



Jersey

MARRIAGE AND CIVIL STATUS (JERSEY) LAW 2001

Official Consolidated Version

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MARRIAGE AND CIVIL STATUS (JERSEY) LAW 2001

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Jersey

MARRIAGE AND CIVIL STATUS (JERSEY) LAW 2001¹

A **LAW** to revise the law relating to the prohibited degrees of relationship for marriage, the solemnization of marriages, the registration of births, marriages and deaths, and the appointment of the Superintendent Registrar, the registrars of parishes and other officers, and for connected purposes

Commencement [[see endnotes](#)]

PART 1²

INTRODUCTION

Interpretation

1 Interpretation

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

“1995 Law” means the [Inquests and Post-Mortem Examinations \(Jersey\) Law 1995](#);

“acquired gender” has the meaning given by Article 1(2) of the [Gender Recognition \(Jersey\) Law 2010](#);

“apostille” means a certificate of authenticity applied to a document in accordance with the process required under the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents done at the Hague on 5th October 1961;

“approved location” shall be construed in accordance with Article 23;

“approving authority” means the Connétable of the parish in which a location that is subject to an application for approval under the scheme in Article 23 is situated or such other person to whom the Connétable may delegate the responsibility for approving locations for the purposes of this Law;

“authorized civil celebrant” means a person authorized as such under Article 6(3);

“authorized religious official” means a person authorized as such under Article 6(3);

“banns” means banns of matrimony;

- “brother” includes a brother of the half-blood;
- “certificate of freedom to marry” shall be construed in accordance with Article 14;
- “certificate of no impediment to marriage” shall be construed in accordance with Article 16;
- “child of the family”, in relation to any person, means another person who, when not of full age, has lived in the same household as that person and been treated by that person as a child of his or her family;
- “civil marriage” means a marriage that is not solemnized according to any religious rites or usages;
- “civil marriage celebrant” means the Superintendent Registrar, a Deputy Superintendent Registrar or an authorized civil celebrant;
- “clergyman” means the Dean, a priest or a deacon of the Anglican Church;
- “conversion” means a conversion of a civil partnership to a marriage under this Law;
- “conversion declaration form” shall be construed in accordance with Article 21;
- “Dean” includes the Vice-Dean;
- “deputy registrar” means a person appointed as such under Article 42(1A)(b);
- “Deputy Superintendent Registrar” means a person employed under the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) as a Deputy Superintendent Registrar for the purposes of this Law or a person engaged as an assistant Deputy Superintendent Registrar under Article 41(1B);
- “freedom to marry declaration” shall be construed in accordance with Article 10;
- “governing authority” means the person or persons recognized by the members of a recognized and established religious organization as its governing authority;
- “illegitimate child” means a child who is not legitimate by birth, as defined in Article 2(1) of the [Legitimacy \(Jersey\) Law 1973](#);
- “immigration officer” means an immigration officer appointed under Schedule 2 to the Immigration Act 1971 of the United Kingdom, as extended to the Bailiwick of Jersey by the Immigration (Jersey) Order 1993 or a person who carries out similar duties to such an officer in another jurisdiction;
- “marriage authority” means the authority in the jurisdiction of the person’s usual place of residence outside Jersey that is able to search the relevant records relating to the civil status of its residents;
- “marriage celebrant” means, in relation to the solemnization of any marriage, any person mentioned in paragraph (1)(a) to (d) of Article 6;
- “marriage schedule” shall be construed in accordance with Article 15;
- “Minister” means the Minister for Home Affairs;
- “notice of intended marriage” shall be construed in accordance with Article 10;
- “notice of intended marriage form” shall be construed in accordance with Article 10;
- “notices of intended marriage book” means the notices of intended marriage book held by the Superintendent Registrar under Article 24B(2)(c);

“officer of the Impôts” means the Agent of the Impôts, Deputy Agent of the Impôts or an officer of the Impôts appointed under Article 4 of the [Customs and Excise \(Jersey\) Law 1999](#);

“licence”, “ordinary licence” and “special licence” shall be construed in accordance with Part 3;

“parish assembly” means, in relation to a parish, the assembly of principals and officers of the parish;

“prescribed” means, except in Articles 28(2) and 40, prescribed by Order of the Minister;

“register of approved locations” means the register kept pursuant to Article 24B(2)(d);

“register of authorized civil celebrants” means the register kept pursuant to Article 24B(2)(a);

“register of authorized religious officials” means the register kept pursuant to Article 24B(2)(b);

“registered medical practitioner” shall have the same meaning as in the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#);

“registrar” means a person appointed as such under Article 42;

“religious marriage” means a marriage solemnized according to religious rites or usages;

“same sex marriage” means the marriage of 2 persons of the same sex and includes a marriage by conversion;

“signature verification form” shall be construed in accordance with Article 15(3);

“sister” includes a sister of the half-blood;

“Superintendent Registrar” means the person employed under the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) as the Superintendent Registrar for the purposes of this Law under Article 41;

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

- (2) For the purposes of this Law, relationship by blood shall include such a relationship even though arising otherwise than by lawful marriage.
- (3) In this Law, any reference to the registrar in relation to a marriage, birth, stillbirth or death means the registrar of the parish in which the marriage is solemnized or the birth, stillbirth or death occurs, and includes the registrar’s deputy.

Right to marry and restrictions on marriage

2 Right to marry or convert civil partnership to marriage

- (1) It shall be lawful –
 - (a) for 2 persons of the same sex to marry; and

- (b) for civil partners to marry by converting their civil partnership to a marriage, if the marriage is solemnized in accordance with this Law.
- (2) Nothing in this Article affects the rights of 2 persons of the opposite sex to marry in accordance with this Law.

3 Restriction on marriage

- (1) A marriage shall be void if at the time of the solemnization of the marriage either party is already lawfully married.
- (2) A marriage shall be void if at the time of the solemnization of the marriage either party is already in a civil partnership with a person, except that a solemnization of a marriage between civil partners converting their civil partnership to a marriage shall not be void if the marriage is solemnized in accordance with this Law.
- (3) A marriage shall be void if it is between a person and any person listed in Schedule 1.
- (4) Subject to paragraph (5), a marriage shall be void if it is between a person and –
 - (a) his or her former spouse’s child or grandchild or former civil partner’s child or grandchild;
 - (b) his or her former spouse’s adoptive child or adoptive grandchild or former civil partner’s adoptive child or adoptive grandchild;
 - (c) his or her father’s former spouse or former civil partner or grandfather’s former spouse or civil partner; or
 - (d) his or her mother’s former spouse or former civil partner or grandmother’s former spouse or former civil partner.
- (5) Any marriage to which paragraph (4) applies shall not be void by reason only of that paragraph if –
 - (a) both the parties to the marriage are of full age at the time of the marriage; and
 - (b) the younger party has not, at any time before attaining full age, been a child of the family in relation to the other party.

4 Marriage of a minor

- (1) A marriage shall be void if at the time of the solemnization of the marriage, either party is under the age of 16.
- (2) ³
- (3) Where the marriage of a minor over 16 years is intended to be solemnized on the authority of a marriage schedule or certificate of no impediment to marriage issued by the Superintendent Registrar, or an ordinary licence or special licence of the Dean, the consent of the persons specified in Schedule 2 shall be required.
- (4) The Superintendent Registrar may refuse to issue any marriage schedule or certificate of no impediment to marriage, and the Dean may refuse to issue any licence, unless satisfied by production of written evidence that the consent of a person specified in Schedule 2 has in fact been obtained.

- (5) Where the consent of any person whose consent is required under paragraph (3) cannot be obtained, by reason of absence or inaccessibility or by reason of his or her being under a disability, the Superintendent Registrar, when deciding whether to issue a marriage schedule or certificate of no impediment to marriage, or the Dean, when deciding whether to issue an ordinary licence or special licence, may dispense with the consent of that person before issuing the marriage schedule, certificate of no impediment to marriage or ordinary or special licence, as the case may be.
- (6) Where the Superintendent Registrar or the Dean, as the case may be, refuses to dispense with the consent of any person required under paragraph (3), the Inferior Number of the Royal Court may, on the application of the minor, give consent in place of that person.
- (7) Where an application is made under paragraph (6) in consequence of a refusal to give consent, the applicant shall serve notice of the application on the person who has refused consent.
- (8) Where the marriage of a minor is intended to be solemnized after the publication of banns then, if any person whose consent would have been required under paragraph (3) for the solemnization of the marriage on the authority of any marriage schedule, certificate of no impediment to marriage, ordinary licence or special licence openly and publicly declares or causes to be declared in the Church in which the banns are published, at the time of publication, his or her dissent from the intended marriage, the publication of banns shall be void.

5 Restriction on marriage by conversion

- (1) A marriage which results from the purported conversion of a void civil partnership shall be void.
- (2) A marriage which results from the conversion of a civil partnership shall be void if –
 - (a) the civil partnership is between a person and any person listed in Schedule 1;
 - (b) at the time the civil partnership was formed, either party was under the age of 16;
 - (c) at the time the civil partnership was formed, either party was a minor and consent had not been obtained before the formation of the civil partnership from a person specified in Schedule 2; or
 - (d) the civil partnership is between a person and –
 - (i) his or her former spouse's child or grandchild or former civil partner's child or grandchild,
 - (ii) his or her former spouse's adoptive child or adoptive grandchild or former civil partner's adoptive child or adoptive grandchild,
 - (iii) his or her father's former spouse or former civil partner or grandfather's former spouse or civil partner, or
 - (iv) his or her mother's former spouse or former civil partner or grandmother's former spouse or former civil partner.
- (3) Any marriage to which paragraph (2)(d) applies shall not be void by reason only of that paragraph if –

- (a) both the parties to the civil partnership were of full age at the time of the formation of the civil partnership; and
- (b) the younger party had not, at any time before attaining full age, been a child of the family in relation to the other party.

Persons authorized to solemnize marriage

6 Persons authorized to solemnize marriages in Jersey

- (1) A marriage may only be solemnized by –
 - (a) the Superintendent Registrar or a Deputy Superintendent Registrar;
 - (b) a clergyman;
 - (c) an authorized civil celebrant; or
 - (d) an authorized religious official.
- (2) Every civil marriage celebrant has a duty to solemnize the marriage of 2 persons –
 - (a) whether or not they are of the same sex or the opposite sex; and
 - (b) whether or not the marriage is by conversion.
- (3) The Minister shall prescribe a scheme for the authorization by the Superintendent Registrar of persons as authorized civil celebrants or 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;
 - (ba) in the case of persons to be authorized as civil celebrants, such qualifications, awarded by such persons or bodies, as the Minister may consider appropriate;
 - (c) the duration and renewal of an authorization;
 - (d) the conditions that shall 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 authorized religious official may solemnize a marriage, or
 - (ii) a marriage must be solemnized by an authorized civil celebrant;
 - (e) the training and monitoring of marriage celebrants;
 - (f) 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 a person authorized or to be authorized as a marriage celebrant;
 - (g) the circumstances in which an authorization shall or may be granted, renewed, suspended or revoked; and

- (h) 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.
- (4) The Superintendent Registrar shall not authorize a person as both an authorized civil celebrant and an authorized religious official.
- (5) Before solemnizing any marriage, 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 to carry out such duties relating to the solemnization and registration of marriages as the Superintendent Registrar directs.
- (6) An authorized civil celebrant or 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.
- (7) Every person who immediately before the coming into force of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018 was authorised to solemnize marriages in registered buildings –
 - (a) shall be deemed to be an authorized religious official for a period of 12 months beginning on the day of the coming into force of that Law;
 - (b) during that period shall only be authorized to solemnize marriages of persons in buildings in respect of which he or she was authorized to solemnize marriages before the coming into force of that Law, unless the Superintendent Registrar, upon the application of that person, authorizes him or her to solemnize marriages in another approved location;
 - (c) during that period shall only be authorized to solemnize marriages of persons of the opposite sex unless the Superintendent Registrar, upon the application of that person, authorizes that person to solemnize marriages of persons of the same sex.

7 Marriages according to religious rites: no compulsion to solemnize marriage etc.

- (1) A person shall not be compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement) to do any of the following in respect of 2 persons of the same sex or of a person whom the marriage celebrant reasonably believes to be a person is of an acquired gender, within the meaning of Article 1(2) of the [Gender Recognition \(Jersey\) Law 2010](#) –
 - (a) to solemnize same sex marriages;
 - (b) to solemnize the marriage of the person believed to be of an acquired gender;
 - (c) to be present at or participate in the solemnization of a same sex marriage or a marriage of a person believed to be of an acquired gender;
 - (d) to consent to the solemnization of a same sex marriage or a marriage of a person believed to be of an acquired gender;
 - (e) to apply for authorization for a person to solemnize a same sex marriage or a marriage of a person believed to be of an acquired gender; or

- (f) to give consent or certify any matter relating to a same sex marriage or a marriage of a person believed to be of an acquired gender,
- where the reason for not doing so is that the marriage concerns 2 persons of the same sex or a marriage of a person believed to be of an acquired gender.
- (2) For the avoidance of doubt –
- (a) a person cannot be compelled by any means to refrain from doing any of the activities described in paragraph (1)(a), (b), (c), (d), (e) or (f); and
- (b) a person may withdraw, and shall not be compelled to refrain from withdrawing, a consent or certificate previously given or an application previously made.
- (3) In paragraphs (1) and (2), “person” includes a religious organization, an authorized religious official or a clergyman but does not include a civil marriage celebrant.
- (4) In paragraphs (1) and (2), “person” applies to an individual whether or not the religious organization to which he or she may belong consents to marriages of 2 persons of the same sex being solemnized according to the rites or usages of that religious organization.
- (5) Any duty of a member of the clergy to solemnize marriages (and any corresponding right of persons to have their marriages solemnized by members of the clergy) is not extended by this Law to marriages of 2 persons of the same sex or marriages of persons of an acquired gender.

