

STATES OF JERSEY



CIVIL PARTNERSHIPS

Lodged au Greffe on 4th September 2009
by the Chief Minister

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to agree, in principle, that same-sex couples should be permitted to enter into civil partnerships and to request the Chief Minister to bring forward for approval by the States the necessary draft legislation to give effect to the proposal.

CHIEF MINISTER

REPORT

Introduction

The Council of Ministers seeks the in principle approval of the States for the introduction of legislation to enable civil partnerships in Jersey between same-sex couples.

Background

There has been ongoing dialogue on the issue of Civil Partnerships and the introduction of supporting legislation on the Island for a number of years.

The previously constituted Council of Ministers had committed to bringing forward legislation to introduce civil partnerships as soon as possible. This is noted in section 7 of the Annual Business Plan 2009 (Legislation Programme 2009). When making this commitment it had nevertheless been clear to the Council that a substantial amount of preparatory work would need to be completed before law drafting could proceed. On that basis, room would be made within the law drafting programme once the necessary work was complete.

In June 2007 the Legislation Advisory Panel (LAP) began research on the best way for the Island to approach the issue. In December of that year, a green paper was published which outlined four options for the introduction of legislation:

- (a) to extend the right to marry to same-sex couples;
- (b) to follow the route taken by the United Kingdom and create civil partnerships, which could be entered into by same-sex couples;
- (c) to create the right to form a civil partnership between both heterosexual and same-sex couples; and
- (d) to maintain the existing position.

The consultation responses were considered by the LAP and further information on the financial and manpower implications was requested from departments. On receipt of this information, and with regard to the significant financial and manpower implications, the LAP decided that it would be prudent to refer the matter to the Council of Ministers.

Green Paper – R.111/2007

The Green Paper was published in December 2007 as R.111/2007 and public consultation on it ended on 31st March 2008. A total of 36 responses were received from individuals, groups, and representative bodies, States Departments and/or companies. A summary of these responses was published on www.gov.je, and is included in **Appendix 1** of this report.

A number of respondents made specific comments about the four options outlined in the Green Paper and indicated their preferred option. Most submissions received, however, were broad in their approach to the issue and expressed general preferences rather than identifying particular options for the States to implement.

There were few submissions in support of option (a), and a relatively high number of respondents against it. Many respondents were concerned that 'marriage' in the religious and cultural sense might be confused with a civil partnership. Option (b) attracted the highest number of favourable responses. A considerable number of participants felt that this was less controversial than option (a) and a safe middle ground for the Island. Out of the four options presented, the submissions relating to option (c) were the most evenly distributed between those in favour and those against. Some considered option (c) to be the most impartial alternative as it allowed same-sex and heterosexual couples equal rights, others were concerned it would compete against marriage as a way for people to acquire a legal status for their relationships. Option (d), to maintain the status quo, also received an evenly distributed response from the public, between those in favour and those against. Comments on this option were probably the most passionate of all the submissions received.

Implications on States Departments

As part of this research process, departments have provided comprehensive submissions which assess the impact of legislation on their remit. Responses included: implications on legislation administered, set up costs, additional and ongoing work provided by the legislation and associated staff funding issues. The financial and manpower implications are summarised in **Appendix 2**. As noted, part of this work included the possible changes that would need to be made to existing legislation, a list of which can be found in **Appendix 3**.

The Options – an overview

It is clear that option (a) is seen as devaluing the tradition of marriage in some individuals' eyes, particularly those in the religious community. However, others feel that to withhold from same-sex couples the opportunity to enter into marriage discriminates against them. Although, courts in other jurisdictions have ruled that not extending the right to marry to same-sex couples is not a breach of human rights.

To endorse civil partnerships for same-sex couples, option (b), would be to follow the route taken by a number of other jurisdictions. These jurisdictions have favoured this option as it offers couples every material right and responsibility arising from marriage, without confusing the traditional and cultural concepts of the term 'marriage'.

To extend the right to enter into a civil partnership to heterosexual as well as same-sex couples option (c) can be seen to be the most impartial option, due to the fact that it would allow same-sex and heterosexual couples equal rights. However, several jurisdictions chose not to implement such legislation as it is considered by some to be undermining to the traditional concept of marriage. As with option (a), various jurisdictions came to the conclusion that this option could lead to the alienation of members of the religious community by degrading the traditional and cultural term of 'marriage'. Concern has been noted that this would perhaps encourage heterosexual couples to enter into a partnership based on a contract of interest rather than a genuine commitment to one another.

It is thought that to maintain the current position in the island option (d) would only be a viable short term option: this is a field in which, in terms of human rights

compliance, there is a wide margin of appreciation. The current situation does comply with Human Rights legislation; however this is not thought to be a satisfactory long-term option.

