

DRAFT MARRIAGE AND CIVIL STATUS (JERSEY) LAW 200-

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by the Etat Civil Committee**



STATES OF JERSEY

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European Convention on Human Rights

The President of the Etat Civil Committee has made the following statement -

In the view of the Etat Civil Committee the provisions of the Draft Marriage and Civil Status (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Deputy P.F.C. Ozouf of St. Helier.**

REPORT

The Draft Marriage and Civil Status (Jersey) Law 200- will replace the *Loi (1842) sur l'Etat Civil*. It is designed to update the procedures for the registration of births, marriages and deaths.

The draft provides for the conduct of civil marriages in venues other than the Registry Office. It is intended that these changes will not only provide Islanders with choice in their location to get married, it will enable the Island to be promoted as a venue for marriages to the benefit of tourism and other marriage-related businesses.

A further important proposed reform is to allow ministers and priests of all churches to celebrate marriages without the parish registrar being present (as opposed to only the Anglican Church). This change will put all religions on a near-equal footing, as far as registration issues are concerned.

It is expected that this new Law will rapidly increase the number of weddings conducted in the Island. A new position of 'Delegate of the Superintendent Registrar' is proposed for the solemnising of civil marriages, on an honorarium basis, in order to cope with the expected increase in marriages.

Financial/manpower statement

It is anticipated that the greater part of the costs involved will be covered by the increase in income expected from the additional marriages.

The setting-up of the new administrative systems and ongoing additional work in processing marriage licences for the expected increases in marriages obviously requires additional manpower resources. Whilst it is difficult to forecast the demand with certainty, additional manpower of one or two FTEs is anticipated. Discussions are currently being held with both the Parish of St. Helier and the Human Resources Committee to find a solution, whilst avoiding increasing State manpower levels in the longer term.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee 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). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 12th June 2001 the *Etat Civil* Committee made the following statement before Second Reading of this *projet* in the States Assembly -

In the view of the *Etat Civil* Committee the provisions of the Draft Marriage and Civil Status (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

This Law replaces the Loi (1842) sur l'Etat Civil, as amended, and other Laws regulating who may and may not marry.

Part 1- Preliminary and restrictions on marriage

Article 1 is the interpretation provision for the whole Law.

Article 2 prohibits the marriage of persons under the age of 16, the marriage of persons who are not respectively male and female and bigamous marriages.

Articles 3 to 5 replace the Marriage (Prohibited Degrees of Relationship) (Jersey) Law 1949.

Article 3 prohibits the marriage of persons related by blood or adoption, described in *Schedule 1*.

Articles 4 and 5 restrict marriages between persons related by marriage.

Article 4 prohibits marriage with a stepson or stepdaughter or similar relation by marriage. There is an exception if the younger party did not, at any time while he or she was a minor, live as a child of the family of the older party.

Article 5 prohibits marriage with a former son-in-law or daughter-in-law or similar relation by marriage. There is an exception if the former spouses of both parties to be married are dead.

Article 6 requires the consent to the marriage of a minor of the person responsible for the minor, described in *Schedule 2*. It replaces the Marriage of Infants (Jersey) Law 1961. The Royal Court may consent to a marriage in place of such a person.

Part 2 - Marriage under licence or certificate of Superintendent Registrar

Article 7 is the interpretation provision for *Part 2*.

Article 8 requires a person wishing to marry on authority of a Superintendent Registrar's licence or certificate to give the Superintendent Registrar notice of marriage.

Article 9 enables a person to enter a caveat against the issue of a licence or certificate by the Superintendent Registrar if that person believes there is lawful cause to do so. The Royal Court may uphold or override a caveat.

Article 10 enables a person whose consent is needed to the marriage of a minor to forbid the issue of a licence or certificate.

Article 11 provides for the issue of marriage licences.

Article 12 permits the solemnization of a marriage in the Island between a person resident in the Island and a person resident elsewhere in the British Islands on the authority of a certificate issued elsewhere in the British Islands. The Etat Civil Committee (the "Committee") is empowered to make an Order for the recognition of other certificates and licences.

Article 13 enables the Superintendent Registrar to issue a certificate for the solemnization outside the Island of a marriage between persons at least one of whom resides in the Island.

Article 14 specifies the period for which a licence remains valid.

Article 15 provides for the registration of places of worship as buildings in which marriages may be solemnized. A building is registered by the Superintendent Registrar on the direction of the Connétable of the parish in which the building is situated. An Anglican church does not require registration, as marriages in such a church are regulated by *Part 3*.

Article 16 provides for persons to be authorized to solemnize marriages in a registered building. Authorization is by the Connétable of the parish in which the building is situated.

Article 17 sets out the procedural requirements for a marriage solemnized in a registered building.

Article 18 makes new provision enabling the solemnization of marriages by the Superintendent Registrar or a delegate appointed under *Article 19* on premises other than the Superintendent Registrar's own premises. Premises, other than those of the Superintendent Registrar, must be approved by the Connétable of the parish in which they are situated, either for the

solemnization of a specific marriage or for a period of time. The Committee is empowered to make an Order establishing a scheme for the approval of premises, in particular, the criteria and procedures for approval to be applied throughout the Island.

Article 19 empowers the Committee to appoint delegates of the Superintendent Registrar. Delegates may solemnize marriages on approved premises.

Article 20 sets out the procedural requirements for a marriage solemnized on approved premises.

Article 21 provides for the solemnization of the marriage of a person who cannot be moved, due to prolonged illness or disability. The Superintendent Registrar may issue a licence for the marriage to be solemnized at the place where the incapacitated person is. A medical statement confirming the person's incapacity must be provided when notice of the marriage is given.

Article 22 requires the Superintendent Registrar to keep certain books and registers relating to the solemnization of marriages. The books and registers shall be open to public inspection.

Article 23 provides that, after a marriage has been solemnized, it is not necessary to produce proof of certain matters in order to establish the validity of the marriage.

Article 24 states circumstances in which a marriage is void.

Part 3 - Marriage according to rites of Anglican church

Article 25 is the interpretation provision for *Part 3*.

Article 26 states that a marriage may be solemnized in an Anglican church after publication of banns of matrimony ("banns") or on the authority of an ordinary or special licence of the Dean.

Article 27 provides for the place of publication of banns.

Article 28 provides for the time and manner of publication of banns.

Article 29 specifies the information that must be provided before banns are published.

Article 30 states who may publish banns.

Article 31 requires proof of publication of banns to be provided before a marriage may be solemnized.

Article 32 makes provision for the place and time of solemnization of a marriage after publication of banns.

Article 33 enables a marriage between a person resident in the Island a person resident elsewhere in the British Islands or Eire to be solemnized in the Island on proof of publication of banns in that other place.

Article 34 specifies the churches in which a marriage may be solemnized on the authority of an ordinary licence of the Dean.

Article 35 states the information to be provided before the Dean may grant a licence.

Article 36 enables a person to enter a caveat against the issue of a licence by the Dean, if that person believes there is lawful cause to do so. The Royal Court may uphold or override a caveat.

Article 37 specifies the period for which a licence of the Dean remains valid.

Article 38 requires at least 2 witnesses to the solemnization of a marriage in an Anglican church.

Article 39 states circumstances in which a marriage solemnized in an Anglican church is void.

Article 40 requires clergymen to continue to observe the rules in the liturgical rubric concerning the publication of banns and solemnization of marriages.

Part 4 - Registration Service

Article 41 provides for the appointment of the Superintendent Registrar and his Deputies by the Committee.

Article 42 provides for the appointment of registrars of parishes. Different rules apply to the registrar for the parish of St. Helier, who is in paid employment.

Article 43 requires all members of the registration service to take an oath of office.

Article 44 requires the States to provide the Superintendent Registrar with an office and premises for the solemnization of marriages in the centre of St. Helier.

Article 45 requires each registrar to display his name and office outside his home and requires the Superintendent Registrar to display a list of registrars.

Article 46 requires the States to provide fire resistant boxes for the storage of registers and related documents.

Article 47 requires the Superintendent Registrar to supply registers, books, forms and certificates which must be used for the purposes of the Law.

Article 48 requires a person holding any book, register or document to deliver it up to his successor upon ceasing to hold office.

Part 5 - Registration of births, deaths and marriages

Article 49 is the interpretation provision for *Part 5*.

Article 50 imposes a duty on a registrar to register all births, stillbirths and deaths that occur in his parish.

Article 51 requires the father, the mother or certain other persons to inform the registrar of a birth within 21 days.

Article 52 provides that, if a birth is not registered within 21 days, it may yet be registered within 6 months upon the informant making a declaration and paying a fee.

Article 53 empowers the Superintendent Registrar to require any person to provide information regarding a birth which has not been registered within 21 days.

Article 54 applies to a birth which has not been registered within 6 months. The birth may only be registered on the order of the Royal Court and the Court may order any person who failed to register the birth to pay the costs of the proceedings.

Article 55 applies where the mother and father of a child are not married to each other at the time of the birth. The mother and natural father may jointly request that the name of the natural father be entered in the register.

Article 56 applies where the mother and father of a child were not married to each other at the time of the birth and, at the time of registration, no name was entered for the father of the child. The mother and natural father may jointly request that the birth be re-registered to record the name of the natural father.

Article 57 applies where a person is legitimated by the subsequent marriage of his father and mother, and provides for either of them to make a declaration of legitimation. The declaration may be made immediately following the solemnization of their marriage.

Article 58 permits the further registration of a name or the alteration of the registered name of a child within one year of the birth.

Article 59 makes provision for registration of the birth of an abandoned child.

Article 60 replaces the Birth Certificate (Shortened Form) (Jersey) Law 1979 and makes provision for the issue of short birth certificates.

Article 61 requires the father, the mother or certain other persons to inform the registrar of a stillbirth within 5 days and requires the registrar to issue a certificate of registration of the stillbirth.

Article 62 imposes a duty on certain persons to inform the registrar of a death within 5 days.

Article 63 applies where *Article 62* is not complied with and empowers the Superintendent Registrar to require any person to give information regarding the death.

Article 64 requires a registered medical practitioner who has attended the deceased during his last illness and/or viewed the body after death to provide a certificate of the fact and, if he is able, the cause of death.

Article 65 requires a registrar to inform the Viscount of certain deaths. These include cases where a registered medical practitioner may not have attended the deceased during his last illness, where the registered medical practitioner cannot certify the cause of death, where the death appears to have been caused by neglect or any unlawful act or to have occurred in suspicious circumstances.

Article 66 provides that a death which falls within the Viscount's jurisdiction to hold an inquest under the Inquests and Post-mortem Examinations (Jersey) Law 1995 may not be registered until either an inquest is concluded or the Viscount has decided not to hold an inquest.

Article 67 permits the Committee to direct the registration of a death notwithstanding that, by reason of exceptional circumstances, any of the requirements of the Law cannot be complied with. The Committee may, alternatively, refer such a case to the Royal Court for a direction.

Article 68 requires a registrar to provide a certificate of registration of death to the person giving information regarding the death.

Article 69 imposes the duty to register a marriage.

Article 70 imposes a duty for a record and return of marriage to be made to the registrar in a case where he is not present at the solemnization of a marriage.

Article 71 empowers a person under a duty under *Article 68 or 69* to require the parties to the marriage to provide him with any required information.

Article 72 requires a person giving information of a birth, stillbirth, or death to sign the register.

Article 73 makes provision as to the form and content of declarations required in relation to registration.

Article 74 empowers the Committee to make an Order establishing procedures for the registration of births, stillbirths, deaths and marriages and for the making of returns of information.

Article 75 imposes a duty on the Committee to continue to report to the States annually on the number of births, stillbirths, marriages and deaths registered in the preceding year, and to inspect registers kept under the Law every 5 years.

Part 6 - Offences and Miscellaneous

Article 76 makes it an offence to give false information for the purposes of the solemnization of a marriage or to issue any licence or certificate, or solemnize or register any marriage otherwise than in accordance with the requirements of the Law.

Article 77 creates offences relating to the requirements for registration under the Law, relating to the giving of false information or the making of false entries for the purposes of registration, a failure to comply with any duty under the Law regarding registration, and the destruction, damage or alteration of registers and documents relating to registration.