PART 2⁴

MARRIAGE AUTHORIZED UNDER MARRIAGE SCHEDULE OR CERTIFICATE OF NO IMPEDIMENT TO MARRIAGE ISSUED BY SUPERINTENDENT REGISTRAR

Pre-marriage procedural requirements and solemnization of marriage

8 Application for notice of intended marriage

- (1) Where a marriage is intended to be solemnized on the authority of a marriage schedule or certificate of no impediment to marriage issued by the Superintendent Registrar, one or both of the persons intending to marry, or that person’s or those person’s representative, must –
- (a) deliver to the Superintendent Registrar an application for a notice of intended marriage not earlier than 1 year before the day of the intended marriage; and
- (b) pay the prescribed fee.
- (2) The application for a notice of intended marriage must –
- (a) include such information as may be prescribed;
- (b) be in such form as the Superintendent Registrar may by notice require; and
- (c) be accompanied by such documents that corroborate the information required under sub-paragraph (a) as the Superintendent Registrar may by notice require, including (but not limited to) –

- (i) evidence of the identity, residence and nationality of the parties,
- (ii) evidence of the parties' immigration status in Jersey, and
- (iii) evidence of any previous marriage or civil partnership and evidence that it has ended.

9 Consideration of application for notice of intended marriage

- (1) The Superintendent Registrar may consider the application for notice of intended marriage delivered under Article 8 before he or she has inspected the original or certified copy of any document delivered under Article 8(2)(c).
- (2) The Superintendent Registrar may request such other information or documents as he or she considers to be necessary and interview either or both of the parties to the intended marriage or any other person for the purpose of considering the application and in particular for the purpose of any of the following –
 - (a) verifying the accuracy of any information provided or the authenticity of any document;
 - (b) satisfying himself or herself that both parties are capable of consenting to the marriage and are entering into the marriage freely; and
 - (c) satisfying himself or herself whether any other ground exists for not issuing a notice of intended marriage.
- (3) The Superintendent Registrar may –
 - (a) reject any information or evidence provided under Article 8 and this Article if he or she has reasonable grounds for suspecting that information or evidence is false or inaccurate; and
 - (b) proceed under this Law as if that rejected information or evidence had not been provided.

10 Giving notice of intended marriage and making freedom to marry declaration

- (1) The parties to the intended marriage must have been resident at their place of residence (whether in Jersey or elsewhere) for at least 7 days before they give notice of their intended marriage to the Superintendent Registrar.
- (2) Subject to paragraph (3), notice of intended marriage may not be given until the Superintendent Registrar has inspected the original or certified copies of all of the documents provided in corroboration (as required under Article 8(2)(c)) of the information required under Article 8(2)(a) and has satisfied himself or herself of their authenticity.
- (3) A notice of intended marriage may be given despite the Superintendent Registrar not seeing the original or certified copy of a document referred to in paragraph (2) in a case where Article 24 applies or where the Superintendent Registrar has otherwise satisfied himself or herself that the parties to the intended marriage have corroborated the information provided under Article 8(2)(a) by some other means.
- (4) If the Superintendent Registrar is satisfied that the information and documents referred to in Articles 8 and 9 reveal no reason why the intended marriage between the parties cannot take place, the parties may give notice of their intended marriage in accordance with paragraph (5) or (6).

- (5) If the parties to the intended marriage attend the office of the Superintendent Registrar to give notice of their intended marriage they must, in the presence of the Superintendent Registrar –
 - (a) both sign the notice of intended marriage in respect of their intended marriage in the notices of intended marriage book; and
 - (b) each sign a freedom to marry declaration.
- (6) If the parties to the intended marriage do not intend to attend the office of the Superintendent Registrar to give notice of their intended marriage –
 - (a) the Superintendent Registrar must send to the parties a notice of intended marriage form in respect of their intended marriage and a freedom to marry declaration in respect of each of the parties; and
 - (b) the parties must sign and return the notice of intended marriage form and freedom to marry declarations to the Superintendent Registrar,
- (7) Upon receipt of the notice of intended marriage form and freedom to marry declarations under paragraph (6) the Superintendent Registrar must enter a notice of intended marriage in the notices of intended marriage book.
- (8) A notice of intended marriage form shall be in such form as the Superintendent Registrar decides and must include the prescribed particulars.
- (9) A freedom to marry declaration shall be in such form as the Superintendent Registrar decides, must include the prescribed particulars and must contain the following declaration –

“I [AB] solemnly declare that I know of no legal impediment to my intended marriage to BC on grounds of kindred or affinity or on any other ground and I have not at any time before attaining full age, been a child of the family in relation to [BC].”.
- (10) In a case where paragraph (5) applies, the date upon which the parties sign the notice of intended marriage in the notices of intended marriage book is the date upon which the parties give notice of their intended marriage.
- (11) In the case where paragraph (6) applies, the date on which the Superintendent Registrar enters the details of the intended marriage in the notices of intended marriage book, shall be deemed to be the date on which the parties to the marriage have given notice of their intended marriage (whether or not that date is different to the date on which the parties to the marriage signed the notice of intended marriage form).
- (12) In the case where Article 24 applies and the Superintendent Registrar has not seen the original or a certified copy of a document submitted to him or her under Article 8 or 9 at the time of entering the details referred to in paragraph (11), the Superintendent Registrar must endorse upon the notices of intended marriage book and the notice of intended marriage that the notice of intended marriage is a provisional notice.

11 Publication of notice of intended marriage and entry in notices of intended marriage book

- (1) The Superintendent Registrar must publish the notice of intended marriage any time after the notice has been given provided that it must not be published more than one

year before the intended date of the marriage and, subject to Article 24, must be published for a period of at least 25 clear days ending on the date of the marriage –

- (a) at the Office of the Superintendent Registrar;
 - (b) on the website of the States of Jersey; and
 - (c) in any other place that the Superintendent Registrar considers appropriate.
- (2) A notice of intended marriage shall be void after the expiry of 1 year beginning on the day on which it is first published.

12 Caveat against issue of marriage schedule or certificate of no impediment to marriage

- (1) A person having reason to believe that there is lawful cause to obstruct the issue of a marriage schedule or certificate of no impediment to marriage may enter a caveat with the Superintendent Registrar against such issue.
- (2) A caveat shall be signed by or on behalf of the person by whom it is entered, state his or her 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 marriage schedule or certificate of no impediment to marriage until –
 - (a) he or she has examined into the matter of the caveat and is satisfied that it ought not obstruct the issue of a marriage schedule or certificate of no impediment to marriage; or
 - (b) the caveat is withdrawn by the person who entered it.
- (4) If the Superintendent Registrar is doubtful whether to issue a marriage schedule or certificate of no impediment to marriage, he or she may refer the matter of the caveat to the Inferior Number of the Royal Court.
- (5) Where the matter of a caveat is referred to the Inferior Number of the Royal Court, the Royal Court may uphold the caveat or order that the marriage schedule or certificate of no impediment to marriage be issued and no appeal shall lie from the decision of the Royal Court.
- (6) Where a caveat is entered against a marriage on the ground that the persons to be married 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 marriage schedule or 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 described in paragraph (6), one of the persons to be married may apply to the Inferior Number of the Royal 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 (on the grounds referred to in paragraph (6)) to the solemnization of the marriage.
- (8) The Inferior Number of the Royal Court, in any proceedings before it under this Article, may 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 marriage the caveat was entered.

13 Forbidding of issue of marriage schedule or certificate of no impediment to marriage

- (1) Subject to paragraph (3), any person whose consent is required to a marriage intended to be solemnized on the authority of a marriage schedule or certificate of no impediment to marriage under Article 4 may forbid the issue of a marriage schedule or certificate of no impediment to marriage by writing, at any time before its issue, the word “forbidden” in the margin of the notices of intended marriage book next to the entry of the notice of intended marriage and subscribing to that word the person’s name, place of residence and the capacity, in relation to either of the persons to be married, in which he or she forbids the issue of the schedule or certificate.
- (2) Subject to paragraph (3), where the issue of a marriage schedule or certificate of no impediment to marriage is forbidden under paragraph (1), the notice of intended marriage and all proceedings on it shall be void.
- (3) Where the Inferior Number of the Royal Court orders that the marriage schedule or certificate of no impediment to marriage be issued under Article 12(5), in the place of a person who has refused consent, that person shall not be entitled to forbid the issue of a marriage schedule or certificate of no impediment to marriage for that marriage under this Article and the notice of intended marriage and proceedings on it shall not be void by virtue of this Article.

14 Marriage in Jersey by non-Jersey resident: certificate of freedom to marry issued by other authority

- (1) Any person, whose ordinary place of residence is outside Jersey, must, if he or she intends to marry in Jersey, deliver to the Superintendent Registrar a valid certificate of freedom to marry issued in respect of that person by the marriage authority in the jurisdiction of the person’s ordinary place of residence.
- (2) The Superintendent Registrar may require a person who intends to marry in Jersey to deliver to the Superintendent Registrar a certificate of freedom to marry issued in respect of that person by the marriage authority of the jurisdiction in which that person previously resided or the jurisdiction of the person’s nationality where –
 - (a) the person has been resident in his or her ordinary place of residence for a total period of less than 2 years; or
 - (b) the Superintendent Registrar reasonably considers that additional checks are necessary to satisfy himself or herself that no lawful impediment exists to prevent the person from freely entering into the intended marriage.
- (3) For the purposes of this Law, a certificate of freedom to marry is a document (whether or not described as a certificate of freedom to marry) that provides official confirmation from a marriage authority of any marriage or civil partnership entered into by the person in that jurisdiction.
- (4) The certificate of freedom to marry must –
 - (a) include the full names of the parties to the intended marriage and the location of the intended marriage;
 - (b) be issued not more than 3 months before the intended date of marriage; and

- (c) if it contains a date of expiry, be a date that falls after the date of the intended marriage.
- (5) The Superintendent Registrar may require the certificate of freedom to marry delivered under this Article to be authenticated by way of an apostille applied to the document or in such other manner as the Superintendent Registrar may reasonably require.
- (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 as may be required under paragraph (1) or (2) unless the Superintendent Registrar is satisfied that the failure is beyond the control of the person in respect of whom the requirement applies.

15 Issue of marriage schedule

- (1) Where a marriage is intended to be solemnized in Jersey one of the parties to the intended marriage must, subject to Article 24, at least 2 clear days and not more than 10 clear days before the day on which the marriage is to be solemnized, request the Superintendent Registrar to issue a marriage schedule.
- (2) The request must be accompanied by the prescribed fee.
- (3) The Superintendent Registrar must not issue a marriage schedule unless –
 - (a) both parties to the intended marriage have attended the office of the Superintendent Registrar (together or separately), and in the presence of the Superintendent Registrar, have signed a signature verification form, and the Superintendent Registrar is satisfied that the signatures on the freedom to marry declarations are the signatures of the persons signing the signature verification form;
 - (b) each person who is required under Article 14 to provide a certificate of freedom to marry has delivered the original of a valid certificate to the Superintendent Registrar;
 - (c) the prescribed fee has been paid; and
 - (d) if the marriage celebrant to be named in the marriage schedule is an authorized religious official, in the case of a same sex marriage, he or she consents to solemnizing the marriage.
- (4) The Superintendent Registrar must refuse to issue a marriage schedule if he or she is satisfied that –
 - (a) any party to the marriage is incapable of consenting to the marriage or is not entering into the marriage freely; or
 - (b) any other ground exists for not issuing a marriage schedule.
- (5) Subject to paragraphs (3) and (4), the Superintendent Registrar shall issue the marriage schedule to the marriage celebrant unless –
 - (a) any lawful impediment has been shown to his or her satisfaction; or
 - (b) its issue has been forbidden under Article 13.
- (6) The marriage schedule and signature verification form shall be in such form as the Superintendent Registrar may decide and contain such particulars as may be prescribed.

- (7) Upon issuing the marriage schedule, the Superintendent Registrar shall also issue to the marriage celebrant –
 - (a) 3 marriage certificates for completion at the solemnization of the marriage;
 - (b) a notice of time and location of the marriage; and
 - (c) the signature verification form signed by both parties to the intended marriage.
- (8) The marriage certificates shall be in such form as the Superintendent Registrar decides and must contain such particulars as may be prescribed.
- (9) A notice under paragraph 7(b) shall contain such particulars and be in such form as the Superintendent by notice requires.
- (10) Subject to Article 24, if the marriage –
 - (a) is not solemnized on the date specified in the marriage schedule;
 - (b) is not solemnized in the location specified in the marriage schedule; and
 - (c) is solemnized earlier than the time specified in the marriage schedule, or more than 1 hour later than the time specified in the marriage schedule,the marriage schedule shall be void and no person shall solemnise the marriage on its authority.

16 Issue of certificate of no impediment by Superintendent Registrar for marriage outside Jersey

- (1) A party to a marriage who is resident in Jersey and whose marriage is intended to be solemnized outside Jersey may request the Superintendent Registrar to issue a certificate of no impediment to marriage in respect of that person.
- (2) Subject to Article 24, the request must be made before the day on which the marriage is to be solemnized and must be accompanied by the prescribed fee.
- (3) The Superintendent Registrar must not issue a certificate of no impediment to marriage under paragraph (1) unless –
 - (a) the notice of intended marriage has been published in accordance with Article 11;
 - (b) the person requiring the certificate of no impediment to marriage has attended the office of the Superintendent Registrar and signed the certificate of no impediment to marriage in the Superintendent Registrar's presence; and
 - (c) the prescribed fee has been paid.
- (4) The Superintendent Registrar must sign the certificate of no impediment to marriage and endorse upon it the date on which he or she signed it and must issue the certificate of no impediment to marriage to the party who requested it, or to his or her representative, unless –
 - (a) any lawful impediment has been shown to his or her satisfaction;
 - (b) its issue has been forbidden under Article 13;
 - (c) any party to the marriage is incapable of consenting to the marriage or is not entering into the marriage freely; or

- (d) any other ground exists for not issuing a certificate of no impediment to marriage.
- (5) The certificate of no impediment to marriage –
 - (a) must state the date upon which notice of intended marriage was given;
 - (b) must state the residence of the person in respect of whom it relates; and
 - (c) may be in such form as the Superintendent Registrar may decide and contain such particulars as may be prescribed.
- (6) A certificate of no impediment to marriage issued under this Article –
 - (a) is only valid for a marriage that takes place on the date and at the location indicated on the certificate; and
 - (b) shall remain valid for a period of 3 months from the date that notice of intention of marriage was given.
- (7) A certificate of no impediment to marriage shall be void if it is not issued in accordance with this Article and no person shall solemnize the marriage on its authority.

