



Jersey

MARRIAGE AND CIVIL STATUS (AMENDMENT No. 5) (JERSEY) LAW 2023

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Jersey

MARRIAGE AND CIVIL STATUS (AMENDMENT No. 5) (JERSEY) LAW 2023

A LAW to amend further the [Marriage and Civil Status \(Jersey\) Law 2001](#); and for connected purposes.

<i>Adopted by the States</i>	<i>2nd March 2022</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>8th March 2023</i>
<i>Registered by the Royal Court</i>	<i>17th March 2023</i>
<i>Coming into force</i>	<i>24th March 2023</i>

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

PART 1

AMENDMENT OF THE MARRIAGE AND CIVIL STATUS (JERSEY) LAW 2001

1 Marriage and Civil Status Law 2001 amended

This Part amends the [Marriage and Civil Status \(Jersey\) Law 2001](#).

2 Article 1 (interpretation) amended

In Article 1(1) –

- (a) after the definition “acquired gender” there is inserted –
“ “alternative location”, in the case of the solemnization of an intended marriage at an approved open-air location, means an approved location that is not an open-air location, and is the location at which the marriage may be solemnized instead of at the approved open-air location;
“Amendment No. 5 Law” means the Marriage and Civil Status (Amendment No. 5) (Jersey) Law 2023;”;
- (b) in the definitions “authorized civil celebrant” and “authorized religious official” for “under Article 6(3)” there is substituted “under Article 82C(1)”;

- (c) in the definition “child of the family” for “when not of full age” there is substituted “before attaining the age of 18”;
- (d) for the definition “civil marriage celebrant” there is substituted –
“ “civil marriage celebrant” means the Superintendent Registrar or the Deputy Superintendent Registrar acting in relation to the celebration of a marriage or an authorized civil celebrant;”;
- (e) after the definition “civil marriage celebrant” there is inserted –
“ “civil partnership celebrant” means the Superintendent Registrar or the Deputy Superintendent Registrar acting in relation to the solemnization of a civil partnership or an authorized civil celebrant;”;
- (f) for the definition “marriage authority” there is substituted –
“ “marriage authority”, in relation to a jurisdiction outside Jersey, means the person or body responsible for the maintenance of public records of the formation and dissolution of marriages and civil partnerships;”;
- (g) after the definition “officer of the Impôts” there is inserted –
“ “open-air location” means a location that is entirely in the open air or a covered temporary structure that is, at all times, exposed on all sides to the open air;”;
- (h) after the definition “registrar” there is inserted –
“ “relevant registrar” means –
 - (a) in relation to a parish for which the relevant registration duties are for the time being performed by the Superintendent Registrar under Article 41A, the Superintendent Registrar or a Deputy Superintendent Registrar; and
 - (b) in relation to a parish where the relevant registration duties are performed by a registrar appointed by the Connétable, that registrar;“relevant registration duties” means the duties of registering births, deaths, marriages and civil partnerships (and the conversion of marriages to civil partnerships and *vice versa*) and “retained” in relation to those duties means that the duties are performed by a registrar appointed by the Connétable of the parish in which the event being registered takes place;”.

3 Article 3 (restriction on marriage) amended

In Article 3 for paragraphs (3) to (5) there is substituted –

- “(3) A marriage between 2 persons is void if one of them is related to the other in a prohibited degree specified in paragraph 1 of Schedule 1.
- (4) A marriage between 2 persons is void if one of them is related to the other in a prohibited degree specified in paragraph 2 of Schedule 1 unless the younger has not at any time before reaching the age of 18 been a child of the family (within the meaning of paragraph 2(2) of that Schedule) in relation to the other.

- (5) A marriage between 2 persons is void if one of them is related to the other in a prohibited degree specified in an entry in column 1 of the table in paragraph 3 of Schedule 1 unless the persons mentioned in the corresponding entry in column 2 of that table are dead.
- (6) Subject to paragraph (8), a marriage solemnized anywhere in the world after the date of the coming into force of the Amendment No. 5 Law is void if at the time of the solemnization of the marriage –
 - (a) at least one party is domiciled in Jersey; and
 - (b) at least one party is under the age of 18.
- (7) Subject to paragraph (8), a marriage solemnized in Jersey on or after the date of the coming into force of the Amendment No. 5 Law, is void if at the time of the solemnization of the marriage at least one party is under the age of 18.
- (8) Any marriage to which paragraph (6) or (7) applies is not void by reason only of that paragraph if, before the coming into force of the Law mentioned in that paragraph, the parties to the intended marriage –
 - (a) gave notice of intended marriage; or
 - (b) in accordance with Article 18, notified the Superintendent Registrar of a change of date,which would result in the intended marriage being solemnized after the coming into force of that Law.”.

4 Article 4 (marriage of a minor) and Schedule 2 (consents required to the marriage of a minor) deleted

Article 4 and Schedule 2 are deleted.

5 Article 5 (restriction on marriage by conversion) amended

- (1) Article 5 is amended as follows.
- (2) In paragraph (2) –
 - (a) for sub-paragraph (a) there is substituted –

“(a) the civil partnership is between 2 people who are within a prohibited degree of relationship;”;
 - (b) for sub-paragraph (b) there is substituted –

“(b) in the case of a conversion occurring on or after the date of the coming into force of the Amendment No. 5 Law, either party was under the age of 18 at the time of the conversion;”;
 - (c) for sub-paragraph (c) there is substituted –

“(c) in the case of a civil partnership formed before the coming into force of the Amendment No. 5 Law, at the time the civil partnership was formed, either party was under the age of 18 and consent had not been obtained, before the formation of the civil partnership, from a person specified in Schedule 2 to

this Law as it stood at the time the civil partnership was formed;”.

(3) For paragraph (3) there is substituted –

“(3) Any marriage to which paragraph (2)(d) applies is not void by reason only of that paragraph if the younger party to the civil partnership has not, at any time before attaining the age of 18, been a child of the family in relation to the other party.”.

6 Article 6 (persons authorized to solemnize marriages in Jersey) amended

In Article 6, paragraphs (3) and (7) are deleted.

7 Article 7 (marriages according to religious rites: no compulsion to solemnize marriage etc.) substituted

For Article 7 there is substituted –

“7 Religious marriages: no compulsion to solemnize, etc.

(1) This Article applies to –

- (a) a religious organization;
- (b) a clergyman; and
- (c) an authorized religious official.

(2) In the case of an individual, this Article applies to the individual regardless of whether any religious organization to which the individual belongs consents to same sex marriage or to acquired gender marriage.

(3) In the case of –

- (a) a same sex marriage; or
- (b) the marriage of 2 persons, at least one of whom the person to whom this Article applies (or, in the case where that person is a religious organization, the marriage celebrant) reasonably believes to be a person of an acquired gender,

a person to whom this Article applies must not be compelled, in any such case (whether by any provision of this Law, by any requirement imposed by another enactment, or by any other legal requirement, including a term of any contract), to do any of the things listed in paragraph (4) where the reason for not doing such a thing is that the marriage is a same sex marriage or an acquired gender marriage.

(4) The things mentioned in paragraph (3) that a person must not be compelled to do in respect of a same sex marriage, or an acquired gender marriage are –

- (a) solemnizing it;
- (b) attending at it;
- (c) consenting to it;

- (d) applying for authorization for a person to solemnize it; or
- (e) certifying any matter relating to it.

(5) For the avoidance of doubt –

- (a) a person must not be compelled to refrain from doing any of the things listed in paragraph (4); and
- (b) a person may withdraw, and must not be compelled to refrain from withdrawing, a consent or certificate previously given or an application previously made.

(6) Any duty of a clergyman to solemnize marriages (and any corresponding right of persons to have their marriage solemnized by a clergyman) is not extended by this Law to same sex or acquired gender marriages.

(7) In this Article “acquired gender marriage” means a marriage solemnized or to be solemnized between 2 persons at least one of whom is of an acquired gender.”.

8 Article 10 (giving notice of intended marriage and making freedom to marry declaration) amended

In Article 10 –

- (a) in paragraph (8), after “A notice of intended marriage form”, there is inserted “and the notices of intended marriage book”;
- (b) in the declaration set out in paragraph (9) for “before attaining full age” there is substituted “before attaining the age of 18”.

9 Article 11 (publication of notice of intended marriage and entry in notices of intended marriage book) amended

In the heading of Article 11 “and entry in notices of intended marriage book” is deleted.

10 Article 12 (caveat against issue of marriage schedule or certificate of no impediment to marriage) amended

For Article 12(6) and (7) there is substituted –

“(6) Where a caveat is entered against a marriage on the ground that the persons to be married are not both at least 18, even if the caveat is withdrawn by the person who entered it, the Superintendent Registrar must not issue a marriage schedule or certificate of no impediment to marriage unless satisfied, by the production of evidence, that the persons to be married are both aged at least 18.

(6A) Where a caveat is entered against a marriage on the ground that one of the persons to be married has, at any time before attaining the age of 18, 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 must not issue a marriage schedule or a certificate of no impediment to marriage unless a declaration is

obtained from the Inferior Number of the Royal Court under paragraph (7).

