



Jersey

# **CIVIL PARTNERSHIP (JERSEY) LAW 2012**

## **Official Consolidated Version**

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Jersey

## CIVIL PARTNERSHIP (JERSEY) LAW 2012

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Jersey

## CIVIL PARTNERSHIP (JERSEY) LAW 2012

A **LAW** to make provision for and in connection with civil partnership.

Commencement [[see endnotes](#)]

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### PART 1

#### INTRODUCTION

##### 1 Interpretation

In this Law, unless the context otherwise requires –

“approved premises” shall be construed in accordance with Article 13;

“certificate” means a certificate issued under Article 12;

“child of the family” has the same meaning as in Article 1 of the [Children \(Jersey\) Law 2002](#);

“civil partnership document” shall be construed in accordance with Article 3;

“civil partnership notice book” means the book kept pursuant to Article 17(1);

“civil partnership register” means a register kept pursuant to Article 18;

“civil partnership registrar” means the Superintendent Registrar, the Deputy Superintendent Registrar or a delegate;

“Court” means the Royal Court;

“delegate” means a person appointed under Article 16;

“Deputy Superintendent Registrar” means a person appointed as such under Article 41 of the [Marriage and Civil Status \(Jersey\) Law 2001](#);

“licence” means a licence issued under Article 9;

“mental disorder” has the same meaning as in Article 1 of the [Mental Health \(Jersey\) Law 2016](#);

“Minister” (except in Article 36) means the Minister for Home Affairs;

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

“prescribed” means, except in relation to Articles 7 and 36 and Rules of Court, prescribed by an Order by the Minister;

“registrar” means an individual chosen or appointed as such under Article 42 of the [Marriage and Civil Status \(Jersey\) Law 2001](#);

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

“Superintendent Registrar” means the person appointed as such under Article 41 of the [Marriage and Civil Status \(Jersey\) Law 2001](#);

“working day” means any day other than Christmas Day, Good Friday, a Sunday or a day observed as a bank holiday under the [Public Holidays and Bank Holidays \(Jersey\) Law 1951](#).<sup>1</sup>

## PART 2

### ENTERING INTO CIVIL PARTNERSHIP

#### 2 Civil partnership

- (1) A civil partnership is a relationship between 2 people of the same sex (“civil partners”) –
  - (a) which is formed in Jersey in accordance with Article 3; or
  - (b) which they are treated as having formed by virtue of having registered an overseas relationship.
- (2) Paragraph (1) is subject to the provisions of this Law under or by virtue of which a civil partnership is void.
- (3) A civil partnership ends only on death, dissolution or annulment.
- (4) The references in paragraph (3) to dissolution and annulment are to dissolution and annulment having effect under or recognized in accordance with this Law.
- (5) References in this Law to an overseas relationship are to be read in accordance with Schedule 1.

#### 3 Formation of civil partnership by registration

- (1) For the purposes of Article 2(1)(a), 2 people are to be regarded as having formed a civil partnership with each other once each of them has signed the civil partnership document –
  - (a) at the invitation of, and in the presence of, a civil partnership registrar; and
  - (b) in the presence of each other and 2 witnesses.



- (2) After the civil partnership document has been signed under paragraph (1), it must also be signed, in the presence of the civil partners and each other, by –
  - (a) each of the 2 witnesses; and
  - (b) the civil partnership registrar solemnizing the civil partnership.
- (3) After the witnesses and the civil partnership registrar have signed the civil partnership document, the civil partnership registrar solemnizing the civil partnership must ensure that –
  - (a) the fact that the 2 people have formed a civil partnership with each other; and
  - (b) any other information prescribed by the Minister in an Order, is recorded in the civil partnership register as soon as is practicable.
- (4) No person shall act or be permitted to act as the witness to the formation of a civil partnership unless that person is of full age and capable of following the ceremony.
- (5) No religious service is to be used while a civil partnership registrar is officiating at the signing of a civil partnership document.
- (6) The civil partnership document shall be in such form and contain such particulars as shall be prescribed.

#### **4 Eligibility**

- (1) Two people shall not be eligible to form a civil partnership with each other if –
  - (a) they are not of the same sex;
  - (b) either of them is already in a lawful civil partnership or lawfully married;
  - (c) either of them is under 16 years of age;
  - (d) either of them is incapable of –
    - (i) understanding the nature of civil partnership, or
    - (ii) validly consenting to its formation; or
  - (e) they are related in a prohibited degree.
- (2) Schedule 2 contains provisions for determining when 2 people are related within a prohibited degree.

#### **5 Consent where proposed civil partner under 18**

- (1) Where either of the intended civil partners is a minor, the consent of the persons specified in Schedule 3 shall be required for the formation of the civil partnership.
- (2) The Superintendent Registrar may refuse to issue a licence or certificate unless satisfied by production of written evidence that the consent of that person or of those persons has in fact been obtained.

- (3) Where the consent of any person whose consent is required cannot be obtained, by reason of absence or inaccessibility, or by reason of his or her being under a disability, the Superintendent Registrar may dispense with the consent of that person.
- (4) Where the Superintendent Registrar refuses to dispense with the consent of any person, the Court may, on the application of the minor, give consent in place of that person.
- (5) Where any person whose consent is required refuses consent, the Court may, on the application of the minor, give consent in place of that person.
- (6) Where an application is made to the Court in consequence of a refusal to give consent, notice of the application shall be served on the person who has refused consent.

## **6 Forbidding of issue of licence or certificate**

- (1) Any person whose consent is required under Article 5 to a civil partnership intended to be formed on the authority of a licence or certificate may forbid the issue of a licence or certificate by writing, at any time before its issue, the word “forbidden” in the margin of the civil partnership notice book next to the entry of the notice of civil partnership and subscribing to that word the person’s name, place of residence and the capacity, in relation to either of the persons intending to be civil partners, in which the person forbids the issue of the licence or certificate.
- (2) Where the issue of a licence or certificate is forbidden under paragraph (1), the notice of civil partnership and all proceedings on it shall be void.
- (3) Where the Court consents to the formation of a civil partnership under Article 5(5), in the place of a person who has refused consent, that person shall not be entitled to forbid the issue of a licence or certificate for that civil partnership under this Article and the notice of civil partnership and proceedings on it shall not be void by virtue of this Article.

## **7 Notice of civil partnership**

- (1) Subject to paragraph (2), where persons intend to form a civil partnership on authority of a licence or certificate of the Superintendent Registrar, one of the intended civil partners shall give notice of civil partnership to the Superintendent Registrar.
- (2) Notice of civil partnership may only be given if one of the persons to the intended civil partnership has been ordinarily resident at their place of residence (whether in Jersey or elsewhere) for at least 7 days before the notice is given.
- (3) Notice of civil partnership shall be –
  - (a) in the prescribed form and contain the prescribed particulars;
  - (b) accompanied by such documents as the Superintendent Registrar may require;
  - (c) accompanied by such fee as may be prescribed; and

- (d) given not more than 3 months and not less than 2 weeks before the day on which it is intended to form the civil partnership.
- (4) Subject to paragraph (5), where notice of civil partnership is given, the Superintendent Registrar shall, as soon as is practicable, enter in the civil partnership notice book –
  - (a) the particulars contained in the notice of civil partnership; and
  - (b) the facts of any declaration given under paragraph (5)(b).
- (5) The Superintendent Registrar shall not enter notice of a civil partnership to which paragraphs 3 to 5 of Schedule 2 apply in the civil partnership notice book unless –
  - (a) the Superintendent Registrar is satisfied, by the production of evidence, that both the persons intending to form the civil partnership are of full age; and
  - (b) the Superintendent Registrar is given a declaration made in the prescribed form by each of those persons, each declaration having been signed and attested in the prescribed manner, declaring that there is no prohibited degree of relationship.
- (6) The Superintendent Registrar shall keep all notices of civil partnership and declarations described in paragraph (5)(b).
- (7) The Superintendent Registrar shall display, in the entrance to or outside the office of the Superintendent Registrar –
  - (a) a list of notices of civil partnership; and
  - (b) particulars of a notice of civil partnership for which he or she has not yet granted a licence or certificate.
- (8) A notice of civil partnership shall be void after the expiry of 3 months from the day on which it is entered into the civil partnership notice book.

## **8 Caveat against issue of licence or certificate**

- (1) A person having reason to believe that there is lawful cause to obstruct the issue of a licence or certificate may enter a caveat with the Superintendent Registrar against such issue.
- (2) A caveat entered under paragraph (1) shall be signed by or on behalf of the person by whom it is entered, state the objector's place of residence and the grounds for entering the caveat.
- (3) Subject to paragraph (6), where a caveat is entered, the Superintendent Registrar shall not issue a licence or certificate until –
  - (a) the Superintendent Registrar has examined the matter of the caveat and is satisfied that it ought not to obstruct the issue of a licence or certificate; or
  - (b) the caveat is withdrawn by the person who entered it.
- (4) If the Superintendent Registrar is doubtful whether to issue a licence or certificate, the Superintendent Registrar may refer the matter of the caveat to the Court.

- (5) Where the matter of a caveat is referred to the Court, the Court may uphold the caveat or order that the licence or certificate be issued and no appeal shall lie from the Court's decision.
- (6) Where a caveat is entered against a civil partnership on the ground that the persons intending to form the civil partnership are not both of full age or that one of those persons has, at any time before attaining full age, been a child of the family in relation to the other then, even if the caveat is withdrawn by the person who entered it, the Superintendent Registrar shall not issue a licence or certificate unless a declaration is obtained from the Court under paragraph (7).
- (7) In the case described in paragraph (6), one of the intending civil partners may apply to the Court for a declaration that both those persons, being of full age, and the younger of those persons not having been at any time before attaining full age a child of the family in relation to the other, there is no impediment of relationship by marriage or civil partnership to the formation of the civil partnership.
- (8) The Court may, in any proceedings before it under this Article, order the person who entered the caveat to pay all or part of the costs of the proceedings and damages to the person against whose civil partnership the caveat was entered.

## **9 Civil partnership on authority of licence**

- (1) Where a civil partnership is intended to be solemnized in Jersey, one of the persons intending to form the civil partnership may, not less than 7 days after notice of the civil partnership is given and not less than 2 working days before the day on which the civil partnership is to be solemnized, and upon payment of such fee as may be prescribed, request the Superintendent Registrar to issue a licence.
- (2) The person requesting the licence shall, at the time of the request, make a solemn declaration or affirmation before the Superintendent Registrar that he or she believes there is no lawful impediment to the civil partnership being formed.
- (3) Where a request is made in accordance with this Article, the Superintendent Registrar shall issue a licence in the prescribed form and containing the prescribed particulars unless –
  - (a) the Superintendent Registrar is satisfied that a lawful impediment to the civil partnership exists; or
  - (b) its issue has been forbidden under Article 6 by any person authorized in that behalf.