17 Solemnization of marriage

- (1) This Article is subject Article 24.
- (2) Where a marriage schedule states that a marriage between the persons named in the marriage schedule is intended to be solemnized in an approved location and by the marriage celebrant named in that marriage schedule, the marriage must be solemnized in that location and by that marriage celebrant in accordance with this Article but otherwise according to such form and ceremony as those persons may see fit to adopt.
- (3) A marriage must be solemnized –
 - (a) between the hours of 8 a.m. and 7 p.m.;
 - (b) by a marriage celebrant; and
 - (c) in the presence of 2 or more witnesses, in addition to the marriage celebrant.
- (4) The marriage celebrant must display a notice of the solemnization of the marriage, or cause a notice of the solemnization of the marriage to be displayed, at the approved location named in the marriage schedule for at least one hour before the commencement of the ceremony and until the conclusion of the ceremony.
- (5) The notice of the solemnization of the marriage displayed under paragraph (4) must contain the forenames and surnames of both parties to the marriage and the time, date and location of the solemnization of the marriage.
- (6) Members of the public shall be permitted to attend freely the solemnization of a marriage.
- (7) Each of the persons to the marriage shall, in some part of the marriage ceremony and in the presence of the witnesses and the marriage celebrant –
 - (a) make the following declaration –

“I solemnly declare that I know of no lawful reason why I, [AB] may not be joined in marriage to [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 wedded wife [or husband] [or spouse].”.
- (8) A civil marriage celebrant must not permit any marriage solemnized by him or her to include any religious ritual or symbol or permit prayers or any religious worship or service to be conducted during the marriage ceremony.
- (9) A civil marriage celebrant, if satisfied that the content of the marriage ceremony does not contravene paragraph (8), must permit any marriage solemnized by him or her to contain any of the following –
- (a) hymns, songs or chants, whether or not they contain any references of a religious nature;
- (b) readings from the bible or other holy books or any other reading that contains any references of a religious nature;
- (c) vows or statements of commitment by the persons to each other that make any references of a religious nature, provided that any such vow or statement does not replicate any made in any religious marriage ceremony.
- (10) A marriage celebrant must permit candles, lights, incense, ribbons and other decorations provided that, in the case of a civil celebrant, he or she is satisfied that they are not used in contravention of paragraph (8).
- (11) After the parties have made the declaration under paragraph (7) the parties to the marriage and the witnesses must sign the marriage schedule and the marriage certificates.
- (12) The marriage celebrant, if satisfied that the parties celebrating the marriage are the same parties whose signatures are on the signature verification form given to him or her by the Superintendent Registrar, shall sign and date the marriage schedule and the marriage certificates.
- (13) The parties to the marriage shall be married upon the signing of the marriage schedule by the marriage celebrant.
- (14) Two of the marriage certificates may be kept by the parties to the marriage.
- (15) Nothing in this Article shall be construed as requiring a marriage celebrant to attend the solemnization of a marriage on a particular day or at a particular time.

18 Changes to date, time or location of intended marriage

- (1) 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 of the new date or time (subject to Article 24) not later than 25 clear days before the new date.
- (2) If the parties to a marriage intended to take place in Jersey wish to change the location of the intended marriage contained in the notice of intended marriage, both parties must notify the Superintendent Registrar in writing of the new location (subject to Article 24) not later than 25 clear days before the date of the intended marriage.
- (3) The Superintendent Registrar shall, as soon as reasonably practicable after receiving notice under paragraph (1) or (2), and upon payment by the parties to the marriage

of the prescribed fee, endorse a note of any change of date, time or location upon the published notice of intended marriage, the notices of intended marriage book and on any electronic records so as to accurately record the change of date, time or location, as the case may be.

- (4) Where for any reason a marriage in respect of which a notice of intended marriage has been published is not to take place, the Superintendent Registrar must endorse a note in the notices of intended marriage book and on any electronic records to that effect.

Marriage by Conversion

19 Application for conversion

- (1) Subject to Article 24, where civil partners wish to convert their civil partnership to a marriage, one or both of the civil partners or that person's or those persons' representative, must –
 - (a) deliver to the Superintendent Registrar an application for a conversion not earlier than 1 year before the day of the intended conversion; and
 - (b) pay the prescribed fee.
- (2) The parties to the intended conversion must have been resident at their place of residence (whether in Jersey or elsewhere) for at least 7 days before they make their application to the Superintendent Registrar.
- (3) The application for a conversion must –
 - (a) include the prescribed information;
 - (b) be in such form as the Superintendent Registrar may by notice require; and
 - (c) be accompanied by such documents that corroborate the information required under sub-paragraph (a) as the Superintendent Registrar may by notice require, including (but not limited to) –
 - (i) evidence of the identity, residence and nationality of the parties,
 - (ii) evidence of the parties' immigration status in Jersey, and
 - (iii) evidence that when the civil partnership was formed, if it had instead been a marriage, it would not have been a void marriage under Article 3.

20 Consideration of application for conversion

- (1) The Superintendent Registrar may consider the application for a conversion delivered under Article 19 before he or she has inspected the original or certified copy of any document referred to in Article 19(3)(c) but he or she must not issue a conversion declaration form unless the Superintendent Registrar has inspected the original or certified copy of those documents.
- (2) The Superintendent Registrar may request such other information or documents as he or she considers to be necessary and interview either or both of the parties to the intended conversion or any other person for the purpose of considering the application and in particular for the purpose of –

- (a) verifying the accuracy of any information provided or authenticity of any document;
 - (b) satisfying himself or herself that both parties are capable of consenting to the conversion and are entering into the marriage freely; and
 - (c) satisfying himself or herself whether any other ground exists for not issuing a conversion declaration form.
- (3) If the Superintendent Registrar concludes that the information and documents referred to in Article 19(3) and paragraph (2) reveal no reason why the civil partners may not marry by conversion, the Superintendent Registrar must notify the civil partners of that conclusion and that the conversion declaration form may be issued.

21 Issue of conversion declaration form

- (1) One or both of the parties to the intended marriage must, subject to Article 24, at least 2 clear days and not more than 10 clear days before the day on which the marriage by conversion is to be solemnized, request the Superintendent Registrar to issue a conversion declaration form for signing by the parties to the marriage.
- (2) The request must be accompanied by the prescribed fee.
- (3) The Superintendent Registrar must not issue a conversion declaration form unless –
 - (a) both parties to the intended conversion have attended the office of the Superintendent Registrar (together or separately), and –
 - (i) have brought with them the original or certified copy of the documents required under Articles 19(3)(c) and 20(2), and
 - (ii) in the presence of the Superintendent Registrar have signed a signature verification form; and
 - (b) subject to paragraph (5), the Superintendent Registrar has inspected the original or certified copies of all of the documents provided in corroboration of the information required under Articles 19(3) and 20(2) and has satisfied himself or herself of their authenticity; and
 - (c) the prescribed fee has been paid.
- (4) Subject to paragraph (3) the Superintendent Registrar must refuse to issue the conversion declaration form to the marriage celebrant if he or she is satisfied that –
 - (a) any party to the marriage is incapable of consenting to the conversion or is not entering into the marriage freely; or
 - (b) any other ground exists for not issuing a conversion declaration form.
- (5) The Superintendent Registrar may issue a conversion declaration form for completion by the parties to the marriage, despite not seeing the original or certified copy of a document referred to in paragraph (3)(b) in a case where Article 24 applies or where the Superintendent Registrar has otherwise satisfied himself or herself that the parties to the intended conversion have corroborated any information provided under Articles 19(3) and 20(2) by some other means.
- (6) Upon issuing the conversion declaration form the Superintendent Registrar shall also issue to the marriage celebrant –

- (a) the form for entering details of the marriage by conversion into the conversion register held by the registrar of the parish;
 - (b) 3 marriage certificates for completion at the solemnization of the marriage;
 - (c) a signature verification form, signed by both parties to the intended marriage.
- (7) The conversion declaration form, signature verification form and the marriage certificates shall be in such form as the Superintendent Registrar decides and contain such particulars as may be prescribed.

22 Marriage by conversion

- (1) This Article is subject to Article 24.
- (2) A marriage by conversion may be solemnized between the hours of 8 a.m. and 7 p.m. in the presence of a marriage celebrant.
- (3) The marriage may be solemnized –
- (a) upon payment to the Superintendent Registrar or a Deputy Superintendent Registrar of the prescribed fee; or
 - (b) upon such payment as any other marriage celebrant and the parties to the marriage may agree is payable for the services of the marriage celebrant.
- (4) If the civil partners do not wish to have any ceremony other than making the declarations contained in paragraph (9), the marriage must be solemnized before the Superintendent Registrar or a Deputy Superintendent Registrar at any approved location for the solemnization of civil marriages.
- (5) If the civil partners wish to have any ceremony in addition to making the declarations contained in paragraph (9), the marriage must be solemnized –
- (a) by a marriage celebrant, other than an authorized religious official, at any approved location for the solemnization of civil marriages; or
 - (b) by an authorized religious official at any approved location for the solemnization of marriages.
- (6) A civil marriage celebrant must not permit any marriage ceremony solemnized by him or her under this Article to include any religious ritual or symbol or permit prayers or any religious worship, or service to be conducted during the marriage ceremony.
- (7) A civil marriage celebrant, if satisfied that the content of the marriage ceremony does not contravene paragraph (6), must permit any marriage ceremony solemnized by him or her to contain any of the following –
- (a) hymns, songs or chants, whether or not they contain any references of a religious nature;
 - (b) readings from the bible or other holy books or any other reading that contains any references of a religious nature;
 - (c) vows or statements of commitment by the persons to each other that make any references of a religious nature, provided that any such vow or statement does not replicate any made in any religious marriage ceremony.

- (8) A marriage celebrant must permit candles, lights, incense, ribbons and other decorations provided that, in the case of a civil celebrant, he or she is satisfied that they are not used in contravention of paragraph (6).
- (9) Each of the civil partners shall in the presence of the marriage celebrant make the following declaration to each other –

“I (*AB*) solemnly declare that I am in a civil partnership with you (*CD*) and I know of no lawful reason why we may not convert our civil partnership into marriage.

I understand that in making this declaration I will be converting our civil partnership into a marriage and that you (*CD*) will thereby become my lawful [husband][wife][spouse].”.
- (10) After the civil partners have made the declaration in paragraph (9), they shall sign the conversion declaration form and the marriage certificates in the presence of each other and the marriage celebrant.
- (11) The marriage celebrant, if satisfied that the parties converting the civil partnership are the same parties whose signatures are on the signature verification form given to him or her by the Superintendent Registrar, shall sign and date the conversion declaration form and the marriage certificates.
- (12) The parties to the conversion shall be married upon the signing of the conversion declaration form by the marriage celebrant.
- (13) Two marriage certificates may be kept by the parties to the conversion.
- (14) Nothing in this Article shall be construed as requiring a marriage celebrant to attend the solemnization of a marriage under this Article on a particular day or at a particular time.
- (15) A civil partnership that is converted to a marriage under this Law shall be treated for all purposes as if it had always been a marriage.
- (16) Civil partners who convert their civil partnership to a marriage under this Law shall be treated for all purposes as if they had married on the date on which their civil partnership was formed.

