

DRAFT MARRIAGE AND CIVIL STATUS (AMENDMENT No. 4) (JERSEY) LAW 201- (P.91/2017)

DEBATE ON THE ARTICLES

PROPOSED DEBATE RUNNING ORDER

The Assembly will be invited to consider whether to reduce the lodging periods on the various amendments lodged late, under Standing Order 26(7). This running order has been prepared on the assumption that the Assembly agrees to permit all of the amendments to be debated.

The Deputy Chief Minister (DCM) will be invited to propose Article 1. The Article may be debated and will be put to the vote.

The DCM will be invited to propose Article 2.

The DCM proposes his Amendment to P91, except amendment 6, consideration of which is postponed:

1 PAGE 67, ARTICLE 2 –

- (1) In the substituted Article 1, in the definition “Deputy Superintendent Registrar”, after the words “this Law” insert the words “or a person engaged as an assistant Deputy Superintendent Registrar under Article 41(1B)”.
- (2) In the substituted Article 1, after the definition “licence”, insert the following definition –
“ ‘parish assembly’ means, in relation to a parish, the assembly of principals and officers of the parish;”.

2 PAGE 69, ARTICLE 2 –

In the substituted Article 3(4)(b), after the words “spouse’s adoptive child or” insert “adoptive”.

3 PAGE 70, ARTICLE 2 –

- (1) In the substituted Article 4(4), delete the words “certificate or”.
- (2) In the substituted Article 4(8), after the words “certificate of no impediment” insert the words “to marriage”.

4 PAGE 71, ARTICLE 2 –

In the substituted Article 5(2)(d)(ii), after the words “spouse’s adoptive child or” insert “adoptive”.

The Amendment can be voted en bloc or Members may request separate votes on separate amendments.

5 PAGE 72, ARTICLE 2 –

- (1) In the substituted Article 6(3)(h), for the words “authorize or renew an authorization, impose a condition on the grant or renewal of an authorization or revoke” substitute the words “grant or renew an authorization, impose a condition on the grant or renewal of an authorization or suspend or revoke”.
- (2) For the substituted Article 6(7)(b) and (c), substitute the following sub-paragraphs –
 - “(b) during that period shall only be authorized to solemnize marriages of persons in buildings in respect of which he or she was authorized to solemnize marriages before the coming into force of that Law, unless the Superintendent Registrar, upon the application of that person, authorizes him or her to solemnize marriages in another approved location;
 - (c) during that period shall only be authorized to solemnize marriages of persons of the opposite sex unless the Superintendent Registrar, upon the application of that person, authorizes that person to solemnize marriages of persons of the same sex.”.

7 PAGE 75, ARTICLE 2 –

- (1) In the substituted Article 9(3)(a), after the word “false” insert the words “or inaccurate”.
- (2) In the substituted Article 10(3), for the word “where” substitute the words “in a case where Article 24 applies or where” and delete the words “or in a case where Article 24 applies” that appear at the end of that paragraph.

8 PAGE 80, ARTICLE 2 –

In the substituted Article 15(10)(b), for the words “not specified” substitute the words “not solemnized”.

9 PAGE 81, ARTICLE 2 –

- (1) In the substituted Article 16(4), for the word “agent” substitute the word “representative”.
- (2) In the substituted Article 16(4), for sub-paragraphs (a) and (b) substitute the following sub-paragraphs –
 - “(a) any lawful impediment has been shown to his or her satisfaction;
 - (b) its issue has been forbidden under Article 13;
 - (c) any party to the marriage is incapable of consenting to the marriage or is not entering into the marriage freely; or
 - (d) any other ground exists for not issuing a certificate of no impediment to marriage.”.
- (3) In the inserted paragraph 16(6)(b), delete the words “date of”.

10 PAGE 83, ARTICLE 2 –

In the substituted Article 17(10), for the words “paragraph (6)” substitute the words “paragraph (8)”.

11 PAGE 84, ARTICLE 2 –

In the substituted Article 19(3)(c)(ii), for the word “position” substitute the word “status”.

12 PAGE 86, ARTICLE 2 –

- (1) In the substituted Article 21(5), for the word “where” substitute the words “in a case where Article 24 applies or where”.
- (2) In the substituted Article 21(7), for the words “the prescribed information” substitute the words “such particulars as may be prescribed”.