Article 78 requires persons who hold registers to make them available for searches and provide certified copies of entries in them.

Article 79 provides for the correction of errors in books and registers.

Article 80 requires a person acting as witness to the solemnization of a marriage to be of full age and capable of understanding the ceremony.

Article 81 makes it clear that the provisions in the Law regarding void marriages do not affect any other law, written or unwritten, regarding void marriages and provides for the continuation of the Committee.

Article 82 contains general provisions for the making of Orders under the Law.

Article 83 gives effect to *Schedule 3* which contains transitional provisions, amendments and repeals.

Article 84 is the citation and commencement provision.

Schedule 1 lists persons related by blood or through adoption who may not intermarry.

Schedule 2 describes the persons whose consent is required for the marriage of a minor.

Schedule 3 contains transitional provisions, consequential amendments of other enactments and repeals of enactments superseded by this Law.

MARRIAGE AND CIVIL STATUS (JERSEY) LAW 200-

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MARRIAGE AND CIVIL STATUS (JERSEY) LAW 200-

A LAW to revise the law relating to the prohibited degrees of relationship for marriage, the solemnization of marriages, the registration of births, marriages and deaths, and the appointment of the Superintendent Registrar, the registrars of parishes and other officers, and for connected purposes; sanctioned by Order of Her Majesty in Council of the

(Registered on the day of 200-)

STATES OF JERSEY

The day of 200-

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

PART 1

PRELIMINARY AND RESTRICTIONS ON MARRIAGE

Interpretation

ARTICLE 1

Interpretation

(1) In this Law, unless the context requires otherwise -

“1995 Law” means the Inquests and Post-Mortem Examinations (Jersey) Law 1995;^[1]

“approved premises” shall be construed in accordance with Article 18(1);

“authorized person” means, in relation to a registered building, a person authorized under Article 16;

“banns” means banns of matrimony;

“brother” includes a brother of the half-blood;

“child of the family”, in relation to any person, means another person who, when not of full age, has lived in the same household as that person and been treated by that person as a child of his family;

“clergyman” means the Dean, a priest or deacon;

“Committee” means the Etat Civil Committee;

“Dean” includes the Vice-Dean;

“delegate” means a person appointed under Article 19;

“deputy registrar” means a person chosen or appointed as such under Article 42;

“Deputy Superintendent Registrar” means a person appointed as such under Article 41;

“illegitimate child” means a child who is not legitimate by birth, as defined in Article 2(1) of the Legitimacy (Jersey) Law 1973;^[2]

“marriage notice book” means the book kept pursuant to Article 22(1)(a);

“notice of marriage” means notice given in accordance with Article 8;

“parish assembly” means, in relation to a parish, the assembly of principals and officers of the parish;

“prescribed” means, except in Article 28(2) and Article 40, prescribed by Order of the Committee;

“register of authorized persons” means the register kept pursuant to Article 22(1)(c);

“register of buildings” means the register kept pursuant to Article 22(1)(b);

“register of delegates” means the register kept pursuant to Article 22(1)(d);

“registered building” means a building registered under Article 15;

“registered medical practitioner” shall have the same meaning as in the Medical Practitioners (Registration) (Jersey) Law 1960;^[3]

“registrar” means a person chosen or appointed as such under Article 42;

“sister” includes a sister of the half-blood;

“Superintendent Registrar” means the person appointed as such under Article 41;

“working day” means any day other than Christmas Day, Good Friday, a Sunday or a day observed as a bank holiday pursuant to the Public Holidays and Bank Holidays (Jersey) Law 1951.^[4]

(2) For the purposes of this Law, relationship by blood shall include such a relationship even though arising otherwise than by lawful marriage.

(3) In this Law, any reference to the registrar in relation to the solemnization of a marriage or in relation to a birth, stillbirth or death means the registrar of the parish in which the marriage is solemnized or the birth, stillbirth or death occurs, and includes his deputy.

(4) A reference in this Law to a Part, Article or Schedule by number only, and without further identification, is a reference to the Part, Article or Schedule of that number in this Law.

(5) A reference in an Article or other division of this Law to a paragraph, sub-paragraph or clause by number or letter only, and without further identification, is a reference to the paragraph, sub-paragraph or clause of that number or letter contained in the Article or other division of the Law in which the reference appears.

(6) Unless the context requires otherwise, a reference in this Law to an enactment is a reference to that enactment as amended from time to time and includes a reference to that enactment as extended or applied under another enactment, including another provision of this Law.

Restrictions on marriage

ARTICLE 2

General restrictions on marriage

(1) A marriage shall be void on the ground that -

(a) at the time of the solemnization of the marriage, either party is under the age of 16; or

(b) the parties are not respectively male and female; or

(c) at the time of the solemnization of the marriage, either party is already lawfully married.

(2) A person whose marriage is void on the ground that the other party is under the age of 16 shall not be guilty of the offence mentioned in the first section of Article 4 of the Loi (1895) modifiant le droit criminel^[5] or of the offence of indecent assault if he establishes that, at the time of commission of the alleged offence, he had sufficient reason to believe that the person in respect of whom the offence is alleged to have been committed was his wife.

ARTICLE 3

Prohibition of marriage with person of same descent

A marriage solemnized between a man and any of the persons mentioned in column 1 of Schedule 1, or between a woman and any of the persons mentioned in column 2 of that Schedule, shall be void.

ARTICLE 4

Restriction on marriage with former stepson, stepdaughter, etc.

(1) Subject to paragraph (2), a marriage solemnized -

(a) between a man and -

(i) his former wife's daughter or granddaughter, or

(ii) his father's or grandfather's former wife; or

(b) between a woman and -

(i) her former husband's son or grandson, or

(ii) her mother's or grandmother's former husband,

shall be void.

(2) Any marriage to which paragraph (1) applies shall not be void by reason only of that paragraph if -

(a) both the parties to the marriage are of full age at the time of the marriage; and

(b) the younger party has not, at any time before attaining full age, been a child of the family in relation to the other party.

ARTICLE 5

Restriction on marriage with former son-in-law, daughter-in-law, etc.

(1) Subject to paragraph (2), a marriage solemnized -

(a) between a man and -

(i) his former wife's mother, or

(ii) his son's former wife; or

(b) between a woman and -

(i) her former husband's father, or

(ii) her daughter's former husband,

shall be void.

(2) Any marriage to which paragraph (1) applies shall not be void by reason only of that paragraph if both the parties to the marriage are of full age at the time of the marriage and the marriage is solemnized -

- (a) in the case of a marriage between a man and his former wife's mother, after the death of both the former wife and her father;
- (b) in the case of a marriage between a man and his son's former wife, after the death of both of his son and his son's mother;
- (c) in the case of a marriage between a woman and her former husband's father, after the death of both her former husband and his mother;
- (d) in the case of a marriage between a woman and her daughter's former husband, after the death of both her daughter and her daughter's father.

ARTICLE 6

Marriage of a minor

(1) Where the marriage of a minor is intended to be solemnized on the authority of any licence or certificate, the consent of the persons specified in Schedule 2 shall be required.

(2) The issuer may refuse to issue any certificate or licence unless satisfied by production of written evidence that the consent of that person or of those persons has in fact been obtained.

(3) Where the consent of any person whose consent is required cannot be obtained, by reason of absence or inaccessibility or by reason of his being under a disability, the issuer of the licence or certificate may dispense with the consent of that person.

(4) Where the issuer refuses to dispense with the consent of any person, the Inferior Number of the Royal Court may, on the application of the minor, give consent in place of that person.

(5) Where any person whose consent is required refuses consent, the Inferior Number of the Royal Court may, on the application of the minor, give consent in place of that person.

(6) Where an application is made in consequence of a refusal to give consent, notice of the application shall be served on the person who has refused consent.

(7) Where the marriage of a minor is intended to be solemnized after the publication of banns then, if any person whose consent would have been required for the solemnization of the marriage on the authority of any licence or certificate openly and publicly declares or causes to be declared in the church in which the banns are published, at the time of publication, his dissent from the intended marriage, the publication of banns shall be void.

(8) In this Article, any reference to the issuer means the Superintendent Registrar, in relation to any licence or certificate which may be issued by him under this Law, and the Dean, in relation to an ordinary or special licence.

PART 2

MARRIAGE UNDER LICENCE OR CERTIFICATE OF SUPERINTENDENT REGISTRAR

ARTICLE 7

Interpretation of Part 2

In this Part, "licence" means a licence issued by the Superintendent Registrar under Article 11.

Marriage under licence or certificate

ARTICLE 8

Notice of marriage

(1) Subject to paragraph (2), where persons intend to solemnize their marriage on authority of a licence or certificate of the Superintendent Registrar, one of them shall give notice of marriage to the Superintendent Registrar.

(2) Notice of marriage may only be given if one of the persons to be married has been ordinarily resident at their place of residence (whether in the Island or elsewhere) for at least 7 days before the notice is given.

(3) Notice of marriage shall be -

- (a) in the prescribed form and contain the prescribed particulars;
- (b) accompanied by such documents as the Superintendent Registrar may require;
- (c) accompanied by such fee as may be prescribed; and
- (d) given not more than 3 months and not less than 2 weeks before the day on which it is intended to solemnize the marriage.

(4) Subject to paragraphs (5) and (6), where notice of marriage is given, the Superintendent Registrar shall, as soon as is practicable, enter in the marriage notice book -

- (a) the particulars contained in the notice of marriage;
- (b) the facts of any declaration given under paragraph (5)(b).

(5) The Superintendent Registrar shall not enter notice of a marriage to which Article 4(2) applies in the marriage notice book unless -

- (a) he is satisfied, by the production of evidence, that both the persons to be married are of full age; and
- (b) he is given a declaration made in the prescribed form by each of those persons, each declaration having been signed and attested in the prescribed manner, specifying how they are related and declaring that the younger of those persons has not, at any time before attaining full age, been a child of the family in relation to the other.

(6) The Superintendent Registrar shall not enter notice of a marriage to which Article 5(2) applies in the marriage notice book unless satisfied, by the production of evidence -

- (a) that both the parties to be married are of full age; and
- (b) that the 2 other persons related, in the manner described in Article 5(2), to the parties to be married are both dead.

(7) The Superintendent Registrar shall keep all notices of marriage and declarations described in paragraph (5) (b) given to him with the other documents in his charge.

(8) The Superintendent Registrar shall display, in the entrance to or outside his office -

- (a) a list of notices of marriage; and
- (b) particulars of a notice of marriage for which he has not yet granted a licence or certificate.

(9) A notice of marriage shall be void after the expiry of 3 months from the day on which it is entered into the marriage notice book.

ARTICLE 9

Caveat against licence or certificate of Superintendent Registrar

(1) A person having reason to believe that there is lawful cause to obstruct the issue of a licence or certificate may enter a caveat with the Superintendent Registrar against such issue.

(2) A caveat shall be signed by or on behalf of the person by whom it is entered, state his place of residence and the grounds for entering the caveat.

(3) Subject to paragraph (6), where a caveat is entered, the Superintendent Registrar shall not issue a licence or certificate until -

(a) he has examined into the matter of the caveat and is satisfied that it ought not to obstruct the issue of a licence or certificate; or

(b) the caveat is withdrawn by the person who entered it.

(4) If the Superintendent Registrar is doubtful whether to issue a licence or certificate, he may refer the matter of the caveat to the Inferior Number of the Royal Court.

(5) Where the matter of a caveat is referred to the Inferior Number of the Royal Court, the Court may uphold the caveat or order that the licence or certificate be issued and no appeal shall lie from the decision of the Court.

(6) Where a caveat is entered against a marriage to which Article 4 applies, on the ground that the persons to be married are not both of full age or that one of those persons has, at any time before attaining full age, been a child of the family in relation to the other then, even if the caveat is withdrawn by the person who entered it, the Superintendent Registrar shall not issue a licence or certificate unless a declaration is obtained from the Inferior Number of the Royal Court under paragraph (7).

(7) In the case described in paragraph (6), one of the persons to be married may apply to the Inferior Number of the Royal Court for a declaration that, both those persons being of full age and the younger of those persons not having been, at any time before attaining full age, a child of the family in relation to the other, there is no impediment of affinity to the solemnization of the marriage.

