

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

POLICY & RESOURCES COMMITTEE

THE MARRIAGE (BAILIWICK OF GUERNSEY) LAW, 2020

The States are asked to decide:-

Whether, after consideration of The Marriage (Bailiwick of Guernsey) Law, 2020, and the Policy Letter dated 30th March 2020 they are of the opinion:-

1. To agree that marriage between certain persons who were formerly related by marriage or civil partnership, as set out in paragraph 2.3 to 2.7, is not prohibited.
2. To agree that a marriage is formed once the celebrant has signed the return, as set out in paragraph 2.8 to 2.11.
3. To approve the Projet de Loi entitled 'Marriage (Bailiwick of Guernsey) Law, 2020' and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto, that includes the minor amendments to policy matters included in Propositions 1 and 2 and as explained in the enclosed Policy Letter.

The above Propositions have 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 Law will repeal and replace the "Loi ayant rapport aux Mariages Célébrés dans les Iles de Guernesey, d'Auregny et de Serk", of 1919, and related legislation, that sets out the formalities and procedures of marriages in the Bailiwick.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

POLICY & RESOURCES COMMITTEE

THE MARRIAGE (BAILIWICK OF GUERNSEY) LAW, 2020

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

30th March 2020

Dear Sir

1. Executive Summary

- 1.1 This Policy Letter seeks the States' approval to repeal and replace the existing law governing how and where couples marry, in order to ensure that marriage is simpler; fits the needs of a modern society; is inclusive; and maintains sufficient safeguards to prevent illegal, sham or forced marriages, in line with the extant Resolutions¹ relating to the Policy Letter entitled 'Reform of the Marriage Law', dated 14th January 2019² ("the 2019 Policy Letter").
- 1.2 The purpose of the Projet de Loi ("Projet"), (Appendix A), is to set out the new procedures and formalities of marriage to ensure ceremonies are legally recognised. The updated law is also intended to cover the whole Bailiwick, bringing greater consistency and clarity to the marriage formalities and requirements across the islands.
- 1.3 A Policy Letter accompanies this Projet as it sets out the reasons why certain proposals, not specifically covered by the 2019 Policy Letter and extant Resolutions, should be included in the legislation, in line with H M Greffier's Submission of Propositions to the States, Directive No.1³.
- 1.4 There has been Bailiwick-wide consultation with the States of Alderney and Sark Chief Pleas who have confirmed support for the progression of this Projet. Celebrants were also consulted, including consultation with celebrants regarding

¹ [Billet d'État III of 2019 – Resolutions](#)

² [Billet d'État III of 2019 \(P.2019/10\)](#)

³ [Directive No.1 of 2018 - The Submission of Propositions to the States](#)

specific aspects of the law reform relating to religious content ceremonies and the authorisation period for civil celebrants. The Dean of Guernsey was also consulted in relation to provisions for the Church of England. Those consulted were in the main supportive of the proposals as incorporated into the Projet.

2. The Projet

2.1 The Projet appended to this Policy Letter has been written to give effect to the decisions of the States of 28th February, 2019 ([Billet d'État III of 2019](#)). However, it is necessary to draw Members' attention to matters which have been raised during the legislative drafting process that were not specifically covered by the 2019 Policy Letter.

2.2 The Policy & Resources Committee is supportive of these revisions and as such they have been incorporated into the Projet, subject to the States' approval. The relevant matters are as follows:

Prohibited Degrees⁴

2.3 The 2019 Policy Letter stated that in drafting the new legislation, the opportunity would be taken where possible to incorporate and modernise provisions relating to the procedures and formalities of marriage presently contained in other enactments, including prohibited degrees of consanguinity. However, the 2019 Policy Letter concluded that "no substantive amendments" were required, which in this instance is not the case.

2.4 To ensure compliance with human rights requirements and alignment to other jurisdictions there is a requirement to remove the prohibition of marriage between certain parties who were formerly related by marriage. For example, amendments to legislation in England and Wales (The Marriage Act 1949 (Remedial) Order 2007), which have since been replicated in Jersey through the Marriage and Civil Status (Amendment No.4) (Jersey) Law 2018⁵, removed this prohibition.

2.5 The amendments arise from the deliberation of a case by the European Court for Human Rights ("ECHR") (B. and L. v. the United Kingdom, 13th September 2005⁶) that deemed that the marriage law in England & Wales, which prohibited any marriage between a person and the parent of their former spouse and between a person and the former spouse of their child, violated the European Convention

⁴ 'Prohibited degrees refers to the extent of relationships between two individuals, by consanguinity (blood) or affinity that would legally forbid marriage.'

⁵ [Marriage and Civil Status \(Amendment No.4\) \(Jersey\) Law 2018](#)

⁶ [Application No36536/02](#)

for the Protection of Human Rights and Fundamental Freedoms, specifically Article 12: The right to marry and to found a family.

