

Comité des Connétables



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Our ref: LN/srdeg/12

19 October 2017

Dear Andrew

draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- (P.91/2017)

The Comité has discussed the draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- (P.91/2017) which has been lodged for debate on 14 November 2017. The Connétables and the Parish Registrars have also had the benefit of presentations given by the Superintendent Registrar and by the Director – Social Policy, Chief Minister's Department, concerning governance and the proposed amendments to the Marriage and Civil Status (Jersey) Law 2001 and the role and duties of the Parish Registrars.

We note that the draft law, whilst providing for same-sex marriage and open-air marriage, also proposes a range of further, significant amendments in order to ensure Jersey's marriage legislation is fit-for-purpose. These further amendments make provision for a number of improvements including streamlining the processes associated with giving notice to marry and the registration of marriage; introducing additional requirements, in relation to certificates of no-impediment and processes for verifying people's identity, to better protect against sham or forced marriage and making better provision in relation to marriage in emergency or special circumstances.

The Comité discussed the significant reduction in role of the Parish Registrar which is proposed in relation to marriages (the responsibility passing to the Superintendent Registrar) and is concerned that this might, in future, be extended to their other duties.

The Comité does consider there should be a change to the election process for the registrar and deputy registrar(s) such that, based on a role description and person specification developed by the Superintendent Registrar (as outlined in the amended Article 42(1) and (1A)), the Connétable should appoint with the appointment being noted by the Parish Assembly and that such appointment should be for a 5-year term of office but permit reappointment for subsequent terms (provisions for the Parish of St Helier will differ as the Registrars are employees of the parish). All other officers of the parish are elected for a fixed term and we consider this is appropriate also for the parish registrar and deputy registrar(s).

The Comité considers the parish registrar/deputy registrar(s) should continue to reside in the parish and, in relation to widening this provision, agrees to this only in the event of a vacancy or emergency. Article 42(9) as amended provides for this in the terms the Comité requested – it reads as follows:

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 or, where there is no deputy registrar, the Superintendent Registrar may act as registrar or, with the consent of the Connétable of the parish concerned, he or she may appoint a registrar or deputy registrar of another parish to act as registrar until the vacancy is filled.

That said, I believe we should also allow for the possibility of the Connétable appointing the parish secretary, or other member(s) of the parish staff, to act as registrar and/or deputy registrar. In this case the requirement of being resident in the parish would not apply (as it doesn't for St Helier – see Article 42(3) of the 2001 Law). A minor point arising from this is that Article 45(1) requires the registrar and deputy registrar to clearly display on the exterior of his/her home a notice stating his/her name and office – it might be better worded by referring to the exterior of the premises being the office of the registrar (this would cover St Helier but also other parishes should the parish hall be used by the registrar/deputy registrar as an office rather than their private property).

As the Corporate Services Scrutiny Panel has invited our comments as part of its review of the draft legislation I am sending a copy of this letter to the Chairman of that Panel.

Kind regards



Len Norman
Chairman

c.c.

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