



Jersey

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

## **Official Consolidated Version**

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Jersey

## CIVIL PARTNERSHIP (JERSEY) LAW 2012

### Contents

#### Article

<b>PART 1</b>		<b>6</b>
<hr/>		
	INTRODUCTION	6
1	Interpretation .....	6
<hr/>		
<b>PART 2</b>		<b>8</b>
<hr/>		
	ENTERING INTO CIVIL PARTNERSHIP	8
2	Civil partnership.....	8
3	Formation of civil partnership .....	8
4	Eligibility.....	9
5	.....	9
6	.....	9
6A	Persons authorized to solemnize civil partnerships in Jersey .....	9
6B	Application to give notice of intended civil partnership .....	10
6C	Consideration of application for notice of intended civil partnership .....	10
7	Giving notice of intended civil partnership and making freedom to form a civil partnership declaration .....	11
7A	Publication of notice of intended civil partnership .....	12
8	Caveat against issue of civil partnership schedule or certificate of no impediment to civil partnership .....	12
9	Issue of civil partnership schedule .....	13
10	.....	15
11	Civil partnership in Jersey by non-Jersey resident: certificate of freedom to form a civil partnership issued by other authority .....	15
12	Issue of certificate of no impediment by Superintendent Registrar for civil partnership outside Jersey .....	16
13	Approved locations.....	17
14	Solemnization of civil partnership.....	18
14A	Changes to date, time or location of intended civil partnership .....	20
14B	Civil partnership: special circumstances.....	20
15	.....	22
16	.....	22
17	Keeping of records relating to civil partnership .....	22

17A	Retention of civil partnership schedule etc.....	23
18	Duty to record and register civil partnerships.....	23
19	Power to ask for particulars of civil partnership .....	24
20	Proof of certain matters not necessary to validity of civil partnerships .....	24
21	Searches.....	24
21A	Official searches of records by Superintendent Registrar .....	25
21B	Co-operation and disclosure .....	26
22	Correction of errors in books and registers .....	26
22A	Civil partnerships which are void .....	27
23	Offences relating to the solemnization of a civil partnership.....	27
23A	Offences relating to the registration of civil partnerships .....	29
24	Declarations.....	30
24A	Amendment of periods specified in this Part.....	30
25	Orders concerning registration .....	30
26	Duty of Minister.....	31
<b>PART 2AA</b>		<b>31</b>
CIVIL PARTNERSHIP BY CONVERSION		31
26AA	Application for conversion .....	31
26AB	Consideration of application for conversion .....	32
26AC	Issue of conversion schedule.....	32
26AD	Civil partnership by conversion: solemnization .....	33
<b>PART 2A</b>		<b>35</b>
<b>PART 3</b>		<b>35</b>
DISSOLUTION, ANNULMENT AND OTHER PROCEEDINGS		35
27	Jurisdiction.....	35
28	Grounds of application for dissolution of a civil partnership.....	36
29	Restrictions on applications for dissolution during first 3 years after creation of civil partnership .....	36
30	Duty of Court on application for dissolution of civil partnership.....	37
31	Refusal of dissolution of civil partnership in 2 years' separation cases in certain circumstances .....	38
32	Special protection for respondent in separation cases.....	38
33	Separation orders .....	39
34	Application for dissolution of civil partnership after grant of separation order.....	39
35	Relief to respondent on application for dissolution of civil partnership or separation order .....	40
36	Decree of annulment.....	40
37	Bars to relief where civil partnership is voidable .....	40
38	Proceedings for presumption of death and dissolution of civil partnership order.....	41
39	Conditional orders .....	41
40	Duties of Attorney General.....	42
41	Provisions as to costs where Attorney General intervenes or shows cause.....	42
42	Power to allow intervention on terms .....	42
43	Abatement of proceedings.....	43
44	Provision for children .....	43
45	Restrictions on decrees for dissolution, annulment or separation affecting children	43

46	Rights of succession etc. on dissolution or annulment of civil partnership.....	44
47	Power of Court to vary settlements after dissolution or annulment of civil partnership .....	44
48	Power of Court to order transfer or settlement of property .....	44
49	Financial provision for party to a civil partnership in cases of dissolution etc. ....	45
50	Power of Court to order sale of property.....	45
51	Contributions for support: interim orders .....	46
52	Payment of contributions for support to persons having charge of respondent of unsound mind.....	46
53	Power to vary orders .....	46
54	Ascertainment of assets and liabilities of parties.....	47
55	Execution of instruments by order of the Court .....	47
56	Death of party after final order for the dissolution or annulment of civil partnership.....	47
57	Entering into a subsequent civil partnership after dissolution, annulment or presumption of death.....	47
58	Regulation of reports.....	48

#### **PART 4** **49**

##### RECOGNITION OF DISSOLUTION OR ANNULMENT OF CIVIL PARTNERSHIP OR SEPARATION OF CIVIL PARTNERS 49

59	Recognition of dissolution, annulment and other proceedings granted in the British Islands .....	49
60	Overseas dissolution, annulment and legal separations.....	49
61	Grounds for recognition .....	49
62	Cross-proceedings and dissolutions or annulment following legal separations.....	49
63	Proof of facts relevant to recognition .....	50
64	Certain existing rules of recognition to continue in force.....	50
65	Non-recognition of dissolution or annulment by third country no bar to subsequent civil partnership or marriage of either party.....	50
66	Exceptions from recognition .....	50
67	Recognition of dissolution, annulment or legal separation obtained before commencement of this Law .....	51

#### **PART 5** **52**

##### SUPPLEMENTARY 52

68	Service of application .....	52
69	Rules of Court .....	52
70	Amendment of other enactments.....	52
71	Power to make further provision in connection with civil partnerships.....	52
72	Regulations and Orders .....	53
72A	Fees.....	53
73	Citation .....	53

#### **SCHEDULE 1** **54**

##### OVERSEAS RELATIONSHIPS 54

1	Meaning of overseas relationship .....	54
2	Specified relationships.....	54

3	Overseas relationships treated as civil partnerships.....	55
4	56	
5	Person domiciled in Jersey .....	56
6	The public policy exception .....	56
<b>SCHEDULE 2</b>		<b>57</b>
PROHIBITED DEGREES OF RELATIONSHIP		57
<b>SCHEDULE 3</b>		<b>59</b>
<b>SCHEDULE 4</b>		<b>60</b>
AMENDMENT OF OTHER ENACTMENTS		60
30	Miscellaneous enactments amended.....	60
<b>ENDNOTES</b>		<b>61</b>
Table of Legislation History.....		61
Table of Renumbered Provisions .....		62
Table of Endnote References .....		62



Jersey

## CIVIL PARTNERSHIP (JERSEY) LAW 2012

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

Commencement [[see endnotes](#)]

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### PART 1

#### INTRODUCTION

#### 1 Interpretation<sup>1</sup>

In this Law –

“alternative location” in the case of the solemnization of an intended civil partnership at an approved open-air location, means an approved location that is not an open-air location, and is the location at which the civil partnership may be solemnized instead of at the approved open-air location;

“approved location” is to be construed in accordance with Article 13;

“authorized civil celebrant” means a person authorized as such under Article 82C of the 2001 Law;

“certificate of no impediment to civil partnership” is to be construed in accordance with Article 12;

“child of the family” in relation to any person (“A”), means another person who, when under the age of 18, has lived in the same household as A, and has been treated by A as a child of A’s family;

“civil partners” is to be construed in accordance with Article 2(1);

“civil partnership celebrant” means the Superintendent Registrar or a Deputy Superintendent Registrar when either of those officers is acting in the solemnization of a civil partnership or an authorized civil celebrant;

“civil partnership certificate” means a certificate signed by the civil partners and the civil partnership celebrant that records the names, ages, addresses and civil status of the civil partners and the place and date of the solemnization of the civil partnership;

“civil partnership conversion certificate” means a certificate signed by the civil partners and the civil partnership celebrant after a conversion under Part 2AA that records the names, ages and addresses of the civil partners and the place and date of the conversion of their marriage to a civil partnership;

“civil partnership conversion schedule” is to be construed in accordance with Article 26AB;

“civil partnership register” means the register maintained under Article 18;

“civil partnership schedule” is to be construed in accordance with Article 9;

“Court” means the Royal Court;

“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 the 2001 Law or a person engaged as an assistant Deputy Superintendent Registrar under Article 41(1B) of the 2001 Law;

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

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

“Minister” means the Minister for Justice and Home Affairs;

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

“notices of intended civil partnership book means the book maintained by the Superintendent Registrar under Article 17(2)(b) for the purposes of recording notices of intended civil partnerships;

“open-air location” means a location that is entirely in the open air or a covered temporary structure that is, at all times, exposed on all sides to the open air;

“prescribed” means, except in Articles 39 and 68, prescribed by Order of the Minister;

“registrar” has the same meaning as it has in the 2001 Law;

“relevant registrar” has the same meaning as it has in the 2001 Law;

“relevant registration duties” has the same meaning as it has in the 2001 Law, and “retained” is to be construed accordingly;

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

“signature verification form” is to be construed in accordance with Article 9(3);

“Superintendent Registrar” has the same meaning as in the 2001 Law.

## PART 2

### ENTERING INTO CIVIL PARTNERSHIP

#### 2 Civil partnership

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

#### 3 Formation of civil partnership<sup>3</sup>

- (1) For the purposes of Article 2(1)(a), 2 people are to be regarded as having formed a civil partnership with each other –
  - (a) once they have signed a civil partnership schedule at the invitation of the civil partnership celebrant and in the presence of the civil partnership celebrant and 2 witnesses, and that schedule has been signed by the civil partnership celebrant and 2 witnesses;
  - (b) once they have signed a civil partnership conversion schedule, at the invitation of and in the presence of, the Superintendent Registrar or the Deputy Superintendent Registrar and that schedule has been signed by the Superintendent Registrar or the Deputy Superintendent Registrar; or
  - (c) once they have signed a civil partnership conversion schedule at the invitation of the civil partnership celebrant and in the presence of the civil partnership celebrant and 2 witnesses, and that schedule has been signed by the civil partnership celebrant and 2 witnesses.
- (2) In a case falling within paragraph (1)(a), after the witnesses and the civil partnership celebrant have signed the civil partnership schedule, the civil partnership celebrant solemnizing the civil partnership must ensure that the following are recorded in the civil partnership register as soon as is reasonably practicable –
  - (a) the fact that the 2 people have formed a civil partnership with each other; and
  - (b) any other prescribed information.
- (3) In a case falling within paragraph (1)(b) or (c), after the civil partnership celebrant has signed the civil partnership conversion schedule, the civil partnership celebrant must ensure that the following are recorded in the civil partnership conversion register as soon as is reasonably practicable –
  - (a) the fact that the 2 people have formed a civil partnership with each other; and



- (b) any other prescribed information.
- (4) The civil partnership conversion certificate, the civil partnership conversion schedule, the civil partnership certificate and civil partnership schedule must be in the form the Superintendent Registrar decides and must contain such particulars as may be prescribed.

