



Jersey

# **MARRIAGE AND CIVIL STATUS (JERSEY) ORDER 2018**

## **Official Consolidated Version**

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# MARRIAGE AND CIVIL STATUS (JERSEY) ORDER 2018

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## MARRIAGE AND CIVIL STATUS (JERSEY) ORDER 2018

**THE MINISTER FOR HOME AFFAIRS**, in pursuance of Articles 6, 8, 10, 15, 16, 18, 19, 21, 22, 23, 24, 24A, 24B, 24C, 24G, 28, 47, 49, 50, 52, 57, 58, 59, 60, 61, 68, 69, 70, 73, 74, 78, 79, 80C, 82, 82A and Schedule 2A of the [Marriage and Civil Status \(Jersey\) Law 2001](#), orders as follows –

Commencement [[see endnotes](#)]

### PART 1

#### PRELIMINARY

#### 1 Interpretation

(1) In this Order, unless the context otherwise requires –

“administering authority” means a person that manages or is responsible for a location;

“annual fee” means –

- (a) in the case of an authorized civil celebrant, the fee referred to in Article 11(1)(b); or
- (b) in the case of an authorized religious official, the fee referred to in Article 11(2)(b);

“applicant” means –

- (a) in the case of an application for authorization as an authorized civil celebrant, an individual who makes an application under Article 3;
- (b) in the case of an application for authorization of a religious official, the religious official who is required to be authorized as an authorized religious official; or
- (c) in the case of an application for approval of a location for a marriage to be solemnized, the person who makes an application under Article 15;

“informant” has the same meaning as in Part 5 of the Law;

“land” includes land covered with water;

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

“person organizing the solemnization of a marriage” includes –

- (a) a party to the marriage; and
  - (b) a person contracted by the parties to the marriage for the purpose of organizing the marriage celebration;
- “relevant authority” means an authority that is responsible for issuing a licence or other permission required in relation to the use of a location;
- “responsible person” means –
- (a) a person organizing the solemnization of a marriage; or
  - (b) the proprietor, trustee, managing agent or administering authority of a location;
- “stillbirth” has the same meaning as in Part 5 of the Law.
- (2) Unless the context otherwise requires, a reference in this Order to a birth means the birth of a child born alive.

## **PART 2**

### **SCHEME FOR AUTHORIZATION OF PERSONS AS AUTHORIZED CIVIL CELEBRANTS OR AUTHORIZED RELIGIOUS OFFICIALS**

#### **2 Authorized persons scheme**

The scheme prescribed under Article 6(3) of the Law for the authorization by the Superintendent Registrar of persons as authorized civil celebrants or authorized religious officials is as set out in this Part.

#### **3 Application, authorization, registration and renewal process – authorized civil celebrant**

- (1) An individual who wishes to be authorized as an authorized civil celebrant shall apply to the Superintendent Registrar for such authorization.
- (2) An application under paragraph (1) shall –
  - (a) be in the form approved by the Superintendent Registrar;
  - (b) include any qualifications held by the applicant that are relevant to the work of an authorized civil celebrant; and
  - (c) be accompanied by such information or documents as the Superintendent Registrar or Minister may require.
- (3) The Superintendent Registrar may invite an applicant to an interview.
- (4) The interview referred to in paragraph (3) shall be in such form as the Superintendent Registrar shall determine and the Superintendent Registrar may, as he or she deems necessary –
  - (a) invite any other person to sit on an interview panel; and
  - (b) request from any other person information relating to the application for authorization of a person as an authorized civil celebrant.



- (5) The Superintendent Registrar may invite an applicant to participate in a training and assessment process approved by the Superintendent Registrar.
- (6) An applicant shall demonstrate to the Superintendent Registrar that the applicant meets the requirements that, subject to paragraph (7), have been published by the Superintendent Registrar, and the Superintendent Registrar –
  - (a) may, if the applicant meets those requirements, authorize the applicant as an authorized civil celebrant; or
  - (b) shall, if the applicant fails to meet those requirements, refuse to authorize the applicant as an authorized civil celebrant.
- (7) The requirements referred to in paragraph (6) must be approved by the Minister before being published and may include the following requirements –
  - (a) the personal specification required;
  - (b) the skills and experience required;
  - (c) information required to be supplied to demonstrate that the applicant is a fit and proper person; and
  - (d) any other requirement as the Superintendent Registrar or Minister deems appropriate.
- (8) The Superintendent Registrar shall give notice in writing to an applicant of the Superintendent Registrar's decision under paragraph (6) and –
  - (a) in the case of an authorization under paragraph (6)(a) –
    - (i) the applicant shall, after payment of the fee referred to in Article 11(1)(a), take the oath referred to in Article 6(5) of the Law, and
    - (ii) after the oath is taken by the applicant in accordance with clause (i), the Superintendent Registrar shall, on payment by the applicant of the annual fee, or the pro-rated portion of that annual fee, as the case may be, for the year in which the authorization is granted –
      - (A) enter the authorized civil celebrant's details in the register of authorized civil celebrants; and
      - (B) issue a certificate of authorization to the authorized civil celebrant; or
  - (b) in the case of a refusal under paragraph (6)(b), the Superintendent Registrar shall give notice to the applicant of the grounds of the refusal and the applicant's right to a review of that decision by the Minister under Article 10.
- (9) Where after a period of 3 months from the date of an application under paragraph (1) being made, the Superintendent has not notified the applicant of his or her authorization or has not notified the applicant that his or her application has been refused, the Superintendent Registrar is deemed to have decided on the last day of the period of 3 months to refuse to authorize that person as an authorized civil celebrant.
- (10) An authorized civil celebrant may, before the expiry of his or her authorization as an authorized civil celebrant, make an application in the

form approved by the Superintendent Registrar for the renewal of the authorization.

- (11) Paragraphs (2), (3), (4), (5), (6), (7), and (9) shall apply as if an application for renewal under paragraph (10) is an application for the grant of an authorization of a under paragraph (1).
- (12) Upon renewal of an authorization under this Article, an authorized civil celebrant is not required to re-take the oath referred to in Article 6(5) of the Law.

#### **4 Application, authorization and registration process – authorized religious official**

- (1) A religious organization that wishes an official of that religious organization to be authorized as an authorized religious official shall apply to the Superintendent Registrar for such authorization.
- (2) An application under paragraph (1) shall be –
  - (a) subject to paragraph (3), in the form approved by the Superintendent Registrar; and
  - (b) accompanied by such information or documents as the Superintendent Registrar may require.
- (3) An application under paragraph (1) shall specify –
  - (a) whether the governing authority of the religious organization consents to its religious officials solemnizing same sex marriage;
  - (b) whether the applicant consents to the solemnization of same sex marriages by the applicant;
  - (c) the denomination, if applicable, of the religious organization; and
  - (d) the locations approved by the religious organization in which the applicant may solemnize marriage according to the rites and usages of the religious organization.
- (4) The Superintendent Registrar may invite an applicant to an interview.
- (5) The interview referred to in paragraph (4) shall be in such form as the Superintendent Registrar shall determine and the Superintendent Registrar may, as he or she deems necessary –
  - (a) invite any other person to sit on an interview panel; and
  - (b) request information from any other person relating to the application for renewal of the authorization of a person as an authorized religious official.
- (6) The Superintendent Registrar may invite an applicant to participate in a training and assessment process approved by the Superintendent Registrar.
- (7) An applicant shall demonstrate to the Superintendent Registrar that the applicant meets the requirements that, subject to paragraph (8), have been published by the Superintendent Registrar, and the Superintendent Registrar –
  - (a) may, if the applicant meets those requirements, authorize the applicant as an authorized religious official; or

- (b) shall, if the applicant fails to meet those requirements, refuse to authorize the applicant as an authorized religious official.
- (8) The requirements referred to in paragraph (7) must be approved by the Minister before being published and may include the following requirements –
  - (a) the personal specification required;
  - (b) the skills and experience required;
  - (c) information to demonstrate that the applicant is a fit and proper person; and
  - (d) any other requirement as the Superintendent Registrar or Minister deems appropriate.
- (9) The Superintendent Registrar shall give notice in writing to an applicant of the Superintendent Registrar's decision under paragraph (7) and –
  - (a) in the case of an authorization under paragraph (7)(a), the Superintendent Registrar shall, on payment by the applicant of –
    - (i) the fee referred to in Article 11(2)(a), and
    - (ii) the annual fee or the pro-rated portion of that annual fee, as the case may be, for the year in which the authorization is granted,enter the authorized religious official's details in the register of authorized religious officials and issue a certificate of authorization to the applicant; or
  - (b) in the case of a refusal under paragraph (7)(b), the Superintendent Registrar shall give notice to the individual of the grounds of refusal and the applicant's right to a review of that decision by the Minister under Article 10.
- (10) Where after a period of 3 months of an application under paragraph (1) being made, the Superintendent Registrar has not notified the applicant of his or her authorization or has not notified the applicant that his or her application has been refused, the Superintendent Registrar is deemed to have decided on the last day of the period of 3 months to refuse to authorize the applicant as an authorized religious official.

## **5 Duration of authorization – civil celebrant**

An authorization of an individual as an authorized civil celebrant shall be for a period of 5 years from the date of the authorization, subject to suspension of the authorization under Articles 8 and 9 or revocation of the authorization under Article 8.

## **6 Duration of authorization – religious official**

An authorization of an individual as an authorized religious official shall be of unlimited duration subject to suspension of the authorization under Articles 8 and 9 or revocation of the authorization under Article 8.

## **7 Conditions to be imposed on authorization**

- (1) The authorization of an individual as an authorized civil celebrant or authorized religious official shall be subject to the conditions set out in paragraph (2) in addition to any other conditions imposed under the Law.
- (2) The conditions referred to in paragraph (1) are as follows –
  - (a) the standard conditions set out in Article 20;
  - (b) if an authorized civil celebrant or authorized religious official is the marriage celebrant for the solemnization of a marriage, the authorized civil celebrant or authorized religious official, as the case may be, shall –
    - (i) be available at the location at which the solemnization of the marriage is to take place from at least one hour immediately before the marriage ceremony, and
    - (ii) be in attendance throughout the marriage ceremony;
  - (c) an authorized civil celebrant or authorized religious official shall publish the fees chargeable by the authorized civil celebrant or authorized religious official, as the case may be, in respect of the solemnization of a marriage;
  - (d) an authorized civil celebrant, shall agree in writing with the parties to the marriage the form and content of the civil marriage ceremony, and –
    - (i) ensure that form and content complies with Article 17 of the Law, and
    - (ii) where necessary, seek advice from the Superintendent Registrar on any matter in relation to the solemnization of marriages;
  - (e) an authorized civil celebrant or authorized religious official shall, if required by the Superintendent Registrar, undertake training approved by the Superintendent Registrar to ensure that marriages are solemnized in compliance with the Law;
  - (f) an authorized civil celebrant or authorized religious official shall notify the Superintendent Registrar in writing within 30 days of –
    - (i) any change of circumstances that results in the details entered in the register of authorized civil celebrants or the register of authorized religious officials, in relation to the person no longer being correct, or
    - (ii) the occurrence of an event that might have caused the Superintendent Registrar not to authorize the person as an authorized civil celebrant or authorized religious official, if the event had occurred before the person was registered as such.

## **8 Inspection and investigation**

- (1) The Superintendent Registrar may, for the purpose of monitoring an authorized civil celebrant or authorized religious official under Article 6(3)(e) of the Law, carry out an inspection in respect of the

performance of the functions of an authorized civil celebrant or authorized religious official.