For information, a table setting out the routes that other jurisdictions have already taken can be found below:

Countries that have legalized same-sex marriage	Countries that have legalised civil unions for same-sex couples	Countries that have legalised civil unions for all couples, whether heterosexual or same-sex
Netherlands	Denmark	France
Belgium	Norway	New Zealand
Spain	Sweden	Luxembourg
Canada	Switzerland	Switzerland – the canton of Geneva has the PACS system
South Africa (from December 2006)	Germany	Buenos Aires/Rio Negro
States of Massachusetts and Iowa (U.S.A.)	Iceland	Portugal
	United Kingdom	
	Andorra	
	Finland	
	Slovenia	
	Czech Republic	
	Mexico	

The Council of Ministers Decision

Following the Consultation, and on receipt of further information from departments on the financial and manpower implications, the current Council of Ministers considered the options available to the Island. After careful deliberation of the consultation responses, the Council agreed that option (d) was neither an appropriate nor a viable position for Jersey to take in the future.

The Council considered the remaining three options, and was mindful of opinions expressed during public consultation and the spectrum of potential legal and resources implications that were likely to ensue from any legislation. Following discussions on the practical ramifications, but particularly the religious ramifications, the Council decided that option (a) would also not be a suitable path for the Island to follow. Following a discussion on the benefits and drawbacks of option (b) and option (c), it was decided that option (b) provided the most pragmatic and deliverable solution.

Option (b) would allow same-sex couples the same rights as heterosexual couples whilst avoiding any possible confusion caused by option (c) which would allow heterosexual couples further legal partnership possibilities.

Conclusions and Recommendations

The Council of Ministers is of the opinion that it should follow the route taken by the United Kingdom and create civil partnerships, which could be entered into by same-sex couples.

Next Steps

Should the States Assembly agree with the Proposition, the Chief Minister will prepare the necessary draft legislation for approval by the States.

Financial and manpower statement

This has been estimated by departments to be around £155,000 of one-off costs and £30,000 of ongoing annual costs, with an increase in manpower of 2 individuals. If the States approve this proposition, appropriate funding would need to be prioritised.

Details of how each department would be affected are outlined in the Table located in **Appendix 2**.

IV. CONSULTATION PAPER (R.111/2007) – SUMMARY OF WRITTEN RESPONSES

Introduction

This report summarises the views expressed in written responses received by the Chief Minister's Department as part of the Civil Partnerships: Green Paper public consultation.

This Green Paper addresses in the most general terms the sort of problems that will need to be considered if there is to be a change in the legislation to allow for civil partnerships. The purpose of the consultation is to provide the Legislation Advisory Panel with an opportunity to seek and consider the views of the public on the subject of civil partnerships.

The Consultation

Members of the public were invited to submit their comments in relation to the Civil Partnerships: Green Paper public consultation either by post to the Legislation Advisory Panel at the States Greffe or by sending an email to the dedicated email address: civilpartnerships@gov.je. The consultation paper was made available electronically from both the public consultation section of the States website: www.gov.je and also via the States Assembly website: www.statesassembly.gov.je. An electronic copy of the consultation paper was sent to members of the Chief Minister's Department consultation database.

The consultation period was held between 18 December 2007 and 31 March 2008. A total of 36 written responses were received from individuals, groups, representative bodies, States departments and/or companies by the closing date.

General Overview

The consultation paper outlined the consideration that the Legislation Advisory Panel has been giving to the possibility of changing the Island's legislation to allow for civil partnerships. Whilst the Advisory Panel is minded to proceed with some change to the present position, it has agreed that it would not wish to extend the right to marry to same-sex couples. Consequently, it has also agreed that further consideration should be given to the remaining options following the receipt of further information. The consultation paper invited comments, therefore, on 4 possible options:

- (a) to extend the right to marry to homosexual couples;
- (b) to follow the route taken by the United Kingdom and create civil partnerships, which could be entered into by homosexual couples;
- (c) to create the right to form a civil partnership between both heterosexual and homosexual couples; and
- (d) to maintain the existing position.

A number of respondents made specific comments about the four options outlined in the Green Paper and indicated their preferred option. Most submissions received, however, were broad in their approach to the issue and expressed general preferences rather than identifying particular options for the States to implement.

In this summary responses have been grouped thematically; the options are presented in the order they appeared in the Green Paper. This summary includes a representative selection of additional comments provided by respondents and any concerns that were raised regarding the consequences of any civil partnership legislation.

Since this summary is intended to provide an overview of the comments and suggestions that have been made, and for reasons of space, it does not list in detail all of the replies received.

Summary of responses

a) To extend the right to marry to homosexual couples

Option (a) attracted the smallest number of favourable responses and the equal highest number of unfavourable responses. Many respondents were concerned that ‘marriage’ in the religious and cultural sense might be confused with a civil partnership. The following representative comments were made:

“Option (a) was regarded as a misuse of the term marriage.”

“Marriage is given by God to mankind as the basic building block of society, a relationship of companionship, sexual fulfilment and family life through the conception and birth of children. It is, both as a matter of faith and natural philosophy, heterosexual.”

“I feel that society should celebrate marriage between opposite sexes only. People in same sex partnerships can arrange their own wills at present. Children are influenced from an early age and it would be alarming if it was regarded as normal in Jersey for marriages or civil partnerships between the same sexes.”