13 PAGE 89, ARTICLE 2 –

- (1) In the substituted Article 23(5)(l), after the word “review” insert the words “or appeal”.
- (2) In the substituted Article 23(8), for the words “consent to the approval of that location for the solemnization same sex marriages and where” substitute the words “consent, or refrain from giving consent, to the approval of that location for the solemnization of same sex marriages where the reason for not consenting is that such marriages would be between 2 persons of the same sex and, where”.

14 PAGE 90, ARTICLE 2 –

For the substituted Article 23(16) substitute –

“(16) Despite the repeal of the Marriage and Civil Status (Approved Premises) (Jersey) Order 2002 –

- (a) an approval of premises for the solemnization of marriages that was granted under that Order before the coming into force of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- shall be deemed to be an approval of a location under the scheme established under this Article;
- (b) any premises that are deemed to be an approved location under sub-paragraph (a) shall be deemed to be an approved location for the purpose of solemnizing civil marriages of persons of the same sex and persons of the opposite sex;
- (c) the deemed approval of a location shall end on the earlier of –

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

15 PAGE 91, ARTICLE 2 –

In the substituted Article 24(2)(e), delete the words “or conversion, as the case may be”.

16 PAGE 96, ARTICLE 2 –

In the substituted Article 24F(1)(b), after the word “notice,” insert the word “schedule,”.

17 PAGE 97, ARTICLE 5 –

- (1) In the substituted Article 41(1), for the words “one or more Deputy Superintendent Registrars shall be employed by the States Employment Board” there shall be substituted the words “the Deputy Superintendent Registrars shall be States’ employees (within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005) in the department for which the Minister for Home Affairs has responsibility.”.
- (2) In the substituted Article 41(1A), for the words “employed in that position by the States Employment Board” there shall be substituted the words “employed in that position as a States’ employee”.
- (3) Substituted Article 41(1B) shall be re-numbered (1C).
- (4) After the substituted Article 41(1A) insert the following paragraph –
“(1B) The Superintendent Registrar may from time to time engage the services of one or more persons to act as an assistant Deputy Superintendent Registrar who shall carry out such functions of the Superintendent Registrar under this Law as the Superintendent Registrar may from time to time require.”.
- (5) In the substituted Article 41(1C) (as re-numbered), for the words “be deemed to have been employed by the States Employment Board as a Deputy Superintendent Registrar” there shall be substituted the words “have the status of assistant Deputy Superintendent Registrar”.
- (6) In the substituted Article 41(3), after the words “Deputy Superintendent Registrar” there shall be inserted the words “and assistant Deputy Superintendent Registrar, as the case may be,”.

18 PAGE 97, ARTICLE 6 –

For Article 6 substitute the following Article –

“6 Article 42 substituted

For Article 42 of the 2001 Law there shall be substituted the following Article –

“42 Registrars and deputy registrars

- (1) The Superintendent Registrar shall publish a role description in respect of the roles of registrar and deputy registrar in a parish and a scheme setting out the process for –
 - (a) the training and monitoring of registrars and deputy registrars;
 - (b) investigating complaints against a registrar or deputy registrar;
 - (c) the circumstances in which a person may or must be suspended or removed from the role of registrar or deputy registrar; and
 - (d) the review of any decision to suspend or remove a person from the role of registrar or deputy registrar.
- (2) In each parish –
 - (a) having regard to the published role description for registrars, the Connétable of each parish shall appoint a person as the registrar of the parish; and
 - (b) having regard to the published role description for deputy registrars, the Connétable of each parish shall appoint one or more persons as a deputy registrar of the parish.
- (3) In the case of each parish other than St. Helier, subject to paragraph (8), a person appointed under paragraph (2)(a) or (b) –
 - (a) must be resident in the parish of which he or she is appointed; and
 - (b) shall cease to be a registrar or deputy registrar, as the case may be, of that parish upon ceasing to reside in that parish.
- (4) A person appointed under paragraph (2)(a) or (b) shall be appointed for a term not exceeding 5 years and any person so appointed may be re-appointed at the end of that term.
- (5) A Connétable shall not appoint a person under paragraph (2)(a) or (b) unless he or she has notified the parish assembly of the intended appointment.
- (6) A person who is appointed to the position of registrar or deputy registrar must give the Connétable of the parish not less than 3 months’ notice of his or her intention to vacate that position.

