

STATES OF JERSEY



DRAFT CIVIL PARTNERSHIP (JERSEY) LAW 201-

Lodged au Greffe on 31st May 2011
by the Chief Minister

STATES GREFFE



Jersey

DRAFT CIVIL PARTNERSHIP (JERSEY) LAW 201-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000 the Chief Minister has made the following statement –

In the view of the Chief Minister the provisions of the Draft Civil Partnership (Jersey) Law 201- are compatible with the Convention Rights.

(Signed) **Senator T.A. Le Sueur**

REPORT

Introduction

On 20th October 2009 the States of Jersey agreed, in principle, to the Chief Minister's proposition (P.136/2009) "that same-sex couples should be permitted to enter into a Civil Partnership and to request the Chief Minister to bring forward for approval by the States the necessary draft legislation to give effect to the proposal".

The overwhelming decision of the States to adopt the proposition followed a substantial period of consultation on a Green Paper (R.111/2007) based on options identified by the Legislation Advisory Panel.

This new legal relationship in Jersey will, so far as is possible, give same sex couples the same rights and responsibilities as married couples.

During the debate in the States Assembly in 2009, a number of issues were raised relating to children, adoption, inheritance, succession and pensions. Departments have been engaged in supplying instructions on how these issues may be dealt with in the Law and most amendments needed to primary legislation are contained in the Law. Amendments to subordinate legislation, and possibly some minor amendments to primary legislation, will be contained in Regulations, which will be drafted later in the year.

The introduction of civil partnership legislation in Jersey will also require amendments to several Immigration Acts. A separate proposition has been prepared requesting Her Majesty in Council to make an Order in Council to vary the provisions on these Acts.

Structure of the Law

The draft Law consists of 4 Parts and 4 Schedules. These are briefly described below, but the accompanying Explanatory Note provides a detailed summary of the Law.

Part 1 – Entering into Civil Partnerships

Civil Partnership is a new legal relationship for same sex couples. Part 1 of the Law sets out who may enter into a civil partnership and what criteria need to be satisfied, where it may be formed, what needs to be recorded and what documents need to be kept. It also provides for civil partnerships formed outside of Jersey to be recognised in Jersey (Schedule 1).

Article 3 covers how a civil partnership is to be made by registration in Jersey. Licensing and registration of Civil Partnerships are the responsibility of the Superintendent Registrar. Article 4 describes the conditions where 2 people are not eligible to register as civil partners including the prohibited degrees of relationship (Schedule 2).

Premises used for civil partnership ceremonies need to be approved for Civil Partnership by the Connétable of their Parish. Civil Partnerships will not be allowed to be held in a place of worship.

This part of the legislation also deals with the procedure of civil partnerships for persons incapacitated by illness or disability.

Part 2 – Dissolution, nullity and other proceedings

Article 26 gives the Royal Court jurisdiction to entertain proceedings for dissolution or nullity of a civil partnership. The grounds for dissolution are set out in Article 27: unreasonable behaviour; unsound mind; a set period of continuous separation or; abandonment without cause for at least 2 years. The court can also grant separation orders in a similar fashion to that of marriages.

The duties of the Attorney General in relation to applications of dissolution, nullity or presumption of death are also defined within this part of the Law.

The provisions for children, rights of succession and financial provisions in relation to the dissolution of a civil partnership are also to be found in Part 2. For children, the court can make provisions for the maintenance of any children of the family.

Part 3 – Recognition of dissolution or annulment of civil partnership or separation of civil partners

Articles 61 and 62 provide that any order for dissolution or nullity obtained in a British jurisdiction or another country can be recognised in Jersey. This Part also includes provisions for recognising dissolutions and separations made overseas.

Part 4 – Supplementary

Part 4 of the Law gives powers to the States and the Minister for Home Affairs to make further Regulations and Orders in connection with this Law, either for the general or particular purpose of giving effect to the Law or to make special provisions for different cases and supplementary purposes. Importantly it also amends existing laws as described in Schedule 4.

The four schedules to the Law are:

Schedule 1

This Schedule outlines those relationships in other jurisdictions which will be recognised as civil partnerships. This list can be amended by Regulations to add or remove jurisdictions from the list.

Relationships from the jurisdictions will only be recognised as civil partnership if both parties were of the same sex when the relationship was formed.

Schedule 2

The prohibited degrees of relationship between 2 people which prevents a civil partnership being formed are described in Schedule 2. Section 5 of this Schedule outlines certain exceptions which allow a civil partnership to be formed.

Schedule 3

Schedule 3 relates to the requirement for a minor to gain adult consent before entering into a civil partnership.

Schedule 4

This schedule lists all of the amendments to existing laws which follow the introduction of the Civil Partnerships Law. For the purposes of this report, comments on simple amendments adding the term of ‘civil partner’ to accompany ‘wife’, ‘spouse’ for example, have been omitted.

- Adoption (Jersey) Law 1961 – changes to this Law are to allow civil partners the right to adopt children.
- Bankruptcy (Désastre) (Jersey) Law 1990 – amendments introduce the concept of a civil partnership home equivalent to that of the matrimonial home in existing legislation.
- Children (Jersey) Law 2002 – places the child of a family in a civil partnership also.
- Gender Recognition (Jersey) Law 2010 – this is a complex piece of legislation and changes have been made to deal with situations such as, when a person changes their sex in a marriage and the process of dissolution of a marriage and entering into a civil partnership.
- Income Tax (Jersey) Law 1961 – this Law is based on households which is essentially gender-driven (generally recognising a male head of house and a female spouse). The changes to this Law defined a civil partner ‘A’ and a civil partner ‘B’ under Part 16A of the Law.
- Social Security (Jersey) Law 1974 – the main change here relates to survivors’ benefit and now provides benefits for widows, widowers and civil partners. Reciprocal agreements are not included here as negotiation will need to be entered into with the contracting parties.
- Wills and Successions (Jersey) Law 1993 – amendments here are to bring the civil partnership home into the definition of the matrimonial home. In addition to this, the Legislation Advisory Panel has recommended to the Chief Minister that viduité is abolished and that widowers, instead, are given a right of douaire. A short amendment to the Wills and Successions Law is being prepared by the Law Draftsman and should be adopted before the Civil Partnerships Law is enacted.

Financial and manpower implications

Since the report and proposition, some research has been done on the UK experience and the incidence of civil partnerships in the UK in the LGB population (Lesbian, Gay and Bisexual). Applying estimates from the UK Regulatory Framework and ONS to the Jersey population, suggests that there could be between 40 and 120 people entering a civil partnership in Jersey. Obviously some couples would also come to Jersey for a civil partnership ceremony. Although numbers may be small, the impact on laws and systems generally remains as identified in the report and proposition (which is an additional 2 staff in the Court Service and Health and Social Services, £155,000 non-recurring expenditure and a recurring £30,000 for the Court Service) except that estimated one-off implementation costs for the Taxes Office have increased from £21,000 to £71,000 due to the identification of additional staff requirements and software development needs because of the complexity of the Tax Law.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 requires the Minister 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). On 27th May 2011 the Chief Minister made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Chief Minister the provisions of the Draft Civil Partnerships (Jersey) Law 201- are compatible with the Convention Rights.

Explanatory Note

Introduction

The Civil Partnership (Jersey) Law (the “Law”) is in 5 Parts and has 4 Schedules. Part 1 contains definitions of expressions used in this Law. Part 2 describes how a civil partnership is formed. Part 3 makes provision for the dissolution of a civil partnership, annulment and other proceedings, makes provision for property and financial arrangements and covers issues relating to children. Part 4 makes provision for the recognition of dissolution or annulment of civil partnerships or separation of civil partners in other jurisdictions. Part 5 covers powers of the Minister for Home Affairs (“the Minister”) to amend other enactments and to make further provision in connection with civil partnership.

Part 1 – Introduction

Article 1 contains definitions of expressions used in the Law.

Part 2 – Entering into civil partnership

Part 2 of the Law sets out who may enter into a civil partnership and what needs to be satisfied before the civil partnership may be formed, where it may be formed, what needs to be recorded and what documents need to be kept. It also provides for the recognition of civil partnerships formed outside Jersey.

Article 2 establishes civil partnership as a legal relationship between 2 people of the same sex. *Article 2(1)* provides for a civil partnership to be formed in either of 2 ways. The first is when 2 people form a civil partnership with each other, in Jersey, in accordance with *Article 3*. The second is where the couple register an “overseas relationship” which is treated as a civil partnership under the Law. “Overseas relationship” is defined in Schedule 1. *Article 2(3)* provides that a civil partnership only ends on death, dissolution or annulment.

Article 3 describes how a civil partnership is formed. *Article 3(1)* describes the point at which a civil partnership is formed and sets out who is to be present at the solemnization. Two people are to be regarded as having formed a civil partnership with each other once each of them has signed the civil partnership document in the presence of each other, a civil partnership registrar and 2 witnesses.

Article 3(2) specifies who else must sign the civil partnership document. *Article 3(3)* sets out what is to be recorded in the register once a civil partnership document has been signed and the administrative procedures to be completed following the civil partnership registration. *Article 3(5)* prohibits a religious service to be used while a civil partnership registrar is officiating at the signing of a civil partnership document.

Article 4 provides that 2 people are not eligible to form a civil partnership with each other if –

- (a) they are not of the same sex;
- (b) either of them is already a civil partner or lawfully married;
- (c) either of them is under 16 years of age;

- (d) either of them is incapable of understanding the nature of civil partnership or of validly consenting to its formation; or
- (e) they are within prohibited degrees of relationship (set out in Schedule 2).

Article 5 sets out the provisions requiring consent where a person wishing to form a civil partnership is under 18 years of age, and introduces Schedule 3, which identifies the appropriate person or persons who may give consent.

Article 6 describes how a person whose consent is required under *Article 5* may forbid a civil partnership, and that where the issue of a licence or certificate is forbidden, the notice of civil partnership and all proceedings on it will be void.

Article 7 describes what prospective civil partners need to do when giving notice of civil partnership. One of the prospective partners must have been ordinarily resident at their place of residence (whether in Jersey or elsewhere) for at least 7 days before the notice is given. The notice must be in the form, and contain the particulars, prescribed by the Minister, and must be accompanied by such documents as the Superintendent Registrar may require and the prescribed fee. It must be given not more than 3 months and not less than 2 weeks before the day on which it is intended to form the civil partnership. *Article 7(4) to (7)* describe the duties of the Superintendent Registrar upon receiving the notice and *Article 7(8)* confirms that the notice will become void 3 months from the date on which it is entered into the civil partnership notice book.

Article 8(1) permits a person who has reason to believe that there is lawful cause to obstruct the issue of a licence or certificate to enter a caveat with the Superintendent Registrar against such issue. If a caveat is entered, under *Article 8(3)* the Superintendent Registrar must not issue a licence or certificate of civil partnership until either he or she is satisfied that the caveat ought not to obstruct the issue of the licence or certificate, or the caveat is withdrawn by the person who entered it. *Article 8(4)* provides that if the Superintendent is doubtful as to how to proceed he or she may refer the matter to the Royal Court (the "Court"). *Article 8(6) and (7)* describe the procedures that must be followed where the caveat is entered on the ground that a prospective partner is not of full age or been a child of the family in relation to the other. *Article 8(8)* permits the Court to order a person who has entered a caveat to pay the costs of the proceedings and damages to the person against whose civil partnership the caveat was entered.

Article 9 provides for the issue of a licence of civil partnership by the Superintendent Registrar. Either of the prospective partners may, not less than 7 days after the notice of civil partnership is given and not less than 2 working days before the day on which the civil partnership is to be solemnized, and upon payment of such fee as may be prescribed, request that the licence be issued. The person requesting the licence must, at the time of making the request, make a solemn declaration or affirmation before the Superintendent Registrar that he or she believes there to be no lawful impediment to the civil partnership being formed. The Superintendent Registrar must issue the licence in the prescribed form unless he or she is satisfied that a lawful impediment exists or its issue has been forbidden under *Article 6*.

Article 10 provides that a civil partnership may be formed on authority of a licence within 3 months from the day in which the notice of civil partnership is entered into the civil partnership notice book and within 14 days from the day on which the licence is issued. If the civil partnership is not entered into within this period then the notice and licence are void and a civil partnership may not be formed on its authority.

Article 11(1) provides that a document issued by a registration authority anywhere in the British Islands will be recognized and have effect for the purposes of the formation of the civil partnership. *Article 11(2)* provides that the Minister may by Order make provision for a document issued according to the law of another place to be recognized and have effect as if it were a civil partnership licence.

Article 12 provides for the issue of a certificate of civil partnership by the Superintendent Registrar where it is intended that a civil partnership be formed outside Jersey, and one of the prospective partners is ordinarily resident in Jersey. Either of the prospective partners may, not less than 21 days after the notice of civil partnership is given and upon payment of such fee as may be prescribed, request that the certificate be issued. The person requesting the certificate must, at the time of making the request, make a solemn declaration or affirmation before the Superintendent Registrar that he or she believes there to be no lawful impediment to the civil partnership being formed. The Superintendent Registrar must issue the certificate in the prescribed form unless he or she is satisfied that a lawful impediment exists or its issue has been forbidden under *Article 6*. *Article 12(4)* confirms that a certificate issued under this Article will be void after the expiry of 12 months from the day on which the notice of civil partnership is entered into the civil partnership notice book.

Article 13(1) provides that a civil partnership may be solemnized on authority of a licence only on approved premises. By *Article 13(2)*, premises may be approved by the Connétable of the parish in which the premises are situated. The premises provided for the Superintendent Registrar are also approved premises. Under *Article 13(3)* the Minister must by Order publish a scheme for the approval of premises and *Article 13(4)* describes what provisions may be included in such an Order. *Article 13(5)* prohibits premises used principally for religious purposes from being approved premises.

Article 14(1) provides that where a notice of civil partnership and a licence state that a civil partnership between the persons named in those documents is intended to be formed on approved premises also named in those documents, the civil partnership may be solemnized on those premises. *Article 14(2)* provides that a civil partnership formed on approved premises must be solemnized between the hours of 8 a.m. and 7 p.m. by a civil partnership registrar, in the presence of 2 or more witnesses. Members of the public must be permitted to attend freely the solemnization of any civil partnership. *Article 14(4)* sets out the words that are to be spoken by the partners. *Article 14(5)* prohibits any religious service being used at the solemnization of a civil partnership. Under *Article 14(6)* the Superintendent Registrar may charge such fees as may be prescribed by the Minister for the solemnization of a civil partnership. *Article 14(7)* makes clear that a civil partnership registrar will not be obliged to solemnize a civil partnership on a particular day or at a particular time. *Article 14(8)* permits the States to make Regulations so as to vary the hours between which a civil partnership may be solemnized.

Article 15 makes provision to enable persons intending to form a civil partnership on the authority of a licence, where one of them is incapacitated by illness or disability, to solemnize their civil partnership at the place where the incapacitated person is. A registered medical practitioner is required to make a statement as to whether the incapacitated person, by reason of illness or disability, ought not to be moved from the place where he or she is, at the time the statement is made, and any time up to 3 months after making the statement. By *Article 15(2)* the notice of civil partnership must be accompanied by the medical statement in the prescribed form, which must be made not more than 14 days before the date on which the notice is given. The

Superintendent Registrar is required to keep the medical statement with the notice of civil partnership and record the fact that a medical statement has been given in the notice of civil partnership book. Where the civil partnership is solemnized in a place where the incapacitated person is, all the requirements contained in *Article 14(2) to (7)* must be complied with.

Article 16 enables the Minister, upon the recommendation of the Superintendent Registrar, to appoint one or more persons to act as delegate of the Superintendent Registrar for the purpose of enabling civil partnerships to be solemnized on approved premises by persons other than the Superintendent Registrar. The appointment has effect for 3 years, unless cancelled earlier by the Minister.

Article 17 requires the Superintendent Registrar to keep a civil partnership notice book, a register of approved premises and a register of delegates.

Article 18 requires a civil partnership registrar to make a record and a return, in accordance with prescribed requirements, of every civil partnership that he or she solemnizes. The registrar of each parish must keep a register, in accordance with prescribed requirements, of every civil partnership solemnized within the parish of which he or she is registrar.

Article 19 provides that a person under a duty to register or record the particulars of a civil partnership may require the parties to the civil partnership to provide him or her with those particulars.

Article 20 provides that where 2 people have registered as civil partners of each other in Jersey, it is not necessary in support of the civil partnership to give any proof that before the civil partnership either of the civil partners had resided at the place stated in the notice of civil partnership to be his or her place of residence, nor proof that any person whose consent to the civil partnership was required by *Article 5* had given his consent.

Article 21 permits searches to be made in any register or index kept under the Law and, for certified copies of any entry to be provided upon request and upon payment of the prescribed fee.

Article 22 makes provision for the correction of errors in an original entry in a book or register kept under the Law. Errors, other than clerical errors, must be brought to the attention of the Minister by the Superintendent Registrar. The Minister may grant permission for the error to be corrected or, if he or she thinks fit, refer the matter to the Court, through the intermediary of the Attorney General. *Article 22(3)* requires the Minister to prescribe procedures for the correction of errors.

Article 23 sets out the offences under the Law, and the maximum penalties. The following offences (set out fully in *Articles 23(1) to (9)*) are subject to a maximum penalty of a term of imprisonment for a term of 5 years, or a fine, or both –

- any offence concerning the giving of false information for the purpose of giving notice of civil partnership or of obtaining any licence or certificate or having a civil partnership solemnized, entering any caveat or forbidding the issue of any licence or certificate;
- any offence concerning the issue by the Superintendent Registrar of a licence or certificate pursuant to a notice of civil partnership which is void, or which is issued outside the time constraints set out in the Law, is

- issued after a lawful objection has been entered; or is registered when declared void under the Law;
- any offence of knowingly and voluntarily solemnizing a civil partnership declared void by the Law, or on authority of a licence which is void or before the expiry of any period required to elapse after the issue of the licence and before the solemnization of the civil partnership;
 - any offence concerning the solemnization of a civil partnership in a place other than the approved premises, or a place where an incapacitated person is, as specified in the notice of civil partnership and licence, or the solemnization of a civil partnership by anyone other than a civil partnership registrar on approved premises, or at a place where an incapacitated person is;
 - any offence concerning the provision of false particulars for the purpose of the registration of a civil partnership under the Law, or the destruction, damage or alteration of any book, register or document required to be kept by the Law or by an Order made under it, or forgery or false entry in any book, register or document required to be kept by the Law or an Order made under it or any certified copy of any entry made or document kept under the Law or an Order made under it.

The offence in *Article 23(10)* concerning the refusal or omission to record or register any civil partnership otherwise than in accordance with the requirements of the Law or an Order made under it, the careless loss or damage to a book, register or documents required by the Law or an Order made under it to be kept, or the failure to deliver any book, register or document or make any return as required by the Law or an Order made under it attracts a penalty of a fine not exceeding level 3 on the standard scale.

The offence in *Article 23(11)* concerning a person failing to comply with a requirement imposed by or under the Law or an Order made under it or by any person pursuant to the Law or an Order made under it to provide particulars of a civil partnership or to complete or deliver any certificate attracts a penalty of a fine not exceeding level 2 on the standard scale.

Article 24 requires that every declaration made for the purposes of Part 1 of the Law (other than any declaration made by the Court) must contain such information as the Superintendent Registrar may require and must be made in the manner prescribed.

Article 25 requires the Minister to prescribe procedures and requirements for the registration of civil partnerships, including the preparation and delivery of documents, the keeping of books, registers and official documents and the making of returns.

Article 26 requires the Minister to report to the States annually on the number of civil partnerships registered, in the preceding year, under the Law, and to inspect the registers for the purpose of assessing whether the Superintendent Registrar is discharging his or her duties under the Law.

Part 3 – Dissolution, annulment and other proceedings

Article 27 gives the Royal Court jurisdiction to entertain proceedings for dissolution of a civil partnership or a legal separation order, the annulment of a civil partnership, or for death to be presumed and a civil partnership to be dissolved, subject to one of the partners being domiciled or habitually resident in Jersey during one of the periods described in that Article. *Articles 27(4) and (5)* enables the Court to entertain other proceedings, in respect of the same civil partnership.

Article 28 sets out the 5 grounds upon which an application for dissolution of a civil partnership may be presented to the Court by either civil partner. These grounds are that –

- the respondent has since entering into the civil partnership behaved in such a way that the applicant cannot reasonably be expected to live with the respondent;
- the respondent is incurably of unsound mind and has been continuously under care and treatment for a period of at least 5 years immediately preceding the application;
- the parties to the civil partnership have lived apart for a continuous period of at least one year immediately preceding the application and the respondent consents to the dissolution of the partnership;
- the parties to the civil partnership have lived apart for a continuous period of at least 2 years immediately preceding the application;
- the respondent has deserted the applicant without cause for a period of at least 2 years immediately preceding the application.