23 Approved locations

- (1) Subject to Article 24, a marriage shall not be solemnized at a location unless it is an approved location.
- (2) The Minister shall by Order establish a scheme for the approval by an approving authority of any location for the purpose of solemnizing marriages at that location.
- (3) The scheme shall not permit approval to be given in respect of a location unless the approving authority is of the opinion that the location is suitable for upholding the dignity and solemnity of marriage.
- (4) An approval for a location under the scheme must be –
 - (a) an approval for religious marriages only to be solemnized at that location; or
 - (b) approval for any marriage to be solemnized at that location.
- (5) An Order made under paragraph (2) may include provision in respect of any of the following matters –
 - (a) the kinds of locations in respect of which approvals may be granted;

- (b) the type and nature of an approval and any matter that is or is not relevant to an approval given;
 - (c) the procedures in relation to applications for approval and the determination of applications;
 - (d) the information required to be given in an application for approval and any supporting documents to be supplied;
 - (e) the persons to be consulted in relation to the application, revision or revocation of any approval;
 - (f) the inspection of any location;
 - (g) the matters to be taken into account, or not to be taken into account, when determining whether to approve any location;
 - (h) the duration, renewal, revision or revocation of approvals;
 - (i) the conditions that shall or may be imposed on the grant or renewal of approvals;
 - (j) the determination and charging of fees in respect of applications for, or the grant of, the approvals and in respect of renewals, revisions or revocations of approvals, including any that must or may be payable before an application may be considered;
 - (k) the circumstances in which approvals shall or may be revoked;
 - (l) the review or appeal of any decision to refuse the approval, or the renewal of approval, or to impose conditions on the grant or renewal of approval or to revoke approval;
 - (m) any requirements as to the notification of any person of any matter related to the grant, renewal, revision or revocation of any approval, including any appeal; and
 - (n) any other purpose incidental to the approval of a location for the solemnization of marriages.
- (6) Approval shall not be given for the solemnization of same sex marriages at a location that is the usual place of public religious worship according to the rites of the Church of England.
- (7) Subject to paragraph (14), approval shall not be given for the solemnization of same sex marriages at a location that is certified by the Minister as the usual place of public religious worship of any religious organization unless –
- (a) the governing authority of every religious organization in respect of which that location has been certified as its usual place of public worship has given written consent to the use of that location for the solemnization of same sex marriages; and
 - (b) the owner or trustee of the location has given written consent to the use of that location for the solemnization of same sex marriages.
- (8) Neither a governing authority of a religious organization nor the owner or trustee of a location described in paragraph (7) shall be compelled to consent, or refrain from giving consent, to the approval of that location for the solemnization of same sex marriages where the reason for not consenting is that such marriages would be between 2 persons of the same sex and, where the governing authority or owner or

- trustee does so consent, they shall not be compelled by any person not to withdraw their consent.
- (9) An authorized civil celebrant shall not be authorized to solemnize any marriage in any building or part of a building which has been certified under paragraph (7) as a usual place of public religious worship.
- (10) An authorized religious official shall not be authorized to solemnize any marriage except in a location that –
- (a) has been certified under paragraph (7) as a usual place of public religious worship of the religious organization to which the official is affiliated; or
 - (b) is approved by that religious organization for the purpose of solemnizing marriages according to the rites or usages of that religious organization to which the official is affiliated.
- (11) An approving authority shall not approve a location belonging to the Connétable or the parish unless the Minister consents to that location being an approved location.
- (12) The Minister may delegate the power to consent to a matter referred to in paragraph (11).
- (13) The Minister shall certify locations as usual public places of public religious worship for the purposes of this Law.
- (14) The Minister shall prescribe the process by which a location may be certified as a place of public religious worship including –
- (a) the information that must be supplied with an application;
 - (b) the persons who may apply for the certificate;
 - (c) the locations that may or may not be certified; and
 - (d) the process by which a location may be certified.
- (15) Any building that was registered under this Law for the solemnization of marriages immediately before the coming into force of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018 –
- (a) shall be deemed to have been certified under paragraph (13) as a place of public religious worship of the religious organization in favour of whom it was registered; and
 - (b) shall be deemed to be an approved location under this Article for the purpose of solemnizing marriages according to the rites or usages of that religious organization for a period of 12 months commencing on the day that the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018 comes into force.
- (16) Despite the repeal of the Marriage and Civil Status (Approved Premises) (Jersey) Order 2002 –
- (a) an approval of premises for the solemnization of marriages that was granted under that Order before the coming into force of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018 shall be deemed to be an approval of a location under the scheme established under this Article;
 - (b) any premises that are deemed to be an approved location under subparagraph (a) shall be deemed to be an approved location for the purpose of

solemnizing civil marriages of persons of the same sex and persons of the opposite sex;

- (c) the deemed approval of a location shall end on the earlier of –
 - (i) the day on which the approval of the premises would have ended if the Marriage and Civil Status (Approved Premises) (Jersey) Order 2002 had not been repealed, or
 - (ii) the day on which the trustee or proprietor of the premises notifies the Superintendent Registrar that the trustee or proprietor no longer wishes to permit the solemnisation of civil marriages to be conducted at that location.

24 Marriage: special circumstances

- (1) This Article applies where special circumstances exist such that persons intending to solemnize their marriage on the authority of a marriage schedule or conversion declaration wish to –
 - (a) solemnize their marriage in a location that is not an approved location;
 - (b) solemnize their marriage at a time outside the hours of 8.00 a.m. and 7.00 p.m.;
 - (c) solemnize their marriage earlier than 25 clear days after the publication of notice of marriage under Article 11; or
 - (d) change the date, time or location of the marriage specified in the notice of intended marriage or application for a conversion.
- (2) For the purposes of paragraph (1), special circumstances are any of the following –
 - (a) one or both of the parties to the intended marriage are expected to die within 3 months of applying for notice of intended marriage under Article 8 or applying for a conversion under Article 19;
 - (b) one or both of the parties to the intended marriage are physically incapacitated such that it would be impossible to solemnize the marriage in an approved location;
 - (c) one or both of the parties to the intended marriage are unable to solemnize the marriage by reason of illness or unforeseen or unavoidable circumstances;
 - (d) one or both of the parties to the intended marriage are detained in prison or under the Mental Health (Jersey) Law 1969, such that it would be impossible to solemnize the marriage at an approved location; or
 - (e) an emergency has arisen such that it is impractical or impossible for the approved location named in the marriage schedule or conversion declaration form to be used, or for the marriage celebrant named in the marriage schedule or conversion declaration form to solemnize the marriage.
- (3) The Minister shall prescribe the requirements and procedures that shall apply for allowing persons to solemnize their marriage according to a wish referred to in paragraph (1), which may include any of the following –
 - (a) the application process for seeking to solemnize a marriage in special circumstances;

- (b) the fees payable;
- (c) the medical evidence, information or documents that must be provided, or need not be provided, in support of an application for permission to solemnize a marriage in special circumstances;
- (d) the timescales that apply or may be disapplied for making applications, giving notice, issuing declarations, schedules or certificates or searches in relation to a marriage or a conversion in special circumstances;
- (e) the requirements for providing original documents and attending the office of the Superintendent Registrar;
- (f) the time and location for the solemnization of a marriage; and
- (g) the requirements for annotating any applications, notice, register or other document in consequence of any marriage being solemnized in special circumstances.

Miscellaneous

24A Retention of marriage schedule or conversion declaration form

- (1) A marriage celebrant shall return each marriage schedule, conversion declaration form, marriage certificate or signature verification form to the Superintendent Registrar as soon as reasonably practicable after the solemnization of a marriage.
- (2) The Superintendent Registrar shall, as soon as reasonably practicable upon receipt of the marriage schedule or conversion declaration form, as the case may be –
 - (a) complete the entries in the copy marriage register or copy conversion register held by the Superintendent Registrar in respect of the marriage to which the schedule or conversion declaration form relates with the details contained in the marriage schedule or conversion declaration form, as the case may be; and
 - (b) return the original marriage schedule or conversion declaration form to the registrar of the parish in which the marriage was solemnized.
- (3) The registrar must keep, in the date order in which each marriage is solemnized, a register of all marriages that are solemnized in his or her parish.
- (4) The registrar must keep, in the date order in which each civil partnership is converted to marriage, a register of all conversions that are solemnized in his or her parish.
- (5) A registrar shall be paid by the Superintendent Registrar the prescribed fee for each marriage which the registrar registers under paragraph (3) or (4) and for the provision of returns or registers.

24B Keeping of information, books, indexes, registers etc. relating to marriage

- (1) The Superintendent Registrar shall retain an electronic copy of every application, information and document provided to him or her from any person, whether received in electronic or paper form.
- (2) The Superintendent Registrar shall keep, in such form as he or she decides, and containing the prescribed particulars –

- (a) a register of authorized civil celebrants;
 - (b) a register of authorized religious officials, and the religious organization that applied for the authorization of the religious official;
 - (c) a notices of intended marriage book;
 - (d) a register of approved locations;
 - (e) an index of the names of the parties to any marriage solemnized in Jersey under this Law;
 - (f) a copy of the entries in the marriage registers and conversion registers held by each registrar and each incumbent of an Anglican Church in which marriages may be solemnized;
 - (g) a copy of the entries in the registers of marriages by conversions maintained by the parish registrars.
- (3) The book, registers, indexes, notices and entries kept under paragraph (2) shall be open to public inspection free of charge during such hours at such locations as the Superintendent Registrar publishes.
- (4) The parish registrars shall 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;
 - (b) the marriage schedules and conversion declaration forms in respect of all the marriages that take place in the parish.
- (5) The registers to be kept under this Article shall be kept in permanent form, which may include their maintenance on a computer.
- (6) The Minister may prescribe the matters that may or must be endorsed upon any book, registers, indexes, notices or entries kept under this Law.

24C Official searches of records by Superintendent Registrar

- (1) Any person may apply to the Superintendent Registrar for a search to be made of the books, indexes, registers, notices or entries held at the Office of the Superintendent Registrar and at the Royal Court and for the applicant to be supplied with a certificate containing details of such of the following matters that are held in any of those books, indexes, registers, notices or entries –
- (a) any marriage or civil partnership to which the applicant was a party;
 - (b) any decree for a divorce, nullity of marriage or presumption of death in respect of a marriage to which the applicant was a party;
 - (c) any decree for the dissolution of a civil partnership, nullity of a civil partnership or presumption of death in respect of a civil partnership to which the applicant was a party;
 - (d) any gender recognition certificate issued in respect of the applicant;
 - (e) any change of name of the applicant;
 - (f) the birth of the applicant; and

- (g) the death of any former spouse or civil partner of the applicant.
- (2) The applicant must pay the prescribed fee for any search conducted under this Article at the Office of the Superintendent Registrar or the Royal Court.
- (3) The application for a search under paragraph (1) shall be in such form as the Superintendent Registrar may by notice require, and contain the prescribed information.
- (4) The Superintendent Registrar shall, as soon as reasonably practicable after receiving the application and prescribed fee –
 - (a) search the records of the Superintendent Registrar; and
 - (b) request the Judicial Greffier of the Royal Court to search the records of the Royal Court,and after such searches have been completed, issue to the applicant a search certificate setting out the information in paragraph (5)(a) or (5)(b), as the case may require.
- (5) The search certificate must –
 - (a) state that there is no trace of any previous marriage or civil partnership by the applicant in Jersey, if that is the case; or
 - (b) if the search has confirmed the existence of a previous marriage or civil partnership by the applicant in Jersey, provide the date of and the parties to that previous marriage or civil partnership and, if it has ended, the date on which it ended and whether that was by nullity, dissolution or death; and
 - (c) provide details of any record of the birth of the applicant or change of name or any gender recognition certificate of the applicant.
- (6) A search certificate under this Article shall not be evidence of a person's residency in Jersey.

24D Proof of certain matters not necessary to validity of marriages

- (1) Subject to Article 24F, where a marriage has been solemnized under this Part, it shall not be necessary, in support of the marriage, to give any proof –
 - (a) that, before the marriage, either of the parties to be married resided, or resided for any period, at the location stated in the notice of intended marriage to be his or her place of residence;
 - (b) that any person whose consent to the marriage is required under Article 4 has given his or her consent;
 - (c) that the location in which the marriage was solemnized was an approved location at the time of the solemnization;
 - (d) that the marriage celebrant was authorized under this Law to solemnize the marriage and he or she solemnised the marriage in accordance with the conditions of his or her authorization,

nor shall any evidence be given to prove the contrary in any proceedings touching the validity of the marriage.

- (2) A marriage purporting to be solemnized in accordance with Article 23 in a location which, at the time of the solemnization, is not an approved location shall be valid as if the location had been an approved location.
- (3) A civil marriage that is solemnized otherwise than in accordance with Article 17(8) or 22(6), as the case may be, shall be valid as if it had been solemnized in accordance with Article 17(8) or 22(6), as the case may be.

24E Marriages void under this Part

If any persons knowingly and intentionally marry under this Part –

- (a) without having given due notice of intended marriage to the Superintendent Registrar;
- (b) without a marriage schedule or conversion declaration form, as the case may be, having been duly issued;
- (c) on the authority of a marriage schedule or a conversion declaration form that has been issued after one or both of the parties to the marriage have provided information or documents to the Superintendent Registrar that are false or inaccurate;
- (d) on the authority of a marriage schedule or a conversion declaration form when a party to the marriage has provided false information as to his or her immigration status;
- (e) on the authority of a marriage schedule which is void by virtue of Article 15(10);
- (f) on the authority of a certificate of no impediment which is void by virtue of Article 16(7);
- (g) in the case of a marriage purporting to be solemnized in an approved location, at any location that is not approved at the time the marriage is solemnized or, as the case may be, for the purposes of that marriage;
- (h) in the absence of a marriage celebrant; or
- (i) subject to Article 24, at a time, place or date that is not specified as the time, date or place of the marriage in the marriage schedule,

the marriage shall be void.

24F Co-operation and disclosure

- (1) The Superintendent Registrar may disclose to any person any information or documents obtained by him or her in pursuance of any of his or her functions under this Law and request information and make such enquiries as he or she thinks fit for the purpose of –
 - (a) verifying the accuracy of any application or information delivered to him or her or the authenticity of any document provided to him or her under this Law; or
 - (b) determining whether any ground exists for the Superintendent Registrar to refuse to issue any notice, schedule, certificate or declaration.
- (2) The Superintendent Registrar may, in particular, disclose information or documents to, and request information from, the following persons and organizations in pursuance of his or her functions under this Law –

- (a) the Attorney General;
 - (b) a police officer;
 - (c) an immigration officer;
 - (d) an officer of the Impôts;
 - (e) any Minister of the States of Jersey;
 - (f) any Connétable or employee of a parish;
 - (g) the Royal Court.
- (3) The Superintendent Registrar may, at the request of any person who carries out similar functions in another jurisdiction to the functions of the Superintendent Registrar in respect of the persons entering into a marriage or civil partnership in that other jurisdiction, disclose any information that the Superintendent Registrar reasonably believes may assist that other person in the exercise of his or her functions in that other jurisdiction.
- (4) The Superintendent Registrar may disclose information to, and request information from, any person who carries out similar functions in another jurisdiction to the functions of a police officer, an immigration officer or an officer of the Impôts investigating the immigration status of a person intending to marry in that other jurisdiction, any information that the Superintendent Registrar reasonably believes may assist that other person in the exercise of his or her functions in that other jurisdiction.

24G Orders under this Part

The Minister may by Order –

- (a) prescribe the information and particulars to be included in any application, certificate, declaration, form or notice under this Part and the manner in which that information or documents may or must be supplied;
- (b) amend any period specified in this Part.