- (7) In a case where there is no registrar in a parish, a deputy registrar shall act as the registrar until such time as a new registrar is appointed.
- (8) In a case where there is no registrar or deputy registrar in a parish, the Superintendent Registrar, a registrar or a deputy registrar of a different parish or an employee of the parish, may, with the consent of the Connétable and whether or not he or she resides in the parish, act in the capacity of the registrar or deputy registrar of the parish.”.”.

19 PAGE 98, ARTICLE 7 –

After Article 7, insert the following Article –

“8 Article 45 amended

For Article 45(1) of the 2001 Law, there shall be substituted the following Article –

- (1) The registrar and each deputy of each parish shall display on the exterior of any premises which he or she uses as his or her office in his or her capacity as the registrar or deputy registrar, as the case may be, of that parish a notice stating his or her name and whether he or she is the registrar or a deputy registrar.”,

and re-number the subsequent Articles.

20 PAGE 101, ARTICLE 21 (RE-NUMBERED ARTICLE 22) –

- (1) In the substituted Article 76(3)(d), after the word “licence” insert the word “, schedule,”.
- (2) In the substituted Article 76(3)(f), for the word “celebrant” in both places where it appears substitute the word “official”.
- (3) In the substituted Article 76(3)(h) –
 - (a) for the word “celebrant” substitute the word “official”;
 - (b) for the words “the religious organization” substitute the words “a religious organization”.
- (4) After the substituted Article 76(7), insert –
 - “(8) It shall be an offence for a person, knowingly and voluntarily, to make a false declaration or sign any false document or otherwise provide false or inaccurate information –
 - (a) for the purpose of an application for an authorization of a person as an authorized civil celebrant or authorized religious official;
 - (b) for the purpose of an application for approval of a location as an approved location.”,

and re-number the subsequent paragraph.

21 PAGE 104, ARTICLE 24 (RE-NUMBERED ARTICLE 25) –

For the substituted Article 82(5), substitute the following paragraph –

- “(5) The Minister may prescribe such transitional arrangements as the Minister considers necessary or expedient in consequence of the coming into force of the Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- for the purposes of this Law including any such arrangements in respect of –
- (a) any notice, certificate, licence or schedules issued under this Law;
 - (b) any caveat, consent, authorization or approval given under this Law;
 - (c) any forms, books, records, registers or other documents used or kept for the purposes of this Law;
 - (d) any fees paid or payable; and
 - (e) any other formality required under this Law.”.

22 PAGE 107, ARTICLE 26 (RE-NUMBERED ARTICLE 27)–

After Article 27 insert the following Article –

“28 Repeals

The following Orders are repealed –

- (a) The Marriage and Civil Status (Approved Premises) (Jersey) Order 2002;
- (b) The Marriage and Civil Status Forms, Registration and Fees) (Jersey) Order 2002.”,

and re-number the subsequent Article.

23 PAGE 109, SCHEDULE –

(1) For paragraph 7(2), substitute the following paragraph –

“(2) For Article 2 there shall be substituted the following Article –

“2 Application for gender recognition certificate

- (1) A person of full age may apply to the Court for a gender recognition certificate.
- (2) An application for a gender recognition certificate shall be in a form approved by the Court and shall include –

