inserted –
  - “parental order” has the meaning given in Article 1(1) of the [Children \(Jersey\) Law 2002](#) and includes a recognition order made under Article 9N of that Law;
- (c) for the definition “relations” there is substituted –
  - “relations” means –
    - (a) the widow, widower or surviving civil partner of the member or any former husband, wife or civil partner of the member;

- (b) a child of the member, including –
  - (i) a stepchild,
  - (ii) a legally adopted child,
  - (iii) a child via 1 of Circumstances A to D in Schedule A1 (fertility treatment and artificial insemination) to the [Children \(Jersey\) Law 2002](#),
  - (iv) a child named in a parental order in which the member is named as the child’s parent, and
  - (v) a child to whom in the opinion of the Committee the member or other person as appropriate stands, or would but for the member’s death have stood, *in loco parentis*;
- (c) the surviving spouse or surviving civil partner of a child under sub-paragraph (b);
- (d) a descendent of a child under sub-paragraph (b), and the surviving spouse or surviving civil partner of that descendent;
- (e) a parent or other ancestor of the member and the surviving spouse or surviving civil partner of that parent or ancestor; and
- (f) a sibling of the member, including –
  - (i) a whole blood or half-blood sibling,
  - (ii) an adoptive sibling,
  - (iii) a sibling via 1 of Circumstances A to D in Schedule A1 (fertility treatment and artificial insemination) to the [Children \(Jersey\) Law 2002](#), and
  - (iv) a sibling via parental order;
- (d) after the definition “United Kingdom transferring arrangement” there is inserted –
  - “via parental order” means –
    - (a) a parental order has been made conferring parental responsibility in respect of a child; and
    - (b) the child is treated in law as the child of the person conferred with parental responsibility under that order.

**28 [Public Employees \(Contributory Retirement Scheme\) \(Former Hospital Scheme\) \(Jersey\) Regulations 1992](#) amended**

In Regulation 1 of the [Public Employees \(Contributory Retirement Scheme\) \(Former Hospital Scheme\) \(Jersey\) Regulations 1992](#) –

- (a) in the definition “child” –
  - (i) for sub-paragraph (a) there is substituted –
    - (a) a child of that individual whether or not born of a marriage or civil partnership entered into by that individual;
    - (ii) after sub-paragraph (c) there is inserted –
      - (ca) a child subject to a parental order in which the person is named as the child’s parent; or
- (b) after the definition “normal retiring age” there is inserted –

“parental order” has the meaning given in Article 1(1) of the [Children \(Jersey\) Law 2002](#) and includes a recognition order made under Article 9N of that Law;

- (c) for the definition “relations” there is substituted –
- “relations” means –
- (a) the widow, widower or surviving civil partner of the member or any former husband, wife or civil partner of the member;
  - (b) a child of the member, including –
    - (i) a stepchild,
    - (ii) a legally adopted child,
    - (iii) a child via 1 of Circumstances A to D in Schedule A1 (fertility treatment and artificial insemination) to the [Children \(Jersey\) Law 2002](#),
    - (iv) a child named in a parental order in which the member is named as the child’s parent, and
    - (v) a child to whom in the opinion of the Committee the member or other person as appropriate stands, or would but for the member’s death have stood, *in loco parentis*;
  - (c) the surviving spouse or surviving civil partner of a child under sub-paragraph (b);
  - (d) a descendent of a child under sub-paragraph (b), and the surviving spouse or surviving civil partner of that descendent;
  - (e) a parent or other ancestor of the member and the surviving spouse or surviving civil partner of that parent or ancestor; and
  - (f) a sibling of the member, including –
    - (i) a whole blood or half-blood sibling,
    - (ii) an adoptive sibling,
    - (iii) a sibling via 1 of the Circumstances A to D in Schedule A1 (fertility treatment and artificial insemination) to the [Children \(Jersey\) Law 2002](#), and
    - (iv) a sibling via parental order;
- (d) after the definition “United Kingdom transferring arrangement” there is inserted –
- “via parental order” means –
- (a) a parental order has been made conferring parental responsibility in respect of a child; and
  - (b) the child is treated in law as the child of the person conferred with parental responsibility under that order.