(8) The Inferior Number of the Royal Court may, in any proceedings before it under this Article, order the person who entered the caveat to pay all or part of the costs of the proceedings and damages to the person against whose marriage the caveat was entered.

ARTICLE 10

Forbidding of issue of licence or certificate

(1) Any person whose consent is required under Article 6 to a marriage intended to be solemnized on the authority of a licence or certificate may forbid the issue of a licence or certificate by writing, at any time before its issue, the word "forbidden" in the margin of the marriage notice book next to the entry of the notice of marriage and subscribing to that word his name, place of residence and the capacity, in relation to either of the persons to be married, in which he forbids the issue of the licence or certificate.

(2) Where the issue of a licence or certificate is forbidden under paragraph (1), the notice of marriage and all proceedings on it shall be void.

(3) Where the Inferior Number of the Royal Court consents to a marriage under Article 6(5), in the place of a person who has refused consent, that person shall not be entitled to forbid the issue of a licence or certificate for that marriage under this Article and the notice of marriage and proceedings on it shall not be void by virtue of this Article.

ARTICLE 11

Marriage on authority of licence

(1) Where a marriage is intended to be solemnized in the Island, one of the persons to be married may, not less than 7 days after notice of the marriage is given and not less than 3 working days before the day on which the marriage is to be solemnized, and upon payment of such fee as may be prescribed, request the Superintendent Registrar to issue a licence.

(2) The person requesting the licence shall, at the time of the request, make a solemn declaration or affirmation before the Superintendent Registrar that he or she believes there is no impediment of kindred or alliance or other lawful hindrance to the marriage.

(3) Where a request is made in accordance with this Article, the Superintendent Registrar shall issue a licence in the prescribed form and containing the prescribed particulars unless -

- (a) any lawful impediment to its issue has been shown to his satisfaction; or
- (b) its issue has been forbidden under Article 10 by any person authorized in that behalf.

(4) A marriage may be solemnized on authority of a licence only in any registered building or on any approved premises.

ARTICLE 12

Marriage on authority of certificate issued outside the Island

(1) Where a marriage is intended to be solemnized in the Island between a British subject resident in the Island and a British subject resident elsewhere in the British Islands, a certificate for marriage issued by a superintendent registrar in England and Wales, by the Registrar General or his Deputy in Guernsey or by a registrar in Northern Ireland or the Isle of Man or a certificate of due publication of notice of intention to marry issued by a registrar in Scotland shall be recognized and have effect for the purposes of the solemnization of that marriage as if it were a licence.

(2) The Committee may by Order make provision, for the purposes of the solemnization of a marriage in the Island between a person resident in the Island and a person resident elsewhere, for a certificate or licence issued according to the law of another place and to which paragraph (1) does not apply to be recognized and have effect as if it were a licence.

ARTICLE 13

Certificate for solemnization of marriage outside the Island

(1) Where -

- (a) a marriage is intended to be solemnized outside the Island and
- (b) one or both of the persons to be married is ordinarily resident in the Island,

one of the persons to be married may, not less than 21 days after notice of the marriage is given and upon payment of such fee as may be prescribed, request the Superintendent Registrar to issue a certificate.

(2) The person requesting the certificate shall, at the time of the request, make a solemn declaration or affirmation before the Superintendent Registrar that he or she believes there is no impediment of kindred or alliance or other lawful hindrance to the marriage.

(3) Where a request is made in accordance with this Article, the Superintendent Registrar shall issue a certificate in the prescribed form and containing the prescribed particulars unless -

- (a) any lawful impediment to its issue has been shown to his satisfaction; or
- (b) its issue has been forbidden under Article 10 by any person authorized in that behalf.

(4) A certificate issued under this Article shall be void after the expiry of 12 months from the day on which notice of the marriage is entered into the marriage notice book.

ARTICLE 14

Period of validity of licence

(1) A marriage may be solemnized on the authority of a licence -

- (a) within 3 months from the day in which notice of the marriage is entered into the marriage notice book; and
- (b) within 14 days from the day on which the licence is issued.

(2) If the marriage is not solemnized within the periods described in paragraph (1), the notice of marriage and any licence which may have been granted on it shall be void and no person shall solemnize the marriage on its authority.

Marriage in registered building

ARTICLE 15

Registration of buildings

(1) The owner or trustee of a building used as a place of meeting for public religious worship by an established and recognized religion or church, other than a building of the Anglican Church, may apply to the Connétable of the parish in which the building is situated for the building to be registered for the solemnization of marriages in it.

(2) An application for registration of a building shall be in such form and accompanied by such information as the Connétable may require.

(3) Where an application is made in accordance with this Article the Connétable shall, if satisfied that the building is used as described in paragraph (1), direct the Superintendent Registrar to -

- (a) enter in the register of buildings the name and full postal address of the building, the name and address of the applicant, the date the entry is made and such other information as the Connétable may require;
- (b) issue a certificate of registration, in such form as may be prescribed, to the applicant; and
- (c) give notice of the registration of the building in the Jersey Gazette.

(4) For every entry, certificate and notice made, issued or given under paragraph (3), the Superintendent Registrar shall be entitled to receive from the applicant such fee as may be prescribed.

(5) A building may be registered for the solemnization of marriages under this Article whether it is a separate building or forms part of another building.

(6) Where the Connétable of the parish in which a registered building is situated is satisfied that the building has ceased to be used for public religious worship by the religion or church which so used it at the time of registration, he shall cancel the registration of the building and direct the Superintendent Registrar to -

- (a) enter in the register of buildings the fact and date of cancellation; and
- (b) give notice of cancellation of the registration of the building in the Jersey Gazette.

(7) Where the registration of a building has been cancelled under this Article, it shall not be lawful to solemnize any marriage in that building, unless the building has been registered again in accordance with this Article.

ARTICLE 16

Authorized persons

(1) Upon the request of the owner or trustee of a registered building, the Connétable of the parish in which the building is situated shall authorize a person or persons nominated by the owner or trustees to solemnize and register marriages in that building, for the purpose of enabling marriages to be solemnized in that building without the presence of the registrar of the parish in which that building is situated.

(2) Upon authorizing a person under paragraph (1), the Connétable shall direct the Superintendent Registrar to enter in the register of authorized persons -

- (a) the name of the person so authorized;
- (b) the name of the registered building in relation to which he is authorized; and
- (c) the date the authorization is given by the Connétable.

(3) Upon the request of the owner or trustee of a registered building, made at any time, the Connétable of the parish in which the building is situated shall -

(a) cancel the authorization of the person in relation to that building; and

(b) direct the Superintendent Registrar to enter in the register of authorized persons the fact and date of cancellation.

(4) Any request under this Article shall be in such form as the Connétable may require.

(5) A person may be authorized -

(a) in relation to a registered building, on more than one occasion; and

(b) in relation to more than one registered building.

(6) An authorized person shall carry out such duties relating to the solemnization and registration of marriages in the registered building as may be specified in and prescribed under this Law.

ARTICLE 17

Solemnization of marriage in registered building

(1) Where a notice of marriage and a licence state that a marriage between the persons named in those documents is intended to be solemnized in a registered building also named in those documents, the marriage may be solemnized in that building in accordance with this Article but otherwise according to such form and ceremony as those persons may see fit to adopt.

(2) A marriage solemnized in a registered building shall be solemnized -

(a) between the hours of 8 in the morning and 7 in the afternoon;

(b) in the presence of 2 or more witnesses; and

(c) by an authorized person or in the presence of the registrar of the parish in which the building is situated.

(3) Members of the public shall be permitted to attend freely the solemnization of a marriage in a registered building.

(4) Where a marriage is solemnized in a registered building, each of the persons contracting the marriage shall, in some part of the ceremony and in the presence of the witnesses and the authorized person or registrar -

(a) make the following declaration -

“I solemnly declare that I know not of any lawful reason why I, *AB*, may not be joined in marriage to *CD*”;
and

(b) say to the other person -

“I call upon the persons here present to witness that I, *AB*, take you, *CD*, to be my lawful wedded wife [*or* husband]”.

(5) A registrar may charge such fee for his attendance at the solemnization of a marriage in a registered building as may be prescribed.

(6) Nothing in this Article shall be construed as requiring a registrar to attend the solemnization of a marriage in a registered building on a particular day or at a particular time.

(7) The States may by Regulations amend paragraph (2)(a) so as to vary the hours between which a marriage may be solemnized.

Marriage on approved premises

ARTICLE 18

Approved premises

- (1) The following shall be approved premises for the purposes of this Law -
 - (a) in the case of a specified marriage, the premises approved by the Connétable of the parish in which the premises are situated under this Article for the purposes of that marriage; and
 - (b) in any case -
 - (i) premises for the time being approved by the Connétable of the parish in which the premises are situated for a specified period of time under this Article, and
 - (ii) the premises provided for the Superintendent Registrar pursuant to Article 44.
- (2) The Committee shall by Order establish a scheme for the approval of premises for a specified marriage or for a specified period of time.
- (3) An Order made under paragraph (2) may include provision -
 - (a) for the kinds of premises in respect of which approvals may be granted;
 - (b) for the procedure to be followed in relation to applications for approval;
 - (c) for the considerations to be taken into account by a Connétable in determining whether to approve any premises;
 - (d) for the duration and renewal of approvals;
 - (e) for the conditions that shall or may be imposed on the grant or renewal of approvals;
 - (f) for the determination and charging of fees in respect of applications for and the grant of the approval of premises and in respect of renewals of approvals;
 - (g) for the circumstances in which approvals shall or may be revoked;
 - (h) for the review of any decision to refuse approval or the renewal of approval, to impose conditions on the grant or renewal of approval or to revoke approval;
 - (j) requiring a Connétable to inform the Superintendent Registrar of the grant, renewal or revocation by him of any approval;
 - (k) requiring the Superintendent Registrar to maintain a register of approved premises and make the register available for public inspection.

ARTICLE 19

Delegates of Superintendent Registrar

- (1) Subject to paragraph (2), the Committee may, upon the recommendation of the Superintendent Registrar, appoint one or more persons to act as delegate of the Superintendent Registrar for the purpose of enabling marriages to be solemnized on approved premises by persons other than the Superintendent Registrar.
- (2) Subject to paragraph (4), an appointment shall have effect for 3 years beginning on the date it is made by the Committee.
- (3) Upon appointing a person as delegate, the Committee shall direct the Superintendent Registrar to enter in the

register of delegates -

- (a) the name of the person so appointed; and
 - (b) the date the appointment is made by the Committee.
- (4) The Committee may, at any time, upon the recommendation of the Superintendent Registrar -
- (a) cancel the appointment of a person as a delegate; and
 - (b) direct the Superintendent Registrar to enter in the register of delegates the date of cancellation by the Committee.
- (5) A delegate shall -
- (a) take an oath before the Royal Court to well and faithfully perform the duties imposed on him by and under this Law; and
 - (b) solemnize such marriages on approved premises and carry out such duties relating to the solemnization of marriages on approved premises and the registration of such marriages as the Superintendent Registrar directs.

ARTICLE 20

Solemnization of marriage on approved premises

- (1) Where a notice of marriage and a licence state that a marriage between the persons named in those documents is intended to be solemnized on approved premises also named in those documents, the marriage may be solemnized on those premises in accordance with this Article.
- (2) A marriage solemnized on approved premises shall be solemnized -
- (a) between the hours of 8 in the morning and 7 in the afternoon;
 - (b) in the presence of 2 or more witnesses; and
 - (c) by the Superintendent Registrar or his delegate.
- (3) Members of the public shall be permitted to attend freely the solemnization of a marriage on approved premises.
- (4) Where a marriage is solemnized on approved premises, each of the persons contracting the marriage shall, in accordance with Article 17(4), make the declarations and use the forms of words set out in that paragraph.
- (5) No religious service and no music or reading that would ordinarily form part of a religious service shall be used at the solemnization of a marriage on approved premises.
- (6) The Superintendent Registrar may charge such fees as may be prescribed for the solemnization of a marriage by him or his delegate on approved premises and, in the case of a marriage on the premises provided for him, for the use of those premises.
- (7) Nothing in this Article shall be construed as requiring the Superintendent Registrar or his delegate to solemnize a marriage on any approved premises on a particular day or at a particular time.
- (8) The States may by Regulations amend paragraph (2)(a) so as to vary the hours between which a marriage may be solemnized.