- 2.6 In light of the precedent set by the ECHR case and subsequent legislative changes in other jurisdictions, the Law Officers have advised that legislative provisions which absolutely prohibit marriage between parties who were formerly related by marriage should be removed. Such marriages will not be prohibited so long as both parties are aged 18 or over at the time of the marriage and the younger of the couple has never lived with the other as a child of the family. This is consistent with the provisions in England and Wales and in Jersey and removes the bar whilst protecting against the possible exploitation of the younger party by a person who has been in a position of parental authority.
- 2.7 It is also proposed that the existing prohibitions concerning relationships by marriage or former marriage should be extended to relationships by civil partnership or former civil partnership. This is also consistent with England and Wales and with Jersey.

Formation of marriage

- 2.8 The formation of marriage refers to the point, or act, in the ceremony where a marriage becomes legally binding. At present, there is no provision identifying the moment when a marriage is formed and it is desirable that this should be clarified to avoid doubt.
- 2.9 The 2019 Policy Letter provided that a marriage would be formed 'once both parties and witnesses sign the registration form'. No requirement was included for the celebrant to have also signed the return form.
- 2.10 From a legal and practical perspective it is proposed that this be amended such that the marriage is formed once the celebrant, having had the opportunity to observe the demeanour of the parties and their signatures on the return form, and being satisfied as to their identity and that they are freely consenting to the marriage, has signed the return.
- 2.11 The proposed amendment provides an additional layer of protection against illegal marriage and aligns with the provision in Jersey.

3. Consultation

- 3.1 Section 6.1 of the 2019 Policy Letter directed further stakeholder consultation to determine the specifics of provisions relating to religious content in civil and non-religious ceremonies, and the authorisation period for civil marriage celebrants. A consultation document seeking celebrants' views on those aspects of the

reform was conducted in early 2020. In addition, the consultation sought celebrants' views on the proposed change to the provisions regarding the formation of marriage, as set out in Section 2.9 of this Policy Letter, recognising that this matter is relevant to the duties of a celebrant. The majority of the responses received were positive about the proposals as incorporated into the Projet.

3.2 The Dean of Guernsey has been consulted on matters relating to celebrants and the Church of England, and has indicated support for the Projet.

3.3 As the new law is intended to cover the whole Bailiwick, the governments of Sark and Alderney were consulted and they confirmed that they were content with the proposals as set out in the draft Policy Letter and Projet. In order for the legislation to apply to the Bailiwick as a whole, the Projet will need to be approved by the States of Deliberation, the States of Alderney and Sark's Chief Pleas before it is submitted for Royal Sanction.

4. Resource implications

4.1 There are no additional resource implications caused by the inclusion of these two supplementary matters of policy (prohibited degrees and the changes to when a marriage is legally formed) within the Projet.

5. Legislative implications

5.1 Additional provisions identified in this Policy Letter have been incorporated into the Projet for consideration by the States.

5.2 Provision will be made for matters of detail relating to implementing these Propositions to be included in subordinate legislation such as Regulations.

6. Operational implications

6.1 There will be no further operational implications if this Projet is approved.

7. Timeframe

7.1 The legislation could be enacted in the first part of 2021, subject to Her Majesty's Royal Sanction.

8. Conclusions and recommendations

8.1 This Policy Letter seeks the States' approval of the new legislation that will repeal and replace the existing law governing the procedures and formalities necessary to form a legal marriage.

8.2 A Policy Letter accompanies the Projet as it sets out the reasons why certain proposals which were not specifically covered by the 2019 Policy Letter and extant Resolutions should be included in the legislation. These proposals relate to:

- (a) Prohibited degrees; in respect of which the States is asked to agree that marriage between certain parties who were formerly related by marriage is not prohibited; and
- (b) Formation of marriage; in respect of which the States is asked to agree that the marriage is formed once the celebrant, having had the opportunity to observe the demeanour of the parties and their signatures on the return form, and being satisfied as to their identity and that they are freely consenting to the marriage, has signed the return.

8.3 The two matters have been incorporated into the Projet (attached as Appendix A) which is presented to the States for approval.

8.4 The Committee is unanimously supportive of these additions and recommends that the States support the Propositions to which this Policy Letter is attached.

9. Compliance with Rule 4

9.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

9.2 In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications. She has advised that there is no reason in law why the Propositions should not be put into effect.

9.3 In accordance with Rule 4(5), the Propositions relate to the duties of the Committee as set out in section (a) of its mandate.

Yours faithfully

G A St Pier
President

L S Trott
Vice-President

J P Le Tocq
T J Stephens
A H Brouard

APPENDIX A – THE MARRIAGE (BAILIWICK OF GUERNSEY) LAW, 2020

PROJET DE LOI

ENTITLED

The Marriage (Bailiwick of Guernsey) Law, 2020

ARRANGEMENT OF SECTIONS

PART I

GENERAL RESTRICTIONS ON MARRIAGE

1. Prohibited degrees.
2. Persons already married or in civil partnership.
3. Minimum age for marriage.
4. Consent to marriage of minor.