Article 29 prevents an application for dissolution from being presented to the Court unless at the date of the application 3 years have passed since the date of the registration of the civil partnership, unless the exceptional circumstances described in that Article exist.

Article 30 requires the Court to inquire, so far as it reasonably can, into the facts alleged and whether there has been any connivance or condonation on the part of the applicant and whether any collusion exists between the parties. It must also inquire into any counter-allegation made against the applicant. *Article 30(2) to (5)* set out the circumstances in which the Court will or will not make an order for dissolution under this Article.

Article 31(1) permits the respondent to an application for dissolution on the ground of 2 years' separation to oppose the application on the ground that the dissolution would result in grave financial or other hardship to him or her and that it would in all the circumstances be wrong to dissolve the partnership. *Article 31(2)* describes what the Court must consider when there is such opposition, and if satisfied that the dissolution would cause grave financial or other hardship it must dismiss the application. By *Article 31(3)* "hardship" includes the loss of the chance of acquiring any benefit which the respondent might acquire if the civil partnership were not dissolved.

Article 32(1) requires provision to be made by Rules of the Court for the purpose of ensuring that in one year's separation cases the respondent understands the consequences of consenting to an order being made and the steps which the respondent must take to indicate that consent. *Article 32(2)* sets out the circumstances in which the Court may rescind an order for the dissolution of the civil partnership solely on the ground of one year's separation coupled with the respondent's consent. *Article 32(3) and (4)* set out what the Court must consider when deciding whether or not the applicant is to be required to make financial provision for the respondent where the application for dissolution is on the grounds of one year's or 2 years' separation coupled, in the case of one year's separation, with the respondent's consent to an order being made. By *Article 32(4)*, the Court must not make the order final unless it is satisfied that either the applicant should not be required to make any financial provision for the respondent or that the financial provision made by the

applicant for the respondent is reasonable and fair or the best that can be made in the circumstances. *Article 32(5)* sets out the circumstances in which the Court may make the order final even though the financial provision has not been settled.

Article 33 sets out the circumstances in which an application for a separation order may be presented to the Court and provides that where such application is made the duty of the Court on the presentation of an application for a dissolution and the circumstances in which such an application must or may be granted or dismissed apply in like manner to an application for separation. *Article 33(2)* permits the Court to reverse a separation order on the grounds set out in that paragraph.

Article 34(1) provides that a person is not prevented from making an application for dissolution of a civil partnership, nor is the Court prevented from making an order for the dissolution of the civil partnership, by reason only that the applicant has at any time been granted a separation order or an order under the Separation and Maintenance Orders (Jersey) Law 1953, upon the same or substantially the same facts as those alleged in the application for dissolution of the civil partnership or proved in support of such application. On an application for dissolution, the Court may treat the separation order under this Law or the Separation and Maintenance Orders (Jersey) Law 1953 as sufficient proof of the ground on which it was granted. The Court must not make a dissolution order final without receiving the evidence of the applicant.

Article 35 enables the Court to give to the respondent the same relief to which he or she would have been entitled had he or she presented the application for the dissolution of the civil partnership or a separation order.

Article 36 provides that the Court may decree the annulment of a civil partnership on any ground on which a civil partnership is by law void or voidable, or on any of the grounds set out in that Article. These include the grounds that the civil partnership was formed as a result of fraud, threats or duress by the respondent upon or to the applicant; either party to the civil partnership was at the time of the formation of the civil partnership suffering from a mental disorder of a kind or to such an extent as to be unfit for civil partnership; where the respondent was pregnant at the time of entering into the civil partnership; or where the gender of either partner has changed, as recognized under the Gender Recognition (Jersey) Law 2010. *Article 36(3)* requires that in any proceedings for annulment, evidence of the question of gender must be heard *in camera* unless, in any case, the court is satisfied that in the interests of justice any such evidence ought to be heard in open court.

Article 37 sets out the bars against the court making an annulment order on the ground that a civil partnership is voidable, and the time limits within which an application for an annulment order by virtue of *Article 36* must be made.

Article 38(1) sets out the circumstances in which a civil partner may make an application to the Court to have it presumed that the other party is dead and to have the civil partnership dissolved. The Court, if satisfied that reasonable grounds exist for the applicant to suppose that his or her partner is dead, may make a presumption of death order. By *Article 38(2)*, the fact that for a period of 7 years or more the other party to the civil partnership has been continuously absent from the applicant and the applicant has no reason to believe that the other party has been living within that time is evidence that the other civil partner is dead, until the contrary is proved.

Article 39 provides that every order for the dissolution of a civil partnership, or for annulment of the civil partnership or of presumption of death shall, in the first instance, be a conditional order and must not be made final until after the expiration of

such period, not exceeding 6 months, from the pronouncement, as may be prescribed by Rules of Court. The Court may, in any particular case, fix a shorter time where it considers it proper to do so. *Article 39(2)* provides for Rules of Court to prescribe circumstances in which a person may show cause why the order should not be made final and *Article 39(3)* describes the powers of the Court in the situation where a conditional order has been made and no application for the order to be made final has been made by the party who obtained the conditional order.

Article 40 sets out the circumstances in which the Attorney General may be required to intervene, or where the Attorney General may decide to intervene. *Article 40(2)* permits the Attorney General to charge the costs of the proceedings as part of the expenses of the Attorney General's office.

Article 41 enables the Court, in cases where the Attorney General has intervened, to make an order in respect of the payment of costs by other parties or by the Attorney General. It also enables the Attorney General, in a case where his or her costs are not fully satisfied by any such order, to charge the difference as part of the expenses of the Attorney General's office. Any costs which are paid by the Attorney General under this Article are deemed to be part of the expenses of the Attorney General's office.

Article 42 enables the Court to permit a person to intervene in any proceeding, upon such terms, if any, as the Court thinks just.

Article 43 provides for the abatement of proceedings under the Law if the applicant or the respondent dies before a conditional order is made final.

Article 44(1) enables the Court, from time to time, either before or after the final order, to make such provision as appears just with respect to the maintenance of any children of the family in relation to the parties to the civil partnership which is the subject of the proceedings. It has power to order either civil partner to secure for the benefit of any children of the family such gross sum of money or annual sum of money as the Court may deem reasonable. The Court may for that purpose settle and approve a proper deed or instrument to be executed by all necessary parties. By *Article 44(3)* the term for which any sum of money is secured for the benefit of a child must not extend beyond the child's 21st birthday.

Article 45(1) enables the Court to make orders in respect of the upbringing and welfare of any children of the family under the age of 18 at the date when the Court considers the case under this Article. *Article 45(2)* enables the court to direct that the order for the dissolution of the civil partnership or the annulment order should not be made final, or that the separation order should not be granted, where it is considering making an order under *Article 45(1)*.

Article 46 provides that where a final order has been made for the dissolution or annulment of a civil partnership, neither of the parties are to be entitled, upon the death of the other, to any share or interest in the movable estate of the deceased person, or to any rights of dower in the immovable estate of the deceased or any other person.

Article 47(1) enables the Court to cancel, vary or modify, or terminate the trusts of any settlement or terms of separation agreed between the parties to the civil partnership, made during the subsistence of the civil partnership or in anticipation of its formation, whether or not the civil partnership was formed in Jersey, or a separation or settlement agreement was made outside Jersey.

Article 48 enables the court to order the transfer of any property whether movable or immovable from one party to the civil partnership to the other party or to any child of the family, or to such person as may be specified in the order for the benefit of such child. It may order that a settlement be made for the benefit of the other party to the civil partnership or of any child of the family.

Article 49 enables the Court to order that one party to the civil partnership pay to the other party such annual or other periodic sum for the maintenance and support of that other party as the Court may think reasonable, or to pay such lump sum or sums as the Court may think reasonable. It may order that security be given for the payment of any sum or sums ordered to be paid. In making any order under this Article, the Court must have regard to the benefits accruing to the party in whose favour such order is made under any other order made in pursuance of this Law.

Article 50 provides that where the Court makes an order under *Article 47, 48 or 49* then, on making that order or at any time thereafter, the Court may make a further order for the sale of property in which either or both of the parties to the civil partnership has or have a beneficial interest. The order may contain such consequential or supplementary provisions as the Court thinks fit, including provision requiring the making of a payment out of the proceeds of sale of the property, and provision requiring any such property to be offered for sale to a person, or class of persons, specified in the order. The Court may direct when an order under this Article is to take effect, but it will not take effect until the making of a final order for the dissolution or annulment of the civil partnership By *Article 50(5)*, where an order under paragraph (1) contains a provision requiring the proceeds of sale of the property to which the order relates to be used to secure periodical payments to a party to civil partnership, the order shall cease to have effect on the formation of a subsequent civil partnership or marriage by that person, or death of that person. *Article 50(6)* makes provision for any other person who is not a party to the civil partnership who also has a beneficial interest in the property to be given an opportunity to make representations with respect to the order.

Article 51 enables the Court to make interim orders in respect of the payment of maintenance and support by one party to a civil partnership to the other. Any interim order made will remain in force until it is discharged by the Court or until the Court makes a definitive order in respect of it or until the relief sought in the application is refused.

Article 52 provides that in the case of an order being made for the dissolution or annulment of a civil partnership, or for a separation order on the ground of the unsoundness of mind of a civil partner, the Court may direct that any payments of contributions for support which it orders to be made are to be made to such persons having charge of the other party as the Court directs.

Article 53 enables the Court to discharge or vary any order made under *Article 44, 47, 48, 49, 50 or 51*, suspend any of the provisions of them temporarily or revive the operation of any provision suspended, having regard to all the circumstances of the case, including any increase or decrease in the means of either of the parties to the civil partnership.

Article 54 enables the court to require civil partners in the proceedings to file a sworn declaration detailing their assets and liabilities and particulars of all charges against such assets, for the purposes of *Article 44, 47, 48, 49, 50 or 53*. *Article 54(2)* enables the Court to sit *in camera* for the verification of the assets and liabilities of the parties

and for the purpose of deciding upon the nature and extent of the order or orders, if any, proper to be made in the case.

Article 55 provides that where a person neglects or refuses to comply with an order of the Court directing the person to execute or make any conveyance, assignment, or other document or instrument or indorsement, the Court may order that the conveyance, assignment, or other document or instrument or indorsement be executed, made or done by such person as the Court nominates for the purpose, at the cost of the person in default.

Article 56 provides that in the event of the death of either of the parties after the final order has been made but before any definitive order under *Article 47, 48 or 49* has been made, the Court may make any such order which it could lawfully have made had the death not occurred, and the order will take effect as if it had been made immediately before the death.

Article 57 provides that, subject to there being no right to appeal, as soon as any order for the dissolution or annulment of a civil partnership has been made final, or where a final presumption of death order is made, either party to the civil partnership may form another civil partnership or marry as if the prior civil partnership had been dissolved by death. If there is a right of appeal, either party may form a new civil partnership or marry, if no appeal is presented against the final order, as soon as the time for appealing has expired, or if an appeal is lodged, as soon as the appeal has been dismissed.

Article 58 prohibits the printing or publishing of certain information relating to the judicial proceedings for dissolution or annulment of a civil partnership or the separation of civil partners. By *Article 58(2)* the penalty for a person who acts in contravention of *Article 58* is a fine.

Part 4 – Recognition of dissolution or annulment of civil partnership or separation of civil partners

Part 4 provides for the recognition of the dissolution or annulment of civil partnerships or the separation of civil partners.

Article 59 provides for the recognition in Jersey of the dissolution or annulment of a civil partnership, or for the separation of the civil partners obtained from a court in any part of the British Islands.

Article 60 provides for the recognition in Jersey of the validity of overseas orders for the dissolution or annulment of a civil partnership, or for the legal separation of civil partners, provided they have been obtained by means of judicial or other proceedings and are effective under the law of that country.

Article 61 sets out the grounds for recognition of an overseas dissolution or annulment of a civil partnership, or an overseas order for the legal separation of civil partners.

Article 62 provides for the circumstances in which an overseas order for the dissolution or annulment of a civil partnership, or a legal separation of civil partners, obtained either in the original proceedings or in the cross-proceedings will be recognized, in a case where there have been cross-proceedings.

Article 63 provides that for the purpose of deciding whether an overseas dissolution or annulment, or legal separation, is entitled to recognition under this Law, any finding of fact made, whether expressly or by implication, in the proceedings by means of which

the dissolution, annulment or legal separation was obtained and on the basis of which jurisdiction was assumed in those proceedings shall, if both partners took part in the proceedings, be conclusive evidence of the fact found, and in any other case, be sufficient proof of that fact unless the contrary is shown.

Article 64 makes clear that that no dissolution, annulment or legal separation will be recognized as valid in Jersey except as permitted to be recognized under that Article.

Article 65 provides that where the validity of a dissolution or annulment of a civil partnership obtained in any country is entitled to recognition by virtue this Law or by virtue of any rule or enactment permitted under *Article 64*, neither civil partner is to be precluded from entering into a subsequent civil partnership or marriage in Jersey on the ground that the validity of the dissolution or annulment of the civil partnership would not be recognized in any other country.

Article 66 sets out the circumstances in which an order for dissolution or a separation order will not be recognized. These include where, according to the law of Jersey including its rules of private international law, there was no subsisting civil partnership between the parties, where the civil partnership was formed by one civil partner without giving notice of the proceedings to the other civil partner and where its recognition would manifestly be contrary to public policy.

Article 67 makes clear that the provisions in this Law that recognize overseas dissolutions or nullities of civil partnerships and legal separations of civil partners apply to a dissolution or annulment or legal separation obtained before the date of the commencement of this Law as well as to one obtained on or after that date.

Part 5 – Supplementary

Article 68 provides for the manner in which any application, notice or other document may be served to be prescribed by Rules of Court.

Article 69 makes clear that the power to make Rules of Court under Article 13 of the Royal Court (Jersey) Law 1948 includes power to make rules and provisions described in that Article.

Article 70 introduces Schedule 4, which amends enactments.

Article 71 provides a power for the States to make Regulations to make such other amendments to any enactment as appear to the States to be expedient for the general purposes, or any particular purpose, of this Law, in consequence of any provision made by or under this Law; or for giving full effect to this Law or any provision of it.

Article 72(1) provides a power to the Minister to make Orders prescribing anything that may or must be prescribed under this Law other than Rules of Court. By *Article 72(2)* the power to make an Order or Regulations under this Law may be exercised so as to make different provision for different cases and different purposes, and to make any supplementary, incidental, consequential, transitional, transitory or saving provisions which are considered expedient.

Article 73 provides that this Law may be cited as the Civil Partnership (Jersey) Law 201- and the provisions of this Law will come into force on such day or days as the States may by Act appoint.

Schedule 1 describes overseas relationships. By paragraph 1(1) an overseas relationship is either a relationship which is a specified relationship, or a relationship which meets the general conditions (set out in paragraph 1(2) of the Schedule), and is

registered (whether before or after the passing of this Law) with a responsible authority in a country or territory outside Jersey by 2 people who under the relevant law are of the same sex at the time when they do so, and neither of whom is already a civil partner or lawfully married.

The general conditions in paragraph 1(2) are that that the relationship may not be entered into if either of the parties is already a party to a relationship of that kind or lawfully married; the relationship must be of indeterminate duration; and the effect of entering into the relationship must be that the parties are treated as a couple either generally or for specified purposes, or treated as married.

By paragraph 2(1) any relationship listed in the table in that paragraph is a specified relationship. Paragraph 2(2) gives the States power to make Regulations to amend the list by adding, amending or omitting a relationship.

Paragraph 3 describes the circumstances in which, 2 people are to be treated as having formed a civil partnership as a result of having registered an overseas relationship.

Paragraph 4 provides that only same-sex civil partnerships formed outside Jersey will be recognized as civil partnerships, and provision is made in respect of any case where a partner has changed sex.

Paragraph 5 provides that if an overseas relationship has been registered by a person who was at the time of its registration domiciled in any part of the British Islands except Jersey, the 2 people concerned are not to be treated as having formed a civil partnership if, at the time of the registration they were not eligible to be registered as civil partners of each other under any law of any of the British Islands.

Paragraph 6 provides that 2 people are not to be treated as having formed a civil partnership as a result of having entered into an overseas relationship if it would be manifestly contrary to public policy to recognize the capacity, under the relevant law, of one or both of them to enter into the relationship.

Schedule 2 sets out the prohibited degrees of relationship. Under paragraph 1, 2 people are related within a prohibited degree if one is the adoptive child, adoptive parent, child, former adoptive child, former adoptive parent, grandparent, grandchild, parent, parent's sibling, sibling or sibling's child to the other.

Paragraphs 3 and 5 of *Schedule 2* set out other relationships which are not within prohibited degrees of relationship if certain conditions described in the *Schedule* are met.

Schedule 3 sets out the consents that are required before a minor may enter into a civil partnership.

Schedule 4 makes amendments to enactments in order to provide for civil partners, as far as is possible, to be treated in the same way as married couples. The main enactments amended are –

- Adoption (Jersey) Law 1961
- Anatomy and Human Tissue (Jersey) Law 1984
- Banking Business (Jersey) Law 1991
- Bankruptcy (Désastre) (Jersey) Law 1990
- Children (Jersey) Law 2002

Companies (Jersey) Law 1991
Employment (Jersey) Law 2003
Fatal Accidents (Jersey) Law 1962
Financial Services (Jersey) Law 1998
Gender Recognition (Jersey) Law 2010
Income Tax (Jersey) Law 1961
Interpretation (Jersey) Law 1954
Loi (1862) sur les teneurs en fidéicommiss et l'incorporation d'associations
Loi (1864) réglant la procédure criminelle
Loi (1880) sur la propriété foncière
Loi (1908) au sujet des témoins et informateurs
Loi (1991) sur la copropriété des immeubles bâtis
Maintenance Orders (Enforcement) (Jersey) Law 1999
Maintenance Orders (Facilities for Enforcement) (Jersey) Law 2000
Marriage and Civil Status (Jersey) Law 2001
Matrimonial Causes (Jersey) Law 1949
Mental Health (Jersey) Law 1969
Nursing and Residential Homes (Jersey) Law 1994
Probate (Jersey) Law 1998
Separation and Maintenance Orders (Jersey) Law 1953
Social Security (Jersey) Law 1974
Stamp Duties and Fees (Jersey) Order 1998
Taxation (Land Transactions) (Jersey) Law 2009
Wills and Successions (Jersey) Law 1993.

The amendment to Article 39(2) of the Matrimonial Causes (Jersey) Law 1949 updates the penalty in that Law in respect of the publication of certain information relating to judicial proceedings for the dissolution or annulment of marriage, or the separation of, married persons, so that the penalty in that Law will be consistent with the penalty to be imposed in respect of the corresponding penalty in Article 58 of this Law.

Paragraph 30 contains minor amendments to the enactments referred to in that paragraph.

Under the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1994, level 1 is £50, level 2 is £500, level 3 is £2000 and level 4 is £5000.



Jersey

DRAFT CIVIL PARTNERSHIP (JERSEY) LAW 201-

Arrangement

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Jersey

DRAFT CIVIL PARTNERSHIP (JERSEY) LAW 201-

A **LAW** to make provision for and in connection with civil partnership.

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

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

PART 1

INTRODUCTION

1 Interpretation

In this Law, unless the context otherwise requires –

“approved premises” shall be construed in accordance with Article 13;

“certificate” means a certificate issued under Article 12;

“child of the family” has the same meaning as in Article 1 of the Children (Jersey) Law 2002¹;

“civil partnership document” shall be construed in accordance with Article 3;

“civil partnership notice book” means the book kept pursuant to Article 17(1);

“civil partnership register” means a register kept pursuant to Article 18;

“civil partnership registrar” means the Superintendent Registrar, the Deputy Superintendent Registrar or a delegate;

“Court” means the Royal Court;

“delegate” means a person appointed under Article 16;

“Deputy Superintendent Registrar” means a person appointed as such under Article 41 of the Marriage and Civil Status (Jersey) Law 2001²;

“licence” means a licence issued under Article 9;

“mental disorder” has the same meaning as in Article 1 of the Mental Health (Jersey) Law 1969³;

“Minister” (except in Article 36) means the Minister for Home Affairs;

“notice of civil partnership” means a notice given in accordance with Article 7;

“prescribed” means, except in relation to Articles 7 and 36 and Rules of Court, prescribed by an Order by the Minister;

“registrar” means an individual chosen or appointed as such under Article 42 of the Marriage and Civil Status (Jersey) Law 2001;

“Rules of Court” means Rules of Court made under the Royal Court (Jersey) Law 1948⁴;

“Superintendent Registrar” means the person appointed as such under Article 41 of the Marriage and Civil Status (Jersey) Law 2001;

“working day” means any day other than Christmas Day, Good Friday, a Sunday or a day observed as a bank holiday under the Public Holidays and Bank Holidays (Jersey) Law 1951⁵.