ARTICLE 21

Marriage of person incapacitated by illness or disability

- (1) This Article applies where persons intending to solemnize their marriage on the authority of a licence wish,

by reason that one of them is incapacitated by illness or disability, to solemnize their marriage at the place where the incapacitated person is.

(2) The notice of marriage shall be accompanied by a medical statement in the prescribed form made, not more than 14 days before the date on which the notice is given, by a registered medical practitioner of his opinion that, at the time he makes the statement -

- (a) the incapacitated person, by reason of illness or disability, ought not to be moved from the place where he or she is at that time; and
- (b) it is likely to be the case for at least the following 3 months that, by reason of the illness or disability, he or she ought not to move or be moved from that place.

(3) A marriage may be solemnized pursuant to this Article only by the Superintendent Registrar or his delegate or by an authorized person and the person giving notice of marriage shall, at the same time -

- (a) request that the marriage be solemnized by the Superintendent Registrar or his delegate; or
- (b) give the name of the authorized person by whom the marriage is intended to be solemnized.

(4) The Superintendent Registrar shall keep the medical statement with the notice of marriage and, when entering the particulars contained in the notice of marriage in the marriage notice book, shall also enter the fact that the medical statement has been given.

(5) Notwithstanding Article 11(4), where paragraphs (2) and (3) have been complied with, the Superintendent Registrar may, if he considers it appropriate to do so, issue a licence under Article 11 -

- (a) authorizing the solemnization of the marriage at the place where the incapacitated person is, which shall be named in the licence; and
- (b) specifying that the marriage shall be solemnized only by an authorized person named in the licence or by the Superintendent Registrar or his delegate.

(6) Where the marriage is solemnized by an authorized person, Article 17(2) to (4) shall apply as if any references in them to a registered building were references to the place where the incapacitated person is.

(7) Where the marriage is solemnized by the Superintendent Registrar or his delegate, Article 20(2) to (7) shall apply as if any references in them to approved premises were references to the place where the incapacitated person is.

Miscellaneous

ARTICLE 22

Keeping of book and registers relating to marriage

(1) The Superintendent Registrar shall keep -

- (a) a marriage notice book for the purposes of Article 8;
- (b) a register of buildings for the purposes of Article 15;
- (c) a register of persons authorized under Article 16; and
- (d) a register of delegates appointed under Article 19.

(2) The book and registers kept under this Article shall be open to public inspection free of charge during normal working hours.

(3) The registers to be kept under this Article shall be kept in permanent form, which may include their maintenance on a computer.

ARTICLE 23

Proof of certain matters not necessary to validity of marriages

(1) Where a marriage has been solemnized under this Part, it shall not be necessary, in support of the marriage, to give any proof -

- (a) that, before the marriage, either of the parties to be married resided, or resided for any period, at the place stated in the notice of marriage to be his or her place of residence;
- (b) that any person whose consent to the marriage is required under Article 6 has given his consent; or
- (c) that the building in which the marriage was solemnized was a registered building at the time of the solemnization,

nor shall any evidence be given to prove the contrary in any proceedings touching the validity of the marriage.

(2) A marriage purporting to be solemnized in accordance with Article 17 in a building which, at the time of the solemnization, is not a registered building, shall be valid as if the building had been a registered building.

ARTICLE 24

Marriages void under Part 2

If any persons knowingly and intentionally intermarry under this Part -

- (a) without having given due notice of marriage to the Superintendent Registrar;
- (b) without a licence authorizing the solemnization of the marriage having been duly issued;
- (c) on the authority of a licence which is void by virtue of Article 14(2);
- (d) in any place other than the registered building, approved premises or pursuant to Article 21, place specified in the notice of marriage and licence;
- (e) in the case of a marriage purporting to be solemnized on approved premises, on any premises that are not approved premises at the time the marriage is solemnized or, as the case may be, for the purposes of that marriage;
- (f) in the case of a marriage in a registered building, in the absence of an authorized person or the registrar of the parish;
- (g) in the case of a marriage on approved premises, in the absence of the Superintendent Registrar or his delegate; or
- (h) in the case of a marriage in another place, pursuant to Article 21, in the absence of the authorized person named in the licence or the Superintendent Registrar or his delegate,

the marriage shall be void.

PART 3

MARRIAGE ACCORDING TO RITES OF ANGLICAN CHURCH

ARTICLE 25

Interpretation of Part 3

In this Part, unless the context requires otherwise -

“licence” means an ordinary or special licence of the Dean;

“parish” means an ecclesiastical parish and includes an ecclesiastical district or parish established by any enactment or Order in Council or constituted under a scheme prepared by the Church Commissioners for England or, formerly, the Ecclesiastical Commissioners for England, and the expression “parish church” shall be construed accordingly.

ARTICLE 26

Methods of solemnizing marriage

A marriage according to the rites of the Anglican Church may be solemnized -

- (a) after the publication of banns; or
- (b) on the authority of a licence.

Marriage after publication of banns

ARTICLE 27

Place of publication of banns

(1) Subject to this Law, where it is intended to solemnize a marriage after the publication of banns, the banns shall be published -

- (a) if the persons to be married reside in the same parish, in the parish church of that parish; or
- (b) if the persons to be married reside in different parishes, in the parish church of each of those parishes.

(2) In addition to the publication of banns in accordance with paragraph (1), banns may be published in any parish church which is the usual place of worship of either or both of the parties to be married, although neither of them resides in the parish to which the church belongs.

ARTICLE 28

Time and manner of publication of banns

(1) Banns shall be published on 3 Sundays preceding the solemnization of the marriage during morning service or, if there is no morning service on a Sunday on which the banns are to be published, during evening service.

(2) Banns shall be published in an audible manner and in accordance with the form of words prescribed by the rubric prefixed to the office of matrimony in the Book of Common Prayer.

(3) The Churchwarden of a church in which marriages may be solemnized shall provide a book of banns conforming to such specifications as may be prescribed.

(4) The officiating clergyman shall publish banns from the book of banns for the church and not from loose papers and, after each publication, the entry in the book shall be signed by him or by some person under his direction.

ARTICLE 29

Notice to clergyman before publication of banns

No clergyman shall be obliged to publish banns unless the persons to be married, at least one month before the day on which the marriage is to be solemnized, deliver to him a written notice stating -

- (a) the date of delivery of the notice;
- (b) the christian names, surname and place of residence of each of the persons to be married;
- (c) the period for which each of them has resided at his or her place of residence; and

- (d) the intended date for solemnization of the marriage.

ARTICLE 30

Persons by whom banns may be published

- (1) Subject to this Article, it shall not be lawful for any person other than a clergyman to publish banns.
- (2) Where, on any Sunday, in any church in which banns may be published, a clergyman does not officiate at the service at which it is usual in that church to publish banns, the banns may be published -
- (a) by a clergyman at some other service at the church at which banns may be published; or
- (b) subject to paragraph (3), by a layman during the course of a public reading authorized by the Dean of a portion or portions of the service of morning or evening prayer, the public reading being at the hour when the service at which it is usual to publish banns is commonly held or at such other hour as the Dean may authorize.
- (3) Banns shall not be published by a layman unless the incumbent or minister in charge of the said church, or some other clergyman nominated in that behalf by the Dean, has made or authorized to be made the requisite entry in the book of banns of the said church.
- (4) Where a layman publishes banns, he shall sign the book of banns provided under Article 28 and, for that purpose, shall be deemed to be the officiating clergyman within the meaning of that Article.

ARTICLE 31

Certification of publication of banns

- (1) Where a marriage is intended to be solemnized after the publication of banns and the persons to be married do not reside in the same parish, a clergyman shall not solemnize the marriage in the parish in which one of those persons resides unless there is produced to him a certificate that the banns have also been published, in accordance with this Part, in the parish in which the other person resides.
- (2) Where a marriage is intended to be solemnized in a church of a parish in which neither of the persons to be married resides, after the publication of banns in that church by virtue of Article 27(2), a clergyman shall not solemnize the marriage unless there is produced to him -
- (a) if the persons to be married reside in the same parish, a certificate that the banns have been published in accordance with this Part in that parish; or
- (b) if the persons to be married do not reside in the same parish, certificates that the banns have been published in accordance with this Part in each parish in which one of them resides.
- (3) A certificate required under this Article shall be signed by the incumbent or minister in charge of the building in which the banns were published or by another clergyman nominated in that behalf by the Dean.

ARTICLE 32

Solemnization of marriage after publication of banns

- (1) Subject to this Part, where banns have been published, the marriage shall be solemnized in the church or, as the case may be, one of the churches in which the banns have been published.
- (2) Where a marriage is not solemnized within 3 months after the completion of the publication of the banns, that publication shall be void and no clergyman shall solemnize the marriage on their authority.

ARTICLE 33

Publication of banns elsewhere in the British Islands or in the Republic of Ireland

Where a marriage is intended to be solemnized in the Island after the publication of banns, between parties one of whom resides in the Island and the other resides elsewhere in the British Islands or in the Republic of Ireland then, if banns have been published or proclaimed in any church of the parish or place in which that other party resides, according to the law or custom there prevailing, a certificate given in accordance with that law or custom that the banns have been so published or proclaimed shall, as respects that party, be sufficient for the purposes of Article 31, and the marriage shall not be void by reason only that the banns have not been published in the manner required for the publication of banns in the Island.

Marriage under licence

ARTICLE 34

Places in which marriage may be solemnized by ordinary licence

Subject to this Part, the Dean shall not grant an ordinary licence for the solemnization of a marriage in any church other than -

- (a) the parish church of the parish in which one of the persons to be married has had his or her usual place of residence for 15 days immediately before the grant of the licence; or
- (b) a parish church which is the usual place of worship of one or both of the persons to be married.

ARTICLE 35

Requirements for grant of licence

- (1) The Dean shall not grant any licence unless one of the persons to be married has sworn before him -
 - (a) that he or she believes that there is no impediment of kindred or alliance or any other lawful cause, nor any suit commenced in any court, to bar or hinder the solemnization of the marriage in accordance with the licence;
 - (b) where one of the persons to be married is a minor, that any consent to the marriage required under Article 6 has been obtained, dispensed with or given by the Inferior Number of the Royal Court or that there is no person whose consent to the marriage is so required.
- (2) The Dean shall not grant an ordinary licence unless one of the persons to be married has sworn before him -
 - (a) that one of them has had his or her usual place of residence in the parish in which the marriage is to be solemnized for 15 days immediately before the grant of the licence; or
 - (b) that the parish church in which the marriage is to be solemnized is the usual place of worship of one or both of those persons.
- (3) The Dean shall not grant any licence for the solemnization of a marriage to which Article 4(2) applies unless -
 - (a) he is satisfied, by the production of evidence, that both the persons to be married are of full age; and
 - (b) he has received a declaration in writing made by each of those persons specifying how they are related and declaring that the younger of those persons has not, at any time before attaining full age, been a child of the family in relation to the other.
- (4) The Dean shall not grant any licence for the solemnization of a marriage to which Article 5(2) applies unless he is satisfied, by the production of evidence -
 - (a) that both the parties to be married are of full age; and
 - (b) that the 2 other persons related, in the manner described in Article 5(2), to the parties to be married are both dead.

ARTICLE 36

Caveat against licence of Dean

(1) A person having reason to believe that there is lawful cause to obstruct the grant of a licence by the Dean may enter a caveat with the Dean against such grant.

(2) A caveat must be signed by or on behalf of the person by whom it is entered, state his place of residence and the grounds for entering the caveat.

(3) Subject to paragraph (6), where a caveat is entered the Dean shall not issue a licence until -

(a) he has examined into the matter of the caveat and is satisfied that it ought not to obstruct the grant of the licence; or

(b) the caveat is withdrawn by the person who entered it.

(4) If the Dean is doubtful whether to grant a licence, he may refer the matter of the caveat to the Inferior Number of the Royal Court.

(5) Where the matter of a caveat is referred to the Inferior Number of the Royal Court, the Court may uphold or remove the caveat and no appeal shall lie from the decision of the Court.