PART II

PERSONS WHO MAY SOLEMNISE MARRIAGES

5. Persons who may solemnise marriages.
6. Marriage without celebrant void.

Registrar-General of Marriages

7. Registrar-General and Deputy Registrars.

Authorisation of marriage celebrants

8. Register of marriage celebrants.
9. Application for authorisation.
10. Determination of application.
11. Savings for pre-commencement authorised persons.
12. Attachment and variation of conditions.
13. Duties of civil celebrants and authorised religious officials.
14. Duration and renewal of authorisation of civil celebrants.
15. Duration of authorisation of religious officials.
16. Inspection and investigation of celebrants.
17. Suspension and termination of authorisation.

18. Notice of refusal of application, attachment of conditions, termination etc.
19. Appeals against decision of Registrar-General.
20. Removal of name from register.

Clerk in Holy Orders of the Church of England

21. Clerk in Holy Orders of the Church of England

PART III
MARRIAGE AUTHORISED BY LICENCE OF REGISTRAR-GENERAL

Notice of marriage

22. Notice of marriage.
23. Determination of acceptance of notice of marriage.
24. Filing of notice and publication.
25. Reduction of publication period and relaxation of other requirements in certain circumstances.
26. Caveat against marriage or certificate of no impediment.
27. Forbidding of issue of licence or certificate of no impediment.
28. Issue of licence.
29. Change to date, time, location or celebrant of intended marriage.
30. Person to whom licence is to be delivered.

Solemnisation of marriage

31. Date of marriage.
32. Time of marriage.
33. Location of marriage.
34. Form of marriage.
35. Religious content.
36. Formation of marriage.

Miscellaneous provisions

37. Void marriages.

PART IV
MARRIAGE ACCORDING TO RITES OF CHURCH OF ENGLAND

38. Authorisation of marriage.
39. Remarriage of divorced persons.

40. Notice of marriage.
41. Determination of acceptance of notice.
42. Retention of notice and publication.
43. Caveat against marriage.
44. Issue of licence.
45. Duration of licence.
46. Person to whom licence is to be delivered.
47. Witnesses.
48. Formation of marriage.
49. Observance of liturgical rubric.
50. Void marriages.

PART V
REGISTRATION OF MARRIAGES

51. General Register of Marriages.
52. Persons by whom marriages are to be registered.
53. Return to be made to Registrar-General.
54. Correction of errors in register.
55. Certified copies of entries in register.

PART VI
GENERAL AND MISCELLANEOUS

56. Disclosure by Registrar-General.
57. Issue of certificate of no impediment for marriage outside the Bailiwick.
58. Proof of certain matters not necessary to validity of marriages.
59. Omission of particulars in exceptional circumstances.
60. Fees and charges.
61. Offences relating to false or misleading information etc.
62. Offences relating to solemnisation of marriage.
63. Offences relating to registration of marriage.
64. Provision, retention and publication of documents in electronic form.
65. Provision of translation of documents.
66. General provisions as to regulations.
67. Repeals.
68. Interpretation.
69. Citation.
70. Commencement.

SCHEDULE: REPEALS.

PROJET DE LOI

ENTITLED

The Marriage (Bailiwick of Guernsey) Law, 2020

THE STATES, in pursuance of their Resolutions of the 28th day of February, 2019^a and the ** day of **, 2020^b, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

PART I

GENERAL RESTRICTIONS ON MARRIAGE

Prohibited degrees.

1. (1) It shall not be lawful for two persons to marry if one of them is, in relation to the other –

- (a) a parent or grandparent,
- (b) a sibling,
- (c) a sibling of a parent or grandparent,

^a Article VI of Billet d'État No. III of 2019.

^b Article ** of Billet d'État No. ** of 2020.

- (d) a child or grandchild,
- (e) a child or grandchild of a sibling,
- (f) an adoptive parent or child, or a former adoptive parent or child,

and a reference to a sibling shall include a reference to a brother, sister, half-brother or half-sister.

(2) Subject to subsection (3), it shall not be lawful for two persons to marry if one of them is in relation to the other –

- (a) a child or grandchild of a former spouse,
- (b) a child or grandchild of a former civil partner,
- (c) the former spouse of a parent or grandparent, or
- (d) the former civil partner of a parent or grandparent.

(3) Any such marriage as is mentioned in subsection (2) shall not be void by reason only of affinity if both the parties to the marriage have attained the age of 18 years at the time of the marriage and the younger party has not at any time before attaining the age of 18 years been a child of the family in relation to the other party.

(4) For the purposes of subsection (3), "**child of the family**", in relation to any person, means a child who has lived in the same household as that

person and been treated by that person as a child of that person's family.