- (7) In the case falling within paragraph (6A), one or both of the persons to be married may apply to the Inferior Number of the Royal Court for a declaration to the effect that neither of them has, at any time before attaining the age of 18, been a child of the family in relation to the other and, accordingly, that there is no impediment (on the ground referred to in paragraph (6A)) to the solemnization of the marriage.”.

11 Article 13 (forbidding of issue of marriage schedule or certificate of no impediment to marriage) deleted

Article 13 is deleted.

12 Article 14 (marriage in Jersey by non-Jersey resident: certificate of freedom to marry issued by other authority) amended

In Article 14 –

- (a) for paragraph (4)(a) to (c) there is substituted –
- “(a) include the full names of the parties to the intended marriage and the approved location where the marriage is intended to be solemnized;
 - (b) be issued not more than 3 months before the intended date for solemnization of the marriage; and
 - (c) if it contains a date of expiry, contain a date that falls after the intended date of the solemnization of the marriage.”;
- (b) after paragraph (4) there is inserted –
- “(4A) If the approved location which is included under paragraph (4)(a) is an open-air location, the certificate of freedom to marry may include an alternative location.”;
- (c) for paragraph (6) there is substituted –
- “(6) The Superintendent Registrar may refuse to issue a marriage schedule in respect of any person intending to marry in Jersey who fails to deliver to the Superintendent Registrar a valid certificate of freedom to marry required under paragraph (1) or (2) unless the Superintendent Registrar is satisfied –
- (a) that the failure is beyond the control of the person in respect of whom the requirement applies; or
 - (b) that the marriage authority referred to in paragraph (1) or (2) does not issue such certificates.”.

13 Article 15 (issue of marriage schedule) amended

In Article 15 –

- (a) in paragraph (1), for “Where a marriage is intended to be solemnized in Jersey one of the parties”, there is substituted “Where, under this

Part, a marriage is intended to be solemnized in Jersey, one of the parties”;

(b) after paragraph (3)(b) there is inserted –

“(ba) if the notice of intended marriage form included the particulars of an open-air location as well as an alternative location, both parties to the intended marriage have confirmed which of those 2 approved locations is to be the location at which the marriage is to be solemnized;

(bb) the Superintendent Registrar has endorsed a note upon the published notice of intended marriage, the notices of intended marriage book and on any electronic records so as accurately to record the approved location confirmed under sub-paragraph (ba);”;

(c) for paragraph (5) there is substituted –

“(5) Subject to paragraphs (3) and (4), the Superintendent Registrar must issue the marriage schedule to the marriage celebrant unless any lawful impediment has been shown to the satisfaction of the Superintendent Registrar.”;

(d) in paragraph (9) –

(i) for “from” there is substituted “form”,

(ii) for “the Superintendent” there is substituted “the Superintendent Registrar”.

14 Article 16 (issue of certificate of no impediment by Superintendent Registrar for marriage outside Jersey) amended

In Article 16 –

(a) in paragraph (3), immediately before sub-paragraph (a) there is inserted –

“(aa) the Superintendent Registrar is satisfied that both parties to the marriage will be aged 18 or over when the marriage is solemnized;”;

(b) paragraph (4)(b) is deleted.

15 Article 17 (solemnization of marriage) amended

In Article 17(1) after “is subject” there is inserted “to”.

16 Article 18 (changes to date, time or location of intended marriage) amended

In Article 18 –

(a) for paragraph (1) there is substituted –

“(1) Subject to Article 24, if the parties to an intended marriage wish to change the date or time of the marriage contained in the notice of intended marriage, both parties must notify the Superintendent Registrar in writing –

- (a) in the case of a change of time, not later than 25 clear days before the date of the intended marriage;
 - (b) in the case of a change of date which is earlier than the date contained in the notice of intended marriage, not later than 25 clear days before the new date of the intended marriage;
 - (c) in the case of a change of date which is later than the date contained in the notice of intended marriage, not later than 25 clear days before the date contained in the notice of intended marriage.”;
- (b) in paragraph (2) –
 - (i) for “change the location” there is substituted “change the approved location, or alternative location,”;
 - (ii) for “the new location” there is substituted “the new approved location, or new alternative location,”;
 - (c) in paragraph (3) for “shall” there is substituted “must”.

17 Article 21 (issue of conversion declaration form) amended

In Article 21 –

- (a) in the heading, for “conversion declaration form” there is substituted “conversion schedule”;
- (b) in paragraph (1) –
 - (i) for “conversion declaration form” there is substituted “conversion schedule”;
 - (ii) for “parties to the marriage” there is substituted “parties to the civil partnership”;
- (c) in paragraph (3) –
 - (i) in the opening words for “conversion declaration form” there is substituted “conversion schedule”;
 - (ii) in sub-paragraph (a), after “intended conversion have” there is inserted “, during the period specified in paragraph (1),”;
 - (iii) “and” following sub-paragraph (a) is deleted;
 - (iv) after sub-paragraph (a) there is inserted –
 - “(ab) both parties to the intended conversion have confirmed the location of the solemnization of the marriage by conversion;”;
- (d) in paragraph (4) –
 - (i) in sub-paragraph (a) for “party to the marriage” there is substituted “party to the civil partnership”;
 - (ii) in sub-paragraph (b) for “conversion declaration form” there is substituted “conversion schedule”;
- (e) in paragraph (5) –
 - (i) for “conversion declaration form” there is substituted “conversion schedule”;
 - (ii) for “parties to the marriage” there is substituted “parties to the civil partnership”;

- (f) in paragraph (6) –
 - (i) in the opening words, for “conversion declaration form” there is substituted “conversion schedule”,
 - (ii) in sub-paragraph (a) for “the registrar of the parish” there is substituted “the relevant registrar”.

18 Article 22 (marriage by conversion) amended

In Article 22 –

- (a) in paragraph (2), for “in the presence of” there is substituted “by”;
- (b) in paragraph (4), for “before the” there is substituted “by”;
- (c) at the beginning of paragraph (6), there is inserted “Subject to paragraphs (7) and (8),”;
- (d) in paragraph (7), “, if satisfied that the content of the marriage ceremony does not contravene paragraph (6),” is deleted.

19 Article 23 (approved locations) amended

In Article 23 –

- (a) in paragraph (13) for “usual public places” there is substituted “usual places”;
- (b) in paragraph (14) for “certified as a place” there is substituted “certified as a usual place”;
- (c) in paragraph (15)(a) for “a place of public religious worship” there is substituted “a usual place of public religious worship”.

20 Article 24 (marriage: special circumstances) amended

In Article 24 –

- (a) in paragraph (1) for “solemnize their marriage”, in each place, there is substituted “have their marriage solemnized”;
- (b) in paragraph (1)(d) for “time or location” there is substituted “time, approved location or alternative location”;
- (c) for paragraph (2)(b) there is substituted –
 - “(b) whether before or after the delivery of an application for a notice of intended marriage under Article 8, or conversion under Article 19, one or both of the parties to the intended marriage are, or become, physically incapacitated such that it would be impossible to solemnize the marriage in an approved location;”;
- (d) in paragraph (2) –
 - (i) in sub-paragraph (d) for “Mental Health (Jersey) Law 1969” there is substituted “[Mental Health \(Jersey\) Law 2016](#)”;
 - (ii) in sub-paragraph (e) for “the approved location” there is substituted “the location”.

21 Article 24A (retention of marriage schedule or conversion declaration form) substituted

For Article 24A there is substituted –

“24A Retention of marriage schedule or marriage conversion schedule

- (1) A marriage celebrant must return each marriage schedule, marriage conversion schedule, marriage certificate and signature verification form to the Superintendent Registrar as soon as reasonably practicable after the solemnization of a marriage.
- (2) If the relevant registration duties are retained by the parish in which a marriage is solemnized or converted –
 - (a) the Superintendent Registrar must, as soon as reasonably practicable upon receipt of the marriage schedule or marriage conversion schedule –
 - (i) complete the entries in the copy marriage register or copy marriage conversion register held by the Superintendent Registrar in respect of the marriage to which the marriage schedule or marriage conversion schedule (as the case requires) relates with the particulars contained in the schedule, and
 - (ii) return the original marriage schedule or marriage conversion schedule to the registrar of the parish in which the marriage was solemnized or converted; and
 - (b) the registrar of the parish must keep registers recording –
 - (i) in date order in which each marriage is solemnized, particulars of all marriages solemnized in his or her parish, and
 - (ii) in date order in which each civil partnership is converted to a marriage, particulars of all conversions occurring in his or her parish.
- (3) The Superintendent Registrar must pay a registrar the prescribed fee –
 - (a) for each marriage or conversion which the registrar records under paragraph (2)(b); and
 - (b) for the provision of registers and returns.
- (4) If the relevant registration duties are not retained by a parish the Superintendent Registrar –
 - (a) must keep for that parish –
 - (i) a register of marriages, and
 - (ii) a register of marriage conversions; and
 - (b) must, as soon as reasonably practicable, record in the applicable register for the parish –
 - (i) in date order in which each marriage is solemnized, the particulars contained in the marriage schedule, and

- (ii) in date order in which each civil partnership is converted to a marriage, the particulars contained in the conversion schedule.”.