#### **4 Eligibility**

- (1) Two people shall not be eligible to form a civil partnership with each other if –
  - (a)
  - (b) subject to paragraph (1A), either of them is already in a lawful civil partnership or lawfully married;
  - (c) subject to paragraph (1B), either of them is under 18 years of age;
  - (d) either of them is incapable of –
    - (i) understanding the nature of civil partnership, or
    - (ii) validly consenting to its formation; or
  - (e) they are related in a prohibited degree.<sup>4</sup>
- (1A) Paragraph (1)(b) does not prevent 2 persons who are married to each other from becoming civil partners of each other by conversion in accordance with this Law.<sup>5</sup>
- (1B) Paragraph (1)(c) does not render void a civil partnership between 2 persons, at least one of whom is under 18 at the time when it is formed, if both parties were at least 16 and the civil partnership –
  - (a) was formed before the date on which Article 5 of the Civil Partnership (Amendment) (Jersey) Law 2023 came into force; or
  - (b) is formed after that date on the basis of a notice of intention to form a civil partnership given before that date.<sup>6</sup>
- (2) Schedule 2 contains provisions for determining when 2 people are related within a prohibited degree.

**5** <sup>7</sup>

**6** <sup>8</sup>

#### **6A Persons authorized to solemnize civil partnerships in Jersey<sup>9</sup>**

- (1) A civil partnership may only be solemnized by a civil partnership celebrant.
- (2) Every civil partnership celebrant has a duty to solemnize the civil partnership of 2 persons –
  - (a) whether or not they are of the same sex or the opposite sex; or
  - (b) whether or not the civil partnership is by conversion.

- (3) Article 82C of the 2001 Law applies for the purposes of civil partnerships as it applies for those of marriages.

#### **6B Application to give notice of intended civil partnership<sup>10</sup>**

- (1) Where a civil partnership is intended to be formed on the authority of a civil partnership schedule or certificate of no impediment to civil partnership issued by the Superintendent Registrar, one or both of the persons intending to form the civil partnership, or that person's or those persons' representative, must –
- (a) deliver to the Superintendent Registrar an application for a notice of intended civil partnership not earlier than 1 year before the intended day of the formation of the civil partnership; and
  - (b) pay the prescribed fee.
- (2) The application for a notice of intended civil partnership 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) evidence of –
    - (i) the identity, residence and nationality of the parties,
    - (ii) the parties' immigration status in Jersey, and
    - (iii) any previous civil partnership or marriage of either of the parties and evidence that it has ended.

#### **6C Consideration of application for notice of intended civil partnership<sup>11</sup>**

- (1) The Superintendent Registrar may consider the application for notice of intended civil partnership delivered under Article 6B before the Superintendent Registrar has inspected the original or certified copy of any document delivered under Article 6B(2)(c).
- (2) The Superintendent Registrar may request such other information or documents as the Superintendent Registrar considers to be necessary and interview either or both parties to the intended civil partnership 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 civil partnership and are entering into the civil partnership freely; and
  - (c) satisfying himself or herself whether any other ground exists for not issuing a notice of intended civil partnership.
- (3) The Superintendent Registrar may –
- (a) reject any information or evidence provided under Article 6B and this Article if he or she has reasonable grounds for suspecting that information or evidence is false; and

- (b) proceed under this Law as if that rejected information or evidence had not been provided.

## **7 Giving notice of intended civil partnership and making freedom to form a civil partnership declaration<sup>12</sup>**

- (1) The parties to the intended civil partnership 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 civil partnership to the Superintendent Registrar.
- (2) Subject to paragraph (3), notice of intended civil partnership may not be given until the Superintendent Registrar has inspected the original or certified copies of all the documents provided in corroboration (as required under Article 6B(2)(c)) of the information required under Article 6B(2)(a) and is satisfied of their authenticity.
- (3) A notice of intended civil partnership may be given despite the Superintendent Registrar not seeing the original or certified copy of a document referred to in paragraph (2) –
  - (a) where the Superintendent Registrar is otherwise satisfied that the parties to the intended civil partnership have corroborated the information provided under Article 6B(2)(a) by some other means; or
  - (b) in a case where Article 14B applies.
- (4) If the Superintendent Registrar is satisfied that the information and documents referred to in Articles 6B and 6C reveal no reason why the intended civil partnership between the parties should not take place, the parties may give notice of their intended civil partnership in accordance with paragraph (5) or (6).
- (5) If the parties to the intended civil partnership attend the office of the Superintendent Registrar to give notice of their intended civil partnership they must, in the presence of the Superintendent Registrar –
  - (a) both sign the notice of intended civil partnership for their intended civil partnership in the notices of intended civil partnership book; and
  - (b) each sign a freedom to form a civil partnership declaration.
- (6) If the parties to the intended civil partnership do not intend to attend the office of the Superintendent Registrar to give notice of their intended civil partnership –
  - (a) the Superintendent Registrar must send to the parties a notice of intended civil partnership form for their intended civil partnership and a freedom to form a civil partnership declaration in respect of each of the parties;
  - (b) the parties must sign and return the notice of intended civil partnership form and the freedom to form a civil partnership declaration to the Superintendent Registrar; and
  - (c) the Superintendent Registrar must, upon receipt of the documents required under sub-paragraph (b), enter a notice of intended civil partnership in the notices of intended civil partnership book.<sup>13</sup>
- (7) A notice of intended civil partnership form, and an entry in the notices of intended civil partnership book, must be in such form as the Superintendent Registrar decides and must include the prescribed particulars.

- (8) A freedom to form a civil partnership declaration must be in such form as the Superintendent Registrar decides, and must include the prescribed particulars and contain the following declaration –
- “I [AB] solemnly declare that I know of no legal impediment to my intended civil partnership with [BC] on grounds of kindred or affinity or on any other ground and I have not, at any time before attaining the age of 18, been a child of the family in relation to [BC].”.
- (9) In a case where paragraph (5) applies, the date upon which the parties sign the notice of intended civil partnership in the notices of intended civil partnership book is the date upon which the parties give notice of their intended civil partnership.
- (10) In the case where paragraph (6) applies, the date on which the Superintendent Registrar enters the details of the intended civil partnership in the notices of intended civil partnership book is deemed to be the date on which the parties to the civil partnership have given notice of their intended civil partnership, whether or not that date is different from the date on which the parties to the civil partnership signed the notice of intended civil partnership form.
- (11) In the case where Article 14B applies and the Superintendent Registrar has not seen the original or a certified copy of a document submitted to the Superintendent Registrar under Article 6B or 6C at the time of entering the details referred to in paragraph (11), the Superintendent Registrar must endorse upon the notices of intended civil partnership book and the notice of intended civil partnership that the notice of intended civil partnership is a provisional notice.

#### **7A Publication of notice of intended civil partnership<sup>14</sup>**

- (1) The Superintendent Registrar must publish the notice of intended civil partnership any time after the notice has been given provided that it is not published more than one year before the intended date of the civil partnership and, subject to Article 14B, must be published for a period of at least 25 clear days ending on the date of the civil partnership –
- (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 civil partnership is void after the expiry of one year beginning on the day on which it is first published.

#### **8 Caveat against issue of civil partnership schedule or certificate of no impediment to civil partnership<sup>15</sup>**

- (1) A person having reason to believe that there is lawful cause to obstruct the issue of a civil partnership schedule or certificate of no impediment to civil partnership may enter a caveat with the Superintendent Registrar against such issue.
- (2) A caveat must be signed by or on behalf of the person by whom it is entered, state the person's place of residence and the grounds for entering the caveat.

- (3) Subject to paragraph (6), where a caveat is entered, the Superintendent Registrar must not issue a civil partnership schedule or certificate of no impediment to civil partnership until –
  - (a) the Superintendent Registrar has examined into the matter of the caveat and is satisfied that it ought not obstruct the issue of a civil partnership schedule or certificate of no impediment to civil partnership; or
  - (b) the caveat is withdrawn by the person who entered it.
- (4) If the Superintendent Registrar is doubtful whether to issue a civil partnership schedule or certificate of no impediment to civil partnership, the Superintendent Registrar 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 civil partnership schedule or certificate of no impediment to civil partnership be issued, and no appeal shall lie from the decision of the Royal Court.
- (6) Where a caveat is entered against a civil partnership on the ground that the persons intending to form the civil partnership are not both at least 18 years of age, the Superintendent Registrar must not issue a civil partnership schedule or certificate of no impediment to civil unless satisfied, by the production of evidence, that the persons proposing to enter into a civil partnership with each other are both at least 18 years of age, or will be at the time that the civil partnership is solemnized.
- (7) Where a caveat is entered on the ground that one of the persons intending to form the civil partnership has, at any time before attaining the age of 18 years, been a child of the family in relation to the other then, even if the caveat is withdrawn by the person who entered it, the Superintendent Registrar must not issue a civil partnership schedule or certificate of no impediment to civil partnership unless a declaration is obtained from the Inferior Number of the Royal Court under paragraph (8).
- (8) In the case described in paragraph (7), one or both of the intending civil partners may apply to the Inferior Number of the Royal Court for a declaration to the effect that the younger of them has not, at any time before attaining the age of 18 years, been a child of the family in relation to the other and, accordingly, that there is no impediment (on the grounds referred to in paragraph (7)) to the solemnization of the civil partnership.
- (9) 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 civil partnership the caveat was entered.