## **10 Period of validity of licence**

- (1) A civil partnership may be formed on the authority of a licence –
  - (a) within 3 months from the day on which notice of the civil partnership is entered into the civil partnership notice book; and
  - (b) within 14 days from the day on which the licence is issued.

- (2) If the civil partnership is not solemnized within the periods described in paragraph (1), the notice of civil partnership and any licence which may have been granted on it shall be void and no person shall form the civil partnership on its authority.

## **11 Civil partnership on authority of document issued outside Jersey**

- (1) Where a civil partnership is intended to be formed in Jersey between a British subject resident in Jersey and a British subject resident elsewhere in the British Islands, a document issued by a registration authority anywhere in the British Islands which authorizes a civil partnership shall be recognized and have effect for the purposes of the formation of that civil partnership as if it were a civil partnership licence issued in Jersey under this Law.
- (2) The Minister may by Order make provision, for the purposes of the formation of a civil partnership in Jersey between a person resident in Jersey and a person resident elsewhere, for a document issued according to the law of another place and to which paragraph (1) does not apply to be recognized and have effect as if it were a civil partnership licence issued in Jersey under this Law.

## **12 Certificate for formation of civil partnership outside Jersey**

- (1) Where –
  - (a) a civil partnership is intended to be formed outside Jersey; and
  - (b) one or both of the persons intending to form that civil partnership is ordinarily resident in Jersey,one of the persons intending to form the civil partnership may, not less than 21 days after notice of the civil partnership is given and upon payment of such fee as may be prescribed, request the Superintendent Registrar to issue a certificate of civil partnership.
- (2) The person requesting the certificate shall, at the time of the request, make a solemn declaration or affirmation before the Superintendent Registrar that he or she believes there is no lawful impediment to the civil partnership being formed.
- (3) Where a request is made in accordance with this Article, the Superintendent Registrar shall issue a certificate in the prescribed form and containing the prescribed particulars unless –
  - (a) the Superintendent Registrar is satisfied that a lawful impediment to the civil partnership exists; or
  - (b) its issue has been forbidden under Article 6 by any person authorized in that behalf.
- (4) A certificate issued under this Article shall be void after the expiry of 12 months from the day on which notice of the civil partnership is entered into the civil partnership notice book.

### 13 Approved premises

- (1) A civil partnership may be solemnized on authority of a licence only on approved premises.
- (2) The following shall be approved premises for the purposes of this Law –
  - (a) in the case of a specified civil partnership, the premises approved by the Connétable of the parish in which the premises are situated under this Article for the purposes of that civil partnership; and
  - (b) in any case –
    - (i) premises for the time being approved by the Connétable of the parish in which the premises are situated for a specified period under this Article, and
    - (ii) the premises provided for the Superintendent Registrar pursuant to Article 44 of the [Marriage and Civil Status \(Jersey\) Law 2001](#).
- (3) The Minister shall by Order establish a scheme for the approval of premises for a specified civil partnership or for a specified period.
- (4) An Order made under paragraph (3) may include provision –
  - (a) for the kinds of premises in respect of which approvals may be granted;
  - (b) for the procedure to be followed in relation to applications for approval;
  - (c) for the considerations to be taken into account by a Connétable in determining whether to approve any premises;
  - (d) for the duration and renewal of approvals;
  - (e) for the conditions that shall or may be imposed on the grant or renewal of approvals;
  - (f) for the determination and charging of fees in respect of applications for and the grant of the approval of premises and in respect of renewals of approvals;
  - (g) for the circumstances in which approvals shall or may be revoked;
  - (h) for the review of any decision to refuse approval or the renewal of approval, to impose conditions on the grant or renewal of approval or to revoke approval;
  - (i) requiring a Connétable to inform the Superintendent Registrar of the grant, renewal or revocation by the Connétable of any approval;
  - (j) requiring the Superintendent Registrar to maintain a register of approved premises and make the register available for public inspection.
- (5) Premises that –
  - (a) are used solely or mainly for religious purposes; or

- (b) have been so used and have not subsequently been used solely or mainly for other purposes,  
may not be approved premises.

#### **14 Solemnization of civil partnership on approved premises**

- (1) Where a notice of civil partnership and a licence state that a civil partnership between the persons named in those documents is intended to be formed on approved premises also named in those documents, the civil partnership may be solemnized on those premises in accordance with this Article.
- (2) A civil partnership formed on approved premises shall be solemnized –
  - (a) between the hours of 8 a.m. and 7 p.m.;
  - (b) in the presence of 2 or more witnesses; and
  - (c) by a civil partnership registrar.
- (3) Members of the public shall be permitted to attend freely the solemnization of a civil partnership on approved premises.
- (4) Where a civil partnership is solemnized on approved premises, each of the persons entering into the civil partnership shall –
  - (a) make the following declaration –  
“I solemnly declare that I know of no lawful reason why I, *AB*, may not join in a civil partnership with *CD*”; and
  - (b) say to the other person –  
“I call upon the persons here present to witness that I, *AB*, take you, *CD*, to be my lawful civil partner”.
- (5) No religious service shall be used at the solemnization of a civil partnership on approved premises.
- (6) The Superintendent Registrar may charge such fees as may be prescribed for the solemnization of a civil partnership by a civil partnership registrar on approved premises and, in the case of a civil partnership on the premises provided for the Superintendent Registrar, for the use of those premises.
- (7) Nothing in this Article shall be construed as requiring a civil partnership registrar to solemnize a civil partnership on any approved premises on a particular day or at a particular time.
- (8) The States may by Regulations amend paragraph (2)(a) so as to vary the hours between which a civil partnership may be solemnized.

#### **15 Civil partnership of person incapacitated by illness or disability**

- (1) This Article applies where persons intending to form a civil partnership on the authority of a licence wish, by reason that one of them is incapacitated by illness or disability, to solemnize their civil partnership at the place where the incapacitated person is.

- (2) The notice of civil partnership shall be accompanied by a medical statement in the prescribed form made, not more than 14 days before the date on which the notice is given, by a registered medical practitioner of his or her opinion that, at the time he or she makes the statement –
  - (a) the incapacitated person, by reason of illness or disability, ought not to be moved from the place where he or she is at that time; and
  - (b) it is likely to be the case for at least the following 3 months that, by reason of the illness or disability, he or she ought not to move or be moved from that place.
- (3) A civil partnership may be solemnized pursuant to this Article by a civil partnership registrar.
- (4) The Superintendent Registrar shall keep the medical statement with the notice of civil partnership and, when entering the particulars contained in the notice of civil partnership in the civil partnership notice book, shall also enter the fact that the medical statement has been given.
- (5) Despite Article 13(1), where paragraph (2) has been complied with, the Superintendent Registrar may, if the Superintendent Registrar considers it appropriate to do so, issue a licence under Article 9 authorizing the solemnization of the civil partnership at the place where the incapacitated person is, which shall be named in the licence.
- (6) Where the civil partnership is solemnized in a place where the incapacitated person is, Article 14(2) to (7) shall apply as if any references in them to approved premises were references to the place where the incapacitated person is.

## **16 Delegates of Superintendent Registrar**

- (1) The Minister may, upon the recommendation of the Superintendent Registrar, appoint one or more persons to act as delegate of the Superintendent Registrar for the purpose of enabling civil partnerships to be solemnized on approved premises by persons other than the Superintendent Registrar.
- (2) Subject to paragraph (4), an appointment shall have effect for 3 years beginning on the date it is made by the Minister.
- (3) Upon appointing a person as delegate, the Minister shall direct the Superintendent Registrar to enter in the register of delegates –
  - (a) the name of the person so appointed; and
  - (b) the date the appointment is made by the Minister.
- (4) The Minister may, at any time, upon the recommendation of the Superintendent Registrar –
  - (a) cancel the appointment of a person as a delegate; and
  - (b) direct the Superintendent Registrar to enter in the register of delegates the date of cancellation by the Minister.
- (5) A delegate shall –



- (a) take an oath before the Court to well and faithfully perform the duties imposed on him or her by and under this Law; and
- (b) solemnize such civil partnerships and carry out such duties relating to the solemnization or registration of civil partnerships as the Superintendent Registrar directs.

## **17 Keeping of book and registers relating to civil partnership**

- (1) The Superintendent Registrar shall keep –
  - (a) a civil partnership notice book for the purposes of Article 7;
  - (b) a register of approved premises for the purposes of Article 13; and
  - (c) a register of delegates appointed under Article 16.
- (2) The book and registers kept under this Article shall be open to public inspection free of charge during normal working hours.
- (3) The registers to be kept under this Article shall be kept in permanent form, which may include their maintenance in an electronic form.

## **18 Duty to record and register civil partnerships**

- (1) A civil partnership registrar shall make a record and a return, in accordance with the prescribed requirements, of every civil partnership that he or she solemnizes.
- (2) The registrar of each parish shall keep a register in which he or she, in accordance with the prescribed requirements, shall register every civil partnership solemnized within the parish of which he or she is registrar.
- (3) The Superintendent Registrar shall supply each registrar with the required number of registers of civil partnerships for the performance of the registrar's duties under this Article.

## **19 Power to ask for particulars of civil partnership**

A person under a duty to register or record the particulars of a civil partnership may require the parties to the civil partnership to provide him or her with those particulars.

## **20 Proof of certain matters not necessary to validity of civil partnership**

Where 2 people have formed a civil partnership with each other in Jersey, it is not necessary in support of the civil partnership to give any proof –

- (a) that before the civil partnership, either of the intended civil partners resided, or resided for any period, at the place stated in the notice of civil partnership to be his or her place of residence; or
- (b) that any person whose consent to the civil partnership was required by Article 5 had given his or her consent,

and no evidence is to be given to prove the contrary in any proceedings touching the validity of the civil partnership.

## **21 Searches**

- (1) Every registrar who keeps a register of civil partnerships under this Law shall, at all reasonable hours, allow searches to be made in any register in his or her keeping and, upon payment of the prescribed fee, shall give a copy certified under his or her hand of any entry in such a register.
- (2) Any person shall be entitled, at any time when the office of the Superintendent Registrar is open for the purpose –
  - (a) upon payment of the prescribed fee, to search the indexes maintained by the Superintendent Registrar under an Order made under Article 25; or
  - (b) upon payment of the prescribed fee, to have a copy, certified under the hand of the Superintendent Registrar, of any entry in a book or register kept by the Superintendent Registrar under this Law.
- (3) A copy of an entry provided in accordance with this Article shall be received as evidence of the civil partnership to which it relates without any further or other proof of the entry.