(5) Any reference in this section to a relationship between two persons by blood shall include such a relationship without regard to whether such relationship arises by lawful marriage.

(6) Where two persons consent to or acquiesce in a marriage in contravention of this section, such marriage is void.

Persons already married or in civil partnership.

2. (1) It shall not be lawful for two persons to marry if, at the time of the marriage –

(a) either of them is already lawfully married, or

(b) either of them is a civil partner or, for the avoidance of doubt, they are civil partners of each other.

(2) Where two persons consent to or acquiesce in a marriage in contravention of this section, such marriage is void.

Minimum age for marriage.

3. (1) It shall not be lawful for two persons to marry if, at the time of the marriage, either of them is under the age of 16 years.

(2) Where two persons consent to or acquiesce in a marriage in contravention of this section, such marriage is void.

Consent to marriage of minor.

4. (1) Subject to subsection (2), where a party to a proposed marriage is a minor aged 16 or 17 years who has not previously been married or a civil partner, the consent, in such form or manner as may be prescribed, of the following is required –

- (a) every person who has parental responsibility in respect of that minor under the Children (Guernsey and Alderney) Law, 2008^c ("the said 2008 Law"), the Children (Sark) Law, 2016^d ("the said 2016 Law") or the Child Protection (Sark) Law, 2020^e, or
- (b) a court, by way of a specific issue order made for the purpose under section 17 of the said 2008 Law or section 16 of the said 2016 Law, as the case may be.

(2) Where the Registrar-General or the Dean, as the case may be, is satisfied that the consent of any person whose consent is so required cannot be obtained by reason of absence or inaccessibility or by reason of that person being under any disability –

- (a) if there is any other person whose consent is also required, the Registrar-General or the Dean (as the case may be) must dispense with the consent of the person

^c Order in Council No. XIV of 2009; amended by No. IV of 2018; Ordinance Nos. XI and XLVIII of 2009; Nos. IX and XX of 2016; No. VI of 2017.

^d Order in Council No. VIII of 2016.

^e Approved by the Chief Pleas of Sark on 22nd January, 2020.

whose consent cannot be obtained, or

- (b) if there is no other person whose consent is also required, the Registrar-General or the Dean (as the case may be) may dispense with the consent of the person whose consent cannot be obtained.

PART II

PERSONS WHO MAY SOLEMNISE MARRIAGES

Persons who may solemnise marriage.

- 5. (1) A marriage may be solemnised by –
 - (a) the Registrar-General,
 - (b) a civil celebrant, authorised for the purposes of this Law by the Registrar-General ("**civil celebrant**"),
 - (c) where the marriage is to be solemnised according to the rites of the Church of England, and subject to subsection (2), a clerk in Holy Orders of the Church of England, or
 - (d) where the marriage is to be solemnised according to the rites or usages of a religious organisation other than the Church of England, and subject to subsection (3), a person nominated by the relevant governing authority of that religious organisation and authorised for the purposes of this Law by the Registrar-General

("authorised religious official").

(2) Subsection (1)(c) is subject to section 7(1) of the Same-Sex Marriage (Guernsey) Law, 2016^f ("the 2016 Law"), to section 7(1) of the Same-Sex Marriage (Alderney) Law, 2017^g ("the 2017 Law") and to section 7(1) of the Same-Sex Marriage (Sark) Law, 2019^h ("the 2019 Law").

(3) Subsection (1)(d) is subject to sections 8 and 9 of the 2016 Law, sections 8 and 9 of the 2017 Law and sections 8 and 9 of the 2019 Law.

(4) In subsection (1)(d), and for the purposes of this Law, "**relevant governing authority**" means the person or persons recognised by the members of the relevant religious organisation as competent for the purposes of nominating officials for the purposes of this Law, and "**relevant religious organisation**" means the religious organisation which is seeking to nominate a person as an authorised religious official.

(5) A marriage solemnised otherwise than according to the rites of the Church of England shall be solemnised on the authority of a licence issued by the Registrar-General under Part III of this Law.

Marriage without celebrant void.

6. Where two persons consent to or acquiesce in a marriage otherwise than in the presence of a person mentioned in paragraph (a), (b), (c) or (d) of section 5(1) who is authorised under the provisions of this Law to solemnise that marriage,

^f Order in Council No. II of 2017.

^g Order in Council No. I of 2018.

^h Approved by the Chief Pleas of Sark on 17th December, 2019.

such marriage is void.

Registrar-General of Marriages

Registrar-General and Deputy Registrars.

7. (1) Her Majesty's Greffier is the Registrar-General of Marriages for the Bailiwick of Guernsey ("**Registrar-General**").

(2) The Registrar-General may from time to time appoint one or more deputies ("**Deputy Registrars**") to perform the duties, and exercise the powers, of the Registrar-General in the absence of, or as directed by, the Registrar-General.