## **9 Issue of civil partnership schedule<sup>16</sup>**

- (1) Where a civil partnership is intended to be solemnized in Jersey, one of the parties to the intended civil partnership must, subject to Article 14B, at least 2 clear days and not more than 10 clear days before the day on which the civil partnership is to be solemnized, request the Superintendent Registrar to issue a civil partnership schedule.
- (2) The request must be accompanied by the prescribed fee.
- (3) The Superintendent Registrar must not issue a civil partnership schedule unless –

- (a) both parties to the intended civil partnership 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 form a civil partnership declaration provided under Article 7 are the signatures of the persons signing the signature verification form;
  - (b) each person who is required under Article 11 to provide a certificate of freedom to form a civil partnership has delivered the original of a valid certificate to the Superintendent Registrar;
  - (c) if the notice of intended civil partnership included the particulars of an open-air location as well as an alternative location, both parties to the intended civil partnership have confirmed which of those 2 approved locations is to be the location at which the civil partnership is to be solemnized;
  - (d) the Superintendent Registrar has endorsed a note upon the published notice of intended civil partnership, the notices of intended civil partnership book and on any electronic records so as accurately to record the approved location confirmed under sub-paragraph (c); and
  - (e) the prescribed fee has been paid.
- (4) The Superintendent Registrar must refuse to issue a civil partnership schedule if satisfied that –
- (a) any party to the civil partnership is incapable of consenting to the civil partnership or is not entering into the civil partnership freely; or
  - (b) any other ground exists for not issuing a civil partnership schedule.
- (5) Subject to paragraphs (3) and (4), the Superintendent Registrar must issue the civil partnership schedule to the civil partnership celebrant.
- (6) The civil partnership schedule and signature verification form must be in such form as the Superintendent Registrar decides and contain any prescribed particulars.
- (7) Upon issuing the civil partnership schedule, the Superintendent Registrar must also issue to the civil partnership celebrant –
- (a) three civil partnership certificates for completion at the solemnization of the civil partnership;
  - (b) a notice of time and location of the civil partnership; and
  - (c) the signature verification form signed by both parties to the intended civil partnership.
- (8) The civil partnership certificates must be in such form as the Superintendent Registrar decides and must contain any prescribed particulars.
- (9) A notice under paragraph (7)(b) must contain the particulars and be in the form which the Superintendent Registrar by notice requires.
- (10) Subject to Article 14B, if the civil partnership –
- (a) is not solemnized on the date specified in the civil partnership schedule;
  - (b) is not solemnized at the location specified in the civil partnership schedule; or

- (c) is solemnized earlier than the time specified in the civil partnership schedule, or more than 1 hour later than the time specified in the civil partnership schedule,

the civil partnership schedule is void and no person may solemnize the civil partnership on its authority.

10 17

**11 Civil partnership in Jersey by non-Jersey resident: certificate of freedom to form a civil partnership issued by other authority<sup>18</sup>**

- (1) Any person whose ordinary place of residence is outside Jersey must, if the person intends to form a civil partnership in Jersey, deliver to the Superintendent Registrar a valid certificate of freedom to form a civil partnership issued in respect of that person by the civil partnership authority in the jurisdiction of the person's ordinary place of residence.
- (2) The Superintendent Registrar may require a person who intends to form a civil partnership in Jersey to deliver to the Superintendent Registrar a certificate of freedom to form a civil partnership issued in respect of that person by the civil partnership 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 the person's 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 be satisfied that no lawful impediment exists to prevent the person from freely entering into the intended civil partnership.
- (3) For the purposes of this Law, a certificate of freedom to form a civil partnership is a document (whether or not described as a certificate of freedom to form a civil partnership) that provides official confirmation from a civil partnership authority that, according to the law of that jurisdiction, the person is not married or a civil partner and accordingly is free to enter into a civil partnership or marriage.
- (4) The certificate of freedom to form a civil partnership must –
- (a) include the full names of the parties to the intended civil partnership and the approved location where the civil partnership is intended to be solemnized;
- (b) be issued not more than 3 months before the intended date of civil partnership; and
- (c) if it contains a date of expiry, be a date that falls after the date of the intended civil partnership.
- (5) If the approved location required to be included under paragraph (4)(a) is an open-air location, the certificate of freedom to form a civil partnership may include an alternative location.
- (6) The Superintendent Registrar may require the certificate of freedom to form a civil partnership to be authenticated by way of an apostille applied to the document or in such other manner as the Superintendent Registrar may reasonably specify.

- (7) The Superintendent Registrar may refuse to issue a civil partnership schedule in respect of any person intending to form a civil partnership in Jersey who fails to deliver to the Superintendent Registrar a valid certificate of freedom to form a civil partnership required under paragraph (1) or (2) unless the Superintendent Registrar is satisfied –
  - (a) that the failure is beyond the control of the person in respect of whom the requirement applies; or
  - (b) that the civil partnership authority referred to in paragraph (1) or (2) does not issue any such certificates.
- (8) In this Article “civil partnership authority”, in relation to a jurisdiction, means the person or body responsible for the maintenance of public records of the formation of marriages and civil partnerships.

## **12 Issue of certificate of no impediment by Superintendent Registrar for civil partnership outside Jersey<sup>19</sup>**

- (1) A party to an intended civil partnership who is resident in Jersey and whose civil partnership is intended to be solemnized outside Jersey may request the Superintendent Registrar to issue a certificate of no impediment to civil partnership in respect of that person.
- (2) Subject to Article 14B, the request must be made before the day on which the civil partnership 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 civil partnership under paragraph (1) unless –
  - (a) the notice of intended civil partnership has been published in accordance with Article 7A;
  - (b) the Superintendent Registrar is satisfied that that each party to the civil partnership will be of full age when it is solemnized;
  - (c) the person requiring the certificate of no impediment to civil partnership has attended the office of the Superintendent Registrar and signed the certificate of no impediment to civil partnership in the Superintendent Registrar’s presence; and
  - (d) the prescribed fee has been paid.
- (4) The Superintendent Registrar must sign the certificate of no impediment to civil partnership and endorse upon it the date on which it is signed and must issue the certificate of no impediment to civil partnership to the person who requested it, or to the person’s representative unless –
  - (a) any lawful impediment has been shown to the Superintendent Registrar’s satisfaction;
  - (b) the Superintendent Registrar is satisfied that a party to the civil partnership is incapable of consenting to it or is not entering into the civil partnership freely; or
  - (c) the Superintendent Registrar is satisfied that any other ground exists for not issuing a certificate of no impediment to civil partnership.
- (5) The certificate of no impediment to civil partnership –



- (a) must state the date upon which notice of intended civil partnership was given;
  - (b) must state the residence of the person to whom it relates; and
  - (c) may be in the form the Superintendent Registrar decides and contain the prescribed particulars, together with any other information that appears to the Superintendent Registrar to be relevant in the circumstances.
- (6) A certificate of no impediment to civil partnership issued under this Article –
- (a) is only valid for a civil partnership that takes place on the date and at the location indicated on the certificate; and
  - (b) remains valid for a period of 3 months from the date the notice of intended civil partnership was given.
- (7) A certificate of no impediment to civil partnership is void if it is not issued in accordance with this Article and no person may solemnize the civil partnership on its authority.

### **13 Approved locations<sup>20</sup>**

- (1) Subject to Article 14B, a civil partnership may be solemnized only at an approved location.
- (2) The Minister must by Order establish a scheme for the approval by an approving authority of any location for the purpose of solemnizing civil partnerships at that location.
- (3) The scheme must 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 civil partnership.
- (4) An approval for a location under the scheme must be an approval for any civil partnership 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;
  - (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 for, or revision or revocation of, an approval;
  - (f) the inspection of a location;
  - (g) the matters to be taken into account, or not to be taken into account, when determining whether to approve a location;
  - (h) the duration, renewal, revision or revocation of approvals;
  - (i) the conditions that must 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, approvals and in respect of renewals, revisions or revocations of approvals, including any fees that must or may be payable before an application may be considered;
  - (k) the circumstances in which approvals must 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) 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;
  - (n) any other purpose incidental to the approval of a location for the solemnization of civil partnerships.
- (6) Approval must not be given for the solemnization of civil partnerships at a location that is the usual place of public religious worship according to the rites of the Church of England or any other location that is certified by the Minister as the usual place of public religious worship of any religious organization.
- (7) An approving authority must not approve a location belonging to the Connétable or the parish unless the Minister consents to that location being an approved location.
- (8) The Minister may delegate the power to consent to a matter referred to in paragraph (7).
- (9) Any premises that were approved under this Law for the solemnization of civil partnerships immediately before the coming into force of the Civil Partnership (Amendment) (Jersey) Law 2023 are deemed to be approved locations under this Article for the purpose of solemnizing civil partnerships for a period of 12 months commencing on the day that Law comes into force.
- (10) In this Article “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 13 is situated or such other person to whom the Connétable may delegate the responsibility for approving locations for the purposes of this Law.

#### **14 Solemnization of civil partnership<sup>21</sup>**

- (1) This Article is subject to Articles 14A and 14B.
- (2) Where a civil partnership schedule states that a civil partnership between the persons named in it is intended to be solemnized in an approved location and by the civil partnership celebrant named in that schedule, the civil partnership may be solemnized only in that location and by that civil partnership celebrant in accordance with this Article, but otherwise according to such form and ceremony as those persons may see fit to adopt.
- (3) A civil partnership must be solemnized –
  - (a) between the hours of 8 a.m. and 7 p.m.; and
  - (b) except in the case of a civil partnership by conversion, in the presence of 2 or more witnesses, in addition to the civil partnership celebrant.
- (4) The civil partnership celebrant must ensure that a notice of the solemnization of the civil partnership is displayed at the approved location named in the civil partnership

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 civil partnership displayed under paragraph (4) must contain the forenames and surnames of both parties to the civil partnership and the time, date and location of the solemnization of the civil partnership.
- (6) Members of the public must be permitted to attend the solemnization of a civil partnership freely and without charge.
- (7) Except in the case of a civil partnership by conversion, each of the parties to the civil partnership must, in some part of the civil partnership ceremony and in the presence of the witnesses and the civil partnership celebrant –
  - (a) make the following declaration –

“I solemnly declare that I know of no lawful reason why I, [AB], may not be joined in civil partnership 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 civil partner”.
- (8) Subject to paragraph (9), a civil partnership celebrant must not permit any civil partnership solemnized by the celebrant to include any religious ritual or symbol or permit prayers or any religious worship or service to be conducted during the civil partnership ceremony.
- (9) A civil partnership celebrant must permit any civil partnership solemnized by the celebrant 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 ceremony.
- (10) A civil partnership celebrant must permit candles, lights, incense, ribbons and other decorations provided that the celebrant 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 civil partnership and the witnesses must sign the civil partnership schedule and the civil partnership certificates.
- (12) The civil partnership celebrant, if satisfied that the parties celebrating the civil partnership are the same parties whose signatures are on the signature verification form given to the celebrant by the Superintendent Registrar, must sign and date the civil partnership schedule and the civil partnership certificates.
- (13) The parties to the civil partnership become civil partners upon the signing of the civil partnership schedule by the civil partnership celebrant after the parties have signed that schedule.