## **22 Correction of errors in books and registers**

- (1) A person who finds an error, other than a clerical error, in an original entry in a book or register kept under this Law shall bring it to the attention of the Minister, through the intermediary of the Superintendent Registrar.
- (2) Upon being notified of an error, other than a clerical error, the Minister may grant permission for the error to be corrected or, if the Minister thinks fit, refer the matter to the Court, through the intermediary of the Attorney General.
- (3) The Minister shall prescribe procedures for the correction of clerical errors in entries in books and registers kept under this Law, for the correction of discrepancies between original entries and copies thereof and for the correction of errors other than clerical errors, pursuant to permission granted by the Minister or the Court.

## **23 Offences relating to the registration of civil partnership**

- (1) It shall be an offence for a person, knowingly and voluntarily, to make a false declaration or sign any false document or otherwise provide false information for the purpose of giving notice of civil partnership or of obtaining any licence or certificate under this Law or having a civil partnership solemnized.
- (2) It shall be an offence for a person, when entering any caveat under this Law or forbidding the issue of any licence or certificate, knowingly to make a statement that he or she is a person whose consent is required to a civil partnership, when he or she is not.

- (3) It shall be an offence for the Superintendent Registrar, knowingly and voluntarily, to –
  - (a) issue a licence or certificate pursuant to a notice of civil partnership which is void by virtue of Article 7(8) or issue a licence less than 7 days after notice of civil partnership is given or issue a certificate less than 21 days after notice of civil partnership is given;
  - (b) issue a licence or certificate on which a lawful objection has been entered; or
  - (c) register a civil partnership declared void under this Law.
- (4) It shall be an offence for a person, knowingly and voluntarily, to solemnize a civil partnership declared void by this Law.
- (5) It shall be an offence for a person, knowingly and voluntarily, to solemnize a civil partnership on authority of a licence which is void or before the expiry of any period required by this Law to elapse after the issue of the licence and before the solemnization of the civil partnership.
- (6) It shall be an offence for a person, knowingly and voluntarily, to solemnize a civil partnership pursuant to a licence of the Superintendent Registrar –
  - (a) in a place other than the approved premises specified in the notice of civil partnership and licence; or
  - (b) in the case of an incapacitated person, in a place other than the place specified in the notice of civil partnership and licence as being where the incapacitated person is.
- (7) It shall be an offence for a person other than a civil partnership registrar to register a civil partnership on approved premises.
- (8) It shall be an offence for a person other than a civil partnership registrar to register a civil partnership at a place where an incapacitated person is.
- (9) It shall be an offence for a person to –
  - (a) knowingly provide false particulars for the purpose of the registration of a civil partnership under this Law;
  - (b) voluntarily destroy, damage or alter, or cause to be destroyed, damaged or altered, any book, register or document required to be kept by this Law or an Order made under it;
  - (c) forge or cause to be falsely made or forged any book, register or document required to be kept by this Law or an Order made under it or any certified copy of any entry made or document kept under this Law or an Order made under it; or
  - (d) voluntarily make or cause to be made a false entry in a book or register required to be kept by this Law or an Order made under it or certify a copy of such an entry, knowing it to be false.
- (10) It shall be an offence for a person –
  - (a) to refuse or, without reasonable excuse, omit to record or register any civil partnership which he or she is required by this Law or an Order made under it to record or register;

- (b) to register or cause to be registered a civil partnership otherwise than in accordance with the requirements of this Law or an Order made under it;
  - (c) to carelessly lose or damage a book, register or documents that he or she is required by this Law or an Order made under it to keep, or to carelessly allow any such book, register or document to be damaged while in his or her keeping; or
  - (d) to fail, without reasonable excuse, to deliver any book, register or document or make any return that he or she is required to deliver or make by this Law or an Order made under it.
- (11) It shall be an offence for a person, without reasonable cause or excuse, to fail to comply with a requirement imposed by or under this Law or an Order made under it or by any person pursuant to this Law or an Order made under it –
- (a) to provide particulars of a civil partnership; or
  - (b) to complete or deliver any certificate.
- (12) A person guilty of an offence under any of paragraphs (1) to (9) shall be liable to imprisonment for a term of 5 years and to a fine.
- (13) A person guilty of an offence under paragraph (10) shall be liable to a fine of level 3 on the standard scale.
- (14) A person guilty of an offence under paragraph (11) shall be liable to a fine of level 2 on the standard scale.

## **24 Declarations**

Every declaration made for a purpose in this Part, except any declaration made by the Court under Article 8(7), shall contain such information as the Superintendent Registrar may require and shall be made in the prescribed manner.

## **25 Orders concerning registration**

The Minister shall by Order prescribe procedures and requirements for the registration of civil partnerships and for the making of returns of information in connection therewith and in particular, but not by way of limitation, shall require –

- (a) the preparation and delivery of documents prior to, and for the purposes of, the recording of the particulars of a civil partnership;
- (b) the keeping and delivery of books, registers and official documents for the purposes of this Law;
- (c) the making of entries of civil partnerships in books and registers kept under this Law;
- (d) the provision of copies of such entries, on provision of such information and payment of such fee as may be prescribed;
- (e) the making of returns of information to the Superintendent Registrar;

- (f) the keeping of indexes by the Superintendent Registrar of returns of information made to him or her; and
- (g) the making of returns of information by the Superintendent Registrar.

## **26 Duty of Minister**

- (1) The Minister shall, each year, report to the States the number of civil partnerships registered, in the preceding year, under this Law.
- (2) The Minister shall inspect every register kept by a registrar pursuant to this Law at the same time and in accordance with the same cycle as is described in Article 75(2) of the [Marriage and Civil Status \(Jersey\) Law 2001](#) for the purpose of assessing whether the Superintendent Registrar is discharging his or her duties under this Law.
- (3) A registrar shall, when so requested by the Minister, produce to the Minister the registers kept by him or her, for the purposes of the Minister's inspection.

## **PART 2A<sup>2</sup>**

### **TEMPORARY MEASURES DUE TO COVID-19 OUTBREAK**

#### **26A Change to publication requirements for notices of civil partnerships<sup>3</sup>**

- (1) The Superintendent Registrar must publish on the States of Jersey website –
  - (a) a list of notices of civil partnership; and
  - (b) particulars of a notice of civil partnership for which he or she has not yet granted a licence or certificate.
- (2) The Superintendent Registrar is not required to display those notices or particulars in the entrance to or outside the office of the Superintendent Registrar.
- (3) This Article overrides Article 7(7).
- (4) During the period between the commencement of the Covid-19 (Amendments – Extension and Suspension) (Jersey) Regulations 2021 and the expiry of this Part, paragraphs (1) to (3) do not have effect unless there is in force an Order under paragraph (5).<sup>4</sup>
- (5) The Minister may by Order re-instate the effect of paragraphs (1) to (3).<sup>5</sup>
- (6) Before making an Order under paragraph (5) the Minister must –
  - (a) consult the Council of Ministers;
  - (b) obtain the consent of the Minister for Health and Social Services; and
  - (c) be satisfied that it is necessary and proportionate, having regard to the foreseeable risk of the spread of Covid-19 in Jersey, to make the Order.<sup>6</sup>

- (7) Before giving consent under paragraph (6)(b) the Minister for Health and Social Services must consult the Medical Officer of Health.<sup>7</sup>
- (8) Nothing in an Order under paragraph (5) is to be treated as derogating from Article 26I.<sup>8</sup>

## **26B Change to process for declarations and affirmations for licences<sup>9</sup>**

- (1) A person requesting a licence –
  - (a) is not required to comply with Article 9(2); but
  - (b) must comply with this Article.
- (2) This Article is complied with if –
  - (a) over an audio-visual link in which the Superintendent Registrar and the person can see and hear each other, the Superintendent Registrar –
    - (i) positively identifies the person,
    - (ii) sees and hears the person make a solemn declaration that the person believes there is no lawful impediment to the civil partnership being formed, and
    - (iii) sees the person sign the declaration;
  - (b) the person sends the signed declaration to the Superintendent Registrar; and
  - (c) the Superintendent Registrar certifies, on the signed declaration, that sub-paragraph (a) was complied with.
- (3) For the purpose of Article 9(3), a request is deemed to be made in accordance with Article 9 if Article 9(1) and this Article are complied with.
- (4) Paragraphs (1) to (3) do not have effect during any period for which paragraphs (1) to (3) of Article 26A do not have effect.<sup>10</sup>

## **26C Change to process for declarations and affirmations for certificates of civil partnerships<sup>11</sup>**

- (1) A person requesting a certificate of civil partnership –
  - (a) is not required to comply with Article 12(2); but
  - (b) must comply with this Article.
- (2) This Article is complied with if –
  - (a) over an audio-visual link in which the Superintendent Registrar and the person can see and hear each other, the Superintendent Registrar –
    - (i) positively identifies the person,
    - (ii) sees and hears the person make a solemn declaration that the person believes there is no lawful impediment to the civil partnership being formed, and

- (iii) sees the person sign the declaration;
  - (b) the person sends the signed declaration to the Superintendent Registrar; and
  - (c) the Superintendent Registrar certifies, on the signed declaration, that sub-paragraph (a) was complied with.
- (3) For the purpose of Article 12(3), a request is deemed to be made in accordance with Article 12 if Article 12(1) and this Article are complied with.
- (4) Paragraphs (1) to (3) do not have effect during any period for which paragraphs (1) to (3) of Article 26A do not have effect.<sup>12</sup>

#### **26D Ceremonies must comply with guidance<sup>13</sup>**

- (1) This Article applies to a civil partnership registrar who reasonably believes that the arrangements for a civil partnership ceremony that the civil partnership registrar is to solemnize under Article 14 do not or will not comply with any guidance issued by the Superintendent Registrar under Article 26F.
- (2) The civil partnership registrar must take reasonable steps to ensure that the arrangements for the ceremony comply with the guidance.
- (3) If, despite reasonable steps being taken, the civil partnership registrar believes that the arrangements for the ceremony will not comply with the guidance, the civil partnership registrar –
  - (a) must not attend the ceremony;
  - (b) if already in attendance, must not start the ceremony; or
  - (c) if the ceremony has started, must suspend the ceremony (and must not solemnize the civil partnership).
- (4) The civil partnership registrar must inform the Minister for the Environment of any circumstances relating to the ceremony that might constitute a statutory nuisance under Regulation 1A of the [Statutory Nuisances \(Jersey\) Regulations 2017](#).
- (5) In this Article, “arrangements” includes factors (such as the layout of the venue and the number of guests) that influence whether physical distancing and other safety measures can be achieved as well as the conduct of the people attending the ceremony.