**29 [Public Employees \(Contributory Retirement Scheme\) \(New Members\) \(Jersey\) Regulations 1989](#)**

In Regulation 1 (interpretation) of the [Public Employees \(Contributory Retirement Scheme\) \(New Members\) \(Jersey\) Regulations 1989](#) –

- (a) in the definition “child” –

- (i) for sub-paragraph (a) there is substituted –
- (a) a child of that individual whether or not born of a marriage or civil partnership entered into by that individual;
- (ii) after sub-paragraph (c) there is inserted –
- (ca) a child subject to a parental order in which the person is named as the child’s parent; or
- (b) after the definition “normal retiring age” there is inserted –
  - “parental order” has the meaning given in Article 1(1) of the [Children \(Jersey\) Law 2002](#) and includes a recognition order made under Article 9N of that Law;
- (c) for the definition “relations” there is substituted –
  - “relations” means –
  - (a) the widow, widower or surviving civil partner of the member or any former husband, wife or civil partner of the member;
  - (b) a child of the member, including –
    - (i) a stepchild,
    - (ii) a legally adopted child,
    - (iii) a child via 1 of Circumstances A to D in Schedule A1 (fertility treatment and artificial insemination) to the [Children \(Jersey\) Law 2002](#),
    - (iv) a child named in a parental order under the [Children \(Jersey\) Law 2002](#) in which the member is named, and
    - (v) a child to whom in the opinion of the Committee the member or other person as appropriate stands, or would but for the member’s death have stood, *in loco parentis*;
  - (c) the surviving spouse or surviving civil partner of a child under sub-paragraph (b);
  - (d) a descendent of a child under sub-paragraph (b), and the surviving spouse or surviving civil partner of that descendent;
  - (e) a parent or other ancestor of the member and the surviving spouse or surviving civil partner of that parent or ancestor; and
  - (f) a sibling of the member, including –
    - (i) a whole blood or half-blood sibling,
    - (ii) an adoptive sibling,
    - (iii) a sibling via 1 of the Circumstances A to D in Schedule A1 to the [Children \(Jersey\) Law 2002](#), and
    - (iv) a sibling via parental order;
- (d) after the definition “United Kingdom transferring arrangement” there is inserted –
  - “via parental order” means –
  - (a) a parental order has been made conferring parental responsibility in respect of a child; and
  - (b) the child is treated in law as the child of the person conferred with parental responsibility under that order.



**30 [Public Employees \(Pension Scheme\) \(Membership and Benefits\) \(Jersey\) Regulations 2015](#) amended**

- (1) This Regulation amends the [Public Employees \(Pension Scheme\) \(Membership and Benefits\) \(Jersey\) Regulations 2015](#).
- (2) In Regulation 1 (interpretation) –
  - (a) after the definition “opening balance” there is inserted –

“parental order” has the meaning given in Article 1(1) of the [Children \(Jersey\) Law 2002](#) and includes a recognition order made under Article 9N of that Law;
  - (b) after the definition “uniformed member” there is inserted –

