

THE SAME-SEX MARRIAGE (CONSEQUENTIAL AND MISCELLANEOUS AMENDMENTS AND CONTRARY PROVISIONS) (GUERNSEY) ORDINANCE, 2017

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Guernsey) Ordinance, 2017", and to direct that the same shall have effect as an Ordinance of the States.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

EXPLANATORY MEMORANDUM

This Ordinance is made under sections 5(2) and 12 of the Same-Sex Marriage (Guernsey) Law, 2016.

Section 1 of the Law enacts the general principle ("equivalence") that the law of Guernsey, whether statutory or customary, shall have the same effect in relation to the marriage of same-sex couples as it does in relation to the marriage of opposite-sex couples, and all existing Guernsey legislation will be interpreted in this way unless contrary provision is made. Section 5 enables the States by Ordinance to make contrary provision disapplying the application of the general principle of equivalence in relation to existing legislative provisions. Section 12 of the Law also gives the States powers by Ordinance (1) to make consequential and miscellaneous amendments to any enactment for the purpose of implementing the Law and (2) to make provision facilitating equality of all married persons, whether same-sex or opposite sex, and also of unmarried cohabiting couples of whatever gender.

Section 1 of the Ordinance gives effect to Schedule 1 which makes consequential and miscellaneous amendments to various enactments. The majority of the amendments are consequential and arise from the introduction of the possibility that the parties to a marriage might be of the same-sex (e.g. terminology such as "husband and wife" amended to read "spouses"). These amendments may not always be necessary legally, because application of the general principle of equivalence means that the original wording would be read as also referring to same-sex couples: however, it is considered more helpful to the reader to alter the wording of the legislation so that its meaning is clear.

Other miscellaneous amendments, in addition to clarifying the extension of a legislative provision to same-sex couples, also adjust the position as between husbands and wives (e.g. in the Immigration Rules, it is presently a ground for deportation of a

wife if her husband is deported, but not vice versa - the substitution of "spouse" for "wife" by paragraph 20 of Schedule 1 remedies this anomaly, as well as extending that provision to same-sex married couples, in line with the UK Rules).

A further category of amendments extends various provisions relating to cohabiting couples to same-sex cohabiting couples (e.g. the extension of the provisions in the Domestic Proceedings and Magistrate's Court (Guernsey) Law, 1988 relating to domestic violence orders).

Section 2 of the Ordinance gives effect to Schedule 2 which makes "contrary provision" disapplying the general principle of equivalence described above. Some legislative provisions historically only apply to husbands and wives and have no application in modern times (e.g. the Married Women's Property Law 1928 is substantially disapplied because it was enacted to counter the customary rule of law that upon marriage a woman had no right to own and deal with property separately from her husband, which has no application to same-sex couples). Similarly, some social security provision (e.g. the principle of the increase of an old age pension for a wife in section 61 of the Social Insurance (Guernsey) Law, 1978) is only available to persons who acquired entitlement historically and is therefore of no application to same-sex married couples. In other instances, separate provision is made (e.g. the Loi sur les Empêchements au Mariage à Cause de Parenté etc makes provision for prohibited degrees in marriage, which is dealt with for same-sex couples in section 11 of the 2016 Law; and the Income Tax (Guernsey) Law, 1975 was amended recently to include its own provision for same-sex married and unmarried couples, therefore the application of the 2016 Law is unnecessary).

The Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Guernsey) Ordinance, 2017

THE STATES, in pursuance of their Resolution of the 10th December, 2015^a and in exercise of the powers conferred on them by sections 5(2) and 12 of the Same-Sex Marriage (Guernsey) Law, 2016^b, hereby order:-

Consequential and miscellaneous amendments.

1. Schedule 1, which makes consequential and miscellaneous amendments for the purpose of carrying the Law into effect, has effect.

Contrary provisions.

2. Sections 1(2) and 2 of the Law do not apply in respect of the enactments specified in column (1) of Schedule 2 to the extent specified in column (2) of that Schedule.

Interpretation.

