

STATES OF JERSEY



Jersey

DRAFT CIVIL PARTNERSHIP (AMENDMENT) (JERSEY) LAW 202-

**Lodged au Greffe on 17th January 2022
by the Minister for Home Affairs
Earliest date for debate: 1st March 2022**

STATES GREFFE



Jersey

DRAFT CIVIL PARTNERSHIP (AMENDMENT) (JERSEY) LAW 202-

European Convention on Human Rights

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

In the view of the Minister for Home Affairs, the provisions of the Draft Civil Partnership (Amendment) (Jersey) Law 202- are compatible with the Convention Rights.

Signed: **Deputy G.C.U. Guida of St. Lawrence**
Minister for Home Affairs

Dated: 14th January 2022

REPORT

The Draft Civil Partnership (Amendment) (Jersey) Law 202- (“the draft Law”) amends the [Civil Partnership \(Jersey\) Law 2012](#) (“the 2012 Law”). It also consequentially amends the [Marriage and Civil Status \(Jersey\) Law 2001](#) (“the 2001 Marriage Law”), the [Discrimination \(Jersey\) Law 2013](#), the [Gender Recognition \(Jersey\) Law 2013](#) and the [Civil Partnership \(Forms, Registration and Fees\) \(Jersey\) Order 2012](#).

It is a companion to the Draft Marriage and Civil Status (Amendment No. 5) (Jersey) Law 202- (P.6/2022) (“the draft Amendment No. 5 Law”) and should be considered in conjunction with that Law.

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Chapter 1: Introduction

Section A: Opposite sex civil partnerships

Civil partnerships were introduced in Jersey in 2012. The aim was to provide same-sex couples the same rights and responsibilities that opposite-sex couples could acquire through marriage, at a point in time when same-sex marriage was not considered a viable option.

In August 2014, the Chief Minister’s Department undertook an *Equal Marriage*¹ consultation. Whilst the consultation primarily focused on the proposed introduction

¹<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20equal%20marriage%20consultation%20report%20summary%2020141126%20LB.pdf>

of same-sex marriage, it also asked Islanders whether they agreed that civil partnerships should be available to opposite-sex couples.

72% of people who responded to that question agreed that civil partnerships should be available to opposite-sex couples.

Other respondents expressed concern that extending civil partnerships to all would simply create a “2nd tier” of marriage, which was not materially different and therefore viewed it as unnecessary (or, in some cases, viewed it as a direct threat to the institution of marriage).

The 2014 consultation was, however, limited in scope so in 2015, when the States Assembly debated marriage reform, it was accepted that the civil partnership law should remain unaltered until either more was understood about the uptake of civil partnerships post the introduction of same-sex marriage or there was a related court ruling.

That Court ruling was made on 27th June 2018 when the Supreme Court ruled that the Civil Partnership Act 2004 for England and Wales was discriminatory in that only same sex couples can contract a civil partnership, excluding opposite sex couples from doing so ([R \(on the application of Steinfeld and Keiden\) \(Appellants\) v Secretary of State for the Home Department \(in substitution for Secretary of State for Education \(Respondent\) - The Supreme Court](#)).

It is therefore recommended that Jersey amend its own legislation to remove this same discrimination.

Consultation

The *Divorce reform, future of civil partnerships & age of marriage*² public consultation ran from November 2018 to February 2019. It asked if:

- civil partnerships should be made available for all couples. 78% of respondents agreed, 14% disagreed
- Jersey should stop providing for civil partnerships (whilst retaining existing civil partnerships) now that marriage is available for all. 14% of respondents agreed, 68% disagreed.

The majority view was that civil partnerships should be available to all couples, largely on the basis of perceived equality:

“Anyone, regardless of sex, should be able to enter into a civil partnership.”

“In this age of equality, all options should be available to all people no matter what gender etc.”

“Civil partnerships and marriage should be available to all, regardless of sexual orientation.”

Section B: Age of civil partnership

The UK’s ratification of the United Nations Convention on the Rights of the Child (UNCRC) was extended to Jersey in 2014. As part of a State Party to the UNCRC, the Island is subject to the monitoring and reporting processes of the UN Committee on the Rights of the Child and has an obligation to continue to pursue measures to realise children’s rights and implement the Convention.

² [Divorce reform, future of civil partnerships and age of marriage \(gov.je\)](#)

In June 2016³ the UN Committee recommended, in their fifth periodic review of the UK's (including Jersey's) compliance with the Convention, that "*the State Party raise the minimum age of marriage to 18 years across all devolved administrations, Overseas Territories and Crown Dependencies*". The Committee expressed concerns about systems which potentially allow for the forced marriage of girls and boys aged 16 or 17 years.

Whilst forced marriage is not necessarily an issue of immediate concern within Jersey's resident community, people who do not live in Jersey can get married in the Island, and hence there is a potential for exploitation in relation to forced marriage. Furthermore, child marriage is interpreted by the Convention of the Elimination of all forms of Discrimination Against Women (CEDAW) and UNCRC as a form of forced marriage, since children – given their age – inherently lack the ability to give their full, free and informed consent to their marriage or its timing.

The UK's ratification of the Convention of the Elimination of all forms of Discrimination Against Women (CEDAW) was extended to Jersey in February 2021 and, as such, the Island has an obligation to continue to pursue measures to further realise the rights of women and girls. CEDAW's General Comment 21⁴ explicitly states that "*the Committee considers that the minimum age for marriage should be 18 years for both man and woman.*"

In July 2017, the Independent Jersey Care Inquiry (IJCI)⁵ concluded that: "*Legislation for children in Jersey has lagged behind the developed world.*" The Government response to the IJCI was approved by the Assembly in late 2017 ([P.108/2017](#)).

P.108/2017 established a schedule of children's policy and legislative programme which subsequently became known as 'The Children's Legislation Transformation Programme' (CLTP)⁶. The CLTP, as published by the Minister for Children and Housing in December 2018, contained a commitment to review and reform 'Family Law Matters' including the commitment to 'raise the minimum age of marriage (and civil partnership) in Jersey'.

Consultation

The *Divorce reform, future of civil partnerships & age of marriage* public consultation also asked if Jersey's laws should be amended to raise the minimum age of marriage and civil partnership to 18 years old. 77% of respondents agreed, 13% disagreed and 10% said they had no preference⁷.

Provisions will also be introduced so that two people are not to be treated as having formed a civil partnership under Jersey Law if they register an overseas civil partnership at a time when at least one of them is domiciled in Jersey and one of the parties to the civil partnership is under the age of 18.

Section C: Alignment of civil partnership entry process to that of marriage

The 2018/2019 public consultation found that some people believe that civil partnerships are different to marriage – i.e. a 'lighter' version with less legal rights and

³ [UK-CRC-Concluding-observations-2016-2.pdf \(unicef.org.uk\)](#)

⁴ [Refworld | CEDAW General Recommendation No. 21: Equality in Marriage and Family Relations](#)

⁵ [BIR_LIT\5713803\1 \(jerseycareinquiry.org\)](#)

⁶ [ID Childrens Legislation Transformation Programme - Schedule 20190104v2 FW.pdf \(gov.je\)](#)

⁷ [Consultation report - divorce reform, future of civil partnerships, and age of marriage.pdf \(gov.je\)](#)

responsibilities. This is not correct. Whilst in some other jurisdictions there are differences in legal responsibilities associated with marriage and civil partnership this is not the case in Jersey. It is also important to note, that where a couple enter into a civil partnership in Jersey, irrespective of whether or not they are of the same sex or opposite sex, the civil partnership may not be recognised in another jurisdiction.

In providing for civil partnerships for all, the Government must, therefore, support people to understand that the associated legal rights and responsibilities of civil partnership are equal to those of marriage. The two institutions are different in name and cultural association only.

One of the ways to reinforce the understanding that the rights and responsibilities of marriage and civil partnerships are the same is to align the two 'entry' processes with regards to giving of notice, safeguards, and identity verification. If the processes to enter into a civil partnership look and feel the same as marriage, then this will help address the perceived differences in legal responsibilities associated with civil partnerships.

Moreover, aligning the two processes will aid the associated administration. Currently the Office of the Superintendent Registrar must administer two very different processes for marriage and civil partnership, which both produce an almost identical legal union. Aligning the civil partnership process, which is currently much more infrequently used to that of marriage, will reduce the administrative burden on the Office of the Superintendent Registrar and, importantly, reduce the cost to the public.

In reviewing the 2012 Law and associated Orders to allow for the introduction of opposite-sex civil partnership, and in dialogue with key stakeholders, it became evident that the processes set out in the 2012 Law in relation to the solemnization and registration of civil partnerships are unwieldy, and at the same time, fail to provide sufficient safeguards against sham or forced civil partnerships.

The processes associated with the solemnization and registration of civil partnerships (as set out in the left-hand column below) have, therefore, been amended in the draft law to ensure they are akin to the current processes associated with marriage (as set out in the right-hand column below) which facilitate online bookings plus electronic data capture and process management and, more importantly, provide better safeguards against forced and sham civil partnerships.

Current civil partnership process	Current marriage process
	An application for notice delivered to the Superintendent Registrar not earlier than one year before the day of the intended marriage.
	The Superintendent Registrar may consider the application for notice of intended marriage and may request such other information or documents as they consider to be necessary and interview either or both parties to the intended marriage or any other person for the purpose of considering the application under Article 9 of the 2001 Marriage Law.

<p>Notice given to the Superintendent Registrar not more than three months and not less than two weeks before the day the civil partnership is to be solemnized.</p>	<p>If the Superintendent Registrar is satisfied that the information and documents reveal no reason why the intended marriage between the parties cannot take place, the parties may give notice of their intended marriage.</p>
<p>The Superintendent Registrar shall display notices at the entrance to, or outside of the Office of the Superintendent Registrar.</p>	<p>The Superintendent Registrar must publish a notice of intended marriage at any time after the notice has been given, provided that it is not published more than one year before the intended date of the marriage and must be published for a period of at least 25 clear days ending on the date of the marriage (unless special circumstances exist).</p> <p>The Superintendent Registrar must publish notices:</p> <ul style="list-style-type: none"> • at the Office of the Superintendent Registrar • on the website of the States of Jersey • in any other place that the Superintendent Registrar considers appropriate.
<p>Where a civil partnership is to be solemnized in Jersey one of the persons intending to form the civil partnership shall, not less than seven days after the notice of the civil partnership is given and not less than two working days before the day on which the civil partnership is to be solemnized, request the Superintendent Registrar to issue a licence.</p>	<p>Where a marriage is to be solemnized in Jersey one of the parties to the intended marriage must at least two clear days and not more than 10 clear days before the day on which the marriage is to be solemnized request the Superintendent Registrar to issue a marriage schedule.</p>
<p>The person requesting the licence is required to as part of making 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.</p>	<p>Before the Superintendent Registrar can issue a marriage schedule, both parties to the intended marriage must have attended the Office of the Superintendent Registrar (together or separately), and in the presence of the Superintendent Registrar, have signed a signature verification form, and the Superintendent Registrar must be satisfied that the signatures on the freedom to marry declarations are the signatures of the persons signing the signature verification form.</p>
<p>Currently, a civil partnership may be formed on the authority of a licence, within three months from the day on which notice of civil partnership is</p>	<p>A marriage may be formed on the authority of a marriage schedule on the date and at the time specified in the marriage schedule.</p>

entered into the civil partnership notice book and within 14 days from the day on which the licence is issued.	If the marriage is not solemnized on the date specified in the marriage schedule, or is solemnized earlier or over 1 hour later than the time specified in the marriage schedule that schedule is void and no person shall solemnize the marriage on its authority.
A civil partnership must be formed between the hours of 8 a.m. and 7 p.m., in the presence of two or more witnesses and by a civil partnership registrar.	A marriage must be solemnized between the hours of 8 a.m. and 7 p.m., by a marriage celebrant and in the presence of two or more witnesses in addition to the marriage celebrant. The marriage celebrant must display, or cause to be displayed, a notice of the solemnization of the marriage at the approved location named in the marriage schedule for at least one hour before the commencement of the ceremony and until the conclusion of the ceremony.
The civil partnership registrar solemnizes the civil partnership but cannot verify the identity of the parties forming the civil partnership	The marriage celebrant solemnizes the marriage and must use the signature verification form to verify the parties identities before signing the marriage schedule.

Safeguards

The 2012 Law does not currently provide sufficiently robust controls against sham or forced civil partnerships. The proposed changes under the amended Law include the following provisions –

- The Superintendent Registrar cannot allow a couple to apply to give notice to form a civil partnership in Jersey until the Superintendent Registrar has received all the necessary immigration information, including a copy of their marriage/civil partnership visa if required.
- Any person who is not resident in Jersey, but who is intending to form a civil partnership in Jersey, must provide evidence that the civil partnership authority in their place of residence knows of no impediment to their civil partnership. This is known as a certificate of freedom to form a civil partnership. The Superintendent Registrar, if concerned about an individual’s civil status, may also require a certificate of freedom to form a civil partnership from a person’s jurisdiction of nationality as opposed to jurisdiction of residence, and can also require a certificate of freedom to form a civil partnership in relation to someone who has been resident in Jersey for less than two years. Where it can be evidenced that a jurisdiction’s civil partnership authority does not provide a certificate of freedom to form a civil partnership, then the Superintendent Registrar may waive this requirement.
- Any person forming a civil partnership in Jersey will need to complete a “signature verification” form in front of the Superintendent Registrar, which will be issued to the person authorized to solemnize the civil

partnership (the civil partnership celebrant). The content of this form will be prescribed by Order and is likely to include a requirement for a photograph of each of the parties to the civil partnership. The celebrant will, therefore, know that the persons forming a civil partnership are the same persons who gave notice to form the civil partnership. As it stands at the moment, it is not known whether the people who give notice are those who are forming the civil partnership.

- Both parties to the civil partnership, as opposed to only one party to the civil partnership, will need to give notice, declare that they are free to form a civil partnership and present themselves to the Superintendent Registrar, who may interview them if deemed necessary. Under the current Law it is possible – and it does happen – that one party will organise the civil partnership without the knowledge of the other party, who will not know anything about it until they arrive at the ceremony. This leaves people vulnerable to coercion.
- Key documents (for example, civil partnership certificates) will be printed. Printing, as opposed to handwriting - reduces the likelihood of mistakes, ensures that the documents can be more easily read, and makes them harder to amend post-issue. This is essential for fraud prevention purposes and reduces the likelihood of registers needing to be amended post-registration to correct accidental errors such as spelling mistakes, transposing of numbers, etc. Historically, the incidence of mistakes has been relatively high with authorities in other jurisdictions querying the content of Jersey certificates where they cannot be easily read or where there are concerns they have been doctored. This change brings Jersey into line with all other major jurisdictions. Civil partnership certificates and other formal documents will be printed on high-quality watermarked and embossed paper, rather than being handwritten.

Civil partnership safeguards - current	Civil partnership safeguards - new
Parties to a civil partnership can give notice before immigration status has been confirmed. Only one party required to give notice.	Parties to the civil partnership cannot give notice until immigration status is confirmed. Both parties must give notice.
	The couple must (if provided by the civil partnership authority in their jurisdiction of domicile) provide a certificate of freedom to form civil partnership if they are non-Jersey resident (i.e. confirmation from the appropriate authority that there is no known impediment to the formation of the civil partnership).
Only one party makes a freedom to form a civil partnership declaration on behalf of both parties.	Both parties must make a freedom to form a civil partnership declaration.
The Superintendent Registrar issues the civil partnership documents but cannot verify if they are issued to the same people who gave notice.	Both parties complete a signature verifier form alongside providing evidence of identity to Superintendent Registrar.

No set date and time are displayed on the notice of civil partnership that is displayed at the Office of the Superintendent Registrar.	<p>The Superintendent Registrar must publish notices containing the time, date and location of the civil partnership:</p> <ul style="list-style-type: none"> • at the Office of the Superintendent Registrar • on the website of the States of Jersey • in any other place that the Superintendent Registrar considers appropriate.
	The civil partnership celebrant must display, or cause to be displayed, a notice of the solemnization of the civil partnership at the approved location named in the civil partnership schedule for at least one hour before the commencement of the ceremony and until the conclusion of the ceremony.
Civil partnership registrar solemnizes the civil partnership but cannot verify the identity of the parties forming the civil partnership.	Civil partnership celebrant solemnizes the civil partnership and must use the signature verification form to verify the parties identities before signing the civil partnership schedule.

It is important to note that whilst the entry process to form a civil partnership will be aligned to that of marriage as a result of these amendments, a civil partnership can only be solemnized by a civil celebrant in a location that is not authorised for religious marriages.

Section D: Civil partnership by conversion

The draft Law provides for couples to convert their existing marriage into a civil partnership where both partners wish to do so. That civil partnership will be void however, if the marriage does not comply with the restrictions set out in Article 5 of the 2001 Marriage Law. The draft Law provides for conversion via an administrative route or via a conversion ceremony. The administrative route is available for those who do not want a ceremony because they feel that their original marriage ceremony was sufficient.

The process of applying for a conversion mirrors the process of applying to form a civil partnership to the extent that it is possible to do so. There are, however, some fundamental differences in that a couple converting their marriage to a civil partnership do not need to give notice. A couple must apply to the Superintendent Registrar for a conversion. They can do so up to one year before the date on which they wish to convert (this is to make provision for people who want a ceremony). They do not need to be Jersey residents, but they must have been resident for at least seven days in their place of residence before they apply.

The application form must be in such form as determined by the Superintendent Registrar. In considering their application, the Superintendent Registrar must inspect all the necessary documents, including those that relate to evidence of immigration

status and identity. The Superintendent Registrar may obtain any additional information from any authority which the Superintendent Registrar believes is appropriate in order to assist with verification of the information provided, or to determine if there may be grounds for the Superintendent Registrar not to issue the conversion schedule. This includes the right to interview each of the partners individually or together, in order to verify any of the information provided and confirm that each party wishes to convert their civil partnership into a marriage and/or are capable of consenting to change their civil partnership into a marriage.

As per the conversion from a civil partnership to marriage process, as provided for in the 2001 Marriage Law, the couple must sign a signature verification form in front of the Superintendent Registrar so that the Superintendent Registrar may provide it to the civil partnership celebrant in the event that the couple are converting at a ceremony, as opposed to simply signing the conversion schedule in front of the Superintendent Registrar.

Once the Superintendent Registrar has verified the relevant information, the Superintendent Registrar will prepare and issue the conversion schedule for signing by the couple and conversion certificates. These forms, which will be prescribed by Order will, to all intents and purposes, be the same as a civil partnership schedule and civil partnership certificates, except that they will include references to relevant Articles of the Law under which the conversion has taken place.

As set out above, the conversion may be administrative (i.e. the couple just sign the documents in front of the Superintendent Registrar) or there may be a ceremony at which the couple sign the conversion schedule. In the event that there is a ceremony, the draft Law sets out matters relating to the form that the ceremony will take, including content such as hymns and the spoken declaration that the couple will make.

Effect of the signing of the declaration

At the point at which the couple sign the declaration, their marriage will be converted to a civil partnership and that civil partnership will be treated as if it had subsisted since the date on which the couple entered into the marriage or the date at which the 2012 Law originally came into force if they were married before the 2012 Law originally came into force, not the date on which they signed the conversion schedule. The signed conversion schedule must be placed in the Conversion Register held by the relevant registrar.

A new Article 17 provides for the Minister to prescribe arrangements relating to the endorsement of registers. This will include, where the couple's civil partnership was originally registered in Jersey, the Superintendent Registrar arranging for the relevant civil partnership register to be annotated with an appropriate form of words, for example, "converted to marriage on (date) at (place)".

The arrangements relating to conversion of a marriage to a civil partnership, as set out above, mirror those for conversion of a civil partnership to a marriage as already provided for in the [Marriage and Civil Status \(Jersey\) Law 2001](#).

Section E: Transfer of relevant registration duties

In March 2020 the Comité des Connétables and Minister for Home Affairs determined that, on a temporary basis, the Superintendent Registrar should provide a centralised Island wide civil registration service to ensure continuity of civil registration during the Covid-19 pandemic period. Civil registration being the registrations of births, stillbirths, deaths, marriages, civil partnerships and associated conversions.

This centralisation was achieved via Article 42 of the [Marriage and Civil Status \(Jersey\) Law 2001](#) (the “2001 Marriage Law”) which, as currently drafted, provides that the Superintendent Registrar can act in the capacity of a parish registrar where there is no registrar appointed in that parish, and, where the Connétable has provided their consent for the Superintendent Registrar to do so. The provisions of Article 42 of the 2001 Marriage Law are, however, limited in that they only permit the Superintendent Registrar to act in the capacity of a parish registrar temporarily, with the statutory responsibility and liability for parish registration remaining with the Registrar and Connétable of the Parish.

The proposed provisions of the draft Amendment No. 5 Law, which have been developed in consultation with the Comité des Connétables, would provide that the Superintendent Registrar will hold the statutory functions and associated liability for civil registration, where a Connétable has determined to transfer the responsibility for parish registrations to the Superintendent Registrar on completion of a notice period set out in the amended law. Where a Connétable retains the statutory responsibility within their Parish, they are required to continue fulfilling their statutory responsibility pursuant to both the 2001 Marriage Law and the 2012 Law.