“via parental order” means –

    - (a) a parental order has been made conferring parental responsibility in respect of a child; and
    - (b) the child is treated in law as the child of the person conferred with parental responsibility under that order.
- (3) For Regulation 2(1) (meaning of “eligible child”) there is substituted –
  - (1) An “eligible child”, in relation to a deceased active, deferred or pensioner member, means a child who –
    - (a) meets 1 of the descriptions in paragraph (1A); and
    - (b) meets any of the conditions in paragraph (2).
  - (1A) The descriptions are –
    - (a) an adopted child of the member who was born before the member’s death;
    - (b) a child of the member, born before the member’s death or within 12 months after the member’s death, who is –
      - (i) a natural child,
      - (ii) a child via 1 of Circumstances A to D under Schedule A1 (fertility treatment and artificial insemination) to the [Children \(Jersey\) Law 2002](#), or
      - (iii) a child subject to a parental order in which the member is named as the child’s parent;
    - (c) a stepchild or child accepted by the deceased member as a member of the family, who was dependent on the member at the date of death.
- (4) In Regulation 49(2) (bankruptcy and non-assignment of Scheme benefits) –
  - (a) in sub-paragraph (a) for “, if that child is a natural or adopted child of that member, or is a stepchild or child accepted by that member as a member of the family and” there is substituted “to whom sub-paragraph (aa) applies and who”; and
  - (b) after sub-paragraph (a) there is inserted –
    - (aa) This sub-paragraph applies to –
      - (i) a natural child,
      - (ii) an adopted child,
      - (iii) a child via 1 of Circumstances A to D under Schedule A1 to the [Children \(Jersey\) Law 2002](#),

- (iv) a child who is the subject of a parental order in which the member is named as the child's parent, or
- (v) a stepchild or child accepted by the member as a member of the family.

### **31 Regulation of Care (Jersey) Law 2014 amended**

In Schedule 1 (regulated activities) to the [Regulation of Care \(Jersey\) Law 2014](#) –

- (a) in paragraph 2 –
  - (i) for the definition “parent” there is substituted –  
“parent” has the meaning given in Article 1(1) of the Children Law and includes a child's guardian appointed under Article 7 of that Law;
  - (ii) the definition “parental responsibility” is deleted;
- (b) in paragraph 11(2)(a) for “mother or father” there is substituted “mother, father or second parent (as defined in Article 1(1) of the Children Law)”.

### **32 Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018 amended**

- (1) This Regulation amends the [Regulation of Care \(Standards and Requirements\) \(Jersey\) Regulations 2018](#).
- (2) In Regulation 32 (application and interpretation of Part) for paragraph (5) there is substituted –
  - (5) In this Part and Schedules 1 to 3 –
    - “child's permanence report” has the meaning given in Regulation 41;
    - “medical adviser” means a doctor appointed under Regulation 33;
    - “parent” means a person with parental responsibility for a child and includes –
      - (a) the child's mother;
      - (b) the child's biological father;
      - (c) a man who is the child's father under Schedule A1 (fertility treatment and artificial insemination) of the Children Law;
      - (d) a woman who is the child's second parent under Schedule A1 of the Children Law;
      - (e) a person named in a parental order as the child's parent;
    - “parental order” has the meaning given in Article 1(1) of the [Children \(Jersey\) Law 2002](#) and includes a recognition order made under Article 9N of that Law;
    - “proposed placement” has the meaning given in Regulation 54;
    - “prospective adopter's assessment plan” means a plan prepared under Regulation 49;
    - “prospective adopter's matching plan” means a plan prepared under Regulation 53;
    - “prospective adopter's plan” means a plan prepared under Regulation 43;
    - “prospective adopter's report” means a report prepared under Regulation 50;

