

STATES OF JERSEY



DRAFT CIVIL PARTNERSHIPS (CONSEQUENTIAL AMENDMENTS) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 7th February 2012
by the Chief Minister**

STATES GREFFE



Jersey

DRAFT CIVIL PARTNERSHIPS (CONSEQUENTIAL AMENDMENTS) (JERSEY) REGULATIONS 201-

REPORT

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 [requested] the Chief Minister to bring forward for approval by the States the necessary draft legislation to give effect to the proposal".

Following the States' decision, law drafting work commenced to produce an appropriate Law and amend all primary legislation already in existence that required substantial amendment to give effect to the policy. The Draft Civil Partnership (Jersey) Law 201- (P.85/2011) was adopted by the States on 12th July 2011 and has now received Royal Assent and has been registered in the Royal Court.

Following adoption of the Civil Partnership (Jersey) Law 2012 by the States, the second phase of law drafting commenced, to amend all relevant subordinate legislation and any remaining primary legislation in order to ensure that civil partners are treated, so far as possible, in the same way as married couples. It thereby enables the Civil Partnership Law to be fully effective when it comes into force by way of an Appointed Day Act.

These amendments are presented as the Civil Partnership (Consequential Amendments) (Jersey) Regulations 201-.

The Regulations make amendments to a wide range of subordinate legislation. The majority of the consequential amendments contained in these Regulations insert the term 'civil partner' so as to allow those in civil partnerships to enjoy the same benefits, rights and responsibilities as married couples.

The most notable amendments are explained further below. It should be noted that these Regulations are the first set of consequential amendments to be brought forward by way of Regulations. Where other amendments are identified as being necessary, these can be made at a later date, by way of further Regulations, as this is very much an ongoing process.

Regulation 18 amends the Housing (General Provisions) (Jersey) Regulations 1970 so that a consent to a sale or lease of land may be granted by the Minister for Housing to the civil partner of a person with housing qualifications, in the same way as a consent would be granted to a spouse of a qualified person. When the Control of Housing and

Work (Jersey) Law 201- comes into force, a similar amendment will be made so as to ensure that civil partners enjoy the same rights under that Law as spouses.

Most notably, the Regulations also include changes to the occupational pension schemes (see Regulations 30 – 35, 50 and 51), in which civil partners will enjoy identical benefits as those enjoyed by spouses and their widows/widowers and dependants:

In relation to two “closed schemes” within the pensions legislation, members who become civil partners will not enjoy the same benefits to those enjoyed by widows. The two “closed’ schemes” are –

- Public Employees (Contributory Retirement Scheme) (Jersey) Regulations 1967;
- Public Employees (Contributory Retirement Scheme) (Former Hospital Scheme) (Jersey) Regulations 1992.

In 1987 the members of the scheme contained in the 1967 Regulations, and in 1992 the members of the Former Hospital Scheme contained in the 1992 Regulations, were given the option to remain under those schemes or to transfer into the PE CRS Existing Members Scheme or the PE CRS New Members Scheme. Some 85% of members chose to move to the newer schemes. Those who opted to remain were given an undertaking by the States that their benefits, under those closed schemes, would ‘never be diminished nor would they be enhanced’. The closed schemes were effectively mothballed and frozen in time.

Benefits enjoyed by members under those closed schemes remain different to the newer schemes. For instance, there are differences in optional and normal retirement ages between men and women, lower “death-in-service” benefits, no medical retirement enhancements, no option for commutation of pension (tax free lump sums) and no dependant’s pension. In addition, these closed schemes do not include “widower’s pensions”. Past legal advice has indicated that the closed schemes would not, today, be considered Human Rights compliant but may be considered as compliant under Human Rights legislation because members were given the option to move to the newer schemes (but many chose not to).

Those members who chose to remain within the closed schemes retained the guarantee of index linking to pensions and an earlier optional and normal retirement age for women.

It would seem anomalous to introduce widower’s pensions into the scheme going forward, which would immediately create a financial liability for the scheme, and might also leave the States open to claims from widower’s who in the past were not eligible for a pension.

It is also anomalous to introduce pensions for civil partners when neither scheme has a provision for widower pensions. In addition, if it were decided to introduce pensions for civil partners into these two schemes, either only female civil partners would benefit by a “widow’s” pension, i.e. two males in a civil partnership would never be considered a ‘widow’ so would not be eligible, or alternatively, if one member of any civil partnership were treated as being the equivalent of a widow, and the other the equivalent of a widower (whatever the sex of the partnership), that would result in both male and female civil partners benefiting, but not widowers.

Although these two schemes will not enable civil partners to have the same rights as widows under the schemes, children of civil partners will nevertheless be treated in the same way as children of married couples.

It is considered highly unlikely that the policy not to provide for civil partners to enjoy the benefits of these two closed schemes would result in any civil partner being disadvantaged, given that there are only 102 active members in the 1967 Regulations scheme, and 11 under the 1992 Regulations scheme.

Financial and manpower implications

Members are invited to refer back to P.85/2011 and note that no further resource implications for the States have been identified as a consequence of the adoption of these Draft Regulations.

Explanatory Note

These Regulations are made to coincide with the coming into force of the Civil Partnership (Jersey) Law 2012. They make further consequential amendments to Laws, Regulations and Orders that make provision in respect of marriage, spouses, widows and widowers so that all such provisions also apply, so far as possible in the same way in respect of civil partnerships and civil partners.



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Jersey

DRAFT CIVIL PARTNERSHIPS (CONSEQUENTIAL AMENDMENTS) (JERSEY) REGULATIONS 201-

Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES, in pursuance of Articles 71 and 72 of the Civil Partnership (Jersey) Law 2012¹, have made the following Regulations –

1 Building Loans (Jersey) Law 1950 amended

In the Building Loans (Jersey) Law 1950², in Article 7(1), for the words “(excluding the eventual right of dower of the wife, if any, of that person)” there shall be substituted the words “(excluding any eventual right of dower)”.

2 Building Loans (Miscellaneous Provisions) (Jersey) Regulations 1961 amended

In the Building Loans (Miscellaneous Provisions) (Jersey) Regulations 1961³ –

- (a) in Regulation 2 after the word “married” there shall be inserted the words “or in a civil partnership”;
- (b) after Regulation 5 there shall be inserted the following Regulation –

“5A

A loan may be made to civil partners jointly if the property on which the loan is to be secured is or will be owned by them for themselves and the survivor of them and the heirs of such survivor and if both civil partners satisfy the conditions specified in Regulation 1.”.

3 Civil Evidence (Jersey) Law 2003 amended

In the Civil Evidence (Jersey) Law 2003⁴, in Article 9A, in the heading and paragraph (1), after the word “spouse” there shall be inserted the words “or civil partner”.

4 Collective Investment Funds (Jersey) Law 1988 amended

In the Collective Investment Funds (Jersey) Law 1988⁵, in Article 1(1), in the definition “associate” after the word “wife,” there shall be inserted the words “civil partner.”

5 Collective Investment Funds (Recognized Funds) (Permit Conditions for Functionaries) (Jersey) Order 1988 amended

In the Collective Investment Funds (Recognized Funds) (Permit Conditions for Functionaries) (Jersey) Order 1988⁶, in Article 1(1) –

- (a) after the definition “cancellation price” there shall be inserted the following definition –
 - “ ‘civil partner’ includes a reputed civil partner or a person cohabiting with another as a civil partner;”;
- (b) in the definition “close relative”, after the word “spouse,” there shall be inserted the words “civil partner.”;
- (c) in paragraph (c) of the definition “connected customer”, after the word “spouse” there shall be inserted the words “or civil partner”.