22 Article 24B (keeping of information, books, indexes, registers etc. relating to marriage) amended

In Article 24B –

- (a) in paragraphs (1) and (2) for “The Superintendent Registrar shall” there is substituted “The Superintendent Registrar must”;
- (b) in paragraph (2), sub-paragraphs (f) and (g) are deleted;
- (c) after paragraph (2) there is inserted –

“(2A) The Superintendent Registrar must keep in such form as the Superintendent Registrar decides –

- (a) a copy of the entries in the marriage registers held by each registrar and by each incumbent of an Anglican Church in which marriages may be solemnized;
 - (b) a copy of each marriage certificate or marriage conversion certificate signed by the parties to the marriage and the person officiating.
- (d) in paragraph (3) for “paragraph (2)” there is substituted “paragraphs (2) and (2A)”;
 - (e) for paragraph (4) there is substituted –

“(4) In relation to a parish where the relevant registration duties are performed by the Superintendent Registrar, the Superintendent Registrar must keep up to date and in such form and manner as he or she may determine, and containing the prescribed details –

- (a) a register of all marriages that took place in the parish before the coming into force of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018; and
- (b) the marriage schedules and conversion schedules in respect of all marriages that take place in that parish.

(4A) In relation to a parish where the relevant registration duties are retained by the parish, the registrar must keep up to date and in such form and manner as the Superintendent Registrar may by notice require and containing the prescribed details –

- (a) a register of all marriages that took place in the parish before the coming into force of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018; and
- (b) the marriage schedules and conversion schedules in respect of all marriages that take place in that parish.”;

- (f) in paragraph (5) for “their maintenance” there is substituted “their being kept”.

23 Article 24D (proof of certain matters not necessary to validity of marriages) amended

Article 24D(1)(b) is deleted.

24 Article 24E (marriages void under Part 2 of the Law) amended

In Article 24E(i), in both places, for “place” there is substituted “location”.

25 Article 34 (places in which marriage may be solemnized by ordinary licence) amended

In the heading to Article 34 for “Places” there is substituted “Parish churches”.

26 Article 35 (requirements for grant of licence) amended

In Article 35 –

(a) for paragraph (1) there is substituted –

“(1) The Dean must not grant any licence unless one of the persons to be married has sworn before the Dean that the person believes that there is no impediment of kindred or alliance or any other lawful cause, nor any suit commenced in any court, to bar or hinder the solemnization of the marriage in accordance with the licence.”;

(b) in paragraph (2) for “shall not” there is substituted “must not”;

(c) for paragraph (3) there is substituted –

“(3) The Dean must not grant any licence for the solemnization of a marriage to which paragraph 2 of Schedule 1 applies unless the Dean has received a declaration in writing made by each of the persons to be married specifying how they are related and declaring that the younger has not, at any time before attaining the age of 18, been a child of the family in relation to the other.”.

27 Article 36 (caveat against licence of Dean) amended

In Article 36 –

(a) in paragraph (3) for “the Dean shall not” there is substituted “the Dean must not”;

(b) for paragraphs (6) and (7) there is substituted –

“(6) Where a caveat is entered against a marriage on the ground that the persons to be married are not both aged at least 18, the Dean must not issue a licence unless he or she is satisfied, by the production of evidence, that the persons to be married are both aged at least 18 (even if the caveat is withdrawn by the person who entered it).

(6A) Where a caveat is entered against a marriage on the ground that one of the persons to be married has, at any time before attaining the age of 18, been a child of the family in relation to the other, even if the caveat is withdrawn by the person who entered it, the Dean must not issue a licence unless a declaration is obtained from the Inferior

Number of the Royal Court under paragraph (7) (even if the caveat is withdrawn by the person who entered it).

- (7) In the case described in paragraph (6A), one or both of the persons to be married may apply to the Inferior Number of the Royal Court for a declaration to the effect that neither of them has, at any time before attaining the age of 18, been a child of the family in relation to the other and, accordingly, that there is no impediment (on the ground referred to in paragraph (6A)) to the solemnization of the marriage.”.

28 Article 39 (marriages void under Part 3) amended

In Article 39(c) there is deleted “4(8) or”.

29 Article 41A (discharge of registration duties) inserted

After Article 41 there is inserted –

“41A Performance of registration duties under this Law and the [Civil Partnership \(Jersey\) Law 2012](#)

- (1) On the coming into force of this Article, the relevant registration duties for those parishes for which the Superintendent Registrar is, immediately before the commencement of this Article, acting in the capacity of parish registrar under Article 42(8), shall be the duty of the Superintendent Registrar, but subject to paragraph (2).
- (2) A Connétable may, give notice to the Superintendent Registrar in such form and manner as may be prescribed, and expiring not earlier than such time as may be prescribed, that the Connétable –
 - (a) wishes the relevant registration duties to be performed, in respect of the parish, from the expiry of the time specified in the notice, by a parish registrar; or
 - (b) wishes those duties to cease to be performed, in respect of the parish, from the expiry of the time specified in the notice, by a parish registrar and thereafter to be performed by the Superintendent Registrar.
- (3) Where notice is given under paragraph (2), the Minister may by Order make such amendments to this Law or the [Civil Partnership \(Jersey\) Law 2012](#) as appear necessary or expedient to give effect to the transfer of the duties referred to in paragraph (1) which is the subject of the notice.
- (4) Before making an Order under paragraph (3) the Minister must consult the Comité des Connétables.
- (5) For the sake of clarity, a notice under paragraph (2) may only require the transfer of all of the relevant registration duties.”.

30 Article 42 (registrars and deputy registrars) amended

In Article 42 –

- (a) in paragraph (2) for the words preceding sub-paragraph (a) there is substituted –
 - “(2) In each parish in which the relevant registration duties are retained or, pursuant to a notice under Article 41A(2) are to be retained –”;
- (b) for paragraph (8) there is substituted –
 - “(8) The Connétable may appoint the Superintendent Registrar, a registrar, deputy registrar of a different parish or an employee of the parish, to be the registrar or deputy registrar of the parish if –
 - (a) the relevant registration duties are, or by virtue of a notice under Article 41A(2) will be, retained;
 - (b) there is no registrar or deputy registrar in a parish; and
 - (c) it appears to the Connétable, having made such enquiries as the Connétable considers reasonable, that there is no person resident in the parish who is qualified to be appointed to that role by reference to the role description published under Article 42(1) and willing to be so appointed.”.

31 Article 45 (requirement to display name and office) substituted

For Article 45 there is substituted –

“45 Requirement to display name and office

- (1) In a parish where the relevant registration duties are retained, the registrar and each deputy registrar must display, on the exterior of any premises which that person uses as his or her office in that person’s capacity as the registrar or deputy registrar of that parish, a notice stating the person’s name and indicating whether he or she is the registrar or the deputy registrar.
- (2) The Superintendent Registrar must clearly display on the exterior of his or her office –
 - (a) a list of the parishes for which the Superintendent Registrar performs the relevant registration duties; and
 - (b) a list of the names and addresses of all of the registrars and deputy registrars for the parishes in which the relevant registration duties are retained.”.

32 Article 46 (provision of storage) amended

For Article 46 there is substituted –

“46 Provision of storage

- (1) The States must supply to each of the persons specified in paragraph (2) a durable and fire-resistant box in which the registers and other records in that person’s custody for the purposes of this Law and the 2012 Law are to be stored when not in use.
- (2) The persons referred to in paragraph (1) are –

- (a) the registrar of each parish for which the relevant registration duties are for the time being retained; and
- (b) the incumbent of each Anglican church in which marriages may be solemnized.”.

33 Article 47 (provision of registers, forms and certificates) amended

In Article 47(1) and (2) for “each registrar” there is substituted “each registrar of a parish to which Article 41A(2)(a) applies for the time being”.

34 Article 49 (interpretation of Part 5 of the Law) amended

In Article 49(3) for “by the registrar required to register the occurrence” there is substituted “by the relevant registrar”.

35 Article 50 (duty to register births and deaths) substituted

For Article 50 there is substituted –

“50 Duty to register births and deaths

Subject to the other provisions of this Part, if the relevant registrar is informed of the particulars of a birth, stillbirth or death, the relevant registrar must register the birth, stillbirth or death in accordance with the prescribed requirements.”.

36 Article 51 (duty to inform registrar of birth within 21 days) amended

In Article 51 –

- (a) in the heading to the Article for “registrar” there is substituted “relevant registrar”;
- (b) in paragraph (1), for “the registrar” there is substituted “the relevant registrar”;
- (c) in paragraph (1A), after “birth of a child” there is inserted “in a parish for which the relevant registration duties are retained”.

37 Article 52 (restriction on registration of birth after 21 days) amended

In Article 52 –

- (a) in paragraph (2) for “the registrar” there is substituted “the relevant registrar”;
- (b) for paragraph (3) there is substituted –
 - “(3) The informant must –
 - (a) make a solemn declaration, to the best of his or her ability, of the particulars of the birth –
 - (i) in the presence of the Superintendent Registrar, and

- (ii) if the birth took place in a parish where the relevant registration duties are retained, in the presence of the registrar of the parish; and
- (b) unless the birth was not registered within 21 days by reason of any fault of the relevant registrar or the Superintendent Registrar, on payment of the prescribed fee.”.

