



Scrutiny Office

Senator Ian Gorst
Chief Minister
Cyril Le Marquand House
The Parade
St Helier
JE4 8QT

31st October 2017

Dear Chief Minister

P.91/2017: Draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law

The Panel notes the Amendment to the draft Marriage and Civil Status (Amendment No.4) (Jersey) Law which you lodged yesterday.

It is unusual for such an extensive set of amendments (which in this instance amounts to 8 pages and 24 separate amendments) to be lodged by a Minister to his/her own proposition. It appears to the Panel that the process by which the draft law was lodged on 3rd October 2017 was unduly rushed and completed in haste. This has led to a situation where you were still consulting on the draft law after lodging (as confirmed to this Panel in a public hearing on 15th September) and there were errors and oversights in the draft law which you have subsequently had to correct.

In the Panel's view, lodging such significant legislative changes in this manner does not make for good law making.

As you are aware, in bringing forward the legal changes necessary to introduce same-sex marriage and open air marriage, the opportunity has been taken to update the Marriage Law in other areas. This includes new measures in relation to sham and false marriage, changes to the role and function of the Superintendent Registrar and Parish Registrars, amongst many others. Overall, this affects some 31 other laws.

Such significant changes to the marriage law necessitate an appropriate level of legislative scrutiny, in line with the standard processes agreed by the States Assembly for scrutinising draft laws. This process becomes even more important when it is clear that the law drafting process has been rushed and subsequent amendments have been lodged only two weeks before the debate.

We have already asked you to consider deferring the debate from 14th November but you declined this request. We therefore note that the debate on the principles of the law will go ahead on 14th November. We wish to notify you at this early stage that, following the debate on the principles, it is our intention to call in the draft law for further scrutiny of the detailed articles in line with the process for legislative scrutiny as set out in Standing Orders.

Yours sincerely

Deputy J.A.N Le Fondré
Chairman
Corporate Services Scrutiny Panel