6 Collective Investment Funds (Recognized Funds) (Rules) (Jersey) Order 2003 amended

In the Collective Investment Funds (Recognized Funds) (Rules) (Jersey) Order 2003⁷, in the Schedule, in the Glossary in Rules Schedule 4, in the definition “controller” after the word “husband,” there shall be inserted the words “civil partner.”

7 Collective Investment Funds (Unregulated Funds) (Jersey) Order 2008 amended

In the Collective Investment Funds (Unregulated Funds) (Jersey) Order 2008⁸, in Schedule 1 –

- (a) in paragraph 6(2)(j), (4) and (5), after the word “spouse” wherever it appears there shall be inserted the words “or civil partner.”;
- (b) in paragraph 6(6), after the word “spouse’s” there shall be inserted the words “or civil partner’s”.

8 Companies (Standard Table) (Jersey) Order 1992 amended

In the Companies (Standard Table) (Jersey) Order 1992⁹, in the Schedule, in regulation 78 of the Standard Table, for the words “(including a spouse and a former spouse)” there shall be substituted the words “(including a spouse or civil partner and a former spouse or former civil partner)”.

9 Court of Appeal (Jersey) Law 1961 amended

In the Court of Appeal (Jersey) Law 1961¹⁰ –

- (a) in Article 13(1)(b), after the word “marriage” there shall be inserted the words “or civil partnership”;
- (b) in Article 34(c) after the word “wife” in both places where it appears there shall be inserted the words “or civil partner”.

10 Cremation (Jersey) Regulations 1961 amended

In the Cremation (Jersey) Regulations 1961¹¹ –

- (a) in Schedule 1, for the form entitled “APPLICATION FOR CREMATION” there shall be substituted the form in Part 1 of Schedule 1;
- (b) in Schedule 7 for the form entitled “REGISTER OF CREMATIONS” there shall be substituted the form in Part 2 of Schedule 1.

11 Customs and Excise (Import and Export Control) (Jersey) Order 2006 amended

In the Customs and Excise (Import and Export Control) (Jersey) Order 2006¹², in Schedule 3, in paragraph 3 –

- (a) in sub-paragraph (a) for the word “marriage” there shall be substituted the words “marriage, civil partnership”;
- (b) in sub-paragraphs (a) and (b) after the word “spouse” there shall be inserted the words “or civil partner”;
- (c) in sub-paragraph (c) for the words “widow or widower” there shall be substituted the words “civil partner or surviving spouse or civil partner”.

12 Education (Discretionary Grants – General) (Jersey) Order 2008 amended

- (1) In this Regulation “Order” means the Education (Discretionary Grants – General) (Jersey) Order 2008¹³.
- (2) For Article 2(1)(b) of the Order there shall be substituted the following sub-paragraph –
 - “(b) has been married or in a civil partnership for at least 3 years, whether or not still married or still in a civil partnership.”.
- (3) For Article 5 of the Order there shall be substituted the following Article –

“5 Relevant income of independent student

- (1) The relevant income in respect of an independent student for an academic year is the sum of –
 - (a) the student’s income for the calendar year in which the academic year starts; and
 - (b) if –

- (i) the student is married – the student’s spouse’s income for the calendar year in which the academic year starts, or
 - (ii) the student is in a civil partnership – the student’s civil partner’s income for the calendar year in which the academic year starts.
- (2) Despite paragraph (1)(b), the income of a student’s spouse or civil partner, as the case may be, shall not be taken into account during any part of the calendar year when the student is not married or in a civil partnership, or is not living in a married relationship or in a civil partnership relationship.”.

13 Employers’ Liability (Compulsory Insurance) (Jersey) Law 1973 amended

In the Employers’ Liability (Compulsory Insurance) (Jersey) Law 1973¹⁴, in Article 1(2)(a) after the word “wife,” there shall be inserted the words “civil partner,”.

14 Financial Services (Investment Business (Client Assets)) (Jersey) Order 2001 amended

In the Financial Services (Investment Business (Client Assets)) (Jersey) Order 2001¹⁵, in Article 1, in the definition “connected customer” after the word “spouse,” there shall be inserted the words “civil partner,”.

15 Gambling (Licensing Provisions) (Jersey) Regulations 1965 amended

In the Gambling (Licensing Provisions) (Jersey) Regulations 1965¹⁶ –

- (a) in Regulation 1(1), in the definition “associate” after the word “wife,” there shall be inserted the words “civil partner,”;
- (b) in Regulation 9(4) after the word “spouse,” wherever it appears there shall be inserted the words “civil partner,”.

16 Gender Recognition (Disclosure of Information) (Jersey) Order 2010 amended

In the Gender Recognition (Disclosure of Information) (Jersey) Order 2010¹⁷, in Article 3(2), after the word “marriage” in both places where it appears there shall be inserted the words “or civil partnership”.

17 Goods and Services Tax (Jersey) Law 2007 amended

In the Goods and Services Tax (Jersey) Law 2007¹⁸, in Article 3(2) and (3), for the words “wife or husband” wherever they appear there shall be substituted the words “wife, husband or civil partner”.

18 Housing (General Provisions) (Jersey) Regulations 1970 amended

In the Housing (General Provisions) (Jersey) Regulations 1970¹⁹ –

- (a) in Regulation 1(1)(n) and (9)(b) of after the word “spouse” wherever it appears there shall be inserted the words “or civil partner”;
- (b) in Regulation 1(9)(b), after the word “marriage” in both places where it appears there shall be inserted the words “or civil partnership”.

19 Immigration (Fees) (Jersey) Order 2010 amended

In the Immigration (Fees) (Jersey) Order 2010²⁰, in Article 1 –

- (a) after the definition “child” there shall be inserted the following definition –
 - “ ‘civil partner’ in relation to a person includes the same-sex partner of the person;”.
- (b) in the definition “dependant”, after the word “spouse” in both places where it appears there shall be inserted the words “or civil partner”.

20 Income Support (General Provisions) (Jersey) Order 2008

In the Income Support (General Provisions) (Jersey) Order 2008²¹ –

- (a) for Article 5(1)(a) there shall be substituted the following subparagraphs –
 - “(a) they are married to each other (unless they are living separately in the dwelling under a formal agreement) or are in a marriage-like relationship;
 - (aa) they have formed a civil partnership with each other (unless they are living separately in the dwelling under a formal agreement) or are in a civil partnership-like relationship;”;
- (b) in Schedule 2, in paragraph 4(1)(c)(ii) after the word “spouse” there shall be inserted the words “or civil partner”.

21 Income Tax (Purchased Life Annuities) (Jersey) Order 1959 amended

- (1) In this Regulation “Order” means the Income Tax (Purchased Life Annuities) (Jersey) Order 1959²².
- (2) After Article 13 of the Order there shall be inserted the following Article –

“13A

Where the payee is regarded as civil partner B for the purposes of Part 16A of the Law and is living with his or her civil partner A, any reference in this Order to repaying tax to the payee or to charging tax on the payee shall be construed as requiring tax to be repaid to, or charged on, the civil partner of civil partner B.”.