- “prospective adopter’s review report” means a report prepared under Regulation 52
- “second parent” has the meaning given in Article 1(1) of the [Children \(Jersey\) Law 2002](#).
- (6) Words or expressions not otherwise defined in the Law or these Regulations have the meanings given to them in the Adoption Law or the Children Law, as the case may be.
- (3) For Regulation 38(4) and (5) (requirement to provide counselling and information for, and ascertain wishes and feelings of, the parent or guardian of the child and others) there is substituted –
- (4) Paragraph (5) applies if the adoption service knows of a person (“P”) who would be a parent of the child if they had parental responsibility.
- (5) If the registered person is satisfied it is appropriate to do so, the registered person must –
- (a) carry out in respect of P the requirements of paragraph (2); and
- (b) ascertain as far as possible if P –
- (i) wishes to acquire parental responsibility for the child under Part 1A of the Children Law, or
- (ii) intends to apply for a residence order or a contact order under Article 10 of the Children Law with respect to the child.
- (4) In Regulation 41(3) (requirement to prepare child’s permanence report) –
- (a) for sub-paragraph (d) there is substituted –
- (d) the wishes and feelings of the following regarding the matters ascertained under Regulation 38(2)(c) –
- (i) the child’s parent or guardian,
- (ii) if Regulation 38(5) applies, P, and
- (iii) any other person the registered person considers relevant;
- (b) for sub-paragraph (g) there is substituted –
- (g) an assessment of the parenting capacity of –
- (i) the child’s parent or guardian, or
- (ii) if Regulation 38(5) applies, P;
- (5) For Regulation 42(2)(c) (requirement to consider Adoption Panel’s recommendation) there is substituted –
- (c) if their whereabouts are known to the adoption service, notify in writing –
- (i) the parent or guardian, and
- (ii) if Regulation 38(4) applies and the agency considers it appropriate, P.
- (6) For Regulation 55(3)(c) (requirements in respect of adoption service’s decision in relation to proposed placement) there is substituted –
- (c) if Regulation 38(4) applies and the registered person considers it is appropriate, notify P in writing of the fact that the child is to be placed for adoption; and
- (7) In Schedule 1 (information relating to the child) –

- (a) for Part 1 paragraph 1(13) there is substituted –
- (13) The current arrangements for and the type of contact between the child and –
  - (a) the child’s parent or guardian;
  - (b) an individual with parental responsibility for the child;
  - (c) a person who would be a parent of the child if they had parental responsibility;
  - (d) any relative, friend or other individual.
- (b) in Part 3 –
  - (i) for paragraph 4 there is substituted –

#### **4 Interpretation of this Part**

In this Part, “parent” means –

- (a) a parent as defined in Regulation 32; and
- (b) a person who would be a parent of the child if they had parental responsibility.
- (ii) in paragraph 8(3) after “father” there is inserted “or second parent”,
- (iii) for paragraph 8(4) there is substituted –
- (4) If the identity or whereabouts of the child’s father or second parent are not known, the information about the father or second parent that has been ascertained and from whom, and the steps that have been taken to establish parenthood.
- (c) in Part 4 for paragraph 10 there is substituted –

#### **9A Interpretation of this Part**

In this Part –

“biological parent” means a person whose sperm or eggs contributed to the genetic makeup of the child, whether or not that person is the child’s parent;  
“biological sibling” means a person, other than the child, who is the issue of 1 or both of the biological parents;  
“second parent” has the meaning given in Article 1(1) of the [Children \(Jersey\) Law 2002](#).

#### **10 Information relating to the health of the child’s biological parents and biological siblings**

- (1) Name, date of birth, sex, weight and height of each biological parent.
- (2) A health history of each biological parent, including details of any serious physical or mental illness, any hereditary disease or disorder, drug or alcohol misuse, disability, accident or hospital admission and in each case any treatment given if the adoption service considers that information to be relevant.
- (3) A health history of the child’s biological siblings with details of any serious physical or mental illness and any hereditary disease or disorder.

- (4) A summary of the birth mother's obstetric history, including any problems in the ante-natal, labour and post-natal periods, with the results of any tests carried out during or immediately after the pregnancy.
  - (5) Details of any present illness, including treatment and prognosis.
  - (6) Any other relevant information that may assist the Adoption Panel and adoption service.
- (8) For Schedule 2 (information relating to prospective adopter), paragraph 3(19)(h) there is substituted –
- (h) views and feelings about contact between the child and –
    - (i) the child's parent or guardian,
    - (ii) another individual with parental responsibility for the child,
    - (iii) a person who would be a parent of the child if they had parental responsibility,
    - (iv) any relative, friend or other individual.

### **33 [Sexual Offences \(Jersey\) Law 2018](#) amended**

In Article 34(2) (penetrative sex with a blood relative by persons aged 16 or older) of the [Sexual Offences \(Jersey\) Law 2018](#) –

- (a) in the introductory text “and (d)” is deleted;
- (b) for sub-paragraph (b) there is substituted –
  - (b) has that relationship without reliance on –
    - (i) marriage or civil partnership,
    - (ii) adoption,
    - (iii) Schedule A1 (fertility treatment and artificial insemination) to the [Children \(Jersey\) Law 2002](#),
    - (iv) a parental order as defined in Article 1(1) of that Law, or
    - (v) a recognition order as defined in that Article.