(6) Where a caveat is entered against a marriage to which Article 4 applies on the ground that the persons to be married are not both of full age or that one of those persons has, at any time before attaining full age, been a child of the family in relation to the other then, even if the caveat is withdrawn by the person who entered it, the Dean shall not grant a licence unless a declaration is obtained from the Inferior Number of the Royal Court under paragraph (7).

(7) In the case described in paragraph (6), one of the persons to be married may apply to the Inferior Number of the Royal Court for a declaration that, both those persons being of full age and the younger of those persons not having been at any time before attaining full age a child of the family in relation to the other, there is no impediment of affinity to the solemnization of the marriage.

(8) The Inferior Number of the Royal Court may, in any proceedings before it under this Article, order the person who entered the caveat to pay all or part of the costs of the proceedings and damages to the person against whose marriage the caveat was entered.

ARTICLE 37

Marriage on authority of ordinary or special licence

Where a marriage is not solemnized within 3 months after the grant of an ordinary or special licence, the licence shall be void and no clergyman shall solemnize the marriage on the authority of it.

Miscellaneous

ARTICLE 38

Witnesses

A marriage solemnized according to the rites of the Anglican Church shall be solemnized in the presence of 2 or more witnesses in addition to the clergyman by whom the marriage is solemnized.

ARTICLE 39

Marriages void under Part 3

If any persons knowingly and intentionally intermarry according to the rites of the Anglican Church -

(a) on the authority of a publication of banns or an ordinary licence, in any place other than a church in which banns may be published;

(b) without banns having been duly published or a licence having been obtained; or

- (c) on the authority of a publication of banns which is void by virtue of Article 6(7) or Article 32(2) or on the authority of a licence which is void by virtue of Article 37,

or, if they knowingly and intentionally consent to or acquiesce in the solemnization of the marriage by any person who is not a clergyman, the marriage shall be void.

ARTICLE 40

Observance of liturgical rubric

Every clergyman shall continue to observe the rules prescribed by the rubric prefixed to the office of matrimony in the Book of Common Prayer concerning the publication of banns and any Canon or regulations made under the Church of England (Worship and Doctrine) Measure 1974, as it applies to the Island by virtue of The Church of England (Worship and Doctrine) Measure 1984 (Channel Islands) Order 1984 concerning the solemnization of marriage, so far as they are consistent with the Law.

PART 4

REGISTRATION SERVICE

ARTICLE 41

Superintendent Registrar and Deputy Superintendent Registrars

(1) The Committee, with the approval of the Human Resources Committee, shall appoint a Superintendent Registrar and one or more Deputy Superintendent Registrars.

(2) The Superintendent Registrar shall exercise the powers conferred and perform the duties imposed on him by and under this Law and any other enactment.

(3) Each Deputy Superintendent Registrar shall have the same powers and be subject to the same duties, conditions and penalties as the Superintendent Registrar.

(4) A reference to the Superintendent Registrar in any enactment, whenever passed or made shall, unless the contrary intention appears, be construed in accordance with this Article.

ARTICLE 42

Registrars and deputy registrars

(1) In each parish, other than St. Helier -

(a) the parish assembly shall choose a person who is resident in the parish as registrar; and

(b) the person so chosen shall, with the approval of the Superintendent Registrar, choose one or more persons who are resident in the parish as deputy registrars.

(2) In the parish of St. Helier -

(a) the Connétable of the parish, with the approval of the parish assembly, shall appoint a person as registrar; and

(b) the person so appointed shall, with the approval of the Superintendent Registrar, appoint one or more persons as deputy registrar.

(3) A registrar or deputy registrar of a parish, other than the parish of St. Helier, shall cease to hold office upon ceasing to reside in the parish.

(4) A registrar of a parish, other than St. Helier, shall give the parish assembly not less than 3 months' notice of his intention to vacate his office.

(5) A parish assembly, other than the parish assembly for St. Helier, may give the registrar not less than 3 months' notice requiring him to vacate his office.

(6) A deputy registrar, other than in the parish of St. Helier, shall give the registrar not less than 3 months' notice of his intention to vacate his office.

(7) A registrar, other than the registrar of St. Helier, may give a deputy registrar not less than 3 months' notice requiring him to vacate his office.

(8) Notwithstanding paragraphs (5) and (7), a registrar or deputy registrar of a parish, other than the parish of St. Helier, may be required to vacate his office with immediate effect if he has failed to carry out or is incapable, by any reason, of carrying out his duties as registrar or deputy registrar.

(9) Where the office of registrar of a parish is vacant, a deputy registrar of the parish shall act as registrar until such time as a new registrar is appointed.

ARTICLE 43

Oath of office

Before entering office, the Superintendent Registrar and every Deputy Superintendent Registrar, registrar and deputy registrar shall take an oath before the Royal Court to well and faithfully perform the duties of his office.

ARTICLE 44

Premises for Superintendent Registrar

The States shall provide and maintain for the Superintendent Registrar, in a central part of the town of St. Helier -

- (a) an office where records and documents required to be kept by him under this Law and any other enactment may be kept in safe custody and protected from fire; and
- (b) premises where marriages may be solemnized.

ARTICLE 45

Requirement to display name and office

(1) Every registrar and deputy registrar shall clearly display, on the exterior of his home, a notice stating his name and office.

(2) The Superintendent Registrar shall clearly display, on the exterior of his office, a list of the names and addresses of all the registrars and deputy registrars.

ARTICLE 46

Provision of storage

The States shall supply each registrar and each incumbent of an Anglican church in which marriages may be solemnized with a durable and fire-resistant box in which the registers and other official documents in that person's care for the purposes of this Law shall be stored when not in use.

ARTICLE 47

Provision of registers, forms and certificates

(1) The Superintendent Registrar shall supply each registrar and each incumbent of an Anglican church in which marriages may be solemnized with the required number of registers of marriage.

(2) The Superintendent Registrar shall supply each registrar with the required number of registers of births, stillbirths and deaths.

(3) A register supplied pursuant to paragraph (1) or (2) shall conform to the prescribed specifications.

(4) The costs of supply of registers pursuant to paragraphs (1) and (2) to incumbents of Anglican churches within a parish and to the registrar of the parish shall be reimbursed to the Superintendent Registrar by the Connétable of the parish.

(5) The Superintendent Registrar shall cause to be printed such forms and certificates as may be required by or under this Law and shall supply registered medical practitioners, free of charge, with the certificates required under Articles 61(3) and 64(1).

ARTICLE 48

Delivery of registers and documents

Any person who, by virtue of his office, is required by this Law to keep any book, register or official document shall, on ceasing to hold office, deliver up such books, register and official documents, and any storage provided under Article 46, to his successor.

PART 5

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES

ARTICLE 49

Interpretation of Part 5

(1) In this Part -

“informant” means the person giving particulars of a birth, stillbirth or death for the purposes of its registration;

“stillbirth” means the birth of a child born after the 24th week of pregnancy (calculated from the beginning of the mother’s last menstrual period) which does not, at any time after being completely expelled from its mother, breathe or show any other sign of life and “stillborn child” shall be construed accordingly.

(2) In this Part, any reference to the particulars of a birth, stillbirth, death or marriage means such particulars as shall be prescribed.

(3) In this Part, any reference to the register of births, stillbirths or deaths means, in relation to the registration of a birth, stillbirth or death, the register kept for the purpose of such registration by the registrar required to register the occurrence.

(4) Except where the context requires otherwise, a reference in this Part to a birth means the birth of a child born alive.

ARTICLE 50

Duty of registrar to register births and deaths

Subject to this Part, a registrar who is informed of the particulars of a birth, stillbirth or death shall register the birth, stillbirth or death in accordance with the prescribed requirements.

Births

ARTICLE 51

Duty to inform registrar of birth within 21 days

(1) In the case of a birth, it shall be the duty of -

(a) the father; or

(b) in default of the father, the mother; or

(c) in default of the father and the mother, every person who assisted at the birth, and the person having care of the child,

to inform the registrar, within the period of 21 days after the birth, of the particulars of the birth.

(2) The giving of the particulars and the signing of the register of births, in accordance with Article 72, by any one of the persons subject to the duty described in paragraph (1) shall act as a discharge of the duty of the other persons so subject.

ARTICLE 52

Restriction on registration of birth after 21 days

(1) A birth may be registered more than 21 days and less than 6 months after it has taken place only pursuant to this Article or Article 53.

(2) Any of the persons subject to the duty described in Article 51(1) shall inform the registrar of the birth in accordance with paragraph (3).

(3) The informant shall -

(a) make a solemn declaration to the best of his ability and in the presence of the registrar and the Superintendent Registrar of the particulars of the birth; and

(b) unless the birth was not registered within 21 days by reason of any fault of the registrar, pay the prescribed fees to the registrar and to the Superintendent Registrar.

ARTICLE 53

Power of Superintendent Registrar to require information about birth

(1) Where Article 51 has not been complied with, the Superintendent Registrar may by notice in writing require the father or mother of the child, any person who assisted at the birth and any person having care of the child, to provide him, to the best of their ability, with the particulars of the birth.

(2) Subject to Article 54, the Superintendent Registrar shall inform the registrar of the parish in which the birth took place of the particulars of the birth or so many of them as the Superintendent Registrar has obtained.

ARTICLE 54

Restriction on registration of birth after 6 months

(1) A birth which has not been registered within 6 months after it has taken place may only be registered pursuant to an order of the Royal Court.

(2) An application for an order under paragraph (1) may be made only by the Superintendent Registrar, through the intermediary of the Attorney General.

(3) The Royal Court may, unless the birth was not registered previously by reason of any fault of the registrar, order any person subject to the duty described in Articles 51 and 52 to pay all or part of the cost of the proceedings.

ARTICLE 55

Registration of father where parents not married

(1) This Article applies where the father and mother of a child were not married to each other at the time of his birth.

(2) No person shall be required under this Part, as father of the child, to give particulars of the birth of the child and the registrar shall not enter in the register of births the name of any person as being that of the father of the child except -

(a) at the joint request of the mother and the person stating himself to be the father of the child; or

(b) at the request of the mother, on production of -

(i) a declaration made by the mother that that person is the father of the child, and

(ii) a declaration made by that person stating himself to be the father of the child;

or

(c) at the request of that person, on production of -

(i) a declaration made by that person stating himself to be the father of the child, and

(ii) a declaration made by the mother that that person is the father of the child.

(3) Where a person stating himself to be the father of a child makes a request to the registrar in accordance with paragraph (2)(c), the giving by him of particulars of the birth of the child and the signing of the register of births by him in accordance with Article 72 shall act as a discharge of any duty imposed by Article 51 or 52.

(4) Where, in accordance with this Article, a registrar enters the name of a person in the register of births as the father of a child, he shall record the child as the illegitimate child of that person and of the mother.

(5) For the purposes of this Article and Article 56, any reference to the time of a person's birth shall be taken to include any time during the period beginning with his conception and ending with his birth.

ARTICLE 56

Re-registration where parents not married

(1) This Article applies where the birth of a child whose father and mother were not married to each other at the time of the birth has been registered, and no person has been recorded as the father of the child.

(2) Subject to paragraph (3), the registrar shall re-register the birth so as to record the name of a person as the father -

(a) at the joint request of the mother and that person; or

(b) at the request of the mother, on production of -

(i) a declaration made by the mother that that person is the father of the child, and

(ii) a declaration made by that person stating himself to be the father of the child;

or

(c) at the request of that person, on production of -

(i) a declaration made by that person stating himself to be the father of the child, and

(ii) a declaration made by the mother that that person is the father of the child.

(3) A birth shall not be re-registered under this Article except in accordance with paragraphs (4) and (5) and with the authority of the Superintendent Registrar.

(4) On the re-registration of a birth so as to record the name of a person as the father, in addition to the requirements of Article 72, the register of births shall be signed by the registrar and, where the re-registration takes place more than 3 months after the birth, by the Superintendent Registrar.

(5) Where the registrar re-registers the birth, he shall record the child as the illegitimate child of the person shown as the father, and of the mother.