3. (1) In this Ordinance -

"**enactment**" includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation,

^a Article VII of Billet d'État No. XXIII of 2015.

^b Order in Council No. II of 2017.

"**the Law**" means the Same-Sex Marriage (Guernsey) Law, 2016, and

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Extent.

4. This Ordinance has effect in the islands of Guernsey, Herm and Jethou.

Citation.

5. This Ordinance may be cited as the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Guernsey) Ordinance, 2017.

Commencement.

6. This Ordinance shall come into force on the same day as the Law.

SCHEDULE 1
CONSEQUENTIAL AND MISCELLANEOUS AMENDMENTS

Section 1

PART I
LAWS

Loi ayant rapport aux Mariages Célébrés dans l'Ile de Guernesey et dans les Iles d'Auregny et de Serk, 1919.^c

1. In Article 22 of the Loi ayant rapport aux Mariages Célébrés dans l'Ile de Guernesey et dans les Iles d'Auregny et de Serk, 1919 -

- (a) for "*L'homme dira à la femme*", in each place where those words appear, substitute "*L'une des parties dira à l'autre*",
- (b) for "*La femme dira à l'homme*", in each place where those words appear, substitute "*L'autre partie répondra*",
- (c) for "ma femme" and "mon mari" substitute (in each case) "ma femme ou mon mari (selon le cas)", and
- (d) for "lawful wedded wife" and "lawful wedded husband" substitute (in each case) "lawful wedded wife or husband (as the case may be)".

^c Ordres en Conseil, Vol. VI, p. 57; amended by Vol. XV, p. 200; Vol. XX, p. 267; Vol. XXX, p. 114; Vol. XXXIII, p. 444 and Vol. XXXV(1), p. 398.

Loi relative à l'Entretien des Enfants Illégitimes, 1927.^d

2. In the second paragraph of Article 1 of the Loi relative à l'Entretien des Enfants Illégitimes, 1927, for "husband" substitute "spouse".

Married Women's Property Law, 1928.^e

3. In Article 12 of the Married Women's Property Law, 1928, for "wife", in each place where it appears, and for "husband", in each place where it appears, substitute "spouse".

Matrimonial Causes Law (Guernsey), 1939.^f

4. In the Matrimonial Causes Law (Guernsey), 1939 -

- (a) in Article 2(5), for "Where a wife has been deserted by her husband or where her husband" substitute "Where a husband or wife has been deserted by his or her spouse or where the spouse", and for "husband", in each of the two other places where it appears, substitute "spouse",
- (b) in Article 9(4), for "husband and wife" substitute "parties",

^d Ordres en Conseil, Vol. VIII, p. 130. There are amendments not relevant to this paragraph.

^e Ordres en Conseil Vol. VIII, p. 213; amended by Vol. XXVII, p. 50.

^f Ordres en Conseil Vol. XI, p. 318; amended by Vol. XII, p. 278; Vol. XVII, p. 249; Vol. XXII, p. 102; Vol. XXIII, p. 489; Vol. XXVII, p. 99; Vol. XXXI, pp. 171 and 278; Vol. XXXII, p. 85; Vol. XXXVI, p. 639; Vol. XXXVII, p. 308; Orders in Council Nos. XI and XXXI of 2003; No. XIII of 2011; No. XII of 2015; Ordinance No. XXXIII of 2003; No. VII of 2010; Nos. IX and XXX of 2016.

- (c) in Article 16A(5), for "a husband and wife" substitute "the parties to a marriage",
- (d) in Article 23(1), immediately after "exists," insert "subject to paragraph (7) of that Article",
- (e) in Article 23(2), immediately after "Article 16A of this Law," insert "subject to paragraph (7) of that Article as aforesaid",
- (f) in Article 28(1), for "husband or wife" substitute "party to the marriage", and
- (g) in Article 47(3), for the words "the husband to the wife, for or towards her support," substitute "one party to the other, for or towards the support of the other",

Family Allowances (Guernsey) Law, 1950.⁸

5. In the Family Allowances (Guernsey) Law, 1950 -

- (a) in section 3(1)(a), for "man and his wife" substitute "married couple", and for "his or hers" substitute "or of either of them",