- (14) Two of the civil partnership certificates may be kept by the parties to the civil partnership.
- (15) The Superintendent Registrar may charge prescribed fees for the solemnization of a civil partnership by the Superintendent Registrar or the Deputy Superintendent Registrar on approved premises and, in the case of a civil partnership on the premises provided for the Superintendent Registrar, for the use of those premises.
- (16) Nothing in this Article requires a civil partnership celebrant to solemnize a civil partnership on a particular day or at a particular time.

#### **14A Changes to date, time or location of intended civil partnership<sup>22</sup>**

- (1) If the parties to an intended civil partnership wish to change the date or time of the civil partnership contained in the notice of intended civil partnership, both parties must notify the Superintendent Registrar in writing of the new date or time (subject to Article 14B) –
  - (a) in the case of a change of time, not later than 25 clear days before the date of the civil partnership ceremony;
  - (b) in the case of a change of date which is earlier than the date contained in the notice of intended civil partnership, not later than 25 clear days before the new date of the intended civil partnership ceremony; or
  - (c) in the case of a change of date which is later than the date contained in the notice of intended civil partnership, not later than 25 clear days before the date given in the notice of intended civil partnership.
- (2) If the parties to a civil partnership intended to take place in Jersey wish to change the approved location, or alternative location, as the case may be, of the intended civil partnership contained in the notice of intended civil partnership, both parties must (subject to Article 14B) notify the Superintendent Registrar in writing of the new approved location or the new alternative location, as the case may be, not later than 25 clear days before the date of the intended civil partnership.
- (3) The Superintendent Registrar must, as soon as reasonably practicable after receiving notice under paragraph (1) or (2), and upon payment of the prescribed fee, endorse a note of any change of date, time or approved location or alternative location upon the published notice of intended civil partnership, the notices of intended civil partnership book and on any electronic records so as to accurately record the change of date, time, approved location or alternative location.
- (4) Where for any reason a civil partnership in respect of which a notice of intended civil partnership has been published is not to take place, the Superintendent Registrar must endorse a note in the notices of intended civil partnership book and on any electronic records to that effect.

#### **14B Civil partnership: special circumstances<sup>23</sup>**

- (1) This Article applies where special circumstances exist such that persons intending that their civil partnership should be solemnized on the authority of a civil partnership schedule or a civil partnership conversion schedule wish to –
  - (a) have their civil partnership solemnized in a location that is not an approved location;

- (b) have their civil partnership solemnized at a time outside the hours of 8.00 a.m. to 7.00 p.m.;
  - (c) have their civil partnership solemnized earlier than 25 clear days after the publication of the notice of intended civil partnership under Article 7A; or
  - (d) change the date, time, approved location or alternative location of the civil partnership specified in the notice of intended civil partnership.
- (2) For the purposes of paragraph (1), special circumstances are any of the following –
- (a) one or both of the parties to the intended civil partnership are expected to die within 3 months of applying for notice of intended civil partnership under Article 7A;
  - (b) whether before or after the delivery of the application for a notice of intended civil partnership, one or both of the parties to the intended civil partnership are, or become, physically incapacitated such that it would be impossible to solemnize the civil partnership in an approved location;
  - (c) one or both of the parties to the intended civil partnership are unable to solemnize the civil partnership by reason of illness or unforeseen or unavoidable circumstances;
  - (d) one or both of the parties to the intended civil partnership are detained in prison or under the [Mental Health \(Jersey\) Law 2016](#), such that it would be impossible to solemnize the civil partnership at an approved location;
  - (e) an emergency has arisen such that it is impractical or impossible –
    - (i) for the approved location named in the civil partnership schedule or the civil partnership conversion schedule to be used, or
    - (ii) for the civil partnership celebrant named in the civil partnership schedule or the civil partnership conversion schedule to solemnize the civil partnership.
- (3) The Minister must prescribe the requirements and procedures that apply for allowing the solemnization of a civil partnership between two persons according to a wish referred to in paragraph (1), which may, in particular, include –
- (a) the application process for seeking to solemnize a civil partnership 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 civil partnership 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 civil partnership 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 civil partnership; and
  - (g) the requirements for annotating any applications, notice, register or other document in consequence of any civil partnership being solemnized in special circumstances.

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**17 Keeping of records relating to civil partnership<sup>26</sup>**

- (1) The Superintendent Registrar must retain an electronic copy of every application, information and document provided to the Superintendent Registrar under this Law by any person, whether received in electronic or paper form.
- (2) The Superintendent Registrar must keep, in the form the Superintendent Registrar decides, and containing the prescribed particulars –
  - (a) a register of authorized civil celebrants;
  - (b) a notices of intended civil partnership book;
  - (c) a register of approved locations;
  - (d) an index of the names of the parties to any civil partnership solemnized or converted in Jersey under this Law;
  - (e) a copy of the entries in the civil partnership registers and civil partnership conversion registers held by each registrar.
- (3) The Superintendent Registrar must keep in date order one copy of the civil partnership schedule or civil partnership conversion schedule –
  - (a) for every civil partnership ceremony or civil partnership conversion ceremony which the Superintendent Registrar solemnizes; or
  - (b) which is delivered to the Superintendent Registrar by an authorized civil celebrant under Article 17A(1).
- (4) The book, registers, indexes, notices and entries kept under paragraph (2) and the copies kept under paragraph (3) must be open to public inspection free of charge during the hours and at the locations published by the Superintendent Registrar.
- (5) The relevant registrars must keep up to date and in such form and manner as the Superintendent Registrar may by notice require –
  - (a) a register of all civil partnerships that took place in the parish before the coming into force of the Civil Partnership (Amendment) (Jersey) Law 2023; and
  - (b) the civil partnership schedules and civil partnership conversion schedules in respect of all the civil partnerships that take place in the parish.
- (6) The registers and other documents and information which are required to be kept under this Article must be kept in permanent form, which may include their being kept electronically.
- (7) The Minister may prescribe the matters that may or must be endorsed upon any book, registers, indexes, notices or entries kept under this Law.

**17A Retention of civil partnership schedule etc.<sup>27</sup>**

- (1) As soon as reasonably practicable after the solemnization of a civil partnership, an authorized civil celebrant must return to the Superintendent Registrar each of the signature verification forms and all of the following that apply in the particular case –
  - (a) the civil partnership schedule;
  - (b) the civil partnership conversion schedule;
  - (c) the civil partnership certificate;
  - (d) the civil partnership conversion certificate.
- (2) If the relevant registration duties are not retained, the Superintendent Registrar must, as soon as reasonably practicable upon receipt of the civil partnership schedule or civil partnership conversion schedule –
  - (a) complete the entries in the civil partnership register, for the parish in which the civil partnership is solemnized, held by the Superintendent Registrar with the details contained in the civil partnership schedule or civil partnership conversion schedule; and
  - (b) retain the original civil partnership schedules and civil partnership conversion schedules for each parish in respect of which the Superintendent Registrar is responsible for the relevant registration duties in date order in which the civil partnership was solemnized.
- (3) If the relevant registration duties are retained, the Superintendent Registrar must, as soon as reasonably practicable upon receipt of the civil partnership schedule or civil partnership conversion schedule –
  - (a) complete the entries in the copy civil partnership register, for the parish in which the civil partnership is solemnized, held by the Superintendent Registrar with the details contained in the civil partnership schedule or civil partnership conversion schedule; and
  - (b) return the original civil partnership schedule or civil partnership conversion schedule to the registrar of the parish in which the civil partnership was solemnized.
- (4) Where paragraph (3) applies, the registrar must keep –
  - (a) subject to sub-paragraph (b), in the date order in which each civil partnership is solemnized, a register of all civil partnerships that are solemnized in the registrar's parish;
  - (b) in the order in which each marriage is converted to a civil partnership, a register of all the conversions that are solemnized in the registrar's parish.
- (5) The Superintendent Registrar must pay the registrar the prescribed fee for each civil partnership which the registrar registers under paragraph (4) and for the provision of returns or registers.

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

- (1) A civil partnership celebrant shall make a record and a return, in accordance with the prescribed requirements, of every civil partnership that he or she solemnizes.<sup>28</sup>

- (1A) Paragraphs (2) and (3) apply in respect of a parish where the relevant registration duties are retained.<sup>29</sup>
- (2) The registrar of each parish shall keep a register in which he or she, in accordance with the prescribed requirements, shall register every civil partnership solemnized within the parish of which he or she is registrar.
- (3) The Superintendent Registrar shall supply each registrar with the required number of registers of civil partnerships for the performance of the registrar's duties under this Article.

## **19 Power to ask for particulars of civil partnership<sup>30</sup>**

A person under a duty to register or record the particulars of a civil partnership (other than the Superintendent Registrar) may require the Superintendent Registrar to provide him or her with those particulars.

## **20 Proof of certain matters not necessary to validity of civil partnerships<sup>31</sup>**

- (1) Subject to Article 22A, where a civil partnership has been solemnized under this Law, it is not necessary, in any proceedings in the Family Division of the Royal Court relating to the civil partnership, to give any proof –
  - (a) that, before the civil partnership, either of the intended civil partners resided, or resided for any period, at the location stated in the notice of intended civil partnership to be his or her place of residence;
  - (b) subject to Article 14B, that the location in which the civil partnership was solemnized was an approved location at the time of the solemnization; or
  - (c) that the civil partnership celebrant was authorized under this Law to solemnize the civil partnership and solemnised the civil partnership in accordance with the conditions of that authorization.
- (2) A civil partnership solemnized in accordance with Article 14B in a location which, at the time of the solemnization, is not an approved location is valid as if the location were an approved location.
- (3) A civil partnership which is solemnized otherwise than in accordance with Article 14(8) is as valid as if it had been solemnized in accordance with Article 14(8).

## **21 Searches**

- (1) Every registrar who keeps a register of civil partnerships under this Law shall, at all reasonable hours, allow searches to be made in any register in his or her keeping and, upon payment of the prescribed fee, shall give a copy certified under his or her hand of any entry in such a register.
- (2) <sup>32</sup>
- (3) A copy of an entry provided in accordance with this Article shall be received as evidence of the civil partnership to which it relates without any further or other proof of the entry.



