

STATES OF JERSEY



Jersey

DRAFT MARRIAGE AND CIVIL STATUS (AMENDMENT OF LAW) (COVID-19 – TEMPORARY AMENDMENT) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 20th March 2020
by the Minister for Home Affairs**

STATES GREFFE

REPORT

1. Introduction

- 1.1 This is emergency draft legislation, drafted in response to the Covid-19 pandemic which is currently affecting Jersey and most of the globe.
- 1.2 The Draft Marriage and Civil Status (Amendment of Law) (Covid-19 – Temporary Amendment) (Jersey) Regulations 202- (the “draft Regulations”) would amend the [Marriage and Civil Status \(Jersey\) Law 2001](#) (“the 2001 Law”). These amendments would modify the operation of Part 5 of the 2001 Law, which governs the registration of births, deaths and marriages in Jersey, as a consequence of the outbreak of Covid-19 in Jersey. The aim of these Regulations is to achieve two goals, the first is to reduce the significant risk posed to the Office of the Superintendent Registrar by reducing the requirement for human contact when registering a birth, stillbirth or death. The second purpose of these Regulations is to allow the registration of death process to cope with increased demand and a possible reduction in the availability of registered medical practitioners.
- 1.3 The draft Regulations propose temporary measures which will expire on 30th September 2020.

2. Legislation

- 2.1 The 2001 Law provides a legislative framework for civil registration and solemnization of marriage in Jersey.
- 2.2 Currently, under the 2001 Law, an informant is required to provide particulars related to the birth, stillbirth or death, to the registrar. The informant is then required, under Article 72 of the 2001 Law, to – when giving particulars of a birth, stillbirth or death – sign in the presence of the registrar, the entry made in the appropriate register.
- 2.3 This requirement to provide particulars is usually carried out by parents, family members or funeral directors – termed “the informant” under the Law. Due to the contagious nature of Covid-19 it is important to reduce human contact where possible. The draft Regulations enable the Superintendent Registrar to inform, for the purposes of registration, a registrar of the particulars of a birth, stillbirth or death which come to the attention of the Superintendent Registrar. The modifications also enable the Superintendent Registrar or Deputy Superintendent Registrar to sign the appropriate register as an informant. This enables the particulars of a birth, stillbirth or death to be provided electronically, thereby significantly reducing the chances of transmission of the disease and therefore the risks posed to the Office of the Superintendent Registrar of contracting the virus.
- 2.4 Article 64(2) of the 2001 Law provides that a registered medical practitioner is qualified in relation to the death of any person and therefore permitted to complete the Certificate of fact and cause of death if they attended to the deceased during his or her last illness, within the period of 14 days preceding the date of death and has viewed the body after death. The 2001 Law also provides, in Article 64(2)(b), for circumstances where these requirements are not met. However, if this is the case, the Viscount is required to authorise the certificate of fact and cause of death. Due to the capacity of the Viscount it has

been agreed, during consultation with the Office of the Viscount, that this would lead to delays in the authorising of the certificate.

- 2.5 To remedy this and reduce the amount of involvement of the Viscount, the draft Regulations extend the required 14-day period of attendance prior to the death to 28 days. This longer period will also ease the burden on registered medical practitioners, meaning that they will be qualified to complete the certificate of fact and cause of death if they have visited a patient up to 28 days prior to the date of death.

3. Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of these draft Regulations.

EXPLANATORY NOTE

These Regulations, if passed, would modify the operation of Part 5 (Registration of Births, Deaths and Marriages) of the Marriage and Civil Status (Jersey) Law 2001 (the “principal Law”) as a consequence of the outbreak of Covid-19 in Jersey.

The principal Law is amended as follows (*Regulation 1*).

Regulation 2 inserts Article 49A, which contains the following provisions.

Article 49A(1) enables the Superintendent Registrar to inform, for the purpose of registration, a registrar of particulars of a birth, stillbirth or death that come to the attention of the Superintendent Registrar.

Article 49A(2) increases the period of time preceding the date of death of a person (from 14 to 28 days) during which a registered medical practitioner must have attended the person in order to be qualified in relation to the death of that person.

Article 49A(3) enables the Superintendent Registrar and Deputy Superintendent Registrar to sign, as an informant, the entry of a birth, stillbirth or death made in the appropriate register if the Superintendent Registrar or Deputy Superintendent Registrar is satisfied that the particulars of the birth, stillbirth or death were provided in accordance with the principal Law.

Article 49A(4) makes it clear that, for the purpose of Part 5 of the principal Law, ‘give’, ‘produce’ and ‘provide’ includes delivering by post and sending by email to an email address specified for that purpose.

Article 49A expires on 30th September 2020.

Regulation 3 sets out how these Regulations may be cited and provides for them to come into force on the day after they are made.



Jersey

DRAFT MARRIAGE AND CIVIL STATUS (AMENDMENT OF LAW) (COVID-19 – TEMPORARY AMENDMENT) (JERSEY) REGULATIONS 202-

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

THE STATES make these Regulations under Article 82(2) of the Marriage and Civil Status (Jersey) Law 2001¹ –

1 Marriage and Civil Status (Jersey) Law 2001 amended

The Marriage and Civil Status (Jersey) Law 2001² is amended in accordance with these Regulations.

2 Article 49A inserted

After Article 49, there is inserted –

“49A Modification of Part 5 due to outbreak of Covid-19

- (1) Despite any other provision in this Part, where any particulars of a birth, stillbirth or death come to the attention of the Superintendent Registrar, the Superintendent Registrar may inform a registrar of those particulars for the purpose of registration under this Part.
- (2) Despite Article 64(2)(a), a registered medical practitioner is qualified in relation to the death of any person if the practitioner attended the deceased during his or her last illness and within the period of 28 days preceding the date of death and has viewed the body after death.
- (3) Despite Article 72, the Superintendent Registrar or Deputy Superintendent Registrar may sign, as an informant, the entry of a birth, stillbirth or death made in the appropriate register if the Superintendent Registrar or Deputy Superintendent Registrar is satisfied that the particulars of the birth, stillbirth or death were provided in accordance with this Law.
- (4) For the purpose of Part 5, “give”, “produce” and “provide” include –

- (a) delivering by post; or
 - (b) sending by email to an email address specified for that purpose.
- (5) This Article expires on 30th September 2020.”.

3 Citation and commencement

These Regulations may be cited as the Marriage and Civil Status (Amendment of Law) (Covid-19 – Temporary Amendment) (Jersey) Regulations 202- and come into force on the day after they are made.

ENDNOTES

Table of Endnote References

<i>1</i>	<i>chapter 12.600</i>
<i>2</i>	<i>chapter 12.600</i>