In its submission, the Jersey Evangelical Alliance (JEA) stated that: *“Marriage has historically been understood as a life long commitment between a man and a woman. Its purposes included: companionship; support for one another through good times and bad; a safe and proper place to enjoy sexual relations; being the foundation of family life, in which children may be born and nurtured...We therefore fully agree with the statement in the first paragraph of the Green Paper that the right to marry should not be extended to same-sex couples.”*

This view was not universal, however, and a small proportion of respondents felt it to be right that homosexual couples be allowed the same rights as heterosexual couples:

“I agree with this option unequivocally as I believe society should not set distinctions between same-sex and heterosexual couples that wish to marry. Such distinctions are born of paranoia and breed homophobia, and therefore I

urge Jersey to align itself with the countries Netherlands, Belgium, Spain, Canada and South Africa.”

“It should be as the current Dutch practice where ‘couples are entitled to register a civil partnership and gain all the rights, privileges and obligations of marriage except for the right to adopt’ as stated in the Green Paper.”

b) To follow the route taken by the United Kingdom and create civil partnerships, which could be entered into by homosexual couples

Option (b) attracted the highest number of favourable responses. A considerable number of participants felt that this was less controversial than Option (a). The following submissions were received:

“...to me this would not be an ideal situation but perhaps it will turn out to be one that Jersey can compromise on as society can accept it more readily than option a.”

“I strongly favour option 2 which puts civil partnerships on the same basis as those in the UK. I believe that this is an acceptable middle ground.”

“My view is, having seen the changing of the law in the UK, that this is a good thing, and the passing of a civil partnerships law, on the lines of the UK Civil Partnerships Act is the right step for Jersey to take, both for the people of Jersey, and for Jerseys [sic] role as part of a modern European and Worldwide community.”

“Civil Partnership would not only bring benefits to the individuals who formed civil partnerships but would also benefit society as a whole. It would do so by underlining the inherent value of committed same-sex relationships, by supporting stable families and by valuing the diversity of our society”

“The situation must be changed to mirror UK law without further delay and before Jerseys reputation suffers further.”

Some respondents raised concerns with the implementation of civil partnerships legislation in the United Kingdom and suggested that Jersey should seek to learn from some of the shortcomings that have been exposed in other jurisdictions. The following representative comments have been included:

“If it is not gay marriage, why can two sisters not register a civil partnership as a means of passing on family property etc in a tax advantageous way...the UK authorities got it wrong here and have arrived at a situation which discriminates against straightforward friendships and family relationships and in favour of sexually active same sex partnerships. So if we bring CP’s in here can we consider doing it differently from the UK?”

“Option b, follow the UK’s example, would again offer progress towards equality, but I see no reason that Jersey should simply tag along with another nations compromised legislation simply to avoid proper progress in our own right.”

c) To create the right to form a civil partnership between both heterosexual and homosexual couples

Out of the four options presented the submissions relating to Option (c) were the most evenly distributed between those in favour and those against. Some respondents considered Option (c) to be the most impartial alternative as it allowed heterosexual and homosexual couples equal rights:

“...to create a legal process of recognition of civil partnerships separate to any religious connotations that are equal to both homosexual and heterosexual couples, is the only option that I think could be acceptable.”

“This is in my opinion the best option as it truly promotes equality for both same sex and opposite sex relationships.”

Other responses indicated that Option (c) could be implemented if Options (a) and (b) had been rejected by the Legislation Advisory Panel:

“The right to marry for heterosexual couples remains and as such I see no reason to add this particular distinction to the statute book, unless of course options (a) and (b) were unavailable.”

By contrast, some submissions expressed a level of concern about this option; the following representative comments were received:

“Option (c) would create some confusion and maybe encourage heterosexual people to enter into a partnership agreement solely based on a form of contract of interests rather than make the commitment to one another and to family life which, in our view, is most likely to lead to a stable society and a growing personal relationship.”

“Civil Partnerships by their legal nature are seen as a similar, yet competing form of relationship...Marriage is too precious, too valuable and too vital to the well being of our island community to be undermined by the introduction of unnecessary Civil Partnerships.”

d) To maintain the existing position

Option (d), to maintain the status quo, revealed sharp divisions amongst members of the public who responded to this consultation. This option attracted the equal highest number of unfavourable responses and also the second highest number of favourable responses. The following representative comments in favour of Option (d) were received:

“We have an opportunity to protect much of what is good in this island by reaffirming the traditional and long held view of the priority of marriage; let us not fail our children, our families and our community.”

“I firmly believe that the Island of Jersey should maintain the present position as being the most socially acceptable.”

“I am convinced that society should not celebrate same sex marriages; it is unfortunate that same-sex relationships are often regarded as normal or acceptable alternatives....Adults and children should not be encouraged to accept that ‘anything goes’ just because the UK and other jurisdictions have given their blessing.”

This view was not universal, however. Other respondents felt that Option (d) would be unacceptable:

“I totally disagree with this option on the grounds of human rights”

“This option would solve none of the issues. As previously stated it is totally unacceptable in this day and age that same sex relationships are treated differently to heterosexual ones.”

“Doing nothing in my view is totally unacceptable.”

“The law must be changed without further delay. In addition to the iniquity of the situation to those involved, it does Jersey’s international reputation no good whilst the situation remains as it stands.”

One visitor to the website submitted the following feedback:

“Do you honestly believe the current situation is fair and just?”

