

STATES OF JERSEY



DRAFT MARRIAGE AND CIVIL STATUS (AMENDMENT No. 3) (JERSEY) LAW 200-

Lodged au Greffe on 5th August 2009
by the Minister for Home Affairs

STATES GREFFE



Jersey

DRAFT MARRIAGE AND CIVIL STATUS (AMENDMENT No. 3) (JERSEY) LAW 200-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000 the Minister for Home Affairs has made the following statement –

In the view of the Minister for Home Affairs the provisions of the Draft Marriage and Civil Status (Amendment No. 3) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator B.I. Le Marquand**

REPORT

Before the Marriage and Civil Status (Jersey) Law 2001 was amended in July 2008, a child of unmarried parents was required by the Law to take as its surname its mother's maiden surname.

The Law, as amended, now allows all parents to choose whatever surname they like for their child both at registration and re-registration. Under Schedule 2A of the amendment, there is provision for parents to re-register their child's surname during that child's minority (again with an unlimited choice of surname).

There is currently, however, no provision for parents, when re-registering the child's surname, to request the addition to, or removal from, the register of any forename for the child. Before the 2008 amendment to the Law, many unmarried parents who were not, at that time, able to give their child the father's surname as its surname, may have given the child the father's surname as a middle name, so that the nominal connection with the father was registered.

When the parents came to re-register the child's surname, if that child already had the father's surname as one of its middle names, it would then have to be re-registered as, for example, Richard Brown Brown, having previously been Richard Brown Smith. Although it is likely that that child would drop its repeated name in everyday use, it would persist as its proper name and would have to be used on his passport, marriage licence and certificate, and so on.

This amendment will allow parents, when re-registering the child's surname, to remove from the register **any** forename (thereby avoiding the situation set out above, where the child has an 'otiose' name), and also allowing for a 'change of mind', for example. It will also allow parents to add any forename to the child's name.

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of this Draft Law.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 requires the Minister in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). On 3rd August 2009 the Minister for Home Affairs made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Minister for Home Affairs the provisions of the Draft Marriage and Civil Status (Amendment No. 3) (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

This draft Law permits the father and mother of a child, when re-registering the child's surname, to request the addition to or removal from the register of any forename for the child.



Jersey

DRAFT MARRIAGE AND CIVIL STATUS (AMENDMENT No. 3) (JERSEY) LAW 200-

A LAW to amend further the Marriage and Civil Status (Jersey) Law 2001

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

In this Law, “principal Law” means the Marriage and Civil Status (Jersey) Law 2001¹.

2 Article 59A amended

In Article 59A of the principal Law, after paragraph (3) there shall be inserted the following paragraphs –

“(3A) Where a choice of surname is made in accordance with paragraphs (1) to (3) on the re-registration of a child’s birth, the father and mother may, at the same time, request the addition to or removal from the register of any forename for the child.

(3B) A request under paragraph (3A) shall be evidenced in accordance with paragraph (3).”.

3 Schedule 2A amended

In paragraph 2 of Schedule 2A to the principal Law, after sub-paragraph (3) there shall be inserted the following sub-paragraphs –

“(3A) Where a child’s birth is re-registered in accordance with this paragraph the father and mother may, at the same time, request the addition to or removal from the register of any forename for the child.

(3B) A request under sub-paragraph (3A) shall be evidenced in accordance with sub-paragraph (1).”.

3 Citation and commencement

This Law may be cited as the Marriage and Civil Status (Amendment No. 3) (Jersey) Law 200- and shall come into force 7 days after it is registered.

¹ *chapter 12.600*