- (2) Subject to paragraph (3), the Superintendent Registrar shall inform the authorized civil celebrant or authorized religious official in advance and in writing of the inspection process and the date on which the inspection under paragraph (1) is to take place.
- (3) The Superintendent Registrar shall not be required to give advance notice to the authorized civil celebrant or authorized religious official if the Superintendent Registrar is responding to a complaint made against the authorized civil celebrant or authorized religious official, as the case may be, but shall inform the authorized civil celebrant or authorized religious official, in writing at the earliest opportunity, of the inspection process and the date on which the inspection took place or is to take place.
- (4) The Superintendent Registrar shall investigate any matter concerning an authorized civil celebrant or authorized religious official where the Superintendent Registrar –
  - (a) has been informed or has reason to believe that any condition of authorization has not been complied with by the authorized civil celebrant or authorized religious official;
  - (b) has reason to believe that the authorized civil celebrant or authorized religious official no longer meets the requirements for authorization as an authorized civil celebrant or authorized religious official, as the case may be;
  - (c) has reason to believe that the authorized civil celebrant's or authorized religious official's application for authorization was false or misleading in a material respect;
  - (d) has imposed requirements on the authorized civil celebrant or authorized religious official as a result of a previous investigation and the Superintendent Registrar has reason to believe that the authorized civil celebrant or authorized religious official has failed to comply with any of those requirements;
  - (e) has reason to believe that the authorized civil celebrant or authorized religious official is –
    - (i) incapacitated by illness, or
    - (ii) otherwise unable or unfit to discharge the functions of an authorized civil celebrant or authorized religious official, as the case may be.
- (5) Where an investigation relates to –
  - (a) an authorized civil celebrant, the Superintendent Registrar may, in carrying out the investigation, consult such persons or bodies as the Superintendent Registrar deems necessary; or
  - (b) an authorized religious official, the Superintendent Registrar shall, in carrying out the investigation, consult the appropriate religious organization.
- (6) The Superintendent Registrar may request from an authorized civil celebrant or authorized religious official or any other person any information that the Superintendent Registrar requires to undertake an investigation.

- (7) After carrying out an investigation under this Article, if the Superintendent Registrar is satisfied that there are no grounds to take action, the Superintendent Registrar may decide not to take any action and shall give notice of that decision in writing to the following persons, as the case may be –
- (a) the authorized civil celebrant and such persons or bodies as the Superintendent Registrar deems necessary; or
  - (b) an authorized religious official and the appropriate religious organization.
- (8) After carrying out an investigation under this Article, the Superintendent Registrar may, if the Superintendent Registrar is satisfied that there are grounds to take action, propose to take any of the following actions, as the Superintendent Registrar thinks necessary –
- (a) in accordance with Article 9, suspend the authorization of the person as an authorized civil celebrant or authorized religious official pending further investigation;
  - (b) subject to paragraph (13), revoke the authorization and remove the authorized civil celebrant or authorized religious official from the register of authorized civil celebrants or register of authorized religious officials;
  - (c) issue a formal warning to the authorized civil celebrant or authorized religious official, in writing, setting out concerns and remedial actions that must be taken; or
  - (d) require the authorized civil celebrant or authorized religious official to participate in training or ongoing supervision.
- (9) The Superintendent Registrar shall give notice, in writing, to the authorized civil celebrant or authorized religious official of –
- (a) the proposal under paragraph (8) and the reason for the proposal; and
  - (b) the right of the authorized civil celebrant or authorized religious official under paragraph (10)(b) to make representations to the Superintendent Registrar regarding any proposed action under paragraph (8).
- (10) The authorized civil celebrant or authorized religious official may, within 21 days after a notice is given under paragraph (9) –
- (a) agree to the proposed action to be taken under paragraph (8); or
  - (b) make representation to the Superintendent Registrar to satisfy the Superintendent Registrar that there are insufficient grounds for taking the proposed action under paragraph (8).
- (11) The Superintendent Registrar shall consider any representations made before the end of the 21 days' period referred to in paragraph (10) by the authorized civil celebrant, authorized religious official, a person or body that is given notice of the decision under paragraph (7)(a) or a religious organization to which the authorized religious official belongs.
- (12) After considering any representations made under paragraph (11), the Superintendent Registrar shall –

- (a) make a decision to take the proposed action to take the proposed action or to not take the proposed action under paragraph (8) within 14 days after the end of the 21 days' period referred to in paragraph (10); and
  - (b) give notice of the decision and the reason for the decision to –
    - (i) the authorized civil celebrant or authorized religious official, and
    - (ii) any person or body that is given notice of the decision under paragraph (7)(a) or the religious organization to which the authorized religious official belongs, as the case may be;
  - (c) give notice to the authorized civil celebrant or authorized religious official of his or her right to a review of the Superintendent Registrar's decision by the Minister under Article 10.
- (13) Where the findings of the investigation are such that the Superintendent Registrar deems it necessary to revoke the authorization of an authorized civil celebrant or authorized religious official with immediate effect, the Superintendent Registrar shall –
  - (a) revoke that authorization; and
  - (b) give notice of the decision to revoke the authorization to –
    - (i) the authorized civil celebrant or authorized religious official, as the case may be, and
    - (ii) any person or body to whom notice of the decision was given under paragraph (7)(a) or religious organization that makes a representation under paragraph (11); and
  - (c) give notice to the authorized civil celebrant or authorized religious official of his or her right to a review of the Superintendent Registrar's decision by the Minister under Article 10.

## 9 Suspension

- (1) The Superintendent Registrar –
  - (a) may suspend the authorization of a person as an authorized civil celebrant or authorized religious official –
    - (i) whilst an investigation by the Superintendent Registrar is being carried out under Article 8, or
    - (ii) 14 days after the date on which an annual fee was due, if the authorized civil celebrant or authorized religious official has failed to pay the annual fee; and
  - (b) shall, if the authorization is suspended under sub-paragraph (a), annotate the register of authorized civil celebrants or register of authorized religious officials, as the case may be, to include a statement that the authorization has been suspended and the date of commencement of the period of suspension.
- (2) The Superintendent Registrar may continue a suspension under paragraph (1) during a review by the Minister under Article 10.
- (3) If an authorization is suspended under paragraph (1), the authorized civil celebrant or authorized religious official shall inform the Superintendent

Registrar in writing of any marriage that the authorized civil celebrant or authorized religious official is currently booked to solemnize, where the parties to the marriage have not already applied to give notice to marry, and the authorized civil celebrant or authorized religious official shall not take any bookings during the period of suspension.

- (4) If an authorization is suspended under paragraph (1), the authorized civil celebrant or authorized religious official shall not –
  - (a) during the period of suspension be required to pay any annual fee that is due; and
  - (b) be removed from the register for failure to pay any annual fee that is due.
- (5) At the end of the period of a suspension under paragraph (1) –
  - (a) if the authorization is revoked, the amount of any annual fee paid shall not be refunded; and
  - (b) if the authorization is not revoked, the authorized civil celebrant or authorized religious official shall be refunded the pro-rated amount of any annual fee paid during the period of the suspension.
- (6) During a period of suspension under paragraph (1), where there is proof that the authorized civil celebrant or authorized religious official, as the case may be, has already contracted with the parties to the marriage –
  - (a) the authorized civil celebrant or authorized religious official may solemnize the marriage –
    - (i) with the approval of the Superintendent Registrar after consultation with the parties to the marriage, and
    - (ii) provided that the Superintendent Registrar or a person authorized by the Superintendent Registrar is in attendance at the solemnization of the marriage; or
  - (b) in the case of an authorized civil celebrant, the marriage may be solemnized by the Superintendent Registrar or a Deputy Superintendent Registrar.
- (7) If the Superintendent Registrar receives an application to give notice of intention to marry naming a person whose authorization as an authorized civil celebrant or authorized religious official has been suspended under this Article, the Superintendent Registrar shall inform parties to the marriage of that suspension.

## **10 Review by Minister**

- (1) A person aggrieved by a decision of the Superintendent Registrar under Article 3(6)(b) or (9), 4(7)(b), 4(7)(b) or (10), 8(12) or (13) or 9(1), may request a review of that decision by the Minister.
- (2) A request for a review of a decision of the Superintendent Registrar under this Article must be made in writing submitted to the Minister within 28 days after the decision is made by the Superintendent Registrar under Article 3(6)(b) or (9), 4(7)(b) or (10), 8(12) or 8(13) or 9(1) and must state the grounds for the review of the decision.
- (3) In reviewing the decision of the Superintendent Registrar, the Minister may –



- (a) request and receive submissions from any person as the Minister thinks necessary; or
  - (b) request a suitably qualified independent person to investigate, in the event that the Minister believes there are compelling grounds to do so, in order to assist the Minister with his or her review.
- (4) Upon review of the decision of the Superintendent Registrar, the Minister may –
  - (a) uphold the decision; or
  - (b) overturn the decision of the Superintendent Registrar.
- (5) The Minister shall, in writing, notify the person who requested the review and the Superintendent Registrar of the Minister's decision under paragraph (4).
- (6) The Minister's decision under paragraph (4) is final.

## **11 Fees for grant of authorization or renewal**

- (1) There shall be paid to the Superintendent Registrar by an authorized civil celebrant the following fees for the grant or renewal of an authorization –
  - (a) the fee specified in item 1 in the table in Part 1 of Schedule 1 to be paid before the authorized civil celebrant takes the oath referred to in Article 6(5) of the Law; and
  - (b) the fee specified in item 3 in the table in Part 1 of Schedule 1 to be paid annually during the period of authorization.
- (2) There shall be paid to the Superintendent Registrar by an authorized religious official the following fees, as the case may be, for the grant of an authorization –
  - (a) the fee specified in item 2 in the table in Part 1 of Schedule 1 to be paid before the Superintendent Registrar enters the details of the authorization in the register of authorized religious official; and
  - (b) the fee specified at item 4 in the table in Part 1 of Schedule 1 to be paid annually whilst the authorized religious official is registered.
- (3) The annual fee shall be due by 5th January in each year for that year and where an authorized religious official or authorized civil celebrant, as the case may be, is first authorized after 5th January in any year, the annual fee shall be pro-rated.

## **PART 3**

### **SCHEME FOR APPROVAL OF LOCATION FOR SOLEMNIZATION OF MARRIAGE**

## **12 Scheme for approval of location**

The scheme for the approval by the approving authority of any location for the purposes of solemnizing marriages at that location shall be as set out in this Part.

### **13 Kinds of location**

- (1) The kinds of locations in respect of which approvals may be granted under this Part include the following –
  - (a) an open air location;
  - (b) a location that is movable property on the condition that the location remains static during the period commencing at least one hour before the solemnization of the marriage and ending at the end of the marriage ceremony;
  - (c) a location that is immovable property;
  - (d) a whole location or part of a location (whether joined or separate); and
  - (e) any combination of paragraphs (a), (b), (c) and (d).
- (2) Where a location forms part of a building or part of a larger location, the part of the building or location may be approved for the solemnization of –
  - (a) civil and religious marriages; or
  - (b) religious marriages only, where the part of the building or location is certified by the Minister as a usual place of public religious worship.
- (3) A location for a marriage may be situated in one or more parishes.

### **14 Type of approval**

An approval under this Part may be for the solemnization of –

- (a) a specified religious marriage at a location for which the approval is given for religious marriages only in accordance with Article 23(4)(a) of the Law;
- (b) religious marriages generally at a location for which approval is given for religious marriages only in accordance with Article 23(4)(a) of the Law;
- (c) a specified civil or religious marriage at a location for which approval is given for any marriage to be solemnized in accordance with Article 23(4)(b) of the Law; or
- (d) civil or religious marriages generally at that location for which approval is given for any marriage to be solemnized in accordance with Article 24(4)(b) of the Law.