Additional Comments

A number of respondents did not express a preference for a particular option but responded instead by providing general comments about civil partnerships legislation. Some of the responses received have been included below as a useful indication of public feeling on this issue:

“My main feeling is that ‘we’ as the gay community should be recognised and valued, which should be shown by the States of Jersey introducing legislation that allows a gay couple to formally and publicly acknowledge their relationship and the protection it affords.”

“In many areas, as far as the law is concerned, same-sex relationships do not exist. In this current day and age this is totally unacceptable”

“For a same-sex couple, the denial of an opportunity to have their relationship recognised provides a number of day-to-day challenges when they attempt to organise their joint lives...for example some partners have been refused a hospital visit to see their seriously ill partner (even when guidance has been issued to stop these situations arising), and same-sex partners have been refused their rightful place at their partners [sic] funeral.”

One respondent stated that *“late last year we started a small scale campaign starting with just friends and colleagues to raise awareness of the issue and to try and gather some names for a petition to encourage the States to act on the issue”*. A list of 127 names was attached as part of this submission.

Another respondent included the following information: *“I would also like to draw your attention to the Civil Partnerships in Jersey facebook group and the website <http://www.civilpartnershipjersey.co.uk/index.html>, where a local couple, friends of mine, have set up an online petition to allow civil partnership in Jersey to have information on the site about why we need this legislation”.*

Ms Barbara Corbett, Head of Family Law at Hanson Renouf, commented that: *“The importance of civil partnerships is that they enable people to commit to each other, that they afford protection to one another, and allow couples to be recognised as such. In the UK this has been achieved by giving civil partners all the rights, responsibilities and duties of married couples, without artificially extending an institution which may have resulted in unnecessary complications relating to religion and culture.”*

Other respondents were opposed to the principle of introducing civil partnerships legislation. The following representative comments were made:

“Before we pass legislation condoning something that God hates, let us take note that God has shown his displeasure in the past on this issue...I trust Jersey politicians will take heed and not bring the wrath of God upon our lovely Island.”

“...how can it be right for children to have to face the confusion by being brought up by single sex couples? I am both adopted and an adoptive parent and believe my experience from both of these perspectives, taken together with the views of my children on the subject, makes me better qualified than most to be able to comment. When we adopted there was only one consideration – what was best for the baby or child. Now it seems that political correctness, even to the extent of showing positive discrimination, is considered as important.”

Future Implications

A considerable number of respondents focussed on the possible implications associated with introducing civil partnerships legislation. Although these comments do not relate to the specific options outlined in the Green Paper, it is nevertheless important that these concerns are included in this summary.

In its response, the Law Draftsmen’s office emphasised the broader implications of introducing civil partnerships legislation, should it be recommended by the Legislation Advisory Panel: *“The Civil Partnership Law will not proceed in isolation: its impact upon many other aspects of existing Jersey legislation will have to be considered and amendments produced, by Chief Minister's Department working in conjunction with other, affected, departments. Income tax, social security and income support, public employees' pensions and adoption are just some areas which will require consideration.”*

Advocate Dessain of law firm Bedell Cristin outlined the following concerns: *“Your consultation document describes the four possibilities open for consideration. It is however, silent on what effect each of the three alternatives (apart from the fourth) would have on the existing law in Jersey (whether statutory or case law). For example what Jersey laws would be affected? What is the consequence of each new status e.g. on inheritance laws, tax laws, adoption laws, liability between the two*

persons and third parties during the currency of the new status, and on death, dissolution and mental incapacity in old age.”

In the response from the Social Security Department, a number of potential implications likely to follow from the introduction of civil partnerships legislation were highlighted: *“The contributory system moved to one of individual entitlement in April 2001 however there are still some aspects where married couples have rights such as payments for survivor's allowance and pension as these may be paid based on the deceased spouse's social security contribution record. The cost to the social security fund would increase over time as more couples entered into civil partnerships...Changes would also be required to the department's computer system to ensure new benefit rules were incorporated specifically for Civil Partnerships and this would incur some (not insignificant) cost. The department would also require sufficient time to develop and test the changes... Many of the benefits administered by the department, such as Income Support, treat couples living in a marriage-like relationship in the same way as married couples, including same-sex partners. Therefore, the introduction of civil partnerships would have no implications for these.”*

Similarly, the Department for Education, Sport and Culture identified several issues that would need to be considered should civil partnerships legislation to be introduced in Jersey. Its submission drew attention to the following:

“The main considerations for the Department are with regard to the status of children vis a vis parental responsibility and whether it is desirable for children, potentially, to have four parents who hold varying rights and responsibilities.

There is also an issue in respect of higher education funding. As in other jurisdictions, young people under the age of 25 years are considered to be 'dependent' students and, therefore, the size of the contribution made by the States is determined by an assessment of parental or family income. The Department would require clarification as to what would constitute 'parental or family income' in a civil partnership situation.”