ARTICLE 57

Re-registration of birth of legitimated person

(1) This Article applies where, according to the law of the Island, both written and customary, a person is legitimated by the subsequent marriage of his father and mother.

(2) Where, pursuant to Article 55 or 56, the name of the husband has already been entered in the register of births as father of the person, the husband or, in default of the husband, the wife shall, within 3 months following the date of the marriage, make a declaration as to the prescribed matters.

(3) Where the name of the husband has not already been entered in the register of births as father of the person, the husband and wife may each make a declaration, following their marriage, as to the prescribed matters.

(4) Where more than one person is legitimated by the marriage of the husband and wife, a separate declaration shall be made in respect of each person.

(5) Where a declaration is made immediately following the marriage, in the presence of the person who is required by or under this Law to register the marriage or make a return of the particulars of the marriage for the purposes of registration, that person shall countersign the declaration and remit it to the Superintendent Registrar.

(6) A person requesting re-registration of a birth under this paragraph shall pay the prescribed fee to the Superintendent Registrar.

(7) In a case to which paragraph (5) applies, the person countersigning the declaration shall be entitled to receive one half of the fee paid to the Superintendent Registrar.

(8) Subject to paragraphs (9) and (10), where a request for re-registration is made in accordance with this paragraph, the Superintendent Registrar shall direct the registrar of the parish in which the birth took place to re-register the birth as if the person had been legitimate at birth and to note the re-registration against the original entry of the birth.

(9) Before directing that a birth is re-registered under this Article, the Superintendent Registrar may refer the question of legitimation to the Royal Court.

(10) Where the legitimation of a person is established by judgment of the Royal Court, the Judicial Greffier shall remit a copy of the order of the Court to the Superintendent Registrar.

ARTICLE 58

Further registration of name

(1) Where, within the period of one year following the birth of a child, the name of the child is altered from that registered or, if the child was registered without a name, the child is given a name, the father, mother or guardian of the child may, upon paying the prescribed fee and, where the name is given in baptism, upon producing the prescribed certificate, request the registrar to register the name as altered or given.

(2) Where a request is made in accordance with paragraph (1) the registrar shall, without any erasure of the original entry, enter in the register the name given to the child.

(3) Where the name of a child is altered or given in baptism, the person who performed the rite of baptism or who has custody of any register in which the baptism is recorded shall, on payment of a fee not exceeding the prescribed fee, issue the certificate required under paragraph (1).

ARTICLE 59

Registration of birth of abandoned child

(1) Where the place and date of birth of a child who was abandoned are unknown and cannot be ascertained, the person having care of the child shall, within 21 days of the date on which the child is found, apply to the Superintendent Registrar for the birth to be registered in accordance with this Article.

(2) On an application under this Article, the Superintendent Registrar shall direct the registrar of the parish in which the child was found to enter the prescribed particulars in the register of births kept by the registrar.

(3) The Superintendent Registrar shall not direct that a birth is registered in accordance with this Article if -

- (a) he is satisfied that the child was not born in the Island; or
- (b) the child has been adopted pursuant to a court order made in the Island or elsewhere in the British Islands; or
- (c) the birth of the child is known to have been previously registered under this Part.

ARTICLE 60

Short birth certificate

(1) A person may, on payment of the prescribed fee, request a registrar to issue a short birth certificate in the prescribed form and containing the prescribed particulars in respect of a birth registered by the registrar and shall, unless the request is made at the time of registration of the birth, provide the registrar with such particulars as the registrar may require to enable him to find the entry for the birth in the register.

(2) A person may, on payment of the prescribed fee, request the Superintendent Registrar to issue a certificate in the prescribed form and containing the prescribed particulars, in respect of a birth for which an entry has been made in the Adopted Children Register kept pursuant to Article 16 of the Adoption (Jersey) Law 1961. ^[6]

Stillbirths

ARTICLE 61

Registration of stillbirth

(1) In the case of a stillbirth, it shall be the duty of -

- (a) the father; or
- (b) in default of the father, the mother; or
- (c) in default of the father and the mother, every person who assisted at the stillbirth,

to inform the registrar, within the period of 5 days following the stillbirth, of the particulars of the stillbirth and produce to him any certificate given under paragraph (3).

(2) The giving of the particulars, the production of any certificate given under paragraph (3) and the signing of the register of stillbirths, in accordance with Article 72, by any one of the persons subject to the duty described in paragraph (1), shall act as a discharge of the duty of the other persons so subject.

(3) A registered medical practitioner who assisted at the stillbirth or, if there is none, a registered medical practitioner who has viewed the body of the stillborn child, shall as soon as is practicable -

- (a) certify, in the prescribed form and manner, the fact of the stillbirth and, to the best of the practitioner's knowledge and belief, the reason why the child was stillborn; and
- (b) give the certificate to the informant.

(4) Where paragraph (1) has not been complied with, the Superintendent Registrar may, by notice in writing, require the father or mother of the stillborn child and any person who assisted at the stillbirth to provide him, to the best of their ability, with the particulars of the stillbirth.

(5) A registrar, upon registering a stillbirth, shall complete a certificate of registration of the stillbirth in the prescribed form and containing the prescribed particulars and give it to the informant.

Deaths

ARTICLE 62

Duty to inform registrar of death within 5 days

- (1) Where a person dies in the Island, it shall be the duty of -
 - (a) any relative of the deceased person in attendance during his last illness;
 - (b) any person present at the death;
 - (c) any person finding or taking charge of the body;
 - (d) any person causing disposal of the body; and
 - (e) where the death occurred in a dwelling, any occupant of the dwelling who knew of the happening of the death,

to inform the registrar, within the period of 5 days following the death or the finding of the body, to the best of his ability, of the particulars of the death and produce to the registrar any certificate given under Article 64.

(2) The giving of the information, the production of any certificate given under Article 64 and the signing of the register of deaths, in accordance with Article 72, by any one of the persons subject to the duty described in paragraph (1) shall act as a discharge of the duty of the other persons so subject.

ARTICLE 63

Power of Superintendent Registrar to require information about death

(1) Where Article 62 has not been complied with, the Superintendent Registrar may by notice in writing require any of the persons subject to the duty described in Article 62(1) to provide him, to the best of their ability, with the particulars of the death.

(2) The Superintendent Registrar shall inform the registrar of the parish in which the death took place of the particulars of the death, or so many of them as the Superintendent Registrar has obtained.

ARTICLE 64

Certificate of fact and cause of death

(1) In the case of the death of any person, a registered medical practitioner qualified in relation to the death or, if there is none, any registered medical practitioner who has viewed the body after death shall, as soon as is reasonably practicable -

- (a) certify in the prescribed form and manner the fact of death and either -
 - (i) to the best of the practitioner's knowledge and belief, the cause of death, or
 - (ii) if the practitioner is unable to so certify the cause of death, that the cause of death is unknown;
- and
- (b) give the certificate to the informant.

(2) A registered medical practitioner is qualified in relation to the death of any person if -

- (a) the practitioner attended the deceased during the deceased's last illness and within the period of 14 days

preceding the date of death and has viewed the body after death; or

- (b) the practitioner has viewed the body after death and the Viscount, having regard to the circumstances of the case, has authorized the practitioner to give the certificate under paragraph (1) and informed the registrar of the authorization.

ARTICLE 65

Duty of registrar to notify Viscount of death

(1) Where a registrar is informed of the death of any person he shall, as soon as practicable, notify the Viscount of the death if the death is one -

- (a) where the registered medical practitioner giving the certificate under Article 64 has been unable to certify the cause of death;
- (b) where the certificate under Article 64 is given by a registered medical practitioner who is not qualified in relation to the death;
- (c) which the registrar has reason to believe to have been unnatural or to have been caused by neglect or any unlawful act or to have been attended by suspicious circumstances;
- (d) which the registrar has reason to believe must be notified to a police officer or the Viscount by any person under Article 2 of the 1995 Law;
- (e) which appears to the registrar to have occurred during a surgical operation or other medical procedure or before recovery from the effect of an anaesthetic.

(2) Paragraph (1) is in addition to and not in derogation of any duty of the registrar under Article 2 of the 1995 Law.

ARTICLE 66

Restrictions on registration of death

- (1) Where -
 - (a) a registrar, pursuant to Article 65, has notified the Viscount of a death; or
 - (b) the Viscount -
 - (i) has been notified of a death under Article 2 of the 1995 Law or has a power or duty under that Law to hold an inquest concerning a death, and
 - (ii) has notified the registrar that the death should not be registered,

the registrar shall not register the death until he has received from the Viscount either a certificate after inquest or notice that an inquest shall not be held.

(2) Where, in accordance with the 1995 Law, a finding of an inquest has been registered in the Royal Court or the Viscount has decided that an inquest shall not be held, he shall, as soon as practicable, give the registrar the certificate or notice referred to in paragraph (1).

ARTICLE 67

Registration in exceptional circumstances

- (1) A registrar -
 - (a) shall not register a death more than 12 months after its occurrence without the authority described in paragraph (3); and

- (b) shall refer the case to the Superintendent Registrar.
- (2) Where -
- (a) a case is referred to the Superintendent Registrar under paragraph (1); or
- (b) in any case, the Superintendent Registrar is satisfied that, by reason of the exceptional circumstances of the death, it is not practicable to fulfill any requirement relating to registration imposed by or under this Part,

the Superintendent Registrar shall refer the case to the Committee.

(3) Where a case is referred to it under paragraph (2), the Committee may direct that any requirement imposed by or under this Part be dispensed with and authorize registration of the death or, if it thinks fit, refer the case to the Inferior Number of the Royal Court, through the intermediary of the Attorney General, for such a direction and authorization.

- (4) This Article shall not apply in any case to which Article 66 applies.

ARTICLE 68

Certificate of registration of death

A registrar, upon registering a death, shall complete a certificate of registration of death in the prescribed form and containing the prescribed particulars and give it to the informant.

Marriages

ARTICLE 69

Duty to register marriage

The particulars of a marriage shall be registered in accordance with the prescribed requirements by -

- (a) in the case of a marriage solemnized in an Anglican church, the clergyman by whom the marriage is solemnized;
- (b) in the case of a marriage solemnized in a registered building or, pursuant to Article 21, in a place where an incapacitated person is, or on approved premises, by the registrar.

ARTICLE 70

Duty to record marriage

Where a marriage is solemnized in a registered building, otherwise than in the presence of the registrar, or, pursuant to Article 21, in a place where an incapacitated person is, or on approved premises, the particulars of the marriage shall be recorded and a return of them made, in accordance with the prescribed requirements, by -

- (a) in the case of a marriage solemnized in a registered building, the authorized person by whom the marriage is solemnized;
- (b) in the case of a marriage solemnized on approved premises, the Superintendent Registrar or his delegate by whom the marriage is solemnized;
- (c) in the case of a marriage solemnized in a place where an incapacitated person is, the person by whom the marriage is solemnized.

ARTICLE 71

Power to ask for particulars of marriage

A person under a duty to register or record the particulars of a marriage may require the parties to the marriage to

provide him with those particulars.

General

ARTICLE 72

Duty of informant to sign register

(1) It shall be the duty of an informant, when giving particulars of a birth, stillbirth or death for the purposes of its registration to sign, in the presence of the registrar, the entry of the birth, stillbirth or death made in the appropriate register.

(2) An entry of a birth, stillbirth or death shall not be admitted as proof of the information contained in it unless the entry has been signed by the informant and contains particulars of the qualifications required for him to give the information.

ARTICLE 73

Declarations

Every declaration made for the purposes of this Part shall be in such form and contain such information as the Superintendent Registrar may require and shall be made in the prescribed manner.

ARTICLE 74

Orders concerning registration

The Committee shall by Order specify procedures and requirements for the registration of births, stillbirths, deaths and marriages and for the making of returns of information in connection therewith and in particular, but not by way of limitation, shall require -

- (a) the preparation and delivery of documents prior to and for the purposes of the recording of the particulars of a marriage;
- (b) the keeping and delivery of books, registers and official documents for the purposes of this Law;
- (c) the making of entries of births, stillbirths, deaths and marriage in books and registers kept under this Law;
- (d) the provision of copies of such entries, on provision of such information and payment of such fee as may be specified;
- (e) the making of returns of information to the Superintendent Registrar and registrars;
- (f) the keeping of indexes by the Superintendent Registrar of returns of information made to him;
- (g) the making of returns of information by the Superintendent Registrar.