### **15 Application for approval of location**

- (1) An application for approval of a location for the solemnization of marriage may be made to an approving authority by –
  - (a) a proprietor, trustee or managing agent of a location;
  - (b) a relevant authority;
  - (c) an administering authority; or
  - (d) any other person.
- (2) An application under paragraph (1) shall –

- (a) be submitted to the Superintendent Registrar;
  - (b) be in the form approved by the Superintendent Registrar;
  - (c) include the following information –
    - (i) the type of approval required under Article 14,
    - (ii) the name and address of the person making the application,
    - (iii) the name and address of the person who is the responsible person in relation to the location,
    - (iv) the capacity in which the applicant is making the application,
    - (v) the details of the location, including a location plan, if any, for that location,
    - (vi) such other information as the Superintendent Registrar deems necessary, and
    - (vii) such other information as the approving authority may reasonably require to determine the application; and
  - (d) be accompanied by the appropriate fee specified in item 1 or 2, as the case may be, in the table in Part 2 of Schedule 1 in respect of that application.
- (3) For the purpose of determining an application made under paragraph (1), an approving authority may do any of the following –
- (a) visit a location to inspect it for the purpose of ascertaining whether it is suitable for upholding the dignity and solemnity of marriage or request an appropriate representative of the approving authority to do so;
  - (b) consult with any other person or relevant authority as the approving authority considers necessary.

## **16 Grant or refusal and renewal of approval**

- (1) In determining an application under Article 15, the approving authority shall consider any representations that the approving authority receives prior to the determination of the application.
- (2) The approving authority, after considering any representations under paragraph (1) –
  - (a) may, subject to paragraph (2), grant approval of a location for the solemnization of marriage in accordance with Article 14 if the approving authority is satisfied that –
    - (i) the application under Article 15 has been made in accordance with the Law, this Order and any guidance published by the Superintendent Registrar under Article 80D of the Law,
    - (ii) in the opinion of the approving authority, the location is suitable for upholding the dignity and solemnity of marriage, having regard to the primary use of the location,
    - (iii) the location can be reasonably found and accessed by the public during the period commencing at least one hour

- before the solemnization of the marriage and ending at the end of the marriage ceremony, and
- (iv) any conditions imposed under the Law, paragraph (6) or any other provision of this Order or by the approving authority, to ensure that the dignity and solemnity of marriage is upheld, can be reasonably complied with by a person organizing the solemnization of a marriage; or
  - (b) shall refuse to grant approval of a location for the solemnization of marriage if not satisfied of the matters specified in subparagraph (a).
- (3) In the case of an application under Article 15 for the grant of approval of a location for the solemnization of a specified marriage in accordance with Article 14(a) or (c), the approving authority may, after consultation with the proprietor, trustee or managing agent of the location –
- (a) grant approval of the location for the solemnization of such specified marriage; or
  - (b) grant approval of the location for the solemnization of marriages generally in accordance with Article 14(1)(b) or (d), as the case may be.
- (4) The approving authority shall, as soon as is practicable after an application for approval of a location for the solemnization of marriage is determined, give notice in writing to the applicant and to the Superintendent Registrar of –
- (a) the approving authority's decision to grant or refuse the approval;
  - (b) in the case of a refusal to grant the approval, the reason for that decision;
  - (c) in the case of a grant of approval, any conditions imposed under the Law, paragraph (6), any other provision of this Order or by the approving authority;
  - (d) the applicant's right under Article 24 to a review by the Minister against the approving authority's decision.
- (5) The approving authority shall also give notice in writing of the information referred to in paragraph (3) to the following persons if they are not the applicant –
- (a) the proprietor, trustee or managing agent of the location;
  - (b) the relevant authority;
  - (c) an administering authority;
  - (d) any other person who objected to the application; and
  - (e) any person or authority with whom the approving authority consulted as part of the determination process.
- (6) The following are conditions of approval in respect of an approved location –
- (a) an approved location must be available at all reasonable times for inspection by the approving authority; and
  - (b) an approved location (including an approved location for a specified marriage) must be accessible by the public during the

period commencing at least one hour before the solemnization of the marriage and ending at the end of the marriage ceremony.

- (7) The approving authority may refund the fee payable under Article 15(2)(d) –
  - (a) if an application is made for approval of a location for the solemnization of a specified marriage and a general approval of a location for the solemnization of any marriage is granted under paragraph (2)(a);
  - (b) if the approving authority refuses an application for approval of a location for the solemnization of marriage under paragraph (2)(b); or
  - (c) if the application for approval of a location is for a specified marriage and the specified marriage did not take place at the location at the date for which the approval was given.
- (8) Subject to paragraph (9) and (10), an approving authority may renew an approval of a location for the solemnization of marriage –
  - (a) on application by the proprietor, trustee or managing agent of a location, a relevant authority, an administering authority or any other person; or
  - (b) if no application is received but the approving authority is satisfied that it is reasonable to do so because it is in the public interest.
- (9) The approving authority –
  - (a) shall consult with the proprietor, trustee or managing agent of the location or the relevant authority or administering authority; and
  - (b) may do any of the things set out in Article 15(3),before renewing an approval of a location for the solemnization of marriage.
- (10) An application for renewal under paragraph (8)(a) must be accompanied by the fee specified in item 4 in the table in Part 2 of Schedule 1, except that the approving authority may waive such fee if the approving authority is satisfied that it is reasonable to do so because it is in the public interest.

## **17 Register of approved locations**

- (1) The register of approved locations must be endorsed to specify the type of approval under Article 14 that is granted in respect of the location.
- (2) Where an approved location is approved only for the solemnization of religious marriages, the register of approved locations must be endorsed to specify whether or not that includes same sex marriages and, if such marriages are included, the details of the governing authority of the religious organization that consented to same sex marriage at that location.
- (3) The register of approved locations must contain, and be endorsed to state, in relation to each location the following particulars –
  - (a) the name and full postal address (if any) of the location and a location plan for the approved location (if any);

- (b) description of boundaries of the approved location;
- (c) the name and contact details of the responsible person;
- (d) the date on which the approval was given;
- (e) the date of expiry of the approval;
- (f) details of any special conditions imposed under Article 21;
- (g) all relevant contact details to support parties to a marriage to organize their marriage celebration including the name of proprietors, trustees or managing agent of the approved location;
- (h) in the case of an approved location for a specified marriage location, the date of the marriage and the names of the parties to the marriage;
- (i) any changes to the approval of the location or the conditions of approval;
- (j) where approval has been revoked, the date and reason for the revocation; and
- (k) any other information as the Minister may require.

## **18 Duration of approval**

- (1) An approval of a location for the solemnization of marriage shall –
  - (a) in the case of an approved location for the solemnization of a specified marriage referred to in Article 14(a) or (c), be valid only for the period commencing one hour before the marriage ceremony and ending at the end of the marriage ceremony, subject to the revocation of the approval under Article 23; or
  - (b) in the case of an approved location for the solemnization of a marriage referred to in Article 14(b) or (d), be valid for a period of 3 years, subject to the revocation of the approval under Article 23.
- (2) Without prejudice to any condition as to notification of the change of ownership of an approved location imposed under the Law or this Order or by an approving authority, an approval shall remain valid despite a change of ownership of the approved location.

## **19 Responsible person**

- (1) The responsible person shall be the point of contact –
  - (a) between the approving authority and the Superintendent Registrar in respect of all matters relating to the approval, registration and use of the approved location for the solemnization of marriage; and
  - (b) with the public with regard to dealing with enquiries about the approved location in relation to its use for the solemnization of marriage.
- (2) The responsible person shall immediately notify the Superintendent Registrar of any change to any of the following, either during the application and approval process or after the approval, and registration under Article 17, of the location –
  - (a) the layout of the location;

- (b) the use of the approved location;
  - (c) the name and full postal address, if any, of the approved location;
  - (d) the description of the room, if any, in the approved location in which marriages are to be solemnized;
  - (e) the name, address and position of the responsible person.
- (3) After registration of a location as an approved location, the responsible person shall be responsible for –
- (a) ensuring that any special conditions under Article 21 imposed by the approving authority are complied with;
  - (b) notifying the Superintendent Registrar of potential breaches of the standard conditions imposed under Article 20 and the duties imposed on a marriage celebrant under this Order or the Law;
  - (c) ensuring compliance with any special conditions that the responsible person has agreed with the person organizing the marriage that the responsible person will be responsible for with regard to the solemnization of marriages at the approved location.

## **20 Standard conditions**

- (1) On the day of the solemnization of a marriage, the marriage celebrant shall be responsible for ensuring that the standard conditions set out in paragraph (2) are complied with.
- (2) The following are the standard conditions referred to in paragraph (1) –
- (a) food or drink must not be consumed at the approved location in which the solemnization of a marriage is to take place during the period commencing one hour before the marriage ceremony and ending at the end of the marriage ceremony, except where –
    - (i) it is reasonable for the marriage celebrant to permit such food or drink to be consumed for health, safety or welfare reasons, or
    - (ii) in the case of an open air location it would be unreasonable for the marriage celebrant to prevent such consumption;
  - (b) the marriage ceremony takes place within the boundaries of the approved location set out in the approval and as stated in the register;
  - (c) the place in the approved location at which a marriage is solemnized is separate from any other part of the approved location at which other activities unrelated to the marriage ceremony are taking place at the same time that the marriage ceremony is taking place; and
  - (d) details of the solemnization of a marriage (including the name of the parties to the marriage, the time at which the marriage ceremony is to take place, the name of the marriage celebrant and the place in the approved location at which the marriage ceremony is to take place) must be displayed –
    - (i) at each public entrance to the approved location at which the marriage ceremony is to take place at least one hour

- immediately before the commencement of the marriage ceremony and throughout that marriage ceremony, or
- (ii) in the case of an open air location, at such place on or in the vicinity of that location that would reasonably be expected to bring such matters to the attention of the public.

## **20A Additional standard conditions during Covid-19 outbreak<sup>1</sup>**

- (1) A marriage celebrant must ensure that all guidance issued by the Superintendent Registrar in response to the Covid-19 outbreak is complied with.
- (2) A marriage celebrant must ensure that the details of the solemnization of a marriage displayed under Article 20(2)(d) also include a telephone number that would enable a member of the public to contact the Superintendent Registrar to register a lawful objection to the marriage taking place.
- (3) This Article expires at the end of 30th September 2022.<sup>2</sup>

## **21 Special conditions**

- (1) The approving authority may, in accordance with paragraph (3), impose any special conditions that the approving authority believes are required to ensure that an approved location is, and remains, suitable for upholding the dignity and solemnity of marriage.
- (2) The responsible person (or in his or her absence, the person organizing a marriage ceremony) shall ensure that any special conditions imposed by the approving authority under paragraph (1) are complied with.
- (3) The special conditions that may be imposed under paragraph (1) may relate to any of the following –
  - (a) placing restrictions on the days of the year, days of the week or times of a day that a marriage may be solemnized at an approved location;
  - (b) placing restrictions on marriages being solemnized at an approved location in the event that the approved location or its surrounding land or premises is being used for other purposes at the time of the marriage ceremony;
  - (c) imposing requirements in relation to the erection of barriers or notices and use of semi-permanent structures or features; or
  - (d) any other requirements relating specifically to upholding the dignity and solemnity of marriage.
- (4) Where a special condition is imposed under paragraph (3)(a), the Superintendent Registrar shall not issue a marriage schedule or conversion declaration form permitting a marriage to be solemnized during days of the year, days of the week or times of a day that are restricted under that special condition.