Where the Connétable of a Parish has opted to relinquish civil registration functions they may, at a later date, be transferred back to the parish where written notice is provided to the Superintendent Registrar and on completion of the full statutory notice period.

If notice is given but withdrawn during the statutory notice period, either when the relevant registration duties are being transferred to the Superintendent Registrar or being transferred to a Parish, the clock essentially resets as the notice period must be completed in full. This is to provide ample notice to the Superintendent Registrar to ensure there is enough time for the appropriate resourcing to be put into place. The Minister for Home Affairs will, by Order, provide for the statutory notice period, having consulted the Comité des Connétables.

In bringing forward these provisions, it is necessary to amend the terminology used in the 2012 Law to reflect the terminology used in the draft Amendment No.5 Law. Hence this draft law introduces the terms ‘relevant registrar’ and ‘relevant registration duties and replaces the term ‘parish registrar’ with ‘relevant registrar’ throughout the 2012 Law.

Section F: Fees

The improved safeguards provided for in the draft law require the Office of the Superintendent Registrar to undertake the same rigorous due diligence checks currently associated with the solemnization of marriage. As such it is necessary to mirror the fee structure for marriage (as adopted by the States Assembly in [P.91/2017](#)) which involves amendments to existing fees plus the introduction of new user pays fees. The proposed increases to existing fees (as set out in Table 1) and the new users pays fees (as set out in Table 2) provide for the Office of the Superintendent Registrar to self-fund through user-pays fees as per a decision of the States Assembly when adopting the Medium-Term Financial Plan ([P.68/2016](#)).

The changes being made to permit opposite-sex couples to enter into civil partnerships, aligning the entry process for civil partnerships to that of marriage and aligning the user pays fees for a civil partnership with the user pays fees of marriage is very unlikely to result in increased numbers of couples paying fees, as it is likely the couples would still get married if opposite-sex civil partnerships continued to not be available to them. The changes proposed will more likely mean that couples will

choose to pay fees to form a civil partnership as opposed to the fees for form a marriage.

Note: As set out in the proposition, and in accordance with [P.63/2003](#), the Assembly are asked to approve the introduction of proposed new user pays fees set out in Table 2.

Table 1: Existing fees with proposed increase to be provided for by Order

Description	Amount currently charged	Description of new activity	Amount to be charged under amended law	Rationale
Fee on giving notice of civil partnership where one or both of the persons entering into the civil partnership is ordinarily resident in Jersey	£70	Application for a notice of intended civil partnership	£205	Due to the increased safeguards and due diligence / administrative requirements it is necessary to increase the fee charged to apply for a notice of intended Civil Partnership. The required administration is equally undertaken for every marriage and as such the fee is the same as for marriage.
Fee on giving notice of civil partnership where neither of the persons intending to enter into the civil partnership is ordinarily resident in Jersey	£200			
Fee for issue of Superintendent Registrar's licence	£65	Request for issue of civil partnership schedule	£307.50	As above
Fee for issue of Superintendent Registrar's certificate of civil partnership	£65	(No additional fee is required for civil partnership certificates)		
Fee for use of the Superintendent Registrar's	£65	Supplementary fee for the use of the Office of the	£20.50	The reduction in fee reflects that currently charged in respect of

premises for solemnization of civil partnership		Superintendent Registrar as a location for the solemnization of a civil partnership taking place on Monday to Friday		marriage solemnized at the Office of the Superintendent Registrar.
Fee for solemnization of civil partnership by the Superintendent Registrar at his or her premises between the hours of 8 a.m. and 4 p.m.	£70	Solemnization of a civil partnership by the Superintendent Registrar or the Deputy Superintendent Registrar on Monday to Friday at the office of the Superintendent Registrar.	£0	As above
Fee for solemnization of civil partnership by the Superintendent Registrar at his or her premises between the hours of 4 p.m. and 7 p.m.	£80			
Fee for solemnization of civil partnership by the Superintendent Registrar's delegate at the Superintendent Registrar's premises between the hours of 8 a.m. and 4 p.m.	£80			
Fee for solemnization of civil partnership by the	£100			

Superintendent Registrar's delegate at the Superintendent Registrar's premises between the hours of 4 p.m. and 7 p.m.				
Fee for solemnization of civil partnership by Superintendent Registrar or the Superintendent Registrar's delegate at any other approved premises between the hours of 8 a.m. and 4 p.m.	£80	Solemnization of a civil partnership by the Superintendent Registrar or the Deputy Superintendent Registrar at an approved location other than the office of the Superintendent Registrar.	£153.75	Fee increase to meet the costs of the Superintendent Registrar or Deputy Superintendent Registrar being out of the office during working hours or after work for the purpose of solemnization a civil partnership. The fee is the same as for a marriage.
Fee for solemnization of civil partnership by Superintendent Registrar or the Superintendent Registrar's delegate at any other approved premises between the hours of 4 p.m. and 7 p.m.	£100			
Fee for search of indexes maintained by the Superintendent Registrar	£30.75 per hour or part of an hour	Search of indexes maintained by the Superintendent Registrar	£30.75 per hour or part of an hour	No change
Fee for a copy of an entry in a book or register certified by a registrar or the Superintendent Registrar	£30.75	Production of a copy of an entry in a book or register certified by a registrar or the Superintendent Registrar	£30.75	No change

		Registrar		
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Table 2: New user pays fees (all of which reflect those associated with a marriage)

Description of new activity	Amount	Rationale
Issue of a certificate of no impediment to civil partnership	£102.50 per applicant	New provisions are being introduced into the 2012 Law to provide for the issue of certificates of no impediment for civil partnerships.
Change to date, time or location contained in the published notice of civil partnership	£51.25	A civil partnership notice used to contain no fixed date or time for the civil partnership to be solemnized. As part of anti-sham safeguards that are being introduced by this draft Law a civil partnership notice now will be required to contain a date and time for the solemnization of the civil partnership. Therefore, if a couple need to change that date or time a fee now applies in the same way that it does to marriage.
Attendance of the Superintendent Registrar to sign forms or undertake identity checks in special circumstances	£51.25	New provisions to allow civil partnerships to take place in special circumstances (for example: where one or both parties to a civil partnership are expected to die within 3 months of applying for notice of intended civil partnership)
Amendment of a civil partnership schedule, book or certificate arising from special circumstances	£76.88	As above
Registration of each civil partnership that a registrar registers under Article 17A(3) or (4) or the provision of returns of registers	£10.25	This fee corresponds with the new provisions that introduce duties for the registration of civil partnerships in the appropriate registers akin to

		the duties to register marriages in the appropriate marriage registers. This fee is paid by the Superintendent to the Registrar who registers the civil partnership, it is not a fee paid by the parties to the civil partnership.
Conversion of a marriage to a civil partnership	£0 for the period of 2 years from the coming into force of the Civil Partnership (Amendment) (Jersey) Law 202- and £205 thereafter.	This fee is a result of the new provisions introduced to allow a married couple to convert their marriage to a civil partnership. As per the introduction of same-sex marriages in 2018 the fees will be set at £0 for the first two years to enable couples who may have been denied the choice of a civil partnership to convert their marriage at no cost initially.
Issue of a conversion schedule	£0 for the period of 2 years from the coming into force of the Civil Partnership (Amendment) (Jersey) Law 202- and £307.50 thereafter	As above
Solemnization of a civil partnership by conversion	£0	
Supplementary fee for the use of the office of the Superintendent Registrar as a location for the solemnization of a civil partnership taking place there on Saturday, Sunday or a bank holiday	£102.50	This fee covers the staff costs associated with opening the Office of the Superintendent Registrar on a weekend or bank holiday.
Solemnization of a civil partnership by the Superintendent Registrar or the Deputy Superintendent Registrar on a Saturday, Sunday or bank holiday	£153.75	This fee covers the staff costs of the Superintendent Registrar or their delegate solemnizing a civil partnership on a weekend or bank holiday.

Chapter 2: Draft Civil Partnership (Amendment) (Jersey) Law 202-

Section G: Effects of the Draft Civil Partnership (Amendment) (Jersey) Law 202-

Part 1 of the draft Law, which comprises Articles 1 to 41, amends the 2012 Law.

Amendments to the [Civil Partnership \(Jersey\) Law 2012](#)

Article 1 introduces the amendments to the 2012 Law.

Article 1 (interpretation) substituted

Article 2 substitutes a new Article 1 of the 2012 Law, providing for the interpretation of words and phrases used in the 2012 Law. Among the new defined terms are “relevant registrar” and “relevant registration duties” to enable the new distribution of relevant registration duties provided for by the new Article 41A that the draft Amendment No. 5 Law will insert into the 2001 Marriage Law. The former means the registrar who has responsibility for registering births, civil partnerships, marriages and deaths in relation to a parish, and the latter means the duties to register those events.

Article 2 (civil partnership) amended

Article 3 removes from Article 2 of the 2012 Law the requirement that civil partners are of the same sex, thus creating equality between marriage (other than religious marriage) and civil partnership, regardless of sexual orientation.

Article 3 (formation of civil partnership by registration) amended

Article 4 substitutes Article 3 of the 2012 Law. The replacement Article now also provides for the solemnization of civil partnerships which are converted from marriages. Conversions may be solemnized either in a ceremony with witnesses or administratively before the Superintendent Registrar or the Deputy Superintendent Registrar.

Article 4 (eligibility) amended

Article 5 amends Article 4 of the 2012 Law, by raising the age at which a person may enter into a civil partnership from 16 to 18, subject to a transitional exception for civil partnerships solemnized before the coming into force of the amending Law or after it comes into force on the basis of notice given before that time.

Articles 5 (consent to civil partnership of a minor) and 6 (forbidding issue of licence or certificate for civil partnership of a minor) deleted

Article 6 deletes Articles 5 and 6 of the 2012 Law, which become unnecessary in consequence of the raising of the minimum age for the formation of a civil partnership to 18.

Article 6A to 6C inserted

Article 7 inserts three new Articles, 6A to 6C in the 2012 Law.

Article 6A Persons authorized to solemnize civil partnerships in Jersey

Article 6A provides that a civil partnership may be solemnized only by a civil partnership celebrant and not a religious official, and mirrors the arrangements provided under the 2001 Marriage Law. The Superintendent Registrar must hold a register of all people, who are authorized to solemnize civil partnerships in Jersey. That register, which will be publicly accessible and available will include all relevant details of the civil celebrants.

Article 6A also provides that Article 82C of the 2001 Marriage Law applies for the authorisation of civil partnership celebrants. Further information relating to the authorisation process for civil partnership celebrants can be found in Section J: Appendix.

Article 6B Application for notice of intended civil partnership

Article 6B provides for the making of an application for a notice of intended civil partnership that mirrors the arrangements provided under the 2001 Marriage Law. Further details on those arrangements can be found in Section J: Appendix.

Article 6C Consideration of application for notice of intended civil partnership

Article 6C provides for the consideration of an application that mirrors the arrangements provided under the 2001 Marriage Law. It sets out that the Superintendent Registrar may request additional information or interview the parties to the civil partnership if the Superintendent Registrar considers it is necessary to do so in order to –

- verify the information and its authenticity;
- be satisfied that both parties are capable of consenting to the civil partnership;
- consider whether there may be grounds not to issue a notice of intended civil partnership. To assist in the process, new Article 21B provides the Superintendent Registrar powers to exchange information with other authorities (e.g. immigration; passport officers, etc.). New Article 17 requires the Superintendent Registrar to capture and retain electronic copies of the documents provided.

Article 7 (notice of civil partnership) substituted

Article 8 substitutes a new Article 7 in the 2012 Law that mirrors the arrangements provided under the 2001 Marriage Law. It provides for the giving of a notice of intended civil partnership following an application under Article 6B. At the point at which the Superintendent Registrar is satisfied with the information provided, and has received the necessary fees, the Superintendent Registrar will issue to the parties:

- a notice of intended civil partnership; and
- a freedom to form a civil partnership declaration.

Both parties to the civil partnership must sign and return both documents. This is an improved safeguard against any incorrect/false declaration, as under the 2012 Law as it currently stands, only one of the parties to the civil partnership is required to sign.

The Law prohibits the Superintendent Registrar from issuing a notice of intended civil partnership and a freedom to form a civil partnership declaration unless they are satisfied that both parties to the civil partnership have provided the appropriate documentation. This will include in relation to immigration status and visas (although new Article 7 does allow the Superintendent Registrar to forego the provision of information where the Superintendent Registrar is otherwise satisfied). The contents of the notice of intended civil partnership will be prescribed by Order but will include, for example, the couple's names, date of proposed civil partnership and location of civil partnership.

The contents of the freedom to form a civil partnership form will also be prescribed by Order, but must include a declaration, by each party, that they are free to form a civil partnership. This is an enhancement over the 2012 Law as it currently stands, in that a single declaration is made by both parties which incorporates all impediments. Under the current Law, two different declarations were required, at two different stages in the

process, with those declarations being made by one of the parties on behalf of both parties. The proposed changes bring increased rigour.

Article 7A (publication of notice of intended civil partnership) inserted

Article 9 inserts a new Article 7A that mirrors the arrangements provided under the 2001 Marriage Law. It prohibits the Superintendent Registrar from entering a notice into the notice of intended civil partnership book until the Superintendent Registrar has received signed copies of the notice and freedom to form a civil partnership form. The date on which the civil partnership is entered into the notice to form a civil partnership book and published both at the Superintendent Registrar's office and online, is the day on which the couple will have been considered to give notice. This may be a different date from the date on which the couple signed the notice to form a civil partnership form.

If special circumstances apply (see Article 14B) and the Superintendent Registrar has not received all the necessary documentation, the Superintendent Registrar may enter the notice to form a civil partnership in the notice to form a civil partnership book but must annotate the notice accordingly.

The Law requires that the notice must be published at least 25 clear days before the day of the civil partnership ceremony, regardless of whether or not these are working days. The purpose of publishing a notice is to generate awareness of a pending civil partnership in order that people who might object to that civil partnership may do so.

Article 8 (caveat against issue of licence or certificate) substituted

Article 10 substitutes a new Article 8 in the 2012 Law dealing with the issue of caveats against the issue of a civil partnership schedule or a certificate of no impediment. These provisions mirror the arrangements provided under the 2001 Marriage Law in that it allows people who believe there is a lawful reason for a civil partnership not to take place, to obstruct the Superintendent Registrar in issuing a civil partnership schedule. It also provides for the Superintendent Registrar to refer certain caveats to the Royal Court for determination. Article 8 extends the provision of the 2012 Law to certificates of no impediment.

It is important to note that a caveat cannot be entered on the grounds that a civil partnership is between an opposite-sex couple, as opposite-sex civil partnerships will be lawful.

Article 9 (civil partnership on authority of licence) substituted

Article 11 substitutes a new Article 9 in the 2012 Law dealing with the issue of a civil partnership schedule (the document which is signed in the course of a civil partnership ceremony and the signature of which is an essential component of the formation of a civil partnership).

In order for a civil partnership to be solemnized in Jersey, the Superintendent Registrar must issue a civil partnership schedule. The Superintendent Registrar cannot issue this schedule unless –

- notice has been given in accordance with the Law, and all necessary documents and evidence have been reviewed, including a certificate of freedom to form a civil partnership if required;
- both parties to the civil partnership have attended the Superintendent Registrar's office (either separately or together) and signed in front of the Superintendent Registrar a signature verifier form, and the Superintendent Registrar has checked that the signatures on the verifier

form match those on the notice of intended civil partnership and the freedom to form a civil partnership declaration;

- the Superintendent Registrar has confirmed that the location is an approved location.

The Law provides that the Superintendent Registrar may forgo requirements relating to the provision of original documents where the Superintendent Registrar is satisfied that the parties have corroborated the information required via other means (Article 7). The Law also provides that the Superintendent Registrar may refuse to issue a civil partnership schedule unless satisfied that –

- both parties to the civil partnership are capable of consenting to the civil partnership or are entering into the civil partnership freely;
- there are no other grounds for not issuing a civil partnership schedule.

Signature verifier

At present, under the 2012 Law there is no mechanism by which the relevant registrar or the civil celebrant who solemnizes the civil partnership can verify the identity of the couple (i.e. the people who give notice to the Superintendent Registrar could be different to the people who attend the relevant registrar, who could be different again to the people who present themselves as the couple to form a civil partnership on the day). Signature verification was a new process introduced into the 2001 Marriage Law to help safeguard against sham and forced marriage. The couple will each sign a signature verifier form in front of the Superintendent Registrar, who will check signatures against the notice of intended civil partnership and freedom to form a civil partnership forms. The Superintendent Registrar will then issue the signature verifier to the authorized civil celebrant solemnizing the civil partnership. The authorized civil celebrant is required in law to confirm that the two people signing the civil partnership schedule at the civil partnership ceremony are the same two people by comparison to the signature verification form.

The Superintendent Registrar will issue to the authorized celebrant –

- three civil partnership certificates (two to be retained by the couple post-ceremony, one to be returned to the Superintendent Registrar);
- the civil partnership schedule and signature verifier form;
- a notice including details of the civil partnership ceremony for display at the venue.

The Superintendent Registrar will determine what form the civil partnership schedule and certificates should take, providing that they include all the information prescribed by Order. The details provided for in the Order will mirror those for a marriage and will include, for example –

- a statement from the Superintendent Registrar confirming that the parties to the civil partnership have given notice of their intention to form a civil partnership, that the notice has been displayed in accordance with the Law, and that both parties have signed a solemn declaration that there is no impediment to their civil partnership;
- details for both parties to the civil partnership (name, date of birth etc.);
- date and place of civil partnership;
- signatures and names of couple and witnesses,
- certification by the authorized celebrant that they celebrated the civil partnership (space for date, time and signature).

Article 10 (period of validity of licence) deleted

Article 12 deletes Article 10 as the scheme of licences being required to form a civil partnership is to be replaced with a notice period and a civil partnership schedule.

Article 11 (civil partnership on authority of document issued outside Jersey) substituted

Article 13 substitutes a new Article 11 in the 2012 Law dealing with civil partnerships formed in Jersey on the authority of a document issued by a civil partnership authority outside Jersey: this will normally be a certificate from such an authority that no impediment exists to the solemnization of the civil partnership in Jersey. The Superintendent Registrar may however dispense with the need for such a certificate if satisfied that the failure to deliver such a certificate is beyond the control of the party who is resident outside Jersey, or that the civil partnership authority concerned does not issue such certificates.

The 2012 Law as amended will bring in a requirement for any person who is non-Jersey resident but who intends to form a civil partnership in Jersey, to provide a certificate of freedom to form a civil partnership as an additional control against bigamous or sham civil partnerships. This is in addition to the requirement of both parties to give notice in Jersey, which will be a requirement under the 2012 Law as amended.

The certificate of freedom to form a civil partnership provides confirmation to the Superintendent Registrar that the competent authority in the jurisdiction where the party to the civil partnership lives knows of no impediment under the law of that jurisdiction to the intended civil partnership (an impediment could, for example, include that the individual is already married or in a civil partnership with someone else or that the individual is wishing to form a civil partnership in circumstances which would result in the civil partnership being unlawful in the place of residency – for example, if they were below the legal age of civil partnership).

The primary purpose of a certificate of freedom to form a civil partnership is not related to immigration control – albeit it does provide an additional measure – it is instead to help ensure that a non-resident person is free to form a civil partnership. The requirement for a certificate of freedom to form a civil partnership therefore applies to all UK and EEA nationals. Where the jurisdiction in which the party is resident will not provide a certificate of freedom to form a civil partnership, the Superintendent Registrar can accept equivalent evidence or information, or forgo the requirement. This is necessary because –

- different jurisdiction's legislation may not provide for civil partnerships or the issue of a freedom to form a civil partnership document;
- different jurisdictions have different rules relating to the provision of certificates of freedom to form a civil partnership and certificates of no impediment.

In addition, the Law provides the Superintendent Registrar powers to require a certificate of freedom to form a civil partnership from –

- parties who are Jersey resident, where the Superintendent Registrar believes there are valid reasons to do so, for example if the Superintendent Registrar has legitimate concerns that the party may not be free to form a civil partnership or that the party has been resident in Jersey for less than 2 years; or

- the jurisdiction of nationality, as opposed to residency, of the non-Jersey resident party in the event that the Superintendent Registrar believes there are valid reasons to do so.

Article 12 (certificate for formation of civil partnership outside Jersey) substituted

Article 14 substitutes a new Article 12 in the 2012 Law. The amended 2012 Law will provide for the Superintendent Registrar to issue a certificate of no impediment (“CONI”) for the solemnization of a civil partnership outside of Jersey, where one or both of the parties to the civil partnership are Jersey resident. The certificate is a means via which the party to a civil partnership can demonstrate to the authorities in the jurisdiction in which the civil partnership is to take place that they have given notice of intended civil partnership in accordance with Jersey law and that the Superintendent Registrar knows of no impediment to the civil partnership.

A CONI, which only relates to the individual in whose name it is issued – if both parties to the civil partnership are Jersey residents, both will need to be issued their own CONI – is not equivalent of permission or licence to form a civil partnership. There is similar provision in the 2001 Marriage Law as it currently stands in respect of certificates of no impediment to marriage.