PART 3

MARRIAGE ACCORDING TO RITES OF ANGLICAN CHURCH

25 Interpretation of Part 3

In this Part, unless the context requires otherwise –

“licence” means an ordinary or special licence of the Dean;

“parish” means an ecclesiastical parish and includes an ecclesiastical district or parish established by any enactment or Order in Council or constituted under a scheme prepared by the Church Commissioners for England or, formerly, the Ecclesiastical Commissioners for England, and the expression “parish church” shall be construed accordingly.

26 Methods of solemnizing marriage

A marriage according to the rites of the Anglican Church may be solemnized –

- (a) after the publication of banns; or
- (b) on the authority of a licence.

Marriage after publication of banns

27 Place of publication of banns

- (1) Subject to this Law, where it is intended to solemnize a marriage after the publication of banns, the banns shall be published –
 - (a) if the persons to be married reside in the same parish, in the parish church of that parish; or
 - (b) if the persons to be married reside in different parishes, in the parish church of each of those parishes.
- (2) In addition to the publication of banns in accordance with paragraph (1), banns may be published in any parish church which is the usual place of worship of either or both of the parties to be married, although neither of them resides in the parish to which the church belongs.

28 Time and manner of publication of banns

- (1) Banns shall be published on 3 Sundays preceding the solemnization of the marriage during morning service or, if there is no morning service on a Sunday on which the banns are to be published, during evening service.
- (2) Banns shall be published in an audible manner and in accordance with the form of words prescribed by the rubric prefixed to the office of matrimony in the Book of Common Prayer.
- (3) The Churchwarden of a church in which marriages may be solemnized shall provide a book of banns conforming to such specifications as may be prescribed.
- (4) The officiating clergyman shall publish banns from the book of banns for the church and not from loose papers and, after each publication, the entry in the book shall be signed by him or her or by some person under his or her direction.

29 Notice to clergyman before publication of banns

No clergyman shall be obliged to publish banns unless the persons to be married, at least one month before the day on which the marriage is to be solemnized, deliver to him or her a written notice stating –

- (a) the date of delivery of the notice;
- (b) the forenames, surname and place of residence of each of the persons to be married;
- (c) the period for which each of them has resided at his or her place of residence; and
- (d) the intended date for solemnization of the marriage.

30 Persons by whom banns may be published

- (1) Subject to this Article, it shall not be lawful for any person other than a clergyman to publish banns.
- (2) Where, on any Sunday, in any church in which banns may be published, a clergyman does not officiate at the service at which it is usual in that church to publish banns, the banns may be published –
 - (a) by a clergyman at some other service at the church at which banns may be published; or
 - (b) subject to paragraph (3), by a layman during the course of a public reading authorized by the Dean of a portion or portions of the service of morning or evening prayer, the public reading being at the hour when the service at which it is usual to publish banns is commonly held or at such other hour as the Dean may authorize.
- (3) Banns shall not be published by a layman unless the incumbent or minister in charge of the said church, or some other clergyman nominated in that behalf by the Dean, has made or authorized to be made the requisite entry in the book of banns of the said church.
- (4) Where a layman publishes banns, he or she shall sign the book of banns provided under Article 28 and, for that purpose, shall be deemed to be the officiating clergyman within the meaning of that Article.

31 Certification of publication of banns

- (1) Where a marriage is intended to be solemnized after the publication of banns and the persons to be married do not reside in the same parish, a clergyman shall not solemnize the marriage in the parish in which one of those persons resides unless there is produced to him or her a certificate that the banns have also been published, in accordance with this Part, in the parish in which the other person resides.
- (2) Where a marriage is intended to be solemnized in a church of a parish in which neither of the persons to be married resides, after the publication of banns in that church by virtue of Article 27(2), a clergyman shall not solemnize the marriage unless there is produced to him or her –
 - (a) if the persons to be married reside in the same parish, a certificate that the banns have been published in accordance with this Part in that parish; or
 - (b) if the persons to be married do not reside in the same parish, certificates that the banns have been published in accordance with this Part in each parish in which one of them resides.
- (3) A certificate required under this Article shall be signed by the incumbent or minister in charge of the building in which the banns were published or by another clergyman nominated in that behalf by the Dean.

32 Solemnization of marriage after publication of banns

- (1) Subject to this Part, where banns have been published, the marriage shall be solemnized in the church or, as the case may be, one of the churches in which the banns have been published.

- (2) Where a marriage is not solemnized within 3 months after the completion of the publication of the banns, that publication shall be void and no clergyman shall solemnize the marriage on their authority.

33 Publication of banns elsewhere in the British Islands or in the Republic of Ireland

Where a marriage is intended to be solemnized in Jersey after the publication of banns, between parties one of whom resides in Jersey and the other resides elsewhere in the British Islands or in the Republic of Ireland then, if banns have been published or proclaimed in any church of the parish or place in which that other party resides, according to the law or custom there prevailing, a certificate given in accordance with that law or custom that the banns have been so published or proclaimed shall, as respects that party, be sufficient for the purposes of Article 31, and the marriage shall not be void by reason only that the banns have not been published in the manner required for the publication of banns in Jersey.

Marriage under licence

34 Places in which marriage may be solemnized by ordinary licence

Subject to this Part, the Dean shall not grant an ordinary licence for the solemnization of a marriage in any church other than –

- (a) the parish church of the parish in which one of the persons to be married has had his or her usual place of residence for 15 days immediately before the grant of the licence; or
- (b) a parish church which is the usual place of worship of one or both of the persons to be married.

35 Requirements for grant of licence

- (1) The Dean shall not grant any licence unless one of the persons to be married has sworn before the Dean –
- (a) that he or she 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) where one of the persons to be married is a minor, that any consent to the marriage required under Article 4(3) has been obtained, dispensed with or given by the Inferior Number of the Royal Court or that there is no person whose consent to the marriage is so required.⁵
- (2) The Dean shall not grant an ordinary licence unless one of the persons to be married has sworn before the Dean –
- (a) that one of them has had his or her usual place of residence in the parish in which the marriage is to be solemnized for 15 days immediately before the grant of the licence; or
- (b) that the parish church in which the marriage is to be solemnized is the usual place of worship of one or both of those persons.

- (3) The Dean shall not grant any licence for the solemnization of a marriage to which Article 3(5) applies unless –
 - (a) the Dean is satisfied, by the production of evidence, that both the persons to be married are of full age; and
 - (b) the Dean has received a declaration in writing made by each of those persons specifying how they are related and declaring that the younger of those persons has not, at any time before attaining full age, been a child of the family in relation to the other.⁶
- (4) ⁷

36 Caveat against licence of Dean

- (1) A person having reason to believe that there is lawful cause to obstruct the grant of a licence by the Dean may enter a caveat with the Dean against such grant.
- (2) A caveat must be signed by or on behalf of the person by whom it is entered, state his or her place of residence and the grounds for entering the caveat.
- (3) Subject to paragraph (6), where a caveat is entered the Dean shall not issue a licence until –
 - (a) he or she has examined into the matter of the caveat and is satisfied that it ought not to obstruct the grant of the licence; or
 - (b) the caveat is withdrawn by the person who entered it.
- (4) If the Dean is doubtful whether to grant a licence, he or she may refer the matter of the caveat to the Inferior Number of the Royal Court.
- (5) Where the matter of a caveat is referred to the Inferior Number of the Royal Court, the Court may uphold or remove the caveat and no appeal shall lie from the decision of the Court.
- (6) Where a caveat is entered against a marriage to which Article 4 applies on the ground that the persons to be married 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 Dean shall not grant a licence unless a declaration is obtained from the Inferior Number of the Royal Court under paragraph (7).
- (7) In the case described in paragraph (6), one of the persons to be married may apply to the Inferior Number of the Royal 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 affinity to the solemnization of the marriage.
- (8) The Inferior Number of the Royal 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 marriage the caveat was entered.

37 Marriage on authority of ordinary or special licence

Where a marriage is not solemnized within 3 months after the grant of an ordinary or special licence, the licence shall be void and no clergyman shall solemnize the marriage on the authority of it.

*Miscellaneous***38 Witnesses**

A marriage solemnized according to the rites of the Anglican Church shall be solemnized in the presence of 2 or more witnesses in addition to the clergyman by whom the marriage is solemnized.

39 Marriages void under Part 3

If any persons knowingly and intentionally marry according to the rites of the Anglican Church –

- (a) on the authority of a publication of banns or an ordinary licence, in any place other than a church in which banns may be published;
- (b) without banns having been duly published or a licence having been obtained; or
- (c) on the authority of a publication of banns which is void by virtue of Article 4(8) or 32(2) or on the authority of a licence which is void by virtue of Article 37,

or, if they knowingly and intentionally consent to or acquiesce in the solemnization of the marriage by any person who is not a clergyman, the marriage shall be void.⁸

40 Observance of liturgical rubric

Every clergyman shall continue to observe the rules prescribed by the rubric prefixed to the office of matrimony in the Book of Common Prayer concerning the publication of banns and any Canon or regulations made under the Church of England (Worship and Doctrine) Measure 1974, as it applies to Jersey by virtue of The Church of England (Worship and Doctrine) Measure 1984 (Channel Islands) Order 1984 concerning the solemnization of marriage, so far as they are consistent with the Law.

40A ⁹**PART 4**

REGISTRATION SERVICE

41 Superintendent Registrar and Deputy Superintendent Registrars

- (1) A Superintendent Registrar and the Deputy Superintendent Registrars shall be States' employees (within the meaning of the [Employment of States of Jersey](#)

[Employees \(Jersey\) Law 2005](#)) in the department for which the Minister for Home Affairs has responsibility.¹⁰

- (1A) The person holding the position of Superintendent Registrar immediately before the coming into force of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018, having been appointed by the Minister as such, and any person holding the position of a Deputy Superintendent Registrar before the coming into force of that Law, having been appointed by the Minister as such, shall continue to hold the position to which he or she was appointed as if he or she had been employed in that position as a States' employee.¹¹
- (1B) The Superintendent Registrar may from time to time engage the services of one or more persons to act as an assistant Deputy Superintendent Registrar who shall carry out such functions of the Superintendent Registrar under this Law as the Superintendent Registrar may from time to time require.¹²
- (1C) Any person who was a delegate of the Superintendent Registrar immediately before the coming into force of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018, having been appointed by the Minister as such, shall from the date of the coming into force of that Law have the status of assistant Deputy Superintendent Registrar.¹³
- (2) The Superintendent Registrar shall exercise the powers conferred and perform the duties imposed on him or her by and under this Law and any other enactment.
- (3) Each Deputy Superintendent Registrar and assistant Deputy Superintendent Registrar, as the case may be, shall have such powers as the Superintendent Registrar may delegate to him or her and shall be subject to the same duties, conditions and penalties as the Superintendent Registrar in respect of any such delegated power.¹⁴
- (4) A reference to the Superintendent Registrar in any enactment, whenever passed or made shall, unless the contrary intention appears, be construed in accordance with this Article.

42 Registrars and deputy registrars¹⁵

- (1) The Superintendent Registrar shall publish a role description in respect of the roles of registrar and deputy registrar in a parish and a scheme setting out the process for –
 - (a) the training and monitoring of registrars and deputy registrars;
 - (b) investigating complaints against a registrar or deputy registrar;
 - (c) the circumstances in which a person may or must be suspended or removed from the role of registrar or deputy registrar; and
 - (d) the review of any decision to suspend or remove a person from the role of registrar or deputy registrar.
- (2) In each parish –
 - (a) having regard to the published role description for registrars, the Connétable of each parish shall appoint a person as the registrar of the parish; and
 - (b) having regard to the published role description for deputy registrars, the Connétable of each parish shall appoint one or more persons as a deputy registrar of the parish.

- (3) In the case of each parish other than St. Helier, subject to paragraph (8), a person appointed under paragraph (2)(a) or (b) –
 - (a) must be resident in the parish of which he or she is appointed; and
 - (b) shall cease to be a registrar or deputy registrar, as the case may be, of that parish upon ceasing to reside in that parish.
- (4) A person appointed under paragraph (2)(a) or (b) shall be appointed for a term not exceeding 5 years and any person so appointed may be re-appointed at the end of that term.
- (5) A Connétable shall not appoint a person under paragraph (2)(a) or (b) unless he or she has notified the parish assembly of the intended appointment.
- (6) A person who is appointed to the position of registrar or deputy registrar must give the Connétable of the parish not less than 3 months' notice of his or her intention to vacate that position.
- (7) In a case where there is no registrar in a parish, a deputy registrar shall act as the registrar until such time as a new registrar is appointed.
- (8) In a case where there is no registrar or deputy registrar in a parish, the Superintendent Registrar, a registrar or a deputy registrar of a different parish or an employee of the parish, may, with the consent of the Connétable and whether or not he or she resides in the parish, act in the capacity of the registrar or deputy registrar of the parish.

43 Oath of office

Before entering office, the Superintendent Registrar and every Deputy Superintendent Registrar, registrar and deputy registrar shall take an oath before the Royal Court to well and faithfully perform the duties of his or her office.

44 Premises for Superintendent Registrar¹⁶

The States shall provide and maintain for the Superintendent Registrar an office where records and documents required to be kept by the Superintendent Registrar under this Law and any other enactment may be kept in safe custody and protected from fire.

45 Requirement to display name and office

- (1) The registrar and each deputy of each parish shall display on the exterior of any premises which he or she uses as his or her office in his or her capacity as the registrar or deputy registrar, as the case may be, of that parish a notice stating his or her name and whether he or she is the registrar or a deputy registrar.¹⁷
- (2) The Superintendent Registrar shall clearly display, on the exterior of his or her office, a list of the names and addresses of all the registrars and deputy registrars.