The submission from the Judicial Greffe and Viscount's Department outlined several consequences of any proposed legislation from the legal perspective. Consideration would need to be given to the following issues, amongst others:

- “1) the appropriate body and mechanism for dealing with the financial and other consequences of a termination of a 'civil partnership', including, alternatively, where bankruptcy (of a party in civil partnership) intervenes;*
- 2) potential amendments to the Wills and Succession (J) Law and the customary law relating to testate and intestate succession;*
- 3) the need to record in the Public Registry the existence of a civil partnership where persons who have entered a civil partnership acquire immovable property in the Island;”*

Kate Power, Chief Minister's Department, States of Jersey

Four Options identified by the Legislation Advisory Panel			
Criteria	Option (a) to extend the right to marry to homosexual couples	Option (b) to create civil partnerships, which could be entered into by homosexual couples	Option (c) to create the right to form a civil partnership between both heterosexual and homosexual couples
Public Opinion (consultation responses)	Option (a) attracted the smallest number of favourable responses and the equal highest number of unfavourable responses	Option (b) attracted the highest number of favourable responses	The responses to Option (c) were the most evenly distributed between those in favour and those against
Legal Position (Human Rights compliance)	Compatible with Convention rights	Compatible with Convention rights	Compatible with Convention rights
Financial Manpower Implications	PECRS The introduction of Civil partnership legislation will mean additional benefits payable (where none were previously), the costs of which will vary depending on the extent of the improvement applied and the extent of take-up for the new civil partnerships	PECRS The introduction of Civil partnership legislation will mean additional benefits payable (where none were previously), the costs of which will vary depending on the extent of the improvement applied and the extent of take-up for the new civil partnerships.	PECRS The introduction of Civil partnership legislation will mean additional benefits payable (where none were previously), the costs of which will vary depending on the extent of the improvement applied and the extent of take-up for the new civil partnerships.
			Option (d) attracted the equal highest number of unfavourable responses and also the second highest number of favourable responses
			Compatible with Convention rights. Though unlikely to remain compatible in the future.
			None

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Financial Manpower Implications	<p>Depending on the level of take-up of civil partnerships it is possible that the costs arising could be treated as effectively being covered under the existing PECCRS and JTSF funding arrangements, but it may be that additional contributions will be required to meet the costs.</p> <p>In relation to improving future service benefits, there may be expectation for additional costs to be met by implementing an increase to contribution rates. In relation to improving past service benefits (if applicable), there may be an expectation for costs to be met by the employer either by a lump sum capital payment, or by payment of additional contributions over a limited period.</p>	<p>Depending on the level of take-up of civil partnerships it is possible that the costs arising could be treated as effectively being covered under the existing PECCRS and JTSF funding arrangements, but it may be that additional contributions will be required to meet the costs.</p> <p>In relation to improving future service benefits, there may be expectation for additional costs to be met by implementing an increase to contribution rates. In relation to improving past service benefits (if applicable), there may be an expectation for costs to be met by the employer either by a lump sum capital payment, or by payment of additional contributions over a limited period.</p>	<p>Depending on the level of take-up of civil partnerships it is possible that the costs arising could be treated as effectively being covered under the existing PECCRS and JTSF funding arrangements, but it may be that additional contributions will be required to meet the costs.</p> <p>In relation to improving future service benefits, there may be expectation for additional costs to be met by implementing an increase to contribution rates. In relation to improving past service benefits (if applicable), there may be an expectation for costs to be met by the employer either by a lump sum capital payment, or by payment of additional contributions over a limited period.</p>	None

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Financial Manpower Implications	<p>If additional contributions are required from employers, this will impact on Admitted Bodies in PECRS and JTSF as well as the States.</p>	<p>If additional contributions are required from employers, this will impact on Admitted Bodies in PECRS and JTSF as well as the States.</p>	<p>If additional contributions are required from employers, this will impact on Admitted Bodies in PECRS and JTSF as well as the States.</p>	
	<p><u>Home Affairs</u></p> <p>No significant implications, however the Registrar's office is the one of those most likely to be affected by the law's application and administration but it is difficult at this stage to gauge the financial and manpower implications. It is possible that there will be a surge of interest in the period following enactment which will then subside.</p>	<p><u>Home Affairs</u></p> <p>No significant implications, however the Registrar's office is the one of those most likely to be affected by the law's application and administration but it is difficult at this stage to gauge the financial and manpower implications. It is possible that there will be a surge of interest in the period following enactment which will then subside.</p>	<p><u>Home Affairs</u></p> <p>No significant implications, however the Registrar's office is the one of those most likely to be affected by the law's application and administration but it is difficult at this stage to gauge the financial and manpower implications. It is possible that there will be a surge of interest in the period following enactment which will then subside.</p>	None