Article 13 (approved premises) substituted

Article 15 substitutes a new Article 13 in the 2012 Law. It provides for the approval of premises for the solemnization of civil partnership, and contains a transitional provision in respect of premises which are authorized immediately before the draft Law comes into operation.

The new Article 13 sets out that the Minister will, by Order, establish a scheme whereby an approving authority can approve locations for the solemnization of civil partnership. The approving authority will be the Connétable of the relevant Parish who, in approving the location, will be confirming that it upholds the dignity and solemnity of civil partnerships.

If the location belongs to the Connétable or the Parish, the Minister will need to approve their location. In this context, ‘solemn’ means characterised by deep sincerity (i.e. to make a solemn promise), as opposed to grave or dour.

Protections for religious organisations

In order to provide protections for religious organisations, the Law as amended sets out that the approving authority cannot approve a location for the solemnization of civil partnership, where that location is –

- a usual place of public religious worship according to the rite of the Church of England; or
- has been certified by the Minister as a usual place of public religious worship by a religious organisation;
- an civil partnership celebrant cannot solemnize any civil partnership in a location which is a certified place of public religious worship.

Locations that can be approved

Under a new Article 13 Order it is anticipated that the Minister will allow for –

- approved locations to include open-air locations, non-permanent locations, a permanent location or any combination thereof. This can be

the whole location or part of a location (e.g. the whole of a headland, or a specific part of a headland; the whole of a building, or a given number of rooms in a building);

- locations to form part of a building or part of a larger location, as opposed to a whole building or location;
- an open-air location to include a sea beach, or a specific area on a sea beach;
- a non-permanent location to include structures such as marquees and gazebos, and movable structures such as aeroplanes, trains or boats, providing – the structure is moored/parked throughout the duration of the ceremony, has been moored/parked at least 1 hour prior to the ceremony in order that any member of the Public may enter the boat, etc. in order to attend; and will be moored/parked for sufficient time after the end of the ceremony to permit any member of the Public who may attend to depart;
- approval for a named couple's civil partnership only, for example a couple's home or garden. A location will not, however, be able to be approved only for a named couple where that location could be used by other couples (for example, a beach or a restaurant which is generally accessible by the public).

Public access

If a couple are forming a civil partnership in their own living-room, for example, they must allow public access whilst the civil partnership ceremony is taking place. Allowing any person to attend a civil partnership ceremony who wishes to attend helps prevent clandestine civil partnerships. This provides safeguards against forced civil partnerships, sham civil partnerships or civil partnerships between people who are not legally free to form a civil partnership. Whilst it is understood that this provides no protection against attendance by deliberately disruptive individuals, it remains an essential safeguard.

Where a location is not accessible by the Public, the Order will provide that the Connétable may still approve the location, but only if the Minister determines that there are sufficiently compelling circumstances to do so. This could include, for example: H.M. Prison La Moye; or parts of the Hospital or Hospice where safety, security or care considerations restrict access.

Register of approved locations for civil partnerships

The Superintendent Registrar will keep a publicly accessible register of all locations approved for civil partnerships. That register will clearly set out matters relating to the approval, for example –

- special conditions;
- details of venue, name, location plan and description of boundaries.

Standard and special conditions

The Minister will set out in the Order the standard conditions that must apply to any approval and any special locations that may be imposed by the Connétable. It will be the responsibility of the civil celebrant to ensure compliance with the standard conditions and either the location's responsible person or the person organizing the ceremony (for example, the parties to the civil partnership ceremony) to ensure compliance with any special conditions.

Standard conditions are likely to include that –

- no food or drink is sold or consumed at the location in which a civil partnership ceremony takes place for one hour prior to that ceremony or during that ceremony;
- the civil partnership ceremony takes place within the boundaries set out in the approval and as stated in the register (i.e. within the approved room/s or on the approved area of land);
- the location in which a civil partnership is solemnized is separate from any other activities taking place in that location at the time of the ceremony (for example: there must be a reasonable means whereby other beach users are kept out of the immediate space; other venue users must have vacated the location unless they are attending the civil partnership ceremony as members of the Public);
- the details of the civil partnership ceremony must be displayed at the location at which the civil partnership is to take place; and these should –
 - (a) be displayed a least 1 hour before the time of the formation of the civil partnership and throughout the ceremony,
 - (b) at each public entrance to the location or equivalent (i.e. the main entrances to a hotel; the public access point on a beach),
 - (c) include the names of the parties to the civil partnership.

Special conditions could include –

- placing restrictions on the days of the year, days of the week or times of a day that a civil partnership may be solemnized at that location;
- placing restrictions on civil partnerships being solemnized at a location in the event that the location or its surrounding land or premises is being used for other purposes at the time of the ceremony (for example: a location on a sea beach may not be approved for use during the same months of a year during which the Minister for Economic Development, Tourism, Sport and Culture has licensed a surf rental concession);
- making requirements in relation to the erection of barriers or notices; use of semi-permanent structures or features (e.g. awnings, seats, floor coverings);
- any other requirements relating specifically to upholding the dignity and solemnity of civil partnership.

Article 14 (solemnization on approved premises) substituted

Article 16 replaces the present Article 14 of the 2012 Law with 3 new Articles, 14, 14A and 14B.

Article 14 Solemnization of civil partnership

The first of these Articles deals with the procedure to be adopted in the solemnization of a civil partnership: it substantially re-enacts the existing Article 14, but it makes the provision subject to Article 14B, and recognises existing practice about the use of religious texts, candles and incense in the solemnization of civil partnerships.

It sets out that a civil partnership must be solemnized –

- at the location named on the schedule
- between 8 a.m. and 7 p.m.
- in the presence of 2 or more witnesses in addition to the civil celebrant.

Members of the Public must be permitted to freely attend. To facilitate attendance, the civil celebrant must ensure that a notice setting out the details of the civil partnership is displayed at the location at least one hour before the wedding.

Each of the parties to the civil partnership must make a declaration in some part of the ceremony and in the presence of the witnesses and the civil celebrant, stating that – “I solemnly declare that I know not of any lawful reason why I, AB, may not be joined in civil partnership to CD”; and “I call upon the persons here present to witness that I, AB, take you, CD, to be my lawful civil partner”. This declaration must be used in all civil partnerships.

The amended Law provides couples with choices over the content of their civil partnership ceremony. It sets out that whilst prayers, religious rituals and symbols are not permitted, couples forming a civil partnership can incorporate hymns, chants, bible readings, candles, ribbons, etc. into their ceremony, providing the civil celebrant has determined that doing so will not replicate acts of religious worship, this is as per the current provisions of the 2001 Marriage Law.

The Law sets out that a person becomes a civil partner of the other party on the signing of the civil partnership schedule by both parties to the civil partnership and the civil partnership celebrant, as opposed to the speaking of the declarations. This is to allow for the civil partnership celebrant to verify that the parties are the same people as per the signature verifier as issued by the Superintendent Registrar. Any of these requirements may, however, be varied if a civil partnership is taking place in special circumstances as per Article 14B.

Article 14A Changes to date, time or location of intended civil partnership

Article 14A sets out that a notice to civil partnership must be published for 25 clear days immediately before the date of the civil partnership ceremony. The amended Law provides that a couple can change the time, date or venue of their civil partnership, as set out on a published note, providing they do so within 25 clear days. Where changes are required within that 25-day period, the provisions of new Article 14B apply.

Article 14B Civil partnership: special circumstances

Article 14B provides for applications to change the date, time or location of such a ceremony in special circumstances, such as where one of the parties is terminally ill or has become physically incapable of accessing the original location for the civil partnership ceremony. The new Article also provides for civil partnership/conversion in special circumstances and in curtailed timeframes, unlike Article 14A, which only provides for changes to civil partnership arrangements that occur at least 25 clear days before the date of the civil partnership. Article 14B sets out that, in certain special circumstances, a civil partnership may be solemnized or converted –

- at a location that is not an approved location (e.g. a person’s home or a hospital ward); or
- is outside the standard hours of civil partnership;
- after a shorter notice period (i.e. less than the required 25 clear days); or
- on a date which is different to that set out in a notice of intended civil partnership, where the change of date has been made less than 25 clear days before the date of civil partnership. These circumstances include –
 - where there is an expectation of death within 3 months;
 - where a party to the civil partnership cannot get to an approved location due to illness;

- where a party to the civil partnership is unable to solemnize the civil partnership through illness or other unavoidable circumstances;
- where a party to the civil partnership is detained in prison or under the Mental Health Law;
- where it is impossible to use an approved location named on a civil partnership/conversion schedule; or
- where it is impossible for the celebrant named on the civil partnership/conversion schedule to solemnize the civil partnership.

The Law provides that the Minister will, by Order, prescribe the requirements and procedures that will apply to special circumstances civil partnership/conversions. This will include the application process and the fees payable. It is anticipated that the Order will set out that where a person is dying, ill or housebound, an appropriate authority will need to provide a statement. That statement will need to have been signed no more than 14 days before it is received by the Superintendent Registrar, and must confirm the circumstances pertaining to that person, for example –

- that there is an expectation of death; and/or
- that the party is housebound and cannot be moved to an approved place of civil partnership; and/or
- there is a requirement for treatment in a given timeframe which impacts on when the party can form a civil partnership; and/or
- that the party is of sound mind and can understand the nature of civil partnership. The appropriate authority will, where the party is ill or dying, be a registered medical practitioner. Where the person is detained in a hospital, the appropriate authority is the hospital manager, or where they are detained in a prison or secure accommodation centre, the appropriate authority is the prison governor or another officer with responsibility for the prison or place of secure accommodation. The Order will provide for different requirements to be made with regard to the provision of original documents, although this is unlikely to include –
 - forgoing evidence of immigration status where required;
 - forgoing evidence of divorce/dissolution/or death of previous partner of spouse, where one or both of the parties were previously married or in a civil partnership to someone else;
 - signing the civil partnership notice form and the freedom to form a civil partnership form, albeit the Superintendent Registrar can attend the party to the civil partnership so they may sign, as opposed to them attending the Superintendent Registrar's office for alternative arrangements for the signing of forms. Article 14B also allows the Minister to require the Superintendent Registrar, where the Superintendent Registrar disappplies timeframes and/or provision of supporting evidence, to:
 - fully record these matters on the Superintendent Registrar's records; and
 - ensure that the civil partnership notice, schedule and certificates are annotated accordingly.

Article 15 (civil partnership of person incapacitated by illness or disability) deleted

Article 17 repeals Article 15 of the 2012 Law as it is superseded by the new Article 14B.

Article 16 (delegates of the Superintendent Registrar) deleted

Article 18 repeals Article 16 of the 2012 Law, which deals with the appointment of Delegates of the Superintendent Registrar. That Article is now spent and there are no remaining Delegates.

Article 17 (keeping of books and registers relating to civil partnership) substituted and Article 17A (retention of civil partnership schedule) inserted

New Articles 17 and 17A deal with the requirement to keep information and records relating to civil partnership. They set out that –

- a civil celebrant must return signed schedules to the Superintendent Registrar, for the Superintendent Registrar to enter details into a copy register prior to providing the original documents to the relevant registrar;
- the relevant registrar will be paid for each document included in the relevant register;
- the Superintendent Registrar is required to keep an electronic copy of any application or document received in relation to civil partnership and conversion.

In addition, the Superintendent Registrar must keep –

- a notice of intended civil partnership book;
- a register of authorized civil celebrants;
- a register of approved locations;
- a copy of the entries into the civil partnership registers held by each registrar and the conversion registers.

All the registers kept by the Superintendent Registrar must be available for public inspection free of charge, albeit this does not preclude the Superintendent Registrar from charging people who request the Superintendent Registrar to undertake a search of those registers and books on their behalf.

Article 18 (duty to record and register civil partnerships) amended

Article 21 makes a drafting correction to Article 18 of the 2012 Law and amends the Article to reflect the new distribution of the relevant registration duties made possible by the insertion of Article 41A into the 2001 Marriage Law.

Article 19 (power to require particulars of civil partnership) amended

Article 22 makes an amendment to Article 19 of the 2012 Law on a registrar's power to require information, partly to correct an error in the existing provision and partly to reflect the new distribution of the relevant registration duties made possible by the insertion of Article 41A into the 2001 Marriage Law.

Article 20 (proof of certain matters not necessary to validity of civil partnership) substituted

The new Article 20 sets out that civil partners do not need to prove the validity of their civil partnership in relation to certain matters; for example – whether or not the civil partnership was solemnized at an approved location, because their civil partnership was in accordance with the Law and the safeguards provided in that Law (i.e. they are civil partners because their civil partnership was solemnized in accordance with the Law).

New Article 20 does not, however, negate the provisions of new Article 22A, which sets out the circumstances in which a civil partnership will be void. The circumstances under which a civil partnership will be void include, for example: due notice was not given; false documents were provided (this will include false identity and immigration documents); it was not solemnized by an civil partnership celebrant or at a location approved for civil partnerships.

Article 21 (searches) amended and Article 21A (official searches of records by the Superintendent Registrar) inserted

Articles 24 and 25 together make replacement provision on the topic of searches in relation to civil partnerships, the former removing paragraph (2) in Article 21 of the 2012 Law and the latter inserting a new Article 21A in that Law dealing with searches in the records of the Superintendent Registrar and the Royal Court. The amended 2012 Law only provides for Jersey residents to obtain a CONI. Article 24C however, allows for non-residents (Jersey born and non-Jersey born) to apply to the Superintendent Registrar for what is commonly referred to as a “no trace” certificate (i.e. there is no trace of a person being in a valid marriage or civil partnership). The Superintendent Registrar, having searched the Superintendent Registrar’s records and relevant Court records, will issue the certificate which states whether there is a trace of a current, or previous, marriage or civil partnership in Jersey.

Article 21B (co-operation and disclosure) inserted

Article 26 inserts a new provision, Article 21B in the 2012 Law. The amended Law provides the Superintendent Registrar powers to disclose information, or request information, with a range of different authorities both in Jersey and in other jurisdictions. The purpose of these powers is to help enhance safeguards against forced and sham civil partnerships, by supporting the Superintendent Registrar to –

- verify any information or documents they receive;
- determine if there are grounds for refusing to issue a notice, schedule or certificate.

Article 22A (civil partnerships which are void) inserted

Article 27 inserts a new Article 22A in the 2012 Law setting out the circumstances in which a civil partnership is void on procedural grounds.

Article 23 (offences relating to the registration of civil partnerships) substituted and Article 23A Offences relating to the registration of civil partnerships

Article 28 replaces the existing Article 23 of the 2012 Law with two Articles, 23 and 23A dealing with offences relating respectively to the solemnization and registration of civil partnerships. The offences relating to the solemnization or a civil partnership are entirely new, the offences in relation to the registration of a civil partnership are already found within the 2012 Law.

Offences by any person –

- knowingly making false declarations or providing false information in order to form a civil partnership or convert a marriage to a civil partnership;
- seeking to prevent a civil partnership by entering a caveat or forbidding the issue of a civil partnership certificate by falsely presenting as a person whose consent to that civil partnership is required.

Offences by the Superintendent Registrar include –

- issuing a civil partnership schedule or CONI which is void or where the notice period has been less than 25 clear days;

- issuing a civil partnership schedule or CONI if there has been lawful objection;
- authorizing a civil celebrant to solemnize a civil partnership at a location not approved for civil partnerships;

Offences by persons –

- to knowingly solemnize a civil partnership declared void by law or on authority of a civil partnership schedule which is void;
- solemnize a civil partnership at a location other than an approved location;
- to solemnize a civil partnership if not a civil celebrant.

Article 24 (declarations) amended

Article 29 amends Article 24 of the 2012 Law to make an amendment in respect of a declaration by the Royal Court under Article 8 of that Law, in consequence of the replacement of that Article by Article 10 of the draft Law.

Article 24A (amendment of periods specified in this Part) inserted

Article 23 inserts a new Article 24A in the 2012 Law which confers a power on the Minister by Order to amend periods under Part 2 of the 2012 Law.

Article 25 (Orders concerning registration) amended

Article 31 amends Article 25 of the 2012 Law to make it clear that the power under that Article to make provision about the registration of civil partnerships extend also to civil partnerships by conversion.

Article 26 (duty of Minister) amended

Article 32 makes a corresponding amendment to Article 26 of the 2012 Law in respect of the duty of the Minister to inspect records maintained under the Law. It also makes a drafting correction to make it clear that the purpose of that inspection is to assess the performance of parish registrars.

Part 2AA (civil partnerships by conversion) inserted

Article 33 inserts a new Part 2AA into the 2012 Law which contains: Article 26AA Application for conversion, Article 26AB Consideration of application for conversion, Article 26AC Issue of conversion schedule and Article 26AD Civil partnership by conversion: solemnization. These Articles deal with the procedure for civil partnerships by conversion.

The amended 2012 Law will provide for couples to convert their existing marriage into a civil partnership where both partners wish to do so.

The amended Law allows for conversion via an administrative route or via a conversion ceremony. The administrative route is available for those who do not want a ceremony because they feel that their original marriage ceremony was sufficient.

The process of applying for a conversion mirrors the process of applying to form a civil partnership to the extent that it is possible to do so. There are, however, some fundamental differences in that a couple converting their marriage to civil partnership do not need to give notice.

A couple must apply to the Superintendent Registrar for a conversion. They can do so up to one year before the date on which they wish to convert (this is to make provision for people who want a ceremony). They do not need to be Jersey residents, but they must have been resident for at least seven days in their place of residence before they apply.

The application form must be in such form as determined by the Superintendent Registrar. In considering their application, the Superintendent Registrar must ensure they have inspected all the necessary documents, including those that relate to evidence of immigration status and identity. The Superintendent Registrar may obtain any additional information from any authority which the Superintendent Registrar believes is appropriate in order to assist with verification of the information provided, or to determine if there may be grounds for the Superintendent Registrar not to issue the conversion schedule. This includes the right to interview each of the partners individually or together, in order to verify any of the information provided and confirm that each party wishes to convert their marriage into a civil partnership and/or are capable of consenting to change their marriage into a civil partnership.

As per the amended civil partnership process, the couple must sign a signature verifier form in front of the Superintendent Registrar so that the Superintendent Registrar may provide it to the civil celebrant in the event that the couple are converting at a ceremony, as opposed to simply signing the conversion schedule in front of the Superintendent Registrar.

Once the Superintendent Registrar has verified the relevant information, the Superintendent Registrar will prepare and issue the civil partnership conversion schedule for signing by the couple and the conversion certificates. These forms, which will be prescribed by Order will, to all intents and purposes, be the same as the civil partnership schedule and civil partnership certificates, except that they will include references to relevant Articles of the Law under which the conversion has taken place.

The conversion may be administrative (i.e. the couple just sign the documents in front of the Superintendent Registrar) or there may be a ceremony at which the couple sign the conversion schedule. In the event that there is a ceremony, it sets out matters relating to the form that the ceremony will take, including content such as hymns and the spoken declaration that the couple will make.

Effect of the signing of the schedule

At the point at which the couple sign the conversion schedule, their marriage will be converted to a civil partnership and that civil partnership will be treated as if it had subsisted since the date on which the couple entered into the marriage or the date at which the 2012 Law came into force if they were married before the 2012 Law originally came into force, not the date on which they signed the conversion schedule.

The signed conversion schedule must be placed in the Conversion Register held by the relevant registrar.

New Article 17 provides for the Minister to prescribe arrangements relating to the endorsement of registers. This will include, where the couple's marriage was originally registered in Jersey, the Superintendent Registrar arranging for the relevant marriage register to be annotated with an appropriate form of words, for example, "converted to civil partnership on (date) at (place)".

Article 26CA (Change to process for issue of civil partnership conversion schedule) inserted

Article 34 inserts a new Article 26CA into the 2012 Law, which provides a temporary modification to the procedure for civil partnerships by conversion to mirror that in place at the moment for other civil partnerships due to the Covid-19 pandemic.

Article 26D (ceremonies must comply with guidance) amended

Article 35 amends Article 26D (a temporary emergency Covid-19 provision) which deals with the conduct of civil partnership ceremonies by the Superintendent Registrar

or a Deputy Superintendent Registrar. The amendments address the removal of the definition of “civil partnership registrar” from the interpretation provision of the 2012 Law which will be used only in Article 26D once the other amendments have taken effect.

Article 26G (change to approval of premises) amended

Article 36 makes consequential amendments to Article 26G (a temporary emergency Covid-19 provision) of the 2012 Law because of the change of the approval process to approving locations.

Article 36 (decree of annulment) amended

Article 37 amends Article 36 of the 2012 Law dealing with decrees of annulment of civil partnership. It corrects the ground of annulment on the grounds of the respondent’s pregnancy to limit it to circumstances where the respondent is pregnant by a person other than the applicant, thus bringing the provision into line with that on annulment of marriage. The Article also removes grounds relating to gender recognition certificates, on the basis that as a civil partnership is available regardless of the sexes of the parties, those grounds are redundant.

Article 37 (bars to relief where civil partnership voidable) amended

Article 38 amends Article 37 of the 2012 Law to delete paragraph (2) as that paragraph is redundant in consequence of the amendment to Article 36 of the 2012 Law made by the preceding Article of the draft Law which deletes paragraph (1)(d) of Article 36.

