



Jersey

L.2/2003

LAW REFORM (MISCELLANEOUS PROVISIONS) (JERSEY) LAW 2003

A **LAW** to abolish the customary law right to bring an action for breach of promise of marriage, subject to a saving for such actions in respect of void marriages; to make provision, upon an agreement to marry being ended, for the return of gifts made by one of them to the other; and for purposes connected therewith.

Adopted by the States 24th September 2002

Sanctioned by Order of Her Majesty in Council 17th December 2002

Registered by the Royal Court 3rd January 2003

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

1 Interpretation

In this Law, “commencement date” means the date this Law comes into force.

2 Agreement to marry unenforceable

- (1) An agreement between 2 persons to marry one another shall not have effect as a contract giving rise to legal rights.
- (2) No cause of action shall lie for breach of such an agreement, whatever the law applicable to it.
- (3) This Article –
 - (a) shall not affect any action commenced before the commencement date; but
 - (b) shall otherwise have effect in relation to agreements entered into before the commencement date.

3 Return of gifts

- (1) A party to an agreement to marry (“the giver”) who makes a gift of property to the other party to the agreement on the express or implied condition that it shall be returned if the agreement is ended shall not be prevented from recovering the property by reason only that the giver ends the agreement.
- (2) The gift of an engagement ring shall be presumed to be an absolute gift.
- (3) The presumption in paragraph (2) may be rebutted by proving that the ring was given on the express or implied condition that it should be returned if, for any reason, the marriage does not take place.

4 Damages for surviving party to void marriage

- (1) Where a person dies after the commencement date (“the deceased”) and is survived by someone (“the survivor”) who, whether before or after the commencement date had, in good faith, entered into a void marriage with the deceased, then, notwithstanding Article 2 of this Law, a cause of action shall continue to accrue to the survivor in damages against the estate of the deceased.
- (2) A cause of action shall not so accrue if the marriage of the deceased and the survivor was dissolved or annulled during the deceased’s lifetime and the dissolution or annulment is recognized by the law of the Island or if the survivor has, during the lifetime of the deceased, entered into a later marriage.

5 Amendment of Customary Law Amendment (Jersey) Law 1948

After Article 1(2) of the Customary Law Amendment (Jersey) Law 1948, as amended,¹ there shall be inserted the following paragraph –

“(2A) Paragraph (2)(b) of this Article shall have effect only for the purposes of the cause of action preserved by Article 4 of the Law Reform (Miscellaneous Provisions) (Jersey) Law 2002.”²”.

6 Citation and commencement

This Law may be cited as Law Reform (Miscellaneous Provisions) (Jersey) Law 2003 and shall come into force on the seventh day following its registration.

C.M. NEWCOMBE

Greffier of the States.

¹ *Tome VII, page 477 and Volume 2001, page 219.*

² *Volume 2003, page 4.*