#### **26E Suspension of right of public to freely attend civil partnership ceremonies<sup>14</sup>**

Article 14(3) does not apply.

#### **26F Superintendent Registrar may issue guidance<sup>15</sup>**

- (1) The Superintendent Registrar may, in response to the outbreak of Covid-19, publish guidance for any purpose connected with this Law.

- (2) The Superintendent Registrar must publish the guidance in a manner that the Superintendent Registrar considers will be likely to draw the guidance to the attention of any person affected by it.

## **26G Change to approval of premises<sup>16</sup>**

- (1) The Superintendent Registrar may approve premises in accordance with Article 13 and any Order made under that Article.
- (2) References in Article 13 to the Connétable must be read as also referring to the Superintendent Registrar.
- (2A) During the period between the commencement of the Covid-19 (Amendments – Extension, Suspension and Repeal) (Jersey) Regulations 2020 and the expiry of this Part, paragraphs (1) and (2) do not have effect unless there is in force an Order under paragraph (2B).<sup>17</sup>
- (2B) The Minister may by Order re-instate the effect of paragraphs (1) and (2).<sup>18</sup>
- (2C) Before making an Order under paragraph (2B) the Minister must –
- (a) consult the Council of Ministers;
  - (b) obtain the consent of the Minister for Health and Social Services; and
  - (c) be satisfied that it is necessary and proportionate, having regard to the foreseeable risk of the spread of Covid- 19 in Jersey, to make the Order.<sup>19</sup>
- (2D) Before giving consent under paragraph (2C)(b) the Minister for Health and Social Services must consult the Medical Officer of Health.<sup>20</sup>
- (2E) Nothing in an Order under paragraph (2B) is to be treated as derogating from Article 26I.<sup>21</sup>
- (3) A premises provided by the States for use by the Superintendent Registrar is an approved premises.

## **26H Searches of register<sup>22</sup>**

Despite Articles 17(2), 21(1) and (2) –

- (a) the Superintendent Registrar is not required to allow a member of the public to inspect or search a register or index kept by the Superintendent Registrar; but
- (b) the Superintendent Registrar must, upon payment of the fee prescribed in relation to Article 21(2)(a), search a register or index on behalf of a member of the public.

## **26I Expiry of this Part<sup>23</sup>**

This Part expires at the end of 30th September 2022.



## PART 3

### DISSOLUTION, ANNULMENT AND OTHER PROCEEDINGS

#### 27 Jurisdiction

- (1) The Court shall have jurisdiction to entertain proceedings for dissolution of the civil partnership or a legal separation order (“separation order”) in respect of the civil partners if (and only if) –
  - (a) the parties to the civil partnership are domiciled in Jersey on the date when the proceedings are begun; or
  - (b) either of the parties to the civil partnership was habitually resident in Jersey throughout the period of one year ending with that date.
- (2) The Court shall have jurisdiction to entertain proceedings for annulment of the civil partnership if (and only if) –
  - (a) the parties to the civil partnership are domiciled in Jersey on the date when the proceedings are begun; or
  - (b) either of the parties to the civil partnership –
    - (i) was habitually resident in Jersey throughout the period of one year ending with that date, or
    - (ii) died before that date and either was at death domiciled in Jersey, or had been habitually resident in Jersey through the period of one year ending with the date of death.
- (3) The Court shall have jurisdiction to entertain proceedings for death to be presumed and a civil partnership to be dissolved if (and only if) the applicant –
  - (a) is domiciled in Jersey on the date when the proceedings are begun; or
  - (b) was habitually resident in Jersey throughout the period of one year ending with that date.
- (4) The Court shall, at any time when proceedings are pending in respect of which it has jurisdiction by virtue paragraph (1) or (2), of by virtue of this paragraph, also have jurisdiction to entertain other proceedings, in respect of the same civil partnership, for dissolution, separation or annulment of the civil partnership, notwithstanding that jurisdiction would not be exercisable under paragraph (1) or (2).
- (5) The Court shall also have the same power to grant injunctions and other relief in any civil partnership causes, suits and matters as it has under Article 3(2) of the [Matrimonial Causes \(Jersey\) Law 1949](#) in relation to matrimonial causes, suits and matters.
- (6) In the authentication of decrees, orders and other instruments and copies thereof the Judicial Greffier may describe himself or herself as Registrar.
- (7) Any order made or direction given by the Judicial Greffier in pursuance of Rules of Court made under paragraph (6) shall be subject to appeal in the first instance to the Court.

## **28 Grounds of application for dissolution of a civil partnership**

An application for dissolution of a civil partnership may be presented to the Court by either civil partner on the ground that –

- (a) the respondent has since entering into the civil partnership behaved in such a way that the applicant cannot reasonably be expected to live with the respondent;
- (b) the respondent is incurably of unsound mind and has been continuously under care and treatment for a period of at least 5 years immediately preceding the application;
- (c) the parties to the civil partnership –
  - (i) have lived apart for a continuous period of at least one year immediately preceding the application (in this Law referred to as “one year’s separation”) and the respondent consents to the dissolution of the partnership, or
  - (ii) have lived apart for a continuous period of at least 2 years immediately preceding the application (in this Law referred to as “2 years’ separation”); or
- (d) the respondent has deserted the applicant without cause for a period of at least 2 years immediately preceding the application.

## **29 Restrictions on applications for dissolution during first 3 years after creation of civil partnership**

- (1) No application shall be presented to the Court unless at the date of the application 3 years have passed since the date of the formation of the civil partnership.
- (2) The Court may, upon application being made to it in accordance with Rules of the Court, allow an application to be made before 3 years have passed on the ground that the case is one of exceptional hardship suffered by the applicant, or of exceptional depravity on the part of the respondent, but, if it appears to the Court at the hearing of the application that the applicant obtained leave to present the application by any misrepresentation or concealment of the nature of the case, the Court may –
  - (a) if it makes a conditional order, direct that no application to make the order final may be made until after the expiration of 3 years from the date of the formation of the civil partnership; or
  - (b) dismiss the application, without prejudice to any application that may be brought after the expiration of the said 3 years upon the same, or substantially the same, facts as those proved in support of the application so dismissed.
- (3) In determining any application under this Article for leave to apply before the expiration of 3 years from the date of formation of the civil partnership, the Court shall have regard to the interests of any children of the family and to the question whether there is reasonable probability of a reconciliation between the parties before the expiration of the said 3 years.

**30 Duty of Court on application for dissolution of civil partnership**

- (1) On an application for dissolution of a civil partnership, it shall be the duty of the Court to inquire, so far as it reasonably can, into the facts alleged and whether there has been any connivance or condonation on the part of the applicant and whether any collusion exists between the parties and also to inquire into any counter-charge which is made against the applicant.
- (2) Subject to paragraphs (3), (4) and (5) and to Article 31 if the Court is satisfied on the evidence that –
  - (a) the case for the application has been proved; and
  - (b) except in the case of an application presented on either of the grounds of one year's or 2 years' separation, the application is not made in collusion with the respondent,the Court shall make a dissolution order.
- (3) If the Court is not satisfied that the case for the application has been proved, it shall dismiss the application.
- (4) If the Court is not satisfied that the application is not made in collusion with the respondent, it may in its discretion either make a dissolution order or dismiss the application.
- (5) Except in the case of an application made on either of the grounds of one year's or 2 years' separation, the Court shall not be bound to make a dissolution order and may dismiss the application if, in the opinion of the Court –
  - (a) the applicant has delayed unreasonably in making or prosecuting the application; or
  - (b) where the ground of the application is unsoundness of mind or desertion, the wilful neglect or misconduct of the applicant has conduced to the unsoundness of mind or desertion.

**31 Refusal of dissolution of civil partnership in 2 years' separation cases in certain circumstances**

- (1) The respondent to an application for dissolution of a civil partnership in which the applicant alleges 2 years' separation may oppose the application on the ground that the dissolution of the civil partnership would result in grave financial or other hardship to the respondent and that it would in all the circumstances be wrong to dissolve the partnership.
- (2) Where the application for dissolution is opposed by virtue of this Article, then –
  - (a) if the Court finds that the applicant is entitled to rely in support of the application on the applicant's allegation of 2 years' separation and makes no such finding as to any other ground specified in Article 28; and
  - (b) if apart from this Article the Court would make an order for the dissolution of the civil partnership,

the Court shall consider all the circumstances, including the conduct of the parties to the civil partnership and the interests of those parties and of any children or other persons concerned and, if of opinion that the dissolution of the civil partnership would result in grave financial or other hardship to the respondent and that it would, in all the circumstances, be wrong to make the order, it shall dismiss the application.

- (3) For the purposes of this Article, hardship shall include the loss of the chance of acquiring any benefit which the respondent might acquire if the civil partnership were not dissolved.

## **32 Special protection for respondent in separation cases**

- (1) Provision shall be made by Rules of the Court for the purpose of ensuring that in one year's separation cases, where the applicant alleges that the respondent consents to an order being made, that the respondent has been given such information as will enable the respondent to understand the consequences to the respondent of consenting to an order being made and the steps which the respondent must take to indicate that the respondent consents to the making of the order.
- (2) Where in any case the Court has made an order for the dissolution of the civil partnership solely on the ground of one year's separation coupled with the respondent's consent, the Court may, on an application made by the respondent at any time before the order is made final, rescind the order if it is satisfied that the applicant misled the respondent (whether intentionally or unintentionally) about any matter which the respondent took into account in deciding to consent.
- (3) Paragraphs (4) and (5) apply where –
  - (a) the respondent to an application for the dissolution of a civil partnership on the grounds of one year's or 2 years' separation coupled, in the former case, with the respondent's consent to an order being made, has applied to the Court for consideration under paragraph (4) of the respondent's financial position after the dissolution; and
  - (b) the Court has made an order for the dissolution of the civil partnership solely on the ground of one year's separation coupled with the respondent's consent, or solely on the ground of 2 years' separation, as the case may be.
- (4) The Court hearing an application by the respondent under paragraph (3) shall consider all the circumstances, including the age, health, conduct, earning capacity, financial resources and financial obligations of each of the parties, and the financial position of the respondent as, having regard to the dissolution order, it is likely to be after the death of the applicant should the applicant die first; and, subject to paragraph (5), the Court shall not make the order final unless it is satisfied –
  - (a) that the applicant should not be required to make any financial provision for the respondent; or

- (b) that the financial provision made by the applicant for the respondent is reasonable and fair or the best that can be made in the circumstances.
- (5) The Court may if it thinks fit make the order final notwithstanding the requirements of paragraph (4) if –
  - (a) it appears that there are circumstances making it desirable that the order should be made final without delay; and
  - (b) the Court has obtained a satisfactory undertaking from the applicant that the applicant will make such financial provision for the respondent as the Court may approve.