Article 72A Fees

Article 39 inserts a new Article 72A into the 2012 Law which enables the Superintendent Registrar to charge prescribed fees for such services under the 2012 Law as may be prescribed.

Schedule 1 (overseas relationships) amended

Article 40 amends Schedule 1 to the 2012 Law to amend the list of recognised overseas relationships which are equivalent to civil partnerships to reflect changes in the law of other jurisdictions. It also removes the same-sex requirement in relation to civil partnerships by deleting paragraph 4 of the Schedule and substitutes a new paragraph 5 to deny recognition to a civil partnership solemnized outside of Jersey if one of the parties is domiciled in Jersey and either of them is under 18 or within the prohibited degrees of relationship in Schedule 2 to the 2012 Law.

Schedule 2 (prohibited degrees of relationship) amended

Article 41 substitutes a new Schedule 2 to the 2012 Law.

Schedule 3 (consents required for civil partnership of a minor) deleted

Article 42 deletes Schedule 3 to the 2012 Law, which is spent now that it is not possible for a minor to enter into a civil partnership.

Part 2 contains consequential amendments to other enactments, and the draft Law’s citation and commencement provision.

Consequential amendments

Marriage and Civil Status (Jersey) Law 2001 amended

Article 43 amends the [Marriage and Civil Status \(Jersey\) Law 2001](#) to prevent a civil partnership which had itself been the result of a conversion from a marriage being

converted back to a marriage, this stops a couple cycling through the two types of union by conversion. It also restricts the conversion of civil partnerships to marriages by administrative means under Article 22(4) to civil partnerships which were only formed in Jersey or elsewhere in the British Islands (that is in England, Scotland, Wales, Northern Ireland, Guernsey or the Isle of Man).

Discrimination (Jersey) Law 2013 amended

Article 44 amends the [Discrimination \(Jersey\) Law 2013](#) in respect of discrimination on the grounds of sexual orientation to reflect the fact that both civil partnership and marriage (except religious marriage) are equally available to same-sex and opposite-sex couples.

Gender Recognition (Jersey) Law 2013

Article 45 amends the [Gender Recognition \(Jersey\) Law 2013](#) to remove the majority of references to interim and full certificates. Due to the introduction of opposite sex civil partnerships there will be no need for parties to divorce or dissolve their civil partnership before seeking a gender recognition certificate.

Civil partnership (Forms, Registration and Fees) Order 2012

Article 46 replaces the existing Table in Schedule 3 to the [Civil Partnership \(Forms, Registration and Fees\) \(Jersey\) Order 2012](#) with the Table set out in *Schedule 2* to the draft Law. The changes to fees for a civil partnership is explained fully in Section F of this report.

In addition, whilst fees which may be charged by the Superintendent Registrar in relation to administrative processes of converting a marriage to a civil partnership, those fees will not apply to conversions that take place within 2 years from the date at which opposite-sex civil partnerships are introduced. This is because the administrative conversion option has been developed in order to support couples who were previously denied access to opposite-sex civil partnerships, but who have chosen to already get married.

Citation and commencement

Article 47 provides for the title by which this Law may be cited and for it to come into force 7 days after its registration by the Royal Court.

Section H: Financial and manpower implications

In 2016 Assembly's determined that, from 2019 onwards, the Office of the Superintendent Registrar should be self-funded through user-pays fees ([P.68/2016](#)). To this end, the draft law provides for new user pays fees plus it is proposed that existing fees will be increased by Order to bring them into line with the fees currently charged in relation to marriage (as described in Section F of the report). The new fees, as per those charged in relation to marriage, will offset the costs incurred by the Office of Superintendent Registrar in providing the administrative and oversight process associated with civil partnership, including all associated safeguards.

In the event that the amended provisions result in increased numbers of people entering into a civil partnership as opposed to a marriage, there will be no material financial or resource implications as this will simply divert activity in the Office of the

Superintendent Registrar, and associated fee income, from conversion of marriage to civil partnerships. In the event that the amended provisions result in more people entering civil partnerships, as opposed to remaining legally single, these couples will pay the associated user-pays fees.

As set out in the proposition accompanying this report, and in accordance with [P.63/2003](#), the Assembly are asked to approve the introduction of new user pays fees.

There will be one off set-up costs to purchase new physical registers and to amend the digital forms that will underpin the civil partnership process. The costs associated with this will be met from within the Customer and Local Services Departmental budget. The use of digital forms, and the move away from the paper-based entry process, will support efficiencies as per the administrative processes associated with the solemnization of marriage.

Section I: Human Rights Statement

Human Rights

The notes on the human rights aspects of the draft Law in the **Appendix** have been prepared by the Law Officers' Department and are included for the information of States Members. They are not, and should not be taken as, legal advice.

Section J: Appendix

Article 6A Persons authorized to solemnize civil partnerships in Jersey

Authorisation process for civil celebrants

The amended 2001 Marriage Law provides for the Minister, by Order, to prescribe arrangements for the authorisation of civil celebrants. That Order will set out the following –

1. The Superintendent Registrar shall authorize all civil celebrants to solemnize weddings or civil partnerships. Authorised religious officials are only permitted to solemnize marriages not civil partnerships.
2. The Superintendent Registrar cannot authorize a person to solemnize a civil partnership as a “one-off”. This means that a couple who wish to involve a particular person in their civil partnership because of personal or family reasons can only involve them in the non-legal parts of the ceremony, they cannot solemnize the civil partnership.
3. Anyone authorized by the Superintendent Registrar is authorized to solemnize a civil partnership in any location approved for civil partnership. A civil celebrant cannot solemnize a civil partnership in a location that is a certified place of public religious worship
4. Any individual who wishes to be authorized as a civil celebrant will need to apply to the Superintendent Registrar. The Superintendent Registrar may arrange for recruitment drives to take place at any point at which the Superintendent Registrar deems necessary.
5. The Superintendent Registrar can choose not to authorize a person if, in the Superintendent Registrar's view, they should not be authorized. Reasons may include –
 - failure to meet personal specification associated with the role;

- failure to demonstrate appropriate skills and experience;
 - they are not a ‘fit or proper person’.
6. A civil celebrant will be authorized for a 5-year period. During that period, they may step down or be struck off. At the end of that period, the Superintendent Registrar may re-authorize that individual for additional terms.
7. The Superintendent Registrar will investigate any complaints received about authorized persons. The Superintendent Registrar may cancel an individual’s authorisation at any point. This can be with immediate effect, or with a period of notice, depending on the circumstances. There will be a route of appeal to the Minister, who will be able to substitute the decision of the Superintendent Registrar.
8. Grounds for cancellation will include, but not be limited to –
- failure to comply with the Law, including behaving in a discriminatory manner;
 - failure to uphold the solemnity and dignity of a civil partnership;
 - failure to ensure the arrangements, form, and content of each civil partnership ceremony are in accordance with the Law;
 - failure to take reasonable steps to ensure all standard conditions are complied with;
 - failure to provide a good service;
 - failure to carry out duties as directed by the Superintendent Registrar;
 - failure to attend any training or development sessions as required by the Superintendent Registrar;
 - where an individual is incapacitated by illness; or
 - where an individual is otherwise unable or unfit to discharge the functions of a celebrant.

The Minister may, by Order, provide for a registration fee to be paid to the Superintendent Registrar by authorized civil celebrants. The fees will be to cover the costs incurred by the Superintendent Registrar in processing applications, and the associated training and quality assurance. As commercial freelancers, with the ability to generate significant amounts of income, authorized civil celebrants will need to pay fees which are sufficient to cover the costs incurred by the Superintendent Registrar.

Article 6B Application for notice of intended civil partnership

Article 6B provides for the making of an application for a notice of intended civil partnership that mirrors the arrangements provided under the 2001 Marriage Law.

A couple that wishes to give notice to form a civil partnership must apply to do so.

- They can apply online, in person, or via a representative. This provides significantly more flexibility than under the 2012 Law as it currently stands, particularly for couples who are not Jersey residents.
- They can apply up to 1 year before the proposed date of civil partnership, as opposed to only 3 months in advance.
- They must complete an application form, which will be prescribed by Order, and provide all the documents that the Superintendent Registrar

needs to verify the information provided in that application. It is envisaged that the Order setting out the application process will require the couple to inform the Superintendent Registrar of the following –

- The first names and surnames of both parties to the civil partnership as they are to appear on the notice of civil partnership, the civil partnership schedule and civil partnership certificate, and as they appear in their supporting documents.
- The intended date and location of the civil partnership.
- The intended authorized civil celebrant, if they have booked one.
- Their gender.
- Their civil status.
- Their nationality and immigration status (i.e. whether they require a visa to form a civil partnership in Jersey).
- Whether, in the case of non-residents, they will be providing a certificate of freedom to form a civil partnership (see new Article 11). They will need to provide the Superintendent Registrar copies of all the required supporting evidence, which must include –
 - evidence of name;
 - evidence of date and place of birth;
 - evidence of nationality;
 - evidence of place of residence and period of residency;
 - evidence of immigration status if either party is not a British citizen or a citizen of the European Economic Area (EEA) or a Swiss national (At this stage the couple may not have the relevant visas in place to form a civil partnership, as they may apply for the visa after they have applied to give notice to form a civil partnership, providing to the relevant visa authority evidence that they have applied to give notice to get form a civil partnership. They must, however, have all the relevant visas in place and the Superintendent Registrar must have received formal notification from Customs and Immigration that the couple have the appropriate visas in place to allow them to form a civil partnership in Jersey, before the Superintendent Registrar can enter the notice into the notice to form a civil partnership book.);
 - if previously married or in a civil partnership, evidence that it has been dissolved or annulled or ended by death;
 - statement from an appropriate authority in the event of an emergency or special circumstances marriage (see new Article 14B Civil partnership: special circumstances). At application stage, the couple will only be required to provide electronic or paper copies of supporting evidence to facilitate online processes, albeit they must have provided originals or certified copies before the Superintendent Registrar can issue a notice of intended civil partnership.

APPENDIX TO REPORT**Human Rights Notes on the Draft Civil Partnership (Amendment)
(Jersey) Law 202-**

These Notes have been prepared in respect of the draft Civil Partnership (Amendment) (Jersey) Law 202- (the “**draft Law**”) by the Law Officers’ Department, who have reviewed a draft of the draft Law dated 3 January 2022. They summarise the principal human rights issues arising from the contents of the draft Law and explain why, in the Law Officers’ opinion, the draft Law, in the form reviewed by them, is compatible with the European Convention on Human Rights (“**ECHR**”).

These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.

The draft Law would, if passed, amend the Civil Partnership (Jersey) Law 2012 (“the principal Law”) to make provision in connection with opposite sex civil partnerships, the raising of the age at which people may enter into a civil partnership and the assumption of statutory responsibility for the registration of civil partnerships in some parishes by the Superintendent Registrar. The draft Law would also make a number of minor refinements and corrections to the principal Law.

It is considered that the provisions of the ECHR which are engaged by the substantive provisions of the draft Law are Article 8 ECHR (right to private and family life), Article 9 ECHR (right to freedom of religion and belief) and Article 1 to the First Protocol to the ECHR (right to property) (“A1P1”).

Amendments to permit opposite sex civil partnerships

Several provisions of the draft Law would have the effect of amending the principal Law to enable opposite sex couples to form a civil partnership. These provisions include: Article 3 (Article 2 (civil partnership) amended), which would delete the words “of the same sex” in Article 2(1) of the principal Law, such that a civil partnership for the purposes of the principal Law would be one which is a relationship between 2 people formed in Jersey in accordance with the principal Law or being a registered overseas relationship; and Article 5 (Article 4 (eligibility) amended), which would delete Article 4(1)(a) of the principal Law which requires that two people are of the same sex in order to form a civil partnership.

As intended when the principal Law was enacted, the principal Law was explicitly and emphatically designed for same sex couples only. The Marriage and Civil Status (Jersey) Law 2001 (the “Marriage Law”) was amended in 2014 to enable same sex marriage. The amendment permitted same sex couples who marry to enjoy, in general terms, the same rights, benefits and entitlements as did married heterosexual couples. The principal Law was not repealed at that time. Consequently, same sex couples in Jersey had a choice to have a civil partnership or to marry. That choice was not - and is not presently - available to heterosexual couples, engaging Article 14 ECHR (prohibition of discrimination) read in conjunction with Article 8 ECHR (the right to respect for private life). The draft Law would, in amending, inter alia, Article 2(1) and Article 4, remove the barrier to opposite sex couples entering into a civil partnership, and would directly address this issue of compatibility.

Amendment to eligible age for forming civil partnership

Several provisions of the draft Law reflect a proposal to increase the eligible age to form a civil partnership from 16 to 18. These include: Article 5 (Article 4 (eligibility) amended) and Article 6 (Article 5 (consent to civil partnership of a minor) and 6 (forbidding issue of licence or certificate for civil partnership of a minor) deleted). These amendments are comparable to amendments proposed to the Marriage Law in the case of the legal age of civil and religious marriage. Transitional provision at new Article 4(3) would protect the position of a couple who formed a civil partnership where one party was under 18 but at least 16 prior to the commencement of the draft Law or gave notice of an intention to form a civil partnership prior to that commencement but which is formed after commencement.

As stated above, arguments concerning Article 12 ECHR in the context of measures restricting the exercise of the right to marry are not relevant to similar measures in the case of civil partnership. There is nothing in the proposal to raise the age of civil partnership that engages an ECHR right in a material sense, the measure comes within the States' margin of appreciation for regulating the legal relationship of civil partnership, and it is considered the draft Law is compatible with the ECHR in this regard.

Amendments enhancing procedural matters concerned with the formation of a civil partnership

Many provisions in the draft Law would insert, substitute or amend existing provisions to the draft Law with the intention of aligning, to a degree, the processes and requirements associated with applying for, and forming, a civil partnership with those processes and requirements as regards marriage set out in the Marriage Law. The rationale for this is to enhance the provision for civil partnership in the principal Law to provide a more comprehensive legislative structure around those relationships, building in safeguards and administrative steps, that facilitate legitimate civil registration and public interest objectives.

Provisions of this nature include, inter alia: Article 4 (Article 3 (formation of civil partnership by registration) amended); Article 7 (Articles 6A to 6C inserted); Article 8 (Article 7 (notice of civil partnership) substituted); Article 9 (Article 7A (publication of notice of intended civil partnership) inserted); Article 10 (Article 8 (caveat against issue of licence or certificate) substituted); Article 11 (Article 9 (civil partnership on authority of licence) substituted); Article 12 (Article 11 (civil partnership on authority of document issued outside Jersey) substituted); Article 13 (Article 12 (certificate for formation of civil partnership outside Jersey) substituted); Article 14 (Article 13 (approved premises) substituted); Article 15 (Article 14 (solemnization on approved premises) substituted); Article 25 (Article 21B (co-operation and disclosure) inserted); Article 32 (Part 2AA (civil partnerships by conversion) inserted); Article 36 (Fees: Article 72A inserted); and Schedule 1 (Schedule 2 to the Law substituted).

The scope of Article 12 ECHR (the right to marry) does not extend to civil partnership, such that considerations of the legislative measures as to the exercise of the Article 12 ECHR right are not relevant in the present context. There is no right, in human rights terms, to enter into civil partnership and, in most aspects, the rules as to eligibility and the form by which measures for the formation of such relationships are provided come within the states' margin of appreciation. As such, there is nothing in the ECHR which dictates that domestic law as to the regulation of civil partnership must be guaranteed in a particular way, other than being compatible with relevant principal rights in the ECHR e.g. Article 8 and 14 ECHR.

Nevertheless, provisions of a procedural or administrative nature which, for instance, require the provision of personal information to the Superintendent Registrar by applicants for civil partnership, or the disclosure of personal information by the Superintendent Registrar to others, or restrictions around which degrees of relationship are prohibited; or require the payment of a fee as part of the application process for civil partnership will engage Article 8 ECHR (the right to private life) and A1P1 respectively. To the extent that such provisions do engage Article 8 ECHR and A1P1 ECHR, the interference with those rights would be deemed necessary in a democratic society and in pursuit of a legitimate aim in that such measures are required to ensure comprehensive civil registration administration and provision of authorization to form civil partnership. Those measures, having been developed and modelled on equivalent provision in the case of civil and religious marriage (as set out in the Marriage Law, and which are assessed to be compatible with the ECHR), are considered proportionate to the legitimate aim they are set out to achieve, and are therefore considered compatible with Article 8 ECHR and A1P1 ECHR.

Certain provision in the draft Law, for example Article 15 (Article 14 (solemnization on approved premises) substituted) include provision that would prevent religious ritual or symbolism being part of the solemnization of a civil partnership. Such provision engages the Article 9 ECHR (right to religious freedom and belief) rights of those who are seeking to include such matters within their ceremony, and the rights of religious organizations who, in the case of same-sex unions, may object, on the ground of religious belief, to the use of religious symbolism in authorized ceremonies. Article 9 ECHR is a qualified right and permits interference for the protection of the morals or rights of others. It is considered that the prohibition of religious ritual or symbolism as part of a civil partnership is a proportionate measure in balancing the Article 9 ECHR rights of couples (who are permitted other quasi-religious references or gestures in civil partnership ceremonies) and those of religious organizations.

Provisions requiring civil partnership celebrant to solemnize a civil partnership regardless of couple's sexual orientation

Article 7 of the draft Law (Article 6A to 6C inserted), proposes, inter alia, provision that would impose a duty on every civil partnership celebrant to solemnize the civil partnership of 2 persons whether or not they are of the same sex or opposite sex, or whether or not the civil partnership is by conversion (see new Article 6A(2)). The effect of the provision would be to make it unlawful for civil partnership celebrants to refuse to solemnize a civil partnership on the basis of the sexual orientation of the couple involved.

It is possible that civil partnership celebrants might argue that Article 14 ECHR (prohibition of discrimination) read with Article 9 ECHR (freedom of religion and conscience) should mean that they must be allowed to object to performing civil functions under the principal Law where their beliefs conflict with the principle of same sex or opposite sex civil partnership. The ECtHR has directly considered such claims before, holding that if a person is employed as a registrar or celebrant performing public functions, for example, it is unlawful to refuse to perform a part of those functions because of disagreement with the law as to who may, in that case, get married.

The justification for the interference with the ECHR rights of civil officials in such cases is based on the legitimate aim that public officials should offer their services to all without discrimination based on sexual orientation. Article 9 ECHR requires a balance to be struck between the rights of the couple in question and the rights of those who seek to refuse to perform a civil function on the basis of religious or other belief. Addressing inequality and tackling discrimination is a legitimate aim and an

important social issue, and would, arguably, undoubtedly justify measures preventing civil officials from objecting to civil partnership on the basis of a particular sexual orientation being deemed proportionate in the determination of that balancing exercise.

Moreover, the ECtHR has held that there is a wide margin of appreciation for national authorities when it comes to striking a balance between competing ECHR rights (i.e. between the Article 8 ECHR rights of applicant couples and the Article 9 ECHR rights of civil officials) and that a State did not exceed the margin of appreciation by prohibiting civil officials to object to performing functions as regards, in ECtHR jurisprudence, same sex couples in the context of marriage, or by refusing to put in place alternative arrangements which would accommodate the objections of civil officials if made. In sum, it is considered, therefore, that the inclusion of a provision, by the draft Law if passed, in the principal Law requiring civil partnership celebrants to solemnize all forms of civil partnership, without exception, is compatible with the ECHR.

Provision relating to scheme of authorization for civil partnership celebrants

Article 7 of the draft Law (Article 6A to 6C inserted) would, at new Article 6A(3), provide that new Article 82C of the Marriage Law, as would be inserted by Article 69 of the draft Marriage Law Amendment, applies for the purposes of civil partnerships as it applies for those of marriage.

New Article 82C would enable the Minister to prescribe a scheme for the authorization by the Superintendent Registrar of persons as authorized civil celebrants, and by reference to the principal Law, as civil partnership celebrants. New Article 82C would re-state, in amended form, existing Article 6(3) of the Marriage Law (which would be deleted by Article 6 of the draft Marriage Law Amendment). The scheme mentioned in Article 6(3) of the Marriage Law has been prescribed in the Marriage and Civil Status (Jersey) Order 2018.

New Article 82C would require that the scheme include, inter alia, the matters to be considered in determining whether to authorize a person, the conditions that shall or may be imposed on the grant or renewal of an authorization, the determination and charging of prescribed fees in respect of the grant of or renewal of an authorization, and the circumstances in which an authorization shall or may be granted, renewed, suspended or revoked. In practice, the provision of authorized celebrant services, and those of a civil partnership celebrant, will, in some cases, be a significant commercial enterprise for individuals.

A power to prescribe a scheme for the authorization of civil celebrants is, in itself, compatible with the ECHR. However, an order made under that provision (such as the 2018 Order) which implements, from time to time, the detail of the scheme will seek to allow for the determination of when a person can be authorized, impose potentially restrictive conditions on the exercise of that authorization and when that authorization might be revoked. These aspects of the authorization scheme have the potential to engage the protection of property in A1P1 ECHR. The concept of a 'possession' under A1P1 has been given an expansive scope. In particular, a client base can amount to a 'possession' and the refusal to grant an authorization or equivalent to the business, which would affect the provision or scope of professional services, in turn resulting in the commerciality of the business, has been held to amount to an interference with the A1P1 right. The client base of a civil partnership celebrant, and the commercial nature of the provision of celebrant services, would mean that any restriction on that business, or revocation or alteration of the authorization, would amount to an interference with the A1P1 right of that celebrant.