⁸ Ordres en Conseil Vol. XIV, p. 332; amended by Vol. XV, p. 212; Vol. XVI, p. 280; Vol. XVIII, p. 367; Vol. XIX, p. 286; Vol. XX, pp. 11, 59 and 63); Vol. XXI, p. 34; Vol. XXII, p. 318; Vol. XXIII, pp. 3 and 238; Vol. XXVI, pp. 150 and 292; Vol. XXVIII, p. 406; Vol. XXXI, p. 278; Vol. XXXIX, p. 107; Orders in Council No. III of 2001 and No. IV of 2014; Recueil d'Ordonnances Tome XXI, p. 460; Tome XXVI, p. 177; Ordinance No. XXXIII of 2003; No. VII of 2010; No. XLII of 2012; G.S.I. No. 7 of 1971.

(b) for section 3(1)(b), (c) and (d) substitute the following two subsections -

"(b) a person who is not married or who is not living with his spouse (and not cohabiting with another person as if they were married as mentioned in paragraph (c)), any child or children being issue of his, and any child or children being maintained by him or in respect of whom there is a residence order in his favour,

(c) a couple cohabiting as if they were married, any child or children being issue of theirs, or of either of them, and any child or children being maintained by them, or by either of them, or in respect of whom there is a residence order in favour of one of them,"

(c) in section 3(2), for the words from "the man and his wife" to "(a), (b), (c) or (d) of subsection (1) of this section)" substitute "a married couple or one of them, of the couple cohabiting as if they were married or one of them, or of the person (according as the family falls within paragraph (a), (b) or (c) of subsection (1))",

- (d) in section 3(3), for the words from "a man and his wife" to "subsection (1) of this section," substitute "a couple or a person",
- (e) in section 4(1)(b), for "man" substitute "person",
- (f) for the words in section 4(1)(c), substitute "in the case of the family of a same-sex married couple living together, or of a same-sex couple cohabiting as if they were married, to such spouse, or such cohabiting partner, as the couple shall from time to time nominate",
- (g) for section 4(2) substitute the following -

"(2) Sums to be paid on account of an allowance for the family of a married couple living together shall be receivable by either spouse, and sums to be paid on account of an allowance for the family of a couple cohabiting as if they were married shall be receivable by either cohabiting partner.",

- (h) in section 6(3), for "a man and his wife" substitute "a married couple",
- (i) in section 8(2), for "a man and his wife" substitute "a married couple", for "the wife" substitute "one spouse", and for "husband" substitute "other spouse",
- (j) for section 8(2A) substitute the following -

"(2A) In the case of a sum paid as on account of an allowance for the family of a couple cohabiting as if they were married which one cohabiting partner could under subsection (1) be required to repay, the other may be required to repay it.",

(k) in section 19(1), for "A man and his wife" substitute "A married couple",

(l) in section 22(1) -

(i) for "a man and his wife" substitute "a married couple",

(ii) for "man and woman cohabiting as husband and wife" substitute "couple cohabiting as if they were married",

(iii) in paragraph (a), for "the man or his wife, or the man or woman cohabiting as aforesaid" substitute "one of the spouses, or one of the cohabiting partners", and

(iv) in paragraph (b), for "the man or his wife or the man or woman cohabiting as aforesaid" substitute "one of the spouses or one of the cohabiting partners",

(m) in section 22(2) -

- (i) for "a man and his wife" substitute "a married couple",
 - (ii) for "man", in the second place where it appears, substitute "person", and
 - (iii) the words from "as respects the man" to the end are repealed,
- (n) in section 22(2A), for "man and woman cohabiting as husband and wife" substitute "couple cohabiting as if they were married", and
 - (o) in the Schedule, for paragraph 1(2) substitute the following -

"(2) For the purposes of this paragraph, a married couple living together or a couple cohabiting as if they were married shall be treated as one person and amounts contributed by them respectively shall be aggregated accordingly, and references to a person shall be construed as references to such persons as are mentioned in paragraphs (a), (b) or (c) respectively of section 3(1) of this Law, that is to say, a married couple living together, such a person as is mentioned in the said paragraph (b) and a couple cohabiting as if they were married."