(3) The Registrar-General and Deputy Registrars must perform the duties imposed, and exercise the powers conferred, on the Registrar-General under and in accordance with this Law and any other relevant enactment.

(4) The Registrar-General and Deputy Registrars must, before entering office, take an oath, or make a solemn affirmation, before the Royal Court, the Court of Alderney or the Court of the Seneschal, well and faithfully to discharge the duties of such office.

(5) A person who immediately before the commencement of this Law was, under the Marriage Law 1919, a Deputy Registrar, is deemed to have been appointed, on the date when such officer was in fact so appointed, under and for the purposes of this Law.

(6) A person who immediately before the commencement of this Law was, under the Alderney Marriage Law, the Registrar of Marriages in the island of Alderney, is deemed to have been appointed, on the date when such officer was in

fact so appointed, a Deputy Registrar under and for the purposes of this Law.

Authorisation of marriage celebrants

Register of marriage celebrants.

8. (1) The Registrar-General must establish and maintain a register of persons, in such form as the Registrar-General may determine, who are –

- (a) civil celebrants, for the purposes of section 5(1)(b), or
- (b) authorised religious officials, for the purposes of section 5(1)(d).

(2) The register established and maintained in accordance with subsection (1) must be available for inspection free of charge at all reasonable times during normal working hours.

Application for authorisation.

9. (1) An application for authorisation of a person as a civil celebrant or as an authorised religious official must be made to the Registrar-General in such form, and accompanied by such information and documents, as the Registrar-General may determine.

(2) Upon receipt of an application under subsection (1), and at any time thereafter, the Registrar-General may require the applicant to supply such additional information or documents as the Registrar-General reasonably considers necessary for the purpose of determining the application.

(3) The Registrar-General may, for the purpose of assessing

whether the applicant has the personal attributes, skills and experience required for authorisation as a civil celebrant or as an authorised religious official, as the case may be, interview the applicant and may invite any other person to assist in the interview process.

(4) The Registrar-General may require the applicant to undertake such training as the Registrar-General thinks fit according to the qualifications, skills and experience of the applicant including training to ensure that the applicant has sufficient knowledge of the law applicable in the Bailiwick relating to the solemnisation of marriages and the duties of a civil celebrant or authorised religious official necessary to ensure that marriages are solemnised in compliance with that law.

(5) The Committee may, without prejudice to subsections (1) to (4), by regulations make such provision as it considers necessary or expedient for the purposes of this section, including –

- (a) the procedures to be followed in making and determining an application for authorisation,
- (b) the matters to be taken into account by the Registrar-General in determining such an application, including any required relevant skills and experience, any relevant qualifications awarded by any organisation or body, and any other matters which may in the opinion of the Committee affect a person's fitness to be a civil celebrant or an authorised religious official, and
- (c) requirements as to the training of applicants as a

condition of authorisation as a civil celebrant or as an authorised religious official.

Determination of application.

10. (1) The Registrar-General may, having taken into account in respect of any application for authorisation as a civil celebrant or authorised religious official such matters as may be prescribed under section 9(5), and such other matters as may in the Registrar-General's opinion affect the applicant's fitness to be a civil celebrant or an authorised religious official, as the case may be –

- (a) grant the application, subject to such conditions as may be prescribed or as the Registrar-General may consider necessary or expedient, or
- (b) refuse the application.

(2) Where the Registrar-General grants an application under subsection (1)(a), the applicant's name, and such other details as the Registrar-General may determine, must be entered on the register established under section 8, provided that the applicant has paid the prescribed fee.

(3) A civil celebrant must, before solemnising any marriage, take an oath, or make a solemn affirmation, before the Royal Court in such form as may be prescribed.

(4) A person may not simultaneously be both a civil celebrant and an authorised religious official.

Savings for pre-commencement authorised persons.

11. (1) A person who, immediately before the commencement of this Law, was an authorised person ("**authorised person**") with reference to a licensed building for the purposes of –

(a) Article 25 of the Marriage Law 1919, or

(b) Article 21 of the Alderney Marriage Law,

is, subject to subsections (2) and (3), deemed to be an authorised religious official for the purposes of section 5(1)(d), and such deemed authorisation shall, subject to suspension or termination under section 17, be of unlimited duration.

(2) The Registrar-General must, upon application by the relevant governing authority of the religious organisation in question, and subject to the satisfactory completion of training by the authorised person under subsection (3), enter in the register established under section 8 the name and details of a person deemed to be an authorised religious official under subsection (1); and that person is deemed to have been so authorised under and for the purposes of this Law on the date when the name and details were so entered.

(3) The Registrar-General may require an authorised person to undertake such training as the Registrar-General thinks fit prior to entry of the authorised person's name and details on the register established under section 8.

Attachment and variation of conditions.