38 Article 53 (power of Superintendent Registrar to require information about birth) amended

In Article 53(2) for “shall inform the registrar of the parish” there is substituted “must, if the parish has retained the relevant registration duties, inform the registrar of the parish”.

39 Article 54 (restriction on registration of birth after 6 months) amended

In Article 54(3) after “the registrar” there is inserted “or the Superintendent Registrar”.

40 Article 55 (registration of father where parents not married) amended

In Article 55 –

- (a) in paragraph (2) for “the registrar” there is substituted “the relevant registrar”;
- (b) in paragraph (3) for “the registrar” there is substituted “the relevant registrar”;
- (c) in paragraph (4) for “a registrar” there is substituted “the relevant registrar”.

41 Article 56 (re-registration where parents not married) amended

In Article 56 –

- (a) in paragraph (2) for “the registrar” there is substituted “the relevant registrar”;
- (b) in paragraph (3) for “and with the authority of the Superintendent Registrar” there is substituted “, by, or with the authority of, the Superintendent Registrar and on payment of the prescribed fee”;
- (c) in paragraph (4) –
 - (i) for “the registrar” there is substituted “the relevant registrar”, and
 - (ii) after “where” there is inserted “the relevant registration functions are retained for the parish in which the birth occurred, and”;
- (d) in paragraph (5) for “the registrar” there is substituted “a relevant registrar”.

42 Article 57 (re-registration of birth of legitimated person) amended

In Article 57(8) for “the Superintendent Registrar shall direct” there is substituted –

“the Superintendent Registrar shall –

- (a) if the relevant registration duties have not been retained, make an entry in the register for the parish in which the birth took place as if the child had been legitimate at birth and to note the re-registration against the original entry; or
- (b) if the relevant registration duties are retained by the parish, direct”.

43 Article 58 (further registration of name) amended

In Article 58 –

- (a) in paragraph (1) –
 - (i) there is deleted “or, if the child was registered without a name, the child is given a name”,
 - (ii) for “the registrar to register the name as altered or given” there is substituted “the relevant registrar to register the name as altered”;
- (b) in paragraph (2) at the end there is inserted “as a result of the registration”;
- (c) in paragraph (3) –
 - (i) there is deleted “or given”,
 - (ii) for “on payment of a fee not exceeding the prescribed fee” there is substituted “on payment of a fee not exceeding such maximum as may be prescribed.”.

44 Articles 58A and 58B inserted

After Article 58 there is inserted –

“58A Re-registration following giving of name

- (1) This Article applies where, within the period of 3 months following the birth of a child, the birth has been registered but no name has been recorded in the entry relating to the child.
- (2) If the relevant registration duties have been retained in the parish in which the birth occurred, the registrar must inform the Superintendent Registrar of the fact that no name has been recorded in the entry relating to the child.
- (3) On –
 - (a) the expiry of the period mentioned in paragraph (1) if the Superintendent Registrar is the relevant registrar; or
 - (b) on being informed as mentioned in paragraph (2),

the Superintendent Registrar must notify a person whom the Superintendent Registrar knows to have parental responsibility for the child that no name has been recorded in respect of the child and that the person notified must, within one month, comply with paragraph (4).

- (4) A person complies with this paragraph if he or she –
 - (a) notifies the relevant registrar of the name of the child; and
 - (b) pays the prescribed fee.
- (5) If paragraph (4) is not complied with, or the Superintendent Registrar has been unable, despite making reasonable efforts to do so, to contact any person whom the Superintendent Registrar knows to have parental responsibility for the child, the Superintendent Registrar must notify the Minister.
- (6) On receipt of notice under paragraph (5), the Minister must choose a forename for the child and instruct the relevant registrar to enter that forename in the register.
- (7) The relevant registrar must annotate an entry made under paragraph (6) in the margin with the words “Forename(s) chosen by the Minister under Article 58A(6) of the [Marriage and Civil Status \(Jersey\) Law 2001](#)” and must sign and date the entry.

58B Registration: confusing, embarrassing or offensive names

- (1) Paragraph (2) or (4) applies if the relevant registrar considers that a name which a person applying for the registration of a birth, or an amendment of such a registration (such person being referred to below as “the applicant”), seeks to give to a child is one which –
 - (a) might reasonably be expected to cause mistake or confusion as to the child’s identity, or to cause embarrassment to the child;
 - (b) is sought for an improper purpose; or
 - (c) is, for any other reason, objectionable.
- (2) If the relevant registration duties are performed by the Superintendent Registrar and paragraph (1)(a), (b) or (c) applies he or she must –
 - (a) register, or re-register the birth without the name applied for or refuse to amend the existing name recorded in the register; and
 - (b) notify the applicant of the decision.
- (3) In reaching a decision under paragraph (1), the Superintendent Registrar must have regard to –
 - (a) the interests of the child and the applicant; and
 - (b) the public interest.
- (4) If the relevant registration duties are retained by the parish, the registrar of the parish must –
 - (a) having regard to the interests mentioned in paragraph (3)(a) and (b), register, or re-register the birth without the name

- applied for, or refuse to amend the existing name recorded in the register; and
- (b) notify the applicant and the Superintendent Registrar of the decision.
- (5) On receipt of notification under paragraph (4)(b), the Superintendent Registrar must determine whether the decision under paragraph (4) should be confirmed or not, and in doing so must have regard to the interests mentioned in paragraph (3)(a) and(b).
 - (6) The Superintendent Registrar must notify the registrar and the applicant of a determination under paragraph (5).
 - (7) If the Superintendent Registrar makes a decision under paragraph (2)(a) or confirms the decision of the registrar under paragraph (4)(a), the applicant may appeal against the decision to the Minister, who must determine the appeal having regard to the interests referred to in paragraph (3).
 - (8) This Article has effect despite Articles 51, 52, 54, 55, 56, 57, 58 and 59A.”.

45 Article 59 (registration of birth of abandoned child) amended

For Article 59(2) there is substituted –

- “(2) On an application under this Article, the Superintendent Registrar must, subject to paragraph (3) –
 - (a) if the child was found in a parish for which the relevant registration duties are performed by the Superintendent Registrar, cause the prescribed particulars to be recorded in the register of births for the parish; and
 - (b) in any other case, direct the registrar of the parish where the child was found, to record the prescribed particulars in the register of births for the parish.”.

46 Article 60 (short birth certificate) amended

In Article 60(1) –

- (a) for “a registrar” there is substituted “the relevant registrar”;
- (b) for “the registrar” (in both places) there is substituted “the relevant registrar”.

47 Article 61 (registration of stillbirth) amended

In Article 61 –

- (a) in paragraph (1), for “the registrar” there is substituted “the relevant registrar”;
- (b) in paragraph (5) for “A registrar” there is substituted “A relevant registrar”.

48 Article 62 (duty to inform registrar of death within 5 days) amended

In Article 62 –

- (a) in the heading to the Article for “registrar” there is substituted “relevant registrar”;
- (b) in paragraph (1), in the words following sub-paragraph (c) for “the registrar” (in both places) there is substituted “the relevant registrar”.

49 Article 63 (power of Superintendent Registrar to require information about death) amended

In Article 63(2) for “The Superintendent Registrar” there is substituted –

“In the case of a death occurring in a parish which has retained the relevant registration duties, the Superintendent Registrar must inform the registrar”.

50 Article 64 (certificate of fact and cause of death) amended

In Article 64 –

- (a) for paragraph (1)(b) there is substituted –
 - “(b) give the certificate, containing prescribed particulars, to the informant.”;
- (b) in paragraph (2)(b) for “the registrar” there is substituted “the relevant registrar”.

51 Article 65 (duty of registrar to notify Viscount of death) amended

In Article 65 –

- (a) in the heading for “registrar” there is substituted “relevant registrar”;
- (b) in paragraph (1) for “a registrar” and for “the registrar” there is substituted “the relevant registrar” in each place where the expression occurs; and
- (c) in paragraph (2) for “the registrar” there is substituted “the relevant registrar”.

52 Article 66 (restrictions on registration of death) amended

In Article 66 for “registrar” there is substituted “relevant registrar” in each place.

53 Article 67 (registration in exceptional circumstances) substituted

For Article 67 there is substituted –

“67 Parish registrar must not register death more than 12 months after it occurs

A registrar of a parish which has retained the relevant registration duties –

- (a) must not register a death if registration is sought more than 12 months after the death occurred; and
- (b) must refer the case to the Superintendent Registrar.

67A Registration of death in exceptional circumstances

- (1) This Article –
 - (a) applies in the case of a death if –
 - (i) registration is sought more than 12 months after the death occurred, or
 - (ii) the Superintendent Registrar is satisfied that, by reason of the exceptional circumstances of the death, it is not practicable to fulfil any requirement relating to registration imposed by or under this Part; but
 - (b) does not apply to a death to which Article 66 applies.
- (2) If this Article applies to a death, the Superintendent Registrar –
 - (a) must refer the case to the Minister; and
 - (b) must not register the death unless authorised to do so under paragraph (3).
- (3) The Minister may –
 - (a) direct that any requirement imposed by or under this Part be dispensed with in relation to the death, and direct the registration of the death; or
 - (b) refer the case through the Attorney General to the Inferior Number of the Royal Court for the Court's direction and authorisation.”.

