

STATES OF JERSEY



DRAFT MARRIAGE AND CIVIL STATUS (SEXUAL OFFENCES AMENDMENT) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 24th September 2018
by the Minister for Home Affairs**

STATES GREFFE



Jersey

DRAFT MARRIAGE AND CIVIL STATUS (SEXUAL OFFENCES AMENDMENT) (JERSEY) REGULATIONS 201-

REPORT

These draft Regulations amend a single reference in the Schedule to the Sexual Offences (Jersey) Law 2018 (“SOL”), which repeals an Article of the Marriage and Civil Status (Jersey) Law 2001 (“MCS”) concerning defences to some sexual offences where a marriage is void because the other party is underage.

This is required because the MCS was amended *after* the debate on the SOL, but *before* the SOL came into force. Because of that amendment, the targeted provision in the MCS now appears in a different Article, so the repeal must be aligned to the amended version.

This re-alignment is a technical requirement making no material change to the operation of either Law.

Financial and manpower implications

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

Explanatory Note

These Regulations are made under the Legislation (Amending Power) (Jersey) Law 1999, which enables amendments to be made to one Law that are consequential on another Law, if the enactment of those Laws has overlapped.

Paragraph 2 of the Schedule to the Sexual Offences (Jersey) Law 2018 (the “Sexual Offences Law”) will, when brought into force, repeal a provision in the Marriage and Civil Status (Jersey) Law 2001 (the “Marriage Law”) that provides defences to certain sexual offences where a marriage is void because the other party is under age. That provision was formerly contained in what was Article 2(2) of the Marriage Law. But the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018 (the “Marriage Amendment Law”) replaced the Article 2(2) provision with an equivalent provision in a new Article 4(2) of the Marriage Law, and created a new unrelated Article 2(2). These Regulations therefore provide that the Sexual Offences Law will repeal what is now Article 4(2), rather than Article 2(2), of the Marriage Law.

The power under the Legislation (Amending Power) (Jersey) Law 1999 applies because the amendment to the Schedule to the Sexual Offences Law is consequential on the Marriage Amendment Law, and there was the appropriate overlap in that –

- (a) the proposition (P.91/2017) for the passing of the Marriage Amendment Law was lodged on 3rd October 2017, which was before the day on which the Sexual Offences Law was registered (1st June 2018); and
- (b) the proposition (P.18/2018) for the passing of the Sexual Offences Law was lodged on 26th January 2018, which was before the day on which the Marriage Amendment Law was registered (also 1st June 2018).

The Marriage Amendment Law came into force on 1st July 2018 for this purpose, but the Sexual Offences Law has not yet been brought into force. These Regulations would therefore take effect immediately before the entry into force of the Schedule to the Sexual Offences Law.



Jersey

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Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES make these Regulations under Article 2 of the Legislation (Amending Power) (Jersey) Law 1999¹ –

1 Amendment of Sexual Offences (Jersey) Law 2018 provision amending Marriage and Civil Status (Jersey) Law 2001

In paragraph 2 of the Schedule to the Sexual Offences (Jersey) Law 2018², for “Article 2(2)” there is substituted “Article 4(2)”.

2 Citation and commencement

These Regulations may be cited as the Marriage and Civil Status (Sexual Offences Amendment) (Jersey) Regulations 201-, and come into force immediately before the commencement of the Schedule to the Sexual Offences (Jersey) Law 2018³.

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- ¹ *chapter 16.400*
² *L.20/2018*
³ *L.20/2018*