An interference with the AIP1 rights of celebrants in these circumstances would be justified. Measures for the authorization of civil celebrants will be in ‘accordance with the law’, i.e. they will be implemented pursuant to primary and secondary legislation power. The rationale for those measures would also be for ‘the general interest’, namely the interest of ensuring that civil celebrants provide services relating to the solemnization of civil partnership in a manner that is both legal and moral (i.e. reflects the solemnity and dignity of the occasion). The requirement for a civil celebrant to comply with a scheme of authorization would, in principle, be proportionate to those legitimate aims.

The authorization of celebrants is necessary to ensure that civil partnerships are conducted in a legal and solemn manner, and by appropriate and qualified individuals. Equally, for these reasons, there is a necessity for it to be possible to revoke or cancel authorizations. It should be appreciated that, where property rights are concerned, states have a considerable margin of appreciation in determining the existence of a general public concern and in implementing measures designed to meet it, so in imposing an authorization system that might interfere with certain property rights but is required for an identifiable public interest, the States would be afforded a substantial degree of deference. In principle, therefore, the power to provide for a scheme of authorisation and the intention to regulate the ability for civil celebrants to operate, in this manner, is compatible with the ECHR.

Miscellaneous provisions

Articles 40 – 41 set out miscellaneous provisions that would make minor consequential amendments and repeals to other legislation associated with, or referencing, civil registration arrangements in the principal Law. It is considered that these provisions do not raise any issues from an ECHR compatibility perspective.

EXPLANATORY NOTE

This draft Law (referred to below as “the amending Law”) will, if passed, amend the Civil Partnership (Jersey) Law 2012 (“the 2012 Law”) to make provision in connection with opposite sex civil partnerships, the raising of the age at which people may enter into a civil partnership and the assumption of statutory responsibility for the registration of civil partnerships in some parishes by the Superintendent Registrar (see the new Article 41A of the Marriage and Civil Status (Jersey) Law 2001 inserted by the draft Marriage and Civil Status (Amendment No. 5) (Jersey) Law 202-(P.6/2022)).

Part 1 of the amending Law, which comprises *Articles 1 to 41*, amends the 2012 Law.

Article 1 introduces the amendments to the 2012 Law.

Article 2 substitutes a new *Article 1* of the 2012 Law, providing for the interpretation of words and phrases used in the 2012 Law. Among the new defined terms are “relevant registrar” and “relevant registration duties”. The former means the registrar who has responsibility for registering births, civil partnerships, marriages and deaths in relation to a parish, and the latter means the duties to register those events.

Article 3 removes from *Article 2* of the 2012 Law the requirement that civil partners are of the same sex, thus creating equality between marriage (other than religious marriage) and civil partnership, regardless of sexual orientation.

Article 4 substitutes *Article 3* of the 2012 Law. The replacement *Article* now also provides for the solemnization of civil partnerships which are converted from marriages. Conversions may be solemnized either in a ceremony with witnesses or administratively before the Superintendent Registrar or the Deputy Superintendent Registrar.

Article 5 amends *Article 4* of the 2012 Law, by raising the age at which a person may enter into a civil partnership from 16 to 18, subject to a transitional exception for those whose civil partnership is solemnized before the coming into force of the amending Law or after it comes into force on the basis of notice given before that time; by adding an exception from the ineligibility of spouses to form a civil partnership where the spouses are to become civil partners by the conversion of their marriage.

Article 6 deletes *Articles 5 and 6* of the 2012 Law, which become unnecessary in consequence of the raising of the minimum age for the formation of a civil partnership to 18.

Article 7 inserts 3 new *Articles*, 6A to 6C in the 2012 Law. *Article 6A* provides that a civil partnership may be solemnized only by an authorized civil celebrant. *Article 6B* provides for the making of an application for a notice of intended civil partnership, and *Article 6C* provides for the consideration of an application.

Article 8 substitutes a new *Article 7* in the 2012 Law, providing for the giving of a notice of intended civil partnership following an application under *Article 6B*. Normally the Superintendent Registrar will need to have seen the evidence prescribed under the new *Article 6B(2)* before the notice may be given, but there are exceptions where the Superintendent Registrar has been satisfied by other means of the necessary matters or if the new *Article 14B* of the 2012 Law applies. The last-mentioned *Article* is inserted by *Article 15* of the amending Law.

Article 9 inserts a new *Article 7A* in the 2012 Law. It provides for the publication by the Superintendent Registrar of notices of intended civil partnership.

Article 10 substitutes a new Article 8 in the 2012 Law dealing with the issue of *caveats* against the issue of a civil partnership schedule or a certificate of no impediment.

Article 11 substitutes a new Article 9 in the 2012 Law dealing with the issue of a civil partnership schedule (the document which is signed in the course of a civil partnership ceremony and the signature of which is an essential component of the formation of a civil partnership).

Article 12 deletes Article 10 from the 2012 Law as such of its provisions as are still needed are relocated.

Article 13 substitutes a new Article 11 in the 2012 Law dealing with the case of a civil partnership formed in Jersey on the authority of a document issued by a civil partnership authority outside Jersey: this will normally be a certificate from such an authority that no impediment exists to the solemnization of the civil partnership in Jersey. The Superintendent Registrar may however dispense with the need for such a certificate if satisfied that the failure to deliver such a certificate is beyond the control of the party who is resident outside Jersey, or that the civil partnership authority in question does not issue such certificates.

Article 14 substitutes a new Article 12 in the 2012 Law. It provides for the issue of a certificate of no impediment by the Superintendent Registrar where a Jersey resident wishes to form a civil partnership in another jurisdiction.

Article 15 substitutes a new Article 13 in the 2012 Law. It provides for the approval of locations for the solemnization of civil partnership, and contains a transitional provision in respect of premises which are authorized immediately before the amending Law comes into operation.

Article 16 replaces the present Article 14 of the 2012 Law with 3 new Articles, 14, 14A and 14B. The first of these deals with the procedure to be adopted in the solemnization of a civil partnership: it substantially re-enacts the existing Article 14, but it makes the provision subject to Article 14B, and recognises existing practice about the use of religious texts, candles and incense in the solemnization of civil partnerships. Article 14A deals with applications to change the date, time or location of a civil partnership ceremony. Article 14B provides for applications to change the date, time or location of such a ceremony in special circumstances, such as where one of the parties is terminally ill or has become physically incapable of accessing the original location for the civil partnership ceremony.

Article 17 repeals Article 15 of the 2012 Law.

Article 18 repeals Article 16 of the 2012 Law, which deals with the appointment of delegates of the Superintendent Registrar. That Article is now spent and there are no remaining delegates.

Article 19 substitutes a new Article 17 in the 2012 Law, which requires the Superintendent Registrar to keep certain information relating to civil partnerships. It requires the Superintendent Registrar in particular to retain electronic copies of every application or document, and of any information, received by the Superintendent Registrar.

Article 20 inserts a new Article 17A into the 2012 Law about the delivery of certain documents relating to the solemnization of a civil partnership (including one by conversion) by the officiating civil partnership celebrant to the Superintendent Registrar and the retention of those documents.

Article 21 makes a drafting correction to Article 18 of the 2012 Law and amends the Article to reflect the new distribution of the relevant registration duties.

Article 22 makes an amendment to Article 19 of the 2012 Law on a registrar's power to require information, partly to correct an error in the existing provision and partly to reflect the new distribution of the relevant registration duties.

Article 23 replaces Article 20 on the matters which need not be proved in proceedings in the Family Division of the Royal Court in relation to a civil partnership.

Articles 24 and 25 together make replacement provision on the topic of searches in relation to civil partnerships, the former removing paragraph (2) in Article 21 of the 2012 Law and the latter inserting a new Article 21A in that Law dealing with searches in the records of the Superintendent Registrar and the Royal Court.

Article 26 inserts a new provision, Article 21B in the 2012 Law dealing with co-operation with, and disclosure of information to, certain other persons in Jersey and some authorities outside Jersey to ensure the veracity of information provided to any of them in connection with functions under the 2012 Law, or comparable functions in another jurisdiction.

Article 27 inserts a new Article 22A in the 2012 Law setting out the circumstances in which a civil partnership is void on procedural grounds.

Article 28 replaces the existing Article 23 of the 2012 Law with two Articles, 23 and 23A dealing with offences relating respectively to the solemnization and registration of civil partnerships.

Article 29 amends Article 24 of the 2012 Law to make an amendment in respect of a declaration by the Royal Court under Article 8 of that Law, in consequence of the replacement of that Article by *Article 10* of the amending Law.

Article 30 inserts a new Article 24A in the 2012 Law which confers a power on the Minister by Order to amend periods under Part 2 of the 2012 Law.

Article 31 amends Article 25 of the 2012 Law to make it clear that the power under that Article to make provision about the registration of civil partnerships extends to civil partnerships by conversion.

Article 32 makes a corresponding amendment to Article 26 of the 2012 Law in respect of the duty of the Minister to inspect records maintained under the Law. It also makes a drafting correction to make it clear that the purpose of that inspection is to assess the performance of parish registrars.

Article 33 inserts a new Part 2AA into the 2012 Law dealing with the procedure for civil partnerships by conversion.

Article 34 inserts a new Article 26CA into the 2012 Law, which provides a temporary modification to the procedure for civil partnerships by conversion to mirror that in place at the moment for other civil partnerships due to the Covid-19 pandemic.

Article 35 amends Article 26D which deals with the conduct of civil partnership ceremonies by the Superintendent Registrar or a Deputy Superintendent Registrar. The amendments address the removal of the definition of "civil partnership registrar" from the interpretation provision of the 2012 Law which will be used only in Article 26D once the other amendments have taken effect.

Article 36 makes consequential amendments to Article 26G of the 2012 Law because of the change of the approval process to approving locations.

Article 37 amends Article 36 of the 2012 Law dealing with decrees of annulment of civil partnership. It corrects the ground of annulment on the grounds of the respondent's pregnancy to limit it to circumstances where the respondent is pregnant by a person other than the applicant, thus bringing the provision into line with that on annulment of marriage. The Article also removes grounds relating to gender

recognition certificates, on the basis that as a civil partnership is available regardless of the sexes of the parties, those grounds are redundant.

Article 38 amends Article 37 of the 2012 Law to delete paragraph (2) as that paragraph is redundant in consequence of the amendment to Article 36 of the 2012 Law made by the preceding Article of the amending Law which deletes paragraph (1)(d).

Article 39 inserts a new Article 72A into the 2012 Law which enables the Superintendent Registrar to charge prescribed fees for such services under the 2012 Law as may be prescribed.

Article 40 amends Schedule 1 to the 2012 Law to amend the list of recognised overseas relationships which are equivalent to civil partnerships to reflect changes in the law of other jurisdictions. It also removes the same-sex requirement in relation to civil partnerships by deleting paragraph 4 of the Schedule and substitutes a new paragraph 5 to deny recognition to a civil partnership solemnized outside Jersey if one of the parties is domiciled in Jersey and either of them is under 18 or within the prohibited degrees of relationship in Schedule 2 to the 2012 Law.

Article 41 substitutes a new Schedule 2 to the 2012 Law.

Article 42 deletes Schedule 3 to the 2012 Law, which is spent now that it is not possible for a minor to enter into a civil partnership.

Part 2 contains consequential amendments to other enactment, and the amending Law's citation and commencement provision.

Article 43 amends the Marriage and Civil Status (Jersey) Law 2001 to prevent a civil partnership which had itself been the result of a conversion from a marriage being converted back to a marriage. It also restricts the conversion of civil partnerships to marriages by administrative means under Article 22(4) to civil partnerships which were formed in Jersey or elsewhere in the British Islands (that is in England, Scotland, Wales, Northern Ireland, Guernsey or the Isle of Man).

Article 44 amends the Discrimination (Jersey) Law 2013 in respect of discrimination on grounds of sexual orientation to reflect the fact that both civil partnership and marriage (except religious marriage) are equally available to same-sex and opposite-sex couples.

Article 45 amends the Gender Recognition (Jersey) Law 2010 to remove the majority of the references to interim and full certificates, because there will be no need for parties to divorce or dissolve their civil partnership before seeking a gender recognition certificate. The definition of the 2 types of certificate is however retained in the light of the use of the terms in other Laws and some Rules of Court.

Article 46 replaces the existing Table in Schedule 3 to the Civil Partnership (Forms, Registration and Fees) (Jersey) Order 2012 with the Table set out in *Schedule 2* to the amending Law.

Article 47 provides for the title by which this Law may be cited and for it to come into force 7 days after its registration by the Royal Court.



Jersey

DRAFT CIVIL PARTNERSHIP (AMENDMENT) (JERSEY) LAW 202-

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Jersey

DRAFT CIVIL PARTNERSHIP (AMENDMENT) (JERSEY) LAW 202-

A **LAW** to amend the [Civil Partnership \(Jersey\) Law 2012](#) to provide for opposite-sex civil partnerships and to amend the formalities and registration requirements for civil partnerships and to make consequential amendments to other enactments.

<i>Adopted by the States</i>	<i>[date to be inserted]</i>
<i>Sanctioned by Order of Her Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

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

PART 1

CIVIL PARTNERSHIP (JERSEY) LAW 2012 AMENDED

1 [Civil Partnership \(Jersey\) Law 2012 amended](#)

This Part amends the [Civil Partnership \(Jersey\) Law 2012](#).

2 **Article 1 (interpretation) substituted**

For Article 1 there is substituted –

“1 Interpretation

In this Law –

“alternative location” in the case of the solemnization of an intended civil partnership at an approved open-air location, means an approved location that is not an open-air location, and is the location at which the civil partnership may be solemnized instead of at the approved open-air location;

“approved location” is to be construed in accordance with Article 13;

“authorized civil celebrant” means a person authorized as such under Article 82C of the 2001 Law;

“certificate of no impediment to civil partnership” is to be construed in accordance with Article 12;

“child of the family” in relation to any person (“A”), means another person who, when under the age of 18, has lived in the same household as A, and has been treated by A as a child of A’s family;

“civil partners” is to be construed in accordance with Article 2(1);

“civil partnership celebrant” means the Superintendent Registrar or a Deputy Superintendent Registrar when either of those officers is acting in the solemnization of a civil partnership or an authorized civil celebrant;

“civil partnership certificate” means a certificate signed by the civil partners and the civil partnership celebrant that records the names, ages, addresses and civil status of the civil partners and the place and date of the solemnization of the civil partnership;

“civil partnership conversion certificate” means a certificate signed by the civil partners and the civil partnership celebrant after a conversion under Part 2AA that records the names, ages and addresses of the civil partners and the place and date of the conversion of their marriage to a civil partnership;

“civil partnership conversion schedule” is to be construed in accordance with Article 26AB;

“civil partnership register” means the register maintained under Article 18;

“civil partnership schedule” is to be construed in accordance with Article 9;

“Court” means the Royal Court;

“Deputy Superintendent Registrar” means a person employed under the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) as a Deputy Superintendent Registrar for the purposes of the 2001 Law or a person engaged as an assistant Deputy Superintendent Registrar under Article 41(1B) of the 2001 Law;

“Marriage and Civil Status Law” means the [Marriage and Civil Status \(Jersey\) Law 2001](#);

“mental disorder” has the same meaning as in the [Mental Health \(Jersey\) Law 2016](#);

“Minister” means the Minister for Home Affairs;

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

“notices of intended civil partnership book means the book maintained by the Superintendent Registrar under Article 17(2)(b) for the purposes of recording notices of intended civil partnerships;

“open-air location” means a location that is entirely in the open air or a covered temporary structure that is, at all times, exposed on all sides to the open air;

“prescribed” means, except in Articles 39 and 68, prescribed by Order of the Minister;

“registrar” has the same meaning as it has in the 2001 Law;

“relevant registrar” has the same meaning as it has in the 2001 Law;

“relevant registration duties” has the same meaning as it has in the 2001 Law, and “retained” is to be construed accordingly;

“Rules of Court” means Rules of Court made under the [Royal Court \(Jersey\) Law 1948](#);

“signature verification form” is to be construed in accordance with Article 9(3);

“Superintendent Registrar” has the same meaning as in the 2001 Law.”.

3 Article 2 (civil partnership) amended

In Article 2(1), in the opening words, “of the same sex” is deleted.

4 Article 3 (formation of civil partnership by registration) substituted

For Article 3 there is substituted –

“3 Formation of civil partnership

- (1) For the purposes of Article 2(1)(a), 2 people are to be regarded as having formed a civil partnership with each other –
 - (a) once they have signed a civil partnership schedule at the invitation of the civil partnership celebrant and in the presence of the civil partnership celebrant and 2 witnesses, and that schedule has been signed by the civil partnership celebrant and 2 witnesses;
 - (b) once they have signed a civil partnership conversion schedule, at the invitation of and in the presence of, the Superintendent Registrar or the Deputy Superintendent Registrar and that schedule has been signed by the Superintendent Registrar or the Deputy Superintendent Registrar; or
 - (c) once they have signed a civil partnership conversion schedule at the invitation of the civil partnership celebrant and in the presence of the civil partnership celebrant and 2 witnesses, and that schedule has been signed by the civil partnership celebrant and 2 witnesses.
- (2) In a case falling within paragraph (1)(a), after the witnesses and the civil partnership celebrant have signed the civil partnership schedule, the civil partnership celebrant solemnizing the civil

partnership must ensure that the following are recorded in the civil partnership register as soon as is reasonably practicable –

- (a) the fact that the 2 people have formed a civil partnership with each other; and
- (b) any other prescribed information.

(3) In a case falling within paragraph (1)(b) or (c), after the civil partnership celebrant has signed the civil partnership conversion schedule, the civil partnership celebrant must ensure that the following are recorded in the civil partnership conversion register as soon as is reasonably practicable –

- (a) the fact that the 2 people have formed a civil partnership with each other; and
- (b) any other prescribed information.

(4) The civil partnership conversion certificate, the civil partnership conversion schedule, the civil partnership certificate and civil partnership schedule must be in the form the Superintendent Registrar decides and must contain such particulars as may be prescribed.”.

5 Article 4 (eligibility) amended

In Article 4 –

- (a) paragraph (1)(a) is deleted;
- (b) in paragraph (1)(b) before “either” there is inserted “subject to paragraph (1A),”;
- (c) in paragraph (1)(c) –
 - (i) before “either” there is inserted “subject to paragraph (3),”;
 - (ii) for “16 years” there is substituted “18 years”;
- (d) after paragraph (1) there is inserted –

“(1A) Paragraph (1)(b) does not prevent 2 persons who are married to each other from becoming civil partners of each other by conversion in accordance with this Law.

(1B) Paragraph (1)(c) does not render void a civil partnership between 2 persons, at least one of whom is under 18 at the time when it is formed, if both parties were at least 16 and the civil partnership –

- (a) was formed before the date on which Article 5 of the Civil Partnership (Amendment) (Jersey) Law 202- came into force; or
- (b) is formed after that date on the basis of a notice of intention to form a civil partnership given before that date.”.

6 Articles 5 (consent where proposed civil partner under 18) and 6 (forbidding of issue of licence or certificate) deleted

Articles 5 and 6 are deleted.

7 Articles 6A to 6C inserted

After Article 6 there is inserted –

“6A Persons authorized to solemnize civil partnerships in Jersey

- (1) A civil partnership may only be solemnized by a civil partnership celebrant.
- (2) Every civil partnership celebrant has a duty to solemnize the civil partnership of 2 persons –
 - (a) whether or not they are of the same sex or the opposite sex; or
 - (b) whether or not the civil partnership is by conversion.
- (3) Article 82C of the 2001 Law applies for the purposes of civil partnerships as it applies for those of marriages.

6B Application to give notice of intended civil partnership

- (1) Where a civil partnership is intended to be formed on the authority of a civil partnership schedule or certificate of no impediment to civil partnership issued by the Superintendent Registrar, one or both of the persons intending to form the civil partnership, or that person's or those persons' representative, must –
 - (a) deliver to the Superintendent Registrar an application for a notice of intended civil partnership not earlier than 1 year before the intended day of the formation of the civil partnership; and
 - (b) pay the prescribed fee.
- (2) The application for a notice of intended civil partnership must –
 - (a) include such information as may be prescribed;
 - (b) be in such form as the Superintendent Registrar may by notice require; and
 - (c) be accompanied by such documents that corroborate the information required under sub-paragraph (a) as the Superintendent Registrar may by notice require, including (but not limited to) evidence of –
 - (i) the identity, residence and nationality of the parties,
 - (ii) the parties' immigration status in Jersey, and
 - (iii) any previous civil partnership or marriage of either of the parties and evidence that it has ended.

6C Consideration of application for notice of intended civil partnership

- (1) The Superintendent Registrar may consider the application for notice of intended civil partnership delivered under Article 6B before the Superintendent Registrar has inspected the original or certified copy of any document delivered under Article 6B(2)(c).