**21A Official searches of records by Superintendent Registrar<sup>33</sup>**

- (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 as are recorded in any of those books, indexes, registers, notices or entries –
  - (a) any civil partnership or marriage 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 change of name of the applicant;
  - (e) the birth of the applicant;
  - (f) 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) must be in such form as the Superintendent Registrar may by notice require, and contain the prescribed information.
- (4) The Superintendent Registrar must, 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.
- (5) After the searches under paragraph (4) have been completed, the Superintendent Registrar must issue to the applicant a search certificate setting out the information in paragraph (6)(a) or (b), as the case may require.
- (6) The search certificate must –
  - (a) state that there is no trace of any previous civil partnership or marriage by the applicant in Jersey, if that is the case; or
  - (b) if the search has confirmed the existence of a previous civil partnership or marriage by the applicant in Jersey, provide –
    - (i) the date of and the parties to that previous civil partnership or marriage and, if it has ended, the date on which it ended and whether that was by nullity, dissolution or death, and
    - (ii) details of any record of the birth of the applicant or change of name or any gender recognition certificate of the applicant.
- (7) A search certificate provided in accordance with this Article is to be received as evidence of the matters stated in it without further proof.
- (8) A search certificate under this Article is not evidence of a person's residence in Jersey.

**21B Co-operation and disclosure<sup>34</sup>**

- (1) The Superintendent Registrar may disclose to any person any information or documents obtained in exercise of the Superintendent Registrar's functions under this Law and request information and make such enquiries as the Superintendent Registrar thinks fit for the purpose of –
  - (a) verifying the accuracy of any application or information delivered to the Superintendent Registrar or the authenticity of any document provided to the Superintendent Registrar 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 bodies in connection with the exercise of the Superintendent Registrar's functions under this Law –
  - (a) the Royal Court;
  - (b) the Attorney General;
  - (c) any Minister of the States of Jersey;
  - (d) any Connétable or employee of a parish;
  - (e) a police officer;
  - (f) an immigration officer;
  - (g) an officer of the Impôts.
- (3) The Superintendent Registrar may, at the request of any person who carries out functions in another jurisdiction similar to the functions of the Superintendent Registrar in respect of civil partnerships, disclose to that person any information that the Superintendent Registrar reasonably believes may assist that other person in the exercise of that person's 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 form a civil partnership in that other jurisdiction, if the Superintendent Registrar reasonably believes that the information may assist that other person in the exercise of that person's functions in that other jurisdiction.
- (5) In this Article, "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.

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

- (1) A person who finds an error, other than a clerical error, in an original entry in a book or register kept under this Law shall bring it to the attention of the Minister, through the intermediary of the Superintendent Registrar.
- (2) Upon being notified of an error, other than a clerical error, the Minister may grant permission for the error to be corrected or, if the Minister thinks fit, refer the matter to the Court, through the intermediary of the Attorney General.

- (3) The Minister shall prescribe procedures for the correction of clerical errors in entries in books and registers kept under this Law, for the correction of discrepancies between original entries and copies thereof and for the correction of errors other than clerical errors, pursuant to permission granted by the Minister or the Court.

## **22A Civil partnerships which are void<sup>35</sup>**

A civil partnership is void if it is knowingly and intentionally formed by 2 people –

- (a) without having given due notice of intended civil partnership to the Superintendent Registrar;
- (b) without a civil partnership schedule or a civil partnership conversion schedule having been duly issued;
- (c) on the authority of a civil partnership schedule or a civil partnership conversion schedule that has been issued after one or both parties to the civil partnership have provided information or documents to the Superintendent Registrar that are false or inaccurate;
- (d) on the authority of a civil partnership schedule or a civil partnership conversion schedule when one of the civil partners has provided false information about that civil partner's immigration status;
- (e) on the authority of a civil partnership schedule which is void under Article 9(10);
- (f) on the authority of a civil partnership conversion schedule which is void under Article 26AD(17);
- (g) on the authority of a certificate of no impediment which is void under Article 12(7);
- (h) in the case of a civil partnership purporting to be solemnized in an approved location, at any location that is not approved at the time the civil partnership is solemnized or, as the case may be, for the purposes of that civil partnership, unless Article 14B applies;
- (i) in the absence of a civil partnership celebrant; or
- (j) except where Article 14B applies, at a time, place or date that is not specified as the time, date or place of the civil partnership in the civil partnership schedule or the civil partnership conversion schedule.

## **23 Offences relating to the solemnization of a civil partnership<sup>36</sup>**

- (1) A person commits an offence if the person, knowingly and voluntarily, makes a false declaration or signs any false document or otherwise provides false information for the purpose of –
- (a) giving notice of intended civil partnership (including by conversion);
  - (b) obtaining –
    - (i) any civil partnership schedule,
    - (ii) any civil partnership conversion schedule, or

- (iii) any certificate of no impediment to civil partnership (including by conversion); or
  - (c) having a civil partnership solemnized (including by conversion).
- (2) The Superintendent Registrar commits an offence if the Superintendent Registrar, knowingly and voluntarily –
  - (a) issues a civil partnership schedule, civil partnership conversion schedule or a certificate of no impediment to civil partnership pursuant to a notice of intended civil partnership where the resulting civil partnership would be void by virtue of Article 22A;
  - (b) issues a civil partnership schedule where there are fewer than 25 clear days between the date on which the notice of intended civil partnership was given and the date of the civil partnership specified in that notice, unless Article 14B applies;
  - (c) issues a civil partnership conversion schedule where there are fewer than 2 clear days between the date on which the notice of conversion was given and the date of the civil partnership conversion specified in that notice, unless Article 14B applies;
  - (d) issues a certificate of no impediment to civil partnership where there are fewer than 25 clear days between the date on which the certificate of no impediment to civil partnership was issued and the date of the civil partnership specified on the notice of intended civil partnership;
  - (e) issues a schedule or certificate on which a lawful objection has been entered unless the Superintendent Registrar has determined (in a case where the Superintendent Registrar is empowered to do so) that the objection is without merit, or the Inferior Number of the Royal Court has ordered that the schedule or certificate may nevertheless be issued;
  - (f) authorizes an authorized civil celebrant to solemnize a civil partnership in a location that is not an approved location for civil partnerships, unless Article 14B applies; or
  - (g) authorizes an authorized religious official to solemnize a civil partnership.
- (3) A person commits an offence if the person, knowingly and voluntarily, to solemnize a civil partnership which would be void under this Law.
- (4) A person commits an offence if the person, knowingly and voluntarily, solemnizes a civil partnership –
  - (a) on the authority of a civil partnership schedule or civil partnership conversion schedule which is void; or
  - (b) before the expiry of any period required by this Law to elapse after the issue of the civil partnership schedule or civil partnership conversion schedule (as the case requires) and before the solemnization of the civil partnership.
- (5) A person commits an offence if the person, knowingly and voluntarily, solemnizes a civil partnership on the authority of a civil partnership schedule –
  - (a) subject to sub-paragraph (b), in a location other than an approved location specified in the notice of intended civil partnership and civil partnership schedule; or

- (b) in a case where Article 14B applies, otherwise than at the location approved under that Article.
- (6) A person other than a civil partnership celebrant commits an offence if that person solemnizes a civil partnership.
- (7) A person commits an offence if that person, knowingly and voluntarily –
  - (a) subject to sub-paragraph (b), officiates at the conversion of a marriage to a civil partnership in a place other than that specified in the notice of intended conversion or the civil partnership conversion schedule; or
  - (b) in a case where Article 14B applies, officiates at the conversion of a marriage to a civil partnership otherwise than at the location approved under that Article.
- (8) A person commits an offence if the person, knowingly and voluntarily, makes a false declaration or signs any false document or otherwise provides false or inaccurate information –
  - (a) for the purpose of an application for an authorization of a person as an authorized civil celebrant;
  - (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 is liable to imprisonment for a term of 5 years and to a fine.

### **23A Offences relating to the registration of civil partnerships<sup>37</sup>**

- (1) A person commits an offence if, without reasonable cause or excuse, the person fails to comply with a requirement imposed under this Law or by any person pursuant to this Law or an Order made under it –
  - (a) to provide particulars of a civil partnership (including a civil partnership by conversion); or
  - (b) to complete or deliver any certificate.<sup>38</sup>
- (2) A person guilty of an offence under paragraph (1) is liable to a fine of level 2 on the standard scale.
- (3) A person commits an offence if the person –
  - (a) refuses or, without reasonable excuse, omits to record or register any civil partnership which the person is required by this Law, or an Order made under it, to record or register;
  - (b) registers or causes to be registered a civil partnership otherwise than in accordance with the requirements of this Law or an Order made under it;
  - (c) carelessly loses or damages a book, register or document that the person 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 the person's keeping; or
  - (d) fails, without reasonable excuse, to deliver any book, register, document or make any return that the person 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) is liable to a fine of level 3 on the standard scale.
- (5) A person commits an offence if the person –
  - (a) knowingly provides false particulars for the purpose of the registration of a civil partnership under this Law;
  - (b) voluntarily destroys, damages or alters, or causes 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) forges or causes 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 makes or causes 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 certifies a copy of such an entry, knowing it to be false.
- (6) A person guilty of an offence under paragraph (5) is liable to imprisonment for a term of 5 years and to a fine.

## **24 Declarations<sup>39</sup>**

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

### **24A Amendment of periods specified in this Part<sup>40</sup>**

The Minister may by Order amend any period specified in this Part and in Part 2AA, other than a maximum period of imprisonment.

## **25 Orders concerning registration<sup>41</sup>**

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

- (a) the preparation and delivery of documents prior to, and for the purposes of, the recording of the particulars of a civil partnership;
- (b) the keeping and delivery of books, registers and official documents for the purposes of this Law;
- (c) the making of entries of civil partnerships (including civil partnerships 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 prescribed;
- (e) the making of returns of information to the Superintendent Registrar;

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

## 26 Duty of Minister

- (1) The Minister shall, each year, report to the States the number of civil partnerships (including civil partnerships by conversion) registered, in the preceding year, under this Law.<sup>42</sup>
- (2) The Minister shall inspect every register kept by a registrar pursuant to this Law at the same time and in accordance with the same cycle as is described in Article 75(2) of the [Marriage and Civil Status \(Jersey\) Law 2001](#) for the purpose of assessing whether the registrar is discharging his or her duties under this Law.<sup>43</sup>
- (3) A registrar shall, when so requested by the Minister, produce to the Minister the registers kept by him or her, for the purposes of the Minister's inspection.