- (3) For Article 15 of the Order there shall be substituted the following Article –

“15

Where a determination is varied on appeal or by virtue of Article 7, and any tax deducted from or assessed and charged upon a payment on account of the annuity is repaid under Article 9 or 10 –

- (a) a corresponding adjustment shall be made in estimating for the purposes of the Law, the total income –
- (i) of the payee,
 - (ii) if the payee is a married woman living with her husband, of her husband, or
 - (iii) if the payee is a civil partner who, for the purposes of Part 16A of the Law is civil partner B and is living with his or her civil partner, of civil partner A,

for the year in which the payment fell due; and

- (b) notwithstanding anything in the Law, such consequential adjustments of the payee’s liability to income tax as may be necessary shall be made by assessment or by repayment, as the case may require.”.

- (4) In Part 1 of the Schedule to the Order, for paragraph 6 there shall be substituted the following paragraph –

“6. The name and address of the annuitant, and –

- (a) if the annuitant is a married woman, the name of her husband; or
- (b) if the annuitant is a civil partner B for the purposes of Part 16A of the Law, the name of his or her civil partner.”.

22 Income Tax (Superannuation Funds) (Jersey) Order 1972 amended

- (1) In this Regulation “Order” means Income Tax (Superannuation Funds) (Jersey) Order 1972²³.
- (2) In Article 5(2)(b) of the Order after the words “the widow,” there shall be inserted the words “surviving civil partner,”.
- (3) In Article 5(2F)(a) of the Order after the words “the widow” there shall be inserted the words “or surviving civil partner”.
- (4) In Article 6 of the Order after the words “the widow,” there shall be inserted the words “surviving civil partner,”.

23 Insurance Business (Jersey) Law 1996 amended

In the Insurance Business (Jersey) Law 1996²⁴ –

- (a) in Article 1(1) in the definition “associate”, after the word “wife,” there shall be inserted the words “civil partner,”;

- (b) in Part 1 of Schedule 1, in item number II after the word “marriage” in both places where it appears there shall be inserted the words “or civil partnership”.

24 Invalid Care Allowance (Jersey) Order 2008 amended

- (1) In this Regulation “Order” means the Invalid Care Allowance (Jersey) Order 2008²⁵.
- (2) In Article 3 of the Order after the word “spouse,” there shall be inserted the words “civil partner,”.
- (3) For Article 5(2) of the Order there shall be substituted the following paragraph –

“(2) For the purposes of this Article –

- (a) a person’s income shall be deemed to include that of his or her spouse (unless they are living separately under a formal agreement) or that of a person with whom he or she is in a marriage-like relationship; and
- (b) a person’s income shall be deemed to include that of his or her civil partner (unless they are living separately under a formal agreement) or that of a person with whom he or she is in a civil partnership-like relationship.”.

25 Motor Vehicles (International Circulation) (Jersey) Regulations 1958 amended

In the Motor Vehicles (International Circulation) (Jersey) Regulations 1958²⁶, in Regulation 2(6) in the definition “dependants” after the word “husband” there shall be inserted the words “or civil partner”.

26 Organisation for Economic Co-operation and Development (Immunities and Privileges) (Jersey) Regulations 1999 amended

In the Organisation for Economic Co-operation and Development (Immunities and Privileges) (Jersey) Regulations 1999²⁷, in Regulation 12(3) after the word “spouse” there shall be inserted the words “or civil partner”.

27 Police Force (General Provisions) (Jersey) Order 1974 amended

In the Police Force (General Provisions) (Jersey) Order 1974²⁸ –

- (a) in Article 3 –
 - (i) in paragraph (1), after the word “husband” there shall be inserted the words “or civil partner”,
 - (ii) in paragraph (2) after the word “wife” there shall be inserted the words “or civil partner”;
- (b) in Article 9(2) after the word “marriage” there shall be inserted the words “or civil partnership”.

28 Police Procedures and Criminal Evidence (Jersey) Law 2003 amended

In the Police Procedures and Criminal Evidence (Jersey) Law 2003²⁹, in Article 6(15)(d), in the definition “relative” after the word “wife” there shall be inserted the words “or civil partner”.

29 Port Control Unit (General Provisions) (Jersey) Order 1983 amended

In the Port Control Unit (General Provisions) (Jersey) Order 1983³⁰ –

- (a) in Article 1(2), after the word “wife” there shall be inserted the words “, civil partner”;
- (b) in Article 1(3), after the word “wife,” there shall be inserted the words “or civil partner”;
- (c) in Article 6(2) after the word “marriage” there shall be inserted the words “or civil partnership”.

30 Public Employees (Contributory Retirement Scheme) (Existing Members) (Jersey) Regulations 1989 amended

(1) In this Regulation “Regulations” means the Public Employees (Contributory Retirement Scheme) (Existing Members) (Jersey) Regulations 1989³¹.

(2) In Regulation 1 of the Regulations –

- (a) in the definition “child”, in paragraph (b), after the word “marriage” there shall be inserted the words “or civil partnership”;
- (b) for the definition “relations” there shall be substituted the following definition –

“ ‘relations’ means –

- (a) the widow, widower or surviving civil partner of the member or any former husband, wife or civil partner of the member;
- (b) any child or other descendant of the member and the husband, wife, civil partner, widow, widower or surviving civil partner of any such child or other descendant;
- (c) the father or mother (whether natural or adoptive) or other ancestor of the member and the widow, widower or surviving civil partner of such father, mother or other ancestor; and
- (d) any brother or sister of the member (whether of the whole blood or the half blood and whether natural or adoptive) and the widow, widower or surviving civil partner of any such person,

and for this purpose ‘child’ includes a stepchild, a legally adopted child and a child to whom in the opinion of the Committee the member or other person as appropriate stands, or would but for the member’s death have stood, *in loco parentis*;”.

(3) In Regulation 9 of the Regulations –

-
- (a) in paragraph (3) –
 - (i) for the words “a male who leaves a spouse or” there shall be substituted the words “a male who leaves a spouse, a male or female who leaves his or her civil partner, or”,
 - (ii) after the words “the spouse,” there shall be inserted the words “or the surviving civil partner, as the case may be,”;
 - (b) in paragraph (4) –
 - (i) after the words “leave a spouse” there shall be inserted the words “or a surviving civil partner”,
 - (ii) in sub-paragraphs (a) and (b) after the words “a spouse’s pension” there shall be inserted the words “or a surviving civil partner’s pension, as the case may be”;
 - (c) in paragraph (5) –
 - (i) after the words “the spouse” wherever they appear there shall be inserted the words “or the surviving civil partner”,
 - (ii) after the words “a spouse’s pension” in both places where it appears there shall be inserted the words “or a surviving civil partner’s pension, as the case may be”.
- (4) In Regulation 10 of the Regulations –
- (a) for paragraph (2) there shall be substituted the following paragraph –

“(2) If the member is a male who dies leaving a spouse, a male or female who dies leaving his or her surviving civil partner, or a female who dies on or after 1st January 1993 leaving a spouse, a pension shall be payable to the spouse or surviving civil partner, as the case may be, the annual rate of which shall be ½ of the pension which the member would have received if he or she had retired on the day immediately preceding his or her death (subject to proviso (b) to the definition ‘final pensionable salary’, which shall be deemed to apply) without making an election under Regulation 13, 14 or 15.”;
 - (b) in paragraph (3) –
 - (i) after the words “leave a spouse” there shall be inserted the words “or a surviving civil partner”,
 - (ii) in sub-paragraphs (a) and (b) after the words “a spouse’s pension” there shall be inserted the words “or a surviving civil partner’s pension, as the case may be”.
- (5) In Regulation 11 of the Regulations –
- (a) in paragraph (1) after the word “marriage” there shall be inserted the words “or civil partnership”;
 - (b) in paragraph (2) –
 - (i) for the words “leaves a spouse or” there shall be substituted the words “dies leaving a spouse, a male or female pensioner dies leaving his or her civil partner, or”,