## **22 Amendments to approval**

- (1) The approving authority may amend any approval of a location for the solemnization of marriages on the application of –
  - (a) the proprietor, trustee, managing agent or administering authority of an approved location;
  - (b) the Superintendent Registrar or a relevant authority, where the Superintendent Registrar or relevant authority, as the case may be, believes there are reasonable grounds to request the amendment in order to ensure that the dignity and solemnity of marriage is upheld.
- (2) An application for an amendment under paragraph (1)(a) must be accompanied by the fee specified in item 3 in the table in Part 2 of Schedule 1, except that the approving authority may waive such fee if the approving authority is satisfied that it is reasonable to do so because it is in the public interest.

## **23 Revocation of approval**

- (1) An approving authority may revoke an approval of a location for the solemnization of marriage if –
  - (a) any standard conditions under Article 20(2) are not complied with;
  - (b) any special conditions imposed by the approving authority under Article 21 are not complied with;
  - (c) the location has been altered or its use has changed to an extent that, in the view of the approving authority, the location is no longer suitable for upholding the dignity and solemnity of marriage;
  - (d) the relevant authority informs the approving authority that the relevant authority will not issue any licence or other permission required in relation to that location;
  - (e) the proprietor or trustee, managing agent or administering authority of the location has requested the approving authority in writing to revoke the approval; or
  - (f) there has been any breach of the Law or any other enactment relating to marriages at that location.
- (2) The approving authority shall, before revoking an approval of a location for the solemnization of a marriage –
  - (a) consult with the Superintendent Registrar, the Minister and any other authority or person that approving authority deems it appropriate to consult; and
  - (b) deliver notification of the approving authority's intention to revoke the approval, to the proprietor, trustee or managing agent of the location, any administering authority or any relevant authority and provide those persons with not less than 21 days to make a written representation in relation to the proposed revocation.
- (3) Where the proprietor or trustee of an approved location, any administering authority or any relevant authority, has requested the revocation of the approval of the location and there is no other person that

the approving authority believes should be consulted, the approving authority may revoke the approval without allowing the 21 days' period for representations to be made under paragraph (2)(b).

- (4) The approving authority shall, in making a decision as to whether to revoke the approval of a location for the solemnization of a marriage, take into account any representations received from the proprietor, trustee, or managing agent of the approved location, any administering authority or any relevant authority within the 21 days' period for representations to be made under paragraph (2)(b).
- (5) Subject to paragraph (6), the approving authority may, after the 21 days' period for representations to be made under paragraph (2)(b), revoke approval of a location for the solemnization of a marriage with immediate effect or after a period of notice, depending on the circumstances of the case.
- (6) The approving authority may, where the Superintendent Registrar has issued a notice of intended marriage at a location for which approval is being revoked under this Article –
  - (a) revoke approval of the location with immediate effect; or
  - (b) revoke approval of the location, except in relation to that intended marriage and impose special conditions to ensure that the dignity and solemnity of that marriage is upheld.
- (7) The approving authority shall give notice, in writing, of –
  - (a) a decision under this Article to revoke an approval of a location for the solemnization of marriage to the proprietor, trustee, or managing agent of the approved location, any administering authority or any relevant authority and to the Superintendent Registrar; and
  - (b) the right under Article 24 to a review by the Minister against the approving authority's decision to revoke the approval of the approval of the location as an approved location.

## **24 Review of decision of approving authority**

- (1) Subject to paragraph (2), any person aggrieved by a decision of an approving authority to –
  - (a) grant or refuse to grant an approval of a location for the solemnization of marriage under Article 16(1);
  - (b) to impose special conditions on the grant of approval of a location for the solemnization of marriage under Article 21; or
  - (c) to amend an approval of a location for the solemnization of marriage under Article 22; or
  - (d) revoke an approval of a location for the solemnization of marriage under Article 23,may apply to the Minister for a review of that decision.
- (2) An application for a review under paragraph (1) must be made in writing within 28 days of the decision being made.
- (3) On receipt of an application for a review, the Minister –

- (a) shall give notice to the approving authority of the review and the approving authority's right to make representations to the Minister;
  - (b) may consult with any other person as the Minister deems necessary, including the Superintendent Registrar;
  - (c) may visit and inspect the location for the purpose of determining whether the location is suitable for upholding the dignity and solemnity of marriage; and
  - (d) with the permission of the owner or occupier of a location that is adjacent to a location in respect of which an application for approval for the solemnization of marriage is made, may, at any reasonable time, visit and inspect the adjacent location for the purpose of determining whether that adjacent location would in any way impact on the dignity and solemnity of any marriage that is solemnized at the location in respect of which the application for a review of the approving authority's decision is made.
- (4) The Minister may, on reviewing the decision of the approving authority –
  - (a) uphold the approving authority's decision;
  - (b) overturn the decision of the approving authority; or
  - (c) substitute a different decision for the approving authority's decision; or
  - (d) impose, amend, or remove any special conditions imposed by the approving authority.
- (5) The Minister shall, in writing, inform the following persons of the Minister's decision under paragraph (4) –
  - (a) the applicant for the review of the approving authority's decision;
  - (b) the approving authority; and
  - (c) any person with whom the Minister consulted during the review process.
- (6) The Minister's decision under paragraph (4) is final.

## **PART 3A<sup>3</sup>**

## **PART 4**

### **CERTIFICATION OF A LOCATION AS A PLACE OF PUBLIC RELIGIOUS WORSHIP**

#### **25 Form of application**

- (1) An application for certification of a location as a usual place of public religious worship of a religious organization shall include the following certificates and statements –
  - (a) a certificate from the proprietor or trustee of the location and from the religious organization that –
    - (i) the location is a usual place of public religious worship for that religious organization, and

- (ii) the door of the place of religious worship is open to public, if there is a door or, if there is no door, the public are not excluded from the location during the religious worship of that religious organization;
  - (b) a statement as to whether, in the event of the Minister certifying the location as being a usual place of public religious worship, the proprietor or trustee of the location and the religious organization consents to the location being approved by the approving authority for the solemnization of religious marriages and, if so, whether the consent includes consent for the approval of the location for the solemnization of same sex marriages;
  - (c) a statement as to whether, in the event that the location is not certified by the Minister as being a usual place of public religious worship, the proprietor or trustee of the location consents to the location being approved by the approving authority for the solemnization of any marriage;
  - (d) if the religious organization is recognized and established in Jersey, certification by the religious organization –
    - (i) that the religious organization requests certification by the Minister that the location is a usual place of public religious worship, and
    - (ii) that the approving authority approves the location for the solemnization of religious marriages;
  - (e) if the religious organization is not recognized and established in Jersey or where the approving authority may require it, certification by at least 20 persons living in separate households in Jersey that –
    - (i) the location is their usual place of public religious worship and that they request certification by the Minister that the location is a usual place of public religious worship, and
    - (ii) the approving authority approves the location for the solemnization of religious marriages; and
  - (f) certification as to whether or not the governing authority of the religious organization has consented to the solemnization of same sex marriages according to the rites and usage of the religious organization or to the location being used for same sex marriages.
- (2) An application for certification of a location as a usual place of public religious worship shall, if the location is shared by 2 or more religious organizations, contain the name of each religious organization that is sharing the location.

## 26 Excluded locations

The following locations shall not be certified by the Minister as a usual place of public religious worship –

- (a) a location that may be used for worship, if the principal use of the location is not for public worship; and
- (b) a parish hall.

**27 Included locations**

A location may be certified by the Minister as a usual place of public religious worship if the location is used primarily as a usual place of public religious worship by a religious organization that is recognized and established in Jersey, regardless of whether it is used for any other purpose.

**PART 5****PROCEDURES, NOTICES AND FORMS FOR MARRIAGE****28 Application for notice of intended marriage**

An application for a notice of intended marriage shall include the following information –

- (a) for each party to the intended marriage, his or her –
  - (i) forenames as they appear on his or her birth certificate (and deed poll, if applicable),
  - (ii) surname, and any previous surname, as they appear on his or her birth certificate (and deed poll, if applicable),
  - (iii) date of birth,
  - (iv) place of birth,
  - (v) nationality,
  - (vi) usual place of residence,
  - (vii) period of residence at usual place of residence,
  - (viii) civil status,
  - (ix) immigration status and nationality,
  - (x) sex (and gender, if different from sex), and
  - (xi) occupation or profession;
- (b) the full names of the parents of each party to the marriage, the relationship of the parent (Mother/Father/Parent) to the party and the current occupation or profession of the parent;
- (c) a declaration signed by each person who made the application stating “I hereby confirm that the information provided is correct to the best of my knowledge”;
- (d) a statement as to whether a certificate of freedom to marry will be provided;
- (e) a statement as to whether the application relates to a certificate of no impediment to marriage for the solemnization of a marriage outside Jersey, and, if so, the name of the applicant for that certificate;
- (f) the name of the marriage celebrant, if any has been chosen;
- (g) the proposed approved location at which the marriage is to be solemnized;
- (h) the proposed date of marriage; and
- (i) the proposed time of marriage.

## **29 Notice of intended marriage form**

A notice of intended marriage form shall include the following particulars –

- (a) for each party to the intended marriage, his or her –
  - (i) forenames as they appear on his or her birth certificate (and deed poll, if applicable),
  - (ii) surname, and any previous surname, as they appear on his or her birth certificate (and deed poll, if applicable),
  - (iii) date of birth,
  - (iv) nationality,
  - (v) usual place of residence,
  - (vi) period of residence at usual place of residence,
  - (vii) civil status, and
  - (viii) occupation or profession;
- (b) the approved location at which the marriage is to be solemnized;
- (c) a declaration by the parties to the marriage stating “We hereby give notice that we intend to marry each other on <date>, that <date> being no more than 12 months from the date on which we signed this notice”; and
- (d) the signature, printed names and date of signing of both parties to the marriage.

## **30 Freedom to marry declaration**

A freedom to marry declaration shall, in addition to the declaration set out in Article 10(9) of the Law, include the following information –

- (a) the full name and signature of the person making the freedom to marry declaration;
- (b) the date the freedom to marry declaration was signed; and
- (c) the date, time, location and parish of the intended marriage.

## **31 Marriage schedule**

A marriage schedule shall contain the following particulars –

- (a) the parish register number;
- (b) the entry number;
- (c) the name of the parish in which the marriage is solemnized;
- (d) for each party to the marriage, his or her –
  - (i) forenames as they appear on his or her birth certificate (and deed poll, if applicable),
  - (ii) surname, and any previous surname, as they appear on his or her birth certificate (and deed poll, if applicable),
  - (iii) date of birth,
  - (iv) civil status,
  - (v) occupation or profession,

- (vi) usual place of residence, and
- (vii) place of birth;
- (e) the full names of the parents of each party to the marriage, the relationship of the parent (Mother/Father/Parent) to the party and the current occupation or profession of the parent;
- (f) a declaration signed and dated by the Superintendent Registrar stating “<applicant> and <applicant> have given notice of their intention to marry. That notice has been displayed in accordance with the [Marriage and Civil Status \(Jersey\) Law 2001](#) and both parties have signed a solemn declaration that there is no impediment to their marriage. The solemnization of this marriage can now proceed.”;
- (g) the date and time of the marriage;
- (h) the location of the marriage;
- (i) the signatures of the parties to the marriage and printed names of the parties to the marriage;
- (j) the signatures of the witnesses and printed names of the witnesses to the marriage;
- (k) the printed name and the title of the marriage celebrant; and
- (l) the signature of the marriage celebrant and date that the marriage celebrant signs the marriage schedule.