54 Article 68 (certificate of registration of death) amended

In Article 68 for “A registrar” there is substituted “A relevant registrar”.

55 Article 69 (duty to register marriage) amended

For Article 69(b) there is substituted –

- “(b) in any other case, by the relevant registrar for the parish in which the marriage was solemnized.”.

56 Article 70 (duty to record marriage) amended

In Article 70, for “the registrar of the parish” there is substituted “the relevant registrar for the parish”.

57 Article 71 (power to ask for particulars of marriage) amended

In Article 71 after “particulars of a marriage” there is inserted “(other than the Superintendent Registrar)”.

58 Article 72 (duty of informant to sign register) amended

In Article 72(1) for “the registrar” there is substituted “the relevant registrar”.

59 Article 75 (duty of Minister) amended

In Article 75(2) and (3) for “registrar” there is substituted “relevant registrar” in each place.

60 Article 76 (offences relating to solemnization of marriage) substituted

For Article 76 there is substituted –

“76 Offences relating to solemnization of marriage

- (1) A person commits an offence if he or she knowingly and voluntarily makes any false declaration, signs any false document, or otherwise provides false information for the purpose of –
 - (a) giving notice of intended marriage (including by conversion);
 - (b) obtaining a marriage schedule, marriage conversion schedule, or a certificate of no impediment to marriage; or
 - (c) having a marriage solemnized (including by conversion).”.
- (2) The Superintendent Registrar commits an offence if he or she, knowingly and voluntarily –
 - (a) issues a marriage schedule, marriage conversion schedule or certificate of no impediment to marriage pursuant to a notice of intended marriage which is void by virtue of Article 11(2);
 - (b) issues a marriage schedule where there are fewer than 25 clear days between the date on which the notice of intended marriage was given and the date of the marriage specified on that notice, unless special circumstances exist under Article 24;
 - (c) issues a certificate of no impediment to marriage where there are fewer than 25 clear days between the date on which the certificate of no impediment to marriage was issued and the date of the marriage specified on the notice of intended marriage, unless special circumstances exist under Article 24;
 - (d) issues a licence, schedule, or certificate on which a lawful objection has been entered unless the Superintendent Registrar has determined (in a case where he or she is empowered to do so) that the objection is without merit, or the Inferior Number of the Royal Court has ordered that the schedule or certificate may nevertheless be issued;
 - (e) authorizes an authorized civil celebrant to solemnize a marriage in a location that is not an approved location, or only approved for the solemnization of marriages according to the rites or usages of a religious organization;
 - (f) authorizes an authorized religious official to solemnize a marriage in a location that is not an approved location for the

- solemnization of marriages according to the rites or usages of the particular religious organization that applied for the authorization of that official;
- (g) authorizes the solemnization of a marriage between 2 persons of the same sex in a location that is not approved for the solemnization of same sex marriages; or
 - (h) authorizes an authorized religious official to solemnize a marriage of 2 persons of the same sex according to the rites or usages of a religious organization that has not consented to the solemnization of same sex marriage.
- (3) A person commits an offence if he or she knowingly and voluntarily solemnizes a marriage declared void under this Law.
 - (4) A person commits an offence if he or she knowingly and voluntarily solemnizes a marriage on the authority of a marriage schedule before the expiry of any period required by this Law to elapse between the issue of that schedule and the solemnization of the marriage.
 - (5) A person commits an offence if he or she knowingly and voluntarily –
 - (a) solemnizes a marriage on the authority of a marriage conversion schedule which is void;
 - (b) solemnizes a marriage on the authority of a marriage conversion schedule before the expiry of any period required by this Law to elapse between the issue of that schedule and the solemnization of the marriage by conversion.
 - (6) A person commits an offence if he or she knowingly and voluntarily –
 - (a) subject to sub-paragraph (b), solemnizes a marriage on the authority of a marriage schedule in a location other than that specified in the notice of intended marriage and the marriage schedule;
 - (b) in a case to which Article 24 applies, solemnizes a marriage on the authority of a marriage schedule, otherwise than at the location approved under that Article.
 - (7) A person commits an offence if he or she, knowingly and voluntarily –
 - (a) subject to sub-paragraph (b), solemnizes a marriage on the authority of a marriage conversion schedule in a location other than that specified in the notice of intended conversion and the marriage conversion schedule; or
 - (b) in a case to which Article 24 applies, solemnizes a marriage by conversion, otherwise than at the location approved under that Article.
 - (8) A person other than a marriage celebrant commits an offence if he or she solemnizes a marriage.
 - (9) A person commits an offence if, knowingly and voluntarily, he or she makes a false declaration, signs any false document or otherwise provides false or inaccurate information for the purpose of an application for –

- (a) an authorization of a person as an authorized civil celebrant or an authorized religious official; or
 - (b) approval of location as an approved location.
- (10) A person guilty of an offence under this Article is liable on conviction to imprisonment for a term not exceeding 5 years, a fine or both.”.

61 Article 77 (offences relating to registration) amended

In Article 77(1)(a), after “marriage” there is inserted “(including a marriage by conversion)”.

62 Article 77A (abolition of wife’s domicile of dependence) inserted

After Article 77 there is inserted –

“77A Abolition of wife’s domicile of dependence

- (1) Subject to paragraph (2), the domicile of a married woman as at any time after the coming into force of this Article, instead of being the same as her husband’s by virtue only of marriage, is to be ascertained by reference to the same factors as in the case of any other individual capable of having an independent domicile.
- (2) Where immediately before this Article came into force a woman was married and then had her husband’s domicile by dependence, she is to be treated as retaining that domicile (as a domicile of choice) unless and until it is changed by acquisition or revival of another domicile either on or after the coming into force of this Article.”.

63 Article 78 (searches) amended

In Article 78(2) –

- (a) for “Every registrar” there is substituted “Every relevant registrar”;
- (b) for “any register in his or her keeping” there is substituted “any such register in his or her keeping”.

64 Article 80 (witnesses for marriage) amended

In Article 80 for “of full age” there is substituted “aged at least 18”.

65 Article 80A (provision of documents to Superintendent Registrar) substituted

For Article 80A there is substituted –

“80A Provision of information to Superintendent Registrar or relevant registrar

- (1) All information delivered to the Superintendent Registrar or a relevant registrar under this Law –
 - (a) must be recorded in, or translated into, the English or French language; and
 - (b) if a document has been translated, the original document and a certified translation must be supplied to the Superintendent Registrar or the relevant registrar (as the case requires).
- (2) Except as otherwise provided under this Law or as prescribed, information required or authorised to be delivered to the relevant registrar under this Law may be delivered electronically.”.

66 Article 80B (signing of documents) amended

In Article 80B(4) for “conversion declaration form” (in both places) there is substituted “conversion schedule” in both places.

67 Article 80C (fees and charges) substituted

For Article 80C there is substituted –

“80C Fees and charges

- (1) The Superintendent Registrar or the registrar of a parish may charge fees for such services incidental to his or her functions under this Law as may be prescribed.
- (2) The Superintendent Registrar or the registrar of a parish may refuse to issue a form, certificate, notice or schedule under this Law if the prescribed fee for that form, certificate, notice or schedule, has not been paid.
- (3) A fee paid under this Law is not refundable except in such circumstances as may be prescribed.”.

68 Article 82 (power to make further provision in connection with marriages and registration of marriages, births and deaths

Article 82(1) is deleted.

69 Articles 82B (applications) and 82C (scheme for authorization of civil celebrants and authorized religious officials) inserted

After Article 82A there is inserted –

“82B Applications

Subject to any provision of this Law and to anything provided for in an Order under Article 82A, the Superintendent Registrar may by notice –

- (a) provide for the form of any application to a relevant registrar, including the information which must be provided with the application; and
- (b) authorize a relevant registrar to require the provision of any evidence or information reasonably necessary to corroborate information supplied with any application so made.

“82C Scheme of authorization for civil celebrants and authorized religious officials

- (1) The Minister must, by Order, prescribe a scheme for the authorization by the Superintendent Registrar of persons as authorized civil celebrants, or as authorized religious officials, which must include –
 - (a) the procedures for applying to be authorized;
 - (b) the matters to be taken into account in determining whether to authorize a person provisionally or fully;
 - (c) such qualifications, awarded by such persons or bodies, as the Minister may consider appropriate;
 - (d) the duration and renewal of an authorization;
 - (e) the conditions that must or may be imposed on the grant or renewal of an authorization, including any condition in respect of the circumstances in which –
 - (i) an authorized civil celebrant or an authorized religious official may or must solemnize a marriage,
 - (ii) an authorized civil celebrant may or must solemnize a civil partnership;
 - (f) the training and monitoring of authorized civil celebrants;
 - (g) the determination and charging of prescribed fees in respect of the grant of or renewal of an authorization and for the charging by the Superintendent Registrar for the training of an authorized civil celebrant or to a person seeking to be an authorized civil celebrant;
 - (h) the circumstances in which an authorization may or must be granted, renewed, suspended or revoked; and
 - (i) the review or appeal of any decision to refuse to grant or renew an authorization, impose a condition on the grant or renewal of an authorization or suspend or revoke an authorization.
- (2) Before solemnizing any marriage or civil partnership, an authorized civil celebrant must take an oath before the Royal Court to well and faithfully perform the duties imposed on him or her by or under this Law and the [Civil Partnership \(Jersey\) Law 2012](#) and to carry out such duties relating to the solemnization and registration of marriages and civil partnerships as the Superintendent Registrar directs.