46 Provision of storage

The States shall supply each registrar and each incumbent of an Anglican church in which marriages may be solemnized with a durable and fire-resistant box in which the registers and other official documents in that person's care for the purposes of this Law shall be stored when not in use.

47 Provision of registers, forms and certificates

- (1) The Superintendent Registrar shall supply each registrar and each incumbent of an Anglican church in which marriages may be solemnized with the required number of registers of marriage.
- (2) The Superintendent Registrar shall supply each registrar with the required number of registers of births, stillbirths and deaths.
- (3) A register supplied pursuant to paragraph (1) or (2) shall be in such form as the Superintendent Registrar decides and contain the prescribed particulars.¹⁸
- (4) The costs of supply of registers pursuant to paragraphs (1) and (2) to incumbents of Anglican churches within a parish and to the registrar of the parish shall be reimbursed to the Superintendent Registrar by the Connétable of the parish.
- (5) The Superintendent Registrar shall supply registered medical practitioners, free of charge, with the certificates required under Articles 61(3) and 64(1).¹⁹

48 Delivery of registers and documents

Any person who, by virtue of his or her office, is required by this Law to keep any book, register or official document shall, on ceasing to hold office, deliver up such books, register and official documents, and any storage provided under Article 46, to his or her successor.

PART 5

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES

49 Interpretation of Part 5

- (1) In this Part –
 - “informant” means the person giving particulars of a birth, stillbirth or death for the purposes of its registration;
 - “stillbirth” means the birth of a child born after the 24th week of pregnancy (calculated from the beginning of the mother’s last menstrual period) which does not, at any time after being completely expelled from its mother, breathe or show any other sign of life and “stillborn child” shall be construed accordingly.
- (2) In this Part, any reference to the particulars of a birth, stillbirth, death or marriage means such particulars as shall be prescribed.
- (3) In this Part, any reference to the register of births, stillbirths or deaths means, in relation to the registration of a birth, stillbirth or death, the register kept for the purpose of such registration by the registrar required to register the occurrence.
- (4) Except where the context requires otherwise, a reference in this Part to a birth means the birth of a child born alive.

49A Modification of Part 5 due to outbreak of Covid-19²⁰

- (1) Despite any other provision in this Part, where any particulars of a birth, stillbirth or death come to the attention of the Superintendent Registrar, the Superintendent

Registrar may inform a registrar of those particulars for the purpose of registration under this Part.

- (2) Despite Article 64(2), a registered medical practitioner is qualified in relation to the death of a person if the practitioner has viewed the body of the person after death.²¹
- (2A) Before giving a certificate under Article 64(1), a registered medical practitioner who is qualified in relation to the death of a person and unable to certify the cause of death of the person must inform the Viscount who may consult with the practitioner and, having regard to the circumstances of the case and with the agreement of the practitioner, authorise the giving of a certificate that specifies the cause of death of the person.²²
- (2B) If the giving of the certificate is not authorised under paragraph (2A), the practitioner must certify that the cause of death is unknown in accordance with Article 64(1)(a)(ii).²³
- (3) Despite Article 72, the Superintendent Registrar or Deputy Superintendent Registrar may sign, as an informant, the entry of a birth, stillbirth or death made in the appropriate register if the Superintendent Registrar or Deputy Superintendent Registrar is satisfied that the particulars of the birth, stillbirth or death were provided in accordance with this Law.
- (4) For the purpose of Part 5, “give”, “produce” and “provide” include –
 - (a) delivering by post; or
 - (b) sending by email to an email address specified for that purpose.
- (5) This Article expires on 30th September 2020.

50 Duty of registrar to register births and deaths

Subject to this Part, a registrar who is informed of the particulars of a birth, stillbirth or death shall register the birth, stillbirth or death in accordance with the prescribed requirements.

Births

51 Duty to inform registrar of birth within 21 days

- (1) In the case of a birth, it shall be the duty of –
 - (a) the father or mother;
 - (b)
 - (c) in default of the father and the mother, every person who assisted at the birth, and the person having care of the child,to inform the registrar, within the period of 21 days after the birth, of the particulars of the birth.²⁴
- (1A) Despite paragraph (1), where any particulars come to the attention of the Superintendent Registrar relating to the birth of a child, the Superintendent Registrar may inform the registrar of those particulars.²⁵

- (2) The giving of the particulars and the signing of the register of births, in accordance with Article 72, by any one of the persons subject to the duty described in paragraph (1) shall act as a discharge of the duty of the other persons so subject.

52 Restriction on registration of birth after 21 days

- (1) A birth may be registered more than 21 days and less than 6 months after it has taken place only pursuant to this Article or Article 53.
- (2) Any of the persons subject to the duty described in Article 51(1) shall inform the registrar of the birth in accordance with paragraph (3).
- (3) The informant shall –
 - (a) make a solemn declaration to the best of his or her ability and in the presence of the registrar and the Superintendent Registrar of the particulars of the birth; and
 - (b) unless the birth was not registered within 21 days by reason of any fault of the registrar, pay the prescribed fees to the registrar and to the Superintendent Registrar.

53 Power of Superintendent Registrar to require information about birth

- (1) Where Article 51 has not been complied with, the Superintendent Registrar may, by notice in such form as the Superintendent Registrar decides, and to the extent that he or she has not received a particular about the birth of a child, require the father or mother of the child, any person who assisted at the birth and any person having care of the child, to provide him or her, to the best of the person's ability, with the particulars of the birth.²⁶
- (2) Subject to Article 54, the Superintendent Registrar shall inform the registrar of the parish in which the birth took place of the particulars of the birth or so many of them as the Superintendent Registrar has obtained.

54 Restriction on registration of birth after 6 months

- (1) A birth which has not been registered within 6 months after it has taken place may only be registered pursuant to an order of the Royal Court.
- (2) An application for an order under paragraph (1) may be made only by the Superintendent Registrar, through the intermediary of the Attorney General.
- (3) The Royal Court may, unless the birth was not registered previously by reason of any fault of the registrar, order any person subject to the duty described in Articles 51 and 52 to pay all or part of the cost of the proceedings.

55 Registration of father where parents not married

- (1) This Article applies where the father and mother of a child were not married to each other at the time of the child's birth.
- (2) No person shall be required under this Part, as father of the child, to give particulars of the birth of the child and the registrar shall not enter in the register of births the name of any person as being that of the father of the child except –

- (a) at the joint request of the mother and the person stating himself to be the father of the child;
 - (b) at the request of the mother, on production of –
 - (i) a declaration made by the mother that that person is the father of the child, and
 - (ii) a declaration made by that person stating himself to be the father of the child;
 - (c) at the request of that person, on production of –
 - (i) a declaration made by that person stating himself to be the father of the child, and
 - (ii) a declaration made by the mother that that person is the father of the child;
 - (d) at the request of the mother or that person on production of –
 - (i) a copy of a parental responsibility agreement made between them in relation to the child, and
 - (ii) a declaration by the person making the request stating that the agreement was made in compliance with Article 5 of the [Children \(Jersey\) Law 2002](#) and has not been brought to an end by an order of a court;
 - (e) at the request of the mother or that person on production of –
 - (i) a certified copy of an order under Article 5 of the [Children \(Jersey\) Law 2002](#) giving that person parental responsibility for the child, and
 - (ii) a declaration by the person making the request stating that the order has not been brought to an end by an order of a court; or
 - (f) at the request of the mother or that person on production of –
 - (i) a certified copy of an order under paragraph 1 of Schedule 1 to the [Children \(Jersey\) Law 2002](#) which requires that person to make any financial provision for the child and which is not an order falling within paragraph 4(3) of that Schedule, and
 - (ii) a declaration by the person making the request stating that the order has not been discharged by an order of a court.²⁷
- (3) Where a person stating himself to be the father of a child makes a request to the registrar in accordance with paragraph (2)(c) to (f), the giving by him of particulars of the birth of the child and the signing of the register of births by him in accordance with Article 72 shall act as a discharge of any duty imposed by Article 51 or 52.²⁸
- (4) Where, in accordance with this Article, a registrar enters the name of a person in the register of births as the father of a child, he or she shall record the child as the illegitimate child of that person and of the mother.
- (5) For the purposes of this Article and Article 56 –
- (a) references to a child whose father and mother were not married to each other at the time of the child's birth shall be construed in accordance with Article 1(2) of the [Children \(Jersey\) Law 2002](#); and

- (b) ‘parental responsibility agreement’ has the same meaning as in Article 5 of the [Children \(Jersey\) Law 2002](#).²⁹

56 Re-registration where parents not married

- (1) This Article applies where the birth of a child whose father and mother were not married to each other at the time of the birth has been registered, and no person has been recorded as the father of the child.
- (2) Subject to paragraph (3), the registrar shall re-register the birth so as to record the name of a person as the father –
- (a) at the joint request of the mother and that person;
 - (b) at the request of the mother, on production of –
 - (i) a declaration made by the mother that that person is the father of the child, and
 - (ii) a declaration made by that person stating himself to be the father of the child;
 - (c) at the request of that person, on production of –
 - (i) a declaration made by that person stating himself to be the father of the child, and
 - (ii) a declaration made by the mother that that person is the father of the child;
 - (d) at the request of the mother or that person on production of –
 - (i) a copy of a parental responsibility agreement made between them in relation to the child, and
 - (ii) a declaration by the person making the request stating that the agreement was made in compliance with Article 5 of the [Children \(Jersey\) Law 2002](#) and has not been brought to an end by an order of a court;
 - (e) at the request of the mother or that person on production of –
 - (i) a certified copy of an order under Article 5 of the [Children \(Jersey\) Law 2002](#) giving that person parental responsibility for the child, and
 - (ii) a declaration by the person making the request stating that the order has not been brought to an end by an order of a court; or
 - (f) at the request of the mother or that person on production of –
 - (i) a certified copy of an order under paragraph 1 of Schedule 1 to the [Children \(Jersey\) Law 2002](#) which requires that person to make any financial provision for the child and which is not an order falling within paragraph 4(3) of that Schedule, and
 - (ii) a declaration by the person making the request stating that the order has not been discharged by an order of a court.³⁰
- (3) A birth shall not be re-registered under this Article except in accordance with paragraphs (4) and (5) and with the authority of the Superintendent Registrar.

- (4) On the re-registration of a birth so as to record the name of a person as the father, in addition to the requirements of Article 72, the register of births shall be signed by the registrar and, where the re-registration takes place more than 3 months after the birth, by the Superintendent Registrar.
- (5) Where the registrar re-registers the birth, he or she shall record the child as the illegitimate child of the person shown as the father, and of the mother.

57 Re-registration of birth of legitimated person

- (1) This Article applies where, according to the law of Jersey, both written and customary, a person is legitimated by the subsequent marriage of his or her father and mother.
- (2) Where, pursuant to Article 55 or 56, the name of the husband has already been entered in the register of births as father of the person, the husband or, in default of the husband, the wife shall, within 3 months following the date of the marriage, make a declaration as to the prescribed matters.
- (3) Where the name of the husband has not already been entered in the register of births as father of the person, the husband and wife may each make a declaration, following their marriage, as to the prescribed matters.
- (4) Where more than one person is legitimated by the marriage of the husband and wife, a separate declaration shall be made in respect of each person.
- (5) Where a declaration is made immediately following the marriage, in the presence of the person who is required by or under this Law to register the marriage or make a return of the particulars of the marriage for the purposes of registration, that person shall countersign the declaration and remit it to the Superintendent Registrar.
- (6) A person requesting re-registration of a birth under this paragraph shall pay the prescribed fee to the Superintendent Registrar.
- (7) In a case to which paragraph (5) applies, the person countersigning the declaration shall be entitled to receive one half of the fee paid to the Superintendent Registrar.
- (8) Subject to paragraphs (9) and (10), where a request for re-registration is made in accordance with this paragraph, the Superintendent Registrar shall direct the registrar of the parish in which the birth took place to re-register the birth as if the person had been legitimate at birth and to note the re-registration against the original entry of the birth.
- (9) Before directing that a birth is re-registered under this Article, the Superintendent Registrar may refer the question of legitimation to the Royal Court.
- (10) Where the legitimation of a person is established by judgment of the Royal Court, the Judicial Greffier shall remit a copy of the order of the Court to the Superintendent Registrar.

58 Further registration of name

- (1) Where, within the period of one year following the birth of a child, the name of the child is altered from that registered or, if the child was registered without a name, the child is given a name, the father, mother or guardian of the child may, upon paying the prescribed fee and, where the name is given in baptism, upon producing

a certificate containing the prescribed information in such form as the Superintendent Registrar may decide, request the registrar to register the name as altered or given.³¹

- (2) Where a request is made in accordance with paragraph (1) the registrar shall, without any erasure of the original entry, enter in the register the name given to the child.
- (3) Where the name of a child is altered or given in baptism, the person who performed the rite of baptism or who has custody of any register in which the baptism is recorded shall, on payment of a fee not exceeding the prescribed fee, issue the certificate required under paragraph (1).

59 Registration of birth of abandoned child

- (1) Where the place and date of birth of a child who was abandoned are unknown and cannot be ascertained, the person having care of the child shall, within 21 days of the date on which the child is found, apply to the Superintendent Registrar for the birth to be registered in accordance with this Article.
- (2) On an application under this Article, the Superintendent Registrar shall direct the registrar of the parish in which the child was found to enter the prescribed particulars in the register of births kept by the registrar.
- (3) The Superintendent Registrar shall not direct that a birth is registered in accordance with this Article if –
 - (a) he or she is satisfied that the child was not born in Jersey;
 - (b) the child has been adopted pursuant to a court order made in Jersey or elsewhere in the British Islands; or
 - (c) the birth of the child is known to have been previously registered under this Part.