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

- (1) This Regulation amends the [Social Security \(Claims and Payments\) \(Jersey\) Order 1974](#).
- (2) In Article 13(4)(a) (time for claiming benefit) after “occurring” there is inserted “, or a parental order being made,”.
- (3) In Schedule 2, Part 1, in item 2 of the table, in each of (a), (b) and (c), in column 2, for “birth or adoption” there is substituted “birth, adoption or making of a parental order”.
- (4) In Schedule 2, Part 2, paragraph 2(3) –
  - (a) for “born or adopted” there is substituted “born, adopted or the subject of a parental order”;
  - (b) for “that woman” there is substituted “the birth mother of the child”, in –
    - (i) sub-paragraph (a), and
    - (ii) sub-paragraph (b);

- (c) in the bottom text for “birth or adoption” in each of the 3 places it occurs there is substituted “birth, adoption or the making of a parental order”.

### **35 [Social Security \(Death Grant\) \(Jersey\) Order 1974](#) amended**

In the [Social Security \(Death Grant\) \(Jersey\) Order 1974](#), in the following places, there is inserted “or a person who is, or would have been, named in a parental order in respect of a child under the [Children \(Jersey\) Law 2002](#)” –

- (a) in Article 3 (children) after “[Adoption \(Jersey\) Law 1961](#)”;
- (b) in Article 4(a) (persons in full time educational training and incapacitated persons) after “[Adoption \(Jersey\) Law 1961](#)”.

### **36 [Social Security \(General Benefit\) \(Jersey\) Order 1975](#) amended**

In Schedule 2 (prescribed relationships) to the [Social Security \(General Benefit\) \(Jersey\) Order 1975](#), in sub-paragraph (a) before “and” there is inserted “including those who are lineal descendants or ascendants as a result of Circumstance A, B, C or D described in Schedule A1 (fertility treatment and artificial insemination) to the [Children \(Jersey\) Law 2002](#) or as a result of a parental order.”.

### **37 [Social Security \(Jersey\) Law 1974](#) amended**

- (1) This Regulation amends the [Social Security \(Jersey\) Law 1974](#).
- (2) In Article 1 (interpretation) after the definition “parental grant” there is inserted –
  - “parental order” has the meaning given in Article 1(1) of the [Children \(Jersey\) Law 2002](#) and includes a recognition order made under Article 9N of that Law;
- (3) In Article 11A (interpretation of Part 3) –
  - (a) in paragraph (1) –
    - (i) in the definition “birth mother” for “host mother” there is substituted “surrogate mother”,
    - (ii) the definition “host mother” is deleted,
    - (iii) for the definition “parent” there is substituted –
      - “parent” means a person, other than a surrogate mother, who –
        - (a) is, or is to be named on the birth certificate, adoption certificate or parental order certificate of a child; and
        - (b) has, or expects to have, responsibility for the upbringing of the child;
      - (iv) after the definition “post-natal period” there is inserted –
        - “surrogate mother” means a woman who gives birth to a child who is, or is to be, placed with a receiving parent (as defined in Article 55A of the Employment Law.
  - (b) paragraph (3) is deleted;
  - (c) after paragraph (4)(a)(ii) there is inserted –
    - (iii) “parental order certificate” means a certificate issued under Article 61A(3) of the 2001 Law relating to a parental order registration under that Law;