### **33 Separation orders**

- (1) An application for a separation order may be presented to the Court by either civil partner on any ground on which an application for dissolution of the civil partnership might have been made, and where such application is made the duty of the Court on the presentation of an application for a dissolution and the circumstances in which such an application must or may be granted or dismissed shall apply in like manner to an application for separation.
- (2) The Court may, on the application of a civil partner against whom a separation order has been made, reverse the order on the ground that it was obtained in the absence of the applicant or, if desertion was the ground of the separation order, that there was reasonable cause for the alleged desertion.
- (3) The reversal of a separation order shall not affect the rights or remedies which any other person would have had if the order had not been reversed.

### **34 Application for dissolution of civil partnership after grant of separation order**

- (1) A person shall not be prevented from making an application for dissolution of a civil partnership, or the Court from making an order for the dissolution of the civil partnership, by reason only that the applicant has at any time been granted a separation order or an order under the [Separation and Maintenance Orders \(Jersey\) Law 1953](#), upon the same or substantially the same facts as those alleged in the application for dissolution of the civil partnership or proved in support thereof.
- (2) On any such application for dissolution of the civil partnership, the Court may treat the separation order or the order under the [Separation and Maintenance Orders \(Jersey\) Law 1953](#), as the case may be, as sufficient proof of the ground on which it was granted, but the Court shall not make a dissolution order final without receiving the evidence of the applicant.
- (3) For the purposes of the application for an order for the dissolution of the civil partnership a period of desertion immediately preceding the institution of proceedings for a separation order or an order under the [Separation and Maintenance Orders \(Jersey\) Law 1953](#) having the effect of a separation order shall, if the parties have not resumed cohabitation and

the order has been continuously in force since being granted, be deemed immediately to precede the application for the dissolution order.

### **35 Relief to respondent on application for dissolution of civil partnership or separation order**

If, in any proceedings for the dissolution of a civil partnership or a separation order, the respondent in his or her response opposes the application on the ground of unreasonable behaviour or desertion and, in such response requests relief on any such ground, the Court may give to the respondent the same relief to which the respondent would have been entitled if the respondent had presented an application for the dissolution of the civil partnership or a separation order, as the case may be, seeking such relief.

### **36 Decree of annulment**

- (1) The Court may decree the annulment of a civil partnership on any ground on which a civil partnership is by law void or voidable under this Law, or on any of the following grounds –
  - (a) that the civil partnership was formed as a result of fraud, threats or duress by the respondent upon or to the applicant;
  - (b) that either party to the civil partnership was at the time of the formation of the civil partnership suffering from a mental disorder of a kind or to such an extent as to be unfit for civil partnership;
  - (c) that at the time of the formation of the civil partnership the respondent was pregnant;
  - (d) that an interim certificate has, after the formation of the civil partnership, been issued to either civil partner;
  - (e) that either party to the civil partnership satisfies such conditions and has taken such steps, in an approved jurisdiction, for the recognition of his or her change of gender by that jurisdiction as –
    - (i) are prescribed, in respect of that jurisdiction, by Order made by the Chief Minister, or
    - (ii) if no conditions and steps are prescribed under clause (i) in respect of that jurisdiction, satisfy the Court that, but for the fact that the parties are still in a civil partnership (or an equivalent overseas relationship), the change of gender would be recognized by that jurisdiction;
  - (f) that the respondent is a person whose gender at the time of the formation of the civil partnership had become the acquired gender.
- (2) In this Article “approved jurisdiction”, “interim certificate” and a reference to a person’s acquired gender have the same respective meanings as in Article 1 of the [Gender Recognition \(Jersey\) Law 2010](#).
- (3) In any proceedings for annulment of a civil partnership, evidence of the question of gender shall be heard *in camera* unless, in any case, the Court

is satisfied that in the interests of justice any such evidence ought to be heard in open court.

### **37 Bars to relief where civil partnership is voidable**

- (1) The Court shall not make an annulment order on the ground that a civil partnership is voidable if the respondent satisfies the Court –
  - (a) that the applicant, with knowledge that it was open to the applicant to obtain an annulment order, acted in relation to the respondent in such a way as to lead the respondent reasonably to believe that the applicant would not seek to do so; and
  - (b) that it would be unjust to the respondent to make the order.
- (2) Without prejudice to paragraph (1), the Court shall not grant a decree of annulment on the ground mentioned in Article 36(1)(d) unless it is satisfied that proceedings were instituted within 6 months of the date of issue of the interim certificate.
- (3) Without prejudice to paragraph (1), the Court shall not make an annulment order by virtue of Article 36(1)(b) or (c) unless it is satisfied that –
  - (a) the applicant was at the time of the formation of the civil partnership ignorant of the facts alleged;
  - (b) that the proceedings were instituted within a year from the date of the formation of the civil partnership; and
  - (c) sexual intercourse with the consent of the applicant has not taken place since the discovery by the applicant of the existence of the grounds for an order.

### **38 Proceedings for presumption of death and dissolution of civil partnership order**

- (1) Any civil partner who alleges that reasonable grounds exist for supposing that the other party to the civil partnership is dead may make an application to the Court to have it presumed that the other party is dead and to have the civil partnership dissolved, and the Court, if satisfied that such reasonable grounds exist, may make a presumption of death order.
- (2) In any such proceedings, the fact that for a period of 7 years or more the other party to the civil partnership has been continuously absent from the applicant and the applicant has no reason to believe that the other party has been living within that time shall be evidence that the other civil partner is dead, until the contrary is proved.

### **39 Conditional orders**

- (1) Every order for the dissolution of a civil partnership or for annulment of the civil partnership or of presumption of death shall, in the first instance, be a conditional order and shall not be made final until after the expiration of such period, not exceeding 6 months, from the pronouncing thereof, as

may be prescribed by Rules of Court, provided that the Court may, in any particular case, fix a shorter period where it considers it proper to do so.

- (2) After the making of a conditional order and before the order is made final, any person (including the Attorney General) may, in a manner prescribed by Rules of Court, show cause why the order should not be made final by reason of the order having been obtained by collusion or by reason of material facts not having been brought before the Court, and in any such case the Court may –
  - (a) make the order final;
  - (b) reverse the conditional order;
  - (c) require further inquiry; or
  - (d) otherwise deal with the case as the Court thinks fit.
- (3) Where a conditional order has been made and no application for the order to be made final has been made by the party who obtained the conditional order then, at any time after the expiration of 3 months from the earliest date on which that party could have made such an application, the party against whom the conditional order has been made may apply to the Court and the Court shall, on such application, have power to –
  - (a) make the order final;
  - (b) reverse the conditional order;
  - (c) require further inquiry; or
  - (d) otherwise deal with the case as the Court thinks fit.

#### **40 Duties of Attorney General**

- (1) In the case of any application for the dissolution of the civil partnership or for an annulment or presumption of death order –
  - (a) the Court may, if it thinks fit, direct all necessary papers in the matter to be sent to the Attorney General who shall argue before the Court any question in relation to the matter which the Court deems to be necessary or expedient to have fully argued;
  - (b) any person may at any time during the progress of the proceedings or before the conditional order is made final give information to the Attorney General of any matter material to the due decision of the case, and the Attorney General may thereupon take such steps as the Attorney General considers necessary or expedient;
  - (c) if, in consequence of any such information or otherwise, the Attorney General suspects –
    - (i) that the order may be obtained contrary to the justice of the case, or
    - (ii) that material facts are not before the Court,the Attorney General may, after obtaining the leave of the Court, intervene and summon witnesses to prove any allegations which the Attorney General may think fit to make.



- (2) The Attorney General shall be entitled to charge the costs of the proceedings as part of the expenses of the Attorney General's office.

#### **41 Provisions as to costs where Attorney General intervenes or shows cause**

- (1) Where the Attorney General intervenes or shows cause against a conditional order in any proceedings for the dissolution of a civil partnership or for an annulment or presumption of death order, the Court may make such order as to the payment by other parties to the proceedings of the costs incurred by the Attorney General in so doing, or as to the payment by the Attorney General of any costs incurred by any of the said parties by reason of the Attorney General's so doing, as may seem just.
- (2) So far as the reasonable costs incurred by the Attorney General in so intervening or showing cause are not fully satisfied by any order made under this Article for the payment of the Attorney General's costs, the Attorney General shall be entitled to charge the difference as part of the expenses of the Attorney General's office, and any costs which under any order made by the Court under this Article the Attorney General pays to any parties shall be deemed to be part of the expenses of the Attorney General's office.

#### **42 Power to allow intervention on terms**

In every case in which the Court considers, in the interest of any person not already a party to the proceedings, that that person should be made a party to the proceedings, the Court may, if it thinks fit, allow that person to intervene upon such terms, if any, as the Court thinks just.

#### **43 Abatement of proceedings**

Without prejudice to the operation of any rule of law governing the abatement of any other proceedings under this Law, where a conditional order has been made in proceedings for the dissolution of the civil partnership or for an annulment order, the proceedings shall be abated if the applicant or the respondent dies before the conditional order is made final.

#### **44 Provision for children**

- (1) In any proceedings for the dissolution of a civil partnership or for a separation or annulment order, the Court may from time to time, either before or after the final order, make such provision as appears just with respect to the maintenance of any children of the family in relation to the parties to the civil partnership which is the subject of the proceedings.
- (2) Subject to paragraph (3), on making an order for the dissolution of the civil partnership, or an annulment or separation order or at any time thereafter, whether before or after the order has been made final, the Court shall have power to order either civil partner to secure for the benefit of any children of the family such gross sum of money or annual sum of money as the

Court may deem reasonable, and the Court may for that purpose settle and approve a proper deed or instrument to be executed by all necessary parties.

- (3) The term for which any sum of money is secured for the benefit of a child under paragraph (2) shall not extend beyond the date when the child will attain the age of 21.

#### **45 Restrictions on decrees for dissolution, annulment or separation affecting children**

- (1) In any proceedings for an order for the dissolution of the civil partnership, or for an annulment or separation order, the Court shall consider –
- (a) whether there are any children of the family to whom this Article applies; and
  - (b) where there are any such children, whether (in the light of the arrangements which have been made, or are proposed to be made, for their upbringing and welfare) it should exercise any of its powers under the [Children \(Jersey\) Law 2002](#) with respect to any of them.
- (2) Where it appears to the Court, in any case in which there are any children to which this Article applies, that –
- (a) the circumstances of the case require it, or are likely to require it, to exercise any of its powers under the [Children \(Jersey\) Law 2002](#) with respect to any such child;
  - (b) it is not in a position to exercise that power or (as the case may be) those powers, without giving further consideration to the case; and
  - (c) there are exceptional circumstances which make it desirable in the interests of the child that the Court should give a direction under this Article,
- it may direct that the order for the dissolution of the civil partnership or the annulment order should not be made final, or that the separation order should not be granted, until the Court orders otherwise.
- (3) This Article applies to –
- (a) any children of the family who have not yet reached the age of 16 at the date when the Court considers the case in accordance with the requirements of this Article; or
  - (b) any children of the family who have reached that age at that date and in relation to whom the Court directs that this Article shall apply.