### **32 Signature verification form**

The signature verification form shall contain the following particulars for each party to the marriage –

- (a) his or her forenames as they appear on his or her birth certificate (and deed poll, if applicable);
- (b) his or her surname, and any previous surname, as they appear on his or her birth certificate (and deed poll, if applicable);
- (c) his or her signature (which must be signed in presence of Superintendent Registrar);
- (d) the date of his or her signature; and
- (e) his or her photograph.

### **32A Change to signature verification process during Covid-19 outbreak<sup>4</sup>**

- (1) A signature verification form is deemed to be signed in the presence of the Superintendent Registrar if Article 24J or 24L of the Law (as appropriate) is complied with.
- (2) This Article expires at the end of 30th September 2022.<sup>5</sup>

### **33 Marriage certificate**

- (1) A marriage certificate issued under the Law shall contain the following particulars –
  - (a) the entry number;

- (b) name of the parish or Ecclesiastical district, as the case may be, in which the marriage is solemnized;
  - (c) the authority under which the marriage is solemnized;
  - (d) date and time of the marriage;
  - (e) for each party to the marriage, his or her –
    - (i) forenames as they appear on his or her birth certificate (and deed poll, if applicable),
    - (ii) surname, and any previous surname, as they appear on his or her birth certificate (and deed poll, if applicable),
    - (iii) date of birth,
    - (iv) civil status,
    - (v) occupation or profession,
    - (vi) usual place of residence, and
    - (vii) place of birth;
  - (f) the full names of the parents of each party to the marriage, the relationship of the parent (Mother/Father/Parent) to the party and the current occupation or profession of the parent;
  - (g) the location of the marriage;
  - (h) the signatures of the parties to the marriage and printed names of the parties to the marriage;
  - (i) the signatures of the witnesses and printed names of the witnesses to the marriage;
  - (j) the printed name and the title of the marriage celebrant; and
  - (k) the signature of the marriage celebrant and date on which the marriage celebrant signed the marriage certificate.
- (2) A marriage certificate issued under Article 21(6) of the Law for a marriage by conversion shall contain the following particulars –
- (a) entry number;
  - (b) the name of the parish in which the marriage is solemnized;
  - (c) for each party to the marriage his or her –
    - (i) forenames as they appear on his or her birth certificate (and deed poll, if applicable),
    - (ii) surname, and any previous surname, as they appear on his or her birth certificate (and deed poll, if applicable),
    - (iii) date of birth,
    - (iv) civil status,
    - (v) occupation or profession,
    - (vi) usual place of residence, and
    - (vii) place of birth;
  - (d) the full names of the parents of each party to the marriage, the relationship of the parent (Mother/Father/Parent) to the party and the current occupation or profession of the parent;
  - (e) a statement which indicates the following information –



- (i) that the marriage was converted from a civil partnership, and the date of the conversion,
    - (ii) the details recorded on the marriage certificate are as stated on the date of the civil partnership, and
    - (iii) that, by Article 22(15) of the Law, the civil partnership that is converted is to be treated as if it had always been a marriage;
  - (f) signatures of the parties to the marriage in accordance with Article 22(10) of the Law and printed names of the parties to the marriage;
  - (g) the date, and time (if any), of the marriage (this being the date, and time (if any), the civil partnership was formed);
  - (h) the location of the marriage;
  - (i) the printed name and the title of the marriage celebrant; and
  - (j) the signature of the marriage celebrant and date on which the marriage celebrant signed the marriage certificate.
- (3) Where the Superintendent Registrar issues a certified copy of a marriage certificate, the certified copy shall include a declaration, signed by the Superintendent Registrar stating that the certificate is a true and faithful extract of the Register of Marriages of the Parish in which the marriage took place.

### **34 Certificate of no impediment to marriage**

A certificate of no impediment to marriage shall contain the following particulars –

- (a) for each party to the marriage, his or her –
  - (i) forenames as they appear on his or her birth certificate (and deed poll, if applicable),
  - (ii) surname, and any previous surname, as they appear on his or her birth certificate (and deed poll, if applicable),
  - (iii) date of birth,
  - (iv) place of birth,
  - (v) nationality,
  - (vi) usual place of residence (as required under Article 16(5) of the Law),
  - (vii) period of residence at usual place of residence, and
  - (viii) civil status;
- (b) the date of the marriage;
- (c) the place of the marriage;
- (d) the name of the party to the marriage who is the applicant for the certificate of no impediment to marriage;
- (e) the date by which the certificate of no impediment to marriage will no longer be valid under Article 16(6)(b) of the Law;
- (f) certification by the Superintendent Registrar that –

- (i) notice of intended marriage has been given and signed by both parties to the marriage and the date that the notice of intended marriage was given (as required under Article 16(5) of the Law),
- (ii) the applicant referred to in paragraph (d) has met the requirements set out in the Law,
- (iii) the issue of the certificate of no impediment to marriage has not been forbidden by a person entitled to forbid it and that no impediment to the proposed marriage has been shown to the Superintendent Registrar,
- (iv) the Superintendent Registrar knows of no reason under the Law that would prevent the applicant referred to in paragraph (d) from marrying if that marriage was to be solemnized in Jersey;
- (g) the signature of the applicant referred to in paragraph (d) and the Superintendent Registrar and the date on which the certificate of no impediment was signed by applicant and the Superintendent Registrar.

### **35 Application for conversion**

An application for a conversion under Article 19 of the Law shall include the following information –

- (a) for each party to the marriage, his or her –
  - (i) forenames as they appear on his or her birth certificate (and deed poll, if applicable),
  - (ii) surname, and any previous surname, as they appear on his or her birth certificate (and deed poll, if applicable),
  - (iii) date of birth,
  - (iv) place of birth,
  - (v) nationality,
  - (vi) immigration status,
  - (vii) usual place of residence,
  - (viii) period of residence at usual place of residence,
  - (ix) civil status,
  - (x) sex (and gender, if different from sex),
  - (xi) occupation or profession;
- (b) the full names of the parents of each party to the marriage, the relationship of the parent (Mother/Father/Parent) to the party and the current occupation or profession of the parent;
- (c) a declaration signed by each person who made the application stating “I hereby confirm that the information provided is correct to the best of my knowledge”;
- (d) the name of the marriage celebrant, if any has been chosen;
- (e) the proposed approved location;
- (f) the proposed date and time of the marriage; and
- (g) the date and place where the civil partnership was formed, and confirmation that the civil partnership has not been dissolved.

**36 Conversion declaration form**

A conversion declaration form shall contain the following particulars –

- (a) the parish register number;
- (b) the name of the parish;
- (c) for each party to the marriage, his or her –
  - (i) forenames as they appear on his or her birth certificate (and deed poll, if applicable),
  - (ii) surname, and any previous surname, as they appear on his or her birth certificate (and deed poll, if applicable),
  - (iii) date of birth,
  - (iv) civil status,
  - (v) occupation or profession,
  - (vi) usual place of residence, and
  - (vii) place of birth;
- (d) the full names of the parents of each party to the marriage, the relationship of the parent (Mother/Father/Parent) to the party and the current occupation or profession of the parent;
- (e) a statement which indicates the following information –
  - (i) that the marriage was converted from a civil partnership, and the date of the conversion,
  - (ii) the details recorded on the conversion declaration form are the same as those stated on the civil partnership document (within the meaning given by Article 1 of the [Civil Partnership \(Jersey\) Law 2012](#)) or a similar document issued by a competent authority outside Jersey for a civil partnership formed outside Jersey, and
  - (iii) that, by Article 22(15) of the Law, the civil partnership that is converted is to be treated as if it had always been a marriage;
- (f) A statement made by the parties confirming that the marriage which results from the conversion of their civil partnership is not void under Article 5 of the Law;
- (g) the signatures, printed names and date of signing of the parties to the marriage;
- (h) date, and time (if any), of the marriage (this being the date, and time (if any), the civil partnership was formed);
- (i) the location of the marriage;
- (j) the name of the marriage celebrant;
- (k) certification by the marriage celebrant, in his or her own hand, of the time and date at which the marriage was solemnized and signed by the marriage celebrant; and
- (l) a statement signed and dated by the Superintendent Registrar stating the following: “Whereas <applicant > and <applicant> have applied to convert their civil partnership to a marriage, the Superintendent Registrar, having considered the application, approves the conversion of their civil partnership to a marriage”.

**37 Requirements and procedures for marriage in special circumstances**

- (1) The requirements and procedures specified in this Article shall apply for allowing persons intending to solemnize their marriage on the authority of a marriage schedule or conversion declaration form to solemnize their marriage according to a wish referred to in Article 24(1) of the Law, if any of the special circumstances referred to in Article 24(2) of the Law exist.
- (2) Subject to this Article, Part 2 of the Law shall apply to a marriage referred to in paragraph (1) except that –
  - (a) the marriage may be solemnized before the publication of a notice of intended marriage under Article 11 of the Law or before the end of the 25 clear days for which the notice is required to be published under that Article; and
  - (b) before issuing a certificate of no impediment to marriage, the Superintendent Registrar shall annotate the certificate of no impediment to marriage to specify any changes to the procedures specified in Part 2 of the Law that have been permitted under this Article.
- (3) Subject to paragraph (4), an application for notice of intended marriage under Article 8 of the Law must, in the case of a marriage referred to in paragraph (1), be accompanied by a statement made and signed by an appropriate authority giving the details of the special circumstances of the party to the marriage.
- (4) The statement referred in paragraph (3) must not be made more than 14 days before it is received by the Superintendent Registrar, except if –
  - (a) a party to the marriage is detained; and
  - (b) the appropriate authority confirms that the person will still be detained on the proposed date of marriage.
- (5) The Registrar shall upon receipt of a statement referred to in paragraph (3), record the statement in the notice of intended marriage and in the notice of intended marriage book.
- (6) If one or both of the parties to the marriage are detained in a prison or place at which a person suffering from a mental disorder may be lawfully detained, the appropriate authority shall, before the Superintendent Registrar publishes a notice of intended marriage, confirm in the statement referred to in paragraph (3) that the appropriate authority agrees to the make the necessary arrangements and –
  - (a) agrees to the marriage taking place at the place of detention; or
  - (b) agrees to move the party or parties, as the case may be, to a different location for the marriage.
- (7) Where the Superintendent Registrar has received the statement referred to in paragraph (3), the Superintendent Registrar may –
  - (a) subject to paragraph (8), disapply any of the timeframes set out in Articles, 15(1), 16(2), 18(1) and (2), 19(1)(a) and 21(1) of the Law if the Superintendent Registrar deems it necessary to do so;
  - (b) issue a marriage schedule authorizing the solemnization of the marriage –

- (i) in any location where the party may be detained as specified in the statement from the appropriate authority or in any location where the party is housebound, including where the location is not an approved location, or
    - (ii) on any day of the week, at any time during the 24 hours of a day, where there is an expectation of death within 3 months by reason of illness or unforeseen circumstances;
  - (c) subject to paragraph (8), disapply any requirements under Articles 8(2)(c) and 19(3)(c) of the Law to provide original documents or copies of original documents to the Superintendent Registrar, except in the case of documents that provide evidence of –
    - (i) the nationality and immigration status of a party to the marriage, or
    - (ii) the divorce, dissolution of marriage or death of the previous partner of a spouse of a party to the marriage where that party was previously married or in a civil partnership with another person;
  - (d) where the statement states that a party to the marriage is unable to attend at the office of the Superintendent Registrar –
    - (i) allow only the other party to attend to provide any original documents required under the Law on behalf of both parties to the marriage and require that party to sign the signature verifier form, or
    - (ii) attend in a place other than the office of the Superintendent Registrar to allow both parties together to provide the original documents required under the Law; or
  - (e) require the payment of a fee payable under this Order or waive the requirement to pay any fee or part of a fee payable under this Order.
- (8) Paragraph (7)(a) and (c) shall not apply in respect of a person who is detained or housebound except where there is also an expectation of death within 3 months or by reason of illness or unforeseen circumstances.
- (9) Subject to paragraph (10), where a notice of intended marriage, a marriage schedule or a certificate of no impediment to marriage have already been published or issued, as the case may be, and changes are required to any of them because of the application of paragraph (7), the Superintendent Registrar shall –
- (a) amend the notice of intended marriage to show any new date or time of the solemnization of the marriage, a new location or new marriage celebrant;
  - (b) issue a new marriage schedule or authorize the new marriage celebrant to annotate the existing marriage schedule and issue new marriage certificates referred to in Article 15(7)(a) of the Law; or
  - (c) issue a new certificate of no impediment to marriage,
- as the case may be, and record the change in his or her records accordingly.