PART 2

ENTERING INTO CIVIL PARTNERSHIP

2 Civil partnership

- (1) A civil partnership is a relationship between 2 people of the same sex (“civil partners”) –
 - (a) which is formed in Jersey in accordance with Article 3; or
 - (b) which they are treated as having formed by virtue of having registered an overseas relationship.
- (2) Paragraph (1) is subject to the provisions of this Law under or by virtue of which a civil partnership is void.
- (3) A civil partnership ends only on death, dissolution or annulment.
- (4) The references in paragraph (3) to dissolution and annulment are to dissolution and annulment having effect under or recognized in accordance with this Law.
- (5) References in this Law to an overseas relationship are to be read in accordance with Schedule 1.

3 Formation of civil partnership by registration

- (1) For the purposes of Article 2(1)(a), 2 people are to be regarded as having formed a civil partnership with each other once each of them has signed the civil partnership document –
 - (a) at the invitation of, and in the presence of, a civil partnership registrar; and
 - (b) in the presence of each other and 2 witnesses.
- (2) After the civil partnership document has been signed under paragraph (1), it must also be signed, in the presence of the civil partners and each other, by –
 - (a) each of the 2 witnesses; and
 - (b) the civil partnership registrar solemnizing the civil partnership.
- (3) After the witnesses and the civil partnership registrar have signed the civil partnership document, the civil partnership registrar solemnizing the civil partnership must ensure that –
 - (a) the fact that the 2 people have formed a civil partnership with each other; and
 - (b) any other information prescribed by the Minister in an Order, is recorded in the civil partnership register as soon as is practicable.
- (4) No person shall act or be permitted to act as the witness to the formation of a civil partnership unless that person is of full age and capable of following the ceremony.
- (5) No religious service is to be used while a civil partnership registrar is officiating at the signing of a civil partnership document.
- (6) The civil partnership document shall be in such form and contain such particulars as shall be prescribed.

4 Eligibility

- (1) Two people shall not be eligible to form a civil partnership with each other if –
 - (a) they are not of the same sex;
 - (b) either of them is already in a lawful civil partnership or lawfully married;
 - (c) either of them is under 16 years of age;
 - (d) either of them is incapable of –
 - (i) understanding the nature of civil partnership, or
 - (ii) validly consenting to its formation; or
 - (e) they are related in a prohibited degree.
- (2) Schedule 2 contains provisions for determining when 2 people are related within a prohibited degree.

5 Consent where proposed civil partner under 18

- (1) Where either of the intended civil partners is a minor, the consent of the persons specified in Schedule 3 shall be required for the formation of the civil partnership.
- (2) The Superintendent Registrar may refuse to issue a licence or certificate 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 or her being under a disability, the Superintendent Registrar may dispense with the consent of that person.
- (4) Where the Superintendent Registrar refuses to dispense with the consent of any person, the 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 Court may, on the application of the minor, give consent in place of that person.
- (6) Where an application is made to the Court in consequence of a refusal to give consent, notice of the application shall be served on the person who has refused consent.

6 Forbidding of issue of licence or certificate

- (1) Any person whose consent is required under Article 5 to a civil partnership intended to be formed 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 civil partnership notice book next to the entry of the notice of civil partnership and subscribing to that word the person’s name, place of residence and the capacity, in relation to either of the persons intending to be civil partners, in which the person 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 civil partnership and all proceedings on it shall be void.
- (3) Where the Court consents to the formation of a civil partnership under Article 5(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 civil partnership under this Article and the notice of civil partnership and proceedings on it shall not be void by virtue of this Article.

7 Notice of civil partnership

- (1) Subject to paragraph (2), where persons intend to form a civil partnership on authority of a licence or certificate of the Superintendent Registrar, one of the intended civil partners shall give notice of civil partnership to the Superintendent Registrar.
- (2) Notice of civil partnership may only be given if one of the persons to the intended civil partnership has been ordinarily resident at their place of

residence (whether in Jersey or elsewhere) for at least 7 days before the notice is given.

- (3) Notice of civil partnership 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 form the civil partnership.
- (4) Subject to paragraph (5), where notice of civil partnership is given, the Superintendent Registrar shall, as soon as is practicable, enter in the civil partnership notice book –
 - (a) the particulars contained in the notice of civil partnership; and
 - (b) the facts of any declaration given under paragraph (5)(b).
- (5) The Superintendent Registrar shall not enter notice of a civil partnership to which paragraphs 3 to 5 of Schedule 2 apply in the civil partnership notice book unless –
 - (a) the Superintendent Registrar is satisfied, by the production of evidence, that both the persons intending to form the civil partnership are of full age; and
 - (b) the Superintendent Registrar 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, declaring that there is no prohibited degree of relationship.
- (6) The Superintendent Registrar shall keep all notices of civil partnership and declarations described in paragraph (5)(b).
- (7) The Superintendent Registrar shall display, in the entrance to or outside the office of the Superintendent Registrar –
 - (a) a list of notices of civil partnership; and
 - (b) particulars of a notice of civil partnership for which he or she has not yet granted a licence or certificate.
- (8) A notice of civil partnership shall be void after the expiry of 3 months from the day on which it is entered into the civil partnership notice book.

8 Caveat against issue of licence or certificate

- (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 entered under paragraph (1) shall be signed by or on behalf of the person by whom it is entered, state the objector's 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) the Superintendent Registrar has examined 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, the Superintendent Registrar may refer the matter of the caveat to the Court.
 - (5) Where the matter of a caveat is referred to the Court, the Court may uphold the caveat or order that the licence or certificate be issued and no appeal shall lie from the Court's decision.
 - (6) Where a caveat is entered against a civil partnership on the ground that the persons intending to form the civil partnership 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 Court under paragraph (7).
 - (7) In the case described in paragraph (6), one of the intending civil partners may apply to the 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 relationship by marriage or civil partnership to the formation of the civil partnership.
 - (8) The 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 civil partnership the caveat was entered.

9 Civil partnership on authority of licence

- (1) Where a civil partnership is intended to be solemnized in Jersey, one of the persons intending to form the civil partnership may, not less than 7 days after notice of the civil partnership is given and not less than 2 working days before the day on which the civil partnership 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 lawful impediment to the civil partnership being formed.
- (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) the Superintendent Registrar is satisfied that a lawful impediment to the civil partnership exists; or
 - (b) its issue has been forbidden under Article 6 by any person authorized in that behalf.

10 Period of validity of licence

- (1) A civil partnership may be formed on the authority of a licence –
 - (a) within 3 months from the day on which notice of the civil partnership is entered into the civil partnership notice book; and
 - (b) within 14 days from the day on which the licence is issued.
- (2) If the civil partnership is not solemnized within the periods described in paragraph (1), the notice of civil partnership and any licence which may have been granted on it shall be void and no person shall form the civil partnership on its authority.

11 Civil partnership on authority of document issued outside Jersey

- (1) Where a civil partnership is intended to be formed in Jersey between a British subject resident in Jersey and a British subject resident elsewhere in the British Islands, a document issued by a registration authority anywhere in the British Islands which authorizes a civil partnership shall be recognized and have effect for the purposes of the formation of that civil partnership as if it were a civil partnership licence issued in Jersey under this Law.
- (2) The Minister may by Order make provision, for the purposes of the formation of a civil partnership in Jersey between a person resident in Jersey and a person resident elsewhere, for a document 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 civil partnership licence issued in Jersey under this Law.

12 Certificate for formation of civil partnership outside Jersey

- (1) Where –
 - (a) a civil partnership is intended to be formed outside Jersey; and
 - (b) one or both of the persons intending to form that civil partnership is ordinarily resident in Jersey,one of the persons intending to form the civil partnership may, not less than 21 days after notice of the civil partnership is given and upon payment of such fee as may be prescribed, request the Superintendent Registrar to issue a certificate of civil partnership.
- (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 lawful impediment to the civil partnership being formed.
- (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) the Superintendent Registrar is satisfied that a lawful impediment to the civil partnership exists; or

- (b) its issue has been forbidden under Article 6 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 civil partnership is entered into the civil partnership notice book.

13 Approved premises

- (1) A civil partnership may be solemnized on authority of a licence only on approved premises.
- (2) The following shall be approved premises for the purposes of this Law –
 - (a) in the case of a specified civil partnership, the premises approved by the Connétable of the parish in which the premises are situated under this Article for the purposes of that civil partnership; 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 under this Article, and
 - (ii) the premises provided for the Superintendent Registrar pursuant to Article 44 of the Marriage and Civil Status (Jersey) Law 2001.
- (3) The Minister shall by Order establish a scheme for the approval of premises for a specified civil partnership or for a specified period.
- (4) An Order made under paragraph (3) 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;
 - (i) requiring a Connétable to inform the Superintendent Registrar of the grant, renewal or revocation by the Connétable of any approval;
 - (j) requiring the Superintendent Registrar to maintain a register of approved premises and make the register available for public inspection.

- (5) Premises that –
 - (a) are used solely or mainly for religious purposes; or
 - (b) have been so used and have not subsequently been used solely or mainly for other purposes,may not be approved premises.

14 Solemnization of civil partnership on approved premises

- (1) Where a notice of civil partnership and a licence state that a civil partnership between the persons named in those documents is intended to be formed on approved premises also named in those documents, the civil partnership may be solemnized on those premises in accordance with this Article.
- (2) A civil partnership formed on approved premises shall be solemnized –
 - (a) between the hours of 8 a.m. and 7 p.m.;
 - (b) in the presence of 2 or more witnesses; and
 - (c) by a civil partnership registrar.
- (3) Members of the public shall be permitted to attend freely the solemnization of a civil partnership on approved premises.
- (4) Where a civil partnership is solemnized on approved premises, each of the persons entering into the civil partnership shall –
 - (a) make the following declaration –

“I solemnly declare that I know of no lawful reason why I, *AB*, may not join in a civil partnership with *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 civil partner”.
- (5) No religious service shall be used at the solemnization of a civil partnership on approved premises.
- (6) The Superintendent Registrar may charge such fees as may be prescribed for the solemnization of a civil partnership by a civil partnership registrar on approved premises and, in the case of a civil partnership on the premises provided for the Superintendent Registrar, for the use of those premises.
- (7) Nothing in this Article shall be construed as requiring a civil partnership registrar to solemnize a civil partnership 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 civil partnership may be solemnized.

15 Civil partnership of person incapacitated by illness or disability

- (1) This Article applies where persons intending to form a civil partnership on the authority of a licence wish, by reason that one of them is

incapacitated by illness or disability, to solemnize their civil partnership at the place where the incapacitated person is.

- (2) The notice of civil partnership 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 or her opinion that, at the time he or she 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 civil partnership may be solemnized pursuant to this Article by a civil partnership registrar.
- (4) The Superintendent Registrar shall keep the medical statement with the notice of civil partnership and, when entering the particulars contained in the notice of civil partnership in the civil partnership notice book, shall also enter the fact that the medical statement has been given.
- (5) Despite Article 13(1), where paragraph (2) has been complied with, the Superintendent Registrar may, if the Superintendent Registrar considers it appropriate to do so, issue a licence under Article 9 authorizing the solemnization of the civil partnership at the place where the incapacitated person is, which shall be named in the licence.
- (6) Where the civil partnership is solemnized in a place where the incapacitated person is, Article 14(2) to (7) shall apply as if any references in them to approved premises were references to the place where the incapacitated person is.

16 Delegates of Superintendent Registrar

- (1) The Minister 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 civil partnerships 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 Minister.
- (3) Upon appointing a person as delegate, the Minister 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 Minister.
- (4) The Minister 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 Minister.
- (5) A delegate shall –

- (a) take an oath before the Court to well and faithfully perform the duties imposed on him or her by and under this Law; and
- (b) solemnize such civil partnerships and carry out such duties relating to the solemnization or registration of civil partnerships as the Superintendent Registrar directs.

17 Keeping of book and registers relating to civil partnership

- (1) The Superintendent Registrar shall keep –
 - (a) a civil partnership notice book for the purposes of Article 7;
 - (b) a register of approved premises for the purposes of Article 13; and
 - (c) a register of delegates appointed under Article 16.
- (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 in an electronic form.

18 Duty to record and register civil partnerships

- (1) A civil partnership registrar shall make a record and a return, in accordance with the prescribed requirements, of every civil partnership that he or she solemnizes.
- (2) The registrar of each parish shall keep a register in which he or she, in accordance with the prescribed requirements, shall register every civil partnership solemnized within the parish of which he or she is registrar.
- (3) The Superintendent Registrar shall supply each registrar with the required number of registers of civil partnerships for the performance of the registrar's duties under this Article.

19 Power to ask for particulars of civil partnership

A person under a duty to register or record the particulars of a civil partnership may require the parties to the civil partnership to provide him or her with those particulars.

20 Proof of certain matters not necessary to validity of civil partnership

Where 2 people have formed a civil partnership with each other in Jersey, it is not necessary in support of the civil partnership to give any proof –

- (a) that before the civil partnership, either of the intended civil partners resided, or resided for any period, at the place stated in the notice of civil partnership to be his or her place of residence; or
- (b) that any person whose consent to the civil partnership was required by Article 5 had given his or her consent,

and no evidence is to be given to prove the contrary in any proceedings touching the validity of the civil partnership.

21 Searches

- (1) Every registrar who keeps a register of civil partnerships under this Law shall, at all reasonable hours, allow searches to be made in any register in his or her keeping and, upon payment of the prescribed fee, shall give a copy certified under his or her 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 under an Order made under Article 25; or
 - (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 the Superintendent Registrar under this Law.
- (3) A copy of an entry provided in accordance with this Article shall be received as evidence of the civil partnership to which it relates without any further or other proof of the entry.

22 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 Minister, through the intermediary of the Superintendent Registrar.
- (2) Upon being notified of an error, other than a clerical error, the Minister may grant permission for the error to be corrected or, if the Minister thinks fit, refer the matter to the Court, through the intermediary of the Attorney General.
- (3) The Minister 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 Minister or the Court.

23 Offences relating to the registration of civil partnership

- (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 civil partnership or of obtaining any licence or certificate under this Law or having a civil partnership solemnized.
- (2) It shall be an offence for a person, when entering any caveat under this Law or forbidding the issue of any licence or certificate, knowingly to make a statement that he or she is a person whose consent is required to a civil partnership, when he or she is not.
- (3) It shall be an offence for the Superintendent Registrar, knowingly and voluntarily, to –

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- (a) issue a licence or certificate pursuant to a notice of civil partnership which is void by virtue of Article 7(8) or issue a licence less than 7 days after notice of civil partnership is given or issue a certificate less than 21 days after notice of civil partnership is given;
 - (b) issue a licence or certificate on which a lawful objection has been entered; or
 - (c) register a civil partnership declared void under this Law.
 - (4) It shall be an offence for a person, knowingly and voluntarily, to solemnize a civil partnership declared void by this Law.
 - (5) It shall be an offence for a person, knowingly and voluntarily, to solemnize a civil partnership 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 civil partnership.
 - (6) It shall be an offence for a person, knowingly and voluntarily, to solemnize a civil partnership pursuant to a licence of the Superintendent Registrar –
 - (a) in a place other than the approved premises specified in the notice of civil partnership and licence; or
 - (b) in the case of an incapacitated person, in a place other than the place specified in the notice of civil partnership and licence as being where the incapacitated person is.
 - (7) It shall be an offence for a person other than a civil partnership registrar to register a civil partnership on approved premises.
 - (8) It shall be an offence for a person other than a civil partnership registrar to register a civil partnership at a place where an incapacitated person is.
 - (9) It shall be an offence for a person to –
 - (a) knowingly provide false particulars for the purpose of the registration of a civil partnership under this Law;
 - (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;
 - (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.
 - (10) It shall be an offence for a person –
 - (a) to refuse or, without reasonable excuse, omit to record or register any civil partnership which he or she is required by this Law or an Order made under it to record or register;

- (b) to register or cause to be registered a civil partnership otherwise than in accordance with the requirements of this Law or an Order made under it;
 - (c) to carelessly lose or damage a book, register or documents that he or she 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 or her keeping; or
 - (d) to fail, without reasonable excuse, to deliver any book, register or document or make any return that he or she is required to deliver or make by this Law or an Order made under it.
- (11) 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 civil partnership; or
 - (b) to complete or deliver any certificate.
- (12) A person guilty of an offence under any of paragraphs (1) to (9) shall be liable to imprisonment for a term of 5 years and to a fine.
- (13) A person guilty of an offence under paragraph (10) shall be liable to a fine of level 3 on the standard scale.
- (14) A person guilty of an offence under paragraph (11) shall be liable to a fine of level 2 on the standard scale.

24 Declarations

Every declaration made for a purpose in this Part, except any declaration made by the Court under Article 8(7), shall contain such information as the Superintendent Registrar may require and shall be made in the prescribed manner.

25 Orders concerning registration

The Minister shall by Order prescribe procedures and requirements for the registration of civil partnerships 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 civil partnership;
- (b) the keeping and delivery of books, registers and official documents for the purposes of this Law;
- (c) the making of entries of civil partnerships 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 prescribed;
- (e) the making of returns of information to the Superintendent Registrar;

- (f) the keeping of indexes by the Superintendent Registrar of returns of information made to him or her; and
- (g) the making of returns of information by the Superintendent Registrar.

26 Duty of Minister

- (1) The Minister shall, each year, report to the States the number of civil partnerships registered, in the preceding year, under this Law.
- (2) The Minister shall inspect every register kept by a registrar pursuant to this Law at the same time and in accordance with the same cycle as is described in Article 75(2) of the Marriage and Civil Status (Jersey) Law 2001 for the purpose of assessing whether the Superintendent Registrar is discharging his or her duties under this Law.
- (3) A registrar shall, when so requested by the Minister, produce to the Minister the registers kept by him or her, for the purposes of the Minister's inspection.

PART 3

DISSOLUTION, ANNULMENT AND OTHER PROCEEDINGS

27 Jurisdiction

- (1) The Court shall have jurisdiction to entertain proceedings for dissolution of the civil partnership or a legal separation order ("separation order") in respect of the civil partners if (and only if) –
 - (a) the parties to the civil partnership are domiciled in Jersey on the date when the proceedings are begun; or
 - (b) either of the parties to the civil partnership was habitually resident in Jersey throughout the period of one year ending with that date.
- (2) The Court shall have jurisdiction to entertain proceedings for annulment of the civil partnership if (and only if) –
 - (a) the parties to the civil partnership are domiciled in Jersey on the date when the proceedings are begun; or
 - (b) either of the parties to the civil partnership –
 - (i) was habitually resident in Jersey throughout the period of one year ending with that date, or
 - (ii) died before that date and either was at death domiciled in Jersey, or had been habitually resident in Jersey through the period of one year ending with the date of death.
- (3) The Court shall have jurisdiction to entertain proceedings for death to be presumed and a civil partnership to be dissolved if (and only if) the applicant –
 - (a) is domiciled in Jersey on the date when the proceedings are begun; or

- (b) was habitually resident in Jersey throughout the period of one year ending with that date.
- (4) The Court shall, at any time when proceedings are pending in respect of which it has jurisdiction by virtue paragraph (1) or (2), of by virtue of this paragraph, also have jurisdiction to entertain other proceedings, in respect of the same civil partnership, for dissolution, separation or annulment of the civil partnership, notwithstanding that jurisdiction would not be exercisable under paragraph (1) or (2).
- (5) The Court shall also have the same power to grant injunctions and other relief in any civil partnership causes, suits and matters as it has under Article 3(2) of the Matrimonial Causes (Jersey) Law 1949 in relation to matrimonial causes, suits and matters.
- (6) In the authentication of decrees, orders and other instruments and copies thereof the Judicial Greffier may describe himself or herself as Registrar.
- (7) Any order made or direction given by the Judicial Greffier in pursuance of Rules of Court made under paragraph (6) shall be subject to appeal in the first instance to the Court.

28 Grounds of application for dissolution of a civil partnership

An application for dissolution of a civil partnership may be presented to the Court by either civil partner on the ground that –

- (a) the respondent has since entering into the civil partnership behaved in such a way that the applicant cannot reasonably be expected to live with the respondent;
- (b) the respondent is incurably of unsound mind and has been continuously under care and treatment for a period of at least 5 years immediately preceding the application;
- (c) the parties to the civil partnership –
 - (i) have lived apart for a continuous period of at least one year immediately preceding the application (in this Law referred to as “one year’s separation”) and the respondent consents to the dissolution of the partnership, or
 - (ii) have lived apart for a continuous period of at least 2 years immediately preceding the application (in this Law referred to as “2 years’ separation”); or
- (d) the respondent has deserted the applicant without cause for a period of at least 2 years immediately preceding the application.