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Financial Manpower Implications	<p><u>Court Service</u></p> <p>Years 1 & 2 = nil Years 3 onwards £30k (Manpower)</p> <p><u>Income Tax</u></p> <p>Implement changes required to support changes in legislation = £21,000 non-recurring</p> <p><u>Law Officers</u></p> <p>To support preparation of Legislation.</p> <p>Will require on internal lawyer for 3 months (to be prioritised within existing resources)</p>	<p><u>Court Service</u></p> <p>Years 1 & 2 = nil Years 3 onwards £30k (Manpower)</p> <p><u>Income Tax</u></p> <p>Implement changes required to support changes in legislation = £21,000 non-recurring</p> <p><u>Law Officers</u></p> <p>To support preparation of Legislation.</p> <p>Will require on internal lawyer for 3 months (to be prioritised within existing resources)</p>	<p><u>Court Service</u></p> <p>Years 1 & 2 = nil Years 3 onwards £30k (Manpower)</p> <p><u>Income Tax</u></p> <p>Implement changes required to support changes in legislation = £21,000 non-recurring</p> <p><u>Law Officers</u></p> <p>To support preparation of Legislation.</p> <p>Will require on internal lawyer for 3 months (to be prioritised within existing resources)</p>
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Four Options identified by the Legislation Advisory Panel				
Criteria	Option (a) to extend the right to marry to homosexual couples	Option (b) to create civil partnerships, which could be entered into by homosexual couples	Option (c) to create the right to form a civil partnership between both heterosexual and homosexual couples	Option (d) to maintain the existing position
Financial Manpower Implications	<p><u>Social Security</u></p> <p>£100k minimum cost for software enhancements, leaflet changes and public notification. There may be additional expenses that we cannot quantify at present.</p> <p>No manpower implications</p>	<p><u>Social Security</u></p> <p>£100k minimum cost for software enhancements, leaflet changes and public notification. There may be additional expenses that we cannot quantify at present.</p> <p>No manpower implications</p>	<p><u>Social Security</u></p> <p>£100k minimum cost for software enhancements, leaflet changes and public notification. There may be additional expenses that we cannot quantify at present.</p> <p>No manpower implications</p>	<p>None</p>
	<p><u>ESC</u></p> <p>It could result in a reduction in expenditure on student grants if the income from single-sex couples is taken into account in the calculation of student means-tested support.</p> <p>No manpower implications</p>	<p><u>ESC</u></p> <p>It could result in a reduction in expenditure on student grants if the income from single-sex couples is taken into account in the calculation of student means-tested support.</p> <p>No manpower implications</p>	<p><u>ESC</u></p> <p>It could result in a reduction in expenditure on student grants if the income from single-sex couples is taken into account in the calculation of student means-tested support.</p> <p>No manpower implications</p>	<p>None</p>
	<p><u>H&SS</u></p> <p>The introduction of civil partnership legislation in the UK</p>	<p><u>H&SS</u></p> <p>The introduction of civil partnership legislation in the UK</p>	<p><u>H&SS</u></p> <p>The introduction of civil partnership legislation in the UK</p>	<p>None</p>

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Financial Manpower Implications	<p>led to the introduction of new children's legislation (Children and Adoption Law 2004). At the least local legislation will need to be amended (Adoption (Jersey) Law 1961, and Children (Jersey) Law 2002). This will have substantial implications for children's social work in terms of applications to the court, court welfare and child protection Processes.</p> <p>The proposed changes will also necessitate substantial additional administrative and policy development work in many areas of H&SS. This includes the re-writing of all key policies and procedures and advice leaflets for parents, carers, and co-professionals, because the changes under civil partnership will go right to the heart of the core of many H&SS services by altering the concept of parental responsibility and of children's rights.</p>	<p>led to the introduction of new children's legislation (Children and Adoption Law 2004). At the least local legislation will need to be amended (Adoption (Jersey) Law 1961, and Children (Jersey) Law 2002). This will have substantial implications for children's social work in terms of applications to the court, court welfare and child protection Processes.</p> <p>The proposed changes will also necessitate substantial additional administrative and policy development work in many areas of H&SS. This includes the re-writing of all key policies and procedures and advice leaflets for parents, carers, and co-professionals, because the changes under civil partnership will go right to the heart of the core of many H&SS services by altering the concept of parental responsibility and of children's rights.</p>	<p>led to the introduction of new children's legislation (Children and Adoption Law 2004). At the least local legislation will need to be amended (Adoption (Jersey) Law 1961, and Children (Jersey) Law 2002). This will have substantial implications for children's social work in terms of applications to the court, court welfare and child protection Processes.</p> <p>The proposed changes will also necessitate substantial additional administrative and policy development work in many areas of H&SS. This includes the re-writing of all key policies and procedures and advice leaflets for parents, carers, and co-professionals, because the changes under civil partnership will go right to the heart of the core of many H&SS services by altering the concept of parental responsibility and of children's rights.</p>
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Financial Manpower Implications	<p>To manage the information requirements, and support the ongoing monitoring and updating of H&SS policy and procedures etc. H&SS would require:</p> <p>Non recurrent: 1 x Social Worker and 1 x Admin Support for 3 months (rewriting of key policies etc) - £24k Non pay, printing etc - 10k Total = £34k</p> <p>No Recurrent Costs</p>	<p>To manage the information requirements, and support the ongoing monitoring and updating of H&SS policy and procedures etc. H&SS would require:</p> <p>Non recurrent: 1 x Social Worker and 1 x Admin Support for 3 months (rewriting of key policies etc) - £24k Non pay, printing etc - 10k Total = £34k</p> <p>No Recurrent Costs</p>	<p>To manage the information requirements, and support the ongoing monitoring and updating of H&SS policy and procedures etc. H&SS would require:</p> <p>Non recurrent: 1 x Social Worker and 1 x Admin Support for 3 months (rewriting of key policies etc) - £24k Non pay, printing etc - 10k Total = £34k</p> <p>No Recurrent Costs</p>	<p>None</p>