- (10) The Superintendent Registrar shall not issue a new marriage schedule, marriage certificate or certificate of no impediment to marriage under paragraph (9) unless –
- (a) the existing marriage schedule, marriage certificate or certificate of no impediment to marriage, as the case may be, is returned to the Superintendent Registrar; or
  - (b) there is imminent likelihood of death and there is not sufficient time for the existing marriage schedule, marriage schedule or certificate of no impediment to marriage, as the case may be, to be returned to the Superintendent Registrar.
- (11) Where any of the following documents have been issued in consequence any marriage being solemnized under Article 24 of the Law, the Superintendent Registrar must annotate such documents to indicate that they have been issued in circumstances described in Article 24(2) of the Law –
- (a) a notice of intended marriage;
  - (b) a marriage schedule;
  - (c) a conversion declaration form;
  - (d) a marriage certificate; and
  - (e) a certificate of no impediment to marriage.
- (12) For the purposes of this Article “appropriate authority” means –
- (a) if there is an expectation of death of a party to the marriage, within 3 months, a registered medical practitioner responsible for the care of that party;
  - (b) if a party to the marriage is housebound, a registered medical practitioner providing care to the housebound party;
  - (c) if a party to the marriage is unable to solemnize a marriage by reason of illness or unforeseen or unavoidable circumstances, a registered medical practitioner or other relevant official that the Superintendent Registrar accepts as being an appropriate authority;
  - (d) if a party to the marriage is detained in a hospital, the person responsible for the management of the hospital;
  - (e) if a party to the marriage is detained in a prison or place at which a person suffering from a mental disorder may be lawfully detained, the governor of the prison or any other person with responsibility for the prison or place at which a person suffering from a mental disorder may be lawfully detained, as the case may be.

### **38 Information, books, indexes and registers kept by the Superintendent Registrar**

- (1) The register of authorized civil celebrants shall contain the following particulars in respect of an authorized civil celebrant –
- (a) the forenames and surname of the authorized civil celebrant;
  - (b) the date of authorization as an authorized civil celebrant;
  - (c) the date on which the authorization of the authorized civil celebrant is due for renewal;

- (d) the address and contact details of the authorized civil celebrant;
  - (e) details of any qualifications held by the authorized civil celebrant that are relevant to his or her work as an authorized civil celebrant.
- (2) The register of authorized religious officials shall contain the following particulars in respect of an authorized religious official –
  - (a) the forename and surname of the authorized religious official;
  - (b) the name of the religious organization that applied for the authorization under Article 4(1);
  - (c) the date of authorization as an authorized religious official;
  - (d) the address and contact details of the authorized religious official;
  - (e) the locations at which the religious organization referred to in sub-paragraph (b) consents to the solemnization of marriages by the authorized religious official;
  - (f) whether the authorized religious official consents to the solemnization of same sex marriages by that authorized religious official;
  - (g) whether the religious organization referred to in sub-paragraph (b) consents to the solemnization of same sex marriages by the authorized religious official.
- (3) The notices of intended marriages book shall contain the following particulars –
  - (a) for each party to the marriage, his or her –
    - (i) forenames as they appear on his or her birth certificate (and deed poll, if applicable),
    - (ii) surname, and any previous surname, as they appear on his or her birth certificate (and deed poll, if applicable),
    - (iii) date of birth,
    - (iv) nationality,
    - (v) usual place of residence,
    - (vi) period of residence at usual place of residence,
    - (vii) civil status, and
    - (viii) occupation or profession;
  - (b) the location of the marriage;
  - (c) a declaration by the parties to the marriage stating “We hereby give notice that we intend to marry each other on <date>, and that <date> being no more than 12 months from the date on which we signed this notice”; and
  - (d) the signature and printed names of the parties to the marriage and date of signing;
  - (e) the date that the notice of intended marriage was given;
  - (f) annotations by the Superintendent Registrar, if any, and
  - (g) the signature of the Superintendent Registrar.
- (4) The index of the names of the parties to any marriage solemnized in Jersey required to be kept by the Superintendent Registrar under

Article 24B(2)(e) of the Law shall contain the following particulars for each party to the marriage, his or her –

- (a) forenames as they appear on his or her birth certificate (and deed poll, if applicable); and
- (b) surname, and any previous surname, as they appear on his or her birth certificate (and deed poll, if applicable).

### **39 Official searches of records by Superintendent Registrar**

An application for a search under Article 24C of the Law shall contain the following information in respect of the applicant –

- (a) his or her forenames and surnames, including any previous names or alias used;
- (b) his or her date and place of birth;
- (c) his or her contact details;
- (d) details of relevant life events, including the date of any previous marriage or civil partnership, the date of any divorce or dissolution, and any other details that the Superintendent Registrar deems relevant;
- (e) the names of associated parties, including the names of the parents, in the case of the search for a birth record, and the name of the spouse, in the case of a search for a marriage record;
- (f) relevant dates, including the date of registration of a relevant life event;
- (g) evidence of identity;
- (h) a declaration by the applicant confirming that the information provided is a correct to the best of his or her knowledge; and
- (i) his or her signature and date of signing.

### **40 Specifications for book of banns**

A book of banns provided under Article 28 of the Law must conform to the following specifications –

- (a) the book of bans shall be of durable material; and
- (b) every page of the book of banns and every place of entry in it shall be numbered progressively from the beginning to the end, beginning with the number 1.

### **41 Register of marriage supplied to incumbent of an Anglican church**

- (1) A register supplied to incumbent of an Anglican church under Article 47 of the Law shall contain the following particulars –
  - (a) the name of the parish or Ecclesiastical district;
  - (b) the date and time of marriage;
  - (c) for each party to the marriage, his or her –
    - (i) forenames as they appear on his or her birth certificate (and deed poll, if applicable),



- (ii) surname (including any previous surname and deed poll, if applicable),
    - (iii) date of birth,
    - (iv) civil status,
    - (v) occupation or profession,
    - (vi) usual place of residence, and
    - (vii) place of birth;
  - (d) the full names of the parents of each party to the marriage, the relationship of the parent (Mother/Father/Parent) to the party and the current occupation or profession of the parent;
  - (e) a statement that the marriage was solemnized in accordance with the rites and usage of the Anglican Church made by the clergyman who solemnized the marriage together with the name and printed title of the clergyman;
  - (f) signatures and printed names of the parties to the marriage;
  - (g) signatures and printed names of the witnesses to the marriage; and
  - (h) certification by the clergyman, under his or her own hand of the time and date at which the marriage is solemnized, signed by the clergyman and with his or her name and title printed.
- (2) A clergyman who solemnizes a marriage shall during the marriage ceremony complete 2 copies of the register referred to in paragraph (1) at the same time that the marriage certificate and the return under Article 43 are completed.
- (3) A clergyman who solemnizes a marriage shall retain the 2 copies of the register referred to in paragraph (2) and provide one of the copies to the Superintendent Registrar when that register becomes full.

## **42 Registration of marriage**

- (1) The requirements under Article 69 of the Law, in the case of a marriage solemnized in an Anglican church, for particulars of a marriage to be registered by the clergyman by whom the marriage was solemnized shall be as follows –
- (a) a clergyman of the Anglican church shall, having solemnized the marriage, immediately enter in the register referred to in Article 41 the particulars referred to in that Article relating to the marriage;
  - (b) the entries made under sub-paragraph (a) shall be signed by the clergyman, the parties to the marriage and 2 witnesses; and
  - (c) every entry shall be made in consecutive date order from the beginning to the end of each register and the number of the entry shall be the same in each duplicate marriage register.
- (2) Subject to paragraph (3), the requirements under Article 47 of the Law for a register supplied to a registrar to contain particulars, Article 69 of the Law for particulars of a marriage to be registered by the registrar of the parish in which the marriage was solemnized and Article 70 of the Law for the record of particulars to be recorded and held by the registrar

of the parish in which the marriage was solemnized shall, be satisfied as follows –

- (a) the registrar shall retain in the register and, in the date order in which marriages are solemnized, all marriage schedules in respect of marriages solemnized by the registrar; and
  - (b) in retaining each marriage schedule in the register under sub-paragraph (a), the registrar must number each marriage schedule with a parish register entry number which shall be progressive beginning with the number 1 in each register.
- (3) If a marriage by conversion is solemnized, the requirements under Article 47 of the Law for a register supplied to a registrar to contain particulars, Article 69 of the Law for particulars of a marriage to be registered by the registrar of the parish in which the marriage was solemnized and Article 70 of the Law for the record of particulars to be recorded and held by the registrar of the parish in which the marriage was solemnized shall, be satisfied as follows –
- (a) the registrar shall retain in a register and in the date order in which marriages are solemnized all conversion declaration forms in respect of marriages solemnized by the registrar; and
  - (b) in retaining each conversion declaration form in the register under sub-paragraph (a), the registrar must number each conversion declaration form with a parish register entry number which shall be progressive beginning with the number 1 in each register.

#### **43 Returns of information for Anglican marriages**

- (1) Subject to paragraph (2), a clergyman shall during the marriage ceremony prepare a return for each marriage that the clergyman solemnizes.
- (2) A return referred to in paragraph (1) shall contain the following information –
  - (a) the name of the Ecclesiastical district or the name of the parish in which marriage is solemnized;
  - (b) the date and time of the marriage;
  - (c) for each party to the marriage, his or her –
    - (i) forenames as they appear on his or her birth certificate (and deed poll, if applicable),
    - (ii) surname, and any previous surname, as they appear on his or her birth certificate (and deed poll, if applicable),
    - (iii) date of birth,
    - (iv) civil status,
    - (v) occupation or profession,
    - (vi) usual place of residence, and
    - (vii) place of birth;
  - (d) the full names of the parents of each party to the marriage, the relationship of the parent (Mother/Father/Parent) to the party and the current occupation or profession of the parent;

- (e) a statement that the marriage was solemnized in accordance with the rites and usage of the Anglican Church made by the clergyman who solemnized the marriage together with the name and printed title of the clergyman;
  - (f) signatures and printed names of the parties to the marriage;
  - (g) signatures and printed names of the witnesses to the marriage; and
  - (h) certification by the clergyman, under his or her own hand of the time and date at which the marriage is solemnized, signed by the clergyman and with his or her name and title printed.
- (3) An incumbent of an Anglican church shall, within 30 days of after the end of each quarter –
- (a) deliver to the Superintendent Registrar for inspection all registers supplied to the incumbent of the Anglican church under Article 47 of the Law and in which particulars of marriages solemnized in the Anglican church during that quarter are entered;
  - (b) deliver to the Superintendent Registrar, returns of all marriages in the registers referred to in sub-paragraph (a) that were solemnized in the Anglican church during that quarter;
  - (c) deliver to the Superintendent Registrar a certificate, in a form provided by the Superintendent Registrar, setting out the number of marriages for which particulars are entered in the register during the quarter, including when none have been entered,
- and the Superintendent Registrar shall inspect and verify such registers returns and certificate, return the registers to the incumbent of the Anglican church, retain the returns and certificates and have the returns bound.
- (4) The incumbent of an Anglican church shall, as soon as the registers kept by the incumbent in duplicate are full, deliver one of them to the Superintendent Registrar and keep the other with the other documents in the incumbent's care.

