

STATES OF JERSEY



DRAFT MARRIAGE AND CIVIL STATUS (AMENDMENT No. 4) (JERSEY) LAW 201- (APPOINTED DAY) ACT 201-

**Lodged au Greffe on 21st May 2018
by the Chief Minister**

STATES GREFFE



Jersey

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REPORT

Introduction

The [Marriage and Civil Status \(Amendment No. 4\) \(Jersey\) Law 201-](#) (“Amendment No. 4 Law”) was adopted by the States Assembly, as amended, on 1st February 2018 (from [P.91/2017](#)). The Amendment No. 4 Law amends the [Marriage and Civil Status \(Jersey\) Law 2001](#) (the “2001 Law”).

It is anticipated that the Amendment No. 4 Law will be considered by the Privy Council by the end of May 2018; and it will subsequently need to be registered in the Royal Court. This Appointed Day Act is being lodged ahead of Privy Council consideration of the Amendment No. 4 Law in order that, subject to approval by the States Assembly during the course of the States Sitting commencing 26th June 2018, the Amendment No. 4 Law may be brought into force on 1st July 2018. In the event that the Amendment No. 4 Law has not been registered in the Royal Court by the anticipated debate date, the Appointed Day Act cannot be debated or approved by the States.

1st July coincides with the peak wedding season, allowing for same-sex couples to get married this year, and for couples planning open-air weddings to do so during the summer months.

To date, approximately 115 couples have booked their weddings over the summer months, of which 28 are same-sex couples or couples planning an open-air wedding who can only marry under the 2001 Law as amended by the Amendment No. 4 Law.

Article 22 of the Amendment No. 4 Law

This draft Appointed Day Act sets out that Article 22 of the Amendment No. 4 Law will not be brought into force until 30 days after the rest of the Amendment No. 4 Law. It is standard practice to bring different Articles into effect at different times to assist transitional arrangements.

Article 22 substitutes Article 76 of the 2001 Law; this includes Article 76(3)(b) and (c), which set out that it is an offence for the Superintendent Registrar to issue a marriage schedule or certificate of no impediment where there have been less than 25 clear days between the date of notice to marriage and the actual marriage.

If Article 22 were to be brought into force on 1st July 2018, the Superintendent Registrar would be committing an offence if she were to issue a marriage schedule to any same-sex couple, or any couple seeking to marry in the open-air, before 30th July.

The 28 clear days period between 1st to 30th July is required in order that couples may give 25 clear days' notice of marriage; and the Superintendent Registrar may have 3 clear days after the end of that notice period in which to issue the marriage schedule, both timeframes being set out in the Amendment No. 4 Law.

If Article 22 were brought into force on 1st July 2018, the 7 couples who have already booked their open-air or same-sex marriage during that 28 day period would need to cancel their weddings.

Financial and manpower implications

The resource implications are as set out in [P.91/2017](#). The Amendment No. 4 Law has a number of financial and manpower implications. It provides for –

- (a) the charging of new fees related to new services;
- (b) a possible increase in the numbers of non-resident couples choosing Jersey as a wedding destination;
- (c) savings to be delivered via streamlined administrative processes and better use of technology.

As per the Medium Term Financial Plan Addition for 2017 –2019 ([P.68/2016 as adopted as amended](#)), the States Assembly has previously agreed that the Office of the Superintendent Registrar should be self-funding, via user pays fees, by year-end 2019. Savings and income growth arising from the 2001 Law as amended by the Amendment No. 4 Law will support containment of fee increases required to deliver that decision.

Fee increases are subject to approval by the Minister for Treasury and Resources in accordance with the requirements of the Anti-Inflation Strategy ([P.125/2000](#)).

Explanatory Note

This Act brings the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- into force on 1st July 2018, except that it brings Article 22 of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- into force on 31st July 2018.



Jersey

**DRAFT MARRIAGE AND CIVIL STATUS
(AMENDMENT No. 4) (JERSEY) LAW 201-
(APPOINTED DAY) ACT 201-**

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

THE STATES, in pursuance of Article 29 of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201-, have made the following Act –

1 Commencement of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201-

- (1) Subject to paragraph (2), the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201-¹ shall come into force on 1st July 2018.
- (2) Article 22 of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- shall come into force on 31st July 2018.

2 Citation

This Act may be cited as the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- (Appointed Day) Act 201-.

¹ *Law currently awaiting Privy Council sanction*