- (ii) after the words “the spouse” there shall be inserted the words “or surviving civil partner, as the case may be”;
 - (c) in paragraph (3) –
 - (i) after the words “leave a spouse” there shall be inserted the words “or a surviving civil partner”,
 - (ii) in sub-paragraphs (a) and (b) after the words “a spouse’s pension” there shall be inserted the words “or a surviving civil partner’s pension, as the case may be,”.
- (6) In Regulation 12 of the Regulations –
 - (a) in paragraph (2) –
 - (i) for the words “leaves a spouse or” there shall be substituted the words “dies leaving a spouse, a male or female deferred pensioner dies leaving his or her civil partner or,”,
 - (ii) after the words “the spouse” there shall be inserted the words “or surviving civil partner, as the case may be,”;
 - (b) in paragraph (3) –
 - (i) after the words “leave a spouse” there shall be inserted the words “or a surviving civil partner”,
 - (ii) in sub-paragraphs (a) and (b) after the words “a spouse’s pension” there shall be inserted the words “or a surviving civil partner’s pension, as the case may be,”.

31 Public Employees (Contributory Retirement Scheme) (Former Hospital Scheme) (Jersey) Regulations 1992 amended

- (1) In this Regulation “Regulations” means the Public Employees (Contributory Retirement Scheme) (Former Hospital Scheme) (Jersey) Regulations 1992³².
- (2) In Regulation 1 of the Regulations –
 - (a) in the definition “child”, in sub-paragraph (b) after the word “marriage” there shall be inserted the words “or civil partnership”;
 - (b) in the definition “dependant”, after the word “spouse” there shall be inserted the words “or civil partner”;
 - (c) for the definition “relations” there shall be substituted the following definition –
 - “ ‘relations’ means –
 - (a) the widow, widower or surviving civil partner of the member or any former husband, wife or civil partner of the member;
 - (b) any child or other descendant of the member and the husband, wife, civil partner, widow, widower or surviving civil partner of any such child or other descendant;
 - (c) the father or mother (whether natural or adoptive) or other ancestor of the member and the widow, widower or surviving civil partner of such father, mother or other ancestor; and

- (d) any brother or sister of the member (whether of the whole blood or the half blood and whether natural or adoptive) and the widow, widower or surviving civil partner of any such person,

and for this purpose ‘child’ includes a stepchild, a legally adopted child and a child to whom in the opinion of the Committee the member or other person as appropriate stands, or would but for the member’s death have stood, *in loco parentis*”.

- (3) For Regulation 13 of the Regulations there shall be substituted the following Regulation –

“13 Widow’s pension

A widow’s pension shall cease to be payable to a widow –

- (a) if she remarries, as from the date of such marriage;
- (b) during any period during which she is cohabiting with a man as the man’s wife;
- (c) if she enters into a civil partnership, as from the date of such civil partnership;
- (d) during any period during which she is cohabiting with a woman as the woman’s civil partner.”.

- (4) In Regulation 19 of the Regulations after the word “wife” there shall be inserted the words “or civil partner”.

32 Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989 amended

In the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989³³ –

- (a) in Regulation 4A, in the definition “member” after the word “widower” there shall be inserted the words “or surviving civil partner”;
- (b) in Regulation 16(1) after the word “marriage,” there shall be inserted the words “civil partnership,”.

33 Public Employees (Contributory Retirement Scheme) (Jersey) Regulations 1967 amended

- (1) In this Regulation “Regulations” means the Public Employees (Contributory Retirement Scheme) (Jersey) Regulations 1967³⁴.

- (2) In Regulation 1 of the Regulations –

- (a) in the definition “child”, in sub-paragraph (b), after the word “marriage” there shall be inserted the words “or civil partnership”;
- (b) for the definition “relations” there shall be substituted the following definition –

“ ‘relations’ means –

- (a) the widow, widower or surviving civil partner of the contributory member or any former husband, wife or civil partner of the contributory member;
- (b) any child or other descendant of the contributory member and the husband, wife, civil partner, widow, widower or surviving civil partner of any such child or other descendant;
- (c) the father or mother (whether natural or adoptive) or other ancestor of the contributory member and the widow, widower or surviving civil partner of such father, mother or other ancestor; and
- (d) any brother or sister of the contributory member (whether of the whole blood or the half blood and whether natural or adoptive) and the widow, widower or surviving civil partner of any such person,

and for this purpose ‘child’ includes a stepchild, a legally adopted child and a child to whom in the opinion of the Committee of Management the contributory member or other person as appropriate stands, or would but for the contributory member’s death have stood, *in loco parentis*.”

- (3) For Regulation 8(3) of the Regulations there shall be substituted the following paragraph –

“(3) A widow’s pension shall cease to be payable to a widow –

- (a) if the widow remarries, as from the date of such marriage;
- (b) if the widow enters into a civil partnership, as from the date of such civil partnership;
- (c) during any period during which the widow is cohabiting with a man as the man’s wife; and
- (d) during any period during which the widow is cohabiting with a woman as the woman’s civil partner.”.

34 Public Employees (Contributory Retirement Scheme) (New Members) (Jersey) Regulations 1989 amended

- (1) In this Regulation “Regulations” means the Public Employees (Contributory Retirement Scheme) (New Members) (Jersey) Regulations 1989³⁵.
- (2) In Regulation 1 of the Regulations –
- (a) in the definition “child”, in sub-paragraph (b), after the word “marriage” there shall be inserted the words “or civil partnership”;
 - (b) for the definition “relations” there shall be substituted the following definition –

“ ‘relations’ means –

 - (a) the widow, widower or surviving civil partner of the member or any former husband, wife or civil partner of the member;

- (b) any child or other descendant of the member and the husband, wife, civil partner, widow, widower or surviving civil partner of any such child or other descendant;
- (c) the father or mother (whether natural or adoptive) or other ancestor of the member and the widow, widower or surviving civil partner of such father, mother or other ancestor; and
- (d) any brother or sister of the member (whether of the whole blood or the half blood and whether natural or adoptive) and the widow, widower or surviving civil partner of any such person,

and for this purpose ‘child’ includes a stepchild, a legally adopted child and a child to whom in the opinion of the Committee the member or other person as appropriate stands, or would but for the member’s death have stood, *in loco parentis*.”

(3) In Regulation 9 of the Regulations –

(a) in paragraph (3) –

- (i) for the words “a male who leaves a spouse, or” there shall be substituted the words “a male who dies leaving a spouse, a male or female who dies leaving his or her surviving civil partner or”,
- (ii) after the words “the spouse,” there shall be inserted the words “or the surviving civil partner, as the case may be,”;

(b) in paragraph (4) –

- (i) after the words “leave a spouse” there shall be inserted the words “or a surviving civil partner”,
- (ii) in sub-paragraphs (a) and (b) after the words “a spouse’s pension” there shall be inserted the words “or a surviving civil partner’s pension, as the case may be,”;

(c) in paragraph (5) –

- (i) after the words “the spouse” wherever they appear there shall be inserted the words “or the surviving civil partner”,
- (ii) after the words “a spouse’s pension” in both places where they appear there shall be inserted the words “or a surviving civil partner’s pension, as the case may be,”.