#### **46 Rights of succession etc. on dissolution or annulment of civil partnership**

Where a final order has been made for the dissolution or annulment of a civil partnership, neither of the parties to the civil partnership shall be entitled, upon the death of the other, to any share or interest in the movable estate of the deceased person, or to any rights of dower in the immovable estate of the deceased or any other person.

**47 Power of Court to vary settlements after dissolution or annulment of civil partnership**

- (1) After a final order for the dissolution or annulment of a civil partnership has been made, the Court may, upon the application of either party to the civil partnership which is the subject of such order, or upon the application of any person beneficially interested, cancel, vary or modify, or terminate the trusts of any settlement or terms of separation subsisting between the parties to the civil partnership made –
  - (a) during the subsistence of the civil partnership; or
  - (b) in anticipation of its formation,in any manner which, having regard to the means of the parties, the conduct of either of them insofar as it may be inequitable to disregard it or the interests of any child of the family, appears to the Court to be just.
- (2) The Court may exercise the powers conferred by this Article in relation to –
  - (a) a civil partnership formed outside Jersey, provided it is recognized under this Law; or
  - (b) a settlement or separation agreement made or entered into outside Jersey.

**48 Power of Court to order transfer or settlement of property**

- (1) Where a final order for the dissolution or annulment of a civil partnership, or a separation order, has been made, the Court may, having regard to all the circumstances of the case, including the conduct of the parties to the civil partnership, insofar as it may be inequitable to disregard it, and to their actual and potential financial circumstances, order –
  - (a) that one party to civil partnership transfer to the other party to the civil partnership or to any child of the family, or to such person as may be specified in the order for the benefit of such child or children, any property whether movable or immovable to which the first mentioned party is entitled;
  - (b) that a settlement of any property whether movable or immovable to which one party to the civil partnership is entitled be made to the satisfaction of the Court for the benefit of the other party to the civil partnership or of any child of the family.
- (2) An order made under this Article, in so far as such order relates to a separation order, shall be deemed to be part of the terms of separation between the parties within the meaning of this Law.

**49 Financial provision for party to a civil partnership in cases of dissolution etc.**

- (1) Where an order for the dissolution or annulment of a civil partnership, or a separation order, has been made, the Court may, having regard to all the circumstances of the case, including the conduct of the parties to the civil

partnership insofar as it may be inequitable to disregard it, and to their actual and potential financial circumstances, order –

- (a) that one party to the civil partnership shall pay to the other party to the civil partnership during their joint lives or for such other term as may be specified in the order such annual or other periodic sum for the maintenance and support of that other party as the Court may think reasonable;
  - (b) that one party to the civil partnership shall pay to the other party to the civil partnership such lump sum or sums as the Court may think reasonable whether or not any sum is ordered to be paid under sub-paragraph (a);
  - (c) that security be given for the payment of any sum or sums ordered to be paid under sub-paragraphs (a) and (b).<sup>24</sup>
- (2) Without prejudice to the generality of paragraph (1)(b), an order under this Article that one party to the civil partnership shall pay a lump sum to the other party to the civil partnership –
- (a) may be made for the purpose of enabling that other party to meet any liabilities or expenses reasonably incurred by him or her in maintaining himself or herself or any child of the family before the making of an application for an order under this Article;
  - (b) may provide for the payment of that sum by instalments of such amount as may be specified in the order.
- (3) In making any order under this Article, the Court shall have regard to the benefits accruing to the party in whose favour such order is made under any other order made in pursuance of this Law.

## **50 Power of Court to order sale of property**

- (1) Subject to paragraph (7), where the Court makes an order under Article 47, 48 or 49 then, on making that order or at any time thereafter, the Court may make a further order for the sale of such property as may be specified in the order, being property in which or in the proceeds of sale of which either or both of the parties to the civil partnership has or have a beneficial interest, either in possession or reversion.
- (2) Any order made under paragraph (1) may contain such consequential or supplementary provisions as the Court thinks fit and, without prejudice to the generality of paragraph (1), may include –
  - (a) provision requiring the making of a payment out of the proceeds of sale of the property to which the order relates; and
  - (b) provision requiring any such property to be offered for sale to a person, or class of persons, specified in the order.
- (3) Where an order is made under paragraph (1) on or after an order for the dissolution or annulment of the civil partnership, the order shall not take effect until the making of a final order for the dissolution or annulment of the civil partnership.

- (4) Where an order is made under paragraph (1), the Court may direct that the order, or such provision of it as the Court may specify, shall not take effect until the occurrence of an event specified by the Court or the expiration of a period so specified.
- (5) Where an order under paragraph (1) contains a provision requiring the proceeds of sale of the property to which the order relates to be used to secure periodical payments to a person who is a party to the civil partnership, the order shall cease to have effect on the formation of a subsequent civil partnership or marriage by that person, or death of that person.
- (6) Where a party to a civil partnership has a beneficial interest in any property, or in the proceeds of sale thereof, and some other person who is not a party to the civil partnership also has a beneficial interest in that property or in the proceeds of sale of it, then, before deciding whether to make an order under paragraph (1) in relation to that property, it shall be the duty of the Court to give that other person an opportunity to make representations with respect to the order.
- (7) Paragraph (1) shall not apply in the case of an order made under Article 49(1)(a) unless in such case an order is also made under Article 49(1)(c).
- (8) In this Article a reference to property shall be construed as a reference to property whether movable or immovable.

## **51 Contributions for support: interim orders**

On any application for the dissolution or annulment of a civil partnership, or for a separation order, the Court may, if it thinks fit, by interim order direct one party to the civil partnership to pay to the other party to the civil partnership such sums for the maintenance and support of that other party as the Court thinks just, and any such interim order shall remain in force until it is discharged by the Court or until the Court makes a definitive order in respect of it or until the relief sought in the application is refused.

## **52 Payment of contributions for support to persons having charge of respondent of unsound mind**

Where an order for the dissolution or annulment of a civil partnership, or for a separation order is granted to a civil partner on the ground of the unsoundness of mind of the other party, the Court may direct that any payments of contributions for support which, under Article 49 or 51, it orders to be made shall be made to such persons having charge of the other party as the Court directs.

## **53 Power to vary orders**

- (1) The Court may from time to time rescind, discharge or vary any order made under Article 44, 47, 48, 49, 50 or 51 or suspend any of the provisions of the order temporarily or revive the operation of any of the provisions so suspended.

- (2) In exercising the powers conferred by this Article, the Court shall have regard to all the circumstances of the case, including any increase or decrease in the means of either of the parties to the civil partnership.

#### **54 Ascertainment of assets and liabilities of parties**

- (1) For the purposes of Article 44, 47, 48, 49, 51 or 53, the Court may require the civil partners in the proceedings to file a sworn declaration detailing their assets and liabilities and particulars of all charges against such assets.
- (2) The Court may sit *in camera* for the verification of the assets and liabilities of the parties and for the purpose of deciding upon the nature and extent of the order or orders, if any, proper to be made in the case.

#### **55 Execution of instruments by order of the Court**

Where any person neglects or refuses to comply with an order of the Court directing the person to execute or make any conveyance, assignment, or other document or instrument or indorsement, for giving effect to any order of the Court under Article 44, 47, 48, 49, 50 or 53, the Court may, on such terms and conditions, if any, as may be just, order that the conveyance, assignment, or other document or instrument or indorsement, shall be executed, made or done by such person as the Court nominates for the purpose, at the cost of the person in default, or otherwise, as the Court directs, and a conveyance, assignment, document, instrument or indorsement so executed, made or done shall operate and be for all purposes available as if it had been executed, made or done by the person originally directed to execute, make or do it.

#### **56 Death of party after final order for the dissolution or annulment of civil partnership**

- (1) In the event of the death of either of the parties to proceedings for the dissolution or annulment of a civil partnership after the final order has been made but before any definitive order under Article 47, 48 or 49 has been made, the Court may make any such order which it could lawfully have made if such death had not occurred, and the said order shall take effect as if it had been made immediately before the death.
- (2) The Court may make an order under this Article on the application of any person who is, in the opinion of the Court, an interested person, if the Court is satisfied that notice of the proceedings has been given to every person whose interests may be affected by the order or to the attorneys of such persons.

#### **57 Entering into a subsequent civil partnership after dissolution, annulment or presumption of death**

As soon as any order for the dissolution or annulment of a civil partnership has been made final, or where a final presumption of death order is made, either party to the civil partnership –

- (a) if there is no right of appeal against the final order, may form another civil partnership or marry as if the prior civil partnership had been dissolved by death; or
- (b) if there is such a right of appeal, may form a new civil partnership or marry –
  - (i) if no appeal is presented against the final order, as soon as the time for appealing has expired, or
  - (ii) if an appeal is lodged, as soon as the appeal has been dismissed.

## **58 Regulation of reports**

- (1) It shall not be lawful to print or publish, or cause or procure to be printed or published –
  - (a) in relation to any judicial proceedings for dissolution or annulment of a civil partnership or the separation of civil partners, on the ground of the respondent's incurable unsoundness of mind, any particulars whatsoever;
  - (b) in relation to any judicial proceedings for dissolution or annulment of a civil partnership or the separation of civil partners, on any other ground, any particulars other than the following –
    - (i) the names, addresses and occupations of the parties and witnesses,
    - (ii) a concise statement of the charges, defences and counter-charges in support of which evidence has been given,
    - (iii) submissions on any point of law arising in the course of the proceedings and the decision of the Court on it,
    - (iv) the judgment of the Court and observations made by members of the Court in giving judgment,

provided that nothing in this sub-paragraph shall be held to permit the publication of any details or special matter likely to injure public morals.
- (2) A person who acts in contravention of the provisions of this Article shall be guilty of an offence and liable to a fine.
- (3) No person, other than a proprietor, editor, master printer or publisher of a newspaper or other vehicle of publication of the matter in respect of which the prosecution is instituted shall be liable to be convicted under this Article.
- (4) Nothing in this Article shall apply to the printing of any pleadings, transcript of evidence or other document for use in connection with any judicial proceedings or the communication of them to persons concerned in the proceedings, or to the printing or publishing of any copies or report in pursuance of directions of the Court, or to the printing or publication of any matter in any separate volume or part of any bona fide series of law reports which does not form part of any other publication and consists solely of reports of proceedings in Courts of law, or in any publication of

a technical character bona fide intended for circulation among members of the legal or medical professions.