29 Restrictions on applications for dissolution during first 3 years after creation of civil partnership

- (1) No application shall be presented to the Court unless at the date of the application 3 years have passed since the date of the formation of the civil partnership.
- (2) The Court may, upon application being made to it in accordance with Rules of the Court, allow an application to be made before 3 years have

passed on the ground that the case is one of exceptional hardship suffered by the applicant, or of exceptional depravity on the part of the respondent, but, if it appears to the Court at the hearing of the application that the applicant obtained leave to present the application by any misrepresentation or concealment of the nature of the case, the Court may –

- (a) if it makes a conditional order, direct that no application to make the order final may be made until after the expiration of 3 years from the date of the formation of the civil partnership; or
 - (b) dismiss the application, without prejudice to any application that may be brought after the expiration of the said 3 years upon the same, or substantially the same, facts as those proved in support of the application so dismissed.
- (3) In determining any application under this Article for leave to apply before the expiration of 3 years from the date of formation of the civil partnership, the Court shall have regard to the interests of any children of the family and to the question whether there is reasonable probability of a reconciliation between the parties before the expiration of the said 3 years.

30 Duty of Court on application for dissolution of civil partnership

- (1) On an application for dissolution of a civil partnership, it shall be the duty of the Court to inquire, so far as it reasonably can, into the facts alleged and whether there has been any connivance or condonation on the part of the applicant and whether any collusion exists between the parties and also to inquire into any counter-charge which is made against the applicant.
- (2) Subject to paragraphs (3), (4) and (5) and to Article 31 if the Court is satisfied on the evidence that –
 - (a) the case for the application has been proved; and
 - (b) except in the case of an application presented on either of the grounds of one year's or 2 years' separation, the application is not made in collusion with the respondent,the Court shall make a dissolution order.
- (3) If the Court is not satisfied that the case for the application has been proved, it shall dismiss the application.
- (4) If the Court is not satisfied that the application is not made in collusion with the respondent, it may in its discretion either make a dissolution order or dismiss the application.
- (5) Except in the case of an application made on either of the grounds of one year's or 2 years' separation, the Court shall not be bound to make a dissolution order and may dismiss the application if, in the opinion of the Court –
 - (a) the applicant has delayed unreasonably in making or prosecuting the application; or

- (b) where the ground of the application is unsoundness of mind or desertion, the wilful neglect or misconduct of the applicant has conduced to the unsoundness of mind or desertion.

31 Refusal of dissolution of civil partnership in 2 years' separation cases in certain circumstances

- (1) The respondent to an application for dissolution of a civil partnership in which the applicant alleges 2 years' separation may oppose the application on the ground that the dissolution of the civil partnership would result in grave financial or other hardship to the respondent and that it would in all the circumstances be wrong to dissolve the partnership.
- (2) Where the application for dissolution is opposed by virtue of this Article, then –
 - (a) if the Court finds that the applicant is entitled to rely in support of the application on the applicant's allegation of 2 years' separation and makes no such finding as to any other ground specified in Article 28; and
 - (b) if apart from this Article the Court would make an order for the dissolution of the civil partnership,

the Court shall consider all the circumstances, including the conduct of the parties to the civil partnership and the interests of those parties and of any children or other persons concerned and, if of opinion that the dissolution of the civil partnership would result in grave financial or other hardship to the respondent and that it would, in all the circumstances, be wrong to make the order, it shall dismiss the application.

- (3) For the purposes of this Article, hardship shall include the loss of the chance of acquiring any benefit which the respondent might acquire if the civil partnership were not dissolved.

32 Special protection for respondent in separation cases

- (1) Provision shall be made by Rules of the Court for the purpose of ensuring that in one year's separation cases, where the applicant alleges that the respondent consents to an order being made, that the respondent has been given such information as will enable the respondent to understand the consequences to the respondent of consenting to an order being made and the steps which the respondent must take to indicate that the respondent consents to the making of the order.
- (2) Where in any case the Court has made an order for the dissolution of the civil partnership solely on the ground of one year's separation coupled with the respondent's consent, the Court may, on an application made by the respondent at any time before the order is made final, rescind the order if it is satisfied that the applicant misled the respondent (whether intentionally or unintentionally) about any matter which the respondent took into account in deciding to consent.
- (3) Paragraphs (4) and (5) apply where –

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- (a) the respondent to an application for the dissolution of a civil partnership on the grounds of one year's or 2 years' separation coupled, in the former case, with the respondent's consent to an order being made, has applied to the Court for consideration under paragraph (4) of the respondent's financial position after the dissolution; and
 - (b) the Court has made an order for the dissolution of the civil partnership solely on the ground of one year's separation coupled with the respondent's consent, or solely on the ground of 2 years' separation, as the case may be.
 - (4) The Court hearing an application by the respondent under paragraph (3) shall consider all the circumstances, including the age, health, conduct, earning capacity, financial resources and financial obligations of each of the parties, and the financial position of the respondent as, having regard to the dissolution order, it is likely to be after the death of the applicant should the applicant die first; and, subject to paragraph (5), the Court shall not make the order final unless it is satisfied –
 - (a) that the applicant should not be required to make any financial provision for the respondent; or
 - (b) that the financial provision made by the applicant for the respondent is reasonable and fair or the best that can be made in the circumstances.
 - (5) The Court may if it thinks fit make the order final notwithstanding the requirements of paragraph (4) if –
 - (a) it appears that there are circumstances making it desirable that the order should be made final without delay; and
 - (b) the Court has obtained a satisfactory undertaking from the applicant that the applicant will make such financial provision for the respondent as the Court may approve.

33 Separation orders

- (1) An application for a separation order may be presented to the Court by either civil partner on any ground on which an application for dissolution of the civil partnership might have been made, and where such application is made the duty of the Court on the presentation of an application for a dissolution and the circumstances in which such an application must or may be granted or dismissed shall apply in like manner to an application for separation.
- (2) The Court may, on the application of a civil partner against whom a separation order has been made, reverse the order on the ground that it was obtained in the absence of the applicant or, if desertion was the ground of the separation order, that there was reasonable cause for the alleged desertion.
- (3) The reversal of a separation order shall not affect the rights or remedies which any other person would have had if the order had not been reversed.

34 Application for dissolution of civil partnership after grant of separation order

- (1) A person shall not be prevented from making an application for dissolution of a civil partnership, or the Court from making an order for the dissolution of the civil partnership, by reason only that the applicant has at any time been granted a separation order or an order under the Separation and Maintenance Orders (Jersey) Law 1953⁶, upon the same or substantially the same facts as those alleged in the application for dissolution of the civil partnership or proved in support thereof.
- (2) On any such application for dissolution of the civil partnership, the Court may treat the separation order or the order under the Separation and Maintenance Orders (Jersey) Law 1953, as the case may be, as sufficient proof of the ground on which it was granted, but the Court shall not make a dissolution order final without receiving the evidence of the applicant.
- (3) For the purposes of the application for an order for the dissolution of the civil partnership a period of desertion immediately preceding the institution of proceedings for a separation order or an order under the Separation and Maintenance Orders (Jersey) Law 1953 having the effect of a separation order shall, if the parties have not resumed cohabitation and the order has been continuously in force since being granted, be deemed immediately to precede the application for the dissolution order.

35 Relief to respondent on application for dissolution of civil partnership or separation order

If, in any proceedings for the dissolution of a civil partnership or a separation order, the respondent in his or her response opposes the application on the ground of unreasonable behaviour or desertion and, in such response requests relief on any such ground, the Court may give to the respondent the same relief to which the respondent would have been entitled if the respondent had presented an application for the dissolution of the civil partnership or a separation order, as the case may be, seeking such relief.

36 Decree of annulment

- (1) The Court may decree the annulment of a civil partnership on any ground on which a civil partnership is by law void or voidable under this Law, or on any of the following grounds –
 - (a) that the civil partnership was formed as a result of fraud, threats or duress by the respondent upon or to the applicant;
 - (b) that either party to the civil partnership was at the time of the formation of the civil partnership suffering from a mental disorder of a kind or to such an extent as to be unfit for civil partnership;
 - (c) that at the time of the formation of the civil partnership the respondent was pregnant;
 - (d) that an interim certificate has, after the formation of the civil partnership, been issued to either civil partner;

- (e) that either party to the civil partnership satisfies such conditions and has taken such steps, in an approved jurisdiction, for the recognition of his or her change of gender by that jurisdiction as –
 - (i) are prescribed, in respect of that jurisdiction, by Order made by the Chief Minister, or
 - (ii) if no conditions and steps are prescribed under clause (i) in respect of that jurisdiction, satisfy the Court that, but for the fact that the parties are still in a civil partnership (or an equivalent overseas relationship), the change of gender would be recognized by that jurisdiction;
 - (f) that the respondent is a person whose gender at the time of the formation of the civil partnership had become the acquired gender.
- (2) In this Article “approved jurisdiction”, “interim certificate” and a reference to a person’s acquired gender have the same respective meanings as in Article 1 of the Gender Recognition (Jersey) Law 2010⁷.
 - (3) In any proceedings for annulment of a civil partnership, evidence of the question of gender shall be heard *in camera* unless, in any case, the Court is satisfied that in the interests of justice any such evidence ought to be heard in open court.

37 Bars to relief where civil partnership is voidable

- (1) The Court shall not make an annulment order on the ground that a civil partnership is voidable if the respondent satisfies the Court –
 - (a) that the applicant, with knowledge that it was open to the applicant to obtain an annulment order, acted in relation to the respondent in such a way as to lead the respondent reasonably to believe that the applicant would not seek to do so; and
 - (b) that it would be unjust to the respondent to make the order.
- (2) Without prejudice to paragraph (1), the Court shall not grant a decree of annulment on the ground mentioned in Article 36(1)(d) unless it is satisfied that proceedings were instituted within 6 months of the date of issue of the interim certificate.
- (3) Without prejudice to paragraph (1), the Court shall not make an annulment order by virtue of Article 36(1)(b) or (c) unless it is satisfied that –
 - (a) the applicant was at the time of the formation of the civil partnership ignorant of the facts alleged;
 - (b) that the proceedings were instituted within a year from the date of the formation of the civil partnership; and
 - (c) sexual intercourse with the consent of the applicant has not taken place since the discovery by the applicant of the existence of the grounds for an order.

38 Proceedings for presumption of death and dissolution of civil partnership order

- (1) Any civil partner who alleges that reasonable grounds exist for supposing that the other party to the civil partnership is dead may make an application to the Court to have it presumed that the other party is dead and to have the civil partnership dissolved, and the Court, if satisfied that such reasonable grounds exist, may make a presumption of death order.
- (2) In any such proceedings, the fact that for a period of 7 years or more the other party to the civil partnership has been continuously absent from the applicant and the applicant has no reason to believe that the other party has been living within that time shall be evidence that the other civil partner is dead, until the contrary is proved.

39 Conditional orders

- (1) Every order for the dissolution of a civil partnership or for annulment of the civil partnership or of presumption of death shall, in the first instance, be a conditional order and shall not be made final until after the expiration of such period, not exceeding 6 months, from the pronouncing thereof, as may be prescribed by Rules of Court, provided that the Court may, in any particular case, fix a shorter period where it considers it proper to do so.
- (2) After the making of a conditional order and before the order is made final, any person (including the Attorney General) may, in a manner prescribed by Rules of Court, show cause why the order should not be made final by reason of the order having been obtained by collusion or by reason of material facts not having been brought before the Court, and in any such case the Court may –
 - (a) make the order final;
 - (b) reverse the conditional order;
 - (c) require further inquiry; or
 - (d) otherwise deal with the case as the Court thinks fit.
- (3) Where a conditional order has been made and no application for the order to be made final has been made by the party who obtained the conditional order then, at any time after the expiration of 3 months from the earliest date on which that party could have made such an application, the party against whom the conditional order has been made may apply to the Court and the Court shall, on such application, have power to –
 - (a) make the order final;
 - (b) reverse the conditional order;
 - (c) require further inquiry; or
 - (d) otherwise deal with the case as the Court thinks fit.

40 Duties of Attorney General

- (1) In the case of any application for the dissolution of the civil partnership or for an annulment or presumption of death order –

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- (a) the Court may, if it thinks fit, direct all necessary papers in the matter to be sent to the Attorney General who shall argue before the Court any question in relation to the matter which the Court deems to be necessary or expedient to have fully argued;
 - (b) any person may at any time during the progress of the proceedings or before the conditional order is made final give information to the Attorney General of any matter material to the due decision of the case, and the Attorney General may thereupon take such steps as the Attorney General considers necessary or expedient;
 - (c) if, in consequence of any such information or otherwise, the Attorney General suspects –
 - (i) that the order may be obtained contrary to the justice of the case, or
 - (ii) that material facts are not before the Court,the Attorney General may, after obtaining the leave of the Court, intervene and summon witnesses to prove any allegations which the Attorney General may think fit to make.
- (2) The Attorney General shall be entitled to charge the costs of the proceedings as part of the expenses of the Attorney General's office.

41 Provisions as to costs where Attorney General intervenes or shows cause

- (1) Where the Attorney General intervenes or shows cause against a conditional order in any proceedings for the dissolution of a civil partnership or for an annulment or presumption of death order, the Court may make such order as to the payment by other parties to the proceedings of the costs incurred by the Attorney General in so doing, or as to the payment by the Attorney General of any costs incurred by any of the said parties by reason of the Attorney General's so doing, as may seem just.
- (2) So far as the reasonable costs incurred by the Attorney General in so intervening or showing cause are not fully satisfied by any order made under this Article for the payment of the Attorney General's costs, the Attorney General shall be entitled to charge the difference as part of the expenses of the Attorney General's office, and any costs which under any order made by the Court under this Article the Attorney General pays to any parties shall be deemed to be part of the expenses of the Attorney General's office.

42 Power to allow intervention on terms

In every case in which the Court considers, in the interest of any person not already a party to the proceedings, that that person should be made a party to the proceedings, the Court may, if it thinks fit, allow that person to intervene upon such terms, if any, as the Court thinks just.

43 Abatement of proceedings

Without prejudice to the operation of any rule of law governing the abatement of any other proceedings under this Law, where a conditional order has been made in proceedings for the dissolution of the civil partnership or for an annulment order, the proceedings shall be abated if the applicant or the respondent dies before the conditional order is made final.

44 Provision for children

- (1) In any proceedings for the dissolution of a civil partnership or for a separation or annulment order, the Court may from time to time, either before or after the final order, make such provision as appears just with respect to the maintenance of any children of the family in relation to the parties to the civil partnership which is the subject of the proceedings.
- (2) Subject to paragraph (3), on making an order for the dissolution of the civil partnership, or an annulment or separation order or at any time thereafter, whether before or after the order has been made final, the Court shall have power to order either civil partner to secure for the benefit of any children of the family such gross sum of money or annual sum of money as the Court may deem reasonable, and the Court may for that purpose settle and approve a proper deed or instrument to be executed by all necessary parties.
- (3) The term for which any sum of money is secured for the benefit of a child under paragraph (2) shall not extend beyond the date when the child will attain the age of 21.

45 Restrictions on decrees for dissolution, annulment or separation affecting children

- (1) In any proceedings for an order for the dissolution of the civil partnership, or for an annulment or separation order, the Court shall consider –
 - (a) whether there are any children of the family to whom this Article applies; and
 - (b) where there are any such children, whether (in the light of the arrangements which have been made, or are proposed to be made, for their upbringing and welfare) it should exercise any of its powers under the Children (Jersey) Law 2002 with respect to any of them.
- (2) Where it appears to the Court, in any case in which there are any children to which this Article applies, that –
 - (a) the circumstances of the case require it, or are likely to require it, to exercise any of its powers under the Children (Jersey) Law 2002 with respect to any such child;
 - (b) it is not in a position to exercise that power or (as the case may be) those powers, without giving further consideration to the case; and

- (c) there are exceptional circumstances which make it desirable in the interests of the child that the Court should give a direction under this Article,

it may direct that the order for the dissolution of the civil partnership or the annulment order should not be made final, or that the separation order should not be granted, until the Court orders otherwise.

- (3) This Article applies to –
 - (a) any children of the family who have not yet reached the age of 16 at the date when the Court considers the case in accordance with the requirements of this Article; or
 - (b) any children of the family who have reached that age at that date and in relation to whom the Court directs that this Article shall apply.

46 Rights of succession etc. on dissolution or annulment of civil partnership

Where a final order has been made for the dissolution or annulment of a civil partnership, neither of the parties to the civil partnership shall be entitled, upon the death of the other, to any share or interest in the movable estate of the deceased person, or to any rights of dower in the immovable estate of the deceased or any other person.

47 Power of Court to vary settlements after dissolution or annulment of civil partnership

- (1) After a final order for the dissolution or annulment of a civil partnership has been made, the Court may, upon the application of either party to the civil partnership which is the subject of such order, or upon the application of any person beneficially interested, cancel, vary or modify, or terminate the trusts of any settlement or terms of separation subsisting between the parties to the civil partnership made –
 - (a) during the subsistence of the civil partnership; or
 - (b) in anticipation of its formation,in any manner which, having regard to the means of the parties, the conduct of either of them insofar as it may be inequitable to disregard it or the interests of any child of the family, appears to the Court to be just.
- (2) The Court may exercise the powers conferred by this Article in relation to –
 - (a) a civil partnership formed outside Jersey, provided it is recognized under this Law; or
 - (b) a settlement or separation agreement made or entered into outside Jersey.

48 Power of Court to order transfer or settlement of property

- (1) Where a final order for the dissolution or annulment of a civil partnership, or a separation order, has been made, the Court may, having

regard to all the circumstances of the case, including the conduct of the parties to the civil partnership, insofar as it may be inequitable to disregard it, and to their actual and potential financial circumstances, order –

- (a) that one party to civil partnership transfer to the other party to the civil partnership or to any child of the family, or to such person as may be specified in the order for the benefit of such child or children, any property whether movable or immovable to which the first mentioned party is entitled;
 - (b) that a settlement of any property whether movable or immovable to which one party to the civil partnership is entitled be made to the satisfaction of the Court for the benefit of the other party to the civil partnership or of any child of the family.
- (2) An order made under this Article, in so far as such order relates to a separation order, shall be deemed to be part of the terms of separation between the parties within the meaning of this Law.

49 Financial provision for party to a civil partnership in cases of dissolution etc.

- (1) Where an order for the dissolution or annulment of a civil partnership, or a separation order, has been made, the Court may, having regard to all the circumstances of the case, including the conduct of the parties to the civil partnership insofar as it may be inequitable to disregard it, and to their actual and potential financial circumstances, order –
 - (a) that one party to the civil partnership shall pay to the other party to the civil partnership during their joint lives or for such other term as may be specified in the order such annual or other periodic sum for the maintenance and support of that other party as the Court may think reasonable;
 - (b) that one party to the civil partnership shall pay to the other party to the civil partnership such lump sum or sums as the Court may think reasonable whether or not any sum is ordered to be paid under sub-paragraph (a);
 - (c) that security be given for the payment of any sum or sums ordered to be paid under sub-paragraphs (a) and (b);
 - (d) that where security is given under sub-paragraph (c), the order of the Court by which such security is given shall take effect upon registration in the Public Registry as a judicial hypothec upon the immovable property of the person against whom such order of the Court has been made as if it were an act or judgment of the Court to which Article 13 of the *Loi (1880) sur la propriété foncière*⁸ applied.
- (2) Without prejudice to the generality of paragraph (1)(b), an order under this Article that one party to the civil partnership shall pay a lump sum to the other party to the civil partnership –
 - (a) may be made for the purpose of enabling that other party to meet any liabilities or expenses reasonably incurred by him or her in

maintaining himself or herself or any child of the family before the making of an application for an order under this Article;

- (b) may provide for the payment of that sum by instalments of such amount as may be specified in the order.
- (3) In making any order under this Article, the Court shall have regard to the benefits accruing to the party in whose favour such order is made under any other order made in pursuance of this Law.