(4) In Regulation 10 of the Regulations –

(a) in paragraph (2) –

- (i) for the words “leaves a spouse, or” there shall be substituted the words “dies leaving a spouse, a male or female member dies leaving his or her civil partner, or”,
- (ii) after the words “the spouse” there shall be inserted the words “or surviving civil partner, as the case may be”;

(b) in paragraph (3) –

- (i) after the words “leave a spouse” there shall be inserted the words “or a surviving civil partner”,

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- (ii) in sub-paragraphs (a) and (b) after the words “a spouse’s pension” there shall be inserted the words “or a surviving civil partner’s pension, as the case may be,”.
- (5) In Regulation 11 of the Regulations –
- (a) in paragraph (1) after the word “marriage” there shall be inserted the word “or civil partnership”;
 - (b) in paragraph (2) –
 - (i) for the words “leaves a spouse, or” there shall be substituted the words “dies leaving a spouse, a male or female pensioner dies leaving his or her civil partner or”,
 - (ii) after the words “the spouse” there shall be inserted the words “or civil partner, as the case may be”;
 - (c) in paragraph (3) –
 - (i) after the words “leave a spouse” there shall be inserted the words “or a civil partner”,
 - (ii) in sub-paragraphs (a) and (b) after the words “a spouse’s pension” there shall be inserted the words “or a surviving civil partner’s pension, as the case may be,”.
- (6) In Regulation 12 of the Regulations –
- (a) in paragraph (2) –
 - (i) for the words “leaves a spouse or” there shall be substituted the words “dies leaving a spouse, a male or female pensioner dies leaving his or her civil partner, or”,
 - (ii) after the words “the spouse” there shall be inserted the words “or a surviving civil partner, as the case may be,”;
 - (b) in paragraph (3) –
 - (i) after the words “leave a spouse” there shall be inserted the words “or a civil partner”,
 - (ii) in sub-paragraphs (a) and (b) after the words “a spouse’s pension” there shall be inserted the words “or a surviving civil partner’s pension, as the case may be,”.

35 Public Employees (Retirement) (Jersey) Law 1967 amended

In the Public Employees (Retirement) (Jersey) Law 1967³⁶, in Articles 2(1) and 2(2)(d), for the words “their widows or widowers,” there shall be substituted the words “their widows, widowers or civil partners,”.

36 Regulation of Undertakings and Development (Jersey) Regulations 1978 amended

In the Regulation of Undertakings and Development (Jersey) Regulations 1978³⁷, in Regulation 2(2)(c), after the word “spouse” there shall be inserted the words “or civil partner”.

37 Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 2002 amended

In the Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 2002³⁸, in Regulation 20(2)(a), after the word “wife,” there shall be inserted the words “civil partner.”

38 Rehabilitation of Offenders (Jersey) Law 2001 amended

In the Rehabilitation of Offenders (Jersey) Law 2001³⁹, in Article 8(2)(c) after the words “marriage of any minor” there shall be inserted the words “or the formation of a civil partnership of any minor”.

39 Shipping (Load Line) (Jersey) Regulations 2004 amended

In the Shipping (Load Line) (Jersey) Regulations 2004⁴⁰, in Article 1(1), in the definition “immediate family” after the word “spouse” in both places where it appears there shall be inserted the words “or civil partner”.

40 Shipping (Survey and Certification) (No. 2) (Jersey) Order 2005 amended

In the Shipping (Survey and Certification) (No. 2) (Jersey) Order 2005⁴¹ –

(a) after Article 1(2)(c), which modifies regulation 1(2) of the Merchant Shipping (Survey and Certification) Regulations 1995 of the United Kingdom, there shall be inserted the following sub-paragraph –

“(ca) in regulation 1(2), in the definition ‘pleasure vessel’ after the word ‘wife’ in both places where it appears there shall be inserted the words ‘or civil partner’”;

(b) in the text of the Merchant Shipping (Survey and Certification) Regulations 1995 of the United Kingdom, that is set out for information only and does not form part of the Shipping (Survey and Certifications) (No. 2) (Jersey) Order 2005, in the definition “pleasure vessel” after the word “wife” in both places where it appears there shall be inserted the words “or civil partner”.

41 Shipping (Tonnage) (Jersey) Regulations 2004 amended

In the Shipping (Tonnage) (Jersey) Regulations 2004⁴², in Regulation 1, in the definition “immediate family” after the word “wife” in both places where it appears there shall be inserted the words “or civil partner”.

42 Social Security (Classification) (Jersey) Order 1974 amended

In the Social Security (Classification) (Jersey) Order 1974⁴³, in Schedule 1 –

(a) in paragraphs 11 and 16, in Column (A), after the word “wife” there shall be inserted the words “or civil partner”;

(b) after paragraph 17 in Columns (A) and (B) there shall be inserted the following paragraphs –

“17A. Employment of a civil partner, by, or as partner of, or in any similar association with, his or her civil partner. 17A. None.”.

- (c) in paragraph 25, in Column (A) after the word “spouse,” there shall be inserted the words “civil partner,”.

43 Social Security (Death Grant) (Jersey) Order 1974 amended

In the Social Security (Death Grant) (Jersey) Order 1974⁴⁴ –

- (a) in Article 2(c) after the word “wife” there shall be inserted the words “, civil partner”.
- (b) for Article 8(1)(a), (b) and (c) there shall be substituted the following sub-paragraphs –
- “(a) in the case of the death of the relevant person (being married or in a civil partnership), is the widow or widower, or the surviving civil partner, as the case may be, of that person;
 - (b) in the case of the death of the relevant person (being unmarried and not in a civil partnership), is a parent of that person;
 - (c) in the case of the death of the husband or wife or civil partner of the relevant person, is the relevant person; or”.

44 Social Security (General Benefit) (Jersey) Order 1975 amended

In the Social Security (General Benefit) (Jersey) Order 1975⁴⁵, after the last entry in Schedule 1 there shall be added the following entries –

| | | | |
|----------------------------|----------------------|----------|--|
| “A surviving civil partner | Survivor’s allowance | 24(2)(b) | Period for which a survivor’s pension is payable (being a period for which the surviving civil partner is not entitled to survivor’s allowance). |
| A deceased civil partner | Old age pension | 24(1)(a) | Survivor’s allowance for surviving civil partner, if deceased civil partner was not entitled at date of death to an old age pension.”. |

45 Social Security (Maternity Benefit) (Jersey) Order 1975 amended

In the Social Security (Maternity Benefit) (Jersey) Order 1975⁴⁶, for Article 2(b), there shall be substituted the following paragraph –

“(b) in their application to such a case, the contribution conditions for a maternity grant as set out in paragraph 5 of Schedule 2 to the Law shall apply as if for sub-paragraph (2)(b) of that paragraph, there were substituted the following –

‘(b) the expression “relevant quarter” means the previous quarter but one before the quarter in which it is to be expected that the claimant will be confined or

(i) where the relevant person is the husband and he was dead or over pensionable age on the date of the making of the claim, the date of his attaining pensionable age or dying under that age.’, and

(ii) where the relevant person is the civil partner and she was dead or over pensionable age on the date of the making of the claim, the date of her attaining pensionable age or dying under that age.’”

46 Social Security (Television Licence Benefit) (Jersey) Regulations 2009 amended

(1) In this Regulation “Regulations” means the Social Security (Television Licence Benefit) (Jersey) Regulations 2009⁴⁷.