- (2) The Superintendent Registrar may request such other information or documents as the Superintendent Registrar considers to be necessary and interview either or both parties to the intended civil partnership or any other person for the purpose of considering the application and in particular for the purpose of any of the following –
 - (a) verifying the accuracy of any information provided or the authenticity of any document;
 - (b) satisfying himself or herself that both parties are capable of consenting to the civil partnership and are entering into the civil partnership freely; and
 - (c) satisfying himself or herself whether any other ground exists for not issuing a notice of intended civil partnership.
- (3) The Superintendent Registrar may –
 - (a) reject any information or evidence provided under Article 6B and this Article if he or she has reasonable grounds for suspecting that information or evidence is false; and
 - (b) proceed under this Law as if that rejected information or evidence had not been provided.”.

8 Article 7 (notice of civil partnership) substituted

For Article 7 there is substituted –

“7 Giving notice of intended civil partnership and making freedom to form a civil partnership declaration

- (1) The parties to the intended civil partnership must have been resident at their place of residence (whether in Jersey or elsewhere) for at least 7 days before they give notice of their intended civil partnership to the Superintendent Registrar.
- (2) Subject to paragraph (3), notice of intended civil partnership may not be given until the Superintendent Registrar has inspected the original or certified copies of all the documents provided in corroboration (as required under Article 6B(2)(c)) of the information required under Article 6B(2)(a) and is satisfied of their authenticity.
- (3) A notice of intended civil partnership may be given despite the Superintendent Registrar not seeing the original or certified copy of a document referred to in paragraph (2) –
 - (a) where the Superintendent Registrar is otherwise satisfied that the parties to the intended civil partnership have corroborated the information provided under Article 6B(2)(a) by some other means; or
 - (b) in a case where Article 14B applies.
- (4) If the Superintendent Registrar is satisfied that the information and documents referred to in Articles 6B and 6C reveal no reason why

- the intended civil partnership between the parties should not take place, the parties may give notice of their intended civil partnership in accordance with paragraph (5) or (6).
- (5) If the parties to the intended civil partnership attend the office of the Superintendent Registrar to give notice of their intended civil partnership they must, in the presence of the Superintendent Registrar –
- (a) both sign the notice of intended civil partnership for their intended civil partnership in the notices of intended civil partnership book; and
 - (b) each sign a freedom to form a civil partnership declaration.
- (6) If the parties to the intended civil partnership do not intend to attend the office of the Superintendent Registrar to give notice of their intended civil partnership –
- (a) the Superintendent Registrar must send to the parties a notice of intended civil partnership form for their intended civil partnership and a freedom to form a civil partnership declaration in respect of each of the parties;
 - (b) the parties must sign and return the notice of intended civil partnership form and the freedom to form a civil partnership declarations to the Superintendent Registrar; and
 - (c) the Superintendent Registrar must, upon receipt of the documents required under sub-paragraph (b), enter a notice of intended civil partnership in the notices of intended civil partnership book.
- (7) A notice of intended civil partnership form, and an entry in the notices of intended civil partnership book, must be in such form as the Superintendent Registrar decides and must include the prescribed particulars.
- (8) A freedom to form a civil partnership declaration must be in such form as the Superintendent Registrar decides, and must include the prescribed particulars and contain the following declaration –
- “I [AB] solemnly declare that I know of no legal impediment to my intended civil partnership with [BC] on grounds of kindred or affinity or on any other ground and I have not, at any time before attaining the age of 18, been a child of the family in relation to [BC].”.
- (9) In a case where paragraph (5) applies, the date upon which the parties sign the notice of intended civil partnership in the notices of intended civil partnership book is the date upon which the parties give notice of their intended civil partnership.
- (10) In the case where paragraph (6) applies, the date on which the Superintendent Registrar enters the details of the intended civil partnership in the notices of intended civil partnership book is deemed to be the date on which the parties to the civil partnership have given notice of their intended civil partnership, whether or not that date is different from the date on which the parties to the civil partnership signed the notice of intended civil partnership form.

- (11) In the case where Article 14B applies and the Superintendent Registrar has not seen the original or a certified copy of a document submitted to the Superintendent Registrar under Article 6B or 6C at the time of entering the details referred to in paragraph (11), the Superintendent Registrar must endorse upon the notices of intended civil partnership book and the notice of intended civil partnership that the notice of intended civil partnership is a provisional notice.”.

9 Article 7A (publication of notice of intended civil partnership) inserted

After Article 7 there is inserted –

“7A Publication of notice of intended civil partnership

- (1) The Superintendent Registrar must publish the notice of intended civil partnership any time after the notice has been given provided that it is not published more than one year before the intended date of the civil partnership and, subject to Article 14B, must be published for a period of at least 25 clear days ending on the date of the civil partnership –
 - (a) at the office of the Superintendent Registrar;
 - (b) on the website of the States of Jersey; and
 - (c) in any other place that the Superintendent Registrar considers appropriate.
- (2) A notice of intended civil partnership is void after the expiry of one year beginning on the day on which it is first published.”.

10 Article 8 (caveat against issue of licence or certificate) substituted

For Article 8 there is substituted –

“8 Caveat against issue of civil partnership schedule or certificate of no impediment to civil partnership

- (1) A person having reason to believe that there is lawful cause to obstruct the issue of a civil partnership schedule or certificate of no impediment to civil partnership may enter a caveat with the Superintendent Registrar against such issue.
- (2) A caveat must be signed by or on behalf of the person by whom it is entered, state the person’s place of residence and the grounds for entering the caveat.
- (3) Subject to paragraph (6), where a caveat is entered, the Superintendent Registrar must not issue a civil partnership schedule or certificate of no impediment to civil partnership until –
 - (a) the Superintendent Registrar has examined into the matter of the caveat and is satisfied that it ought not obstruct the issue of a civil partnership schedule or certificate of no impediment to civil partnership; or

- (b) the caveat is withdrawn by the person who entered it.
- (4) If the Superintendent Registrar is doubtful whether to issue a civil partnership schedule or certificate of no impediment to civil partnership, the Superintendent Registrar may refer the matter of the caveat to the Inferior Number of the Royal Court.
- (5) Where the matter of a caveat is referred to the Inferior Number of the Royal Court, the Royal Court may uphold the caveat or order that the civil partnership schedule or certificate of no impediment to civil partnership be issued, and no appeal shall lie from the decision of the Royal Court.
- (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 at least 18 years of age, the Superintendent Registrar must not issue a civil partnership schedule or certificate of no impediment to civil unless satisfied, by the production of evidence, that the persons proposing to enter into a civil partnership with each other are both at least 18 years of age, or will be at the time that the civil partnership is solemnized.
- (7) Where a caveat is entered on the ground that one of the persons intending to form the civil partnership has, at any time before attaining the age of 18 years, 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 must not issue a civil partnership schedule or certificate of no impediment to civil partnership unless a declaration is obtained from the Inferior Number of the Royal Court under paragraph (8).
- (8) In the case described in paragraph (7), one or both of the intending civil partners may apply to the Inferior Number of the Royal Court for a declaration to the effect that the younger of them has not, at any time before attaining the age of 18 years, been a child of the family in relation to the other and, accordingly, that there is no impediment (on the grounds referred to in paragraph (7)) to the solemnization of the civil partnership.
- (9) The Inferior Number of the Royal Court, in any proceedings before it under this Article, may 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.”.

11 Article 9 (civil partnership on authority of licence) substituted

For Article 9 there is substituted –

“9 Issue of civil partnership schedule

- (1) Where a civil partnership is intended to be solemnized in Jersey, one of the parties to the intended civil partnership must, subject to Article 14B, at least 2 clear days and not more than 10 clear days before the day on which the civil partnership is to be solemnized, request the Superintendent Registrar to issue a civil partnership schedule.

- (2) The request must be accompanied by the prescribed fee.
- (3) The Superintendent Registrar must not issue a civil partnership schedule unless –
 - (a) both parties to the intended civil partnership have attended the office of the Superintendent Registrar (together or separately), and in the presence of the Superintendent Registrar, have signed a signature verification form, and the Superintendent Registrar is satisfied that the signatures on the freedom to form a civil partnership declaration provided under Article 7 are the signatures of the persons signing the signature verification form;
 - (b) each person who is required under Article 11 to provide a certificate of freedom to form a civil partnership has delivered the original of a valid certificate to the Superintendent Registrar;
 - (c) if the notice of intended civil partnership included the particulars of an open-air location as well as an alternative location, both parties to the intended civil partnership have confirmed which of those 2 approved locations is to be the location at which the civil partnership is to be solemnized;
 - (d) the Superintendent Registrar has endorsed a note upon the published notice of intended civil partnership, the notices of intended civil partnership book and on any electronic records so as accurately to record the approved location confirmed under sub-paragraph (c); and
 - (e) the prescribed fee has been paid.
- (4) The Superintendent Registrar must refuse to issue a civil partnership schedule if satisfied that –
 - (a) any party to the civil partnership is incapable of consenting to the civil partnership or is not entering into the civil partnership freely; or
 - (b) any other ground exists for not issuing a civil partnership schedule.
- (5) Subject to paragraphs (3) and (4), the Superintendent Registrar must issue the civil partnership schedule to the civil partnership celebrant.
- (6) The civil partnership schedule and signature verification form must be in such form as the Superintendent Registrar decides and contain any prescribed particulars.
- (7) Upon issuing the civil partnership schedule, the Superintendent Registrar must also issue to the civil partnership celebrant –
 - (a) three civil partnership certificates for completion at the solemnization of the civil partnership;
 - (b) a notice of time and location of the civil partnership; and
 - (c) the signature verification form signed by both parties to the intended civil partnership.

- (8) The civil partnership certificates must be in such form as the Superintendent Registrar decides and must contain any prescribed particulars.
- (9) A notice under paragraph (7)(b) must contain the particulars and be in the form which the Superintendent Registrar by notice requires.
- (10) Subject to Article 14B, if the civil partnership –
 - (a) is not solemnized on the date specified in the civil partnership schedule;
 - (b) is not solemnized at the location specified in the civil partnership schedule; or
 - (c) is solemnized earlier than the time specified in the civil partnership schedule, or more than 1 hour later than the time specified in the civil partnership schedule,the civil partnership schedule is void and no person may solemnize the civil partnership on its authority.”.

12 Article 10 (period of validity of licence) deleted

Article 10 is deleted.

13 Article 11 (civil partnership on authority of document issued outside Jersey) substituted

For Article 11 there is substituted –

“11 Civil partnership in Jersey by non-Jersey resident: certificate of freedom to form a civil partnership issued by other authority

- (1) Any person whose ordinary place of residence is outside Jersey must, if the person intends to form a civil partnership in Jersey, deliver to the Superintendent Registrar a valid certificate of freedom to form a civil partnership issued in respect of that person by the civil partnership authority in the jurisdiction of the person’s ordinary place of residence.
- (2) The Superintendent Registrar may require a person who intends to form a civil partnership in Jersey to deliver to the Superintendent Registrar a certificate of freedom to form a civil partnership issued in respect of that person by the civil partnership authority of the jurisdiction in which that person previously resided or the jurisdiction of the person’s nationality where –
 - (a) the person has been resident in the person’s ordinary place of residence for a total period of less than 2 years; or
 - (b) the Superintendent Registrar reasonably considers that additional checks are necessary to be satisfied that no lawful impediment exists to prevent the person from freely entering into the intended civil partnership.
- (3) For the purposes of this Law, a certificate of freedom to form a civil partnership is a document (whether or not described as a

certificate of freedom to form a civil partnership) that provides official confirmation from a civil partnership authority that, according to the law of that jurisdiction, the person is not married or a civil partner and accordingly is free to enter into a civil partnership or marriage.

- (4) The certificate of freedom to form a civil partnership must –
 - (a) include the full names of the parties to the intended civil partnership and the approved location where the civil partnership is intended to be solemnized;
 - (b) be issued not more than 3 months before the intended date of civil partnership; and
 - (c) if it contains a date of expiry, be a date that falls after the date of the intended civil partnership.
- (5) If the approved location required to be included under paragraph (4)(a) is an open-air location, the certificate of freedom to form a civil partnership may include an alternative location.
- (6) The Superintendent Registrar may require the certificate of freedom to form a civil partnership to be authenticated by way of an apostille applied to the document or in such other manner as the Superintendent Registrar may reasonably specify.
- (7) The Superintendent Registrar may refuse to issue a civil partnership schedule in respect of any person intending to form a civil partnership in Jersey who fails to deliver to the Superintendent Registrar a valid certificate of freedom to form a civil partnership required under paragraph (1) or (2) unless the Superintendent Registrar is satisfied –
 - (a) that the failure is beyond the control of the person in respect of whom the requirement applies; or
 - (b) that the civil partnership authority referred to in paragraph (1) or (2) does not issue any such certificates.
- (8) In this Article “civil partnership authority”, in relation to a jurisdiction, means the person or body responsible for the maintenance of public records of the formation of marriages and civil partnerships.”.

14 Article 12 (certificate for formation of civil partnership outside Jersey) substituted

For Article 12 there is substituted –

“12 Issue of certificate of no impediment by Superintendent Registrar for civil partnership outside Jersey

- (1) A party to an intended civil partnership who is resident in Jersey and whose civil partnership is intended to be solemnized outside Jersey may request the Superintendent Registrar to issue a certificate of no impediment to civil partnership in respect of that person.

- (2) Subject to Article 14B, the request must be made before the day on which the civil partnership is to be solemnized and must be accompanied by the prescribed fee.
- (3) The Superintendent Registrar must not issue a certificate of no impediment to civil partnership under paragraph (1) unless –
 - (a) the notice of intended civil partnership has been published in accordance with Article 7A;
 - (b) the Superintendent Registrar is satisfied that that each party to the civil partnership will be of full age when it is solemnized;
 - (c) the person requiring the certificate of no impediment to civil partnership has attended the office of the Superintendent Registrar and signed the certificate of no impediment to civil partnership in the Superintendent Registrar's presence; and
 - (d) the prescribed fee has been paid.
- (4) The Superintendent Registrar must sign the certificate of no impediment to civil partnership and endorse upon it the date on which it is signed and must issue the certificate of no impediment to civil partnership to the person who requested it, or to the person's representative unless –
 - (a) any lawful impediment has been shown to the Superintendent Registrar's satisfaction;
 - (b) the Superintendent Registrar is satisfied that a party to the civil partnership is incapable of consenting to it or is not entering into the civil partnership freely; or
 - (c) the Superintendent Registrar is satisfied that any other ground exists for not issuing a certificate of no impediment to civil partnership.
- (5) The certificate of no impediment to civil partnership –
 - (a) must state the date upon which notice of intended civil partnership was given;
 - (b) must state the residence of the person to whom it relates; and
 - (c) may be in the form the Superintendent Registrar decides and contain the prescribed particulars, together with any other information that appears to the Superintendent Registrar to be relevant in the circumstances.
- (6) A certificate of no impediment to civil partnership issued under this Article –
 - (a) is only valid for a civil partnership that takes place on the date and at the location indicated on the certificate; and
 - (b) remains valid for a period of 3 months from the date the notice of intended civil partnership was given.
- (7) A certificate of no impediment to civil partnership is void if it is not issued in accordance with this Article and no person may solemnize the civil partnership on its authority.”.

15 Article 13 (approved premises) substituted

For Article 13 there is substituted –

“13 Approved locations

- (1) Subject to Article 14B, a civil partnership may be solemnized only at an approved location.
- (2) The Minister must by Order establish a scheme for the approval by an approving authority of any location for the purpose of solemnizing civil partnerships at that location.
- (3) The scheme must not permit approval to be given in respect of a location unless the approving authority is of the opinion that the location is suitable for upholding the dignity and solemnity of civil partnership.
- (4) An approval for a location under the scheme must be an approval for any civil partnership to be solemnized at that location.
- (5) An Order made under paragraph (2) may include provision in respect of any of the following matters –
 - (a) the kinds of locations in respect of which approvals may be granted;
 - (b) the type and nature of an approval and any matter that is or is not relevant to an approval;
 - (c) the procedures in relation to applications for approval and the determination of applications;
 - (d) the information required to be given in an application for approval and any supporting documents to be supplied;
 - (e) the persons to be consulted in relation to the application for, or revision or revocation of, an approval;
 - (f) the inspection of a location;
 - (g) the matters to be taken into account, or not to be taken into account, when determining whether to approve a location;
 - (h) the duration, renewal, revision or revocation of approvals;
 - (i) the conditions that must or may be imposed on the grant or renewal of approvals;
 - (j) the determination and charging of fees in respect of applications for, or the grant of, approvals and in respect of renewals, revisions or revocations of approvals, including any fees that must or may be payable before an application may be considered;
 - (k) the circumstances in which approvals must or may be revoked;
 - (l) the review or appeal of any decision to refuse the approval, or the renewal of approval, or to impose conditions on the grant or renewal of approval or to revoke approval;

- (m) requirements as to the notification of any person of any matter related to the grant, renewal, revision or revocation of any approval, including any appeal;
 - (n) any other purpose incidental to the approval of a location for the solemnization of civil partnerships.
- (6) Approval must not be given for the solemnization of civil partnerships at a location that is the usual place of public religious worship according to the rites of the Church of England or any other location that is certified by the Minister as the usual place of public religious worship of any religious organization.
 - (7) An approving authority must not approve a location belonging to the Connétable or the parish unless the Minister consents to that location being an approved location.
 - (8) The Minister may delegate the power to consent to a matter referred to in paragraph (7).
 - (9) Any premises that were approved under this Law for the solemnization of civil partnerships immediately before the coming into force of the Civil Partnership (Amendment) (Jersey) Law 202- are deemed to be approved locations under this Article for the purpose of solemnizing civil partnerships for a period of 12 months commencing on the day that Law comes into force.
 - (10) In this Article “approving authority” means the Connétable of the parish in which a location that is subject to an application for approval under the scheme in Article 13 is situated or such other person to whom the Connétable may delegate the responsibility for approving locations for the purposes of this Law.”.

16 Article 14 (solemnization of civil partnership on approved premises) substituted and Articles 14A and 14B inserted

For Articles 14 there is substituted –

“14 Solemnization of civil partnership

- (1) This Article is subject to Articles 14A and 14B.
- (2) Where a civil partnership schedule states that a civil partnership between the persons named in it is intended to be solemnized in an approved location and by the civil partnership celebrant named in that schedule, the civil partnership may be solemnized only in that location and by that civil partnership celebrant in accordance with this Article, but otherwise according to such form and ceremony as those persons may see fit to adopt.
- (3) A civil partnership must be solemnized –
 - (a) between the hours of 8 a.m. and 7 p.m.; and
 - (b) except in the case of a civil partnership by conversion, in the presence of 2 or more witnesses, in addition to the civil partnership celebrant.

- (4) The civil partnership celebrant must ensure that a notice of the solemnization of the civil partnership is displayed at the approved location named in the civil partnership schedule for at least one hour before the commencement of the ceremony and until the conclusion of the ceremony.
- (5) The notice of the solemnization of the civil partnership displayed under paragraph (4) must contain the forenames and surnames of both parties to the civil partnership and the time, date and location of the solemnization of the civil partnership.
- (6) Members of the public must be permitted to attend the solemnization of a civil partnership freely and without charge.
- (7) Except in the case of a civil partnership by conversion, each of the parties to the civil partnership must, in some part of the civil partnership ceremony and in the presence of the witnesses and the civil partnership celebrant –
 - (a) make the following declaration –

“I solemnly declare that I know of no lawful reason why I, [AB], may not be joined in civil partnership to [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”.
- (8) Subject to paragraph (9), a civil partnership celebrant must not permit any civil partnership solemnized by the celebrant to include any religious ritual or symbol or permit prayers or any religious worship or service to be conducted during the civil partnership ceremony.
- (9) A civil partnership celebrant must permit any civil partnership solemnized by the celebrant to contain any of the following –
 - (a) hymns, songs or chants, whether or not they contain any references of a religious nature;
 - (b) readings from the Bible or other holy books or any other reading that contains any references of a religious nature;
 - (c) vows or statements of commitment by the persons to each other that make any references of a religious nature, provided that any such vow or statement does not replicate any made in any religious ceremony.
- (10) A civil partnership celebrant must permit candles, lights, incense, ribbons and other decorations provided that the celebrant is satisfied that they are not used in contravention of paragraph (8).
- (11) After the parties have made the declaration under paragraph (7) the parties to the civil partnership and the witnesses must sign the civil partnership schedule and the civil partnership certificates.
- (12) The civil partnership celebrant, if satisfied that the parties celebrating the civil partnership are the same parties whose signatures are on the signature verification form given to the celebrant by the Superintendent Registrar, must sign and date the civil partnership schedule and the civil partnership certificates.

- (13) The parties to the civil partnership become civil partners upon the signing of the civil partnership schedule by the civil partnership celebrant after the parties have signed that schedule.
- (14) Two of the civil partnership certificates may be kept by the parties to the civil partnership.
- (15) The Superintendent Registrar may charge prescribed fees for the solemnization of a civil partnership by the Superintendent Registrar or the Deputy Superintendent 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.
- (16) Nothing in this Article requires a civil partnership celebrant to solemnize a civil partnership on a particular day or at a particular time.