Adoption (Guernsey) Law, 1960.^h

6. In the Adoption (Guernsey) Law, 1960 -
- (a) in section 12(2), for "father and mother", in the first place where it appears, substitute "parents", and for "a lawful father and mother" substitute "the lawful parents", and
 - (b) in section 20A(2), after "Marriage (Enabling) (Guernsey) Law, 1961" insert ", or (as the case may be) section 11 of the Same-Sex Marriage (Guernsey) Law, 2016".

Court of Appeal (Guernsey) Law, 1961.ⁱ

7. In section 43 of the Court of Appeal (Guernsey) Law, 1961, for "wife" substitute "spouse".

Husband and Wife (Joint Accounts) (Guernsey) Law, 1966.^j

8. (1) For the title of the Husband and Wife (Joint Accounts) (Guernsey) Law, 1966 substitute "The Married Couples (Joint Accounts) (Guernsey) Law, 1966".

- (2) In the Married Couples (Joint Accounts) (Guernsey) Law, 1966

^h Ordres en Conseil, Vol. XVIII, p. 192; amended by Vol. XXI, p. 34; Vol. XXII, pp. 380 and 521; Vol. XXIII, p. 26; Vol. XXXI, p. 278; Vol. XXXVII, p. 130; Order in Council No. XII of 2000; No. III of 2001; Ordinance No. XXXIII of 2003; No. VII of 2010; No. IX of 2016.

ⁱ Ordres en Conseil Vol. XVIII, p. 315; amended by Order in Council No. III of 2012; Ordinance No. XXXIII of 2003.

(formerly entitled the Husband and Wife (Joint Accounts) (Guernsey) Law, 1966) -

- (a) in section 1(1), for "husband and wife" substitute "married couple", and
- (b) in section 3, for "Husband and Wife (Joint Accounts) (Guernsey) Law, 1966", substitute "Married Couples (Joint Accounts) (Guernsey) Law, 1966".

(3) For any reference in any enactment to the Husband and Wife (Joint Accounts) (Guernsey) Law, 1966 substitute a reference to the Married Couples (Joint Accounts) (Guernsey) Law, 1966.

Supplementary Benefit (Guernsey) Law, 1971.^k

9. In the Supplementary Benefit (Guernsey) Law, 1971 -

- (a) in the Arrangement of Sections, in the entry relating to section 17, for "wife or husband" substitute "spouse",
- (b) in section 4(3), for "husband and wife" substitute "married couple",
- (c) for section 17 substitute -

^j Ordres en Conseil, Vol. XX, p. 164.

^k Ordres en Conseil Vol. XXIII, p. 26; amended by Vol. XXVI, p. 292; Vol. XXXI, p. 278; Vol. XXXIX, p. 107; Order in Council No. XIII of 2014; No. VII of 2015; Recueil d'Ordonnances Vol. XXVI, p. 177; Ordinance No. XXXIII of 2003; No. VII of 2010; No. IX of 2016.

"Liability to maintain spouse and children.

17. (1) For the purposes of this Law a person shall be liable to maintain his spouse and his children.

(2) The reference in subsection (1) to a person's children shall include, where that person is a man, any child of whom he has been adjudged to be the putative father and, where that person is a woman, any illegitimate children of that woman."

Social Insurance (Guernsey) Law, 1978.¹

10. In the Social Insurance (Guernsey) Law, 1978 -

- (a) in sections 30, 31(3) and 32(3)(a), for "as husband and wife" substitute "as if they were married",
- (b) in section 41(3), for "widow" substitute "surviving spouse",
- (c) in section 69(1)(a)(i), for "wife or her husband" substitute "spouse", and
- (d) in section 111(3) -

¹ Ordres en Conseil Vol. XXVI, p. 292; amended by Ordres en Conseil Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; Vol. XXXI, p. 278; Vol. XXXII, p. 59; Vol. XXXIV, p. 510; Vol. XXXV(1), p. 161; Vol. XXXVI, pp. 123 and 343; Vol. XXXVIII, p. 59; Vol. XXXIX, p. 107; Order in Council No. X of 2000, No. IX of 2001, No. XXIII of 2002, No. XXIV of 2003, No. XI of 2004, No. XVIII of 2007; Nos. VII and XLII of 2009; No. XVII of 2011; No. XXXVIII of 2012; No. XXX of 2013; No. IX of 2016.