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Summary of financial and Manpower Implications	<p>Non-recurring expenditure</p> <table> <tr><td>Income Tax</td><td>21k</td></tr> <tr><td>Soc Sec</td><td>100k</td></tr> <tr><td>H&SS</td><td>34k</td></tr> <tr><td>Total</td><td>155k</td></tr> </table> <p>Recurring expenditure</p> <table> <tr><td>Court Service</td><td>30k</td></tr> </table> <p>Manpower</p> <table> <tr><td>Court Service</td><td>1</td></tr> <tr><td>H&SS</td><td>1</td></tr> <tr><td>Total</td><td>2</td></tr> </table>	Income Tax	21k	Soc Sec	100k	H&SS	34k	Total	155k	Court Service	30k	Court Service	1	H&SS	1	Total	2	<p>Non-recurring expenditure</p> <table> <tr><td>Income Tax</td><td>21k</td></tr> <tr><td>Soc Sec</td><td>100k</td></tr> <tr><td>H&SS</td><td>34k</td></tr> <tr><td>Total</td><td>155k</td></tr> </table> <p>Recurring expenditure</p> <table> <tr><td>Court Service</td><td>30k</td></tr> </table> <p>Manpower</p> <table> <tr><td>Court Service</td><td>1</td></tr> <tr><td>H&SS</td><td>1</td></tr> <tr><td>Total</td><td>2</td></tr> </table>	Income Tax	21k	Soc Sec	100k	H&SS	34k	Total	155k	Court Service	30k	Court Service	1	H&SS	1	Total	2	<p>Non-recurring expenditure</p> <table> <tr><td>Income Tax</td><td>21k</td></tr> <tr><td>Soc Sec</td><td>100k</td></tr> <tr><td>H&SS</td><td>34k</td></tr> <tr><td>Total</td><td>155k</td></tr> </table> <p>Recurring expenditure</p> <table> <tr><td>Court Service</td><td>30k</td></tr> </table> <p>Manpower</p> <table> <tr><td>Court Service</td><td>1</td></tr> <tr><td>H&SS</td><td>1</td></tr> <tr><td>Total</td><td>2</td></tr> </table>	Income Tax	21k	Soc Sec	100k	H&SS	34k	Total	155k	Court Service	30k	Court Service	1	H&SS	1	Total	2	None
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Law Drafting Requirements	30 days for the principal legislation itself and 60-100 days for implementing the legislation	30 days for the principal legislation itself and 60-100 days for implementing the legislation	30 days for the principal legislation itself and 60-100 days for implementing the legislation	None																																																

Note : Impact of the phased introduction of the Discrimination Legislation. In the UK, the Sex Discrimination Act 1975 was amended by the Civil Partnerships Act 2004 so as to prohibit discrimination against a person, in the field of employment, by reason of the person being a civil partner. The Act also prohibits discrimination on the ground of marital status. These issues would need to be considered as part of any preparation for civil partnerships legislation.

APPENDIX 3

List of existing legislation that will require amendments:

- 16.650.12 Public Employees (Contributory Retirement Scheme) (Existing Members) (Jersey) Regulations 1989
- 16.650.24 Public Employees (Contributory Retirement Scheme) (Former Hospital Scheme) (Jersey) Regulations 1992
- 16.650.24 Public Employees (Contributory Retirement Scheme) (Jersey) Regulations 1967
- 16.650.60 Public Employees (Contributory Retirement Scheme) (New Members) (Jersey) Regulations 1989
- 16.850.60 Teachers Superannuation (Existing Members) (Jersey) Order 1986
- 16.850.70 Teachers Superannuation (New Members) (Jersey) Order 2007
- Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989
- Public Employee (Retirement) (Validation and Amendment) (Jersey) Law 2005
- Housing (General Provisions) (Jersey) Regulations 1970
- Building Loans (Jersey) Law 1950
- Building Loans (Miscellaneous Provisions) (Jersey) Regulations 1961
- Regulation of Undertakings and Development (Jersey) Regulations 1978
- Education (Jersey) Law 1999
- Education Discretionary Grants (Jersey) Order 2007
- Public Library (Jersey) Rules 2003
- The Children (Jersey) Law 2002
- Marriage and Civil Status (Jersey) Law 2001
- Article 10(b) of the Criminal Injuries Compensation Scheme
- 21.035 Asylum and Immigration Act 1996 (Jersey) Order 1998
- 21.700 Immigration (Jersey) Order 1993 extending sections of the Immigration Act 1988
- 21.770 Immigration and Asylum Act 1999 (Jersey) Order 2003
- 23.750 Police Procedures & Criminal Evidence (Jersey) Law 2003
- 24.660.35 Customs and Excise (Import and Control) (Jersey) Order 2006
- Inquests and Post-Mortem Examinations (Jersey) Rules 1995
- Anatomy and Human Tissue (Jersey) Law 1984
- Cremation (Jersey) Law 1953
- Mental Health (Jersey) Law 1969
- Adoption (Jersey) Law 1961 and Adoption (Jersey) Rules 1962
- Nursing and Residential Homes (Jersey) Law 1994
- Bankruptcy (Désastre) (Jersey) Law 1990
- Fatal Accidents (Jersey) Law 1962
- Probate (Jersey) Law 1998
- Probate (General) (Jersey) Rules 1998
- Wills and Succession (Jersey) Law 1993