#### **44 Return of registers etc. by registrar**

- (1) A registrar shall, within 30 days after the end of each quarter –
- (a) deliver to the Superintendent Registrar for inspection all registers supplied to the registrar under Article 47 of the Law and which contain marriage schedules received by the registrar during that quarter;
  - (b) deliver to the Superintendent Registrar for inspection all registers containing conversion declarations received by the registrar during that quarter; and
  - (c) deliver to the Superintendent Registrar a certificate in a form provided by the Superintendent Registrar, setting out the number of marriages solemnized in the parish and registered in the register during the quarter, including when none have been registered,
- and the Superintendent Registrar shall inspect and verify such registers and certificate, return the registers to the registrar and retain the certificate.

- (2) A registrar shall, as soon as the registers kept by the registrar in duplicate are full, deliver one of them to the Superintendent Registrar and keep the other with the other documents in the registrar's care.

#### **45 Omission of particulars in exceptional circumstances**

Despite anything to the contrary in this Order, where the Minister has determined that there are exceptional circumstances, the Superintendent Registrar may omit details in respect of forenames and surnames required as particulars in a notice of intended marriage, marriage schedule, signature verification form, marriage certificate, certificate of no impediment to marriage, conversion declaration form, notices of intended marriages book and index of the names of the parties to any marriage solemnized in Jersey.

## **PART 6**

### **REGISTRATION OF BIRTHS AND DEATHS**

#### **46 Registration of births and stillbirths**

- (1) The requirements for registration of a birth or stillbirth under Article 50 of the Law shall be as set out in this Article.
- (2) Subject to this Order, a registrar who is informed, in accordance with the Law and this Order, of the particulars of a birth shall enter in the register of births kept by the registrar the following particulars, in respect of that birth –
  - (a) the name of the parish;
  - (b) the entry number;
  - (c) the date of birth;
  - (d) the place of birth;
  - (e) the forenames and surname (if any) of the child;
  - (f) the sex of the child;
  - (g) forenames, surname and occupation or profession of the father;
  - (h) forenames, surname and maiden surname and occupation or profession of the mother;
  - (i) the address of the mother and father;
  - (j) the date and place of the parents' marriage (if any);
  - (k) the informant's signature and the informant's relationship to the child;
  - (l) the date of registration; and
  - (m) the name and signature of the registrar.
- (3) Subject to this Order, a registrar who is informed, in accordance with the Law and this Order, of the particulars of a stillbirth shall enter in the register of stillbirths kept by the registrar the following particulars –
  - (a) the name of the parish;

- (b) the entry number;
  - (c) the date of stillbirth;
  - (d) the place of stillbirth;
  - (e) the forenames and surname (if any) of the child;
  - (f) the sex of the child;
  - (g) the forenames and surname of the father;
  - (h) the forenames, surname and maiden surname of the mother;
  - (i) the address of the mother and father;
  - (j) the cause of death;
  - (k) the informant's signature and the informant's relationship to the child;
  - (l) the date of registration; and
  - (m) the name and signature of the registrar.
- (4) Subject to this Order, the particulars of a birth means the particulars specified in paragraph (2)(a) to (j).
- (5) Subject to this Order, the particulars of a stillbirth means the particulars specified in paragraph (3)(a) to (j).
- (6) Entries of births or stillbirths shall be numbered and made successively from the beginning to the end of the register in which they are made.

#### **47 Declaration for re-registration of birth of legitimated person**

The matters in respect of a declaration to be made under Article 57(2) of the Law shall be as follows –

- (a) the name of the child as registered;
- (b) the date of birth of the child;
- (c) the child's place of birth and parish of birth;
- (d) the original date of the registration of the birth of the child;
- (e) details of the parents' marriage including –
  - (i) the forenames and surname of the mother,
  - (ii) the forenames and surname of the father,
  - (iii) the date of the parents' marriage,
  - (iv) the location of the parents' marriage,
  - (v) a statement as to whether the father is named on the original birth certificate,
  - (vi) if the father is named on the original birth certificate, a declaration by the father or mother (signed and dated) that they are the parents of the child and they wish to re-register the birth of the child following their marriage, and
  - (vii) if father is not named on the original birth certificate, a declaration by the mother and father (signed and dated) that they are the parents of the child and they wish to re-register the birth of the child following the marriage.

**48 Further registration of name**

- (1) This Article applies where the name of a child is to be registered pursuant to Article 58 of the Law.
- (2) A certificate under Article 58(1) of the Law to be produced for a request to be made for the registration of a name shall contain the following information –
  - (a) the date of birth;
  - (b) the name currently recorded in birth register;
  - (c) the parish in which birth was registered;
  - (d) the baptism name;
  - (e) the full name following baptism;
  - (f) the name of the parents;
  - (g) the date of baptism;
  - (h) the place of baptism;
  - (i) name of religious official performing the rite of baptism;
  - (j) name and signature of religious official certifying baptism and date of certification; and
  - (k) signature of person who performed the rite of baptism.

**49 Registration of birth of abandoned child**

When directed by the Superintendent Registrar, in accordance with Article 59(2) of the Law, a registrar in the parish in which a child who was abandoned was found shall enter the following particulars in the register of births kept by the registrar –

- (a) the date and location in which the child was found;
- (b) the age of the child when the child was found, as advised by a registered medical practitioner;
- (c) the forenames and surname of the child;
- (d) the word “unknown” for the mother’s and father’s names and occupations;
- (e) the informant’s name, signature, job title and organization and signature.

**50 Short birth certificate**

- (1) A short birth certificate issued by a registrar pursuant to a request made under Article 60(1) of the Law shall contain the following particulars –
  - (a) the forenames and surname of the child;
  - (b) the sex of the child;
  - (c) the date and place of birth of the child;
  - (d) a declaration by the registrar of the parish in which the birth was registered certifying particulars compiled from the entry in respect of the birth in the register of births in the registrar’s custody; and

- (e) the signature of the registrar and date that the short birth certificate was signed.
- (2) A short birth certificate issued by the Superintendent Registrar pursuant to a request made under Article 60(2) of the Law shall contain the following particulars –
  - (a) the forenames and surname of the child;
  - (b) the sex of the child;
  - (c) the date and place of birth of the child;
  - (d) a declaration by Superintendent Registrar certifying particulars compiled from the entry in respect of the birth in the Adopted Children's Register kept pursuant to the Article 24 of the [Adoption \(Jersey\) Law 1961](#); and
  - (e) the signature of the Superintendent Registrar and the date that the short birth certificate was signed.

## **51 Certificate of registration of stillbirth**

A certificate of registration of stillbirth under Article 61(5) of the Law shall contain the following particulars –

- (a) the name of the parish;
- (b) the entry number;
- (c) the date of stillbirth;
- (d) the place of stillbirth;
- (e) the forenames and surname (if any) of the child;
- (f) the forenames and surname of the father;
- (g) the forenames, surname and maiden surname of the mother;
- (h) the address of the mother and father;
- (i) the cause of death;
- (j) the signature of informant and relationship of the informant to the child;
- (k) the date of registration;
- (l) certification by the registrar that the certificate is a true and faithful extract from a register of stillbirths of the Island of Jersey; and
- (m) the name and signature of the registrar.

## **52 Registration of death**

- (1) The requirements for registration of a death under Article 50 of the Law shall be as set out in this Article.
- (2) Subject to this Order, a registrar who is informed, in accordance with the Law and this Order, of the particulars of a death shall enter, the following particulars in the register of deaths kept by the registrar in respect of that death –
  - (a) the name of the parish;
  - (b) the entry number;

- (c) the date of death;
  - (d) the place of death;
  - (e) the forenames and surname of the deceased person;
  - (f) the sex of the deceased person;
  - (g) the age of the deceased person;
  - (h) the cause of death of the deceased person;
  - (i) the civil status of the deceased person at time of death;
  - (j) the date and place of birth of the deceased person;
  - (k) the place of burial or cremation;
  - (l) the informant's signature, address and relationship to the deceased person;
  - (m) the date of registration; and
  - (n) the signature of registrar.
- (3) In paragraph (1), the particulars of a death means the particulars required under paragraph (2)(a) to (k).

### **53 Certificate of registration of death**

A certificate of registration of death under Article 68 of the Law shall contain the following particulars –

- (a) the name of the parish in which death was registered;
- (b) the date on which registrar registered the death;
- (c) the name, age and address of the deceased person;
- (d) the place of death;
- (e) the date of death;
- (f) certification by the registrar that the death has been registered in accordance with the Law; and
- (g) the name and signature of the registrar and the date of signing by the registrar.

### **54 Declarations under Part 5**

- (1) Every declaration made for the purposes of Part 5 of the Law shall be in writing, dated and signed.
- (2) The Superintendent Registrar and each registrar shall keep every declaration delivered to him or her pursuant to the Law with the other documents in his or her charge.

### **55 Return of registers etc. by registrar**

A registrar shall, within 30 days of after the end of each quarter –

- (a) deliver to the Superintendent Registrar for inspection all registers supplied to the registrar under Article 47 of the Law; and



- (b) deliver to the Superintendent Registrar a certificate, provided by the Superintendent Registrar, setting out the number of births, stillbirths and deaths in the parish and registered in the register during the quarter, including when none have been registered,

and the Superintendent Registrar shall inspect and verify such registers and certificate, return the registers to the registrar and retain the certificate.

## **PART 7**

### **MISCELLANEOUS**

#### **56 Correction of error in register**

- (1) Upon the Minister or the Inferior Number of the Royal Court granting permission for correction of an error other than a clerical error, the Superintendent Registrar shall make the correction in the margin of both the original entry and the copy kept under this Order and there enter the date the permission is granted, the date the correction is made and the Superintendent Registrar's signature.
- (2) A person who finds a clerical error in the original entry of a marriage, birth, stillbirth or death shall bring it to the attention of the Superintendent Registrar.
- (3) Upon being notified of a clerical error, the Superintendent Registrar shall make the correction in the margin of both the original entry and the copy kept under this Order and there enter the date the correction is made and the Superintendent Registrar's signature.
- (4) Upon ascertaining that the copy of an entry of a marriage, birth, stillbirth or death kept under this Order is not the same as the original, the Superintendent Registrar shall, as soon as is practicable, correct the error in the copy and there enter the date the correction is made and the Superintendent Registrar's signature.

#### **57 Binding of returns, marriage schedules and conversion declaration forms**

The Superintendent Registrar shall arrange for the returns, marriage schedules and conversion declaration forms to be bound as often as is necessary.