(2) In Regulation 7(1) of the Regulations after the word “spouse” wherever it appears there shall be inserted the words “or civil partner”.

(3) For Regulation 7(3) of the Regulations there shall be substituted the following paragraphs –

“(3) A person has a spouse for the purposes of this Regulation if the person resides in domestic premises with a person –

(a) to whom that person is married; or

(b) with whom that person has a marriage-like relationship.

(3A) A person has a civil partner for the purposes of this Regulation if the person resides in domestic premises with a person –

(a) who is his or her civil partner; or

(b) with whom that person has a civil partnership-like relationship.”

47 Stamp Duties and Fees (Jersey) Law 1998 amended

In the Stamp Duties and Fees (Jersey) Law 1998⁴⁸ –

(a) for the heading to Part 2 of the Schedule there shall be substituted the heading “FEES IN MATRIMONIAL AND CIVIL PARTNERSHIP PROCEEDINGS”;

(b) in Part 2 of the Schedule, for the first 7 entries in the table there shall be substituted the entries in Schedule 2.

48 Standing Orders of the States of Jersey amended

- (1) In this Regulation a reference to a standing order is to the standing order of that number in the Standing Orders of the States of Jersey⁴⁹.
- (2) In standing order 1(1) –
 - (a) after the definition “Chamber” there shall be inserted the following definition –

“ ‘civil partner’ in relation to an elected member, does not include a former civil partner of the elected member or a civil partner who is living separately and apart from the elected member;”;
 - (b) in the definition “cohabitee” after the word “wife” there shall be inserted the words “or civil partners”.
- (3) In standing orders 106, 130(6), 152(5), 153(4), and paragraphs 3(1), 5(1), 6, 7 and 8 of Schedule 2 to the standing orders, after the word “spouse” wherever it appears there shall be inserted the words “or civil partner”.
- (4) In Schedule 2 to the standing orders, in paragraph 5(3), after the word “spouses” there shall be inserted the words “or civil partners”.

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

In the Taxation (Land Transactions) (Jersey) Law 2009⁵⁰, in the Schedule –

- (a) in paragraph 6(1) the word “or” following sub-paragraph (a) shall be deleted;
- (b) after paragraph 6(1)(b) the word “or” and the following sub-paragraph shall be inserted –
 - “(c) 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 civil partner and, at the time of the transaction, the land is their civil partnership home.”;
- (c) in paragraph 7(1) the word “or” following sub-paragraph (a) shall be deleted;
- (d) after paragraph 7(1)(b) the word “or” and the following sub-paragraph shall be inserted –
 - “(c) is a transaction whereby shares formerly owned by, or held on trust for the benefit of, civil partners 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 civil partnership home.”.

50 Teachers’ Superannuation (Existing Members) (Jersey) Order 1986

- (1) In this Regulation “Order” means the Teachers’ Superannuation (Existing Members) (Jersey) Order 1986⁵¹.
- (2) In Article 1 of the Order, in the definition “child”, after the word “married” there shall be inserted the words “or in a civil partnership”.

- (3) In Article 8 of the Order after the words “spouse’s pension” in both places where they appear there shall be inserted the words “or civil partner’s pension”.
- (4) In Article 31(4) of the Order after the word “spouse” there shall be inserted the words “or civil partner”.
- (5) In Article 33(a) of the Order after the word “spouse’s” there shall be inserted the words “or civil partner’s”.
- (6) In Article 36(3)(a) of the Order after the word “spouse” there shall be inserted the words “or civil partner”.
- (7) In Article 37(2)(b) of the Order after the word “spouse” there shall be inserted the words “or civil partner”.
- (8) in Article 38 of the Order after the word “spouse” wherever it appears there shall be inserted the words “or civil partner”.
- (9) In Article 40(1) of the Order after the word “marriage” in both places it appears there shall be inserted the words “or entry into a civil partnership”.
- (10) In Article 43(6) of the Order after the word “spouse” there shall be inserted the words “or civil partner”.
- (11) In Article 47 of the Order –
 - (a) in paragraph (1)(c) after the word “spouse” there shall be inserted the words “or civil partner”;
 - (b) in paragraph (2)(b)(i) after the word “wife” there shall be inserted the words “or a civil partner”.
- (12) In Article 60 of the Order, for paragraph (c) there shall be substituted the following paragraph –

“(c) in the case of a teacher who has not been employed in reckonable service after 5th April 1978, the references to the teacher’s spouse or civil partner do not include references to a person whom the teacher married or with whom the person entered into civil partnership after the day on which the teacher was last employed in reckonable service;”.
- (13) In Article 61 of the Order after the word “spouse” wherever it appears there shall be inserted the words “or a civil partner”.
- (14) In Article 62(1) of the Order after the word “spouse” wherever it appears there shall be inserted the words “or a civil partner”.
- (15) In Article 63 of the Order –
 - (a) for paragraph (1) there shall be substituted the following paragraph –

“(1) A teacher in reckonable service, who is neither married nor in a civil partnership, may at any time nominate to receive a pension under this Order –

 - (a) the teacher’s parent;
 - (b) a descendent of either of the teacher’s parents, provided the descendent is neither married nor in a civil partnership;

- (c) the teacher's widowed stepmother or stepfather, or the surviving civil partner of the teacher's father or mother; or
 - (d) any descendent of the teacher's deceased spouse or civil partner, provided the descendent is neither married nor in a civil partnership,
- if the person nominated is, at the time of the nomination, wholly or mainly dependent on the teacher and no other nomination made by the teacher for the purposes of this Part or of previous provisions relating to family benefits is in force.”;
- (b) in paragraph (2)(b) and (2)(c) after the word “marriage” there shall be inserted the words “or entry into a civil partnership”.
- (16) In Article 64 of the Order –
- (a) in the heading after the word “spouse” there shall be inserted the words “or civil partner”;
 - (b) in paragraph (1) after the word “spouse” there shall be inserted the words “, or civil partner”;
 - (c) for paragraph (5) there shall be substituted the following paragraph –
 - (5) in the case of a spouse or surviving civil partner of a male teacher (employed in reckonable service after 5th April 1978) who is a widow or surviving civil partner who married him, or who entered into civil partnership with him, after the day on which he was last employed in reckonable service, the reckonable service of the teacher counting for benefit for the purposes of this Article is his reckonable service after 5th April 1978.”.
 - (d) for paragraph (6) there shall be substituted the following paragraph –
 - (6) in the case of a spouse or surviving civil partner of a female teacher who is a widower or surviving civil partner (but not a nominated beneficiary), the reckonable service of the teacher counting for the purposes of this Article is her reckonable service on or after 6th April 1988 together with any reckonable service before that date in respect of which she elected to pay contributions under Article 36(2) or (3).
- (17) In Article 65 of the Order –
- (a) in paragraphs (1) and (2), after the word “spouse” wherever it appears there shall be inserted the words “or a civil partner”;
 - (b) for paragraph (6) there shall be substituted the following paragraph –
 - “(6) If the teacher is survived by a spouse or a civil partner whom the teacher married or with whom the teacher entered into a civil partnership after the day on which he or she was last employed in reckonable service but his or her surviving children include a child of a marriage or civil partnership contracted on or before that day (the ‘previous marriage or civil partnership’) then, so long as there is a child of the previous marriage or the civil partnership, paragraph (7) shall apply to the exclusion of paragraph (1) for the