## PART 2AA<sup>44</sup>

### CIVIL PARTNERSHIP BY CONVERSION

#### 26AA Application for conversion

- (1) Subject to Article 14B (civil partnerships: special circumstances), where spouses wish to convert their marriage to a civil partnership, one or both of the spouses, or a representative of one of both of them, 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 the form 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 marriage was formed, if it had instead been a civil partnership, it would not have been a void civil partnership under any provision of this Law.

**26AB Consideration of application for conversion**

- (1) The Superintendent Registrar may consider the application for a conversion delivered under Article 26AA before inspecting the original or certified copy of any document referred to in Article 26AA(3)(c) but must not issue a civil partnership conversion schedule unless the Superintendent Registrar has inspected the original or certified copy of those documents.
- (2) The Superintendent Registrar may request any 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) being satisfied that both parties are capable of consenting to the conversion and are entering into the civil partnership freely; and
  - (c) being satisfied whether any other ground exists for not issuing a conversion schedule.
- (3) If the Superintendent Registrar concludes that the information and documents referred to in Article 26AA(3) and paragraph (2) reveal no reason why the parties to the marriage may not enter into a civil partnership by conversion, the Superintendent Registrar must notify the parties to the marriage of that conclusion.

**26AC Issue of conversion schedule**

- (1) One or both of the parties to the intended civil partnership must, subject to Article 14B, at least 2 clear days and not more than 10 clear days before the day on which the civil partnership by conversion is to be solemnized, request the Superintendent Registrar to issue a conversion schedule 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 schedule unless –
  - (a) both parties to the intended conversion have, during the period specified in paragraph (1) attended the office of the Superintendent Registrar (together or separately), and have –
    - (i) brought with them the original or certified copy of the documents required under Articles 26AA(3)(c) and 26AB(2),
    - (ii) confirmed the location of the solemnization of the civil partnership by conversion, and
    - (iii) signed a signature verification form in the presence of the Superintendent Registrar;
  - (b) subject to paragraph (5), the Superintendent Registrar has inspected the original or certified copies of all the documents provided in corroboration of the information required under Articles 26AA(3) and 26AB(2) and is satisfied as to their authenticity; and
  - (c) the prescribed fee has been paid.



- (4) The Superintendent Registrar must refuse to issue the conversion schedule if the Superintendent Registrar is satisfied that –
  - (a) any party to the marriage is incapable of consenting to the conversion or is not entering into the civil partnership freely; or
  - (b) any other ground exists for not issuing a conversion schedule.
- (5) Subject to paragraphs (3) and (4), the Superintendent Registrar must issue a conversion schedule to the civil partnership celebrant.
- (6) The Superintendent Registrar may issue a conversion schedule 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 14B applies or where the Superintendent Registrar is otherwise satisfied that the parties to the intended conversion have corroborated any information provided under Articles 26AA(3) and 26AB(2) by some other means.
- (7) Upon issuing the conversion schedule the Superintendent Registrar must also issue to the civil partnership celebrant –
  - (a) the form for entering details of the civil partnership by conversion into the conversion register held by the relevant registrar;
  - (b) 3 civil partnership certificates for completion at the solemnization of the civil partnership; and
  - (c) a signature verification form signed by both parties to the intended civil partnership.
- (8) The conversion schedule, signature verification form and the civil partnership certificates are to be in the form the Superintendent Registrar decides and contain the prescribed particulars.

### **26AD Civil partnership by conversion: solemnization**

- (1) This Article is subject to Article 14B.
- (2) A civil partnership by conversion may be solemnized between the hours of 8 a.m. and 7 p.m. by a civil partnership celebrant.
- (3) The civil partnership by conversion 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 an authorized civil celebrant and the parties to the marriage may agree is payable for the services of the authorized civil celebrant.
- (4) If the parties to the marriage do not wish to have any ceremony other than making the declarations contained in paragraph (9), the civil partnership by conversion must be solemnized by the Superintendent Registrar or a Deputy Superintendent Registrar at any approved location for the solemnization of civil partnerships.
- (5) If the parties to the marriage wish to have any ceremony in addition to making the declarations contained in paragraph (9), the civil partnership by conversion must be solemnized by a civil partnership celebrant at any approved location for the solemnization of civil partnerships.

- (6) A civil partnership celebrant must not, subject to paragraph (7), permit the ceremony during which any civil partnership by conversion is solemnized by the celebrant under this Article to include any religious ritual or symbol or permit prayers or any religious worship or service to be conducted during the civil partnership ceremony.
- (7) A civil partnership celebrant must permit any ceremony during which a civil partnership by conversion is solemnized by the celebrant 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 civil partnership celebrant must permit the use of candles, lights, incense, ribbons and other decorations, provided that the celebrant is satisfied that they are not used in contravention of paragraph (6).
- (9) Each of the parties to the marriage must in the presence of the civil partnership celebrant make the following declaration to each other –

“I, [AB], solemnly declare that I am married to you, [CD], and I know of no lawful reason why we may not convert our marriage into a civil partnership.

I understand that in making this declaration I will be converting our marriage into a civil partnership and that you, [CD], will thereby become my civil partner.”.
- (10) After the parties to the marriage have made the declaration in paragraph (9), they must sign the conversion schedule and the civil partnership certificates in the presence of each other and the civil partnership celebrant.
- (11) The civil partnership celebrant, if satisfied that the parties converting the marriage are the same parties whose signatures are on the signature verification form supplied by the Superintendent Registrar, must sign and date the conversion schedule and the civil partnership certificates.
- (12) The parties to the conversion become civil partners of each other upon the signing of the conversion schedule by the civil partnership celebrant.
- (13) Two civil partnership certificates may be kept by the civil partners to the conversion.
- (14) Nothing in this Article is to be construed as requiring a civil partnership celebrant to attend the solemnization of a civil partnership by conversion under this Article on a particular day or at a particular time.
- (15) A marriage that is converted to a civil partnership under this Law –
  - (a) if it was solemnized before 2nd April 2012 (the date on which this Law as originally enacted came into operation), is to be treated as having become a civil partnership on that date; or
  - (b) if it was solemnized on or after that date, is to be treated for all purposes as if it had always been a civil partnership.

- (16) Parties to a marriage who convert their marriage to a civil partnership under this Law are to be treated for all purposes as if they had become civil partners of each other on the later of –
- (a) the date on which their marriage was solemnized; or
  - (b) 2nd April 2012.
- (17) Subject to Article 14B, if the conversion of a marriage to a civil partnership –
- (a) is not solemnized on the date specified in the civil partnership conversion schedule;
  - (b) is not solemnized in the location specified in the civil partnership conversion schedule; or
  - (c) is solemnized earlier than the time specified in the civil partnership conversion schedule, or more than 1 hour later than the time specified in the civil partnership conversion schedule,
- the civil partnership conversion schedule is void and no person may solemnize the civil partnership on its authority.

## **PART 2A<sup>45</sup>**

### **PART 3**

#### **DISSOLUTION, ANNULMENT AND OTHER PROCEEDINGS**

#### **27 Jurisdiction**

- (1) The Court shall have jurisdiction to entertain proceedings for dissolution of the civil partnership or a legal separation order (“separation order”) in respect of the civil partners if (and only if) –
- (a) the parties to the civil partnership are domiciled in Jersey on the date when the proceedings are begun; or
  - (b) either of the parties to the civil partnership was habitually resident in Jersey throughout the period of one year ending with that date.
- (2) The Court shall have jurisdiction to entertain proceedings for annulment of the civil partnership if (and only if) –
- (a) the parties to the civil partnership are domiciled in Jersey on the date when the proceedings are begun; or
  - (b) either of the parties to the civil partnership –
    - (i) was habitually resident in Jersey throughout the period of one year ending with that date, or
    - (ii) died before that date and either was at death domiciled in Jersey, or had been habitually resident in Jersey through the period of one year ending with the date of death.

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

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

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

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

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

- (1) No application shall be presented to the Court unless at the date of the application 3 years have passed since the date of the formation of the civil partnership.
- (2) The Court may, upon application being made to it in accordance with Rules of the Court, allow an application to be made before 3 years have passed on the ground that the case is one of exceptional hardship suffered by the applicant, or of exceptional

depravity on the part of the respondent, but, if it appears to the Court at the hearing of the application that the applicant obtained leave to present the application by any misrepresentation or concealment of the nature of the case, the Court may –

- (a) if it makes a conditional order, direct that no application to make the order final may be made until after the expiration of 3 years from the date of the formation of the civil partnership; or
  - (b) dismiss the application, without prejudice to any application that may be brought after the expiration of the said 3 years upon the same, or substantially the same, facts as those proved in support of the application so dismissed.
- (3) In determining any application under this Article for leave to apply before the expiration of 3 years from the date of formation of the civil partnership, the Court shall have regard to the interests of any children of the family and to the question whether there is reasonable probability of a reconciliation between the parties before the expiration of the said 3 years.

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

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

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

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

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

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

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

- (1) Provision shall be made by Rules of the Court for the purpose of ensuring that in one year's separation cases, where the applicant alleges that the respondent consents to an order being made, that the respondent has been given such information as will enable the respondent to understand the consequences to the respondent of consenting to an order being made and the steps which the respondent must take to indicate that the respondent consents to the making of the order.
- (2) Where in any case the Court has made an order for the dissolution of the civil partnership solely on the ground of one year's separation coupled with the respondent's consent, the Court may, on an application made by the respondent at any time before the order is made final, rescind the order if it is satisfied that the applicant misled the respondent (whether intentionally or unintentionally) about any matter which the respondent took into account in deciding to consent.
- (3) Paragraphs (4) and (5) apply where –
  - (a) the respondent to an application for the dissolution of a civil partnership on the grounds of one year's or 2 years' separation coupled, in the former case, with the respondent's consent to an order being made, has applied to the Court for consideration under paragraph (4) of the respondent's financial position after the dissolution; and
  - (b) the Court has made an order for the dissolution of the civil partnership solely on the ground of one year's separation coupled with the respondent's consent, or solely on the ground of 2 years' separation, as the case may be.
- (4) The Court hearing an application by the respondent under paragraph (3) shall consider all the circumstances, including the age, health, conduct, earning capacity,

financial resources and financial obligations of each of the parties, and the financial position of the respondent as, having regard to the dissolution order, it is likely to be after the death of the applicant should the applicant die first; and, subject to paragraph (5), the Court shall not make the order final unless it is satisfied –

- (a) that the applicant should not be required to make any financial provision for the respondent; or
  - (b) that the financial provision made by the applicant for the respondent is reasonable and fair or the best that can be made in the circumstances.
- (5) The Court may if it thinks fit make the order final notwithstanding the requirements of paragraph (4) if –
- (a) it appears that there are circumstances making it desirable that the order should be made final without delay; and
  - (b) the Court has obtained a satisfactory undertaking from the applicant that the applicant will make such financial provision for the respondent as the Court may approve.