50 Power of Court to order sale of property

- (1) Subject to paragraph (7), where the Court makes an order under Article 47, 48 or 49 then, on making that order or at any time thereafter, the Court may make a further order for the sale of such property as may be specified in the order, being property in which or in the proceeds of sale of which either or both of the parties to the civil partnership has or have a beneficial interest, either in possession or reversion.
- (2) Any order made under paragraph (1) may contain such consequential or supplementary provisions as the Court thinks fit and, without prejudice to the generality of paragraph (1), may include –
 - (a) provision requiring the making of a payment out of the proceeds of sale of the property to which the order relates; and
 - (b) provision requiring any such property to be offered for sale to a person, or class of persons, specified in the order.
- (3) Where an order is made under paragraph (1) on or after an order for the dissolution or annulment of the civil partnership, the order shall not take effect until the making of a final order for the dissolution or annulment of the civil partnership.
- (4) Where an order is made under paragraph (1), the Court may direct that the order, or such provision of it as the Court may specify, shall not take effect until the occurrence of an event specified by the Court or the expiration of a period so specified.
- (5) Where an order under paragraph (1) contains a provision requiring the proceeds of sale of the property to which the order relates to be used to secure periodical payments to a person who is a party to the civil partnership, the order shall cease to have effect on the formation of a subsequent civil partnership or marriage by that person, or death of that person.
- (6) Where a party to a civil partnership has a beneficial interest in any property, or in the proceeds of sale thereof, and some other person who is not a party to the civil partnership also has a beneficial interest in that property or in the proceeds of sale of it, then, before deciding whether to make an order under paragraph (1) in relation to that property, it shall be the duty of the Court to give that other person an opportunity to make representations with respect to the order.
- (7) Paragraph (1) shall not apply in the case of an order made under Article 49(1)(a) unless in such case an order is also made under Article 49(1)(c).

- (8) In this Article a reference to property shall be construed as a reference to property whether movable or immovable.

51 Contributions for support: interim orders

On any application for the dissolution or annulment of a civil partnership, or for a separation order, the Court may, if it thinks fit, by interim order direct one party to the civil partnership to pay to the other party to the civil partnership such sums for the maintenance and support of that other party as the Court thinks just, and any such interim order shall remain in force until it is discharged by the Court or until the Court makes a definitive order in respect of it or until the relief sought in the application is refused.

52 Payment of contributions for support to persons having charge of respondent of unsound mind

Where an order for the dissolution or annulment of a civil partnership, or for a separation order is granted to a civil partner on the ground of the unsoundness of mind of the other party, the Court may direct that any payments of contributions for support which, under Article 49 or 51, it orders to be made shall be made to such persons having charge of the other party as the Court directs.

53 Power to vary orders

- (1) The Court may from time to time rescind, discharge or vary any order made under Article 44, 47, 48, 49, 50 or 51 or suspend any of the provisions of the order temporarily or revive the operation of any of the provisions so suspended.
- (2) In exercising the powers conferred by this Article, the Court shall have regard to all the circumstances of the case, including any increase or decrease in the means of either of the parties to the civil partnership.

54 Ascertainment of assets and liabilities of parties

- (1) For the purposes of Article 44, 47, 48, 49, 51 or 53, the Court may require the civil partners in the proceedings to file a sworn declaration detailing their assets and liabilities and particulars of all charges against such assets.
- (2) The Court may sit *in camera* for the verification of the assets and liabilities of the parties and for the purpose of deciding upon the nature and extent of the order or orders, if any, proper to be made in the case.

55 Execution of instruments by order of the Court

Where any person neglects or refuses to comply with an order of the Court directing the person to execute or make any conveyance, assignment, or other document or instrument or indorsement, for giving effect to any order of the Court under Article 44, 47, 48, 49, 50 or 53, the Court may, on such terms and

conditions, if any, as may be just, order that the conveyance, assignment, or other document or instrument or indorsement, shall be executed, made or done by such person as the Court nominates for the purpose, at the cost of the person in default, or otherwise, as the Court directs, and a conveyance, assignment, document, instrument or indorsement so executed, made or done shall operate and be for all purposes available as if it had been executed, made or done by the person originally directed to execute, make or do it.

56 Death of party after final order for the dissolution or annulment of civil partnership

- (1) In the event of the death of either of the parties to proceedings for the dissolution or annulment of a civil partnership after the final order has been made but before any definitive order under Article 47, 48 or 49 has been made, the Court may make any such order which it could lawfully have made if such death had not occurred, and the said order shall take effect as if it had been made immediately before the death.
- (2) The Court may make an order under this Article on the application of any person who is, in the opinion of the Court, an interested person, if the Court is satisfied that notice of the proceedings has been given to every person whose interests may be affected by the order or to the attorneys of such persons.

57 Entering into a subsequent civil partnership after dissolution, annulment or presumption of death

As soon as any order for the dissolution or annulment of a civil partnership has been made final, or where a final presumption of death order is made, either party to the civil partnership –

- (a) if there is no right of appeal against the final order, may form another civil partnership or marry as if the prior civil partnership had been dissolved by death; or
- (b) if there is such a right of appeal, may form a new civil partnership or marry –
 - (i) if no appeal is presented against the final order, as soon as the time for appealing has expired, or
 - (ii) if an appeal is lodged, as soon as the appeal has been dismissed.

58 Regulation of reports

- (1) It shall not be lawful to print or publish, or cause or procure to be printed or published –
 - (a) in relation to any judicial proceedings for dissolution or annulment of a civil partnership or the separation of civil partners, on the ground of the respondent's incurable unsoundness of mind, any particulars whatsoever;

- (b) in relation to any judicial proceedings for dissolution or annulment of a civil partnership or the separation of civil partners, on any other ground, any particulars other than the following –
- (i) the names, addresses and occupations of the parties and witnesses,
 - (ii) a concise statement of the charges, defences and counter-charges in support of which evidence has been given,
 - (iii) submissions on any point of law arising in the course of the proceedings and the decision of the Court on it,
 - (iv) the judgment of the Court and observations made by members of the Court in giving judgment,
- provided that nothing in this sub-paragraph shall be held to permit the publication of any details or special matter likely to injure public morals.
- (2) A person who acts in contravention of the provisions of this Article shall be guilty of an offence and liable to a fine.
- (3) No person, other than a proprietor, editor, master printer or publisher of a newspaper or other vehicle of publication of the matter in respect of which the prosecution is instituted shall be liable to be convicted under this Article.
- (4) Nothing in this Article shall apply to the printing of any pleadings, transcript of evidence or other document for use in connection with any judicial proceedings or the communication of them to persons concerned in the proceedings, or to the printing or publishing of any copies or report in pursuance of directions of the Court, or to the printing or publication of any matter in any separate volume or part of any bona fide series of law reports which does not form part of any other publication and consists solely of reports of proceedings in Courts of law, or in any publication of a technical character bona fide intended for circulation among members of the legal or medical professions.

PART 4

RECOGNITION OF DISSOLUTION OR ANNULMENT OF CIVIL PARTNERSHIP OR SEPARATION OF CIVIL PARTNERS

59 Recognition of dissolution, annulment and other proceedings granted in the British Islands

Subject to Article 66 the validity of an order for the dissolution or annulment of a civil partnership, or for the separation of the civil partners shall, if it has been obtained from a court in any part of the British Islands, be recognized in Jersey.

60 Overseas dissolution, annulment and legal separations

Articles 61, 62 and 63 shall have effect, subject to Article 66, as respects the recognition in Jersey of the validity of overseas orders for the dissolution or

annulment of a civil partnership, or for the legal separation of civil partners, that is to say, dissolutions and legal separations which –

- (a) have been obtained by means of judicial or other proceedings in any country outside the British Islands; and
- (b) are effective under the law of that country.

61 Grounds for recognition

- (1) The validity of an overseas order for the dissolution or annulment of a civil partnership or legal separation of civil partners shall be recognized if, at the date of the institution of the proceedings in the country in which it was obtained –
 - (a) either civil partner was habitually resident in that country; or
 - (b) either civil partner was a national of that country.
- (2) In relation to a country the law of which uses the concept of domicile as a ground of jurisdiction in matters of dissolution or annulment of civil partnerships, or legal separation of civil partners, paragraph (1)(a) shall have effect as if the reference to habitual residence included a reference to domicile within the meaning of that law.
- (3) In relation to a country comprising territories in which different systems of law are in force in matters of dissolution or annulment of civil partnerships, or legal separation of civil partners, the foregoing provisions of this Article, except those relating to nationality, shall have effect as if each territory were a separate country.

62 Cross-proceedings and dissolutions or annulment following legal separations

- (1) Where there have been cross-proceedings, the validity of an overseas dissolution or annulment of a civil partnership, or legal separation of civil partners, obtained either in the original proceedings or in the cross-proceedings shall be recognized if the requirements of Article 61(1)(a) or (b) are satisfied in relation to the date of the institution either of the original proceedings or of the cross-proceedings.
- (2) Where a legal separation of civil partners the validity of which is entitled to recognition by virtue of Article 61 or of paragraph (1) is converted, in the country in which it was obtained, into a dissolution or annulment of the civil partnership, the validity of that dissolution or annulment shall be recognized whether or not it would itself be entitled to recognition by virtue of those provisions.

63 Proof of facts relevant to recognition

- (1) For the purpose of deciding whether an overseas dissolution or annulment of a civil partnership or an overseas legal separation of civil partners is entitled to recognition by virtue of the foregoing provisions of this Law, any finding of fact made, whether expressly or by implication, in the proceedings by means of which the dissolution or annulment, or legal

separation, was obtained and on the basis of which jurisdiction was assumed in those proceedings shall –

- (a) if both partners took part in the proceedings, be conclusive evidence of the fact found; and
 - (b) in any other case, be sufficient proof of that fact unless the contrary is shown.
- (2) In this Article “finding of fact” includes a finding that either partner was habitually resident or domiciled in, or a national of, the country in which the dissolution, annulment or legal separation was obtained, and for the purposes of paragraph (1)(a), a partner who has appeared in judicial proceedings shall be treated as having taken part in them.

64 Certain existing rules of recognition to continue in force

This Law is without prejudice to the recognition of the validity of dissolutions or nullities of civil partnerships, and legal separations of civil partners, obtained outside the British Islands –

- (a) by virtue of any rule of law relating to dissolutions or nullities, or legal separations, of civil partners obtained in the country of the civil partners’ domicile or obtained elsewhere and recognized as valid in that country; or
- (b) by virtue of any enactment other than this Law,

but, save as aforesaid, no such dissolution or annulment, or legal separation, shall be recognized as valid in Jersey except as provided in this Law.

65 Non-recognition of dissolution or annulment by third country no bar to subsequent civil partnership or marriage of either party

Where the validity of a dissolution or annulment of a civil partnership obtained in any country is entitled to recognition by virtue of the foregoing provisions of this Law or by virtue of any rule or enactment preserved by Article 64, neither civil partner shall be precluded from entering into a subsequent civil partnership or marriage in Jersey on the ground that the validity of the dissolution or annulment of the civil partnership would not be recognized in any other country.

66 Exceptions from recognition

- (1) The validity of –
 - (a) an order for the dissolution of a civil partnership, or a separation order in respect of civil partners, granted under the law of any part of the British Islands; or
 - (b) the dissolution of a civil partnership, or legal separation of civil partners, obtained outside the British Islands,

shall not be recognized in Jersey if it was granted or obtained at a time when, according to the law of Jersey including its rules of private international law and the provisions of this Law, there was no subsisting civil partnership between the parties.

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- (2) Subject to paragraph (1), recognition by virtue of this Law or of any rule preserved by Article 64 of the validity of a dissolution of a civil partnership, or legal separation of civil partners, obtained outside the British Islands may be refused if, and only if –
- (a) it was obtained by one civil partner –
 - (i) without such steps having been taken for giving notice of the proceedings to the other civil partner as, having regard to the nature of the proceedings and all the circumstances, should reasonably have been taken, or
 - (ii) without the other civil partner having been given, for any reason other than lack of notice, such opportunity to take part in the proceedings as the civil partner should reasonably have been given; or
 - (b) its recognition would manifestly be contrary to public policy.
- (3) Nothing in this Law shall be construed as requiring the recognition of any findings of fault made in any proceedings for the dissolution of a civil partnership, or the legal separation of civil partners, or of any maintenance, custody or other ancillary order made in any such proceedings.

67 Recognition of dissolution, annulment or legal separation obtained before commencement of this Law

The provisions of this Law relating to overseas dissolutions or nullities of civil partnerships and legal separations of civil partners and other dissolutions, nullities and legal separations obtained outside the British Islands apply to a dissolution or annulment of a civil partnership or legal separation of civil partners obtained before the date of the commencement of this Article as well as to one obtained on or after that date, and, in the case of a dissolution or legal separation obtained before that date –

- (a) require, or, as the case may be, preclude the recognition of its validity in relation to any time before that date as well as in relation to any subsequent time; but
- (b) do not affect any property rights to which any person became entitled before that date or which apply where the question of the validity of the dissolution, annulment or legal separation has been decided by any competent court in the British Islands before that date.

PART 5

SUPPLEMENTARY

68 Service of application

In any proceedings under this Law, any application, notice or other document may be served on the party to be affected thereby, either within or without Jersey, in such manner as may be prescribed by Rules of Court.

69 Rules of Court

The power to make Rules of Court under Article 13 of the Royal Court (Jersey) Law 1948 shall include a power –

- (a) to make Rules for the purposes of this Law and proceedings made under this Law; and
- (b) to make provision authorizing the Judicial Greffier to exercise such powers or to discharge such functions of the Court under this Law or under the proviso to Article 3 of the Separation and Maintenance Orders (Jersey) Law 1953 as may be prescribed in relation to such proceedings as may be prescribed.

70 Amendment of other enactments

The enactments specified in Schedule 4 are amended in the manner specified in the Schedule.

71 Power to make further provision in connection with civil partnerships

The States may by Regulations make such amendments to any enactment, including any provision of Schedule 4 that is not in force, as appear to the States to be expedient –

- (a) for the general purposes, or any particular purpose, of this Law;
- (b) in consequence of any provision made by or under this Law; or
- (c) for giving full effect to this Law or any provision of it.

72 Regulations and Orders

- (1) The Minister (or, in relation to Article 36, the Chief Minister) may by Order prescribe anything that may or shall be prescribed under this Law, other than anything that may be prescribed by Rules of Court.
- (2) The power to make Regulations or Orders includes power to make any supplementary, incidental, consequential, transitional, transitory or saving provision which appear to the States, the Minister or the Chief Minister, as the case may be, to be necessary or expedient for the purposes of the Regulations or Order.

73 Citation and commencement

This Law may be cited as the Civil Partnership (Jersey) Law 201- and the provisions of this Law shall come into force on such day or days as the States may by Act appoint.

SCHEDULE 1

(Article 2)

OVERSEAS RELATIONSHIPS**1 Meaning of overseas relationship**

- (1) For the purposes of this Law an overseas relationship is a relationship which –
- (a) is a specified relationship, or a relationship which meets the general conditions in sub-paragraph (2); and
 - (b) is registered (whether before or after the passing of this Law) with a responsible authority in a country or territory outside Jersey by 2 people –
 - (i) who under the relevant law are of the same sex at the time when they do so, and
 - (ii) neither of whom is already a civil partner or lawfully married.
- (2) The general conditions are that –
- (a) the relationship may not be entered into if either of the parties is already a party to a relationship of that kind or lawfully married;
 - (b) the relationship is of indeterminate duration; and
 - (c) the effect of entering into the relationship is that the parties are –
 - (i) treated as a couple either generally or for specified purposes, or
 - (ii) treated as married.
- (3) In this Schedule “relevant law” means the law of the country or territory where the relationship is registered (including its rules of private international law).

2 Specified relationships

- (1) A relationship is a specified relationship if it is registered in a country or territory given in the first column of the table and fits the description given in relation to that country or territory in the second column.

Country or territory	Description
Andorra	unió estable de parella
Australia: Tasmania	significant relationship
Belgium	the relationship referred to as cohabitation légale, wettelijke samenwoning or

	gesetzliches zusammenwohnen
Belgium	marriage
Canada	marriage
Canada: Nova Scotia	domestic partnership
Canada: Quebec	the relationship referred to as union civile or as civil union
Denmark	registreret partnerskab
Finland	the relationship referred to as rekisteröity parisuhde or as registerad partnerskap
France	pacte civile de solidarité
Germany	Lebenspartnerschaft
Iceland	staðfesta samvist
Luxembourg	the relationship referred to as partenariat enregistré or eingetragene partnerschaft
Netherlands	geregistreerde partnerschap
Netherlands	marriage
New Zealand	civil union
Norway	registrert partnerskap
Spain	marriage
Sweden	registrerat partnerskap
United States of America: California	domestic partnership
United States of America: Connecticut	civil union
United States of America: Maine	domestic partnership
United States of America: Massachusetts	marriage
United States of America: New Jersey	domestic partnership
United States of America: Vermont	civil union

- (2) The States may by Regulations amend the list contained in subparagraph (1) by –
- (a) adding a relationship;
 - (b) amending the description of a relationship; or
 - (c) omitting a relationship.

3 Overseas relationships treated as civil partnerships

- (1) Two people are to be treated for the purposes of this Law as having formed a civil partnership as a result of having registered an overseas relationship if, under the relevant law, they –
 - (a) had capacity to enter into the relationship; and
 - (b) met all requirements necessary to ensure the formal validity of the relationship.
- (2) Subject to sub-paragraph (3), the time when they are to be treated for the purposes of this Law as having formed the civil partnership is the time when the overseas relationship is registered (under the relevant law) as having been entered into.
- (3) If the overseas relationship is registered (under the relevant law) as having been entered into before this Schedule comes into force, the time when they are to be treated as having formed a civil partnership is the time when this Schedule comes into force.

4 The same-sex requirement

- (1) Two people are not to be treated for the purposes of this Law as having formed a civil partnership as a result of having registered an overseas relationship if, at the critical time, they were not of the same sex under Jersey law.
- (2) But if a full gender recognition certificate is issued under the Gender (Recognition) (Jersey) Law 2010 to a person who has registered an overseas relationship which is within sub-paragraph (4), after the issue of the certificate the relationship is no longer prevented from being treated as a civil partnership on the ground that, at the critical time, the parties were not of the same sex.
- (3) Sub-paragraph (2) does not apply to an overseas relationship which is within sub-paragraph (4) if either of the parties has formed a subsequent civil partnership or lawful marriage.
- (4) An overseas relationship is within this sub-paragraph if (and only if), at the time mentioned in paragraph 3(2) of this Schedule –
 - (a) one of the parties (“A”) was regarded under the relevant law as having changed gender (but was not regarded under Jersey law as having done so); and
 - (b) the other party was (under Jersey law) of the gender to which A had changed under the relevant law.
- (5) For the purposes of sub-paragraph (1) and (2), the critical time is –
 - (a) except as provided in clause (b), the time when the overseas relationship is registered under the relevant law as having been entered into; or
 - (b) if under the relevant law the relationship is registered as having been entered into before this Schedule comes into force, the time when this Schedule comes into force.

5 Person domiciled in a British Island

If an overseas relationship has been registered by a person who was at the time of its registration domiciled in Jersey, the 2 people concerned are not to be treated, for the purposes of this Law, as having formed a civil partnership if, at the time of the registration –

- (a) either of them was under 16 years of age; or
- (b) they would have been within a prohibited degree of relationship under Schedule 2 if they had been registering as civil partners of each other in Jersey.

6 The public policy exception

Two people are not to be treated as having formed a civil partnership as a result of having entered into an overseas relationship if it would be manifestly contrary to public policy to recognize the capacity, under the relevant law, of one or both of them to enter into the relationship.

SCHEDULE 2

(Article 4)

PROHIBITED DEGREES OF RELATIONSHIP

- 1** Two people are related within a prohibited degree if one falls within the list below in relation to the other –
 - Adoptive child
 - Adoptive parent
 - Child
 - Former adoptive child
 - Former adoptive parent
 - Grandchild
 - Grandparent
 - Parent
 - Parent’s sibling
 - Sibling
 - Sibling’s child.
- 2** In the list “sibling” means a brother, sister, half-brother or half-sister.
- 3** Two people are within a prohibited degree of relationship if one of them falls within the list below in relation to the other, unless –
 - (a) both of them have reached 21 at the time when they become civil partners of each other; and
 - (b) the younger has not at any time before reaching 18 been a child of the family in relation to the other –
 - Child of former civil partner
 - Child of former spouse
 - Former civil partner of grandparent
 - Former civil partner of parent
 - Former spouse of grandparent
 - Former spouse of parent
 - Grandchild of former civil partner
 - Grandchild of former spouse.
- 4** In this Schedule “child of the family”, in relation to another person, means a person who –
 - (a) has lived in the same household as that other person; and
 - (b) has been treated by that other person as a child of his family.
- 5** Two people are within prohibited degrees of relationship if one falls within column 1 of the table below in relation to the other, unless –

- (a) both of them have reached 21 at the time when they become civil partners of each other; and
- (b) the persons who fall within column 2 are dead.