- purposes of calculating the pension in respect of the teacher's children.”;
- (c) in paragraphs (7) and (8) after the word “marriage” wherever it appears there shall be inserted the words “or civil partnership”.
- (18) In Article 66 of the Order –
- (a) in the heading after the word “spouses” there shall be inserted the words “and civil partners”;
- (b) after the word “spouse” wherever it appears there shall be inserted the words “or civil partner”.
- (19) In Article 67 of the Order –
- (a) in the heading after the word “spouses” there shall be inserted the words “and civil partners”;
- (b) in paragraph (1) after the word “spouse” in both places where it appears there shall be inserted the words “or civil partner”.
- (20) In Article 68 of the Order –
- (a) in paragraphs (1), (2), (4)(a) and (5)(a) after the word “spouse” wherever it appears there shall be inserted the words “or civil partner”;
- (b) in paragraph (4)(a) after the word “spouse’s” there shall be inserted the words “or civil partner’s”;
- (c) in paragraph (4) after the word “marries” there shall be inserted the words “or enters into a civil partnership”;
- (d) after paragraph (5) there shall be inserted the following paragraph –
- “(5A) If a person to whom a long-term pension is payable under paragraph (1) begins to live as a civil partner with a person to whom he or she has not entered into a civil partnership, then, unless the Management Board otherwise directs and subject to paragraph (6) –
- (a) in the case of a pension payable to the civil partner of a teacher who was employed in reckonable service after 5th April 1978, which includes such a period of service as is mentioned in paragraph (4)(a), so much of the pension as exceeds the civil partner’s guaranteed minimum pension shall cease to be payable and, in respect of any period before the civil partner has attained insured pensionable age for which the civil partner is so living, the balance of the pension shall also not be payable; and
- (b) in the case of any other pension, the whole pension shall cease to be payable.”;
- (e) for paragraph (6) there shall be substituted the following paragraph –
- “(6) Any pension which has ceased to be payable under paragraph (4), (5) or (5A), in whole or in part, shall, if the Management Board so directs, again become payable, or wholly payable, on the pensioner’s marriage or civil partnership

terminating (by death or divorce or dissolution) or, as the case may be, on the pensioner ceasing to live as husband or wife with a person to whom he or she is not married, or as a civil partner with a person with whom he or she has not formed a civil partnership.”.

- (21) In Article 73 –
- (a) in paragraph (1) after the word “spouse” wherever it appears there shall be inserted the words “or civil partner”;
 - (b) in paragraph (2), after the words “declaration” there shall be inserted the words “and ‘civil partner’ means civil partner at the time of the declaration”.

51 Teachers’ Superannuation (New Members) (Jersey) Order 2007 amended

- (1) In this Regulation “Order” means the Teachers’ Superannuation (New Members) (Jersey) Order 2007⁵².
- (2) Article 1 of the Order –
- (a) in the definition “child”, in sub-paragraph (b) after the word “marriage” there shall be inserted the words “or civil partnership”;
 - (b) for the definition “relations” there shall be substituted the following definition –

“ ‘relations’, in relation to a member, means –

 - (a) the widow, widower or surviving civil partner of the member or any former husband, wife or civil partner of the member;
 - (b) any child or other descendant of the member and the husband, wife, civil partner, widow, widower or surviving civil partner of any such child or other descendant;
 - (c) the father or mother (whether natural or adoptive) or other ancestor of the member and the widow, widower or surviving civil partner of such father, mother or other ancestor; and
 - (d) any brother or sister of the member (whether of the whole blood or the half blood and whether natural or adoptive) and the widow, widower or surviving civil partner of any such person,

and for this purpose ‘child’ includes a stepchild, a legally adopted child and a child to whom in the opinion of the Management Board the member or other person as appropriate stands, or would but for the member’s death have stood, *in loco parentis*;”.
- (3) In Article 24 of the Order, in the heading and paragraph (1), after the word “spouse” wherever it appears there shall be inserted the words “or civil partner”.
- (4) In Article 25 of the Order –
- (a) in the heading and paragraph (1), after the word “spouse” there shall be inserted the words “or civil partner”;

-
- (b) in paragraphs (2) and (3), after the word “spouse’s” wherever it appears there shall be inserted the words “or civil partner’s”.
- (5) In Article 26 of the Order –
 - (a) in paragraphs (1) and (3), after the word “spouse” wherever it appears there shall be inserted the words “or civil partner”;
 - (b) in paragraph (1), after the word “spouse’s” wherever it appears there shall be inserted the words “or civil partner’s”.
 - (6) In Article 28 of the Order –
 - (a) in the heading after the word “spouse” there shall be inserted the words “or surviving civil partner”;
 - (b) in paragraph (1) –
 - (i) after the words “a spouse” there shall be inserted the words “or civil partner”,
 - (ii) after the words “the spouse” there shall be inserted the words “or surviving civil partner”.
 - (7) In Article 29 of the Order –
 - (a) in the heading and paragraph (1), after the word “spouse” there shall be inserted the words “or civil partner”;
 - (b) in paragraph (2) and (3) after the word “spouse’s” wherever it appears there shall be inserted the words “or surviving civil partner’s”.
 - (8) In Article 30 of the Order –
 - (a) in the heading after the word “spouse” there shall be inserted the words “or surviving civil partner”;
 - (b) in paragraphs (2) and (6) –
 - (i) after the words “a spouse” there shall be inserted the words “or civil partner”,
 - (ii) after the words “the spouse” there shall be inserted the words “or surviving civil partner”;
 - (c) in paragraphs (4) and (8) after the word “marriage” there shall be inserted the word “or civil partnership”.
 - (9) In Article 31 of the Order –
 - (a) in the heading after the word “spouse” there shall be inserted the words “or surviving civil partner”;
 - (b) in paragraph (1) after the word “spouse” there shall be inserted the words “or civil partner”;
 - (c) in paragraphs (2) and (3) after the word “spouse’s” there shall be inserted the words “or surviving civil partner’s”.
 - (10) In Article 32 of the Order –
 - (a) in paragraph (2) –
 - (i) after the words “a spouse” there shall be inserted the words “or civil partner”,

-
- (ii) after the words “the spouse” there shall be inserted the words “or civil partner”;
 - (b) in paragraph (5), after the words “a spouse” there shall be inserted the words “or civil partner”;
 - (c) in paragraphs (6) and (7) after the word “spouse’s” wherever it appears there shall be inserted the words “or surviving civil partner’s”.
- (11) In Article 47(1) of the Order the word “marriage” there shall be inserted the words “, civil partnership,”.

52 Trusts (Jersey) Law 1984 amended

In the Trusts (Jersey) Law 1984⁵³, in Article 9(6), in the definition “personal relationship” –

- (a) in paragraph (a), for the word “marriage” in both places where it appears there shall be substituted the words “marriage, civil partnership”;
- (b) in paragraph (b), after the word “wife” there shall be inserted the words “or civil partners”.

53 Citation and commencement

These Regulations may be cited as the Civil Partnership (Consequential Amendments) (Jersey) Regulations 201- and –

- (a) Regulation 3 shall come into force immediately after the coming into force of paragraph 2 of Part 2 of Schedule 2 to the Intellectual Property (Unregistered Rights) (Jersey) Law 2011⁵⁴; and
- (b) the remainder of the Regulations shall come into force immediately after the coming into force of the Civil Partnership (Jersey) Law 2012⁵⁵.