59A Surname of child³²

- (1) The father and mother of a child may, on registering or re-registering their child's birth, pursuant to Article 51, 52, 55, 56, 57, or 58, choose the name to be registered as the child's surname.
- (2) In the case of a child whose father and mother were not married to each other at the time of the child's birth, and who has not been legitimated by their subsequent marriage, a surname shall not be registered or re-registered pursuant to paragraph (1) unless, at the time paragraph (3) is complied with, the father is, or is being, recorded in the register, pursuant to Article 55 or 56, as the father of the child.
- (3) The choice of the father and mother under paragraph (1) shall be evidenced by –
 - (a) their joint request for registration or, as the case may be, re-registration; or
 - (b) where only one of them registers or, as the case may be, re-registers the birth –
 - (i) the request of the person registering or re-registering the birth, and
 - (ii) the production of a declaration made by the other of them stating his or her choice.
- (3A) Where a choice of surname is made in accordance with paragraphs (1) to (3) on the re-registration of a child's birth, the father and mother may, at the same time, request the addition to or removal from the register of any forename for the child.³³

- (3B) A request under paragraph (3A) shall be evidenced in accordance with paragraph (3).³⁴
- (4) Where the father and mother of a child do not, in accordance with paragraphs (1) to (3), jointly choose a surname for the child, the surname registered or, as the case may be, re-registered for the child under this Law shall be –
- (a) if the father and mother of a child were married to each other at the time of the child's birth, or the birth is re-registered under Article 57, the father's surname;
 - (b) if the father and mother of a child were not married to each other at the time of the child's birth and have not subsequently married, the mother's maiden surname.
- (5) Schedule 2A shall have effect to enable an application for re-registration to be made in respect of the surname of a child who is not of full age and whose birth was first registered before this Article came into force.

60 Short birth certificate

- (1) A person may, on payment of the prescribed fee, request a registrar to issue a short birth certificate in such form as the Superintendent Registrar may by notice require and containing the prescribed particulars in respect of a birth registered by the registrar and shall, unless the request is made at the time of registration of the birth, provide the registrar with such particulars as the registrar may require to enable him or her to find the entry for the birth in the register.³⁵
- (2) A person may, on payment of the prescribed fee, request the Superintendent Registrar to issue a certificate in such form as the Superintendent Registrar may by notice require and containing the prescribed particulars, in respect of a birth for which an entry has been made in the Adopted Children Register kept pursuant to Article 24 of the [Adoption \(Jersey\) Law 1961](#).³⁶

Stillbirths

61 Registration of stillbirth

- (1) In the case of a stillbirth, it shall be the duty of –
- (a) the father or the mother;
 - (b) *deleted*
 - (c) in default of the father and the mother, every person who assisted at the stillbirth,
- to inform the registrar, within the period of 5 days following the stillbirth, of the particulars of the stillbirth and produce to him or her any certificate given under paragraph (3).³⁷
- (2) The giving of the particulars, the production of any certificate given under paragraph (3) and the signing of the register of stillbirths, in accordance with Article 72, by any one of the persons subject to the duty described in paragraph (1), shall act as a discharge of the duty of the other persons so subject.

- (3) A registered medical practitioner who assisted at the stillbirth or, if there is none, a registered medical practitioner who has viewed the body of the stillborn child, shall as soon as is practicable –
 - (a) certify, in such form and manner as the Superintendent Registrar may by notice require, the fact of the stillbirth and, to the best of the practitioner's knowledge and belief, the reason why the child was stillborn; and
 - (b) give the certificate to the informant.³⁸
- (4) Where paragraph (1) has not been complied with, the Superintendent Registrar may, by notice in writing, require the father or mother of the stillborn child and any person who assisted at the stillbirth to provide him or her, to the best of their ability, with the particulars of the stillbirth.
- (5) A registrar, upon registering a stillbirth, shall complete a certificate of registration of the stillbirth in such form as the Superintendent Registrar may by notice require and containing the prescribed particulars and give it to the informant.³⁹

Deaths

62 Duty to inform registrar of death within 5 days

- (1) Where a person dies in Jersey, it shall be the duty of –
 - (a) any relative of the deceased person in attendance during his or her last illness;
 - (b) any person present at the death;
 - (c) any person finding or taking charge of the body;
 - (d) any person causing disposal of the body; and
 - (e) where the death occurred in a dwelling, any occupant of the dwelling who knew of the happening of the death,

to inform the registrar, within the period of 5 days following the death or the finding of the body, to the best of his or her ability, of the particulars of the death and produce to the registrar any certificate given under Article 64.

- (2) The giving of the information, the production of any certificate given under Article 64 and the signing of the register of deaths, in accordance with Article 72, by any one of the persons subject to the duty described in paragraph (1) shall act as a discharge of the duty of the other persons so subject.

63 Power of Superintendent Registrar to require information about death

- (1) Where Article 62 has not been complied with, the Superintendent Registrar may by notice in writing require any of the persons subject to the duty described in Article 62(1) to provide him or her, to the best of their ability, with the particulars of the death.
- (2) The Superintendent Registrar shall inform the registrar of the parish in which the death took place of the particulars of the death, or so many of them as the Superintendent Registrar has obtained.

64 Certificate of fact and cause of death

- (1) In the case of the death of any person, a registered medical practitioner qualified in relation to the death or, if there is none, any registered medical practitioner who has viewed the body after death shall, as soon as is reasonably practicable –
 - (a) certify in such form as the Superintendent Registrar may by notice require the fact of death and either –
 - (i) to the best of the practitioner’s knowledge and belief, the cause of death, or
 - (ii) if the practitioner is unable to so certify the cause of death, that the cause of death is unknown; and
 - (b) give the certificate to the informant.⁴⁰
- (2) A registered medical practitioner is qualified in relation to the death of any person if –
 - (a) the practitioner attended the deceased during his or her last illness and within the period of 14 days preceding the date of death and has viewed the body after death; or
 - (b) the practitioner has viewed the body after death and the Viscount, having regard to the circumstances of the case, has authorized the practitioner to give the certificate under paragraph (1) and informed the registrar of the authorization.

65 Duty of registrar to notify Viscount of death

- (1) Where a registrar is informed of the death of any person he or she shall, as soon as practicable, notify the Viscount of the death if the death is one –
 - (a) where the registered medical practitioner giving the certificate under Article 64 has been unable to certify the cause of death;
 - (b) where the certificate under Article 64 is given by a registered medical practitioner who is not qualified in relation to the death;
 - (c) which the registrar has reason to believe to have been unnatural or to have been caused by neglect or any unlawful act or to have been attended by suspicious circumstances;
 - (d) which the registrar has reason to believe must be notified to a police officer or the Viscount by any person under Article 2 of the 1995 Law;
 - (e) which appears to the registrar to have occurred during a surgical operation or other medical procedure or before recovery from the effect of an anaesthetic.
- (2) Paragraph (1) is in addition to and not in derogation of any duty of the registrar under Article 2 of the 1995 Law.

66 Restrictions on registration of death

- (1) Where –
 - (a) a registrar, pursuant to Article 65, has notified the Viscount of a death; or
 - (b) the Viscount –

- (i) has been notified of a death under Article 2 of the 1995 Law or has a power or duty under that Law to hold an inquest concerning a death, and
 - (ii) has notified the registrar that the death should not be registered,
- the registrar shall not register the death until he or she has received from the Viscount either a certificate after inquest or notice that an inquest shall not be held.
- (2) Where, in accordance with the 1995 Law, a finding of an inquest has been registered in the Royal Court or the Viscount has decided that an inquest shall not be held, he or she shall, as soon as practicable, give the registrar the certificate or notice referred to in paragraph (1).

67 Registration in exceptional circumstances

- (1) A registrar –
 - (a) shall not register a death more than 12 months after its occurrence without the authority described in paragraph (3); and
 - (b) shall refer the case to the Superintendent Registrar.
- (2) Where –
 - (a) a case is referred to the Superintendent Registrar under paragraph (1); or
 - (b) in any case, the Superintendent Registrar is satisfied that, by reason of the exceptional circumstances of the death, it is not practicable to fulfill any requirement relating to registration imposed by or under this Part,the Superintendent Registrar shall refer the case to the Minister.
- (3) Where a case is referred to the Minister under paragraph (2), the Minister may direct that any requirement imposed by or under this Part be dispensed with and authorize registration of the death or, if the Minister thinks fit, refer the case to the Inferior Number of the Royal Court, through the intermediary of the Attorney General, for such a direction and authorization.
- (4) This Article shall not apply in any case to which Article 66 applies.

68 Certificate of registration of death

A registrar, upon registering a death, shall complete a certificate of registration of death in such form as the Superintendent Registrar may by notice require and containing the prescribed particulars and give it to the informant.⁴¹

Marriages

69 Duty to register marriage

The particulars of a marriage shall be registered in accordance with the prescribed requirements by –

- (a) in the case of a marriage solemnized in an Anglican church, the clergyman by whom the marriage is solemnized;

- (b) in any other case, by the registrar of the parish in which the marriage was solemnized.⁴²

70 Duty to record marriage⁴³

The particulars of the marriage shall be recorded and a record of the particulars of the marriage shall be held, in accordance with prescribed requirements, by the registrar of the parish in which the marriage was solemnized.

71 Power to ask for particulars of marriage

A person under a duty to register or record the particulars of a marriage may require the Superintendent Registrar to provide him or her with those particulars.⁴⁴

General

72 Duty of informant to sign register

- (1) It shall be the duty of an informant, when giving particulars of a birth, stillbirth or death for the purposes of its registration to sign, in the presence of the registrar, the entry of the birth, stillbirth or death made in the appropriate register.
- (2) An entry of a birth, stillbirth or death shall not be admitted as proof of the information contained in it unless the entry has been signed by the informant and contains particulars of the qualifications required for him or her to give the information.

73 Declarations

Every declaration made for the purposes of this Part shall be in such form and contain such information as the Superintendent Registrar may require and shall be made in the prescribed manner.

74 Orders concerning registration

The Minister shall by Order specify procedures and requirements for the registration of births, stillbirths, deaths and marriages 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 marriage (including marriages by conversion);
- (b) the keeping and delivery of books, registers and official documents for the purposes of this Law;
- (c) the making of entries of births, stillbirths, deaths and marriages (including marriages by conversion) 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 specified;
- (e) the making of returns of information to the Superintendent Registrar and registrars;

- (f) the keeping of indexes by the Superintendent Registrar of returns of information made to him or her;
- (g) the making of returns of information by the Superintendent Registrar;
- (h) the making of returns from parish registrars or the Anglican Church.⁴⁵

75 Duty of Minister

- (1) The Minister shall, each year, report to the States the number of births, stillbirths, marriages, including marriages by conversion and deaths registered, in the preceding year, pursuant to this Law.⁴⁶
- (2) The Minister shall, 5 years after this Article comes into force and, thereafter, every fifth year, inspect every register kept by a registrar pursuant to this Law for the purpose of assessing whether the 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 their inspection.

PART 6

OFFENCES AND MISCELLANEOUS

76 Offences relating to solemnization of marriage⁴⁷

- (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 intended marriage or of obtaining any marriage schedule, certificate of no impediment to marriage or declaration of conversion of a civil partnership to a marriage or having a marriage solemnized or a civil partnership converted to a marriage.
- (2) It shall be an offence for a person, when entering any caveat or forbidding the issue of any marriage schedule or certificate of no impediment to marriage, knowingly to make a statement that he or she is a person whose consent is required to a marriage or conversion, when he or she is not.
- (3) It shall be an offence for the Superintendent Registrar, knowingly and voluntarily, to –
 - (a) issue a marriage 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) issue 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;
 - (c) issue 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;
 - (d) issue a licence, schedule, or certificate on which a lawful objection has been entered;

- (e) authorize 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) authorize 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) authorize 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;
 - (h) authorize 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 marriages.
- (4) It shall be an offence for a person, knowingly and voluntarily, to solemnize a marriage declared void by this Law.
 - (5) It shall be an offence for a person, knowingly and voluntarily, to solemnize a marriage on the authority of a marriage schedule which is void or before the expiry of any period required by this Law to elapse after the issue of the marriage schedule and before the solemnization of the marriage.
 - (6) It shall be an offence for a person, knowingly and voluntarily, to solemnize a marriage pursuant to a marriage schedule in a location other than an approved location specified in the notice of intended marriage and marriage schedule or, in a case where Article 24 applies, at the location approved under that Article.
 - (7) It shall be an offence for a person other than a marriage celebrant to solemnize a marriage.
 - (8) 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 or inaccurate information –
 - (a) for the purpose of an application for an authorization of a person as an authorized civil celebrant or authorized religious official;
 - (b) for the purpose of an application for approval of a location as an approved location.
 - (9) A person guilty of an offence under this Article shall be liable to imprisonment for a term not exceeding 5 years or a fine, or both.

77 Offences relating to registration

- (1) 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 birth, stillbirth, marriage or death or make a declaration required by Article 57; or
 - (b) to complete or deliver any certificate.
- (2) A person guilty of an offence under paragraph (1) shall be liable to a fine not exceeding level 2 on the standard scale.
- (3) It shall be an offence for a person –

- (a) to refuse or, without reasonable excuse, omit to record or register any birth, stillbirth, death or marriage 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 birth, stillbirth, marriage or death 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, document or storage or make any return that he or she is required to deliver or make by this Law or an Order made under it.
- (4) A person guilty of an offence under paragraph (3) shall be liable to a fine not exceeding level 3 on the standard scale.
- (5) It shall be an offence for a person to –
- (a) knowingly provide false particulars for the purpose of the registration of a birth, stillbirth, marriage or death or the re-registration of a birth 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.
- (6) A person guilty of an offence under paragraph (5) shall be liable to imprisonment for a term not exceeding 5 years or a fine, or both.