<p>(a) such evidence as may be prescribed; and</p> <p>(b) any other information or evidence required by the Court, if the Court gives reasons for so requiring it.”.”.</p> <p>(2) For paragraph 7(6) substitute the following paragraph –</p> <p>“(6) In Article 17 of the Law –</p> <p>(a) in the heading there shall be deleted the words “marriage or”;</p> <p>(b) for paragraphs (2), (3), (4) and (5) there shall be substituted the following paragraphs –</p> <p>“(2) Accordingly, a person is not to be regarded as being in a civil partnership by reason of having entered into a foreign post-recognition civil partnership.</p> <p>(3) Notwithstanding paragraph (2), on and from the issue of a full certificate to a person who has entered into a foreign post-recognition civil partnership, the civil partnership is no longer to be regarded as being void on the ground that (at the time when it was entered into) the parties to it were not either both male or both female.</p> <p>(4) Paragraph (3) does not apply to a foreign post-recognition civil partnership if a party to it has entered into a later, valid, marriage or civil partnership before the issue of the full certificate.”.”.</p>	
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<p>The Chairman of the Corporate Services Panel proposes his Second Amendment to P91, except for amendment 7 which is postponed until later, as amended by para (a) of the Second Amendment (see below)</p> <p>1 PAGE 67, ARTICLE 2 – In the substituted Article 1 –</p> <p>(a) in paragraph (1) for the definition “marriage celebrant” substitute the following definition –</p> <p>“ ‘marriage celebrant’ means, in relation to the solemnization of any marriage, any person mentioned in paragraph (1)(a) to (d) of Article 6;”;</p> <p>(b) in paragraph (3) for the words “marriage birth,” there shall be substituted the words “marriage, birth,”.</p> <p>2 PAGES 71–73, ARTICLE 2 –</p> <p>(1) In the substituted Article 6 –</p> <p>(a) in paragraph (3) after sub-paragraph (b) insert the following sub-paragraph –</p>	<p>The panel has the option of proposing the Second Amendment as amended by para (a) of the Second Amendment to the Second Amendment (see page 14).</p> <p>Once the Second Amendment has been proposed go to PAGE 14</p>
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“(ba) in the case of persons to be authorized as civil celebrants, such qualifications, awarded by such persons or bodies, as the Minister may consider appropriate;”;

(b) for paragraph (6) there shall be substituted the following paragraph –

“(6) An authorized civil celebrant or an authorized religious official must carry out the solemnization of marriages –

(a) in compliance with the requirements of this Law and with any guidance issued by the Superintendent Registrar; and

(b) in such a way as to uphold the dignity and solemnity of marriage.”;

(c) in paragraph (7)(a) omit the words “under paragraph (3)”.

(2) For the substituted Article 7 substitute the following Articles –

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

(1) A person to whom paragraph (2) applies shall not be compelled (whether by any provision of this Law, by any requirement imposed by another enactment, or by any other legal requirement including a term of any contract) to do any of the things listed in paragraph (3) in respect of –

(a) a same sex marriage; or

(b) the marriage of 2 persons, at least one of whom is reasonably believed, by the person to whom paragraph (2) applies (or, in the case where that person is a religious organization, by the marriage celebrant) to be a person of an acquired gender (within the meaning given to that expression by Article 1(2) of the Gender Recognition (Jersey) Law 2010) (and in this Article and in Article 7A, such a marriage is referred to as an “acquired gender marriage”),

where the reason for not doing such a thing is that the marriage is a same sex marriage or an acquired gender marriage.

(2) This paragraph applies to –

(a) a religious organization;

(b) a clergyman; and

(c) an authorized religious official,

and in the case of an individual, this paragraph applies regardless of whether any religious organization to which the individual belongs consents to same sex marriage or to acquired gender marriage.

(3) The things mentioned in paragraph (1) are –

- (a) solemnizing;
 - (b) attending at;
 - (c) consenting to;
 - (d) applying for authorization for a person to solemnize; or
 - (e) certifying any matter relating to,
- a same sex marriage or an acquired gender marriage.

(4) For the avoidance of doubt –

- (a) a person shall not be compelled to refrain from doing any of the things listed in paragraph (3); and
- (b) a person may withdraw, and shall not be compelled to refrain from withdrawing, a consent or certificate previously given or an application previously made in respect of a same sex marriage or an acquired gender marriage.

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

7A Same sex etc. marriages: no compulsion to participate

(1) A person to whom paragraph (2) applies shall not be compelled (whether by any provision of this Law, by any requirement imposed by another enactment, or by any other legal requirement including a term of any contract) to participate in a same sex marriage or an acquired gender marriage.

(2) This paragraph applies to –

- (a) a religious organization;
- (b) the owner or trustee of an approved location, in a case where either –
 - (i) the owner or trustee is a religious organization, or
 - (ii) the approved location’s primary use relates to the activities of the owner or principal occupier, or to the activities or objects of the trust concerned, as a religious organization;
- (c) a clergyman;
- (d) an authorized religious official; and
- (e) subject to paragraph (4), any person, other than those mentioned in sub-paragraphs (a) to (d), who objects, on the ground of religious conviction, to participating in a marriage

because that ceremony relates to a same sex marriage or an acquired gender marriage, and in the case of an individual, this paragraph applies regardless of whether any religious organization to which the individual belongs consents to same sex marriage or to acquired gender marriage.