Relationship	Relevant deaths
Former civil partner of child	The child The child's other parent
Former spouse of child	The child The child's other parent
Parent of former civil partner	The former civil partner The former civil partner's other parent
Parent of former spouse	The former spouse The former spouse's other parent

SCHEDULE 3

(Article 5)

CONSENTS REQUIRED TO THE CIVIL PARTNERSHIP OF A MINOR

- 1** The consents are –
 - (a) subject to sub-paragraphs (b) to (d), the consent of –
 - (i) each parent (if any) of the minor who has parental responsibility for the minor, and
 - (ii) each guardian (if any) of the minor;
 - (b) where a residence order is in force with respect to the minor, the consent of the person or persons with whom the minor lives, or is to live, as a result of the order (in substitution for the consents mentioned in sub-paragraph (a));
 - (c) where a care order is in force with respect to the minor, the consent of the Minister for Health and Social Services (in addition to the consents mentioned in sub-paragraph (a)); and
 - (d) where neither sub-paragraph (b) nor (c) applies but a residence order was in force with respect to the minor immediately before the minor reached the age of 16, the consent of the person or persons with whom the minor lives, or was to live, as a result of the order (in substitution for the consent mentioned in sub-paragraph (a)).
- 2** In this Schedule “care order”, “guardian”, “parental responsibility” and “residence order” have the same meaning as in the Children (Jersey) Law 2002.

SCHEDULE 4

(Article 70)

AMENDMENT OF OTHER ENACTMENTS**1 Adoption (Jersey) Law 1961 amended**

- (1) In this paragraph “Law” means the Adoption (Jersey) Law 1961⁹.
- (2) In Article 1 of the Law –
 - (a) after the definition of “approved adoption society” there shall be inserted the following definition –

“ ‘civil partnership couple’ means a couple who have formed a civil partnership;”;
 - (b) in the definition of “infant”, after the word “married” there shall be added the words “, or who is or has been a civil partner”;
 - (c) in the definition of “relative” –
 - (i) for the word “affinity” there shall be substituted the words “marriage or civil partnership”,
 - (ii) after the word “wedlock” there shall be inserted the words “or in the course of a civil partnership”.
- (3) In Article 10 of the Law –
 - (a) in paragraph (1) after the words “2 spouses” in both places where they appear there shall be added the words “, or both partners of a civil partnership;”;
 - (b) in paragraph (3) after the word “spouse” there shall be added the words “or civil partner”.
- (4) In Article 11(2) of the Law after the word “spouses” there shall be added the words “or both partners of a civil partnership”.
- (5) In Article 15(1) of the Law after the word “spouses” there shall be added the words “or both partners of a civil partnership”.
- (6) In Article 20 of the Law –
 - (a) for paragraph (1) there shall be substituted the following paragraph –

“(1) An adopted infant shall be treated in law –

 - (a) where his or her adopters are a married couple or a civil partnership couple, as if he or she had been born as a child of the marriage or civil partnership, as the case may be (whether or not he or she was born after that marriage or civil partnership); and
 - (b) in any other case as if he or she had been born to the adopter –

- (i) in wedlock (but not as a child of any actual marriage of the adopter), or
 - (ii) in the course of a civil partnership.”;
- (b) in paragraph (4) after the word “marriage” there shall be inserted the words “or civil partnership”.
- (7) In Article 23(6)(a) of the Law after the words “2 spouses jointly” there shall be inserted the words “or by both partners of a civil partnership jointly”.
- (8) In Article 27(1)(a) of the Law for the words “blood or marriage” there shall be substituted the words “blood, marriage or civil partnership”.
- (9) In Article 30(2) of the Law –
 - (a) after the word “married” there shall be inserted the words “or to form a civil partnership”;
 - (b) for the words “the person whom he or she intends to marry” there shall be substituted the words “the intended spouse or intended civil partner”;
 - (c) after the words “Marriage and Civil Status (Jersey) Law 2001” there shall be added the words “or by Article 4 of, and Schedule 2 to, the Civil Partnership (Jersey) Law 201-¹⁰”.
- (10) In Article 33(4) of the Law –
 - (a) in sub-paragraph (f) the word “or” shall be deleted;
 - (b) in sub-paragraph (g) for the word “marriage,” there shall be substituted the words “marriage; or”;
 - (c) after sub-paragraph (g) there shall be added the following sub-paragraph –
 - “(h) on becoming a civil partner,”.

2 Anatomy and Human Tissue (Jersey) Law 1984 amended

In the Anatomy and Human Tissue (Jersey) Law 1984¹¹ in Articles 2(1)(b), 2(2)(b) and 3(2)(b) after the words “surviving spouse” wherever they appear there shall be inserted the words “; surviving civil partner”.

3 Banking Business (Jersey) Law 1991 amended

- (1) In this paragraph “Law” means the Banking Business (Jersey) Law 1991¹².
- (2) In Article 1 of the Law in paragraph (a) of the definition of “associate”, after the word “husband” there shall be inserted the words “or civil partner”.
- (3) In Article 2(5)(a) and (c) of the Law after the word “spouse” wherever it appears there shall be inserted the words “or civil partner”.

4 Bankruptcy (Désastre) (Jersey) Law 1990 amended

- (1) In this paragraph “Law” means the Bankruptcy (Désastre) (Jersey) Law 1990¹³.
- (2) In Article 12 of the Law –
 - (a) after paragraph (1) there shall be inserted the following paragraph –

“(1A) Where any property vesting in the Viscount pursuant to Article 8(1) or 9(3) represents the civil partnership home or an interest in part thereof the civil partner of the debtor, not being a person in respect of whom a declaration has been made and not recalled, may, within 3 months of the date of the declaration, apply to the court for such order as is referred to in paragraph (5) as the court thinks fit.”.
 - (b) in paragraphs (4) and (8) after the words “matrimonial home” wherever they appear there shall be inserted the words “or civil partnership home”;
 - (c) in paragraphs (4), (8) and (9)(a) after the word “spouse” wherever it appears there shall be inserted the words “or civil partner”;
 - (d) in paragraph (5) after the words “paragraph (1)” there shall be inserted the words “or (1A)”;
 - (e) in paragraph (12) immediately before the definition of “dependants” there shall be inserted the following definitions –

“ ‘civil partner’ includes a person with whom the debtor is alleged to be in a civil partnership by habit and repute;

‘civil partnership home’ means the residence that is used habitually or from time to time by the debtor and the debtor’s civil partner or either of them as the only or principal family residence;”.
- (3) In Article 17B of the Law –
 - (a) in paragraph (2)(a) and (b) after the words “husband or wife” wherever they appear there shall be inserted the words “or civil partner”;
 - (b) after paragraph (4) there shall be added the following paragraph –

“(4A) References in this Article to a civil partner include a former civil partner and a reputed civil partner.”.
- (4) In Article 20(1)(b) of the Law after the words “wife or husband” there shall be inserted the words “or civil partner”.
- (5) In Article 22 of the Law after the word “spouse” there shall be inserted the words “or civil partner”.

5 Children (Jersey) Law 2002 amended

- (1) In this paragraph “Law” means the Children (Jersey) Law 2002¹⁴.
- (2) In Article 1 of the Law –
 - (a) for the definition of “child of the family”, substitute the following definition –

“ ‘child of the family’ in relation to parties to a marriage or a civil partnership, means –

- (a) a child of both of those parties; and
- (b) any other child, other than a child placed with them as foster parents by the Minister or a voluntary organization, who has been treated by both of those parties as a child of their family;”;

(b) in the definition of “relative” for the words “by affinity” substitute the words “by marriage or civil partnership”.

(3) After Article 8(4) of the Law there shall be inserted the following paragraph –

“(4A) An appointment under Article 7(3) or (4) (including one made in a will or codicil) is revoked if the person appointed is the civil partner of the person who made the appointment and either –

- (a) the court by order dissolves or annuls the civil partnership; or
- (b) the civil partnership is dissolved and the dissolution is entitled to recognition in Jersey by virtue of Part 4 of the Civil Partnership (Jersey) Law 201-¹⁵,

unless a contrary intention appears by the appointment.”.

(4) In Article 10(4)(a) of the Law after the word “marriage” there shall be inserted the words “or civil partnership”.

(5) In Article 24(3) of the Law after the word “married” there shall be inserted the words “or in a civil partnership”.

(6) In Article 43(2) of the Law after the word “spouse” there shall be inserted the words “or civil partner”.

(7) In Article 45(8) of the Law after the word “spouse” there shall be inserted the words “or civil partner”.

(8) In Article 74 of the Law after the word “spouse” wherever it appears there shall be inserted the words “or civil partner”.

(9) In paragraph 12 of Schedule 1 to the Law after the words “married to” there shall be inserted the words “, or in a civil partnership with,”.

(10) In paragraph 13(b) of Schedule 1 to the Law after the word “marriage” there shall be inserted the words “or civil partnership”.

6 Companies (Jersey) Law 1991 amended

(1) In this paragraph “Law” means the Companies (Jersey) Law 1991¹⁶.

(2) In Article 58A(9)(b) of the Law after the word “widowers” there shall be inserted the words “, civil partners or surviving civil partners”.

(3) In Articles 123(7) and 210 of the Law after the word “spouse” wherever it appears there shall be inserted the words “or civil partner”.

(4) In Article 176B(2)(a) and (b) and (4) of the Law after the word “wife” wherever it appears there shall be inserted the words “or civil partner”.

7 Employment (Jersey) Law 2003 amended

- (1) In this paragraph “Law” means the Employment (Jersey) Law 2003¹⁷.
- (2) In Articles 77B(4)(a) and 77C(3)(a) of the Law after the word “widow” wherever it appears there shall be inserted the words “, or any civil partner or surviving civil partner,”.
- (3) For Article 97(4) of the Law there shall be substituted the following paragraph –
 - “(4) No person shall be required under paragraph (1)(b) or (c) to answer any question or furnish any information which might incriminate the person or –
 - (a) if married, the person’s spouse; or
 - (b) if in a civil partnership, the person’s civil partner.”.

8 Fatal Accidents (Jersey) Law 1962 amended

- (1) In this paragraph “Law” means the Fatal Accidents (Jersey) Law 1962¹⁸.
- (2) In Article 1(2)(b) of the Law for the words “by affinity” there shall be substituted the word “by marriage or by civil partnership”.
- (3) In Article 2(2)(a) of the Law after the word “husband,” there shall be inserted the words “civil partner,”.
- (4) For Article 4(2) of the Law there shall be substituted the following paragraph –
 - “(2) In assessing damages payable to the spouse, civil partner or child of a deceased person in respect of the death of that deceased person in any action under this Law, no account shall be taken of a subsequent marriage or civil partnership, or the prospects of a subsequent marriage or civil partnership, of the spouse or civil partner, as the case may be, of the deceased person.”.

9 Financial Services (Jersey) Law 1998 amended

- (1) In this paragraph “Law” means the Financial Services (Jersey) Law 1998¹⁹.
- (2) In Article 1(1) of the Law in sub-paragraph (a) of the definition of “associate”, after the word “wife” there shall be inserted the words “or civil partner”.
- (3) In paragraph 9(2)(b) of Schedule 2 to the Law for the words “wives, husbands, widows, widowers” there shall be substituted the words “wives, husbands, civil partners, widows, widowers, surviving civil partners”.
- (4) In the note to paragraph 11 of Schedule 2 to the Law, after the word “spouse” there shall be inserted the words “or civil partner”.

10 Gender Recognition (Jersey) Law 2010 amended

- (1) In this paragraph “Law” means the Gender Recognition (Jersey) Law 2010²⁰.
- (2) In Article 2(2)(b) of the Law after the word “married” there shall be inserted the words “or in a civil partnership”;
- (3) In Article 3(2) of the Law –
 - (a) in sub-paragraph (a) for the word “unmarried” there shall be substituted the words “neither married nor in a civil partnership”; and
 - (b) in sub-paragraph (b) after the word “married” there shall be inserted the words “or in a civil partnership”.
- (4) After Article 4 of the Law there shall be inserted the following Article –

“4A Issue of full certificate following annulment of civil partnership on ground of issue of interim certificate

Where the Court grants a decree of nullity in respect of an applicant’s civil partnership under Article 36(1) of the Civil Partnership (Jersey) Law 201-²¹ on the ground that an interim certificate has been issued to the applicant, the Court shall issue a full certificate to the applicant.”.

- (5) For Article 5 of the Law there shall be substituted the following Article –

“5 Issue of full certificate once applicant no longer married or no longer in a civil partnership – other cases

- (1) An applicant may apply to the Court for a full certificate where an interim certificate has been issued to the applicant and –
 - (a) the applicant’s marriage or civil partnership has been dissolved or annulled (other than on the ground mentioned in Article 4 or 4A) in proceedings instituted within 6 months of the interim certificate being issued; or
 - (b) the applicant’s spouse or civil partner has died within such period.
- (2) An application under paragraph (1) –
 - (a) may be made within 6 months of the dissolution or annulment of the marriage or civil partnership or of the death of the applicant’s spouse or civil partner, as the case may be, unless the applicant has married or entered into a civil partnership again during that period; and
 - (b) shall include evidence, as the case requires, of –
 - (i) the dissolution or annulment of the marriage or civil partnership and the date on which the relevant proceedings were instituted, or
 - (ii) the death of the spouse or civil partner and the date on which it occurred.

- (3) The Court may if it thinks fit –
 - (a) allow an application under paragraph (1), notwithstanding that the proceedings there mentioned were instituted more than 6 months after the issue of the interim certificate or, as the case may be, the applicant’s spouse or civil partner died more than 6 months after the issue of the interim certificate; or
 - (b) extend the period described in paragraph (2)(a).
- (4) The Court shall grant an application under paragraph (1) if and only if it is satisfied that the applicant is not married and is not in a civil partnership.
- (5) Where the Court has granted the application it shall issue a full certificate to the applicant.”.
- (6) In the heading to Article 17 of the Law after the word “marriage” there shall be inserted the words “or civil partnership”.
- (7) In Article 17 of the Law for paragraphs (2) to (5) there shall be substituted the following paragraphs –
 - “(2) Accordingly, a person is not to be regarded as –
 - (a) being married by reason of having entered into a foreign post-recognition marriage; or
 - (b) being in a civil partnership by reason of having entered into a foreign post-recognition civil partnership.
 - (3) Notwithstanding paragraph (2) –
 - (a) on and from the issue of a full certificate to a person who has entered into a foreign post-recognition marriage, the marriage is no longer to be regarded as being void on the ground that (at the time when it was entered into) the parties to it were not respectively male and female; or
 - (b) on and from the issue of a full certificate to a person who has entered into a foreign post-recognition civil partnership, the civil partnership is no longer to be regarded as being void on the ground that (at the time when it was entered into) the parties to it were not either both male or both female.
 - (4) Paragraph (3) does not apply to a foreign post-recognition marriage or, as the case may be, a foreign post-recognition civil partnership if a party to it has entered into a later, valid, marriage or civil partnership before the issue of the full certificate.
 - (5) For the purposes of this Article a person has entered into a foreign post-recognition marriage if, and only if –
 - (a) the person has entered into a marriage in accordance with the law of a country or territory outside Jersey;
 - (b) before the marriage was entered into the person changed his or her gender in accordance with the law of that or any other country or territory outside Jersey;
 - (c) the gender of the other party to the marriage was the same as that of the person, before the person changed gender; and

- (d) by virtue of paragraph (1) the person's gender was not regarded as having changed.
- (6) For the purposes of this Article a person has entered into a foreign post-recognition civil partnership if, and only if –
 - (a) the person has entered into a civil partnership in accordance with the law of a country or territory outside Jersey;
 - (b) before the civil partnership was entered into the person changed his or her gender in accordance with the law of that or any other country or territory outside Jersey;
 - (c) the gender of the other party to the marriage was the opposite to that of the person, before the person changed gender; and
 - (d) by virtue of paragraph (1) the person's gender was not regarded as having changed.”.

11 Income Tax (Jersey) Law 1961 amended

- (1) In this paragraph “Law” means the Income Tax (Jersey) Law 1961²².
- (2) In Article 3(1) of the Law –
 - (a) after the definition of “body of persons” there shall be inserted the following definition –
 - “ ‘civil partner A’ and ‘civil partner B’ shall be construed in accordance with Article 122A;”;
 - (b) in paragraph (a) of the definition of “earned income”, after the word “wife” wherever it appears there shall be inserted the words “, civil partner”.
- (3) In Article 3A of the Law –
 - (a) for paragraph (2) there shall be substituted the following paragraph –
 - “(2) A person is connected with an individual if that person is the individual's wife, husband or civil partner, or is a relative, or the wife, husband or civil partner of a relative, of the individual or of the individual's wife, husband or civil partner.”;
 - (b) in paragraph (3) for the words “wife or husband” there shall be substituted the words “wife, husband, civil partner”.
- (4) In Article 18(1)(c) of the Law after the word “woman,” there shall be inserted the words “a civil partner A or civil partner B,”.
- (5) In Article 20(2) of the Law after sub-paragraph (b) there shall be inserted the following sub-paragraph –
 - “(ba) in the case of a person who is in a civil partnership, the full name of his or her civil partner;”.
- (6) In Article 20A(2) of the Law after sub-paragraph (b) there shall be inserted the following sub-paragraph –

“(ba) in the case of a person who is in a civil partnership, the full name of his or her civil partner;”.

- (7) After Article 41B(14) of the Law there shall be inserted the following paragraph –

“(14A) Deductions shall be made, in accordance with this Article, from the earnings of a civil partner B notwithstanding that, by virtue of Article 122B(1), his or her income is deemed to be that of his or her civil partner A.”.

- (8) After Article 41D of the Law there shall be inserted the following Article –

“41DA Deductions in respect of civil partners

- (1) In the case of civil partners to whom Article 122B(1) applies –

- (a) a rate shall be determined in accordance with Article 41C(2) as if civil partner A were the employee, whether or not he or she is in employment; and
- (b) subject to paragraph (2), where the Comptroller has issued a notice under Article 41C specifying a rate, that rate shall apply to both civil partners.

- (2) Where both the civil partners are in employment they may jointly elect for the rate applicable to the earnings of one of them to be increased and the rate applicable to the earnings of the other of them to be correspondingly reduced.

- (3) The increased rate applicable to the earnings of one of them may exceed the limit in Article 41C(9), if the civil partners so elect and the Comptroller so agrees.

- (4) The aggregate of the deductions made when applying the rates, adjusted pursuant to this Article, to the earnings of the civil partners shall not be less than the aggregate of the deductions that would have been made had the adjustment not been made.

- (5) An election shall cease to have effect upon –

- (a) either civil partner ceasing to be in employment;
- (b) paragraph (4) not being complied with;
- (c) a new rate applying pursuant to a further notice issued under Article 41C; or
- (d) an effective rate described in Article 41B(2)(b) applying.”.

- (9) After Article 41G(2) of the Law there shall be inserted the following paragraph –

“(2A) Where the Comptroller receives an amount remitted under Article 41B or 41E which has been deducted from the earnings of, or payments made to, a civil partner B whose income, by virtue of Article 122B(1), is deemed to be that of his or her civil partner A, the Comptroller shall receive the amount as a payment of tax by his or her civil partner A.”.