- (4) In Article 21 (entitlement to parental grant) –
  - (a) in paragraph (3)(b) –
    - (i) in clause (ii) for “adoption” there is substituted “an adoption order or the making of a parental order”,
    - (ii) in clause (iii) for “birth certificate or adoption certificate” there is substituted “birth certificate, adoption certificate or parental order certificate”;
  - (b) in paragraph (5) at the end there is inserted –
  - (c) in the case of the making of a parental order in respect of more than one child as part of the same arrangement.
  - (c) in paragraph (6)(a) after “placement for adoption,” there is inserted “or the making of a parental order”.
- (5) In Article 22 (entitlement to parental allowance) for “host mother” there is substituted “surrogate mother”.
- (6) In Article 22A (period for which parental allowance is payable to a parent) –
  - (a) after paragraph (1)(b) there is inserted –
    - (c) the making of a parental order in respect of more than 1 child as part of the same arrangement.
  - (b) in paragraph (2)(b) for “host” there is substituted “surrogate”;
  - (c) in paragraph (3) –
    - (i) in the introductory text after “adoption date” there is inserted “, expected date of the making of the parental order or expected”,
    - (ii) in sub-paragraph (a) after “adoption date” there is inserted “or the date the parental order was made”.
- (7) In Article 22C(2) (payment of parental allowance) for “host” there is substituted “surrogate”.
- (8) In Article 24(7)(a) (survivor’s benefit) after “the survivor” there is inserted “or a child who is the subject of a parental order in which the deceased or the survivor is named”.
- (9) In Article 26 (death grant) –
  - (a) after paragraph (2)(b) there is inserted –
    - (c) a person who would have been the subject of a parental order in which the deceased would have been named.
  - (b) after paragraph (3)(b) there is inserted –
    - (c) a person who would have been named in a parental order of which the deceased would have been the subject.

### 38 [Social Security \(Parental Benefit\) \(Jersey\) Order 2020](#) amended

- (1) This Regulation amends the [Social Security \(Parental Benefit\) \(Jersey\) Order 2020](#).
- (2) For Article 2(2) (application for parental grant) there is substituted –
  - (2) A person who is entitled to apply for a parental grant must apply to the Minister within a period that –
    - (a) begins on the day that is 13 weeks before –

- (i) the week in which the child is expected to be born or adopted, or
    - (ii) the week in which a parental order in relation to the child is expected to be made; and
  - (b) ends on the day that is 6 months after –
    - (i) the date of the child’s birth,
    - (ii) the child’s adoption date (as defined in Article 22A of the Law), or
    - (iii) the date that the parental order in relation to the child is made.
- (3) For Article 7(2) (application for parental allowance) there is substituted –
  - (2) A person who is entitled to apply for parental allowance must apply to the Minister within a period that –
    - (a) begins on the day that is 13 weeks before –
      - (i) the week in which the child is expected to be born or adopted, or
      - (ii) the week in which a parental order in relation to the child is expected to be made; and
    - (b) ends on the day that is 6 months after –
      - (i) the date of the child’s birth,
      - (ii) the child’s adoption date (as defined in Article 22A of the Law), or
      - (iii) the date that the parental order in relation to the child is made.
- (4) In Article 8(3) and (4) (nomination of parents and period specified for payment of parental allowance) for “the birth certificate or the adoption certificate” there is substituted “the birth certificate, the adoption certificate or the parental order”.
- (5) In Article 10(2)(a)(iii) (disqualification from receipt of parental allowance) for “host mother” there is substituted “surrogate mother (as defined in Article 11A of the Law)”.

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

In Schedule 1, paragraph 3 (judicial fees) to the [Stamp Duties and Fees \(Jersey\) Law 1998](#), in the second column of item 47(a) for “parental responsibility (Article 5(1)(a) and (2))” there is substituted “parental responsibility or the making of a parental order (Article 9C(1)(c), 9D(c), 9E(b), 9G(4) and 9N(2))”.

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

- (1) This Regulation amends the [Teachers’ Superannuation \(Existing Members\) \(Jersey\) Order 1986](#).
- (2) In Article 1(1) (interpretation) –
  - (a) in the definition “child” for “(including an illegitimate or adopted child)” there is substituted “(including an illegitimate or adopted child or a child subject to a parental order in which the person is named as the child’s parent)”;
  - (b) after the definition “organiser” there is inserted –



“parental order” has the meaning given in Article 1(1) of the [Children \(Jersey\) Law 2002](#) and includes a recognition order made under Article 9N of that Law;

- (3) In Article 63(1)(c) (nomination of beneficiaries) for “father or mother” there is substituted “father, mother or second parent (as defined in Article 1(1) of the [Children \(Jersey\) Law 2002](#))”.

