

STATES OF JERSEY



DRAFT CIVIL PARTNERSHIP (CONSEQUENTIAL AMENDMENTS) (No. 2) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 4th December 2012
by the Chief Minister**

STATES GREFFE



Jersey

DRAFT CIVIL PARTNERSHIP (CONSEQUENTIAL AMENDMENTS) (No. 2) (JERSEY) REGULATIONS 201-

REPORT

The Civil Partnership (Jersey) Law 2012 (P.85/2011) was adopted by the States on 12th July 2011 and came in to force by way of an Appointed Day Act on 2nd April 2012. That Law and the Civil Partnership (Consequential Amendments) (Jersey) Regulations 2012, which came into force at the same time as the Law, amended Laws and subordinate legislation in order to ensure that civil partners are treated, so far as possible, in the same way as married couples, thus enabling the Civil Partnership (Jersey) Law 2012 to be fully effective.

A small number of Laws, which were adopted by the States but not registered by the Royal Court before the coming into force of the Civil Partnership (Jersey) Law 2012, have now been registered and require amendment for the same purpose. Additionally the consequential amendments made to the Gender Recognition (Jersey) Law 2010 contained a minor error that needs to be corrected.

These amendments are presented as the Civil Partnership (Consequential Amendments) (No. 2) (Jersey) Regulations 201-.

Financial and manpower implications

No resource implications have been identified as a result of these amendments.

Explanatory Note

These Regulations make consequential amendments to Laws that make provision in respect of marriage and spouses so that all such provisions also apply, so far as possible in the same way in respect of civil partnerships and civil partners. With the exception of the amendment being made to the Gender Recognition (Jersey) Law 2010, all the amendments are consequential to the Laws, or amendments to the Laws, that were adopted by the States, but not registered by the Royal Court, before the coming into force of the Civil Partnership (Jersey) Law 2012.

Regulation 1 amends Article 17(1)(c) of the Control of Housing and Work (Jersey) Law 2012 so that a person with Entitled for Work Only status may occupy Qualified dwelling accommodation (as classified under that Law) if the person has purchased such accommodation jointly with his or her spouse or civil partner, such spouse or civil partner having Entitled or Licensed status. It also amends Article 19(6) and (7) of that Law so that a person with Entitled for Work Only status or a person with Licensed status may purchase land with a spouse or civil partner. In the case of an Entitled for Work Only person, the spouse or civil partner must be an Entitled or Licensed person.

Regulation 2 amends the Gambling (Jersey) Law 2012 so that a civil partner is included in the list of people who are associates of another person for the purposes of that Law.

Regulation 3 corrects an error in Article 17(6)(c) of the Gender Recognition (Jersey) Law 2010, so that it now correctly sets out the circumstances when a foreign civil partnership will be recognised in Jersey where one of the civil partners has changed his or her gender.

Regulation 4 amends the Long-Term Care (Jersey) Law 2012 so that the assets of a person and those of his or her spouse or civil partner, or person living with him or her in a marriage-like or civil partnership-like relationship, may be taken into account when calculating a payment made under that Law.

Regulation 5 amends the Trusts (Jersey) Law 1984 so that the definition “personal relationship” includes the situation where there exists, or has in the past existed, a relationship between the settlor or a beneficiary, by blood, marriage, civil partnership or adoption (whether or not the marriage, civil partnership or adoption is recognized by law), or any arrangement between a person and the settlor or a beneficiary such as to give rise in any jurisdiction to any rights, obligations or responsibilities analogous to those of parent and child, husband and wife or civil partners.

Regulation 6 sets out the title of these Regulations and states that they come into force the day after they are made, apart from Regulation 1(a), which will come into force on the same day that Article 17 of the Control of Housing and Work (Jersey) Law 2012 comes into force, Regulation 1(b), which will come into force on the same day that Article 19 of the Control of Housing and Work (Jersey) Law 2012 comes into force, and Regulation 4, which will come into force on the same day that Article 3 of the Long-Term Care (Jersey) Law 2012 comes into force.



Jersey

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Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Articles 71 and 72 of the Civil Partnership (Jersey) Law 2012¹, have made the following Regulations –

1 Control of Housing and Work (Jersey) Law 2012 amended

In the Control of Housing and Work (Jersey) Law 2012² –

- (a) in Article 17(1)(c) after the word “spouse” there shall be inserted the words “or civil partner”;
- (b) in Article 19 –
 - (i) in paragraph (6) after the word “spouse” each time it appears there shall be inserted the words “or civil partner”;
 - (ii) in paragraph (7)(b) after the word “spouse” there shall be inserted the words “or civil partner”.

2 Gambling (Jersey) Law 2012 amended

In the Gambling (Jersey) Law 2012³, in Article 4(1)(a), after the word “wife,” there shall be inserted the words “civil partner,”.

3 Gender Recognition (Jersey) Law 2010 amended

In the Gender Recognition (Jersey) Law 2010⁴, in Article 17(6)(c), for the word “marriage” there shall be substituted the words “civil partnership”.

4 Long-Term Care (Jersey) Law 2012 amended

In the Long-Term Care (Jersey) Law 2012⁵, in Article 3(4)(a), for the words “or any individual living in a marriage-like relationship with the person (whether or not of different sexes);” there shall be substituted the words “or civil partner, or any individual living in a marriage-like relationship or civil partnership-like relationship with the person;”.

5 Trusts (Jersey) Law 1984 amended

In the Trusts (Jersey) Law 1984⁶ –

- (a) in Article 9(6)(a), after the word “marriage” in both places where it appears there shall be inserted the words “, civil partnership”;
- (b) in Article 9(6)(b), for the words “or husband and wife” there shall be substituted the words “, husband and wife or civil partners”.

6 Citation and commencement

- (1) These Regulations may be cited as the Civil Partnership (Consequential Amendments) (No. 2) (Jersey) Regulations 201-.
- (2) Subject to paragraphs (3), (4) and (5), these Regulations shall come into force the day after they are made.
- (3) Regulation 1(a) shall come into force on the same day that Article 17 of the Control of Housing and Work (Jersey) Law 2012⁷ comes into force.
- (4) Regulation 1(b) shall come into force on the same day that Article 19 of the Control of Housing and Work (Jersey) Law 2012⁸ comes into force.
- (5) Regulation 4 shall come into force on the same day that Article 3 of the Long-Term Care (Jersey) Law 2012⁹ comes into force.

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- ¹ *L.4/2012*
 - ² *L.31/2012*
 - ³ *L.14/2012*
 - ⁴ *chapter 12.320*
 - ⁵ *L.21/2012*
 - ⁶ *chapter 13.875*
 - ⁷ *L.31/2012*
 - ⁸ *L.31/2012*
 - ⁹ *L.21/2012*