## **PART 4**

### **RECOGNITION OF DISSOLUTION OR ANNULMENT OF CIVIL PARTNERSHIP OR SEPARATION OF CIVIL PARTNERS**

#### **59 Recognition of dissolution, annulment and other proceedings granted in the British Islands**

Subject to Article 66 the validity of an order for the dissolution or annulment of a civil partnership, or for the separation of the civil partners shall, if it has been obtained from a court in any part of the British Islands, be recognized in Jersey.

#### **60 Overseas dissolution, annulment and legal separations**

Articles 61, 62 and 63 shall have effect, subject to Article 66, as respects the recognition in Jersey of the validity of overseas orders for the dissolution or annulment of a civil partnership, or for the legal separation of civil partners, that is to say, dissolutions and legal separations which –

- (a) have been obtained by means of judicial or other proceedings in any country outside the British Islands; and
- (b) are effective under the law of that country.

#### **61 Grounds for recognition**

- (1) The validity of an overseas order for the dissolution or annulment of a civil partnership or legal separation of civil partners shall be recognized if, at the date of the institution of the proceedings in the country in which it was obtained –
  - (a) either civil partner was habitually resident in that country; or
  - (b) either civil partner was a national of that country.
- (2) In relation to a country the law of which uses the concept of domicile as a ground of jurisdiction in matters of dissolution or annulment of civil partnerships, or legal separation of civil partners, paragraph (1)(a) shall have effect as if the reference to habitual residence included a reference to domicile within the meaning of that law.
- (3) In relation to a country comprising territories in which different systems of law are in force in matters of dissolution or annulment of civil partnerships, or legal separation of civil partners, the foregoing provisions of this Article, except those relating to nationality, shall have effect as if each territory were a separate country.



**62 Cross-proceedings and dissolutions or annulment following legal separations**

- (1) Where there have been cross-proceedings, the validity of an overseas dissolution or annulment of a civil partnership, or legal separation of civil partners, obtained either in the original proceedings or in the cross-proceedings shall be recognized if the requirements of Article 61(1)(a) or (b) are satisfied in relation to the date of the institution either of the original proceedings or of the cross-proceedings.
- (2) Where a legal separation of civil partners the validity of which is entitled to recognition by virtue of Article 61 or of paragraph (1) is converted, in the country in which it was obtained, into a dissolution or annulment of the civil partnership, the validity of that dissolution or annulment shall be recognized whether or not it would itself be entitled to recognition by virtue of those provisions.

**63 Proof of facts relevant to recognition**

- (1) For the purpose of deciding whether an overseas dissolution or annulment of a civil partnership or an overseas legal separation of civil partners is entitled to recognition by virtue of the foregoing provisions of this Law, any finding of fact made, whether expressly or by implication, in the proceedings by means of which the dissolution or annulment, or legal separation, was obtained and on the basis of which jurisdiction was assumed in those proceedings shall –
  - (a) if both partners took part in the proceedings, be conclusive evidence of the fact found; and
  - (b) in any other case, be sufficient proof of that fact unless the contrary is shown.
- (2) In this Article “finding of fact” includes a finding that either partner was habitually resident or domiciled in, or a national of, the country in which the dissolution, annulment or legal separation was obtained, and for the purposes of paragraph (1)(a), a partner who has appeared in judicial proceedings shall be treated as having taken part in them.

**64 Certain existing rules of recognition to continue in force**

This Law is without prejudice to the recognition of the validity of dissolutions or nullities of civil partnerships, and legal separations of civil partners, obtained outside the British Islands –

- (a) by virtue of any rule of law relating to dissolutions or nullities, or legal separations, of civil partners obtained in the country of the civil partners’ domicile or obtained elsewhere and recognized as valid in that country; or
- (b) by virtue of any enactment other than this Law,

but, save as aforesaid, no such dissolution or annulment, or legal separation, shall be recognized as valid in Jersey except as provided in this Law.

**65 Non-recognition of dissolution or annulment by third country no bar to subsequent civil partnership or marriage of either party**

Where the validity of a dissolution or annulment of a civil partnership obtained in any country is entitled to recognition by virtue of the foregoing provisions of this Law or by virtue of any rule or enactment preserved by Article 64, neither civil partner shall be precluded from entering into a subsequent civil partnership or marriage in Jersey on the ground that the validity of the dissolution or annulment of the civil partnership would not be recognized in any other country.

**66 Exceptions from recognition**

(1) The validity of –

- (a) an order for the dissolution of a civil partnership, or a separation order in respect of civil partners, granted under the law of any part of the British Islands; or
- (b) the dissolution of a civil partnership, or legal separation of civil partners, obtained outside the British Islands,

shall not be recognized in Jersey if it was granted or obtained at a time when, according to the law of Jersey including its rules of private international law and the provisions of this Law, there was no subsisting civil partnership between the parties.

(2) Subject to paragraph (1), recognition by virtue of this Law or of any rule preserved by Article 64 of the validity of a dissolution of a civil partnership, or legal separation of civil partners, obtained outside the British Islands may be refused if, and only if –

- (a) it was obtained by one civil partner –
  - (i) without such steps having been taken for giving notice of the proceedings to the other civil partner as, having regard to the nature of the proceedings and all the circumstances, should reasonably have been taken, or
  - (ii) without the other civil partner having been given, for any reason other than lack of notice, such opportunity to take part in the proceedings as the civil partner should reasonably have been given; or
- (b) its recognition would manifestly be contrary to public policy.

(3) Nothing in this Law shall be construed as requiring the recognition of any findings of fault made in any proceedings for the dissolution of a civil partnership, or the legal separation of civil partners, or of any maintenance, custody or other ancillary order made in any such proceedings.

**67 Recognition of dissolution, annulment or legal separation obtained before commencement of this Law**

The provisions of this Law relating to overseas dissolutions or nullities of civil partnerships and legal separations of civil partners and other dissolutions, nullities and legal separations obtained outside the British Islands apply to a

dissolution or annulment of a civil partnership or legal separation of civil partners obtained before the date of the commencement of this Article as well as to one obtained on or after that date, and, in the case of a dissolution or legal separation obtained before that date –

- (a) require, or, as the case may be, preclude the recognition of its validity in relation to any time before that date as well as in relation to any subsequent time; but
- (b) do not affect any property rights to which any person became entitled before that date or which apply where the question of the validity of the dissolution, annulment or legal separation has been decided by any competent court in the British Islands before that date.

## PART 5

### SUPPLEMENTARY

#### 68 Service of application

In any proceedings under this Law, any application, notice or other document may be served on the party to be affected thereby, either within or without Jersey, in such manner as may be prescribed by Rules of Court.

#### 69 Rules of Court

The power to make Rules of Court under Article 13 of the [Royal Court \(Jersey\) Law 1948](#) shall include a power –

- (a) to make Rules for the purposes of this Law and proceedings made under this Law; and
- (b) to make provision authorizing the Judicial Greffier to exercise such powers or to discharge such functions of the Court under this Law or under the proviso to Article 3 of the [Separation and Maintenance Orders \(Jersey\) Law 1953](#) as may be prescribed in relation to such proceedings as may be prescribed.

#### 70 Amendment of other enactments

The enactments specified in Schedule 4 are amended in the manner specified in the Schedule.

#### 71 Power to make further provision in connection with civil partnerships

- (1) The States may by Regulations amend this Law so as to permit the solemnization of civil partnerships –
  - (a) in any building used as a place of worship by an established and recognized religion or church;
  - (b) by persons authorized to solemnize civil partnerships in any such building.

- (2) Regulations made under paragraph (1) may include provisions concerning –
  - (a) the registration of a building, or a part of a building, permitted to be used for the solemnization of a civil partnership pursuant to this Law, as amended by paragraph (1);
  - (b) the payment of such fees to the Superintendent Registrar in respect of any application, notice or certificate issued for the registration of such a building, or the attendance of any person at that building, as may be prescribed by Order;
  - (c) the authorization of a person or persons to solemnize or register civil partnerships in such a building;
  - (d) the duties required to be performed by an authorized person in connection with the solemnization of civil partnerships; and
  - (e) any other provision the States consider appropriate for the purposes of paragraph (1).
- (3) The States may by Regulations make such amendments to any enactment, including any provision of Schedule 4 that is not in force, as appear to the States to be expedient –
  - (a) for the general purposes, or any particular purpose, of this Law;
  - (b) in consequence of any provision made by or under this Law; or
  - (c) for giving full effect to this Law or any provision of it.

## **72 Regulations and Orders**

- (1) The Minister (or, in relation to Article 36, the Chief Minister) may by Order prescribe anything that may or shall be prescribed under this Law, other than anything that may be prescribed by Rules of Court.
- (2) The power to make Regulations or Orders includes power to make any supplementary, incidental, consequential, transitional, transitory or saving provision which appear to the States, the Minister or the Chief Minister, as the case may be, to be necessary or expedient for the purposes of the Regulations or Order.

## **73 Citation**

This Law may be cited as the Civil Partnership (Jersey) Law 2012.

**SCHEDULE 1**

(Article 2)

**OVERSEAS RELATIONSHIPS****1 Meaning of overseas relationship**

- (1) For the purposes of this Law an overseas relationship is a relationship which –
- (a) is a specified relationship, or a relationship which meets the general conditions in sub-paragraph (2); and
  - (b) is registered (whether before or after the passing of this Law) with a responsible authority in a country or territory outside Jersey by 2 people –
    - (i) who under the relevant law are of the same sex at the time when they do so, and
    - (ii) neither of whom is already a civil partner or lawfully married.
- (2) The general conditions are that –
- (a) the relationship may not be entered into if either of the parties is already a party to a relationship of that kind or lawfully married;
  - (b) the relationship is of indeterminate duration; and
  - (c) the effect of entering into the relationship is that the parties are –
    - (i) treated as a couple either generally or for specified purposes, or
    - (ii) treated as married.
- (3) In this Schedule “relevant law” means the law of the country or territory where the relationship is registered (including its rules of private international law).

**2 Specified relationships**

- (1) A relationship is a specified relationship if it is registered in a country or territory given in the first column of the table and fits the description given in relation to that country or territory in the second column.