- (3) For the purposes of paragraph (1), participating in any marriage includes, but is not limited to, providing any goods or services for or in relation to –
 - (a) a marriage ceremony; and
 - (b) any social event or function associated with and subsequent to a marriage ceremony,and for the purposes of this paragraph and for the avoidance of doubt, providing goods or services shall not be taken to include providing a location (other than a location mentioned in paragraph (2)(b)).
- (4) Paragraph (2)(e) does not apply to –
 - (a) a person required under this Law to undertake any act or perform any duty in relation to civil marriage;
 - (b) a States’ employee (within the meaning given by Article 2 of the Employment of States of Jersey Employees (Jersey) Law 2005) or employee of any parish, in the exercise of his or her functions as such an employee;
 - (c) an employee of, or individual whose services are provided by, a person providing goods or services for or in relation to a same sex marriage ceremony or an acquired gender marriage ceremony.”.

3 PAGE 82, ARTICLE 2 –

In the substituted Article 17 –

- (a) in paragraph (1) after the word “subject” insert the word “to”;
- (b) for paragraphs (8) to (10) substitute the following paragraphs –
 - “(8) A marriage ceremony conducted by a civil marriage celebrant shall not include any religious act, symbol, prayers or any form of religious worship or service, and for the purpose of determining what may constitute such an act, symbol, prayer, worship or service, the Superintendent Registrar shall –
 - (a) consult the representative in Jersey of such religious organization as may be appropriate; and
 - (b) having so consulted, shall produce guidance for that purpose.
 - (9) If a civil marriage celebrant is satisfied that the content of a marriage ceremony does not

contravene guidance issued by the Superintendent Registrar under paragraph (8), the celebrant may permit the inclusion in that ceremony of –

- (a) music, songs, readings or other spoken words, whether or not containing any references to matters of religion or including any text of a religious nature; and
- (b) vows or statements of commitment, by the persons to each other, making references of a religious or spiritual nature (provided that any such vow or statement does not replicate any vow or statement forming part of any religious marriage ceremony).

(10) A marriage celebrant shall permit, in the approved location, the use of accessories including candles, lights, incense, ribbons or other decorations, provided that, in the case of a marriage ceremony conducted by a civil celebrant, he or she is satisfied that nothing in the use of such accessories contravenes guidance issued by the Superintendent Registrar under paragraph (8).”.

4 PAGE 86, ARTICLE 2 –

In the substituted Article 22 –

(a) for paragraph (2) substitute the following paragraph –

“(2) A marriage by conversion must be solemnized –

- (a) between the hours of 8 a.m. and 7 p.m.; and
- (b) by a marriage celebrant.”;

(b) for paragraphs (6) to (8) substitute the following paragraphs –

“(6) A marriage ceremony conducted under this Article by a civil marriage celebrant shall not include any religious act, symbol, prayers or any form of religious worship or service, and for the purpose of determining what may constitute such an act, symbol, prayer, worship or service, the Superintendent Registrar shall –

- (a) consult the representative in Jersey of such religious organization as may be appropriate; and
- (b) having so consulted, shall produce guidance for that purpose.

(7) If a civil marriage celebrant is satisfied that the content of the marriage ceremony does not contravene guidance issued by the Superintendent Registrar under paragraph (6), the celebrant may permit the inclusion in that ceremony of –

- (a) music, songs, readings or other spoken words, whether or not containing any references to matters of religion or including any text of a religious nature; and
- (b) vows or statements of commitment, by the persons to each other, making references of a religious or spiritual nature (provided that any such vow or statement does not replicate

any vow or statement forming part of any religious marriage ceremony).

- (8) A marriage celebrant shall permit, in the approved location, the use of accessories including candles, lights, incense, ribbons or other decorations, provided that, in the case of a marriage ceremony conducted by a civil celebrant, he or she is satisfied that nothing in the use of such accessories contravenes guidance issued by the Superintendent Registrar under paragraph (6).”.