- (i) for "man or woman" in each place where those words appear, substitute "person",
- (ii) in paragraph (a), for the words "man's wife or former wife or the woman's husband or former husband" substitute "person's spouse or former spouse", and
- (iii) in paragraph (b), for the words "man or of his wife or former wife or of the woman or her husband or former husband" substitute "person or of that person's spouse or former spouse".

Conditions of Employment (Guernsey) Law, 1985.^m

11. In section 8 of the Conditions of Employment (Guernsey) Law, 1985, for "husband and wife" substitute "parties to the marriage".

Domestic Proceedings and Magistrate's Court (Guernsey) Law, 1988.ⁿ

12. In section 17 of the Domestic Proceedings and Magistrate's Court (Guernsey) Law, 1988, for "a man and a woman" substitute "two persons" and for "as husband and wife" substitute "as if they were married".

^m Ordres en Conseil Vol. XXIX, p. 42; amended by Vol. XXXIV, p. 52; Order in Council No. XIII of 2010; Recueil d'Ordonnances Tome XXVII, p. 139; Ordinance No. XXXIII of 2003; No. XXXI of 2005; No. XXXIX of 2010; No. IX of 2016.

ⁿ Ordres en Conseil Vol. XXXI, p. 171; section 17 was substituted by Vol. XXXIV, p. 129).

PART II
ORDINANCES

Supplementary Benefit (Implementation) Ordinance, 1971.^o

13. In the Supplementary Benefit (Implementation) Ordinance, 1971 -

(a) for section 26(2), substitute the following -

"(2) For the purposes of this Ordinance, a person shall be treated as married only where that person is a member of the same household as his spouse, and the expressions "**married couple**" and "**spouse**" shall be construed accordingly.",

(b) in paragraph 2 of the First Schedule -

(i) in each of sub-paragraphs (1) and (3), for "husband and wife" substitute "married couple" and for "man and wife" substitute "if they were married", and

(ii) in sub-paragraph (4), for "the husband or wife" substitute "one of the spouses",

^o Recueil d'Ordonnances Tome XVII, p. 139; amended by Order in Council No. IV of 2014; Recueil d'Ordonnances Tome XVIII, p. 119; Tome XXIV, pp. 471 and 495; Tome XXV, p. 49; Tome XXVI, p. 177; Ordinance No. XXXV of 2004; Nos. VIII and XXV of 2005; No. XLVII of 2006; No. XLV of 2007; Nos. XXVI and XLI of 2012; No. XXXIX of 2013; and Nos. XXV and XLVIII of 2014; No. XLVIII of 2015; and No. IX of 2016.

(c) for paragraph 17(1) (c) of the First Schedule, substitute the following -

"(c) any maintenance payable to a person in respect of himself or a child by that person's spouse or former spouse,"

and

(d) in Table 2 and in Table 3 in the Appendix to the First Schedule, for "Husband and wife", in each place where those words appear, substitute "Married couple".

PART III

SUBORDINATE LEGISLATION

Family Allowances (Qualifications) (Guernsey) Regulations, 1977.^P

14. In the Family Allowances (Qualifications) (Guernsey) Regulations, 1977 -

(a) in the Arrangement of Regulations, for the entries relating to regulations 2, 3 and 4 substitute -

"2. Requirements for married couple living together or for couple co-habiting as if they were married.

^P G.S.I. No. 4 of 1977; amended by Ordinance No. XXXIII of 2003 and No. IX of 2016; G.S.I. No. 1 of 1983; No. 6 of 1992; and No. 87 of 2008.