12. The Registrar-General may, from time to time, in respect of the authorisation of a civil celebrant, or authorised religious official, as the case may be –

- (a) attach any condition, whether prescribed or otherwise,
or
- (b) vary any condition previously attached,

as the Registrar-General considers necessary or expedient.

Duties of civil celebrants and authorised religious officials.

13. A civil celebrant or authorised religious official must –

- (a) comply with the provisions of this Law, with the Code of Conduct and any guidance issued by the Registrar-General, and with any conditions attached to the authorisation (whether under section 10(1)(a) or under section 12), and generally conduct himself or herself in a manner consistent therewith,
- (b) comply with the directions from time to time of the Registrar-General issued in relation to the person's functions under this Law,
- (c) notify the Registrar-General in writing without delay of any changes to the details entered in the register established under section 8 and of any matter which might affect the person's authorisation as a civil celebrant or authorised religious official.

Duration and renewal of authorisation of civil celebrants.

14. (1) Subject to the provisions of this section, unless previously

terminated under this Law, the authorisation of a civil celebrant shall terminate at the end of the period of five years beginning with the date on which the name and details of the civil celebrant, as the case may be, was first entered on the register established under section 8, or the date of the last renewal of such entry, as the case may be.

(2) A civil celebrant may, within one year prior to the date when the authorisation would otherwise terminate in accordance with subsection (1), apply for the authorisation to be renewed (or further renewed).

(3) An application under subsection (2) must be in such form, and be accompanied by such information and documents, as the Registrar-General may determine.

(4) In determining an application for renewal, the Registrar-General may follow such procedures as he or she may determine, and must take into account –

- (a) such matters as must or may be taken into account in determining an application for authorisation under section 9, and
- (b) the performance of the applicant's functions since authorisation.

(5) The Registrar-General may, before determining an application for renewal, require the applicant to undertake such further training and assessment as the Registrar-General may consider necessary or expedient for the purpose of assisting in the determination of the application.

(6) The Registrar-General may, having followed the procedures and taken into account the matters referred to in subsection (4) and any further training and assessment undertaken under subsection (5) –

- (a) renew the authorisation for a further period of five years, subject to such conditions as may be prescribed or as the Registrar-General may consider necessary or expedient and to payment by the applicant of the prescribed fee, or
- (b) refuse the application for renewal.

Duration of authorisation of religious officials.

15. The authorisation of an authorised religious official shall, subject to suspension or termination under section 17, be of unlimited duration.

Inspection and investigation of celebrants.

16. (1) The Committee may prescribe a scheme for the purpose of enabling the Registrar-General to monitor the performance of civil celebrants and authorised religious officials.

(2) Without prejudice to the generality of subsection (1), such a scheme may make provision –

- (a) enabling the Registrar-General to inspect the performance of the functions of such marriage celebrants,

- (b) as to the notice of any such inspection (if any) required to be given to such marriage celebrants,
- (c) for the circumstances in which the Registrar-General may investigate any matter concerning such a marriage celebrant and the powers of the Registrar-General to carry out, and take action in consequence of, such an investigation.

Suspension and termination of authorisation.

17. (1) Subject to section 18, the Registrar-General may suspend, or terminate, a person's authorisation as a civil celebrant or authorised religious official ("**authorised celebrant**") if the Registrar-General is satisfied that any of the circumstances specified in subsection (2) apply.

(2) The circumstances are that the authorisation, or any renewal of such authorisation, was made by mistake or procured by fraud, or that the authorised celebrant –

- (a) no longer meets the prescribed requirements for authorisation,
- (b) has breached a condition attached to the authorisation under section 10(1)(a) or 12,
- (c) has failed to comply with the provisions of this Law or with the Code of Conduct or with any guidance or directions issued by the Registrar-General or otherwise failed conscientiously to perform the duties of a civil

celebrant or authorised religious official,

(d) has become incapacitated or otherwise unfit or unable to discharge the functions of a civil celebrant or authorised religious official,

(e) is, in the Registrar-General's opinion, otherwise no longer a fit and proper person to be a civil celebrant or authorised religious official.

(3) The Registrar-General may at any time require an authorised celebrant to –

(a) supply such additional information, or

(b) undertake, and complete to the satisfaction of the Registrar-General, such further training,

as the Registrar-General may reasonably consider necessary in order to enable the Registrar-General to reach a decision under this section, and the Registrar-General may treat a refusal to supply such additional information, or to undertake such further training, as a circumstance under subsection (2) in which a person's authorisation as a civil celebrant or authorised religious official may be suspended or terminated.

Notice of refusal of application, attachment of conditions, termination etc.

18. (1) If the Registrar-General decides to –

(a) refuse to grant an application for authorisation, or for

renewal of authorisation, as a civil celebrant or as an authorised religious official,

- (b) attach to an authorisation any condition other than a prescribed condition, or vary any condition previously attached, or
- (c) suspend an authorisation,

the Registrar-General must serve on the person a notice stating –

- (i) the terms of and the reasons for the decision, and
- (ii) particulars of the right of appeal under section 19.