5 PAGE 89, ARTICLE 2 –

In the substituted Article 23 –

- (a) for paragraph (6) substitute the following paragraph –

“(6) Approval shall not be given for the solemnization of same sex marriages or acquired gender marriages (within the meaning given by Article 7) at a location which is –

- (a) a usual place of public religious worship according to the rites of the Church of England;
or
(b) a place certified by the Minister as a place of public religious worship under paragraph (13).”;

- (b) for paragraph (13) substitute the following paragraph –

“(13) The Minister may, in accordance with the process prescribed under paragraph (14) and for the purposes of paragraphs (6) and (7) –

- (a) certify a location as a usual place of public religious worship of any religious organization; and
(b) certify a location (other than such a place as mentioned in paragraph (6)(a)) as a place of public religious worship.”.

6 PAGE 96, ARTICLE 2 –

After Article 2 insert the following Article –

“2A Article 35 amended

In Article 35 of the 2001 Law –

- (a) in paragraph (1)(b) for the words “Article 6” there shall be substituted the words “Article 4(3)”;
and
(b) in paragraph (3) for the words “Article 4(2)” there shall be substituted the words

“Article 3(5)”.”.

Paragraph (a) of the Second Amendment to the Second Amendment to P91 is intended to be taken as read with the main amendment:

PAGE 3, AMENDMENT 2(2) –

In the substituted Article 7A –

- (a) in paragraph (2) –
 - (i) in sub-paragraph (b) for the words “an approved location” substitute the words “a location”, and
 - (ii) in clause (b)(ii) delete the word “approved”; *and*
- ~~(b) at the end of paragraph (3)(b) delete the comma and the words following that sub-paragraph to the end of paragraph (3).~~

Note, the Chairman does not wish to propose paragraph (b)

Once the Second Amendment has been proposed, the Chairman of the Corporate Services Panel proposes his Amendment to the Second Amendment to P91

PAGE 4, AMENDMENT 2(2) –

In the substituted Article 7A –

- (a) in paragraph (2) –
 - (i) at the end of sub-paragraph (c) after the semi-colon add the word “and”,
 - (ii) at the end of sub-paragraph (d) for the semi-colon substitute a comma and delete the word “and”, and
 - (iii) delete sub-paragraph (e); and
- (b) delete paragraph (4).

This Amendment is debated and voted on.

The DCM proposes the Third Amendment to the Second Amendment to P91

This Amendment is debated and voted on.

PAGE 6, AMENDMENT 5 –

- (1) In paragraph (a), in the substituted paragraph (6)(b) for the words “a place” substitute the words “an extraordinary place”.
- (2) In paragraph (b), for the word “paragraph” before the em dash substitute the word “paragraphs”, and –
 - (a) in the substituted paragraph (13) –
 - (i) after the word “may,” insert the words “subject to paragraph (13A) and”,
 - (ii) in sub-paragraph (b) for the words “a place” substitute the words “an extraordinary place”, and
 - (iii) after the substituted paragraph (13) insert the following paragraph –

“(13A) The Minister may not certify a location as an extraordinary place of public religious worship unless –

 - (a) the owner or trustee of the location has given written consent to such certification; and
 - (b) the Minister, having consulted the principal occupiers or users of the location, considers it reasonable to do so.”.
- (3) After paragraph (b) insert the following paragraphs –
 - “(c) in paragraph (14) for the words “place of public religious worship” substitute the words “usual place of public religious worship or extraordinary place of public religious worship”;
 - (d) for paragraph (15)(a) substitute the following sub-paragraph –

“(a) shall be deemed to have been certified under paragraph (13)(a) as a place of usual public religious worship of the religious organization in favour of whom it was registered.”.

Once the amendments are dealt with the Second Amendment to P91 may be debated (as amended) and voted on

See pages 8 to 14 for the Second Amendment.

