

STATES OF JERSEY



DRAFT MARRIAGE AND CIVIL STATUS (AMENDMENT OF LAW) (COVID-19 – TEMPORARY AMENDMENT) (JERSEY) REGULATIONS 202- (P.23/2020): COMMENTS

**Presented to the States on 23rd March 2020
by the Education and Home Affairs Scrutiny Panel**

STATES GREFFE

COMMENTS

1. [P.23/2020](#) – Draft Marriage and Civil Status (Amendment of Law) (Covid-19 – Temporary Amendment) (Jersey) Regulations 202- (hereafter “P.23/2020”) has been lodged by the Minister for Home Affairs in order to make changes to the operation of the Office of the Superintendent Registrar (hereafter “the OSR”) in light of the Covid-19 pandemic.
2. As stated in the report accompanying the draft Regulations, P.23/2020 seeks to amend the manner in which births, stillbirths and deaths are recorded by the OSR. It also seeks to make changes to the registration of death process to cope with a potential increase in demand, as well as deal with the increased demands on medical practitioners. These changes will be in place until 30th September 2020 in order to deal with the ongoing pandemic. It should be noted that it is possible to extend the changes past this deadline if required.
3. The Panel understands that the following key changes would be made if this temporary amendment is adopted –
 - When providing the particulars of a birth, stillbirth or death, an informant (usually a parent, family member or funeral director) is required to sign the appropriate register in the presence of the registrar. The changes would allow the Superintendent or Deputy Superintendent Registrar to sign the appropriate register as an informant having been provided the particulars by electronic communication. This is intended to reduce the requirement for human contact in light of the current pandemic.
 - At present a medical practitioner is required to complete the Certificate of Fact and cause of death if they have attended the deceased within 14 days preceding the date of death and have viewed the body after death. Where this is not met under the current Law, the Viscount is able to carry out this duty; however, the current capacity of the Viscount’s Department could lead to delays in the authorisation of the certificate given the current situation. The amendment therefore increases the time period required to 28 days in order to reduce the burden on both the Viscount and registered medical practitioners.
4. The Panel understands the rationale for the changes, however, for clarity, it requested further information as to what constituted ‘electronic’ communication within the draft Regulations of P.23/2020. The Panel was informed that this is defined within the [Electronic Communications \(Jersey\) Law 2000](#) –

“electronic communication” means a communication of information transmitted –

 - (a) *by means of guided or unguided electromagnetic energy or of both; or*
 - (b) *by other means but while in electronic form;”.*

5. Essentially, this means that the Superintendent Registrar would communicate with either parents or funeral directors via e-mail or post, and then inform the registrar of the particulars to be recorded. Having clarified this minor point, the Panel is satisfied with the rationale for the changes, albeit within the short time available to review them, and would recommend that Members support the proposition.