- (3) An authorized civil celebrant must carry out the solemnization of marriages and civil partnerships –
 - (a) in compliance with the requirements of this Law and the [Civil Partnership \(Jersey\) Law 2012](#) (as the case requires) and with any guidance issued by the Superintendent Registrar; and
 - (b) in such a way as to uphold the dignity and solemnity of marriage and civil partnership.
- (4) An authorized religious official must carry out the solemnization of marriages –
 - (a) in compliance with the requirements of this Law and with any guidance issued by the Superintendent Registrar; and
 - (b) in such a way as to uphold the dignity and solemnity of marriage.”.

70 Schedule 1 (relations whom it is prohibited to marry) substituted

For Schedule 1 there is substituted Schedule 1 to this Law.

71 Schedule 2A, paragraph 2 (re-registration of surname) amended

In paragraph 2 of Schedule 2A –

- (a) in sub-paragraph (1) for “the registrar” there is substituted “the relevant registrar”;
- (b) in sub-paragraph (2) for “the registrar” there is substituted “the relevant registrar”.

PART 2

AMENDMENT OF THE MARRIAGE AND CIVIL STATUS (JERSEY) ORDER 2018

72 [Marriage and Civil Status \(Jersey\) Order 2018](#) amended

This Part amends the [Marriage and Civil Status \(Jersey\) Order 2018](#).

73 Article 11 (fees for grant of authorization or renewal) substituted

For Article 11 there is substituted –

“11 Fees

- (1) An authorized civil celebrant must pay the Superintendent Registrar the following fees for the grant or renewal of authorization –
 - (a) the fee specified in item 1 in the table in Part 2 of Schedule 1 before the authorized civil celebrant takes the oath referred to in Article 6(5) of the Law; and
 - (b) the annual fee specified in item 2 in that table during the period of authorization.

- (2) An authorized religious official must pay the Superintendent Registrar the following fees for the grant or renewal of an authorization –
 - (a) the fee specified in item 3 in the table in Part 2 of Schedule 1 before the Superintendent Registrar enters the details of the authorization in the register of authorized religious officials; and
 - (b) the annual fee specified in item 4 in that table during the period of authorization.
- (3) The annual fees payable under this Article are due by 5th January in each year for that year and where an authorized civil celebrant or authorized religious official is first authorized after 5th January in any year, the annual fee is pro-rated.”.

74 Article 13 (kinds of location) amended

In Article 13(1) –

- (a) in sub-paragraph (a) for “open air” there is substituted “open-air”;
- (b) in sub-paragraph (c) for “immovable property” there is substituted “a fixed structure”.

75 Article 15 (application for approval of location) amended

For Article 15(2)(c)(v) there is substituted –

- “(v) the name and full physical address and postal address (if different) of the location including a location plan (if any) for that location, and if it is an open-air location.”.

76 Article 17 (register of approved locations) amended

In Article 17(3) after sub-paragraph (a) there is inserted –

- “(aa) if the approved location is an open-air location;”.

77 Article 19 (responsible person) amended

In Article 19(3) after sub-paragraph (c) there is inserted –

- “(d) notifying the Superintendent Registrar of any changes to the approved location which would amount to it becoming or ceasing to be an open-air location.”.

78 Article 20 (standard conditions) amended

In Article 20(2) –

- (a) in sub-paragraph (a)(ii) –
 - (i) for “open air” there is substituted “open-air”;
 - (ii) after “consumption” there is inserted –

“in the case of a marriage ceremony taking place in an open-air location, but not in a temporary structure in that location, it would be unreasonable for the marriage celebrant to prevent such consumption”;

- (b) in sub-paragraph (d)(ii) for “open air” there is substituted “open-air”;
- (c) after sub-paragraph (d) there is inserted –
 - “(e) the public must be able to gain access to the location in which a marriage ceremony is to take place, and any temporary structure in that location, without charge;”.

79 Article 28 (application for notice of intended marriage) amended

For Article 28(g) there is substituted –

“(g) the full name and physical address and, if different, the postal address of the proposed approved location at which the marriage is to be solemnized, and if that is an open-air location, the full name and physical address and, if different, the postal address of the proposed alternative location (if any) may also be included;”.

80 Article 29 (notice of intended marriage form) amended

For Article 29(b) there is substituted –

“(b) the full name and physical address, and, if different, the postal address of the proposed approved location at which the marriage is to be solemnized, and if that is an open-air location, the full name and physical address, and, if different, the postal address of the proposed alternative location (if any) may also be included;”.

81 Article 30 (freedom to marry declaration) amended

In Article 30 –

- (b) after sub-paragraph (c) there is inserted –
 - “(d) the full name and physical address and, if different, the postal address of the proposed approved location at which the marriage is to be solemnized, and if that is an open-air location, the full name and physical address and, if different, the postal address of the proposed alternative location (if any) may also be included.”.

82 Article 34 (certificate of no impediment to marriage) amended

In Article 34 –

- (a) in sub-paragraph (c) for “the place of the marriage” there is substituted “the location of the marriage”;
- (b) for sub-paragraph (f)(iii) there is substituted –

“(iii) no impediment to the proposed marriage has been shown to the Superintendent Registrar.”.

83 Article 35 (application for conversion) amended

For Article 35(e) there is substituted –

“(e) the full name and physical address and, if different, the postal address of the proposed approved location, and if that is an open-air location, the full name and physical address and, if different, the postal address of the proposed alternative location may also be included;”.

84 Article 37 (requirements and procedures for marriage in special circumstances) amended

In Article 37(10) after “unless” there is inserted “the prescribed fee has been paid and”.

85 Article 38 (information, books, indexes and registers kept by the Superintendent Registrar) amended

For Article 38(3)(b) there is substituted –

“(b) the full name and physical address and, if different, the postal address of the proposed approved location, and if that is an open-air location, the full name and physical address and, if different, the postal address of the proposed alternative location (if any) may also be included;”.

86 Article 42 (registration of marriage) amended

In Article 42(2)(a) and 3(a) for “solemnized by the registrar” there is substituted “solemnized in the parish”.

87 Article 46 (registration of births and still births) amended

In Article 46 –

- (a) in paragraph (2) –
 - (i) in the opening words, for “registrar” there is substituted “relevant registrar” in both places,
 - (ii) in sub-paragraph (j), after “marriage” there is inserted “or civil partnership”;
- (b) in paragraph (3) –
 - (i) in the opening words, for “registrar” there is substituted “relevant registrar” in both places,
 - (ii) after sub-paragraph (i) there is inserted –
 - “(ia) the date and place of the parents’ marriage or civil partnership (if any);”.

88 Article 49 (registration of abandoned child) substituted

For Article 49 there is substituted –

“49 Registration of abandoned child

- (1) If a child is found abandoned in a parish for which the Superintendent Registrar performs the relevant registration duties, the Superintendent Registrar must enter the following particulars in the register of births for that parish –
 - (a) the date and location in which the child was found;
 - (b) the age of the child when the child was found, as advised by a registered medical practitioner;
 - (c) the forenames and surname of the child;
 - (d) the word “unknown” for the mother’s and father’s names and occupations;
 - (e) the informant’s name, signature, job title and organization.
- (2) If a child is found abandoned in a parish for which the relevant registration duties are retained, the registrar for that parish, when directed by the Superintendent Registrar in accordance with Article 59(2)(b) of the Law, must enter the particulars specified in paragraph (1) above in the register of births kept by the registrar.”.

89 Article 50 (short birth certificate) amended

In Article 50(1) –

- (a) in the opening words, for “registrar” there is substituted “relevant registrar”;
- (b) in sub-paragraph (d), for “registrar of the parish in which the birth was registered” there is substituted “relevant registrar for the parish where the birth occurred”;
- (c) in sub-paragraph (e) for “registrar” there is substituted “relevant registrar”.

90 Article 51 (certificate of registration of still birth) amended

In Article 51 –

- (a) after paragraph (e), there is inserted –
 - “(ea) the sex of the child;”;
- (b) after paragraph (h), there is inserted –
 - “(ha) the date and place of the parents’ marriage or civil partnership (if any);”.