(2) The Registrar-General must not terminate an authorisation under section 17 unless the Registrar-General has served on the authorised celebrant a notice in writing –

- (a) stating the Registrar-General's intention to terminate the authorisation and the reasons for such termination,
- (b) stating that the authorisation will be terminated unless, not later than a date specified in the notice, being a minimum of 21 days from the date of service of the notice, the

authorised celebrant satisfies the Registrar-General that the authorisation should not be terminated, and

- (c) informing the authorised celebrant that any representations made to the Registrar-General before the specified date will be considered by the Registrar-General,

and the Registrar-General has considered any representations so made.

(3) Where an authorisation is suspended, or a notice is served on a person under subsection (2), the person must not solemnise a marriage unless and until the person is notified by the Registrar-General that –

- (a) the suspension has been lifted, or
- (b) the authorisation will not be terminated.

(4) Where the Registrar-General decides, having served notice and considered any representations in accordance with subsection (2), to terminate an authorisation under section 17, the Registrar-General must, within 14 days after the date specified in the notice, serve on the person a notice stating -

- (a) that the authorisation has been terminated, and
- (b) particulars of the right of appeal under section 19.

Appeals against decision of Registrar-General.

19. (1) A person aggrieved by a decision of the Registrar-General under this Part may appeal to the Royal Court sitting as an Ordinary Court ("**the Court**") against the decision.

(2) The grounds of an appeal under this section are that -

- (a) the decision was ultra vires or there was some other error of law,
- (b) the decision was unreasonable,
- (c) the decision was made in bad faith,
- (d) there was a lack of proportionality,
- (e) there was a material error as to the facts or as to the procedure.

(3) Subject to subsection (4), an appeal under this section must be instituted –

- (a) within a period of 28 days immediately following the date of the notice of the decision,
- (b) by summons served on the Registrar-General stating the grounds and material facts on which the appellant relies.

(4) The Registrar-General may, where an appeal under this section has been instituted, apply to the Court, by summons served on the appellant, for an order that the appeal be dismissed for want of prosecution, and on hearing the application the Court may –

(a) dismiss the appeal or dismiss the application (in either case, on such terms and conditions as the Court may direct), or

(b) make such other order as the Court considers just.

The provisions of this subsection are without prejudice to the inherent powers of the Court or to the provisions of rule 52 of the Royal Court Civil Rules, 2007ⁱ.

(5) On an appeal under this section the Court may -

(a) set the decision aside and, if the Court considers it appropriate to do so, remit the matter to the Registrar-General with such directions as the Court thinks fit, or

(b) confirm the decision, in whole or in part.

(6) On an appeal under this section against a decision of the Registrar-General, the Court may, on the application of the appellant or the Registrar-General or of its own volition, and on such terms as the Court thinks just,

ⁱ O.R.C. No. IV of 2007; amended by O.R.C. No. II of 2008; No. IV of 2009.

suspend or modify the operation of the decision pending the determination of the appeal.

(7) An appeal from a decision of the Court under this section lies to the Court of Appeal on a question of law.

Removal of name from register.

20. (1) The Registrar-General must remove the name of a person from the register established under section 8 if the Registrar-General is satisfied that –

- (a) the person has requested that his or her name be so removed,
- (b) at the end of the period referred to in section 14(1), no application for renewal of the authorisation of a civil celebrant has been made or, where such an application has been made, it has been refused, and no appeal has been instituted in the period provided for appeals or, where an appeal has been instituted, such appeal has been dismissed,
- (c) the person has died,
- (d) the relevant governing authority of the religious organisation which nominated an authorised religious official has notified the Registrar-General in writing that it no longer desires that the person be authorised,
or

(e) the authorisation of the person has been terminated under section 17 and no appeal has been instituted in the period provided for appeals or, where an appeal has been instituted, such appeal has been dismissed.

(2) Where a person's name has been removed from the register in accordance with subsection (1), the person's authorisation must be treated as terminated.

Clerk in Holy Orders of the Church of England

Clerk in Holy Orders of the Church of England.

21. (1) A person is a clerk in Holy Orders of the Church of England ("**clerk in Holy Orders**") if the person is the Dean or Vice-Dean of Guernsey or a priest or deacon of the Church of England who is duly authorised to minister in the Bailiwick of Guernsey.

(2) The Registrar-General may require a clerk in Holy Orders to undertake such training as the Registrar-General thinks fit including training to ensure that such clerk has sufficient knowledge of the law applicable in the Bailiwick relating to the solemnisation of marriages and the duties of a marriage celebrant necessary to ensure that marriages are solemnised in compliance with that law.