#### **58 Fees**

Part 3 of Schedule 1 shall have effect to set the fees payable under the provisions of the Law mentioned in that Part of Schedule 1.

#### **59 Transitional provisions**

Schedule 2 has effect.

**60 Citation**

This Order may be cited as the Marriage and Civil Status (Jersey) Order 2018.

**SCHEDULE 1<sup>6</sup>**

(Articles 11, 15(2)(d), 16(10), 22(2) and 58)

**FEES****PART 1****FEES PAYABLE UNDER THIS ORDER FOR AUTHORIZATION AS AN AUTHORIZED CIVIL  
CELEBRANT OR AUTHORIZED RELIGIOUS OFFICIAL**

<b>Item No.</b>	<b>Description</b>	<b>Fee</b>
1.	Grant of authorization under Article 11(2)(b) – authorized civil celebrant	£153.75
2.	Grant of authorization under Article 11(1)(a) – authorized religious official	£0
3.	Annual fee under Article 11(2)(b) – authorized civil celebrant	£205
4.	Annual fee payable under Article 11(2)(b) – authorized religious official	£0

**PART 2****FEES PAYABLE UNDER THIS ORDER IN RESPECT OF APPROVAL OF A LOCATION FOR  
THE SOLEMNIZATION OF MARRIAGE**

<b>Item No.</b>	<b>Description</b>	<b>Fee</b>
1.	Application for approval of a location for the solemnization of marriage under Article 15(2)(d), in the case of approval for a specified marriage	£230 (£100 payable to the parish and £130 to the Superintendent Registrar)
2.	Application for approval of a location for the solemnization of marriage under Article 15(2)(d), in the case of an approval for 3 years	£430 (£300 payable to the parish and £130 to the Superintendent Registrar)
3.	Application for amendment of approval of a location for the solemnization of marriage under Article 22(2)	£102.50
4.	Application for renewal of approval of a location for the solemnization of a marriage under Article 16(10)	£430 (£300 payable to the parish and £130 to the Superintendent Registrar)

## PART 3

## FEES PAYABLE UNDER THE LAW

Item No.	Description	Article of the Law	Fee
1.	Application for a notice of intended marriage	8(1)(b)	£205
2.	Request for and issuance of a marriage schedule	15(2) and (3)(c)	£307.50
3.	Request for and issuance of a certificate of no impediment to marriage	16(2) and (3)(c)	£102.50 per applicant
4.	Change of date, time or location contained in the published notice of intended marriage	18(3)	£51.25
5.	Application for conversion	19(1)(b)	£205
6.	Request for and issuance of a conversion declaration form	21(2) and 21(3)(c)	£307.50
7.	Solemnization of a marriage by conversion	22(3)(a)	£0
8.	Superintendent Registrar's attendance to sign forms and do identity checks in special circumstances	24(3)(b)	£51.25
9.	Amendments to a marriage schedule, book or certificate arising from special circumstances	24(3)(b)	£76.88
10.	Fee for each marriage that a registrar registers under Article 24A(3) or (4) and for the provisions of returns or registers	24A(5)	£10.25
11.	Search of books, indexes, registers, notices or entries held at the office of the Superintendent Registrar	24C(2) and (4)	£92.25
12.	Registration of birth more than 21 days and less than 6 months after the birth	52(3)(b)	£205
13.	Re-registration of birth	57(6)	£56.38
14.	Request to register a name as altered or given within one year of birth	58(1)	£56.38
15.	Certificate required under Article 58(1) where the name of a child is altered or given in baptism	58(3)	£56.38

Item No.	Description	Article of the Law	Fee
16.	Short birth certificate – (a) if issued on the same day that the application is made; (b) if issued after the day on which the application is made	60(1) or 60(2)	£20.50 £10.25
17.	Copy of entry in register kept by a registrar under the Law	78(2)	£30.75
18.	Search of indexes	78(3)(a)	£0
19.	Copy certified under the hand of the Superintendent Registrar of any entry in a book or register – (a) if issued on the same day that the application is made; (b) if issued after the day on which the application is made	78(3)(b)	£61.50 £30.75
20.	Search of indexes by Superintendent Registrar	80C	£30.75 per hour or part of an hour
21.	Proof of life letter	80C	£51.25
22.	Re-registration of surname	Schedule 2A paragraph 2	£56.38
23.	Supplementary fee for use of the office of the Superintendent Registrar as a location for the solemnization of a marriage taking place on Monday to Friday	80C	£20.50
24.	Supplementary fee for use of office of the Superintendent Registrar as a location for the solemnization of marriage taking place on Saturday, Sunday or a bank holiday	80C	£102.50
25.	Solemnization of a marriage by the Superintendent Registrar or Deputy Superintendent Registrar on Monday to Friday at the office of the Superintendent Registrar	80C	£0
26.	Solemnization of a marriage by the Superintendent Registrar or Deputy Superintendent Registrar on a Saturday, Sunday or bank holiday at the office of	80C	£153.75

Item No.	Description	Article of the Law	Fee
	the Superintendent Registrar		
27.	Solemnization of a marriage by the Superintendent Registrar or Deputy Superintendent Registrar at any approved location other than the office of the Superintendent Registrar	80C	£153.75
28.	Delivery of a certificate or document by Superintendent Registrar to the Customs and Immigration Department for an apostille	80C	£20.50

**SCHEDULE 2**

(Article 59)

**TRANSITIONAL PROVISIONS****1 Interpretation**

In this Schedule –

“2018 Law” means the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018;

“new Law” means the [Marriage and Civil Status \(Jersey\) Law 2001](#) in force immediately after the commencement of the 2018 Law;

“notice of marriage” means a notice of marriage in accordance with the provisions of the old Law;

“old Law” means the [Marriage and Civil Status \(Jersey\) Law 2001](#) that was in force immediately before the commencement of the 2018 Law.

**2 Notice of marriage**

- (1) Despite any provision to the contrary in the new Law, a notice of marriage may be given for a marriage that is to be solemnized –
  - (a) within 30 days after the commencement of the 2018 Law; and
  - (b) at a location that was booked for the solemnization of the marriage before the commencement of the 2018 Law.
- (2) If a notice of marriage is given under paragraph (1) or otherwise, the old Law shall continue to apply in respect of –
  - (a) any such notice of marriage and any amendment to such notice of marriage to change the date or location of the marriage;
  - (b) information provided for the purpose of giving such notice of marriage to the Superintendent Registrar;
  - (c) a declaration or affirmation required under Article 8(5)(b), 9(7), 11(2), 13(2) or 36(7) of the old Law.
- (3) A notice of marriage or an amendment to such notice of marriage referred to in paragraph (2)(a) shall be deemed to satisfy all the requirements under the new Law in respect of a notice of intended marriage.
- (4) A declaration or an affirmation referred to under paragraph (2)(c) shall be deemed to satisfy all the requirements under the new Law in respect of a declaration or an affirmation made under the new Law.
- (5) Despite any provision to the contrary in new Law, the Superintendent Registrar may waive the requirement under Article 11(1) of the new Law for a notice of intended marriage to be published for a period of at least 25 clear days ending on the date of the marriage if –
  - (a) the marriage is to be solemnized within 30 days after the commencement of the 2018 Law;

- (b) the Superintendent Registrar was notified of the intended marriage by the parties to the marriage before the commencement of the 2018 Law; and
- (c) the notice of intended marriage is published for a period of at least 2 clear days ending on the date of the marriage.

### **3 Marriage licence or marriage schedule**

- (1) Despite any provision to the contrary in the new Law, where –
  - (a) a marriage licence is issued by the Superintendent Registrar before the commencement of the 2018 Law; and
  - (b) the marriage takes place after the commencement of the 2018 Law, the marriage shall be solemnized in accordance with the provisions of the old Law, except Article 20(5) of the old Law.
- (2) Despite any provision to the contrary in the new Law, where a notice of marriage is given under the old Law for a marriage that is to be solemnized within 10 days after the commencement of the 2018 Law, the Superintendent Registrar may issue a marriage licence in accordance with provisions of the old Law or a marriage schedule.
- (3) Despite any provision to the contrary in the new Law, where a notice of marriage is given under the old Law for a marriage that is to be solemnized after the commencement of the 2018 Law, no fee shall be payable in respect of any marriage schedule issued.

### **4 Registrar and deputy registrar**

Despite provision to the contrary in the new Law, a person appointed or chosen as a registrar or deputy registrar under the old Law and holding such office immediately before the coming into force of the 2018 Law shall be deemed to have been appointed in accordance with Article 42 of the new Law and shall continue to hold office as a registrar or deputy registrar, as the case may be, for the purposes of the new Law until –

- (a) the appointment of that person as a registrar or deputy registrar in accordance with Article 42 of the new Law;
- (b) the person vacates the office of registrar or deputy registrar under the new Law; or
- (c) the expiry of 12 months after the coming into force of the 2018 Law, whichever occurs first.

### **5 Fees**

Despite any provision to the contrary in the new Law, if the Superintendent Registrar was notified of an intended marriage before the commencement of the 2018 Law and the marriage is to be solemnized after the commencement of the 2018 Law but before 1st January 2019, the Superintendent Registrar may determine the fees payable by the parties to the marriage in respect of that marriage.



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Marriage and Civil Status (Jersey) Order 2018	<a href="#">R&amp;O.69/2018</a>	1 July 2018	
Covid-19 (Civil Partnership and Marriage) (Jersey) Regulations 2020	<a href="#">R&amp;O.66/2020</a>	20 May 2020	<a href="#">P.60/2020</a>
Covid-19 (Civil Partnership and Marriage No. 2) (Jersey) Regulations 2020	<a href="#">R&amp;O.83/2020</a>	17 June 2020	<a href="#">P.77/2020</a>
Covid-19 (Amendments – Extension, Suspension and Repeal) (Jersey) Regulations 2020	<a href="#">R&amp;O.115/2020</a>	30 September 2020	<a href="#">P.103/2020</a>
Covid-19 (Amendments – Extension and Suspension) (Jersey) Regulations 2021	<a href="#">R&amp;O.52/2021</a>	29 April 2021	<a href="#">P.25/2021</a>
Covid-19 (Amendments – Further Extensions) (Jersey) Regulations 2021	<a href="#">R&amp;O.127/2021</a>	15 October 2021	<a href="#">P.84/2021</a>
Marriage and Civil Partnership (Amendments – Fees) (Jersey) Order 2021	<a href="#">R&amp;O.159/2021</a>	1 January 2022	
Covid-19 (Amendments – Extensions to September 2022) (Jersey) Regulations 2022	<a href="#">R&amp;O.35/2022</a>	1 April 2022	<a href="#">P.28/2022</a>

◦Projets available at [www.statesassembly.gov.je](http://www.statesassembly.gov.je)

### Table of Renumbered Provisions

Original	Current
60	spent, omitted
61	60

### Table of Endnote References

<sup>1</sup> Article 20A	inserted by R&O.83/2020
<sup>2</sup> Article 20A(3)	amended by R&O.115/2020, R&O.52/2021, R&O.127/2021, R&O.35/2022
<sup>3</sup> Part 3A	(Articles 24A to 24C) inserted by R&O.83/2020, deleted by R&O.115/2020
<sup>4</sup> Article 32A	inserted by R&O.66/2020

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- <sup>5</sup> *Article 32A(2)*                      *amended by R&O.115/2020, R&O.52/2021, R&O.127/2021, R&O.35/2022*
- <sup>6</sup> *Schedule 1*                        *amended by R&O.159/2021*