

Marriage and Civil Status

The Official Record – 29th April 2008

Questions without notice to the Minister for Home Affairs

3.8 The Deputy of St. Martin:

In P.61 of 2008 - just lodged the other day - the Draft Marriage and Civil Status (Amendment) (Jersey) Law, the Minister states that the draft law is compatible with human rights. Would the Minister agree that as the mother can only pass on to her child her maiden name but not her actual surname, is an unnecessary limitation and, therefore, is not compatible with human rights?

Senator W. Kinnard:

This specific point has been reviewed and it is compatible with human rights and what I would say, Sir, is that this matter is down for debate and I am aware that one other Member may well amend it, so that the States can have the wider debate if they wish to. But what I would say, Sir, is that, in fact, the U.K. is at one end of a continuum because there are many countries with restrictions of some form or another; Switzerland, Spain, Ireland, Guernsey, Austria, Germany and Holland all have some form of restriction and, indeed, what my law does do is enable those parents who wish to either use the mother's maiden name or the father's name or indeed, a combination of 2 in whichever order, the law will now allow that flexibility.