78 Searches⁴⁸

- (1) Every incumbent of an Anglican Church who keeps a register of marriages shall, at all reasonable hours, allow searches to be made in any register in his or her keeping and, upon payment of such fee as may be required by the incumbent, shall give a copy certified under his or her hand of any entry in such a register.
- (2) Every registrar who keeps any register 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.
- (3) Any person shall be entitled, at such place and time as the Superintendent Registrar may publish –
 - (a) upon payment of the prescribed fee, to search the indexes maintained by the Superintendent Registrar pursuant to an Order made under Article 74;

- (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 him or her under this Law.
- (4) A copy of an entry provided in accordance with this Article shall be received as evidence of the birth, stillbirth, death, marriage or conversion to which it relates without any further or other proof of the entry.

79 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 Inferior Number of the Royal 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 Inferior Number of the Royal Court.

80 Witnesses for marriage

No person shall act, or be permitted to act, as witness to the solemnization of a marriage, unless he or she is of full age and is capable of understanding that ceremony.

80A Provision of documents to Superintendent Registrar⁴⁹

- (1) All information or documents delivered to the Superintendent Registrar or a registrar under this Law –
 - (a) must be written in, or translated into, the French or English language; and
 - (b) if a document has been translated, the original document and a certified translation must be supplied to the Superintendent Registrar.
- (2) Except as otherwise provided under this Law or prescribed, an application, information or document or other information delivered to the Registrar under this Law may be provided electronically.

80B Signing of documents⁵⁰

- (1) A person who is required under this Law to sign a document may do so by signing with his or her usual signature or mark.
- (2) If the signature comprises letters or symbols that are not in current use in the English language the person signing the document must print his or her name in English or French.
- (3) A person who is required to sign a document under this Law who by reason of his or her physical incapacity is unable to sign or make a mark that is capable of being

replicated by him or her may nominate a person (“representative”) to sign the document on his or her behalf.

- (4) In the case of a person who is unable to sign a marriage schedule, conversion declaration form or marriage certificate, the same representative must sign that marriage schedule or conversion declaration form, as the case may be and the marriage certificate.
- (5) The Minister may prescribe –
 - (a) a description of the persons who may or must not be a representative;
 - (b) the requirements that must be satisfied before a representative signs a document on behalf of a person; and
 - (c) the particulars that must be provided in relation to the representative and documents that may or must be provided in relation to the representative;
 - (d) the duties of the Superintendent Registrar in relation to the recording of the signing of the documents by a representative.

80C Fees and charges⁵¹

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

80D Publications by Superintendent Registrar⁵²

- (1) The Superintendent Registrar may publish guidance for any purpose connected with this Law.
- (2) The Superintendent Registrar must publish any form, notice, guidance or other document that he requires or which he is required or permitted to publish under this Law in such manner as to draw it to the attention of any person affected by it.

81 Savings

- (1) The provisions of this Law are without prejudice to any rule of customary law or any other enactment as to void marriages.
- (2) ⁵³

82 Power to make further provision in connection with marriages and registration of births, marriages and deaths⁵⁴

- (1) The States may by Regulations amend this Law to –
 - (a) increase the age referred to in Article 4(1) and (2);

- (b) make such other amendments to this Law as may be necessary in consequence of the age referred to in paragraphs (1) and (2) being increased.
- (2) The States may by Regulations amend Articles 1, 17, 22, 23 and Part 5.
- (3) The States may by Regulations make such amendments to any enactment (including this Law) 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.
- (4) The Minister may prescribe any requirement in respect of the endorsement of any register, certificate, notice or index.
- (5) The Minister may prescribe such transitional arrangements as the Minister considers necessary or expedient in consequence of the coming into force of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018 for the purposes of this Law including any such arrangements in respect of –
 - (a) any notice, certificate, licence or schedules issued under this Law;
 - (b) any caveat, consent, authorization or approval given under this Law;
 - (c) any forms, books, records, registers or other documents used or kept for the purposes of this Law;
 - (d) any fees paid or payable; and
 - (e) any other formality required under this Law.

82A Regulations and Orders⁵⁵

- (1) The 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 provisions which appear to the States or the Minister, as the case may be, to be necessary or expedient for the purposes of the Regulations or Order.

83 Transitional provisions

The transitional provisions in Schedule 3 shall have effect.

84 Citation

This Law may be cited as the Marriage and Civil Status (Jersey) Law 2001.

SCHEDULE 1⁵⁶

(Article 3(3) and 5)

RELATIONS WHOM PERSON IS PROHIBITED TO MARRY

parent
adoptive parent
former adoptive parent
child
adoptive child
former adoptive child
grandparent
grandchild
adoptive grandchild
former adoptive grandchild
sister
half-sister
brother
half-brother
aunt
uncle
niece
nephew

SCHEDULE 2⁵⁷

(Article 4(3) and 5)

CONSENTS REQUIRED TO THE MARRIAGE 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 Housing (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 consents mentioned in sub-paragraph (a)).
- 2 In this Schedule “guardian”, “parental responsibility”, “residence order” and “care order” have the same meaning as in the [Children \(Jersey\) Law 2002](#).

SCHEDULE 2A⁵⁸

(Article 59A(5))

RE-REGISTRATION OF SURNAME OF CHILD**1 Application of Schedule 2A**

This Schedule applies in the case of a child who is not of full age and whose birth was first registered before Article 59A came into force.

2 Re-registration of surname

- (1) The registrar shall, upon payment of the prescribed fee, re-register the child's birth, so as to record the name chosen as the surname for the child by both the father and mother, where the choice of the father and mother of a child is evidenced by –
 - (a) their joint request for re-registration; or
 - (b) where only one of them re-registers the birth –
 - (i) the request of the person registering the birth, and
 - (ii) the production of a declaration made by the other of them stating his or her choice.
- (2) On the re-registration of a birth so as to record the surname chosen by the father and mother, in addition to the requirements of Article 72, the register of births shall be signed by the registrar.
- (3) In the case of a child whose father and mother were not married to each other at the time of the child's birth and who has not been legitimated by their subsequent marriage, a surname shall not be re-registered under this paragraph unless the father is recorded in the register, pursuant to Article 55 or 56, as the father of the child.
- (3A) Where a child's birth is re-registered in accordance with this paragraph the father and mother may, at the same time, request the addition to or removal from the register of any forename for the child.
- (3B) A request under sub-paragraph (3A) shall be evidenced in accordance with sub-paragraph (1).
- (4) Where either the father or mother of the child is deceased –
 - (a) any reference in this paragraph (apart from sub-paragraph (3)) to the father and mother shall be construed as a reference to the survivor of them; and
 - (b) the evidence required for the purposes of sub-paragraph (1)(b) shall be the request of the survivor of them for re-registration.

SCHEDULE 3⁵⁹

(Article 83)

TRANSITIONAL PROVISIONS

1. In this Schedule, “1842 Law” means the Loi (1842) sur l’Etat Civil.
- 2.
3. Any notice or consent given or other thing done under the Marriage of Infants (Jersey) Law 1961 shall have effect as if given or done under Article 6 of this Law.
4. Notice of marriage given in accordance with Article 29 of the 1842 Law before this Law comes into force shall be deemed to have been given in accordance with Article 8 of this Law.
5. The “Livre des Annonces de Mariages” maintained by the Superintendent Registrar in accordance with Article 30 of the 1842 Law shall continue to be maintained as the marriage notice book.
6. A caveat entered with the Superintendent Registrar in accordance with Article 34 of the 1842 Law before this Law comes into force shall be deemed to have been entered in accordance with Article 9 of this Law.
7. A licence of the Superintendent Registrar issued in accordance with Article 31 of the 1842 Law before this Law comes into force shall be deemed to have been issued in accordance with Article 11 of this Law.
8. A certificate of the Superintendent Registrar issued in accordance with Article 32 of the 1842 Law before this Law comes into force shall be deemed to have been issued in accordance with Article 13 of this Law.
9. A building registered under Article 38 of the 1842 Law before this Law comes into force shall be deemed to have been registered under Article 15 of this Law.
10. The book maintained by the Superintendent Registrar in accordance with Article 38 of the 1842 Law shall continue to be maintained as the register of buildings.
11. Where banns have been published or partly published before this Law comes into force, the 1842 Law shall continue to apply to the solemnization of the marriage by a minister of the Anglican Church as if this Law had not come into force.
12. A caveat entered with the Dean before this Law comes into force shall be deemed to have been entered in accordance with Article 36 of this Law.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Marriage and Civil Status (Jersey) Law 2001	L.31/2001	1 May 2002 (R&O.13/2002)	P.89/2001
Children (Jersey) Law 2002	L.50/2002	1 August 2005 (R&O.74/2005)	P.200/2001
States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005	R&O.47/2005	9 December 2005	P.61/2005
States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 2005	R&O.133/2005	9 December 2005	P.217/2005
Marriage and Civil Status (Amendment) (Jersey) Law 2008	L.9/2008	29 February 2008	P.120/2007
Marriage and Civil Status (Amendment No. 2) (Jersey) Law 2008	L.38/2008	31 October 2008	P.61/2008
Gender Recognition (Jersey) Law 2010	L.1/2010	21 May 2010 (R&O.38/2010)	P.174/2008
Marriage and Civil Status (Amendment No. 3) (Jersey) Law 2010	L.16/2010	13 August 2010	P.123/2009
Civil Partnership (Jersey) Law 2012	L.4/2012	2 April 2012	P.85/2011
Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018	L.19/2018	1 July 2018 – except Article 22 comes into force 31 July 2018 (R&O.68/2018)	P.91/2017
Sexual Offences (Jersey) Law 2018	L.20/2018	23 November 2018 (R&O.112/2018)	P.18/2018
Marriage and Civil Status (Sexual Offences Amendment) (Jersey) Regulations 2018	R&O.111/2018	23 November 2018	P.107/2018
States of Jersey (Transfer of Responsibilities and Functions) (Health and Social Services to Children and Housing) Order 2019	R&O.100/2019	9 October 2019	
Marriage and Civil Status (Amendment of Law) (Covid-19 – Temporary Amendment) (Jersey) Regulations 2020	R&O.25/2020	25 March 2020	P.23/2020

Legislation	Year and No	Commencement	°Projet No (where applicable)
Marriage and Civil Status (Amendment of Law No. 2) (Covid-19 – Temporary Amendment) (Jersey) Regulations 2020	R&O.36/2020	3 April 2020	P.36/2020

°Projets available at www.statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
1 (4), (5), (6)	spent, omitted from this revised edition
18 (3)(j)	18 (3)(i)
(k)	(j)
83 (2), (3)	spent, omitted from this revised edition
SCHEDULE 3 PART 2	spent, omitted from this revised edition
SCHEDULE 3 PART 3	spent, omitted from this revised edition

Table of Endnote References

- ¹ *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005 and the States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *Part 1*
- ³ *Article 4(2)*
- ⁴ *Part 2*
- ⁵ *Article 35(1)*
- ⁶ *Article 35(3)*
- ⁷ *Article 35(4)*
- ⁸ *Article 39*
- ⁹ *Article 40A*
- ¹⁰ *Article 41(1)*
- ¹¹ *Article 41(1A)*
- ¹² *Article 41(1B)*
- ¹³ *Article 41(1C)*
- ¹⁴ *Article 41(3)*
- ¹⁵ *Article 42*
- ¹⁶ *Article 44*
- ¹⁷ *Article 45(1)*
- ¹⁸ *Article 47(3)*
- ¹⁹ *Article 47(5)*
- ²⁰ *Article 49A*
- ²¹ *Article 49A(2)*

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- ²² *Article 49A(2A)* inserted by R&O.36/2020
- ²³ *Article 49A(2B)* inserted by R&O.36/2020
- ²⁴ *Article 51(1)* amended by L.19/2018
- ²⁵ *Article 51(1A)* inserted by L.19/2018
- ²⁶ *Article 53(1)* substituted by L.19/2018
- ²⁷ *Article 55(2)* amended by L.50/2002
- ²⁸ *Article 55(3)* amended by L.50/2002
- ²⁹ *Article 55(5)* substituted by L.50/2002
- ³⁰ *Article 56(2)* amended by L.50/2002
- ³¹ *Article 58(1)* amended by L.19/2018
- ³² *Article 59A* inserted by L.38/200
- ³³ *Article 59A(3A)* inserted by L.16/2010
- ³⁴ *Article 59A(3B)* inserted by L.16/2010
- ³⁵ *Article 60(1)* amended by L.19/2018
- ³⁶ *Article 60(2)* amended by L.19/2018
- ³⁷ *Article 61(1)* amended by L.19/2018
- ³⁸ *Article 61(3)* amended by L.19/2018
- ³⁹ *Article 61(5)* amended by L.19/2018
- ⁴⁰ *Article 64(1)* amended by L.19/2018
- ⁴¹ *Article 68* amended by L.19/2018
- ⁴² *Article 69* amended by L.19/2018
- ⁴³ *Article 70* substituted by L.19/2018
- ⁴⁴ *Article 71* amended by L.19/2018
- ⁴⁵ *Article 74* amended by L.19/2018
- ⁴⁶ *Article 75(1)* amended by L.19/2018
- ⁴⁷ *Article 76* substituted by L.19/2018
- ⁴⁸ *Article 78* substituted by L.19/2018
- ⁴⁹ *Article 80A* inserted L.19/2018
- ⁵⁰ *Article 80B* inserted by L.19/2018
- ⁵¹ *Article 80C* inserted by L.19/2018
- ⁵² *Article 80D* inserted by L.19/2018
- ⁵³ *Article 81(2)* repealed by R&O.47/2005
- ⁵⁴ *Article 82* substituted by L.19/2018
- ⁵⁵ *Article 82A* inserted by L.19/2018
- ⁵⁶ *Schedule 1* substituted by L.19/2018
- ⁵⁷ *Schedule 2* substituted by L.19/2018, amended by R&O.100/2019
- ⁵⁸ *Schedule 2A* inserted by L.38/2008, amended by L.16/2010
- ⁵⁹ *Schedule 3* amended by L.9/2008