SCHEDULE 1

(Regulation 10)

PART 1

**FORM IN SCHEDULE 1 OF THE CREMATION (JERSEY)
REGULATIONS 1961 SUBSTITUTED**

“APPLICATION FOR CREMATION

I, *(name of applicant)*

(address)

(occupation)

apply for the cremation of the remains of

(name of deceased)

(address)

(occupation)

(age) *(sex)*

(civil status of deceased – whether married or in a civil partnership, a surviving spouse or surviving civil partner or single)

.....

and I give the following answers to the questions set out below –

1 Are you an executor or the nearest relative of the deceased?

2 If not, state –

(a) your relationship to the deceased (a)

(b) the reason why the application is made by you and not by an executor or any nearer relative (b)

3 Did the deceased leave any written directions as to the mode of disposal of his or her remains? If so, what?

4 Have the near relatives* of the deceased been informed of the proposed cremation?

*The term “near relative” as used here includes widow or widower, surviving civil partner, parents, children above the age of 16 and any other relative usually residing with the deceased.

- 5 Has any near relative of the deceased expressed any objection to the proposed cremation? If so, on what ground?
- 6 What was the date and hour of the death of the deceased?
- 7 What was the place where the deceased died? (Give address and say whether own residence, lodgings, hotel, hospital, nursing home, etc.)
- 8 Do you know, or have you any reason to suspect, that the death of the deceased was due, directly or indirectly, to –
 - (a) violence;
 - (b) poison;
 - (c) privation or neglect?
 (Give a separate answer to (a) (b) (c)).
- 9 Do you know, or have you any reason to suspect, that the death of the deceased occurred while the deceased was under an anaesthetic?
- 10 Do you know any reason whatever for supposing that an examination of the remains of the deceased may be desirable?
- 11 Give name and address of the ordinary medical attendant of the deceased.
- 12 Give names and addresses of the medical practitioners who attended the deceased during last illness.

I declare that to the best of my knowledge and belief the information given in this application is correct and that no material particular has been omitted.

(Date) (Signature)

The applicant is known to me and I have no reason to doubt the truth of any of the information furnished by the applicant.

(Signature)

(Capacity in which signatory has signed)

(address)

.....

(Date) ”

PART 2

**FORM IN SCHEDULE 7 OF THE CREMATION (JERSEY)
 REGULATIONS 1961 SUBSTITUTED**

“REGISTER OF CREMATIONS

| No. | Date of cremation | Name, residence and occupation of deceased | Age and Sex | Whether married, in civil partnership or single | Date of death | Name and address of person who applied for cremation | Names and addresses of persons signing certificates | How ashes were disposed of |
|-----|-------------------|--|-------------|---|---------------|--|---|----------------------------|
| | | | | | | | | ” |

SCHEDULE 2

(Regulation 47(b))

**SUBSTITUTED ENTRIES IN PART 2 OF THE SCHEDULE TO THE STAMP
DUTIES AND FEES (JERSEY) LAW 1998**

| | | | | |
|-----|--|---|---------------------------------------|----------|
| “1. | APPLICATION FOR LEAVE to file petition in matrimonial proceedings or apply for dissolution of civil partnership | J | The originating summons | Greffier |
| 2. | INSTITUTING PROCEEDINGS to include filing a petition in matrimonial proceedings or a cause application in civil partnership proceedings | | | |
| (a) | following grant of application for leave to file petition for divorce or a cause application in civil partnership proceedings | G | The petition or the cause application | Greffier |
| (b) | in any other case | J | The petition or the cause application | Greffier |
| 3. | FILING AMENDED OR SECOND OR SUBSEQUENT MATRIMONIAL PETITION OR CIVIL PARTNERSHIP CAUSE APPLICATION | F | The petition or the cause application | Greffier |
| 4. | FILING ANSWER TO PETITION IN MATRIMONIAL PROCEEDINGS OR A CAUSE APPLICATION IN CIVIL PARTNERSHIP PROCEEDINGS (including cross petition/application) | I | The answer | Greffier |
| 5. | HEARING DEFENDED CAUSES – for each half day or part of a half day | K | The <i>Billet</i> | Greffier |

| | | | | |
|-----------|--|---|-----------------------|-----------|
| 6. | FILING an application to make a decree nisi absolute or a conditional order in a civil partnership final | D | The application | Greffier |
| 7. | FINANCIAL ORDERS | | | |
| (a) | Application for consent order | D | The application | Greffier |
| (b) | application for order, other than by consent other than for consent order | H | The summons or notice | Greffier |
| (c) | Any application, summons or notice of intention to proceed with application for ancillary relief not falling within (a) or (b) | F | The summons or notice | Greffier” |

| | |
|----|--------------------------|
| 1 | <i>L.4/2012</i> |
| 2 | <i>chapter 24.090</i> |
| 3 | <i>chapter 24.090.30</i> |
| 4 | <i>chapter 04.180</i> |
| 5 | <i>chapter 13.100</i> |
| 6 | <i>chapter 13.100.70</i> |
| 7 | <i>chapter 13.100.75</i> |
| 8 | <i>chapter 13.100.95</i> |
| 9 | <i>chapter 13.125.72</i> |
| 10 | <i>chapter 07.245</i> |
| 11 | <i>chapter 20.075.60</i> |
| 12 | <i>chapter 24.660.35</i> |
| 13 | <i>chapter 10.800.30</i> |
| 14 | <i>chapter 05.225</i> |
| 15 | <i>chapter 13.225.15</i> |
| 16 | <i>chapter 11.300.60</i> |
| 17 | <i>chapter 12.320.20</i> |
| 18 | <i>chapter 24.700</i> |
| 19 | <i>chapter 18.315.50</i> |
| 20 | <i>chapter 21.770.30</i> |
| 21 | <i>chapter 26.550.20</i> |
| 22 | <i>chapter 24.750.40</i> |
| 23 | <i>chapter 24.750.60</i> |
| 24 | <i>chapter 13.425</i> |
| 25 | <i>chapter 26.600.60</i> |
| 26 | <i>chapter 25.400.50</i> |
| 27 | <i>chapter 21.805.60</i> |
| 28 | <i>chapter 23.375.60</i> |
| 29 | <i>chapter 23.750</i> |
| 30 | <i>chapter 23.375.90</i> |
| 31 | <i>chapter 16.650.12</i> |
| 32 | <i>chapter 16.650.24</i> |
| 33 | <i>chapter 16.650.36</i> |
| 34 | <i>chapter 16.650.48</i> |
| 35 | <i>chapter 16.650.60</i> |
| 36 | <i>chapter 16.650</i> |
| 37 | <i>chapter 05.750.30</i> |
| 38 | <i>chapter 08.840.50</i> |
| 39 | <i>chapter 08.840</i> |
| 40 | <i>chapter 19.885.50</i> |
| 41 | <i>chapter 19.885.77</i> |
| 42 | <i>chapter 19.885.80</i> |
| 43 | <i>chapter 26.900.08</i> |
| 44 | <i>chapter 26.900.26</i> |
| 45 | <i>chapter 26.900.36</i> |
| 46 | <i>chapter 26.900.46</i> |
| 47 | <i>chapter 26.950.50</i> |
| 48 | <i>chapter 24.960</i> |
| 49 | <i>chapter 16.800.15</i> |
| 50 | <i>chapter 24.980</i> |
| 51 | <i>chapter 16.850.60</i> |
| 52 | <i>chapter 16.850.70</i> |
| 53 | <i>chapter 13.875</i> |

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- ⁵⁴ *L.29/2011*
⁵⁵ *L.4/2012*