#### 41 [Teachers’ Superannuation \(New Members\) \(Jersey\) Order 2007](#) amended

In Article 1 (interpretation) of the [Teachers’ Superannuation \(New Members\) \(Jersey\) Order 2007](#) –

- (a) in the definition “child” –
- (i) in sub-paragraph (a), “natural” is deleted,
  - (ii) after sub-paragraph (c) there is inserted –
  - (ca) a child subject to a parental order in which that individual is named as the child’s parent;
- (b) after the definition “organiser of teachers” there is inserted –
- “parental order” has the meaning given in Article 1(1) of the [Children \(Jersey\) Law 2002](#) and includes a recognition order made under Article 9N of that Law;
- (c) for the definition “relations” there is substituted –
- “relations” means –
- (a) the widow, widower or surviving civil partner of the member or any former husband, wife or civil partner of the member;
  - (b) a child of the member, including –
    - (i) a stepchild,
    - (ii) a legally adopted child,
    - (iii) a child via 1 of Circumstances A to D in Schedule A1 (fertility treatment and artificial insemination) to the [Children \(Jersey\) Law 2002](#),
    - (iv) a child subject to a parental order in which the member is named as the child’s parent, and
    - (v) a child to whom, in the opinion of the Management Board, the member or other person as appropriate stands, or would but for the member’s death have stood, *in loco parentis*;
  - (c) the surviving spouse or surviving civil partner of a child under sub-paragraph (b);
  - (d) a descendent of a child under sub-paragraph (b), and the surviving spouse or surviving civil partner of that descendent;
  - (e) a parent or other ancestor of the member and the surviving spouse or surviving civil partner of that parent or ancestor; and
  - (f) a sibling of the member, including –
    - (i) a whole blood or half-blood sibling,
    - (ii) an adoptive sibling,

- (iii) a sibling via 1 of Circumstances A to D in Schedule A1 (fertility treatment and artificial insemination) to the [Children \(Jersey\) Law 2002](#), and
  - (iv) a sibling via parental order;
- (d) after the definition “Treasurer” there is inserted –
  - “via parental order” means –
    - (a) a parental order has been made conferring parental responsibility in respect of a child; and
    - (b) the child is treated in law as the child of the person conferred with parental responsibility under that order.

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

In Article 18A (gamete donors) of the [Wills and Successions \(Jersey\) Law 1993](#) –

- (a) for paragraph (2) there is substituted –
- (2) Paragraph (1) does not affect the operation of –
  - (a) Article 20 of the [Adoption \(Jersey\) Law 1961](#) if the child is adopted by the man; or
  - (b) Article 9G or Article 9N of the [Children \(Jersey\) Law 2002](#) if the child becomes subject to a parental order or a recognition order in which the man is named as the child’s parent.
- (b) for paragraph (4) there is substituted –
- (4) Paragraph (3) does not affect the operation of –
  - (a) Article 20 of the [Adoption \(Jersey\) Law 1961](#) if the child is adopted by the woman first mentioned in that paragraph;
  - (b) Article 9G or Article 9N of the [Children \(Jersey\) Law 2002](#) if the child becomes subject to a parental order or a recognition order in which the woman first mentioned in that paragraph is named;
  - (c) Schedule A1 (fertility treatment and artificial insemination) of the [Children \(Jersey\) Law 2002](#) if the woman whose ova are used is named on the child’s birth certificate as the second female parent.

#### **43 Citation and commencement**

These Regulations may be cited as the Children and Civil Status (Consequential Amendments) (Jersey) Amendment Regulations 202- and come into force immediately after the Children and Civil Status (Amendments) (Jersey) Law 2024.