- Court of Appeal (Jersey) Law 1961
- Inquests and Post Mortem Examinations (Jersey) Rules 1995
- Royal Court Rules 2004
- Gambling (Licensing Provisions) (Jersey) Regulations 1965 (in so far as concerns application for licences which are dealt with by the Jurats)
- Adoption (Jersey) Law 1961
- Adoption (Jersey) Rules 1962
- Child Abduction and Custody (Jersey) Law 2005
- Child Custody (Jurisdiction) (Jersey) Law 2005
- Children (Jersey) Law 2002
- Legitimacy (Jersey) Law 1973
- Legitimacy (Jersey) Rules 1974
- Maintenance Orders (Facilities for Enforcement) (Jersey) Law 2000
- Matrimonial Causes (Jersey) Law 1949
- Matrimonial Causes (Jersey) Rules 2005
- Recognition of Divorce and Legal Separations (Jersey) Law 1973
- Separation and Maintenance Orders (Jersey) Law 1973
- Compulsory Purchase of Land (Procedure) (Jersey) Law 1961 (in so far as it affects the procedures for appointing the Board of Arbitrators)
- Mental Health (Jersey) Law 1969 (in so far as it concerns the appointment of curators for those unable to manage or administer their affairs)
- Police Procedures and Criminal Evidence (Jersey) Law 2003 (in so far as any Court procedures may be affected)
- Stamp Duty and Fees (Jersey) Law 1998
- the Loi (1880) sur la propriété foncière (widow's customary law rights of douaire (dower))
- the Loi (1908) au sujet des témoins et informateurs (dealing with the competence, compellability, admissibility of evidence in criminal and civil proceedings of evidence of a spouse).
- Planning and Building (Jersey) Law 2002
- Employment (Jersey) Law 2003
- Invalid Care and disability allowances (General Provisions)(Jersey) Order 1978
- Invalid Care Allowance (Jersey) Order 2008
- Social Security (Jersey) Law 1974
- Social Security (Airman) (Jersey) Order 1974
- Social Security (Claims and Payments) (Jersey) Order 1974
- Social Security (Classification) (Jersey) Order 1974
- Social Security (Collection of Contributions) (Jersey) Order 2001
- Social Security (Contributions) (Jersey) Order 1975
- Social Security (Death Grant) (Jersey) Order 1974
- Social Security (Determination of Claims and Questions) (Jersey) Order 1974
- Social Security (Mariners) (Jersey) Order 1974
- Social Security (Married Women) (Jersey) Order 1974
- Social Security (Maternity Benefits) (Jersey) Order 1975

- Social Security (Overlapping Benefits) (Jersey) Order 1975
- Social Security (Reciprocal Agreement with Australia) (Jersey) Act 1992
- Social Security (Reciprocal Agreement with Canada) (Jersey) Act 1993
- Social Security (Reciprocal Agreement with Austria) (Jersey) Act 1981
- Social Security (Reciprocal Agreement with Barbados) (Jersey) Act 1992
- Social Security (Reciprocal Agreement with Cyprus) (Jersey) Act 1983
- Social Security (Reciprocal Agreement with Great Britain, Northern Ireland, the Isle of Man and Guernsey) (Jersey) Act 1994
- Social Security (Reciprocal Agreement with France) (Jersey) Act 1980
- Social Security (Reciprocal Agreement with Iceland) (Jersey) Act 1985
- Social Security (Reciprocal Agreement with Ireland) (Jersey) Act 2007
- Social Security (Reciprocal Agreement with Norway) (Jersey) Act 1991
- Social Security (Reciprocal Agreement with Jamaica) (Jersey) Act 1997
- Social Security (Reciprocal Agreement with Portugal) (Jersey) Act 1979
- Social Security (Reciprocal Agreement with Spain) (Jersey) Act 1976
- Social Security (Reciprocal Agreement with New Zealand) (Jersey) Act 1995
- Social Security (Reciprocal Agreement with the Netherlands) (Jersey) Act 2006
- Social Security (Reciprocal Agreement with the United States of America) (Jersey) Act 1984
- Social Security (Reciprocal Agreement with Sweden) (Jersey) Act 1988
- Social Security (Residence and Persons Abroad) (Jersey) Order 1974
- Social Security (Television Licence Benefit) (Jersey) Regulations 2006
- Income Support (General Provisions) (Jersey) Order 2008
- Insular Insurance (Reciprocal agreement with Italy) (Jersey) Act 1958
- Income Tax (Jersey) Law 1961
- Goods and Services Tax (Jersey) Law 2007
- Income Tax (Purchased Life Annuities) (Jersey) Order 1959
- Motor Vehicles (International Circulation) (Jersey) Regulations 1958

Please note this list is not definitive – it is likely that there is further legislation that will require amendment.