- (10) In Article 41H of the Law –
- (a) after paragraph (7)(d) there shall be inserted the following sub-paragraph –
- “(da) if the person is in a civil partnership, the date of the formation of the civil partnership, and whether the person is civil partner A or civil partner B;”;
- (b) after paragraph (8) there shall be inserted the following paragraph –
- “(8A) A person who is in a civil partnership shall also provide the information described in paragraph (7) in respect of his or her civil partner.”.
- (11) In Article 42 of the Law after paragraph (2) there shall be added the following paragraph –
- “(3) Where under the provisions of this Law income tax has been charged on civil partner A in respect of the profits or income of civil partner B, the powers of recovery provided in this Law in the case of non-payment of any such tax shall extend to the property, goods and chattels of civil partner B:
- Provided that no action for recovery shall be instituted against civil partner B unless a notice demanding payment has been served by the Comptroller on civil partner B and he or she has failed to pay the amount of tax payable by civil partner A within 7 days of such service.”.
- (12) In Article 61(1)(c) of the Law after the word “spouse” there shall be inserted the words “, civil partner”.
- (13) In Article 62(1) of the Law in case VII, after the word “spouse” there shall be inserted the words “, civil partner”.
- (14) In Article 87(1)(c) of the Law after the word “spouse” there shall be inserted the words “, civil partner”.
- (15) In Article 90AA(4)(a) of the Law after the word “spouse” there shall be inserted the words “or civil partner”.
- (16) For Article 90A(1)(a) of the Law there shall be substituted the following sub-paragraph –
- “(a) as one of the parties to a marriage or civil partnership (including a marriage or civil partnership which has been dissolved or annulled) to or for the benefit of the other party to the marriage or civil partnership and for the maintenance of the other party; or”.
- (17) In Article 90B of the Law –
- (a) in paragraph (1)(a)(ii) after the word “marriage” in both places where it appears there shall be inserted the words “or civil partnership”;
- (b) in paragraph (1)(a)(iii) after the words “living together,” there shall be inserted the words “or, as the case may be, are not civil partners living together,”;

- (c) in paragraph (4) after the word “together” there shall be inserted the words “, and the parties to a civil partnership are not civil partners living together.”.
- (18) In Article 92A of the Law –
- (a) after paragraph (2) there shall be inserted the following paragraph –
- “(2A) Subject to paragraphs (4A), (5A), (8) and (9) and Article 92B, where a civil partner A proves, for the year of assessment –
- (a) that he or she has his or her civil partner B living with him or her; or
- (b) that his or her civil partner B is wholly maintained by him or her during the year of assessment and that he or she is not entitled, in computing the amount of his income for that year for the purposes of this Law, to make any deductions in respect of sums paid for the maintenance of his or her civil partner B,
- the threshold applicable in his or her case is –
- (i) if the individual also proves that, at the commencement of the year of assessment, either he or she, or his or her civil partner B was of the age of 63 years or more, £23,480, or
- (ii) in any other case, £20,510.”;
- (b) after paragraph (4) there shall be inserted the following paragraph –
- “(4A) Where the total income for the year of assessment of an individual to whom paragraph (2A) applies includes any earned income of his or her civil partner B, the threshold applicable in his or her case shall be increased by an amount equal to the amount of that earned income, but not exceeding in any case £4,500.”;
- (c) after paragraph (5) there shall be inserted the following paragraph –
- “(5A) No exemption shall be allowed by virtue of paragraph (4A) in respect of earned income received or receivable by the civil partner B from the individual himself or herself.”;
- (d) in paragraph (6) after the words “paragraph (2)” there shall be inserted the words “or, as the case may be (2A)”.
- (19) In Article 92B(5) of the Law –
- (a) for the definition of “eligible claimant” there shall be substituted the following definition –
- “ ‘eligible claimant’ means –
- (a) an individual in whose case the exemption threshold described in Article 92A(2) or (2A) applies and –
- (i) whose spouse or civil partner, as the case may be, has qualifying income, or
- (ii) who is entitled to an additional allowance under Article 98A; or

- (b) an individual in whose case the exemption threshold described in Article 92A(6) applies and who has qualifying income, apart from –
 - (i) a man, if he and a woman live together as husband and wife for the whole or any part of the year of assessment, or
 - (ii) the partner of a same sex couple living together as civil partners for the whole or any part of the year of assessment who –
 - (A) the couple jointly elects to be treated as a civil partner A for the purposes of this Law, or
 - (B) if no partner is so elected, is the older partner of the couple;”;
 - (b) in the definition of “qualifying income” after the word “husband” there shall be inserted the words “or by a civil partner B from his or her civil partner A”.
- (20) In Article 98A of the Law –
- (a) for paragraph (1)(a) there shall be substituted the following subparagraph –
 - “(a) the individual is not entitled to a deduction under Article 94(1) or that –
 - (i) the individual is so entitled but he or his spouse was throughout the year of assessment totally incapacitated by physical or mental infirmity, or
 - (ii) the individual is so entitled but he or she or his or her civil partner was throughout the year of assessment totally incapacitated by physical or mental infirmity; and”;
 - (b) after paragraph (3) there shall be inserted the following paragraph –
 - “(3A) Where –
 - (a) a couple who are not in a civil partnership with each other live together as if they were civil partners for the whole or any part of a year of assessment; and
 - (b) apart from this paragraph each of them would be entitled to a deduction under paragraph (1),
 neither of them shall be entitled to such a deduction except in respect of the youngest of the children in respect of whom either would otherwise be entitled to a deduction.”.
- (21) After Article 122 of the Law there shall be inserted the following Part –

“PART 16A**SPECIAL PROVISIONS AS TO CIVIL PARTNERS****122A Election of civil partner as civil partner A or civil partner B for treatment of tax**

- (1) Subject to paragraph (2), immediately upon the formation of a civil partnership the older partner of the civil partnership shall be regarded as ‘civil partner A’ and the younger shall be regarded as ‘civil partner B’ for all purposes under this Law.
- (2) No later than 2 years from the date of formation of the civil partnership the civil partners may make a joint written election to the Comptroller for the younger civil partner to be regarded as civil partner A and for the older civil partner to be regarded as civil partner B.
- (3) An election made under paragraph (2) is irrevocable and shall have effect as if it had been made on the formation of the civil partnership.
- (4) Where an election is made under paragraph (2) the Comptroller shall regard the younger civil partner as civil partner A for all purposes under this Law.
- (5) Where an election made under paragraph (2) the Comptroller shall assess (or re-assess, where a previous assessment has been made) the tax liability of both civil partners in respect of every year from the year of the formation of the civil partnership to the year of the election made under paragraph (2).

122B General rule as to income tax on civil partners

- (1) Subject to Articles 122C and 122D, a civil partner B’s income chargeable to income tax shall, so far as it is income for a year of assessment or part of a year of assessment during which he or she is in a civil partnership and living with his or her civil partner, be deemed for the purposes of this Law to be civil partner A’s income and not to be civil partner B’s income:

Provided that the question whether there is any income of civil partner B’s chargeable to income tax for any year of assessment, and, if so, what is to be taken to be the amount thereof for the purposes of this Law, shall not be affected by the provisions of this paragraph.

- (2) Subject to Articles 122C and 122D, any tax falling to be assessed in respect of any income which, under paragraph (1) of this Article, is to be deemed to be the income of a civil partner A shall, instead of being assessed on civil partner B’s, or on civil partner B’s trustee, guardian or curator, or on civil partner B’s heirs, executors or administrators, be assessable on civil partner A, or in the appropriate cases, on civil partner A’s trustee, guardian or curator, or on civil partner A’s heirs, executors or administrators:

Provided that nothing in this paragraph shall affect the operation of Article 74.

122C Election by civil partner A or civil partner B for separate assessment

- (1) Where civil partners are living together, either partner may elect, by written notice delivered to the Comptroller, for separate assessment in accordance with Article 122D.
- (2) Subject to paragraph (3), an election delivered before 31st October in any year of assessment shall have effect for that year and ensuing years, unless revoked.
- (3) In the year of assessment in which civil partners form their civil partnership, an election delivered –
 - (a) before 31st October in that year; or
 - (b) within one month following the day of the formation of their civil partnership,shall have effect for the part of that year during which they are civil partners and for ensuing years, unless revoked.
- (4) The civil partner who made the election may revoke it, by written notice delivered to the Comptroller.
- (5) A revocation of an election delivered before 31st January following a year of assessment shall have effect for that year and ensuing years, unless a further election is made.
- (6) The Comptroller shall inform a civil partner of the delivery by his or her civil partner of a notice under paragraph (1) or (4).
- (7) In this Article and in Article 122D, ‘election’ means an election under paragraph (1) of this Article.

122D Effect of election for separate assessment

- (1) Subject to this Article, an election shall have the effect that –
 - (a) civil partner B’s income is not deemed, for the purposes of this Law, to be civil partner A’s income; and
 - (b) the civil partners are separately assessed and charged under this Law.
- (2) Civil partner A’s and civil partner B’s incomes shall be aggregated for the purpose of determining their entitlement to any allowances, exemptions and reliefs.
- (3) The sum of the allowances, exemptions and reliefs to which civil partner A and civil partner B are entitled shall not exceed the sum of such amounts to which they would have been entitled if the election had not been made.
- (4) Subject to paragraph (5), any allowances, exemptions or reliefs (notwithstanding Articles 92B(2), 95(4) and 98A(4)) shall be

apportioned between the civil partners in proportion to the amounts or their respective incomes.

- (5) The civil partners may jointly, in accordance with paragraph (6), notify the Comptroller in writing that any allowances, exemptions and reliefs to which they are entitled, by virtue of the election, are to be apportioned and transferred between them in the manner specified in the notice.
- (6) An apportionment notice delivered to the Comptroller before 31st January following a year of assessment shall have effect for that year and, unless replaced by a further apportionment notice or revoked, for ensuing years.
- (7) The civil partners may jointly revoke an apportionment notice by written notice delivered to the Comptroller.
- (8) A revocation of an apportionment notice delivered before 31st January following a year of assessment shall have effect for that year and ensuing years unless a further apportionment notice is delivered.
- (9) Either civil partner may prepare and deliver the statement required by Article 16 on behalf of both of them, unless the Comptroller requires otherwise.
- (10) An election shall not affect the operation of Article 74.
- (11) In this Article, 'apportionment notice' means a notice under paragraph (5).

122E Construction of references to a civil partner B living with his or her civil partner A, and special provisions as to certain civil partners geographically separated

- (1) A civil partner B shall be treated for all the purposes of this Law as living with his or her civil partner A unless either –
 - (a) they are separated under an order of a court of competent jurisdiction or by agreement of separation; or
 - (b) they are in fact separated in such circumstances that the separation is likely to be permanent.
- (2) Where a civil partner B is living with civil partner A and either –
 - (a) one of them is, and one of them is not, resident in Jersey for a year of assessment; or
 - (b) both of them are resident in Jersey but one of them is, and one of them is not, absent from Jersey throughout that year,

the same consequences shall follow for all the purposes of this Law as would have followed if, throughout that year of assessment, they had been in fact separated in such circumstances that the separation was likely to be permanent:

Provided that, where this paragraph applies and the net aggregate amount of income tax falling to be borne by the civil partner A and the civil partner B for the year is greater than it would have been

but for the provisions of this paragraph, the Comptroller shall give such relief as will reduce the said net aggregate amount by the amount of the excess.”.

- (22) In Article 131B(3)(b)(iii), (iv) and (v), (g) and (4)(ga) of the Law after the word “spouse” in each place where it appears there shall be inserted the words “or surviving civil partner”.
- (23) In Article 131CA of the Law –
- (a) in paragraphs (1)(f) and (10)(b) after the word “spouse” there shall be inserted the words “or surviving civil partner”;
- (b) after paragraph (7) there shall be inserted the following paragraph –
- “(7A) For the purposes of this Article a civil partner B’s relevant earnings shall not be treated as the civil partner A’s relevant earnings, notwithstanding that civil partner B’s income chargeable to tax is treated as civil partner A’s income.”.
- (24) In Article 131D(5)(d)(i) of the Law after the word “spouse” there shall be inserted the words “, civil partner”.

12 Interpretation (Jersey) Law 1954 amended

In the Interpretation (Jersey) Law 1954²³ in Part 1 of the Schedule after the definition of “British Islands” there shall be inserted the following definition –

“ ‘Civil partnership’ means a civil partnership within the meaning of Article 2 of the Civil Partnership (Jersey) Law) 201-²⁴ (and any reference to a civil partner is to be read accordingly);”.

13 Loi (1862) sur les teneures en fidéicommiss et l’incorporation d’associations amended

In Article 7 of the Loi (1862) sur les teneures en fidéicommiss et l’incorporation d’associations²⁵, after the words “d’un fidéicommissaire” where secondly occurring there shall be inserted the words “et du douaire du partenaire civil survivant d’un fidéicommissaire”.

14 Loi (1864) réglant la procédure criminelle amended

In Article 39 of the Loi (1864) réglant la procédure criminelle²⁶ after the words “le mari et la femme,” there shall be inserted the words “les 2 partenaires d’un partenariat civil,”.

15 Loi (1880) sur la propriété foncière amended

- (1) In this paragraph “Law” means the Loi (1880) sur la propriété foncière²⁷.
- (2) In Article 1 of the Law after the definition of “ANCIENNE – NOUVELLE” there shall be inserted the following definition –
- “CONJOINT: selon le cas –

- (a) la femme; ou
- (b) le partenaire civil.

CONJOINT SURVIVANT: selon le cas –

- (a) la veuve; ou
- (b) le partenaire civil survivant d'un partenaire civil décédé.

PARTENAIRE CIVIL: Un partenaire d'un partenariat civil constitué en vertu de la Loi dite Civil Partnership (Jersey) Law 201-²⁸.”.

- (3) In Article 7 of the Law –
 - (a) for the words “La femme mariée a sur les immeubles de son mari” there shall be substituted the words “Le conjoint a sur les immeubles de son mari ou, selon le cas, de son partenaire civil”;
 - (b) after the words “du mari” wherever they appear there shall be inserted the words “ou du partenaire civil”;
 - (c) for the words “mariage, le mari” there shall be substituted the words “mariage ou le partenariat civil, le mari ou le partenaire civil”;
 - (d) for the words “elle conservera” there shall be substituted the words “le conjoint survivant conservera”;
 - (e) for the words “la veuve”, “La veuve” and “de la veuve” wherever they appear there shall be substituted, respectively, the words “le conjoint survivant”, “Le conjoint survivant” and “du conjoint survivant”;
 - (f) for the words “elle aura” and “Elle aura” there shall be substituted, respectively, the words “le conjoint survivant aura” and “Le conjoint survivant aura”;
 - (g) for the words “concert avec elle” there shall be substituted the words “concert avec lui”;
 - (h) after the words “de son mari” there shall be inserted the words “ou de son partenaire civil”;
 - (i) for the word “tenante” wherever it appears there shall be substituted the word “tenant”;
 - (j) for the words “celle-ci devra” there shall be substituted the words “celui-ci devra”.
- (4) In Article 8 of the Law –
 - (a) for the words “par la veuve des immeubles à elle allotis” there shall be substituted the words “par le conjoint survivant des immeubles à lui allotis”;
 - (b) for the words “la veuve” wherever they appear there shall be substituted the words “le conjoint survivant”;
 - (c) for the words “sera maintenue” there shall be substituted the words “sera maintenu”;
 - (d) after the words “du mari” there shall be inserted the words “ou, selon le cas, du partenaire civil”.
- (5) In Article 9 of the Law –

- (a) after the words “du mari” in both places they appear there shall be inserted the words “ou, selon le cas, du partenaire civil”;
- (b) for the words “à la veuve”, “de la veuve” and “La veuve” there shall be substituted, respectively, the words “au conjoint survivant”, “du conjoint survivant” and “Le conjoint survivant”;
- (6) In the last paragraph of Article 29 of the Law for the words “de la veuve” there shall be inserted the words “du conjoint survivant”.
- (7) In Article 92 of the Law for the words “et la veuve du cessionnaire, si elle” in both places they appear there shall be substituted the words “et le conjoint survivant du cessionnaire, s’il”.

16 Loi (1908) au sujet des témoins et informateurs amended

- (1) In this paragraph “Law” means the Loi (1908) au sujet des témoins et informateurs²⁹.
- (2) At the end of Article 1 of the Law there shall be added the following sentence –

“Etant entendu néanmoins que le partenaire civil ne pourra être forcé à révéler des communications à lui faites par son partenaire civil.”
- (3) In Article 2 of the Law –
 - (a) in paragraph (1) after the words “ou alliés” there shall be inserted the words “que ce soit par mariage ou par la formation d’un partenariat civil”;
 - (b) in paragraphs (3), (4) and (5)(a)(i) after the words “le mari du prévenu” wherever they appear there shall be inserted the words “ou le partenaire civil du prévenu”;
 - (c) in paragraph (6) –
 - (i) for the words “contre un mari et une femme, ni l’un ni l’autre des époux” there shall be substituted the words “contre un mari et une femme, ou contre les deux partenaires d’un partenariat civil, ni l’un ni l’autre des époux ou des partenaires civils (selon le cas)”, and
 - (ii) after the words “cet époux” there shall be inserted the words “ou ce partenaire civil (selon le cas)”;
 - (d) in paragraph (7) –
 - (i) after the words “au prévenu” there shall be inserted the words “, ou qui a été mais qui n’est plus le partenaire civil du prévenu,”,
 - (ii) after the words “jamais été mariés” there shall be inserted the words “, ou n’ont jamais été partenaires d’un partenariat civil”;
 - (e) in paragraph (10) after the words “mari du prévenu” there shall be inserted the words “ou du partenaire civil du prévenu”.

17 Loi (1991) sur la copropriété des immeubles bâtis amended

In Article 8(4) of the Loi (1991) sur la copropriété des immeubles bâtis³⁰ after the words “son conjoint” there shall be inserted the words “, ou le mandataire et son partenaire civil,”.

18 Maintenance Orders (Enforcement) (Jersey) Law 1999 amended

In Article 1 of the Maintenance Orders (Enforcement) (Jersey) Law 1999³¹, in the definition of “maintenance order”, for sub-paragraph (a) there shall be substituted the following sub-paragraph –

- “(a) by the Royal Court –
 - (i) under Article 25, 29, 31, 32 or 33 of the Matrimonial Causes (Jersey) Law 1949, or
 - (ii) under Schedule 1 to the Children (Jersey) Law 2002; or
 - (iii) under Article 44, 49, 51, 52 or 53 of the Civil Partnership (Jersey) Law 201-³²; or”.

19 Maintenance Orders (Facilities for Enforcement) (Jersey) Law 2000 amended

- (1) In this paragraph “Law” means the Maintenance Orders (Facilities for Enforcement) (Jersey) Law 2000³³.
- (2) In Article 33(5)(a) of the Law –
 - (a) in clause (iii) the word “or” where it last appears shall be deleted;
 - (b) in clause (iv) for the word “matter.” there shall be substituted the words “matter, or”;
 - (c) after clause (iv) there shall be added the following clause –
 - “(v) in the case of a maintenance order made by reason of a dissolution or annulment of a civil partnership or a legal separation of civil partners, the court is recognized by the law of Jersey as having jurisdiction in that matter.”.
- (3) For Article 41 of the Law there shall be substituted the following Article –

“41 Provisional order to cease to have effect on remarriage or on registration of civil partnership

- (1) Where a court has, by virtue of Article 3, made a provisional order consisting of or including a provision for periodical payments by a husband or wife or civil partner and the order has been confirmed by a competent court in a Commonwealth country, then, if after the making of that order the marriage or civil partnership (as the case may be) of the parties to the proceedings in which the order was made is dissolved or annulled but the order continues in force, that order or, as the case may be, that provision thereof shall cease to

have effect on the remarriage of the payee, or the entering into a civil partnership by the payee, except in relation to any arrears due under it on the date of such remarriage or civil partnership and shall not be capable of being revived.

- (2) For the avoidance of doubt it is declared that references in this Article to remarriage or civil partnership include references to a marriage or civil partnership which is by law void or voidable.”.

20 Marriage and Civil Status (Jersey) Law 2001 amended

In Article 44(b) of the Marriage and Civil Status (Jersey) Law 2001³⁴ after the word “marriages” there shall be inserted the words “and civil partnerships”.

21 Matrimonial Causes (Jersey) Law 1949 amended

- (1) In this paragraph “Law” means the Matrimonial Causes (Jersey) Law 1949³⁵.
- (2) In the heading to Article 38 of the Law after the word “re-marriage” there shall be inserted the words “or civil partnership”.
- (3) In Article 38(1) of the Law after the words “marry again” in both places where they appear there shall be inserted the words “or enter into a civil partnership”.
- (4) In Article 39(2) the words from “not exceeding £100” to the end shall be deleted.

22 Mental Health (Jersey) Law 1969 amended

- (1) In this paragraph “Law” means the Mental Health (Jersey) Law 1969³⁶.
- (2) In Article 9(4) of the Law after the word “wife,” there shall be inserted the words “civil partner,”.
- (3) In Article 29 of the Law –
- (a) in paragraphs (1)(a) and (4)(b) after the word “wife” wherever it appears there shall be inserted the words “or civil partner”;
- (b) in paragraph (4)(c) after the word “wife,” there shall be inserted the words “civil partner,”;
- (c) for paragraph (5)(b) there shall be substituted the following sub-paragraph –

“(b) ‘husband’, ‘wife’ and ‘civil partner’ include a person who is living with the patient as her husband, his wife or his or her civil partner, as the case may be (or, if the patient is for the time being an in-patient in a hospital, was so living until he or she was admitted), and has been or had been so living for a period of not less than 6 months:

Provided that a person shall not be treated by virtue of this definition as the nearest relative of a married patient or a patient who is in a civil partnership unless the husband or

wife of the patient, or the civil partner of the patient, as the case may be, is disregarded by virtue of the provisions of paragraph (4)(b).”.

- (4) In Article 30 of the Law for the words “husband or wife” there shall be substituted the words “husband, wife or civil partner”.
- (5) In Article 31(1)(b) of the Law after the words “matrimonial proceedings” there shall be inserted the words “or in proceedings for the annulment or dissolution of a civil partnership”.
- (6) For Article 43(17)(c) of the Law there shall be substituted the following sub-paragraph –
 - “(c) the conduct of legal proceedings in the name, or on behalf, of the interdict including –
 - (i) the presentation of a petition for divorce or nullity of marriage, for presumption of death and dissolution of marriage, or for judicial separation, or
 - (ii) the presentation of an application for the dissolution or nullity of a civil partnership, or for a separation order in respect of civil partners;”.