ARTICLE 75

Duty of Committee

(1) The Committee shall, each year, report to the States the number of births, stillbirths, marriages and deaths registered, in the preceding year, pursuant to this Law.

(2) The Committee shall, 5 years after this Article comes into force and, thereafter, every fifth year, inspect every register kept by a registrar pursuant to this Law for the purpose of assessing whether the registrar is discharging his duties under this Law.

(3) A registrar shall, when so requested by the Committee, produce to the Committee the registers kept by him, for the purposes of their inspection.

PART 6

OFFENCES AND MISCELLANEOUS

ARTICLE 76

Offences relating to solemnization of marriage

(1) It shall be an offence for a person, knowingly and voluntarily, to make a false declaration or sign any false document or otherwise provide false information for the purpose of giving notice of marriage or of obtaining any licence or certificate or having a marriage solemnized.

(2) It shall be an offence for a person, when entering any caveat or forbidding the issue of any licence or a certificate, knowingly to make a statement that he is a person whose consent is required to a marriage, when he is not.

(3) It shall be an offence for the Superintendent Registrar, knowingly and voluntarily, to -

(a) issue a licence or certificate pursuant to a notice of marriage which is void by virtue of Article 8(9) or issue a licence less than 7 days after notice of marriage is given or issue a certificate less than 21 days after notice of marriage is given; or

(b) issue a licence or certificate on which a lawful objection has been entered; or

(c) register a marriage declared void by this Law.

(4) It shall be an offence for a person, knowingly and voluntarily, to solemnize a marriage declared void by this Law.

(5) It shall be an offence for a person, knowingly and voluntarily, to solemnize a marriage on authority of a licence which is void or before the expiry of any period required by this Law to elapse after the issue of the licence and before the solemnization of the marriage.

(6) It shall be an offence for a person, knowingly and voluntarily, to solemnize a marriage -

(a) pursuant to an ordinary licence of the Dean, in a place other than an Anglican church; or

(b) pursuant to a licence of the Superintendent Registrar, in a place other than the registered building, approved premises, or place where an incapacitated person is, specified in the notice of marriage and licence.

(7) It shall be an offence for a person to solemnize a marriage in a registered building (other than a person who is an authorized person in relation to that building) without the presence of the registrar of the parish in which the building is situated.

(8) It shall be an offence for a person other than the Superintendent Registrar or his delegate to solemnize a marriage on approved premises.

(9) It shall be an offence for a person other than the Superintendent Registrar or his delegate or a person named in a licence pursuant to Article 21(5)(b) to solemnize a marriage at a place where an incapacitated person is.

(10) A person guilty of an offence under this Article shall be liable to imprisonment for a term not exceeding 5 years or a fine, or both.

ARTICLE 77

Offences relating to registration

(1) It shall be an offence for a person, without reasonable cause or excuse, to fail to comply with a requirement imposed by or under this Law or an Order made under it or by any person pursuant to this Law or an Order made under it -

(a) to provide particulars of a birth, stillbirth, marriage or death or make a declaration required by Article 57; or

(b) to complete or deliver any certificate.

(2) A person guilty of an offence under paragraph (1) shall be liable to a fine not exceeding level 2 on the standard scale.^[7]

(3) It shall be an offence for a person -

(a) to refuse or, without reasonable excuse, omit to record or register any birth, stillbirth, death or marriage which he is required by this Law or an Order made under it to record or register;

(b) to register or cause to be registered, a birth, stillbirth, marriage or death otherwise than in accordance with the requirements of this Law or an Order made under it; or

(c) to carelessly lose or damage a book, register or documents that he is required by this Law or an Order made under it to keep or to carelessly allow any such book, register or document to be damaged while in his keeping; or

(d) to fail, without reasonable excuse, to deliver any book, register, document or storage or make any return that he is required to deliver or make by this Law or an Order made under it.

(4) A person guilty of an offence under paragraph (3) shall be liable to a fine not exceeding level 3 on the standard scale.^[8]

(5) It shall be an offence for a person to -

(a) knowingly provide false particulars for the purpose of the registration of a birth, stillbirth, marriage or death or the re-registration of a birth under this Law; or

(b) voluntarily destroy, damage or alter, or cause to be destroyed, damaged or altered, any book, register or document required to be kept by this Law or an Order made under it; or

(c) forge or cause to be falsely made or forged any book, register or document required to be kept by this Law or an Order made under it or any certified copy of any entry made or document kept under this Law or an Order made under it; or

(d) voluntarily make or cause to be made a false entry in a book or register required to be kept by this Law or an Order made under it or certify a copy of such an entry, knowing it to be false.

(6) A person guilty of an offence under paragraph (5) shall be liable to imprisonment for a term not exceeding 5 years or a fine, or both.

ARTICLE 78

Searches

(1) Every incumbent of an Anglican church who keeps a register of marriages and every registrar who keeps any register under this Law shall, at all reasonable hours, allow searches to be made in any register in his keeping and -

(a) in the case of an incumbent, upon payment of such fee as he may reasonably require; and

(b) in the case of a registrar, upon payment of the prescribed fee,

shall give a copy certified under his hand of any entry in such a register.

(2) Any person shall be entitled, at any time when the office of the Superintendent Registrar is open for the purpose -

(a) upon payment of the prescribed fee, to search the indexes maintained by the Superintendent Registrar pursuant to an Order made under Article 74;

(b) upon payment of the prescribed fee, to have a copy, certified under the hand of the Superintendent Registrar, of any entry in a book or register kept by him under this Law.

(3) A copy of an entry provided in accordance with this Article shall be received as evidence of the birth, stillbirth, death or marriage to which it relates without any further or other proof of the entry.

ARTICLE 79

Correction of errors in books and registers

(1) A person who finds an error, other than a clerical error, in an original entry in a book or register kept under this Law shall bring it to the attention of the Committee, through the intermediary of the Superintendent Registrar.

(2) Upon being notified of an error, other than a clerical error, the Committee may grant permission for the error to be corrected or, if it thinks fit, refer the matter to the Inferior Number of the Royal Court, through the intermediary of the Attorney General.

(3) The Committee shall prescribe procedures for the correction of clerical errors in entries in books and registers kept under this Law, for the correction of discrepancies between original entries and copies thereof and for the correction of errors other than clerical errors, pursuant to permission granted by the Committee or the Inferior Number of the Royal Court.

ARTICLE 80

Witnesses for marriage

No person shall act, or be permitted to act, as witness to the solemnization of a marriage, unless he is of full age and is capable of understanding that ceremony.

ARTICLE 81

Savings

(1) The provisions of this Law are without prejudice to any rule of customary law or any other enactment as to void marriages.

(2) Notwithstanding the repeal by this Law of Article 68 of the Loi (1842) sur l'Etat Civil,^[9] there shall continue to be a Committee of the States known as the Etat Civil Committee.

ARTICLE 82

Orders

(1) The Committee may by Order prescribe anything that may or shall be prescribed under this Law.

(2) An Order made under this Law may make different provision for different cases and contain such incidental, supplementary and transitional provisions as may be required for the operation of this Law.

(3) The Subordinate Legislation (Jersey) Law 1960^[10] shall apply to Orders made under this Law.

ARTICLE 83

Transitional provisions, amendments and repeals

(1) The transitional provisions in Part 1 of Schedule 3 shall have effect.

(2) The amendments in Part 2 of Schedule 3 shall have effect.

(3) The enactments specified in column 1 of Part 3 of Schedule 3 shall be repealed to the extent specified in column 2 of that Part.

ARTICLE 84

Citation and commencement

This Law may be cited as the Marriage and Civil Status (Jersey) Law 200- and shall come into force on such day as the States may by Act appoint.

SCHEDULE 1

(Article 3)

PERSONS OF SAME DESCENT

| | |
|---|---|
| Mother | Father |
| Adoptive mother or former adoptive mother | Adoptive father or former adoptive father |
| Daughter | Son |
| Adoptive daughter or former adoptive daughter | Adoptive son or former adoptive son |
| Grandmother | Grandfather |
| Granddaughter | Grandson |
| Sister | Brother |
| Father's or mother's sister | Father's or mother's brother |
| Brother's or sister's daughter | Brother's or sister's son |

SCHEDULE 2

(Article 6(1))

CONSENTS REQUIRED TO THE MARRIAGE OF A MINOR

1. Where the minor is legitimate -
 - (a) where both parents are living -
 - (i) if the parents are divorced or separated by order of a court or by agreement, the consent shall be required of -
 - (A) the parent to whom sole custody of the minor is committed by order of that court or by the agreement, or
 - (B) both parents, if the custody of the minor is so committed to one parent during part of the year and to the other parent during the rest of the year,
or
 - (ii) if both parents have been deprived of custody of the minor by order of a court, the consent shall be required of the person to whose custody the minor is committed by order of that court, or
 - (iii) in any other case, the consent shall be required of both parents;
 - (b) where one parent is dead, the consent shall be required of -
 - (i) the surviving parent, or
 - (ii) if the surviving parent has been deprived of custody of the minor by order of a court, of the person to whose custody the minor is committed by order of that court;
or
 - (c) where both parents are dead, the consent shall be required of the guardian.
2. Where the minor is illegitimate -
 - (a) if the mother of the minor is alive her consent shall be required or, if she has been deprived of custody of the minor by order of a court, the consent shall be required of the person to whom the custody of the minor has been committed by order of that court;
 - (b) if the mother of the minor is dead, the consent shall be required of the guardian.

SCHEDULE 3

(Article 83)

TRANSITIONAL PROVISIONS, AMENDMENTS AND REPEALS

PART 1

(Article 83(1))

Transitional provisions

1. In this Part of this Schedule, “1842 Law” means the Loi (1842) sur l’Etat Civil.^[11]
2. The Marriage (Prohibited Degrees of Relationship) (Jersey) Law 1949^[12] shall continue to apply to any marriage solemnized before Article 3, 4 and 5 of this Law come into force, as if those Articles had not come into force.
3. Any notice or consent given or other thing done under the Marriage of Infants (Jersey) Law 1961^[13] shall have effect as if given or done under Article 6 of this Law.
4. Notice of marriage given in accordance with Article 29 of the 1842 Law before this Law comes into force shall be deemed to have been given in accordance with Article 8 of this Law.
5. The “Livre des Annonces de Mariages” maintained by the Superintendent Registrar in accordance with Article 30 of the 1842 Law shall continue to be maintained as the marriage notice book.
6. A caveat entered with the Superintendent Registrar in accordance with Article 34 of the 1842 Law before this Law comes into force shall be deemed to have been entered in accordance with Article 9 of this Law.
7. A licence of the Superintendent Registrar issued in accordance with Article 31 of the 1842 Law before this Law comes into force shall be deemed to have been issued in accordance with Article 11 of this Law.
8. A certificate of the Superintendent Registrar issued in accordance with Article 32 of the 1842 Law before this Law comes into force shall be deemed to have been issued in accordance with Article 13 of this Law.
9. A building registered under Article 38 of the 1842 Law before this Law comes into force shall be deemed to have been registered under Article 15 of this Law.
10. The book maintained by the Superintendent Registrar in accordance with Article 38 of the 1842 Law shall continue to be maintained as the register of buildings.
11. Where banns have been published or partly published before this Law comes into force, the 1842 Law shall continue to apply to the solemnization of the marriage by a minister of the Anglican Church as if this Law had not come into force.
12. A caveat entered with the Dean before this Law comes into force shall be deemed to have been entered in accordance with Article 36 of this Law.

PART 2

(Article 83(2))

Amendments of enactments

13. In the Matrimonial Causes (Jersey) Law 1949, in Article 38^[14] -
 - (a) in paragraph (1), for the words “the ‘Loi (1842) sur l’Etat Civil’^[15]” there shall be substituted the words “the Marriage and Civil Status (Jersey) Law 200-^[16]”;

(b) paragraph (3) shall be repealed.

14. In the Census (Jersey) Law 1951, in Article 1,^[17] for the definition “the Committee” that shall be substituted the following definition -

“ ‘Committee’ means the Etat Civil Committee;”.