14A Changes to date, time or location of intended civil partnership

- (1) If the parties to an intended civil partnership wish to change the date or time of the civil partnership contained in the notice of intended civil partnership, both parties must notify the Superintendent Registrar in writing of the new date or time (subject to Article 14B) –
 - (a) in the case of a change of time, not later than 25 clear days before the date of the civil partnership ceremony;
 - (b) in the case of a change of date which is earlier than the date contained in the notice of intended civil partnership, not later than 25 clear days before the new date of the intended civil partnership ceremony; or
 - (c) in the case of a change of date which is later than the date contained in the notice of intended civil partnership, not later than 25 clear days before the date given in the notice of intended civil partnership.
- (2) If the parties to a civil partnership intended to take place in Jersey wish to change the approved location, or alternative location, as the case may be, of the intended civil partnership contained in the notice of intended civil partnership, both parties must (subject to Article 14B) notify the Superintendent Registrar in writing of the new approved location or the new alternative location, as the case may be, not later than 25 clear days before the date of the intended civil partnership.
- (3) The Superintendent Registrar must, as soon as reasonably practicable after receiving notice under paragraph (1) or (2), and upon payment of the prescribed fee, endorse a note of any change of date, time or approved location or alternative location upon the published notice of intended civil partnership, the notices of intended civil partnership book and on any electronic records so as to accurately record the change of date, time, approved location or alternative location.

- (4) Where for any reason a civil partnership in respect of which a notice of intended civil partnership has been published is not to take place, the Superintendent Registrar must endorse a note in the notices of intended civil partnership book and on any electronic records to that effect.

14B Civil partnership: special circumstances

- (1) This Article applies where special circumstances exist such that persons intending that their civil partnership should be solemnized on the authority of a civil partnership schedule or a civil partnership conversion schedule wish to –
 - (a) have their civil partnership solemnized in a location that is not an approved location;
 - (b) have their civil partnership solemnized at a time outside the hours of 8.00 a.m. to 7.00 p.m.;
 - (c) have their civil partnership solemnized earlier than 25 clear days after the publication of the notice of intended civil partnership under Article 7A; or
 - (d) change the date, time, approved location or alternative location of the civil partnership specified in the notice of intended civil partnership.
- (2) For the purposes of paragraph (1), special circumstances are any of the following –
 - (a) one or both of the parties to the intended civil partnership are expected to die within 3 months of applying for notice of intended civil partnership under Article 7A;
 - (b) whether before or after the delivery of the application for a notice of intended civil partnership, one or both of the parties to the intended civil partnership are, or become, physically incapacitated such that it would be impossible to solemnize the civil partnership in an approved location;
 - (c) one or both of the parties to the intended civil partnership are unable to solemnize the civil partnership by reason of illness or unforeseen or unavoidable circumstances;
 - (d) one or both of the parties to the intended civil partnership are detained in prison or under the [Mental Health \(Jersey\) Law 2016](#), such that it would be impossible to solemnize the civil partnership at an approved location;
 - (e) an emergency has arisen such that it is impractical or impossible –
 - (i) for the approved location named in the civil partnership schedule or the civil partnership conversion schedule to be used, or
 - (ii) for the civil partnership celebrant named in the civil partnership schedule or the civil partnership conversion schedule to solemnize the civil partnership.

- (3) The Minister must prescribe the requirements and procedures that apply for allowing the solemnization of a civil partnership between two persons according to a wish referred to in paragraph (1), which may, in particular, include –
- (a) the application process for seeking to solemnize a civil partnership in special circumstances;
 - (b) the fees payable;
 - (c) the medical evidence, information or documents that must be provided, or need not be provided, in support of an application for permission to solemnize a civil partnership in special circumstances;
 - (d) the timescales that apply or may be disapplied for making applications, giving notice, issuing declarations, schedules or certificates or searches in relation to a civil partnership in special circumstances;
 - (e) the requirements for providing original documents and attending the office of the Superintendent Registrar;
 - (f) the time and location for the solemnization of a civil partnership; and
 - (g) the requirements for annotating any applications, notice, register or other document in consequence of any civil partnership being solemnized in special circumstances.”.

17 Article 15 (civil partnership of person incapacitated by illness or disability) deleted

Article 15 is deleted.

18 Article 16 (delegates of Superintendent Registrar) deleted

Article 16 is deleted.

19 Article 17 (keeping of books and registers relating to civil partnership) substituted

For Article 17 there is substituted –

“17 Keeping of records relating to civil partnership

- (1) The Superintendent Registrar must retain an electronic copy of every application, information and document provided to the Superintendent Registrar under this Law by any person, whether received in electronic or paper form.
- (2) The Superintendent Registrar must keep, in the form the Superintendent Registrar decides, and containing the prescribed particulars –
 - (a) a register of authorized civil celebrants;

- (b) a notices of intended civil partnership book;
 - (c) a register of approved locations;
 - (d) an index of the names of the parties to any civil partnership solemnized or converted in Jersey under this Law;
 - (e) a copy of the entries in the civil partnership registers and civil partnership conversion registers held by each registrar.
- (3) The Superintendent Registrar must keep in date order one copy of the civil partnership schedule or civil partnership conversion schedule –
- (a) for every civil partnership ceremony or civil partnership conversion ceremony which the Superintendent Registrar solemnizes; or
 - (b) which is delivered to the Superintendent Registrar by an authorized civil celebrant under Article 17A(1).
- (4) The book, registers, indexes, notices and entries kept under paragraph (2) and the copies kept under paragraph (3) must be open to public inspection free of charge during the hours and at the locations published by the Superintendent Registrar.
- (5) The relevant registrars must keep up to date and in such form and manner as the Superintendent Registrar may by notice require –
- (a) a register of all civil partnerships that took place in the parish before the coming into force of the Civil Partnership (Amendment) (Jersey) Law 202-; and
 - (b) the civil partnership schedules and civil partnership conversion schedules in respect of all the civil partnerships that take place in the parish.
- (6) The registers and other documents and information which are required to be kept under this Article must be kept in permanent form, which may include their being kept electronically.
- (7) The Minister may prescribe the matters that may or must be endorsed upon any book, registers, indexes, notices or entries kept under this Law.”.

20 Article 17A (retention of civil partnership schedule) inserted

After Article 17 there is inserted –

“17A Retention of civil partnership schedule etc.

- (1) As soon as reasonably practicable after the solemnization of a civil partnership, an authorized civil celebrant must return to the Superintendent Registrar each of the signature verification forms and all of the following that apply in the particular case –
- (a) the civil partnership schedule;
 - (b) the civil partnership conversion schedule;
 - (c) the civil partnership certificate;
 - (d) the civil partnership conversion certificate.

- (2) If the relevant registration duties are not retained, the Superintendent Registrar must, as soon as reasonably practicable upon receipt of the civil partnership schedule or civil partnership conversion schedule –
 - (a) complete the entries in the civil partnership register, for the parish in which the civil partnership is solemnized, held by the Superintendent Registrar with the details contained in the civil partnership schedule or civil partnership conversion schedule; and
 - (b) retain the original civil partnership schedules and civil partnership conversion schedules for each parish in respect of which the Superintendent Registrar is responsible for the relevant registration duties in date order in which the civil partnership was solemnized.
- (3) If the relevant registration duties are retained, the Superintendent Registrar must, as soon as reasonably practicable upon receipt of the civil partnership schedule or civil partnership conversion schedule –
 - (a) complete the entries in the copy civil partnership register, for the parish in which the civil partnership is solemnized, held by the Superintendent Registrar with the details contained in the civil partnership schedule or civil partnership conversion schedule; and
 - (b) return the original civil partnership schedule or civil partnership conversion schedule to the registrar of the parish in which the civil partnership was solemnized.
- (4) Where paragraph (3) applies, the registrar must keep –
 - (a) subject to sub-paragraph (b), in the date order in which each civil partnership is solemnized, a register of all civil partnerships that are solemnized in the registrar’s parish;
 - (b) in the order in which each marriage is converted to a civil partnership, a register of all the conversions that are solemnized in the registrar’s parish.
- (5) The Superintendent Registrar must pay the registrar the prescribed fee for each civil partnership which the registrar registers under paragraph (4) and for the provision of returns or registers.”.

21 Article 18 (duty to record and register civil partnerships) amended

In Article 18 –

- (a) in paragraph (1) for “civil partnership registrar” there is substituted “civil partnership celebrant”;
- (b) after paragraph (1) there is inserted –

“(1A) Paragraphs (2) and (3) apply in respect of a parish where the relevant registration duties are retained.”.

22 Article 19 (power to ask for particulars of civil partnership) amended

In Article 19 for “may require the parties to the civil partnership” there is substituted “(other than the Superintendent Registrar) may require the Superintendent Registrar”.

23 Article 20 (proof of certain matters not necessary to validity of civil partnership) substituted

For Article 20 there is substituted –

“20 Proof of certain matters not necessary to validity of civil partnerships

- (1) Subject to Article 22A, where a civil partnership has been solemnized under this Law, it is not necessary, in any proceedings in the Family Division of the Royal Court relating to 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 location stated in the notice of intended civil partnership to be his or her place of residence;
 - (b) subject to Article 14B, that the location in which the civil partnership was solemnized was an approved location at the time of the solemnization; or
 - (c) that the civil partnership celebrant was authorized under this Law to solemnize the civil partnership and solemnised the civil partnership in accordance with the conditions of that authorization.
- (2) A civil partnership solemnized in accordance with Article 14B in a location which, at the time of the solemnization, is not an approved location is valid as if the location were an approved location.
- (3) A civil partnership which is solemnized otherwise than in accordance with Article 14(8) is as valid as if it had been solemnized in accordance with Article 14(8).”.

24 Article 21 (searches) amended

Article 21(2) is deleted.

25 Article 21A (official searches of records by Superintendent Registrar) inserted

After Article 21 there is inserted –

“21A Official searches of records by Superintendent Registrar

- (1) Any person may apply to the Superintendent Registrar for a search to be made of the books, indexes, registers, notices or entries held

- at the office of the Superintendent Registrar and at the Royal Court and for the applicant to be supplied with a certificate containing details of such of the following matters as are recorded in any of those books, indexes, registers, notices or entries –
- (a) any civil partnership or marriage to which the applicant was a party;
 - (b) any decree for a divorce, nullity of marriage or presumption of death in respect of a marriage to which the applicant was a party;
 - (c) any decree for the dissolution of a civil partnership, nullity of a civil partnership or presumption of death in respect of a civil partnership to which the applicant was a party;
 - (d) any change of name of the applicant;
 - (e) the birth of the applicant;
 - (f) the death of any former spouse or civil partner of the applicant.
- (2) The applicant must pay the prescribed fee for any search conducted under this Article at the office of the Superintendent Registrar or the Royal Court.
- (3) The application for a search under paragraph (1) must be in such form as the Superintendent Registrar may by notice require, and contain the prescribed information.
- (4) The Superintendent Registrar must, as soon as reasonably practicable after receiving the application and prescribed fee –
- (a) search the records of the Superintendent Registrar; and
 - (b) request the Judicial Greffier of the Royal Court to search the records of the Royal Court.
- (5) After the searches under paragraph (4) have been completed, the Superintendent Registrar must issue to the applicant a search certificate setting out the information in paragraph (6)(a) or (b), as the case may require.
- (6) The search certificate must –
- (a) state that there is no trace of any previous civil partnership or marriage by the applicant in Jersey, if that is the case; or
 - (b) if the search has confirmed the existence of a previous civil partnership or marriage by the applicant in Jersey, provide –
 - (i) the date of and the parties to that previous civil partnership or marriage and, if it has ended, the date on which it ended and whether that was by nullity, dissolution or death, and
 - (ii) details of any record of the birth of the applicant or change of name or any gender recognition certificate of the applicant.
- (7) A search certificate provided in accordance with this Article is to be received as evidence of the matters stated in it without further proof.

- (8) A search certificate under this Article is not evidence of a person's residence in Jersey."

26 Article 21B (co-operation and disclosure) inserted

After Article 21A there is inserted –

"21B Co-operation and disclosure

- (1) The Superintendent Registrar may disclose to any person any information or documents obtained in exercise of the Superintendent Registrar's functions under this Law and request information and make such enquiries as the Superintendent Registrar thinks fit for the purpose of –
 - (a) verifying the accuracy of any application or information delivered to the Superintendent Registrar or the authenticity of any document provided to the Superintendent Registrar under this Law; or
 - (b) determining whether any ground exists for the Superintendent Registrar to refuse to issue any notice, schedule, certificate or declaration.
- (2) The Superintendent Registrar may, in particular, disclose information or documents to, and request information from, the following persons and bodies in connection with the exercise of the Superintendent Registrar's functions under this Law –
 - (a) the Royal Court;
 - (b) the Attorney General;
 - (c) any Minister of the States of Jersey;
 - (d) any Connétable or employee of a parish;
 - (e) a police officer;
 - (f) an immigration officer;
 - (g) an officer of the Impôts.
- (3) The Superintendent Registrar may, at the request of any person who carries out functions in another jurisdiction similar to the functions of the Superintendent Registrar in respect of civil partnerships, disclose to that person any information that the Superintendent Registrar reasonably believes may assist that other person in the exercise of that person's functions in that other jurisdiction.
- (4) The Superintendent Registrar may disclose information to, and request information from, any person who carries out similar functions in another jurisdiction to the functions of a police officer, an immigration officer or an officer of the Impôts investigating the immigration status of a person intending to form a civil partnership in that other jurisdiction, if the Superintendent Registrar reasonably believes that the information may assist that other person in the exercise of that person's functions in that other jurisdiction.

- (5) In this Article, “immigration officer” means an immigration officer appointed under Schedule 2 to the Immigration Act 1971 of the United Kingdom, as extended to the Bailiwick of Jersey by the Immigration (Jersey) Order 1993.”.

27 Article 22A (civil partnerships which are void) inserted

After Article 22 there is inserted –

“22A Civil partnerships which are void

A civil partnership is void if it is knowingly and intentionally formed by 2 people –

- (a) without having given due notice of intended civil partnership to the Superintendent Registrar;
- (b) without a civil partnership schedule or a civil partnership conversion schedule having been duly issued;
- (c) on the authority of a civil partnership schedule or a civil partnership conversion schedule that has been issued after one or both parties to the civil partnership have provided information or documents to the Superintendent Registrar that are false or inaccurate;
- (d) on the authority of a civil partnership schedule or a civil partnership conversion schedule when one of the civil partners has provided false information about that civil partner’s immigration status;
- (e) on the authority of a civil partnership schedule which is void under Article 9(10);
- (f) on the authority of a civil partnership conversion schedule which is void under Article 26AD(17);
- (g) on the authority of a certificate of no impediment which is void under Article 12(7);
- (h) in the case of a civil partnership purporting to be solemnized in an approved location, at any location that is not approved at the time the civil partnership is solemnized or, as the case may be, for the purposes of that civil partnership, unless Article 14B applies;
- (i) in the absence of a civil partnership celebrant; or
- (j) except where Article 14B applies, at a time, place or date that is not specified as the time, date or place of the civil partnership in the civil partnership schedule or the civil partnership conversion schedule.”.

28 Article 23 (offences relating to the registration of civil partnership) substituted

For Article 23 there is substituted –

“23 Offences relating to the solemnization of a civil partnership

- (1) A person commits an offence if the person, knowingly and voluntarily, makes a false declaration or signs any false document or otherwise provides false information for the purpose of –
 - (a) giving notice of intended civil partnership (including by conversion);
 - (b) obtaining –
 - (i) any civil partnership schedule,
 - (ii) any civil partnership conversion schedule, or
 - (iii) any certificate of no impediment to civil partnership (including by conversion); or
 - (c) having a civil partnership solemnized (including by conversion).
- (2) The Superintendent Registrar commits an offence if the Superintendent Registrar, knowingly and voluntarily –
 - (a) issues a civil partnership schedule, civil partnership conversion schedule or a certificate of no impediment to civil partnership pursuant to a notice of intended civil partnership where the resulting civil partnership would be void by virtue of Article 22A;
 - (b) issues a civil partnership schedule where there are fewer than 25 clear days between the date on which the notice of intended civil partnership was given and the date of the civil partnership specified in that notice, unless Article 14B applies;
 - (c) issues a civil partnership conversion schedule where there are fewer than 2 clear days between the date on which the notice of conversion was given and the date of the civil partnership conversion specified in that notice, unless Article 14B applies;
 - (d) issues a certificate of no impediment to civil partnership where there are fewer than 25 clear days between the date on which the certificate of no impediment to civil partnership was issued and the date of the civil partnership specified on the notice of intended civil partnership;
 - (e) issues a schedule or certificate on which a lawful objection has been entered unless the Superintendent Registrar has determined (in a case where the Superintendent Registrar is empowered to do so) that the objection is without merit, or the Inferior Number of the Royal Court has ordered that the schedule or certificate may nevertheless be issued;
 - (f) authorizes an authorized civil celebrant to solemnize a civil partnership in a location that is not an approved location for civil partnerships, unless Article 14B applies; or
 - (g) authorizes an authorized religious official to solemnize a civil partnership.

- (3) A person commits an offence if the person, knowingly and voluntarily, to solemnize a civil partnership which would be void under this Law.
- (4) A person commits an offence if the person, knowingly and voluntarily, solemnizes a civil partnership –
 - (a) on the authority of a civil partnership schedule or civil partnership conversion schedule which is void; or
 - (b) before the expiry of any period required by this Law to elapse after the issue of the civil partnership schedule or civil partnership conversion schedule (as the case requires) and before the solemnization of the civil partnership.
- (5) A person commits an offence if the person, knowingly and voluntarily, solemnizes a civil partnership on the authority of a civil partnership schedule –
 - (a) subject to sub-paragraph (b), in a location other than an approved location specified in the notice of intended civil partnership and civil partnership schedule; or
 - (b) in a case where Article 14B applies, otherwise than at the location approved under that Article.
- (6) A person other than a civil partnership celebrant commits an offence if that person solemnizes a civil partnership.
- (7) A person commits an offence if that person, knowingly and voluntarily –
 - (a) subject to sub-paragraph (b), officiates at the conversion of a marriage to a civil partnership in a place other than that specified in the notice of intended conversion or the civil partnership conversion schedule; or
 - (b) in a case where Article 14B applies, officiates at the conversion of a marriage to a civil partnership otherwise than at the location approved under that Article.
- (8) A person commits an offence if the person, knowingly and voluntarily, makes a false declaration or signs any false document or otherwise provides false or inaccurate information –
 - (a) for the purpose of an application for an authorization of a person as an authorized civil celebrant;
 - (b) for the purpose of an application for approval of a location as an approved location.
- (9) A person guilty of an offence under this Article is liable to imprisonment for a term of 5 years and to a fine.

23A Offences relating to the registration of civil partnerships

- (1) A person commits an offence if, without reasonable cause or excuse, the persons fails to comply with a requirement imposed under this Law or by any person pursuant to this Law or an Order made under it –

- (a) to provide particulars of a civil partnership (including a civil partnership by conversion); or
 - (b) to complete or deliver any certificate.
- (2) A person guilty of an offence under paragraph (1) is liable to a fine of level 2 on the standard scale.
- (3) A person commits an offence if the person –
- (a) refuses or, without reasonable excuse, omits to record or register any civil partnership which the person is required by this Law, or an Order made under it, to record or register;
 - (b) registers or causes to be registered a civil partnership otherwise than in accordance with the requirements of this Law or an Order made under it;
 - (c) carelessly loses or damages a book, register or document that the person 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 the person’s keeping; or
 - (d) fails, without reasonable excuse, to deliver any book, register, document or make any return that the person is required to deliver or make by this Law, or an Order made under it.
- (4) A person guilty of an offence under paragraph (3) is liable to a fine of level 3 on the standard scale.
- (5) A person commits an offence if the person –
- (a) knowingly provides false particulars for the purpose of the registration of a civil partnership under this Law;
 - (b) voluntarily destroys, damages or alters, or causes 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) forges or causes 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 makes or causes 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 certifies a copy of such an entry, knowing it to be false.
- (6) A person guilty of an offence under paragraph (5) is liable to imprisonment for a term of 5 years and to a fine.”.

29 Article 24 (declarations) amended

In Article 24 for “Article 8(7)” there is substituted “Article 8(8)”.

30 Article 24A (amendment of periods specified in this Part) inserted

After Article 24 there is inserted –

“24A Amendment of periods specified in this Part

The Minister may by Order amend any period specified in this Part and in Part 2AA, other than a maximum period of imprisonment.”.

31 Article 25 (Orders concerning registration) amended

In Article 25 –

- (a) in the opening words after “civil partnerships” there is inserted “(including civil partnerships by conversion)”;
- (b) in paragraph (c) after “civil partnerships” there is inserted “(including civil partnerships by conversion)”.

32 Article 26 (duty of Minister) amended

In Article 26 –

- (a) in paragraph (1) after “civil partnerships” there is inserted “(including civil partnerships by conversion)”;
- (b) in paragraph (2) for “the Superintendent Registrar” there is substituted “the registrar”.