91 Article 51A (certificate of fact and cause of death) inserted

After Article 51 (certificate of registration of stillbirth) there is inserted –

“51A Certificate of fact and cause of death

- (1) A certificate of fact and cause of death under Article 64(1)(a) of the Law must contain the following particulars –
 - (a) the forenames and surname of the deceased person, including maiden name, previous name or aliases (if any);
 - (b) the deceased person’s address (if any);
 - (c) the deceased person’s date of birth;
 - (d) the time and date of death;
 - (e) the place of death, including parish;
 - (f) whether the cause of death is known and, if so, the cause including any of the following that are known –
 - (i) details of any disease,
 - (ii) conditions leading to death,
 - (iii) antecedent causes,
 - (iv) morbid conditions giving rise to the cause of death or antecedent causes, or
 - (v) any other significant conditions contributing to death but not related to disease or condition causing death;
 - (g) the approximate interval between the onset of a known cause or condition leading to the death, and the date of death;
 - (h) if there is any reason why the death should be reported to the police;
 - (i) whether the registered medical practitioner has reported the death to the police;
 - (j) whether the registered medical practitioner is otherwise aware that the death has been reported to the police or the Viscount;
 - (k) such supplementary information as the Superintendent Registrar may require the registered medical practitioner to provide in respect of the deceased person.
- (2) A certificate of fact and cause of death must contain the registered medical practitioner’s full name, qualifications, practice address, signature and date of signature and be accompanied by a declaration by the registered medical practitioner that –
 - (a) he or she is authorised to give the certificate, by reason of –
 - (i) having attended upon the deceased person during that person’s last illness,
 - (ii) having last attended upon that person not more than 14 days before death, and
 - (iii) having also viewed the person’s body after death; or
 - (b) having viewed the deceased person’s body after death, the registered medical practitioner is authorised by the Viscount to give the certificate.
- (3) Without limiting paragraph (1)(k), the supplementary information which the Superintendent Registrar may require the registered

medical practitioner to provide in respect of a deceased person includes –

- (a) that person’s Health and Social Services number;
- (b) particulars of any surgical operations performed on that person’s body in the 12 months prior to that person’s death;
- (c) particulars of any morbid conditions present at the time of that person’s death, but not contributing to his or her death; and
- (d) any personal accident suffered by that person in the 12 months prior to that person’s death.”.

92 Article 52 (registration of death) amended

In Article 52 –

- (a) in paragraph (2) –
 - (i) for “a registrar who is informed” there is substituted “where the relevant registrar is informed”,
 - (ii) for “particular of a death shall” there is substituted “particular of a death, he or she shall”,
 - (iii) in sub-paragraph (l) “signature,” is deleted,
 - (iv) sub-paragraphs (m) and (n) are deleted;
- (b) for paragraph (3) there is substituted –

“(3) An entry under paragraph (2) must be signed by the informant and by the relevant registrar, who must add his or her name and official description.”.

93 Article 53 (certificate of registration of death) substituted

For Article 53 there is substituted –

“53 Certificate of registration of death

- (1) A certificate of registration of death must contain the following particulars –
 - (a) the name of the parish in which the death occurred;
 - (b) the date on which the relevant registrar registered the death;
 - (c) the name, age and address of the deceased person;
 - (d) the place of death; and
 - (e) the date of death.
- (2) The relevant registrar must –
 - (a) authenticate the certificate with a statement that the death has been registered in accordance with the Law;
 - (b) sign and date the certificate; and
 - (c) add his or her name and official description.”.

94 Article 58 (fees) substituted

For Article 58 (fees) there is substituted –

“58 Fees

- (1) Schedule 1 has effect to set the fees payable under the Law or under this Order.
- (2) Part 1 of that Schedule sets the fees payable under the provisions of the Law specified in that Part.
- (3) Part 2 of that Schedule sets the fees payable under the provisions of this Order specified in that Part.”.

95 Schedule 1 (fees) substituted

For Schedule 1 there is substituted Schedule 2 to this Law.

PART 3**MISCELLANEOUS****96 [Inquests and Post-Mortem Examinations \(Jersey\) Law 1995](#) amended**

In the [Inquests and Post-Mortem Examinations \(Jersey\) Law 1995](#) –

- (a) in Article 1 (interpretation) for the definition “Registrar” there is substituted –
 - “ “relevant registrar” has the same meaning as it has in the [Marriage and Civil Status \(Jersey\) Law 2001](#), and in relation to a relevant registrar, “register of deaths” means the register maintained by that registrar for the registration of deaths under that Law;”;
- (b) for Article 14(7) (which concerns the registration of the verdict of an inquest) there is substituted –
 - “(7) After the Court has registered the finding, the Viscount shall notify the relevant registrar for the parish in which the death occurred, and the relevant registrar shall make an entry in the register of deaths accordingly.”;
- (c) for Article 18(2) (which concerns the registration of the results of a post-mortem examination without an inquest) there is substituted –
 - “(2) If, following a post-mortem examination under paragraph (1), the Viscount decides that an inquest is unnecessary, the Viscount must authorize the registered medical practitioner who conducted the examination to deliver to the relevant registrar for the parish in which the death occurred a certificate stating the cause of death as disclosed by the examination, and the relevant registrar must make an entry accordingly in the register of deaths for that parish.”.

97 [Education \(Jersey\) Law 1999](#) amended

In Article 65 (supply of information by Registrar of births and deaths) of the [Education \(Jersey\) Law 1999](#) –

- (a) in paragraph (1) for “The Superintendent Registrar or the Superintendent Registrar’s Deputy, or a Registrar or the Registrar’s Deputy shall supply” there is substituted “The relevant registrar must supply”;
- (b) in paragraph (2) for “In this Article the expressions “Superintendent Registrar” and “Registrar” shall have the same meaning as in the [Marriage and Civil Status \(Jersey\) Law 2001](#) and the expression” there is substituted –
“In this Article “relevant registrar” has the same meaning as in the [Marriage and Civil Status \(Jersey\) Law 2001](#), and the expression”.

98 [Gender Recognition \(Jersey\) Law 2010](#) amended

In paragraph 1 of the Schedule to the [Gender Recognition \(Jersey\) Law 2010](#) –

- (a) for sub-paragraph (3) there is substituted –
“(3) If the relevant registration duties are retained for the parish in which the person’s birth was registered, the Superintendent Registrar shall furnish the registrar of the parish concerned with the following particulars contained in the gender recognition certificate –
 - (a) the person’s acquired gender; and
 - (b) the person’s acquired name.”;
- (b) in sub-paragraph (4) for “The registrar” there is substituted “The relevant registrar for the parish in which the person’s birth was registered”;
- (c) for sub-paragraph (6) there is substituted –
“(6) Where, under Article 6, there is a correction of a gender recognition certificate that affects the person’s acquired name –
 - (a) the Court shall send a copy of the corrected gender recognition certificate to the Superintendent Registrar;
 - (b) the Superintendent Registrar shall amend the entries made under sub-paragraph (4) accordingly; and
 - (c) if the relevant registration duties are retained for the parish in which the person’s birth was registered, the Superintendent Registrar shall furnish the registrar of the parish concerned with the corrected acquired name.”;
- (d) for sub-paragraph (9) there is substituted –
“(9) In this paragraph –
 - (a) “relevant registrar” and “relevant registration duties” have the same meaning as they have in the 2001 Law; and
 - (b) references to the relevant registration duties being retained are to be construed in accordance with that Law.”.

99 [Discrimination \(Jersey\) Law 2013](#) amended

In Schedule 2 to the [Discrimination \(Jersey\) Law 2013](#) –

- (a) in paragraph 24A (sex or sexual orientation: marriage between persons of the same sex) after “protected characteristic of sex” there is inserted “or sexual orientation”;
- (b) for the heading to paragraph 24B (sex and sexual orientation: marriage after gender reassignment) there is substituted “Sex or sexual orientation: marriage of a person of acquired gender”.

100 [Cremation \(Jersey\) Regulations 1961](#) amended

In the [Cremation \(Jersey\) Regulations 1961](#) –

- (a) in Regulation 1 for the definition of “Superintendent Registrar” and “Registrar” there is substituted –
 - “ “relevant registrar” and “Superintendent Registrar” have the meanings respectively assigned to them in the [Marriage and Civil Status \(Jersey\) Law 2001](#);”;
- (b) in Regulation 6(b) for “the Registrar” there is substituted “the relevant registrar”;
- (c) in Regulation 10 for “the Registrar of the parish concerned” there is substituted “the relevant registrar”.

101 [Legitimacy and Illegitimacy \(Re-Registration of Births\) \(Jersey\) Regulations 1974](#) amended

- (1) This Article amends the [Legitimacy and Illegitimacy \(Re-Registration of Births\) \(Jersey\) Regulations 1974](#).
- (2) In Regulation 1, for the definition of “Registrar” there is substituted –
 - “original entry” means the original entry in the Register of Births in relation to the person whose legitimacy is the subject of a decree;
 - “registrar”, “relevant registrar” and “Superintendent Registrar” have the meanings respectively assigned to those expressions in the [Marriage and Civil Status \(Jersey\) Law 2001](#);
 - “relevant registration duties” has the meaning assigned to that expression in the [Marriage and Civil Status \(Jersey\) Law 2001](#); and
 - “retained”, in relation to those duties, is to be construed in accordance with that Law.”;
- (3) for Regulation 2 there is substituted –

“2

- (1) This Regulation applies if –
 - (a) the Superintendent Registrar has received from the Judicial Greffier a certified copy of a decree in pursuance of Article 10(1) of the Law, and
 - (b) the parish in whose Register of Births the original entry was made has retained the relevant registration duties.