15. In the Cremation (Jersey) Law 1953 -

(a) at the beginning of Article 1^[18] there shall be inserted the paragraph number “(1)”;

(b) after paragraph (1) of Article 1¹⁸ there shall be added the following paragraph -

“(2) Unless the context otherwise requires, a reference in this Law to an enactment is a reference to that enactment as amended from time to time and includes a reference to that enactment as extended or applied under another enactment, including another provision of this Law.”;

(c) in Article 3(1)(g),^[19] for the words “the ‘Loi (1842) sur l’Etat Civil’^[20], as amended by any subsequent enactment,” there shall be substituted the word “the Marriage and Civil Status (Jersey) Law 200-¹⁶”.

16. In the Adoption (Jersey) Law 1961 -

(a) in Article 16(3),^[21] for the words “the ‘Loi (1842) sur l’Etat Civil’^[22],” there shall be substituted the words “the Marriage and Civil Status (Jersey) Law 200-^[23]”;

(b) in Article 20A(2),^[24] for the words “the prohibited degrees of relationship for the purposes of the Marriage (Prohibited Degrees of Relationship) (Jersey) Law 1949” there shall be substituted the words “the degrees of relationship prohibited or restricted by Articles 3, 4 and 5 of the Marriage and Civil Status (Jersey) Law 200-²³”;

(c) in Article 22,^[25] for the words “Article 17AA or 17B of the ‘Loi (1842) sur l’Etat Civil’^[26],” there shall be substituted the words “Article 56 or 57 of the Marriage and Civil Status (Jersey) Law 200-²³”.

17. In the Adoption (Jersey) Law 1965, in Article 3(4),^[27] for the words “Article 17AA or 17B of the ‘Loi (1842) sur l’Etat Civil’, as amended²⁶” there shall be substituted the words “Article 56 or 57 of the Marriage and Civil Status (Jersey) Law 200-²³”.

18. In the Health Insurance (Jersey) Law 1967, in Article 40,^[28] for paragraph (4) there shall be substituted the following paragraph -

“(4) In this Article, ‘superintendent-registrar’ and ‘registrar’ mean respectively the Superintendent Registrar and a registrar appointed under the Marriage and Civil Status (Jersey) Law 200-²³”.

19. In the Mental Health (Jersey) Law 1969, in Article 59(2)(b)(v),^[29] for the words “the ‘Loi (1842) sur l’Etat Civil’^[30]” there shall be substituted the words “the Marriage and Civil Status (Jersey) Law 200-^[31]”.

20. In the Family Allowances (Jersey) Law 1972, in Article 20,^[32] for paragraph (3) there shall be substituted the following paragraph -

“(3) In this Article, ‘superintendent-registrar’ and ‘registrar’ mean respectively the Superintendent Registrar and a registrar appointed under the Marriage and Civil Status (Jersey) Law 200-³¹”.

21. In the Legitimacy (Jersey) Law 1973 -

- (a) in Article 2, for paragraph (3)^[33] there shall be substituted the following paragraph -

“(3) For the avoidance of doubt, it is declared that the fact that the birth of a child has been registered or re-registered pursuant to Article 55 or 56 of the Marriage and Civil Status (Jersey) Law 200-³¹ is prima facie evidence that the child is not legitimate by birth but, in the case of a child in respect of whom the presumption in paragraph (2) applies, is not, of itself, sufficient evidence to rebut that presumption.”;

- (b) for the heading to Article 13^[34] there shall be substituted the heading “CONSEQUENTIAL EFFECT”;

- (c) Article 13(1)³⁴ shall be repealed;

- (d) in Article 13(2),^[35] for the words “‘Loi (1842) sur l’Etat Civil’^[36]” there shall be substituted the words “Marriage and Civil Status (Jersey) Law 200-^[37]”.

22. In the Inquests and Post-Mortem Examinations (Jersey) Law 1995-

- (a) in Article 1(1),^[38] after the definition “police officer” there shall be added the following definitions -

“Registrar” means a registrar chosen or appointed under Article 42 of the Marriage and Civil Status (Jersey) Law 200-³⁷ and, in relation to a Registrar, “Register of Deaths” means the register kept by him for the purpose of registration of deaths pursuant to that Law.”;

- (b) in Article 5(b)(i),^[39] for the words beginning “of a registered medical practitioner” and ending “the cause of death” there shall be substituted the words “given under Article 64 of the Marriage and Civil Status (Jersey) Law 200-³⁷ by a registered medical practitioner who is qualified, within the meaning of that Article, in relation to the death”;

- (c) in Article 14(2),^[40] for the words “the ‘Loi (1842) sur l’Etat Civil’^[41]” there shall be substituted the words “or under the Marriage and Civil Status (Jersey) Law 200-³⁷”;

- (d) at the end of Article 14⁴⁰ there shall be added the following paragraph -

“(7) After the finding has been registered by the Court, the Viscount shall notify the Registrar of the parish in which the death took place and the Registrar shall make an entry in the Register of Deaths accordingly.”;

- (e) for Article 18(3)^[42] there shall be substituted the following paragraph -

“(3) Delivery of a certificate in accordance with paragraph (2) shall act as a discharge of the duty in Article 64 of the Marriage and Civil Status (Jersey) Law 200^[43].”;

- (f) Article 18(4)^[44] shall be repealed;

- (g) in the First Schedule,^[45] for the words “by the ‘Loi (1842) sur l’Etat Civil’” there shall be substituted the words “by or under the Marriage and Civil Status (Jersey) Law 200-⁴³”.

23. In the Education (Jersey) Law 1999, in Article 65(2),^[46] for the words “ ‘Superintendent Registrar’, ‘Registrar’ and ‘Deputy’ mean such a person appointed in pursuance of the ‘Loi (1842) sur l’Etat Civil’^[47],” there shall be substituted the words “ ‘Superintendent Registrar’ and ‘Registrar’ shall have the same meaning as in the Marriage and Civil Status (Jersey) Law 200⁴³.”.

PART 3

(Article 83(3))

Enactments repealed

| <i>1</i> <i>enactment</i> | <i>2</i> <i>extent of repeal</i> |
|---|-------------------------------------|
| Loi (1842) sur l'Etat Civil ^[48] | The whole Law |
| Loi (1914) (Amendement No. 2) sur l'Etat Civil ^[49] | The whole Law |
| Loi (1921) (Amendement No. 3) sur l'Etat Civil ^[50] | The whole Law |
| Loi (1929) (Amendement No. 4) sur l'Etat Civil ^[51] | The whole Law |
| Loi (1950) (Amendement No. 5) sur l'Etat Civil ⁵¹ | The whole Law |
| Loi (1957) (Amendement No. 6) sur l'Etat Civil ⁵¹ | The whole Law |
| Loi (1960) (Amendement No. 7) sur l'Etat Civil ⁵¹ | The whole Law |
| Loi (1964) (Amendement No. 8) sur l'Etat Civil ^[52] | The whole Law |
| Loi (1975) (Amendement No. 9) sur l'Etat Civil ^[53] | The whole Law |
| Loi (1976) (Amendement No. 10) sur l'Etat Civil ^[54] | The whole Law |
| Loi (1993) (Amendement No. 11) sur l'Etat Civil ^[55] | The whole Law |
| Loi (1996) (Amendement No. 12) sur l'Etat Civil ^[56] | The whole Law |
| Loi (2000) (Amendement No. 13) sur l'Etat Civil ^[57] | The whole Law |
| Loi (1868) étendant au District Ecclésiastique de St. Luc les dispositions de la Loi sur l'enregistrement des naissances, mariages et décès ^[58] | The whole Law |
| Loi (1872) étendant la Loi (1842) sur l'Etat Civil aux nouveaux districts ecclésiastiques ^[59] | The whole Law |
| Loi (1938) touchant l'âge de mariage ^[60] | The whole Law |
| Marriage (Prohibited Degrees of Relationship) (Jersey) Law 1949 ^[61] | The whole Law |

| | |
|---|------------------------------|
| Marriage (Prohibited Degrees of Relationship) (Amendment) (Jersey) Law 1966 ^[62] | The whole Law |
| Marriage of Infants (Jersey) Law 1961 ^[63] | The whole Law |
| Legitimacy (Jersey) Law 1963 ^[64] | Article 2(4) |
| Birth Certificate (Shortened Form) (Jersey) Law 1979 ^[65] | The whole Law |
| Age of Majority (Jersey) Law 1999 ^[66] | Paragraph 3 of the Schedule. |

[1] Volume 1994-1995, page 269.

[2] Volume 1973-1974, page 5 and Volume 2000, page 71.

[3] Tome VIII, page 829 and Volume 1992-1993, page 267.

[4] Tome VIII, page 9.

[5] Tomes IV-VI, page 135 and Volume 1996-1997, page 1054.

[6] Volume 1961-1962, page 375.

[7] Volume 1992-1993, page 437.

[8] Volume 1992-1993, page 437.

[9] Tomes I-III, page 118.

[10] Tome VIII, page 849 and Volume 2001, pages 3 and 4.

[11] Tomes I-III, page 85, Volume 1975-1978, pages 27 and 207, Volume 1992-1993, page 431, Volume 1996-1997, page 155, Volume 1999, page 417, Volume 2000, page 67 and R & Os 8269 and 8950.

[12] Tome VII, page 563.

[13] Volume 1961-1962, page 311 and Volume 1999, page 433.

[14] Tome VII, page 598 and Volume 1979-1981, page 5.

[15] Tomes I-III, page 85, Volume 1975-1978, page 27 and R & O 6274.

[16] P.89/2001.

[17] Tome VIII, page 3.

[18] Tome VIII, page 305.

[19] Tome VIII, page 306.

[20] Tomes I-III, page 85.

[21] Volume 1961-1962, page 375.

[22] Tomes I-III, page 85.

[23] P.89/2001.

[24] Volume 1961-1962, page 379 and Volume 1994-1995, page 362.

[25] Volume 1961-1962, page 380 and Volume 2000, page 71.

[26] Tomes I-III, page 93.

[27] Volume 1961-1962, page 448 and Volume 2000, page 71.

- [28] Volume 1966-1967, page 571.
- [29] Volume 1968-1969, page 415.
- [30] Tomes I-III, page 85.
- [31] P.89/2001.
- [32] Volume 1970-1972, page 426.
- [33] Volume 1973-1974, page 6 and Volume 2000, page 71.
- [34] Volume 1973-1974, page 11.
- [35] Volume 1973-1974, page 12.
- [36] Tomes I-III, page 85.
- [37] P.89/2001.
- [38] Volume 1994-1995, page 273.
- [39] Volume 1994-1995, page 277.
- [40] Volume 1994-1995, page 282.
- [41] Tomes I-III, page 85, Volume 1975-1978, pages 207 and 208, Volume 1992-1993, page 431, and R & Os 7650 and 8269.
- [42] Volume 1994-1995, page 284.
- [43] P.89/2001.
- [44] Volume 1994-1995, page 285.
- [45] Volume 1994-1995, page 289.
- [46] Volume 1999, page 485.
- [47] Tomes I-III, page 85, Volume 1975-1978, page 207, Volume 1992-1993, page 431, Volume 1996-1997, page 155, and R & Os 8269 and 8950.
- [48] Tomes I-III, page 85.
- [49] Tomes IV-VI, page 327.
- [50] Tomes IV-VI, page 542.
- [51] This Law is incorporated in the “Loi (1842) sur l’Etat Civil” and does not appear separately in the Recueil des Lois.
- [52] Volume 1963-1965, page 185.
- [53] Volume 1975-1978, page 27.
- [54] Volume 1975-1978, page 207.
- [55] Volume 1992-1993, page 431.
- [56] Volume 1996-1997, page 155.
- [57] Volume 2000, page 67.
- [58] Tomes I-III, page 320.
- [59] Tomes I-III, page 346.
- [60] Tome VII, page 263.
- [61] Tome VII, page 563.
- [62] Volume 1966-1967, page 33.
- [63] Volume 1961-1962, page 311.
- [64] Volume 1963-1965, page 30.
- [65] Volume 1979-1981, page 203.
- [66] Volume 1999, page 433.