Members may vote on the Second Amendment [as amended] en bloc or may request separate votes on the individual components

<p>The DCM proposes the 6th amendment of his Amendment to P91:</p> <p>PAGE 73, ARTICLE 2 –</p> <p>For the substituted Article 7(2), substitute the following paragraph –</p> <p>“(2) For the avoidance of doubt –</p> <ul style="list-style-type: none"> (a) A person cannot be compelled by any means to refrain from doing any of the activities described in paragraph (1)(a), (b), (c), (d), (e) or (f); and (b) A person may withdraw, and shall not be compelled to refrain from withdrawing, a consent or certificate previously given or an application previously made.”. 	<p>This amendment has been separated out for from the DCM’s Amendment to P91 for separate consideration because it amends inserted Article 7, which is the subject of the Panel’s Second Amendment.</p> <p>This amendment falls if paragraph (2) of amendment 2 of the Panel’s Second Amendment is adopted.</p>
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<p>The DCM proposes the Third Amendment to P91</p> <p>PAGE 73, PART 1 –</p> <p>At the end of the substituted Part 1, after Article 7 insert the following Article –</p> <p>“7A Same sex etc. marriages: no compulsion to participate by providing location</p> <ul style="list-style-type: none"> (1) A person to whom paragraph (2) applies shall not be compelled by any means (whether by any provision of this Law or any other enactment, or by the enforcement of a contract or other legal requirement) to participate in a same sex marriage or an acquired gender marriage. (2) This paragraph applies to the owner or trustee of a location, in a case where – <ul style="list-style-type: none"> (a) the owner or trustee is a religious organization, and the location’s principal use is for, or relates to – <ul style="list-style-type: none"> (i) the purposes of the owner, or (ii) the purposes or objects of the trust in question, <p>as such an organization; or</p>	<p>This amendment falls if paragraph (2) of the second amendment in the Second Amendment to P91 (inserting an Article 7A into the Marriage Law) has been adopted</p>
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	<ul style="list-style-type: none"> (b) the principal occupier of the location is a religious organization, and the location’s principal use is for, or relates to, the purposes of the principal occupier as such an organization. <p>(3) For the purposes of paragraph (1), participating in a marriage means providing the location for or in relation to –</p> <ul style="list-style-type: none"> (a) a marriage ceremony; and (b) any social event or social function directly associated with, and immediately subsequent to, a marriage ceremony.”. 	
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Once the Amendments are dealt with the Assembly returns to debate and vote on Article 2 [as amended]. Note, there can only be one vote on the Article [as amended] – it is not possible at this stage to have separate votes on the Articles inserted by Article 2 into the 2001 Marriage Law.

The DCM will be invited to propose the remaining Articles (3 to 26), some of which may have been amended. These may be proposed en bloc or individually. Members may vote on Articles individually if they wish.

<p>The DCM will be invited to propose the Schedule.</p> <p>The Charman of the Corporate Services Panel may propose the 7th amendment of the Second Amendment:</p> <p>7 PAGE 108, SCHEDULE –</p> <p>In paragraph 4 of the Schedule, for the inserted paragraphs 24A and 24B there shall be substituted the following paragraph –</p> <p>“24A Sex or sexual orientation: same sex or acquired gender marriages</p> <ul style="list-style-type: none"> (1) A person does not contravene Article 22, so far as it relates to the protected characteristic of sex or sexual orientation, only because the person does not – <ul style="list-style-type: none"> (a) solemnize a same sex or acquired gender marriage; (b) attend at or otherwise participate in such a 	<p>This amendment has been separated out from the Second Amendment to P91 because it makes reference to Article 7A of the Marriage Law, which may or may not have been inserted into that law by virtue of decisions taken on Article 2 of this law.</p> <p>This amendment falls if neither paragraph (2) of amendment 2 of the Second Amendment to P91 nor the Third Amendment to P91 has been adopted.</p>
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marriage;

- (c) consent to such a marriage being solemnized;
- (d) apply for authorization to solemnize such a marriage; or
- (e) give consent to or certify any matter relating to such a marriage,

in any case where Article 7 or 7A of the Marriage and Civil Status (Jersey) Law 2001 applies so that the person is not compelled to do any such thing as listed in subparagraphs (a) to (e).

- (2) A word or expression used in this Article and also occurring in the Marriage and Civil Status (Jersey) Law 2001 shall have the same meaning, for the purposes of the interpretation of this Article, as it is given by and for the purposes of that Law.”.

Once this amendment has been dealt with the Assembly returns to debate the Schedule [as amended] and to vote on it.

Afterwards, the DCM will be invited to propose the draft Law in Third Reading.