Country or territory	Description
Andorra	unió estable de parella
Australia: Tasmania	significant relationship

Belgium	the relationship referred to as cohabitation légale, wettelijke samenwoning or gesetzliches zusammenwohnen
Belgium	marriage
Canada	marriage
Canada: Nova Scotia	domestic partnership
Canada: Quebec	the relationship referred to as union civile or as civil union
Denmark	registreret partnerskab
Finland	the relationship referred to as rekisteröity parisuhde or as registerad partnerskap
France	pacte civile de solidarité
Germany	Lebenspartnerschaft
Iceland	staðfesta samvist
Luxembourg	the relationship referred to as partenariat enregistré or eingetragene partnerschaft
Netherlands	geregistreerde partnerschap
Netherlands	marriage
New Zealand	civil union
Norway	registrert partnerskap
Spain	marriage
Sweden	registrerat partnerskap
United States of America: California	domestic partnership
United States of America: Connecticut	civil union
United States of America: Maine	domestic partnership
United States of America: Massachusetts	marriage
United States of America: New Jersey	domestic partnership
United States of America: Vermont	civil union

(2) The States may by Regulations amend the list contained in subparagraph (1) by –

(a) adding a relationship;

- (b) amending the description of a relationship; or
- (c) omitting a relationship.

### **3 Overseas relationships treated as civil partnerships**

- (1) Two people are to be treated for the purposes of this Law as having formed a civil partnership as a result of having registered an overseas relationship if, under the relevant law, they –
  - (a) had capacity to enter into the relationship; and
  - (b) met all requirements necessary to ensure the formal validity of the relationship.
- (2) Subject to sub-paragraph (3), the time when they are to be treated for the purposes of this Law as having formed the civil partnership is the time when the overseas relationship is registered (under the relevant law) as having been entered into.
- (3) If the overseas relationship is registered (under the relevant law) as having been entered into before this Schedule comes into force, the time when they are to be treated as having formed a civil partnership is the time when this Schedule comes into force.

### **4 The same-sex requirement**

- (1) Two people are not to be treated for the purposes of this Law as having formed a civil partnership as a result of having registered an overseas relationship if, at the critical time, they were not of the same sex under Jersey law.
- (2) But if a full gender recognition certificate is issued under the Gender (Recognition) (Jersey) Law 2010 to a person who has registered an overseas relationship which is within sub-paragraph (4), after the issue of the certificate the relationship is no longer prevented from being treated as a civil partnership on the ground that, at the critical time, the parties were not of the same sex.
- (3) Sub-paragraph (2) does not apply to an overseas relationship which is within sub-paragraph (4) if either of the parties has formed a subsequent civil partnership or lawful marriage.
- (4) An overseas relationship is within this sub-paragraph if (and only if), at the time mentioned in paragraph 3(2) of this Schedule –
  - (a) one of the parties (“A”) was regarded under the relevant law as having changed gender (but was not regarded under Jersey law as having done so); and
  - (b) the other party was (under Jersey law) of the gender to which A had changed under the relevant law.
- (5) For the purposes of sub-paragraph (1) and (2), the critical time is –
  - (a) except as provided in clause (b), the time when the overseas relationship is registered under the relevant law as having been entered into; or

- (b) if under the relevant law the relationship is registered as having been entered into before this Schedule comes into force, the time when this Schedule comes into force.

## **5 Person domiciled in a British Island**

If an overseas relationship has been registered by a person who was at the time of its registration domiciled in Jersey, the 2 people concerned are not to be treated, for the purposes of this Law, as having formed a civil partnership if, at the time of the registration –

- (a) either of them was under 16 years of age; or
- (b) they would have been within a prohibited degree of relationship under Schedule 2 if they had been registering as civil partners of each other in Jersey.

## **6 The public policy exception**

Two people are not to be treated as having formed a civil partnership as a result of having entered into an overseas relationship if it would be manifestly contrary to public policy to recognize the capacity, under the relevant law, of one or both of them to enter into the relationship.



**SCHEDULE 2**

(Article 4)

**PROHIBITED DEGREES OF RELATIONSHIP**

- 1** Two people are related within a prohibited degree if one falls within the list below in relation to the other –
  - Adoptive child
  - Adoptive parent
  - Child
  - Former adoptive child
  - Former adoptive parent
  - Grandchild
  - Grandparent
  - Parent
  - Parent’s sibling
  - Sibling
  - Sibling’s child.
- 2** In the list “sibling” means a brother, sister, half-brother or half-sister.
- 3** Two people are within a prohibited degree of relationship if one of them falls within the list below in relation to the other, unless –
  - (a) both of them have reached 21 at the time when they become civil partners of each other; and
  - (b) the younger has not at any time before reaching 18 been a child of the family in relation to the other –
    - Child of former civil partner
    - Child of former spouse
    - Former civil partner of grandparent
    - Former civil partner of parent
    - Former spouse of grandparent
    - Former spouse of parent
    - Grandchild of former civil partner
    - Grandchild of former spouse.
- 4** In this Schedule “child of the family”, in relation to another person, means a person who –
  - (a) has lived in the same household as that other person; and
  - (b) has been treated by that other person as a child of his family.

- 5** Two people are within prohibited degrees of relationship if one falls within column 1 of the table below in relation to the other, unless –
- (a) both of them have reached 21 at the time when they become civil partners of each other; and
  - (b) the persons who fall within column 2 are dead.

<b>Relationship</b>	<b>Relevant deaths</b>
Former civil partner of child	The child The child's other parent
Former spouse of child	The child The child's other parent
Parent of former civil partner	The former civil partner The former civil partner's other parent
Parent of former spouse	The former spouse The former spouse's other parent

**SCHEDULE 3<sup>25</sup>**

(Article 5)

**CONSENTS REQUIRED TO THE CIVIL PARTNERSHIP OF A MINOR**

- 1** The consents are –
  - (a) subject to sub-paragraphs (b) to (d), the consent of –
    - (i) each parent (if any) of the minor who has parental responsibility for the minor, and
    - (ii) each guardian (if any) of the minor;
  - (b) where a residence order is in force with respect to the minor, the consent of the person or persons with whom the minor lives, or is to live, as a result of the order (in substitution for the consents mentioned in sub-paragraph (a));
  - (c) where a care order is in force with respect to the minor, the consent of the Minister for Children and Education (in addition to the consents mentioned in sub-paragraph (a)); and
  - (d) where neither sub-paragraph (b) nor (c) applies but a residence order was in force with respect to the minor immediately before the minor reached the age of 16, the consent of the person or persons with whom the minor lives, or was to live, as a result of the order (in substitution for the consent mentioned in sub-paragraph (a)).
- 2** In this Schedule “care order”, “guardian”, “parental responsibility” and “residence order” have the same meaning as in the [Children \(Jersey\) Law 2002](#).

**SCHEDULE 4**

(Article 70)

**AMENDMENT OF OTHER ENACTMENTS****30 Miscellaneous enactments amended**

- (1) ...
- (2) ...
- (3) In Article 5(1)(a) of the Burials and Exhumations (Jersey) Law 2004 after the words “surviving spouse” there shall be inserted the words “or surviving civil partner”.
- (4) ...
- (5) ...

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Civil Partnership (Jersey) Law 2012	<a href="#">L.4/2012</a>	2 April 2012 ( <a href="#">R&amp;O.48/2012</a> )	<a href="#">P.85/2011</a>
Maintenance Orders (Enforcement) (Amendment No. 3) (Jersey) Law 2018	<a href="#">L.6/2018</a>	23 February 2018	<a href="#">P.89/2017</a>
Mental Health and Capacity (Consequential Amendment and Transitional Provision) (Jersey) Regulations 2018	<a href="#">R&amp;O.49/2018</a>	1 October 2018 ( <a href="#">R&amp;O.51/2018</a> )	<a href="#">P.48/2018</a>
States of Jersey (Transfer of Responsibilities and Functions) (Health and Social Services to Children and Housing) Order 2019	<a href="#">R&amp;O.100/2019</a>	9 October 2019	
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>
States of Jersey (Minister for Children and Education, Minister for Housing and Communities and Minister for External Relations and Financial Services) (Jersey) Order 2021	<a href="#">R&amp;O.29/2021</a>	2 March 2021	
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>
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>

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

### Table of Renumbered Provisions

Original	Current
Schedule 4 all provisions except paragraph 30(3)	Spent, omitted

### Table of Endnote References

<sup>1</sup> Article 1	<i>amended by R&amp;O.49/2018</i>
<sup>2</sup> Part 2A	<i>inserted by R&amp;O.66/2020</i>
<sup>3</sup> Article 26A	<i>inserted by R&amp;O.66/2020</i>
<sup>4</sup> Article 26A(4)	<i>inserted by R&amp;O.52/2021</i>
<sup>5</sup> Article 26A(5)	<i>inserted by R&amp;O.52/2021</i>
<sup>6</sup> Article 26A(6)	<i>inserted by R&amp;O.52/2021</i>
<sup>7</sup> Article 26A(7)	<i>inserted by R&amp;O.52/2021</i>
<sup>8</sup> Article 26A(8)	<i>inserted by R&amp;O.52/2021</i>
<sup>9</sup> Article 26B	<i>inserted by R&amp;O.66/2020</i>
<sup>10</sup> Article 26B(4)	<i>inserted by R&amp;O.52/2021</i>
<sup>11</sup> Article 26C	<i>inserted by R&amp;O.66/2020</i>
<sup>12</sup> Article 26C(4)	<i>inserted by R&amp;O.52/2021</i>
<sup>13</sup> Article 26D	<i>inserted by R&amp;O.66/2020, substituted by R&amp;O.83/2020</i>
<sup>14</sup> Article 26E	<i>inserted by R&amp;O.83/2020</i>
<sup>15</sup> Article 26F	<i>inserted by R&amp;O.83/2020</i>
<sup>16</sup> Article 26G	<i>inserted by R&amp;O.83/2020</i>
<sup>17</sup> Article 26G(2A)	<i>inserted by R&amp;O.115/2020</i>
<sup>18</sup> Article 26G(2B)	<i>inserted by R&amp;O.115/2020</i>
<sup>19</sup> Article 26G(2C)	<i>inserted by R&amp;O.115/2020</i>
<sup>20</sup> Article 26G(2D)	<i>inserted by R&amp;O.115/2020</i>
<sup>21</sup> Article 26G(2E)	<i>inserted by R&amp;O.115/2020</i>
<sup>22</sup> Article 26H	<i>inserted by R&amp;O.83/2020</i>
<sup>23</sup> Article 26I	<i>inserted by R&amp;O.83/2020, amended by R&amp;O.115/2020, R&amp;O.52/2021, R&amp;O.127/2021, R&amp;O.35/2022</i>
<sup>24</sup> Article 49(1)	<i>amended by L.6/2018</i>
<sup>25</sup> Schedule 3	<i>amended by R&amp;O.100/2019, R&amp;O.29/2021</i>