### **33 Separation orders**

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

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

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

[Orders \(Jersey\) Law 1953](#) having the effect of a separation order shall, if the parties have not resumed cohabitation and the order has been continuously in force since being granted, be deemed immediately to precede the application for the dissolution order.

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

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

### **36 Decree of annulment**

- (1) The Court may decree the annulment of a civil partnership on any ground on which a civil partnership is by law void or voidable under this Law, or on any of the following grounds –
  - (a) that the civil partnership was formed as a result of fraud, threats or duress by the respondent upon or to the applicant;
  - (b) that either party to the civil partnership was at the time of the formation of the civil partnership suffering from a mental disorder of a kind or to such an extent as to be unfit for civil partnership;
  - (c) that at the time of the formation of the civil partnership the respondent was pregnant by some person other than the applicant;
  - (d)
  - (e)
  - (f) <sup>46</sup>
- (2) <sup>47</sup>
- (3) <sup>48</sup>

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

- (1) The Court shall not make an annulment order on the ground that a civil partnership is voidable if the respondent satisfies the Court –
  - (a) that the applicant, with knowledge that it was open to the applicant to obtain an annulment order, acted in relation to the respondent in such a way as to lead the respondent reasonably to believe that the applicant would not seek to do so; and
  - (b) that it would be unjust to the respondent to make the order.
- (2) <sup>49</sup>
- (3) Without prejudice to paragraph (1), the Court shall not make an annulment order by virtue of Article 36(1)(b) or (c) unless it is satisfied that –



- (a) the applicant was at the time of the formation of the civil partnership ignorant of the facts alleged;
- (b) that the proceedings were instituted within a year from the date of the formation of the civil partnership; and
- (c) sexual intercourse with the consent of the applicant has not taken place since the discovery by the applicant of the existence of the grounds for an order.

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

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

### **39 Conditional orders**

- (1) Every order for the dissolution of a civil partnership or for annulment of the civil partnership or of presumption of death shall, in the first instance, be a conditional order and shall not be made final until after the expiration of such period, not exceeding 6 months, from the pronouncing thereof, as may be prescribed by Rules of Court, provided that the Court may, in any particular case, fix a shorter period where it considers it proper to do so.
- (2) After the making of a conditional order and before the order is made final, any person (including the Attorney General) may, in a manner prescribed by Rules of Court, show cause why the order should not be made final by reason of the order having been obtained by collusion or by reason of material facts not having been brought before the Court, and in any such case the Court may –
  - (a) make the order final;
  - (b) reverse the conditional order;
  - (c) require further inquiry; or
  - (d) otherwise deal with the case as the Court thinks fit.
- (3) Where a conditional order has been made and no application for the order to be made final has been made by the party who obtained the conditional order then, at any time after the expiration of 3 months from the earliest date on which that party could have made such an application, the party against whom the conditional order has been made may apply to the Court and the Court shall, on such application, have power to –
  - (a) make the order final;
  - (b) reverse the conditional order;
  - (c) require further inquiry; or

- (d) otherwise deal with the case as the Court thinks fit.

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

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

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

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

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

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

#### 43 Abatement of proceedings

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

#### 44 Provision for children

- (1) In any proceedings for the dissolution of a civil partnership or for a separation or annulment order, the Court may from time to time, either before or after the final order, make such provision as appears just with respect to the maintenance of any children of the family in relation to the parties to the civil partnership which is the subject of the proceedings.
- (2) Subject to paragraph (3), on making an order for the dissolution of the civil partnership, or an annulment or separation order or at any time thereafter, whether before or after the order has been made final, the Court shall have power to order either civil partner to secure for the benefit of any children of the family such gross sum of money or annual sum of money as the Court may deem reasonable, and the Court may for that purpose settle and approve a proper deed or instrument to be executed by all necessary parties.
- (3) The term for which any sum of money is secured for the benefit of a child under paragraph (2) shall not extend beyond the date when the child will attain the age of 21.

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

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

- (3) This Article applies to –
- (a) any children of the family who have not yet reached the age of 16 at the date when the Court considers the case in accordance with the requirements of this Article; or
  - (b) any children of the family who have reached that age at that date and in relation to whom the Court directs that this Article shall apply.

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

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

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

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

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

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

for the benefit of the other party to the civil partnership or of any child of the family.

- (2) An order made under this Article, in so far as such order relates to a separation order, shall be deemed to be part of the terms of separation between the parties within the meaning of this Law.

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

- (1) Where an order for the dissolution or annulment of a civil partnership, or a separation order, has been made, the Court may, having regard to all the circumstances of the case, including the conduct of the parties to the civil partnership insofar as it may be inequitable to disregard it, and to their actual and potential financial circumstances, order –
- (a) that one party to the civil partnership shall pay to the other party to the civil partnership during their joint lives or for such other term as may be specified in the order such annual or other periodic sum for the maintenance and support of that other party as the Court may think reasonable;
  - (b) that one party to the civil partnership shall pay to the other party to the civil partnership such lump sum or sums as the Court may think reasonable whether or not any sum is ordered to be paid under sub-paragraph (a);
  - (c) that security be given for the payment of any sum or sums ordered to be paid under sub-paragraphs (a) and (b).<sup>50</sup>
- (2) Without prejudice to the generality of paragraph (1)(b), an order under this Article that one party to the civil partnership shall pay a lump sum to the other party to the civil partnership –
- (a) may be made for the purpose of enabling that other party to meet any liabilities or expenses reasonably incurred by him or her in maintaining himself or herself or any child of the family before the making of an application for an order under this Article;
  - (b) may provide for the payment of that sum by instalments of such amount as may be specified in the order.
- (3) In making any order under this Article, the Court shall have regard to the benefits accruing to the party in whose favour such order is made under any other order made in pursuance of this Law.

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

- (1) Subject to paragraph (7), where the Court makes an order under Article 47, 48 or 49 then, on making that order or at any time thereafter, the Court may make a further order for the sale of such property as may be specified in the order, being property in which or in the proceeds of sale of which either or both of the parties to the civil partnership has or have a beneficial interest, either in possession or reversion.
- (2) Any order made under paragraph (1) may contain such consequential or supplementary provisions as the Court thinks fit and, without prejudice to the generality of paragraph (1), may include –
- (a) provision requiring the making of a payment out of the proceeds of sale of the property to which the order relates; and

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

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

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

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

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

## **53 Power to vary orders**

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

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

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

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

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

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

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

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

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

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

- (a) if there is no right of appeal against the final order, may form another civil partnership or marry as if the prior civil partnership had been dissolved by death; or
- (b) if there is such a right of appeal, may form a new civil partnership or marry –

- (i) if no appeal is presented against the final order, as soon as the time for appealing has expired, or
- (ii) if an appeal is lodged, as soon as the appeal has been dismissed.

## 58 Regulation of reports

- (1) It shall not be lawful to print or publish, or cause or procure to be printed or published –
  - (a) in relation to any judicial proceedings for dissolution or annulment of a civil partnership or the separation of civil partners, on the ground of the respondent's incurable unsoundness of mind, any particulars whatsoever;
  - (b) in relation to any judicial proceedings for dissolution or annulment of a civil partnership or the separation of civil partners, on any other ground, any particulars other than the following –
    - (i) the names, addresses and occupations of the parties and witnesses,
    - (ii) a concise statement of the charges, defences and counter-charges in support of which evidence has been given,
    - (iii) submissions on any point of law arising in the course of the proceedings and the decision of the Court on it,
    - (iv) the judgment of the Court and observations made by members of the Court in giving judgment,provided that nothing in this sub-paragraph shall be held to permit the publication of any details or special matter likely to injure public morals.
- (2) A person who acts in contravention of the provisions of this Article shall be guilty of an offence and liable to a fine.
- (3) No person, other than a proprietor, editor, master printer or publisher of a newspaper or other vehicle of publication of the matter in respect of which the prosecution is instituted shall be liable to be convicted under this Article.
- (4) Nothing in this Article shall apply to the printing of any pleadings, transcript of evidence or other document for use in connection with any judicial proceedings or the communication of them to persons concerned in the proceedings, or to the printing or publishing of any copies or report in pursuance of directions of the Court, or to the printing or publication of any matter in any separate volume or part of any bona fide series of law reports which does not form part of any other publication and consists solely of reports of proceedings in Courts of law, or in any publication of a technical character bona fide intended for circulation among members of the legal or medical professions.



## PART 4

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

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

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

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

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

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

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

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

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

- (1) Where there have been cross-proceedings, the validity of an overseas dissolution or annulment of a civil partnership, or legal separation of civil partners, obtained either in the original proceedings or in the cross-proceedings shall be recognized if the requirements of Article 61(1)(a) or (b) are satisfied in relation to the date of the institution either of the original proceedings or of the cross-proceedings.
- (2) Where a legal separation of civil partners the validity of which is entitled to recognition by virtue of Article 61 or of paragraph (1) is converted, in the country in

which it was obtained, into a dissolution or annulment of the civil partnership, the validity of that dissolution or annulment shall be recognized whether or not it would itself be entitled to recognition by virtue of those provisions.

### **63 Proof of facts relevant to recognition**

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

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

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

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

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

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

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

### **66 Exceptions from recognition**

- (1) The validity of –

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

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

- (2) Subject to paragraph (1), recognition by virtue of this Law or of any rule preserved by Article 64 of the validity of a dissolution of a civil partnership, or legal separation of civil partners, obtained outside the British Islands may be refused if, and only if –
  - (a) it was obtained by one civil partner –
    - (i) without such steps having been taken for giving notice of the proceedings to the other civil partner as, having regard to the nature of the proceedings and all the circumstances, should reasonably have been taken, or
    - (ii) without the other civil partner having been given, for any reason other than lack of notice, such opportunity to take part in the proceedings as the civil partner should reasonably have been given; or
  - (b) its recognition would manifestly be contrary to public policy.
- (3) Nothing in this Law shall be construed as requiring the recognition of any findings of fault made in any proceedings for the dissolution of a civil partnership, or the legal separation of civil partners, or of any maintenance, custody or other ancillary order made in any such proceedings.

