

# STATES OF JERSEY



## **DRAFT MARRIAGE AND CIVIL STATUS (AMENDMENT No. 4) (JERSEY) LAW 201- (P.91/2017): THIRD AMENDMENT**

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**Lodged au Greffe on 31st January 2018  
by the Chief Minister**

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**STATES GREFFE**

**PAGE 73, PART 1 –**

At the end of the substituted Part 1, after Article 7 insert the following Article –

**“7A Same sex etc. marriages: no compulsion to participate by providing location**

- (1) A person to whom paragraph (2) applies shall not be compelled by any means (whether by any provision of this Law or any other enactment, or by the enforcement of a contract or other legal requirement) to participate in a same sex marriage or an acquired gender marriage.
- (2) This paragraph applies to the owner or trustee of a location, in a case where –
  - (a) the owner or trustee is a religious organization, and the location’s principal use is for, or relates to –
    - (i) the purposes of the owner, or
    - (ii) the purposes or objects of the trust in question, as such an organization; or
  - (b) the principal occupier of the location is a religious organization, and the location’s principal use is for, or relates to, the purposes of the principal occupier as such an organization.
- (3) For the purposes of paragraph (1), participating in a marriage means providing the location for or in relation to –
  - (a) a marriage ceremony; and
  - (b) any social event or social function directly associated with, and immediately subsequent to, a marriage ceremony.”.

CHIEF MINISTER

## REPORT

The Corporate Services Scrutiny Panel lodged an amendment to [P.91/2017](#) (the 2nd amendment ([P.91/2017Amd.\(2\)](#)) proposing the introduction of a new Article (Article 7A). The Panel refer to this Article as a ‘tolerance clause’ but for the purposes of this report it will be called a ‘no compulsion clause’, as this more accurately reflects both the title of proposed Article 7A and its effect.

Having proposed a no compulsion clause in the 2nd amendment, the Panel has subsequently lodged 2 separate amendments to that clause.

This amendment picks up on matters relating to church halls, which are also addressed in the Panel’s amendment. This amendment is, however, an amendment to P.91/2017, as opposed to an amendment to the Panel’s proposed clause (as set out by the Panel either in their 2nd amendment to P.91/2017 or as subsequently amended by the Panel in their [1st amendment](#) and [2nd amendment](#) to the 2nd amendment to P.91/2017).

### Effects of this amendment

This amendment provides that owners/trustees of locations cannot be compelled to make those locations available to same-sex couples for their wedding ceremony (i.e. the solemnization of marriage) and any associated wedding reception but only where the location’s primary use relates to the activities of the owner/trustee or the principle occupier as a religious organisation.

This would include –

- (a) locations such as church halls, regardless of whether or not they were owned by a religious organisation; and
- (b) locations rented out on an incidental basis to other users (for example, for conferences or business meetings) providing the primary use relates to religious activities, for example, a facility used by the congregation of a faith group or others for prayer, Sunday schools etc.

Unlike the Panel’s proposed no compulsion clause, this does not include –

- (a) events other than the marriage ceremony and reception; or
- (b) locations owned by religious organisations for other purposes (for example: investment purposes).

Introducing this provisions ensure that church halls in Jersey, which often have different ownership and curtilage arrangements than the UK, are placed on the same footing as non-Anglican Churches; as religious organisations can choose to consent to same-sex marriages or not.

### **Financial and manpower implications**

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