23 Nursing and Residential Homes (Jersey) Law 1994 amended

- (1) In this paragraph “Law” means the Nursing and Residential Homes (Jersey) Law 1994³⁷.
- (2) In Article 2 of the Law –
 - (a) in paragraph (1)(a) after the word “wife” there shall be inserted the words “or civil partner”;
 - (b) in paragraph (2)(a) for the word “affinity” there shall be substituted the words “marriage or civil partnership”;
 - (c) for paragraph (3) there shall be substituted the following paragraph–
 - “(3) In this Article ‘husband’, ‘wife’ and ‘civil partner’ include a person who is living with a person carrying on or intending to carry on a residential care home as that person’s husband, wife or civil partner, respectively, and who has been so living for a period of not less than 6 months.”.
- (3) In Article 13(1) of the Law for the words “or surviving spouse” there shall be substituted the words “surviving spouse or surviving civil partner”.

24 Probate (Jersey) Law 1998 amended

- (1) In this paragraph “Law” means the Probate (Jersey) Law 1998³⁸.
- (2) In Article 14 of the Law –
 - (a) for paragraph (2) there shall be substituted the following paragraph –

- “(2) Subject to paragraphs (3), (5) and (6), where the person dies leaving a spouse, or a civil partner, as the case may be, the spouse or civil partner shall be the person entitled to the grant.”;
 - (b) in paragraphs (3) and (4) after the word “spouse” wherever it appears there shall be inserted the words “or civil partner”.
 - (3) For Article 30(1) of the Law there shall be substituted the following paragraph –
 - “(1) For the purposes of a grant in and the distribution of the movable estate of a deceased person who has at any time been married or in a civil partnership, the deceased person’s domicile shall be ascertained by reference to the same factors as in the case of any other individual capable of having an independent domicile.”.

25 Separation and Maintenance Orders (Jersey) Law 1953 amended

- (1) In this paragraph “Law” means the Separation and Maintenance Orders (Jersey) Law 1953³⁹.
- (2) In the long title of the Law –
 - (a) after the words “married persons” there shall be inserted the words “or civil partners”;
 - (b) after the words “the marriage” there shall be inserted the words “or civil partnership”.
- (3) In Articles 2, 4, 5, 8(2), 13 and 14, and in the heading to Article 14, of the Law after the word “marriage” wherever it appears there shall be inserted the words “or civil partnership”.
- (4) In Article 2(2)(d) and (e) of the Law after the words “matrimonial home” wherever they appear there shall be inserted the words “or civil partnership home”.
- (5) In Article 7(1) of the Law after the words “husband or the wife” there shall be inserted the words “or, in the case of a civil partnership, either of the civil partners”.

26 Social Security (Jersey) Law 1974 amended

- (1) In this paragraph “Law” means the Social Security (Jersey) Law 1974⁴⁰.
- (2) In Article 21 of the Law –
 - (a) in paragraph (1)(b) after the word “husband” there shall be inserted the words “or civil partner”; and
 - (b) after paragraph (6) there shall be inserted the following paragraph –
 - “(6A) In this Article ‘civil partner’ includes –
 - (a) a woman’s late civil partner; or
 - (b) a former civil partner,
 where the benefit is claimed in respect of a child conceived during the existence of the civil partnership.”.

- (3) In Article 23A of the Law –
- (a) for paragraph (1)(b) there shall be substituted the following subparagraph –
“(b) the person and the person’s spouse or civil partner (if any) satisfy the relevant contribution conditions.”;
 - (b) after paragraph (2) there shall be added the following paragraph –
“(3) Where the order described in paragraph (1)(a) authorizes both partners in a civil partnership to adopt a child, the civil partners shall nominate which of them is to be the person entitled under that paragraph.”.
- (4) For Article 24 of the Law there shall be substituted the following Article –

“24 Survivor’s benefit

- (1) Subject to the provisions of this Law, a surviving spouse or surviving civil partner shall be entitled to survivor’s benefit if the deceased spouse or deceased civil partner satisfied the relevant contribution conditions, and –
 - (a) in the case of a survivor’s allowance either spouse or either civil partner was not entitled to an old age pension, or was under pensionable age, at the time of the deceased spouse’s or deceased civil partner’s death; or
 - (b) in the case of a survivor’s pension, the survivor was under pensionable age at the time of the other spouse’s or civil partner’s death and was not entitled to a reduced old age pension under Article 25(1A).
- (2) The period for which survivor’s benefit is payable to a surviving spouse or surviving civil partner shall be –
 - (a) in the case of a survivor’s allowance, the 52 weeks next following the other spouse’s or other civil partner’s death; or
 - (b) in the case of a survivor’s pension, any period during which the survivor is under pensionable age and is not entitled to a survivor’s allowance or to a reduced old age pension under Article 25(1A),but the benefit shall not be payable for any period after –
 - (i) the death of the survivor,
 - (ii) the subsequent marriage of the survivor,
 - (iii) the subsequent formation of a civil partnership by the survivor, or
 - (iv) for any period during which the survivor is cohabiting with another person of either sex.
- (3) In this Article, references to the spouse or civil partner of a surviving spouse or surviving civil partner, if the survivor has been married more than once, or has formed more than one civil

- partnership, are to the person who was the survivor's last spouse or civil partner only.”.
- (5) In Article 25(4) of the Law after the word “re-marries” there shall be inserted the words “or enters into civil partnership”.
 - (6) In Article 26(1) of the Law after the word “wife,” there shall be inserted the words “civil partner,”.
 - (7) In Article 28(1)(a)(i) of the Law for the words “wife or husband” there shall be substituted the words “wife, husband or civil partner”.
 - (8) In Schedule 2 of the Law –
 - (a) for paragraph 5(2)(b) there shall be substituted the following sub-paragraph –
 - “(b) the expression ‘relevant quarter’ means the previous quarter but one before the quarter in which the confinement takes place or –
 - (i) where the relevant person is the husband and he was dead or over pensionable age on that date, the date of his attaining pensionable age or dying under that age, or
 - (ii) where the relevant person is the civil partner and she was dead or over pensionable age on that date, the date of her attaining pensionable age or dying under that age.”;
 - (b) in paragraph 6(2)(a)(i) after the word “spouse” there shall be inserted the words “or deceased civil partner”.

27 Stamp Duties and Fees (Jersey) Law 1998 amended

In Part 1 of the Schedule to the Stamp Duties and Fees (Jersey) Law 1998⁴¹ Law –

- (a) in paragraph B of the proviso to item 13(j), after the words “Matrimonial Causes (Jersey) Law 1949” there shall be inserted the words “or Article 48 of the Civil Partnership (Jersey) Law 201-⁴²”;
- (b) in paragraph C of the proviso to item 13(j) –
 - (i) after the word “spouse” there shall be inserted the words “or civil partner”,
 - (ii) after the words “matrimonial home” there shall be inserted the words “or civil partnership home”;
- (c) in paragraph B of the proviso to item 13(k), after the words “Matrimonial Causes (Jersey) Law 1949” there shall be inserted the words “or Article 48 of the Civil Partnership (Jersey) Law 201-⁴³”;
- (d) in paragraph C of the proviso to paragraph 13(k) –
 - (i) after the word “spouses” there shall be inserted the words “or civil partners”,
 - (ii) after the words “matrimonial home” there shall be inserted the words “or civil partnership home”;

- (e) in paragraph A of the proviso to item 46 –
 - (i) after the word “spouse” there shall be inserted the words “or civil partner”,
 - (ii) after the words “matrimonial home” there shall be inserted the words “or civil partnership home, as the case may be,”.

28 Taxation (Land Transactions) (Jersey) Law 2009 amended

In the Schedule to the Taxation (Land Transactions) (Jersey) Law 2009⁴⁴, for paragraphs 6 and 7 there shall be substituted the following paragraphs –

“6 Sole ownership into joint ownership: matrimonial property or civil partnership property

- (1) This paragraph applies where a transaction described in paragraph 2(4) –
 - (a) takes place by reason of an order made by the Royal Court under Article 28 of the Matrimonial Causes (Jersey) Law 1949, or Article 48 of the Civil Partnership (Jersey) Law 201⁻⁴⁵; or
 - (b) is a transaction whereby shares formerly owned by, or held on trust for the benefit of, an individual are jointly owned by, or held on trust for the joint benefit of, that individual and his or her spouse or civil partner and, at the time of the transaction, the land is their matrimonial home or civil partnership home.
- (2) In a case to which this paragraph applies, LTT shall be charged at the rate of £60.

7 Joint ownership into sole ownership: matrimonial property or civil partnership property

- (1) This paragraph applies where a transaction described in paragraph 2(5) –
 - (a) takes place by reason of an order made by the Royal Court under Article 28 of the Matrimonial Causes (Jersey) Law 1949, or under Article 48 of the Civil Partnership (Jersey) Law 201⁻⁴⁶; or
 - (b) is a transaction whereby shares formerly owned by, or held on trust for the benefit of, spouses or civil partnership home jointly are solely owned by, or held on trust for the sole benefit of, one of them and, at the time of the transaction, the land is their matrimonial home or civil partnership home.
- (2) In a case to which this paragraph applies, LTT shall be charged at the rate of £60.”.

29 Wills and Successions (Jersey) Law 1993 amended

- (1) In this paragraph “Law” means the Wills and Successions (Jersey) Law 1993⁴⁷.
- (2) In Article 1(1) of the Law –
 - (a) immediately before the definition of “Court” there shall be inserted the following definition –

“ ‘civil partnership home’ means a dwelling place situate in Jersey occupied as their principal residence by a person and that person’s civil partner which is –

 - (a) a *bien-fonds* owned by that person or by that person and that person’s civil partner as tenants in common;
 - (b) held under a lease for a term of years exceeding at its commencement 9 years under which that person is the tenant or that person and that person’s civil partner are the tenants; or
 - (c) a *bien-fonds* owned, or held under a lease for a term of years exceeding at its commencement 9 years, by a corporation of which that person holds or that person and that person’s civil partner hold –
 - (i) all the issued and outstanding shares, or
 - (ii) a share or shares the holding of which, whether or not coupled with the grant of a lease or licence, confers an exclusive right to occupy the dwelling place;”;
 - (b) in the definition of “*usufruit* of the matrimonial home” for the words beginning “ ‘*usufruit* of the matrimonial home’ ” and ending “surviving spouse were –” there shall be substituted the words –

“ ‘*usufruit* of the matrimonial home or the civil partnership home’ includes a *usufruit* of the interest of a deceased spouse or deceased civil partner in the home where in relation to the dwelling place constituting the home the deceased spouse or deceased civil partner, and the surviving spouse or the surviving civil partner, as the case requires, were –”.
- (3) In the heading to Part 3 of the Law, after the word “SPOUSE” there shall be inserted the words “OR SURVIVING CIVIL PARTNER”.
- (4) For Article 5 of the Law there shall be substituted the following Article –

“5 Right of surviving spouse to life enjoyment of matrimonial home or surviving civil partner to life enjoyment of civil partnership home”.

- (1) Unless under the provisions of Article 6 or 7 the surviving spouse or surviving civil partner is entitled absolutely to the matrimonial home or civil partnership home and subject to the provisions of Article 8, where a spouse or civil partner dies intestate as to the matrimonial home or civil partnership home, the surviving spouse or surviving civil partner shall be entitled to a *usufruit* of the

matrimonial home or civil partnership home with the usual rights and obligations of a *usufruitier*.

- (2) Notwithstanding any provision in a lease requiring consent to the transfer of such lease, the surviving spouse or surviving civil partner shall not require such consent to take a transfer of the lease of demised premises in pursuance of paragraph (1).”.
- (5) In Article 6 of the Law –
- (a) in paragraph (1) –
- (i) after the word “spouse” where it first appears there shall be inserted the words “or civil partner”,
- (ii) after the words “surviving spouse” there shall be inserted the words “or the surviving civil partner”,
- (iii) after the words “deceased spouse” in every place where they appear there shall be inserted the words “or the deceased civil partner”;
- (b) in paragraph (3) –
- (i) after the words “a spouse” there shall be inserted the words “or civil partner”,
- (ii) after the words “the surviving spouse” there shall be inserted the words “or the surviving civil partner”,
- (iii) after the words “the deceased spouse” there shall be inserted the words “or the deceased civil partner”.
- (6) After Article 6 of the Law there shall be inserted the following Article –

“6A Extension of *douaire* to civil partners

- (1) Subject to paragraph (2), where a civil partner dies testate as to immovable estate, his or her surviving civil partner shall be entitled to dower in such immovable estate to the same extent and upon the same terms as a widow is entitled to dower in the immovable estate as to which her husband died testate.
- (2) The entitlement of a civil partner to dower is unaffected by the rule of law expressed in the maxim ‘*le douaire se gagne au coucher*’.
- (3) This Article shall not confer an entitlement to dower in the immovable estate of a civil partner who died before the date on which the Civil Partnership (Jersey) Law 201-⁴⁸ came into force.”.
- (7) In Article 7 of the Law –
- (a) in paragraph (1) after the word “spouse” where it first appears there shall be inserted the words “or civil partner”;
- (b) in paragraph (1)(a) for the words “the deceased spouse leaves a surviving spouse but no issue, the surviving spouse” there shall be substituted the words “the deceased spouse or the deceased civil partner leaves a surviving spouse or a surviving civil partner, as the case may be, but no issue, the surviving spouse or the surviving civil partner,”;

- (c) in paragraph (1)(b) for the words “the deceased spouse leaves a surviving spouse and issue, the surviving spouse” there shall be substituted the words “the deceased spouse or the deceased civil partner leaves a surviving spouse or a surviving civil partner and issue, the surviving spouse or the surviving civil partner, as the case may be.”;
- (d) for paragraph (2) there shall be substituted the following paragraph –
- “(2) Subject to the provisions of Article 8, where a person dies testate as to movable estate and is survived by –
- (a) a spouse or civil partner but no issue, the surviving spouse or surviving civil partner, as the case may be, shall be entitled to claim as *légitime* –
- (i) the household effects, and
- (ii) two-thirds of the rest of the net movable estate;
- (b) a spouse or civil partner and issue –
- (i) the surviving spouse or surviving civil partner, as the case may be, shall be entitled to claim as *légitime* the household effects and one-third of the rest of the net movable estate, and
- (ii) the issue shall be entitled to claim as *légitime* one-third of the rest of the net movable estate;
- (c) issue but no spouse or civil partner, the issue shall be entitled to claim as *légitime* two-thirds of the net movable estate.”;
- (e) in paragraph (4) –
- (i) after the words “matrimonial home” there shall be inserted the words “or civil partnership home”,
- (ii) in sub-paragraph (e) after the words “deceased spouse” there shall be inserted “or deceased civil partner”;
- (f) in paragraph (5) –
- (i) after the words “deceased spouse” in both places where they appear there shall be inserted “or the deceased civil partner”,
- (ii) after the words “deceased spouse’s life” there shall be inserted the words “, or the deceased civil partner’s life.”.
- (8) After Article 8 of the Law there shall be added the following Article –
- “8AA Civil partners living apart**
- (1) The provisions of Articles 5, 6 and 7 operating to confer property or any *usufruit*, interest, right or title in or to property on a surviving civil partner (in this Article referred to as the ‘surviving civil partner provisions’) shall not apply where –
- (a) at the date of the death of the deceased civil partner the deceased civil partner and the surviving civil partner were not residing together; and

- (b) either –
 - (i) the surviving civil partner had deserted the deceased civil partner without cause and such desertion was continuing, or
 - (ii) a separation order with respect to the surviving spouse had been granted by a court to the deceased civil partner.
- (2) Where, by operation of the provisions of paragraph (1), the surviving civil partner provisions do not apply to a surviving civil partner, any property of the deceased civil partner to which the surviving civil partner provisions would otherwise have applied shall devolve as if the surviving civil partner had died immediately before the deceased civil partner.”.
- (9) In Article 10 of the Law in the proviso to paragraph (4) –
 - (a) after the words “surviving spouse” there shall be inserted the words “or surviving civil partner”; and
 - (b) after the words “that spouse” in both places where they appear there shall be inserted the words “or that civil partner”.
- (10) For Article 16 of the Law there shall be substituted the following Article –

“16 Testamentary dispositions and appointments revoked by divorce or dissolution of civil partnership

- (1) If a will contains a devise, legacy or other gift in favour of the testator’s spouse or appoints the testator’s spouse as executor of the will, such devise, legacy, other gift or appointment shall, subject to any provision to the contrary contained in the will, be revoked, if after the execution of the will the marriage of the testator and the testator’s spouse is dissolved or annulled.
- (2) If a will contains a devise, legacy or other gift in favour of the testator’s civil partner or appoints the testator’s civil partner as executor of the will, such devise, legacy, other gift or appointment shall, subject to any provision to the contrary contained in the will, be revoked, if after the execution of the will the civil partnership of the testator and the testator’s civil partner is dissolved or annulled.”.
- (11) In Article 17 of the Law after the words “is married” there shall be inserted the words “or is in a civil partnership”.

30 Miscellaneous enactments amended

- (1) In the following enactments after the word “spouse” wherever it appears there shall be inserted the words “or civil partner” –
 - (a) Article 25(2) of the Child Abduction and Custody (Jersey) Law 2005⁴⁹;

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- (b) Article 17(2) of the Child Custody (Jurisdiction) (Jersey) Law 2005⁵⁰;
 - (c) Article 32(2) of the Consumer Safety (Jersey) Law 2006⁵¹;
 - (d) Article 3(1)(e) of the Protection of Employment Opportunities (Jersey) Law 1988⁵².
- (2) In the following enactments after the word “wife” wherever it appears there shall be inserted the words “or civil partner” –
- (a) Article 12(4) of the Health and Safety at Work (Jersey) Law 1989⁵³;
 - (b) Article 6(15)(d) of the Police Procedures and Criminal Evidence (Jersey) Law 2003⁵⁴;
 - (c) Article 157(8) of the Shipping (Jersey) Law 2002⁵⁵;
 - (d) Article 169(6) of the Shipping (Jersey) Law 2002⁵⁶, in the definition of “immediate family”.
- (3) In Article 5(1)(a) of the Burials and Exhumations (Jersey) Law 2004⁵⁷ after the words “surviving spouse” there shall be inserted the words “or surviving civil partner”.
- (4) In Article 3(2) and (3) of the Goods and Services Tax (Jersey) Law 2007⁵⁸ after the word “husband” wherever it appears there shall be inserted the words “or civil partner”.
- (5) In Article 2(1) of the Child Abduction and Custody (Jersey) Law 2005⁵⁹, after sub-paragraph (c) there shall be inserted the following sub-paragraph –
- “(ca) an order under Article 44 of the Civil Partnership (Jersey) Law 201-⁶⁰”.

1	<i>chapter 12.200</i>
2	<i>chapter 12.600</i>
3	<i>chapter 20.650</i>
4	<i>chapter 07.770</i>
5	<i>chapter 15.560</i>
6	<i>chapter 12.800</i>
7	<i>chapter 12.320</i>
8	<i>chapter 18.495</i>
9	<i>chapter 12.050</i>
10	<i>P.85/2011</i>
11	<i>chapter 20.025</i>
12	<i>chapter 13.075</i>
13	<i>chapter 04.160</i>
14	<i>chapter 12.200</i>
15	<i>P.85/2011</i>
16	<i>chapter 13.125</i>
17	<i>chapter 05.255</i>
18	<i>chapter 04.440</i>
19	<i>chapter 13.225</i>
20	<i>chapter 12.320</i>
21	<i>P.85/2011</i>
22	<i>chapter 24.750</i>
23	<i>chapter 15.360</i>
24	<i>P.85/2011</i>
25	<i>chapter 04.120</i>
26	<i>chapter 08.740</i>
27	<i>chapter 18.495</i>
28	<i>P.85/2011</i>
29	<i>chapter 07.910</i>
30	<i>chapter 18.180</i>
31	<i>chapter 12.500</i>
32	<i>P.85/2011</i>
33	<i>chapter 12.550</i>
34	<i>chapter 12.600</i>
35	<i>chapter 12.650</i>
36	<i>chapter 20.650</i>
37	<i>chapter 20.725</i>
38	<i>chapter 04.720</i>
39	<i>chapter 12.800</i>
40	<i>chapter 26.900</i>
41	<i>chapter 24.960</i>
42	<i>P.85/2011</i>
43	<i>P.85/2011</i>
44	<i>chapter 24.980</i>
45	<i>P.85/2011</i>
46	<i>P.85/2011</i>
47	<i>chapter 04.960</i>
48	<i>P.85/2011</i>
49	<i>chapter 12.170</i>
50	<i>chapter 12.180</i>
51	<i>chapter 05.100</i>
52	<i>chapter 05.625</i>
53	<i>chapter 05.300</i>

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- 54 *chapter 23.750*
 - 55 *chapter 19.885*
 - 56 *chapter 19.885*
 - 57 *L.22/2004*
 - 58 *chapter 24.700*
 - 59 *chapter 12.170*
 - 60 *P.85/2011*