- (2) The Superintendent Registrar must as soon as practicable furnish to the registrar having custody of the Register of Births containing the original entry the information required for the re-registration of the birth.”
- (4) In Regulation 3 –
 - (a) in paragraph (1) –
 - (i) for “The Registrar shall attend” there is substituted –
“If the relevant registration duties are not being performed by the Superintendent Registrar, the registrar having custody of the Register containing the original entry must attend”,
 - (ii) for “this Regulation” there is substituted “paragraph (2)”,
 - (iii) for “, appending thereto” there is substituted “and adding after”;
 - (b) after paragraph (1) there is inserted –
“(1A) If the relevant registration duties are being performed by the Superintendent Registrar, the Superintendent Registrar must –
 - (a) enter the birth in the manner and form set out in paragraph (2);
 - (b) sign the Register in the column of the entry headed “Informant’s signature and relationship to the child”; and
 - (c) add the Superintendent Registrar’s official designation and the words “Registered in accordance with an Act of the Royal Court dated.....”;
 - (c) in paragraph (2) in the words following sub-paragraph (d) for “the Registrar” there is substituted “the relevant registrar”.
- (5) In Regulation 4(1) –
 - (a) for “the Registrar shall write” there is substituted “the relevant registrar must write”;
 - (b) for “the Registrar’s signature” there is substituted “the relevant registrar’s signature”;
 - (c) for “shall prepare and deliver” there is substituted “if the relevant registration duties are retained, the registrar must prepare and deliver”.

102 Repeal

The Marriage and Civil Partnership (Amendments – Fees) (Jersey) Order 2021 is repealed.

PART 4

CLOSING PROVISION

103 Citation and commencement

This Law may be cited as the Marriage and Civil Status (Amendment No. 5) (Jersey) Law 2023 and comes into force 7 days after it is registered.

SCHEDULE 1

(Article 70)

RELATIONS WHOM IT IS PROHIBITED TO MARRY**“SCHEDULE 1**

(Article 3)

RELATIONS WHOM IT IS PROHIBITED TO MARRY**1 Absolute prohibitions**

- (1) 2 people are within a prohibited degree of relationship if one falls within the list in sub-paragraph (2) in relation to the other.
- (2) The list referred to in sub-paragraph (1) is as follows –
 - Adoptive child
 - Child
 - Former adoptive child
 - Grandchild
 - Parent’s sibling
 - Sibling
 - Sibling’s child
- (3) In the list in sub-paragraph (2) “sibling” means a brother, sister, half-brother or half-sister.

2 Qualified prohibitions

- (1) 2 people are within a prohibited degree of relationship if one falls within the list in sub-paragraph (2) in relation to the other unless the younger has not at any time before reaching the age of 18 been a child of the family in relation to the other.
- (2) The list referred to in sub-paragraph (1) is –
 - Adoptive child of former civil partner
 - Adoptive child of former spouse
 - Adoptive grandchild of former civil partner
 - Adoptive grandchild of former spouse
 - Child of former civil partner
 - Child of former spouse
 - Grandchild of former civil partner
 - Grandchild of former spouse
- (3) In this paragraph “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 or her family.”.

3 Qualified prohibition on marriage with a former step-parent

2 people are within a prohibited degree of relationship if one falls within column 1 of the table below in relation to the other, unless the people mentioned in column 2 of the corresponding entry are dead.

Relationship	Relevant deaths
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 2

(Article 95)

SCHEDULE 1 TO THE 2018 ORDER SUBSTITUTED

For Schedule 1 to the [Marriage and Civil Status \(Jersey\) Order 2018](#) there is substituted the Schedule below.

“SCHEDULE 1**FEES PAYABLE UNDER THE LAW OR THIS ORDER****PART 1****FEES PAYABLE UNDER THE LAW**

Item No.	Description	Provision of the Law	Fee	To whom payable
1.	Application for a notice of intended marriage	Article 8(1)(b)	£205	The Superintendent Registrar
2.	Request for, and issue of, a marriage schedule	Article 15(2) and (3)(c)	£307.50	The Superintendent Registrar
3.	Request for, and issue of, a certificate of no impediment to marriage	Article 16(2) and (3)(c)	£102.50 per applicant	The Superintendent Registrar
4.	Change to date, time or location contained in the published notice of intended marriage	Article 18(3)	£51.25	The Superintendent Registrar
5.	Application for a conversion of a civil partnership to a marriage	Article 19(1)(b)	£205	The Superintendent Registrar
6.	Request for issue of conversion schedule	Article 21(2) and 21(3)(c)	£307.50	The Superintendent Registrar
7.	Solemnization of a marriage by conversion	Article 22(3)(a)	£0	
8.	Fee payable by the Superintendent Registrar for each	Article 24A(4)	£10.25	The registrar of a parish

	marriage that a registrar registers under Article 24A(3)(a) or (b) and for the provisions of returns of registers			
9.	Search of books, indexes, registers, notices or entries held at the office of the Superintendent Registrar	Article 24C(2) and (4)	£92.25	The Superintendent Registrar
10.	Registration of birth more than 21 days and less than 6 months after the birth	Article 52(3)(b)	£205	The relevant registrar
11.	Re-registration of birth where parents not married	Article 56(3)	£56.38	The relevant registrar
12.	Re-registration of birth following legitimation	Article 57(6)	£56.38	The Superintendent Registrar
13.	Registration of a name as altered within one year of birth	Article 58(1)	£56.38	The relevant registrar
14.	Certificate required under Article 58(1) where the name of a child is altered or given in baptism	Article 58(3)	£56.38	The person providing the certificate
15.	Re-registration of child to include the child's name	Article 58A(4)	£56.38	The relevant registrar
16.	Short birth certificate – (a) if issued on the day on which the application is made (b) if issued on a day after that on which the	Article 60(1) or (2)	£20.50 £10.25	The relevant registrar

	application is made			
17.	Copy of an entry in a register kept by the relevant registrar under the Law	Article 78(2)	£30.75	The relevant registrar
18.	Search of indexes maintained by Superintendent Registrar	Article 78(3)(a)	£0	
19.	Copy certified under the hand of the Superintendent Registrar of an entry in a book or register – (a) if issued on the same day on which the application is made (b) if issued after the day on which the application is made	Article 78(3)(b)	£61.50 £30.75	The Superintendent Registrar
20.	Search of indexes by the Superintendent Registrar	Article 80C	£30.75 per hour of part of an hour	The Superintendent Registrar
21.	Issue of a proof of life letter	Article 80C	£51.25	The Superintendent Registrar
22.	Supplementary fee for use of the office of the Superintendent Registrar as a location for the solemnization of a marriage taking place on Monday to Friday	Article 80C	£20.50	The Superintendent Registrar
23.	Supplementary fee for use of office of the Superintendent Registrar as a	Article 80C	£102.50	The Superintendent Registrar

	location for the solemnization of marriage taking place on Saturday, Sunday or a bank holiday			
24.	Solemnization of a marriage by the Superintendent Registrar or Deputy Superintendent Registrar on Monday to Friday at the office of the Superintendent Registrar	Article 80C	£0	
25.	Solemnization of a marriage by the Superintendent Registrar or Deputy Superintendent Registrar on a Saturday, Sunday or bank holiday at the office of the Superintendent Registrar	Article 80C	£153.75	The Superintendent Registrar
26.	Solemnization of a marriage by the Superintendent Registrar or Deputy Superintendent Registrar at any approved location other than the office of the Superintendent Registrar	Article 80C	£153.75	The Superintendent Registrar
27.	Delivery of a certificate or document by the Superintendent Registrar to the Customs and Immigration Department for an apostille	Article 80C	£20.50	The Superintendent Registrar

28.	Re-registration of a surname	Schedule 2A, paragraph 2	£56.38	The relevant registrar
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PART 2

FEES PAYABLE UNDER THIS ORDER

Item No.	Description	Article of the Order	Fee	To whom payable
1.	Grant of authorization for an authorized civil celebrant	11(1)(a)	£153.75	The Superintendent Registrar
2.	Annual fee for authorization of an authorized civil celebrant	11(1)(b)	£205	The Superintendent Registrar
3.	Registration of authorization for authorized religious official	11(2)(a)	£0	The Superintendent Registrar
4.	Annual fee for registration of authorized religious official	11(2)(b)	£0	The Superintendent Registrar
5.	Application for approval of a location for the solemnization of marriage in the case of a specific marriage	15(2)(d)	£230	£100 payable to the parish and £130 to the Superintendent Registrar
6.	Application for approval of a location for the solemnization of marriage for a period of 3 years	15(2)(d)	£430	£300 payable to the parish and £130 to the Superintendent Registrar
7.	Application for the renewal of approval of a location for the	Article 16(10)	£430	£300 payable to the parish and £130 to the Superintendent Registrar

	solemnization of marriage			
8.	Application for amendment of approval of a location for the solemnization of marriage	Article 22(2)	£102.50	The Superintendent Registrar
9.	Attendance by Superintendent Registrar to sign forms and do identity checks in special circumstances	Article 37(7)(d) (ii)	£51.25	The Superintendent Registrar
10.	Amendments to a marriage schedule, book or certificate arising from special circumstances	Article 37(9)	£76.88	The Superintendent Registrar”.