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

The provisions of this Law relating to overseas dissolutions or nullities of civil partnerships and legal separations of civil partners and other dissolutions, nullities and legal separations obtained outside the British Islands apply to a dissolution or annulment of a civil partnership or legal separation of civil partners obtained before the date of the commencement of this Article as well as to one obtained on or after that date, and, in the case of a dissolution or legal separation obtained before that date –

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

## PART 5

### SUPPLEMENTARY

#### 68 Service of application

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

#### 69 Rules of Court

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

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

#### 70 Amendment of other enactments

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

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

- (1) The States may by Regulations amend this Law so as to permit the solemnization of civil partnerships –
  - (a) in any building used as a place of worship by an established and recognized religion or church;
  - (b) by persons authorized to solemnize civil partnerships in any such building.
- (2) Regulations made under paragraph (1) may include provisions concerning –
  - (a) the registration of a building, or a part of a building, permitted to be used for the solemnization of a civil partnership pursuant to this Law, as amended by paragraph (1);
  - (b) the payment of such fees to the Superintendent Registrar in respect of any application, notice or certificate issued for the registration of such a building, or the attendance of any person at that building, as may be prescribed by Order;
  - (c) the authorization of a person or persons to solemnize or register civil partnerships in such a building;
  - (d) the duties required to be performed by an authorized person in connection with the solemnization of civil partnerships; and

- (e) any other provision the States consider appropriate for the purposes of paragraph (1).
- (3) The States may by Regulations make such amendments to any enactment, including any provision of Schedule 4 that is not in force, as appear to the States to be expedient –
  - (a) for the general purposes, or any particular purpose, of this Law;
  - (b) in consequence of any provision made by or under this Law; or
  - (c) for giving full effect to this Law or any provision of it.

## **72 Regulations and Orders**

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

## **72A Fees<sup>51</sup>**

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

## **73 Citation**

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

**SCHEDULE 1<sup>52</sup>**

(Article 2)

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

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

**2 Specified relationships**

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

<b>Country or territory</b>	<b>Description</b>
Andorra	unió estable de parella
Australia: Tasmania	significant relationship
Belgium	the relationship referred to as cohabitation légale, wettelijke samenwoning or gesetzliches zusammenwohnen
Canada: Nova Scotia	domestic partnership

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

- (2) The Minister may by Order amend the list contained in sub-paragraph (1) by –
- (a) adding a relationship;
  - (b) amending the description of a relationship; or
  - (c) omitting a relationship.

### 3 Overseas relationships treated as civil partnerships

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

treated as having formed a civil partnership is the time when this Schedule comes into force.

#### **4**

#### **5 Person domiciled in Jersey**

For the purposes of this Law, 2 people are not to be treated as having formed a civil partnership if (outside Jersey) they register an overseas relationship at a time when at least one of them is domiciled in Jersey, and –

- (a) at least one of them is under 18 years of age; or
- (b) one of them falls within the list in paragraph 1 of Schedule 2 in relation to the other.

#### **6 The public policy exception**

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



**SCHEDULE 2<sup>53</sup>**

(Article 4)

**PROHIBITED DEGREES OF RELATIONSHIP**

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

5

## **SCHEDULE 3<sup>54</sup>**

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## SCHEDULE 4

(Article 70)

### AMENDMENT OF OTHER ENACTMENTS

#### 30 Miscellaneous enactments amended

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

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Civil Partnership (Jersey) Law 2012	<a href="#">L.4/2012</a>	2 April 2012 ( <a href="#">R&amp;O.48/2012</a> )	<a href="#">P.85/2011</a>
Maintenance Orders (Enforcement) (Amendment No. 3) (Jersey) Law 2018	<a href="#">L.6/2018</a>	23 February 2018	<a href="#">P.89/2017</a>
Mental Health and Capacity (Consequential Amendment and Transitional Provision) (Jersey) Regulations 2018	<a href="#">R&amp;O.49/2018</a>	1 October 2018 ( <a href="#">R&amp;O.51/2018</a> )	<a href="#">P.48/2018</a>
States of Jersey (Transfer of Responsibilities and Functions) (Health and Social Services to Children and Housing) Order 2019	<a href="#">R&amp;O.100/2019</a>	9 October 2019	
Covid-19 (Civil Partnership and Marriage) (Jersey) Regulations 2020	<a href="#">R&amp;O.66/2020</a>	20 May 2020	<a href="#">P.60/2020</a>
Covid-19 (Civil Partnership and Marriage No. 2) (Jersey) Regulations 2020	<a href="#">R&amp;O.83/2020</a>	17 June 2020	<a href="#">P.77/2020</a>
Covid-19 (Amendments – Extension, Suspension and Repeal) (Jersey) Regulations 2020	<a href="#">R&amp;O.115/2020</a>	30 September 2020	<a href="#">P.103/2020</a>
States of Jersey (Minister for Children and Education, Minister for Housing and Communities and Minister for External Relations and Financial Services) (Jersey) Order 2021	<a href="#">R&amp;O.29/2021</a>	2 March 2021	
Covid-19 (Amendments – Extension and Suspension) (Jersey) Regulations 2021	<a href="#">R&amp;O.52/2021</a>	29 April 2021	<a href="#">P.25/2021</a>
Covid-19 (Amendments – Further Extensions) (Jersey) Regulations 2021	<a href="#">R&amp;O.127/2021</a>	15 October 2021	<a href="#">P.84/2021</a>
Covid-19 (Amendments – Extensions to September 2022) (Jersey) Regulations 2022	<a href="#">R&amp;O.35/2022</a>	1 April 2022	<a href="#">P.28/2022</a>
Civil Partnership (Amendment) (Jersey) Law 2023	<a href="#">L.5/2023</a>	24 March 2023	<a href="#">P.7/2022</a>

Legislation	Year and No	Commencement	◦Projet No (where applicable)
States of Jersey (Transfer of Justice Functions – Chief Minister to Justice and Home Affairs) Order 2023	<a href="#">R&amp;O.76/2023</a>	21 September 2023	

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

### Table of Renumbered Provisions

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

### Table of Endnote References

<sup>1</sup> Article 1	<i>amended by R&amp;O.49/2018, substituted by L.5/2023, amended by R&amp;O.76/2023</i>
<sup>2</sup> Article 2(1)	<i>amended by L.5/2023</i>
<sup>3</sup> Article 3	<i>substituted by L.5/2023</i>
<sup>4</sup> Article 4(1)	<i>amended by L.5/2023, editorial change, in Article 4(1)(c), “paragraph (3)” deleted, “paragraph (1B)” inserted instead</i>
<sup>5</sup> Article 4(1A)	<i>inserted by L.5/2023</i>
<sup>6</sup> Article 4(1B)	<i>inserted by L.5/2023</i>
<sup>7</sup> Article 5	<i>deleted by L.5/2023</i>
<sup>8</sup> Article 6	<i>deleted by L.5/2023</i>
<sup>9</sup> Article 6A	<i>inserted by L.5/2023</i>
<sup>10</sup> Article 6B	<i>inserted by L.5/2023</i>
<sup>11</sup> Article 6C	<i>inserted by L.5/2023</i>
<sup>12</sup> Article 7	<i>substituted by L.5/2023</i>
<sup>13</sup> Article 7(6)	<i>editorial change, in Article 7(6)(b), “declarations” deleted, “declaration” inserted instead</i>
<sup>14</sup> Article 7A	<i>inserted by L.5/2023</i>
<sup>15</sup> Article 8	<i>substituted by L.5/2023</i>
<sup>16</sup> Article 9	<i>substituted by L.5/2023</i>
<sup>17</sup> Article 10	<i>deleted by L.5/2023</i>
<sup>18</sup> Article 11	<i>substituted by L.5/2023</i>
<sup>19</sup> Article 12	<i>substituted by L.5/2023</i>
<sup>20</sup> Article 13	<i>substituted by L.5/2023</i>
<sup>21</sup> Article 14	<i>substituted by L.5/2023</i>
<sup>22</sup> Article 14A	<i>inserted by L.5/2023</i>
<sup>23</sup> Article 14B	<i>inserted by L.5/2023</i>
<sup>24</sup> Article 15	<i>deleted by L.5/2023</i>
<sup>25</sup> Article 16	<i>deleted by L.5/2023</i>
<sup>26</sup> Article 17	<i>substituted by L.5/2023</i>
<sup>27</sup> Article 17A	<i>inserted by L.5/2023</i>
<sup>28</sup> Article 18(1)	<i>amended by L.5/2023</i>
<sup>29</sup> Article 18(1A)	<i>inserted by L.5/2023</i>
<sup>30</sup> Article 19	<i>amended by L.5/2023</i>
<sup>31</sup> Article 20	<i>substituted by L.5/2023</i>

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- <sup>32</sup> Article 21(2) *deleted by L.5/2023*
- <sup>33</sup> Article 21A *inserted by L.5/2023*
- <sup>34</sup> Article 21B *inserted by L.5/2023*
- <sup>35</sup> Article 22A *inserted by L.5/2023*
- <sup>36</sup> Article 23 *substituted by L.5/2023*
- <sup>37</sup> Article 23A *inserted by L.5/2023*
- <sup>38</sup> Article 23A(1) *editorial change, “the persons” deleted, “the person” inserted instead*
- <sup>39</sup> Article 24 *amended by L.5/2023*
- <sup>40</sup> Article 24A *inserted by L.5/2023*
- <sup>41</sup> Article 25 *amended by L.5/2023*
- <sup>42</sup> Article 26(1) *amended by L.5/2023*
- <sup>43</sup> Article 26(2) *amended by L.5/2023*
- <sup>44</sup> Part 2AA *inserted by L.5/2023*
- <sup>45</sup> Part 2A *inserted by R&O.66/2020, expired on 30 September 2022*
- <sup>46</sup> Article 36(1) *amended by L.5/2023*
- <sup>47</sup> Article 36(2) *deleted by L.5/2023*
- <sup>48</sup> Article 36(3) *deleted by L.5/2023*
- <sup>49</sup> Article 37(2) *deleted by L.5/2023*
- <sup>50</sup> Article 49(1) *amended by L.6/2018*
- <sup>51</sup> Article 72A *inserted by L.5/2023*
- <sup>52</sup> Schedule 1 *amended by L.5/2023*
- <sup>53</sup> Schedule 2 *amended by L.5/2023 as amended by L.7/2023*
- <sup>54</sup> Schedule 3 *amended by R&O.100/2019, R&O.29/2021, deleted by L.5/2023*