3. Requirements for person not being married or not living together with his spouse.", and

(b) for regulations 2, 3 and 4 substitute the following two regulations -

"Requirements for married couple living together or for couple co-habiting as if they were married.

2. It shall be a condition of the right to any allowance at any date for the family of –

(a) a married couple living together, where neither of them was born in Guernsey, or

(b) a couple co-habiting as if they were married, where neither of them was born in Guernsey,

that for at least fifty-two weeks in the aggregate out of the two years immediately preceding that date one of the married couple, or one of the couple co-habiting as aforesaid, has either been present in Guernsey or, when not so present, been a member of the Forces, a mariner, an airman or a medical evacuation case.

Requirements for a person not being married or not living together with his spouse.

3. It shall be a condition of the right to any allowance at any date for the family of a person not being married or not living together with his spouse (and not being a person co-habiting with another person as if they were married), if he was not born in Guernsey, that for at least fifty-two

weeks in the aggregate out of the two years immediately preceding that date he has either been present in Guernsey or, when not so present, been a member of the Forces, a mariner, an airman or a medical evacuation case."

Social Insurance (Residence and Persons Abroad) (Guernsey) Regulations, 1978.^q

15. In Regulation 11(i) of the Social Insurance (Residence and Persons Abroad) (Guernsey) Regulations, 1978, for "woman" substitute "person" and for "her husband" substitute "his spouse".

Carer's Allowance (Guernsey) Regulations, 1986.^r

16. In the Carer's Allowance (Guernsey) Regulations, 1986 -

- (a) in Regulation 8(2), for "husband and wife" substitute "if they were married", and
- (b) in Regulation 8(3), for "husband and wife" substitute "married couple".

Social Insurance (Contributions) Regulations, 2000.^s

17. In the Social Insurance (Contributions) Regulations, 2000 -

^q G.S.I. No. 25 of 1978; amended by Recueil d'Ordonnances Tome XXVI, p. 177; Ordinance No. XXXIII of 2003; No. IX of 2016; G.S.I. No. 35 of 1986; Nos. 5 and 27 of 1995; No. 52 of 1999; No. 42 of 2003; No. 50 of 2006; No. 91 of 2009; No. 61 of 2016.

^r G.S.I. No. 2 of 1986; amended by Order in Council No. IV of 2014; Ordinance No. XXXIII of 2003; G.S.I. No. 32 of 1995; No. 2 of 1997; No. 17 of 2014.

^s G.S.I. No. 49 of 1999; amended by Order in Council No. IV of 2014; Ordinance No. XXXIII of 2003; No. IX of 2016; G.S.I. Nos. 3 and 43 of 2001; No. 49 of 2002; No. 40 of 2003; No. 37 of 2005; No. 49 of 2006; No. 23 of 2007; No. 65 of 2008; No. 90 of 2009; Nos. 43 and 73 of 2012; No. 10 of 2014; No. 57 of 2016.

- (a) in the Arrangement of Regulations, in the entry relating to Regulation 6, for "husband and wife" substitute "married couple", and
- (b) in Regulation 6, for "husband and wife" (in the heading and in the text) substitute "married couple".

Social Insurance (Benefits) Regulations, 2003.^t

18. In Regulation 39(1)(a) of the Social Insurance (Benefits) Regulations, 2003, for "husband" substitute "spouse".

Severe Disability Benefit (Guernsey) Regulations, 2003.^u

19. In the Severe Disability Benefit (Guernsey) Regulations, 2003 -

- (a) in Regulation 7(2), for "husband and wife" in each place where those words appear substitute "if they were married",
- (b) in Regulation 7(3), for "husband and wife" substitute "married couple", and
- (c) in Regulation 16(a), at the end, insert "or such one of them as the parents may from time to time nominate,".