33 Part 2AA (civil partnership by conversion) inserted

After Article 26 (but before Part 2A) there is inserted –

“PART 2AA**CIVIL PARTNERSHIP BY CONVERSION****26AA Application for conversion**

- (1) Subject to Article 14B (civil partnerships: special circumstances), where spouses wish to convert their marriage to a civil partnership, one or both of the spouses, or a representative of one of both of them, must –
 - (a) deliver to the Superintendent Registrar an application for a conversion not earlier than 1 year before the day of the intended conversion; and
 - (b) pay the prescribed fee.
- (2) The parties to the intended conversion must have been resident at their place of residence (whether in Jersey or elsewhere) for at least 7 days before they make their application to the Superintendent Registrar.
- (3) The application for a conversion must –

- (a) include the prescribed information;
- (b) be in the form the Superintendent Registrar may by notice require; and
- (c) be accompanied by such documents that corroborate the information required under sub-paragraph (a) as the Superintendent Registrar may by notice require, including (but not limited to) –
 - (i) evidence of the identity, residence and nationality of the parties,
 - (ii) evidence of the parties' immigration status in Jersey, and
 - (iii) evidence that when the marriage was formed, if it had instead been a civil partnership, it would not have been a void civil partnership under any provision of this Law.

26AB Consideration of application for conversion

- (1) The Superintendent Registrar may consider the application for a conversion delivered under Article 26AA before inspecting the original or certified copy of any document referred to in Article 26AA(3)(c) but must not issue a civil partnership conversion schedule unless the Superintendent Registrar has inspected the original or certified copy of those documents.
- (2) The Superintendent Registrar may request any other information or documents as he or she considers to be necessary and interview either or both of the parties to the intended conversion or any other person for the purpose of considering the application and, in particular, for the purpose of –
 - (a) verifying the accuracy of any information provided or authenticity of any document;
 - (b) being satisfied that both parties are capable of consenting to the conversion and are entering into the civil partnership freely; and
 - (c) being satisfied whether any other ground exists for not issuing a conversion schedule.
- (3) If the Superintendent Registrar concludes that the information and documents referred to in Article 26AA(3) and paragraph (2) reveal no reason why the parties to the marriage may not enter into a civil partnership by conversion, the Superintendent Registrar must notify the parties to the marriage of that conclusion.

26AC Issue of conversion schedule

- (1) One or both of the parties to the intended civil partnership must, subject to Article 14B, at least 2 clear days and not more than 10 clear days before the day on which the civil partnership by conversion is to be solemnized, request the Superintendent

- Registrar to issue a conversion schedule for signing by the parties to the marriage.
- (2) The request must be accompanied by the prescribed fee.
 - (3) The Superintendent Registrar must not issue a conversion schedule unless –
 - (a) both parties to the intended conversion have, during the period specified in paragraph (1) attended the office of the Superintendent Registrar (together or separately), and have –
 - (i) brought with them the original or certified copy of the documents required under Articles 26AA(3)(c) and 26AB(2),
 - (ii) confirmed the location of the solemnization of the civil partnership by conversion, and
 - (iii) signed a signature verification form in the presence of the Superintendent Registrar;
 - (b) subject to paragraph (5), the Superintendent Registrar has inspected the original or certified copies of all the documents provided in corroboration of the information required under Articles 26AA(3) and 26AB(2) and is satisfied as to their authenticity; and
 - (c) the prescribed fee has been paid.
 - (4) The Superintendent Registrar must refuse to issue the conversion schedule if the Superintendent Registrar is satisfied that –
 - (a) any party to the marriage is incapable of consenting to the conversion or is not entering into the civil partnership freely; or
 - (b) any other ground exists for not issuing a conversion schedule.
 - (5) Subject to paragraphs (3) and (4), the Superintendent Registrar must issue a conversion schedule to the civil partnership celebrant.
 - (6) The Superintendent Registrar may issue a conversion schedule for completion by the parties to the marriage, despite not seeing the original or certified copy of a document referred to in paragraph (3)(b) in a case where Article 14B applies or where the Superintendent Registrar is otherwise satisfied that the parties to the intended conversion have corroborated any information provided under Articles 26AA(3) and 26AB(2) by some other means.
 - (7) Upon issuing the conversion schedule the Superintendent Registrar must also issue to the civil partnership celebrant –
 - (a) the form for entering details of the civil partnership by conversion into the conversion register held by the relevant registrar;
 - (b) 3 civil partnership certificates for completion at the solemnization of the civil partnership; and
 - (c) a signature verification form signed by both parties to the intended civil partnership.

- (8) The conversion schedule, signature verification form and the civil partnership certificates are to be in the form the Superintendent Registrar decides and contain the prescribed particulars.

26AD Civil partnership by conversion: solemnization

- (1) This Article is subject to Article 14B.
- (2) A civil partnership by conversion may be solemnized between the hours of 8 a.m. and 7 p.m. by a civil partnership celebrant.
- (3) The civil partnership by conversion may be solemnized –
 - (a) upon payment to the Superintendent Registrar or a Deputy Superintendent Registrar of the prescribed fee; or
 - (b) upon such payment as an authorized civil celebrant and the parties to the marriage may agree is payable for the services of the authorized civil celebrant.
- (4) If the parties to the marriage do not wish to have any ceremony other than making the declarations contained in paragraph (9), the civil partnership by conversion must be solemnized by the Superintendent Registrar or a Deputy Superintendent Registrar at any approved location for the solemnization of civil partnerships.
- (5) If the parties to the marriage wish to have any ceremony in addition to making the declarations contained in paragraph (9), the civil partnership by conversion must be solemnized by a civil partnership celebrant at any approved location for the solemnization of civil partnerships.
- (6) A civil partnership celebrant must not, subject to paragraph (7), permit the ceremony during which any civil partnership by conversion is solemnized by the celebrant under this Article to include any religious ritual or symbol or permit prayers or any religious worship or service to be conducted during the civil partnership ceremony.
- (7) A civil partnership celebrant must permit any ceremony during which a civil partnership by conversion is solemnized by the celebrant to contain any of the following –
 - (a) hymns, songs or chants, whether or not they contain any references of a religious nature;
 - (b) readings from the Bible or other holy books or any other reading that contains any references of a religious nature;
 - (c) vows or statements of commitment by the persons to each other that make any references of a religious nature, provided that any such vow or statement does not replicate any made in any religious marriage ceremony.
- (8) A civil partnership celebrant must permit the use of candles, lights, incense, ribbons and other decorations, provided that the celebrant is satisfied that they are not used in contravention of paragraph (6).
- (9) Each of the parties to the marriage must in the presence of the civil partnership celebrant make the following declaration to each other –

“I, [AB], solemnly declare that I am married to you, [CD], and I know of no lawful reason why we may not convert our marriage into a civil partnership.

I understand that in making this declaration I will be converting our marriage into a civil partnership and that you, [CD], will thereby become my civil partner.”.

- (10) After the parties to the marriage have made the declaration in paragraph (9), they must sign the conversion schedule and the civil partnership certificates in the presence of each other and the civil partnership celebrant.
- (11) The civil partnership celebrant, if satisfied that the parties converting the marriage are the same parties whose signatures are on the signature verification form supplied by the Superintendent Registrar, must sign and date the conversion schedule and the civil partnership certificates.
- (12) The parties to the conversion become civil partners of each other upon the signing of the conversion schedule by the civil partnership celebrant.
- (13) Two civil partnership certificates may be kept by the civil partners to the conversion.
- (14) Nothing in this Article is to be construed as requiring a civil partnership celebrant to attend the solemnization of a civil partnership by conversion under this Article on a particular day or at a particular time.
- (15) A marriage that is converted to a civil partnership under this Law –
 - (a) if it was solemnized before 2nd April 2012 (the date on which this Law as originally enacted came into operation), is to be treated as having become a civil partnership on that date; or
 - (b) if was solemnized on or after that date, is to be treated for all purposes as if it had always been a civil partnership.
- (16) Parties to a marriage who convert their marriage to a civil partnership under this Law are to be treated for all purposes as if they had become civil partners of each other on the later of –
 - (a) the date on which their marriage was solemnized; or
 - (b) 2nd April 2012.
- (17) Subject to Article 14B, if the conversion of a marriage to a civil partnership –
 - (a) is not solemnized on the date specified in the civil partnership conversion schedule;
 - (b) is not solemnized in the location specified in the civil partnership conversion schedule; or
 - (c) is solemnized earlier than the time specified in the civil partnership conversion schedule, or more than 1 hour later than the time specified in the civil partnership conversion schedule,

the civil partnership conversion schedule is void and no person may solemnize the civil partnership on its authority.”.

34 Article 26CA (change to process for issue of civil partnership conversion schedule) inserted

After Article 26C there is inserted –

“26CA Change to process for issue of civil partnership conversion schedule

- (1) A person requesting the issue of a civil partnership conversion schedule –
 - (a) is not required to comply with Article 26AC(3)(a); but
 - (b) must comply with this Article.
- (2) This Article is complied with if –
 - (a) over an audio-visual link in which the Superintendent Registrar and the person can see and hear each other, the Superintendent Registrar –
 - (i) positively identifies the person,
 - (ii) sees and hears the person make a solemn declaration that the person believes that there is no impediment to the conversion of the marriage to a civil partnership, and
 - (iii) sees the person sign the declaration;
 - (b) the person sends the signed declaration to the Superintendent Registrar; and
 - (c) the Superintendent Registrar certifies, on the signed declaration, that sub-paragraph (a) was complied with.
- (3) For the purposes of Article 26AC(3), a request is deemed to be made in accordance with Article 26AC if Article 26AC(1) and (2) and this Article are complied with.
- (4) Paragraphs (1) to (3) do not have effect during any period for which paragraphs (1) to (3) of Article 26A do not have effect.”.

35 Article 26D (ceremonies must comply with guidance) amended

- (1) Article 26D is amended as follows.
- (2) In paragraph (1) –
 - (a) for “a civil partnership registrar” there is substituted “a qualified registrar”;
 - (b) for “the civil partnership registrar” there is substituted “the qualified registrar”.
- (3) In paragraphs (2), (3) and (4) for “civil partnership registrar” there is substituted “qualified registrar”.
- (4) For paragraph (5) there is substituted –

- “(5) In this Article –
- “arrangements” includes factors (such as the layout of the venue and the number of guests) that influence whether physical distancing and other safety measures can be achieved as well as the conduct of the people attending the ceremony;
- “qualified registrar” means the Superintendent Registrar or a Deputy Superintendent Registrar.”.

36 Article 26G (change to approval of premises) amended

- (1) Article 26G is amended as follows.
- (2) For the heading to the Article there is substituted –

“26G Change to approval of locations”.

- (3) In paragraph (1) for “premises” there is substituted “locations”.
- (4) In each place in paragraph (3) for “premises” there is substituted “location”.

37 Article 36 (decree of annulment) amended

- (1) Article 36 is amended as follows.
- (2) In paragraph (1) –
 - (a) in sub-paragraph (c) after “pregnant” there is inserted “by some person other than the applicant”;
 - (b) sub-paragraphs (d), (e) and (f) are deleted.
- (3) Paragraphs (2) and (3) are deleted.

38 Article 37 (bars to relief where civil partnership voidable) amended

Article 37(2) is deleted.

39 Article 72A (fees) inserted

After Article 72 there is inserted –

“72A Fees

- (1) The Superintendent Registrar may charge such fees as may be prescribed for such services, incidental to the performance of his or her functions under this Law, as may be prescribed.
- (2) The Superintendent Registrar may refuse to issue a form, notice, certificate or schedule under this Law if the fee prescribed for that form, notice, certificate or schedule has not been paid.
- (3) A fee paid under this Law is not refundable except in prescribed circumstances.”.

40 Schedule 1 (overseas relationships) amended

In Schedule 1 –

- (a) paragraph 1(1)(b)(i) is deleted;
- (b) in the table in paragraph 2(1) the following entries are deleted –
 - (i) the second entry relating to Belgium,
 - (ii) the first entry relating to Canada,
 - (iii) the second entry relating to the Netherlands,
 - (iv) the entry relating to Spain,
 - (v) the entry relating to the United States of America: Massachusetts;
- (c) in paragraph 2(2) for “The States may by Regulations” there is substituted “The Minister may by Order”;
- (d) paragraph 4 is deleted;
- (e) for paragraph 5 there is substituted –

“5 Person domiciled in Jersey

For the purposes of this Law, 2 people are not to be treated as having formed a civil partnership if (outside Jersey) they register an overseas relationship at a time when at least one of them is domiciled in Jersey, and –

- (a) at least one of them is under 18 years of age; or
- (b) one of them falls within the list in paragraph 1 of Schedule 2 in relation to the other.”.

41 Schedule 2 (prohibited degrees of relationship) amended

For Schedule 2 there is substituted the Schedule set out in Schedule 1.

42 Schedule 3 (consents required to the civil partnership of a minor) deleted

Schedule 3 is deleted.

PART 2**MISCELLANEOUS****43 [Marriage and Civil Status \(Jersey\) Law 2001](#) amended**

- (1) This Article amends the [Marriage and Civil Status \(Jersey\) Law 2001](#).
- (2) After Article 5(2)(d) there is inserted –
 - “(e) the civil partnership had itself been formed by the conversion of a marriage.”.
- (3) In Article 22 –

- (a) in paragraph (4) for “If” there is substituted “If the civil partnership was formed in Jersey or elsewhere in the British Islands and”;
- (b) in paragraph (5) for “If” there is substituted “If the civil partnership was formed outside the British Islands, or if”;
- (c) for paragraphs (15) and (16) there is substituted –
 - “(15) If a civil partnership which is converted to a marriage under this Law was formed in Jersey or elsewhere in the British Islands –
 - (a) the marriage must be treated as having been formed on the date on which the civil partnership was formed; and
 - (b) the civil partners must be treated as having married on the date on which the civil partnership was formed.
 - (16) If a civil partnership which is converted to a marriage was formed outside the British Islands –
 - (a) the marriage must be treated as having been formed on the later of –
 - (i) the date on which the overseas civil partnership was registered (under the relevant law), or
 - (ii) 2nd April 2012 (being the date on which the [Civil Partnership \(Jersey\) Law 2012](#) as originally enacted came into force); and
 - (b) the civil partners must be treated as having married on the date on which the marriage is treated as having been formed in accordance with sub-paragraph (a).”.

44 [Gender Recognition \(Jersey\) Law 2010](#) amended

- (1) This Article amends the [Gender Recognition \(Jersey\) Law 2010](#).
- (2) In Article 3 (grant of application for gender recognition certificate) –
 - (a) for paragraph (2) there is substituted –
 - “(2) Upon granting the application, the Court shall issue to the applicant a gender recognition certificate.”;
 - (b) in paragraph (3) for “a full certificate and an interim certificate” there is substituted “a gender recognition certificate”.
- (3) Article 4A (issue of full certificate following annulment of civil partnership on ground of issue of interim certificate) is deleted.
- (4) In Article 5 (issue of full certificate once applicant no longer married or no longer in a civil partnership – other cases) –
 - (a) before paragraph (1) there is inserted –
 - “(A1) This Article applies if, immediately before the coming into force of the Civil Partnership (Amendment) (Jersey) Law 202-, an interim certificate is in force.”;
 - (b) after paragraph (5) there is inserted –
 - “(6) This Article ceases to have effect one year after the Civil Partnership (Amendment) (Jersey) Law 202- comes into force.”.

- (5) In the heading to Part 3 and Articles 8(1) and (3)(a), 9(1), 13(1) and (2), 16(1), 17(3) and (4) and 18(4)(c) and (5) for “full certificate” there is substituted “gender recognition certificate”.
- (6) In the Schedule (alteration of registers) –
 - (a) in paragraph 1 (re-registration of birth) in sub-paragraphs (1), (2), and (7) for “full certificate” there is substituted “gender recognition certificate”;
 - (b) in paragraph 2 (Adopted Children Register) in sub-paragraphs (1), (2), (5) (wherever it occurs) and (6) for “full certificate” there is substituted “gender recognition certificate”;
 - (c) in paragraph 3 (Public Registry of Contracts, Register of Procurations and Register of Obligations) in sub-paragraphs (1), (3) and (4) for “full certificate” there is substituted “gender recognition certificate”.

45 [Discrimination \(Jersey\) Law 2013](#) amended

For Article 6(4) of the [Discrimination \(Jersey\) Law 2013](#). (what constitutes direct discrimination) there is substituted –

- “(4) In relation to the protected characteristic of sexual orientation, direct discrimination includes –
 - (a) treating people who are married to, or civil partners of, each other and who are of the same sex less favourably than people who are married to, or civil partners of, each other and who are of a different sex, and vice versa; and
 - (b) treating people (whether of the same sex or of different sexes) who are civil partners less favourably than people (whether of the same sex or of different sexes) who are married, and vice versa.”.

46 [Civil Partnership \(Forms, Registration and Fees\) \(Jersey\) Order 2012](#)

For Schedule 3 to the [Civil Partnership \(Forms, Registration and Fees\) \(Jersey\) Order 2012](#) there is substituted the Schedule set out in Schedule 2 to this Law.

47 Citation and commencement

This Law may be cited as the Civil Partnership (Amendment) (Jersey) Law 202- and comes into force 7 days after it is registered.

SCHEDULE 1

(Article 41)

SCHEDULE 2 SUBSTITUTEDFor Schedule 2 to the [Civil Partnership \(Jersey\) Law 2012](#) there is substituted –**“SCHEDULE 2**

(Article 4)

PROHIBITED DEGREES OF RELATIONSHIP**1 Relations with whom person may not form a civil partnership**

- (1) Two people are within a prohibited degree of relationship if one falls within the list in sub-paragraph (2) in relation to the other.
- (2) The list referred to in sub-paragraph (1) is –
 - adoptive child
 - child
 - former adoptive child
 - grandchild
 - parent’s sibling
 - sibling
 - sibling’s child.
- (3) In the list in sub-paragraph (2) “sibling” means brother, sister, half-brother or half-sister.

2 Conditional prohibition on former child of the family forming civil partnership with close relative

- (1) Two people are within a prohibited degree of relationship if one of them falls within the list in sub-paragraph (2) in relation to the other, unless the younger has not at any time before reaching the age of 18 been a child of the family in relation to the other.
- (2) The list referred to in sub-paragraph (1) is –
 - adoptive child of former civil partner
 - adoptive child of former spouse
 - adoptive grandchild of former civil partner
 - adoptive grandchild of former spouse
 - grandchild of former civil partner
 - grandchild of former spouse.

3 Conditional prohibition on forming civil partnership with former close relative by marriage or civil partnership

Two persons are within a prohibited degree of relationship if one falls within the description in column 1 of the following Table in relation to the other unless the persons mentioned in the corresponding entry in column 2 of the Table are dead.

Column 1	Column 2
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 2

(Article 46)

SCHEDULE 3 TO THE [CIVIL PARTNERSHIP \(FORMS, REGISTRATION AND FEES\) \(JERSEY\) ORDER 2012](#) SUBSTITUTED**“SCHEDULE 3**

(Article 10)

FEES PAYABLE UNDER THE LAW

	Provision of Law	Description of activity for which fee payable	Amount
1	Article 6B(1)(b)	Application for a notice of intended civil partnership	£205
2	Article 9(2) and (3)(e)	Request for issue of civil partnership schedule	£307.50
3	Article 12(2) and (3)(d)	Issue of a certificate of no impediment to civil partnership	£102.50 per applicant
4	Article 14A(3)	Change to date, time or location contained in the published notice of intended civil partnership	£51.25
5	Article 14B(3)(b)	Attendance of the Superintendent Registrar to sign forms or undertake identity checks in special circumstances	£51.25
6	Article 14B(3)(b)	Annotation of a civil partnership schedule, book or certificate arising from special circumstances	£76.88
7	Article 17A(5)	Registration of each civil partnership that a registrar registers under Article 17A(4) or the provision of returns of registers	£10.25
8	Article 21A(1)(b)	Production of a copy of an entry in a book or register certified by the Superintendent Registrar	£30.75
9	Article 21A(2) and (4)	Search of indexes maintained by the Superintendent Registrar	£30.75 per hour or part of an hour
10	Article 26AA(1)(b)	Application for conversion of a marriage to a civil partnership	£0 for the period of 2 years from the coming into force of the Civil Partnership

			(Amendment) (Jersey) Law 202- and £205 thereafter
11	Article 26AC(2) and (3)(c)	Issue of a conversion schedule	£0 for the period of 2 years from the coming into force of the Civil Partnership (Amendment) (Jersey) Law 202- and £307.50 thereafter
12	Article 26AD(3)(a)	Solemnization of a civil partnership by conversion	£0
13	Article 72A(1)	Supplementary fee for the use of the office of the Superintendent Registrar as a location for the solemnization of a civil partnership taking place on Monday to Friday	£20.50
14	Article 72A(1)	Supplementary fee for the use of the office of the Superintendent Registrar as a location for the solemnization of a civil partnership taking place there on Saturday, Sunday or a public holiday	£102.50
15	Article 72A(1)	Solemnization of a civil partnership by the Superintendent Registrar or the Deputy Superintendent Registrar on Monday to Friday at the office of the Superintendent Registrar	£0
16	Article 72A(1)	Solemnization of a civil partnership by the Superintendent Registrar or the Deputy Superintendent Registrar on a Saturday, Sunday or public holiday	£153.75
17	Article 72A(1)	Solemnization of a civil partnership by the Superintendent Registrar or the Deputy Superintendent Registrar at an approved location other than the office of the Superintendent Registrar	£153.75".