^t G.S.I. No. 37 of 2003; amended by Ordinance No. XXXIII of 2003; No. IX of 2016; G.S.I. No. 45 of 2004; Nos. 43 and 47 of 2005; Nos. 35 and 48 of 2006; No. 44 of 2007; No. 66 of 2008; Nos. 37 and 93 of 2009; No. 117 of 2010; Nos. 32 and 54 of 2011; Nos. 16 and 72 of 2012; No. 69 of 2013; No. 78 of 2014; Nos. 48, 74 and 75 of 2016.

^u G.S.I. No. 43 of 2003 (then entitled the Attendance Allowance (Guernsey) Regulations, 2003); amended by Order in Council No. IV of 2014; Ordinance No. XXXIII of 2003.

Immigration (Bailiwick of Guernsey) Rules, 2008.^v

20. In the Immigration (Bailiwick of Guernsey) Rules, 2008 -

- (a) in paragraph 6, in the definition of "**unmarried partner**", the words "or a marriage" are revoked,
- (b) in paragraphs 363(ii), 365 and 389, for "wife", in each place where it appears, substitute "spouse", and
- (c) in paragraph 365, for "she", in each place where it appears, substitute "he".

^v G.S.I. No. 26 of 2008; amended by G.S.I. No. 18 of 2011; No. 33 of 2013; No. 27 of 2015.

SCHEDULE 2

CONTRARY PROVISION TO SECTION 1(2) AND 2 OF THE LAW

Section 2

(1) ENACTMENT	(2) PROVISIONS DISAPPLIED
Loi relative à la Protection des Femmes et des Filles Mineures registered on 1st August 1914 ^w	Article 13
Married Women's Property Law 1928	The whole Law except for the second paragraph of Article 12
Loi sur les Empêchements au Mariage à Cause de Parenté, et sur l'Établissement de la Juridiction Civile dans les Causes Matrimoniales registered on 3rd March 1936 ^x	Whole Law
Matrimonial Causes Law (Guernsey) 1939	Articles 7(2)(c), 19(2), 26(2), 48, 50, 59, 60A
Family Allowances (Guernsey) Law, 1950	Section 4(1)(a) and (d)

^w Ordres en Conseil Vol. V, p. 74; there are amendments not relevant to this provision.

^x Ordres en Conseil Vol. X, p. 308.

(1) ENACTMENT	(2) PROVISIONS DISAPPLIED
Matrimonial Matters (Evidence) (Guernsey) Law, 1953 ^y	Whole Law
Marriage (Enabling) (Guernsey) Law, 1961 ^z	Whole Law
Legitimacy (Guernsey) Law, 1966 ^{aa}	Whole Law
Income Tax (Guernsey) Law, 1975 ^{bb}	Whole Law
Social Insurance (Guernsey) Law, 1975	Sections 31(1)(b)(ii), 33(2)(c), 61, 97

^y Ordres en Conseil Vol. XV, p. 422.

^z Ordres en Conseil Vol. XVIII, p. 312.

^{aa} Ordres en Conseil Vol. XX, p. 267; amended by Vol. XXXIII, p. 444; Ordinance No. XX of 2006.

^{bb} Ordres en Conseil Vol. XXV, p. 124; provision for equivalent treatment for same-sex marriages is made in section 47AA, inserted by Ordinance No. LVI of 2015.

(1) ENACTMENT	(2) PROVISIONS DISAPPLIED
Matrimonial Causes (Assisted Persons) (Guernsey) Ordinance, 1952 ^{cc}	In the Schedule: Regulation 2(2) and (3), Regulation 3(4) and, in Regulation 9, the words "or, where the wife is the assisted person, if and whenever she or her husband"
Social Insurance (Contributions) Regulations, 2000 ^{dd}	Regulations 58 and 63
Social Insurance (Benefits) (Transitional) Regulations, 2004 ^{ee}	Regulations 5 to 9

^{cc} Recueil d'Ordonnances Tome X, p. 288; amended by Tome XVII, p. 74; Tome XXIV, p. 85; Ordinance No. III of 2002.

^{dd} G.S.I. No. 49 of 1999. Regulation 63 was substituted by G.S.I. No. 40 of 2003; there are other amendments not relevant to these provisions.

^{ee} G.S.I. No. 7 of 2004.