PART III
MARRIAGE AUTHORISED BY LICENCE OF REGISTRAR-GENERAL

Notice of marriage

Notice of marriage.

22. (1) Where a marriage is intended to be solemnised on the authority of a licence issued by the Registrar-General, notice of marriage must be given to the Registrar-General by both persons to be married, jointly, in such form and including such information as may be prescribed or as the Registrar-General may determine, in accordance with this section.

(2) A notice under subsection (1) must include a statement of the intended date, time and place, or either of two places, of the marriage, the name of the marriage celebrant who is to solemnise the marriage and, in relation to each of the persons to be married –

- (a) name, surname, any former names or surnames and date of birth,
- (b) sex,
- (c) nationality and place of residence,
- (d) immigration status in the Bailiwick,
- (e) occupation,
- (f) marital status and, if either of the persons to be

married has been married or in a civil partnership, how the marriage or civil partnership ended.

- (3) A notice under subsection (1) must be accompanied by –
 - (a) such documents or other evidence supporting the information provided as may be prescribed or as the Registrar-General may determine,
 - (b) a declaration, in such form as the Registrar-General may determine, signed by each of the persons to be married –
 - (i) that he or she believes that there is no impediment of kindred or affinity or other lawful hindrance to the marriage,
 - (ii) where one of the persons to be married is, and will at the date of the marriage be, a minor who has not previously been married or a civil partner, that the consent of the person or persons whose consent to the marriage is required under section 4 has been obtained, that the necessity of obtaining any such consent has been dispensed with under that section, that a court has consented to the marriage under that section, or that there is no person whose consent is so required,

- (iii) in relation to a notice of a marriage to which section 1(2) applies, that the younger of the persons to be married has not, at any time before attaining the age of 18 years, been a child of the family in relation to the other,
- (iv) that he or she believes that all of the information stated in the notice, and all information and evidence supplied with the notice, is true, and

(c) the prescribed fee.

Determination of acceptance of notice of marriage.

23. (1) The Registrar-General may, having received notice of marriage in accordance with section 22, require the persons to be married to provide such additional information or documents as the Registrar-General may reasonably consider necessary for the purpose of determining whether to accept the notice of marriage, and in particular (without limitation), in order to –

- (a) verify the accuracy of the information contained in the notice or the authenticity of the supporting documentation,
- (b) be satisfied that the persons to be married are both capable of consenting to the marriage and do freely consent to enter into the marriage,
- (c) be satisfied that there is no other ground for not

accepting the notice of marriage,

and the Registrar-General may, for that purpose, interview the persons to be married and any other person.

(2) The Registrar-General may reject any information, document or evidence provided under this section or under section 22 if the Registrar-General has reasonable grounds for suspecting that the information, document or evidence is false in any particular, and in such a case the Registrar-General may proceed under this Law as if the rejected information, document or evidence had not been provided.

(3) If the Registrar-General is satisfied that there is no reason why the intended marriage cannot take place, the notice of marriage shall be accepted.

Filing of notice and publication.

24. (1) Subject to the provisions of this section, the Registrar-General must file and retain all notices of marriage which have been accepted under section 23, and, subject to section 59, such notices must be available for inspection free of charge at all reasonable times during normal working hours.

(2) The date on which the Registrar-General files a notice of marriage in accordance with this section is deemed to be the date on which the persons to be married have given notice of the intended marriage.

(3) As soon as reasonably practicable after notice of marriage is filed the Registrar-General must publish –

(a) on the Royal Court website, and

(b) in any other place that the Registrar-General thinks fit,

the names of the persons to be married (subject to section 59), the date of the intended marriage and such other details as may be prescribed.

(4) Subject to section 25, such publication must continue for a minimum period of 21 consecutive clear days prior to the date of the intended marriage.

(5) A notice of marriage is void after the expiration of the period of one year beginning on the date on which notice is deemed to have been given under subsection (2).

Reduction of publication period and relaxation of other requirements in certain circumstances.

25. (1) If, on an application made to the Registrar-General, the Registrar-General is satisfied that there are compelling reasons for reducing the period referred to in section 24(4) because of the exceptional circumstances of the case, the Registrar-General may reduce that period to such shorter period as he or she considers appropriate.

(2) Without limitation, the circumstances mentioned in subsection (1) include –

(a) that one of the persons to be married is ill and is unlikely for that reason to be able to enter into the marriage if the said period of publication is not reduced,

(b) such other circumstances as may be prescribed.

(3) The Registrar-General may, if the period of publication is reduced under this section, also waive or disapply any requirement –

(a) to provide original or duly authenticated documents,

(b) to attend at the office of the Registrar-General, or

(c) as may be prescribed,

to the extent only that the Registrar-General thinks necessary in the circumstances.

(4) Regulations may make provision with respect to the making, and granting, of applications under this section, and such provision may include (without limitation) the medical or other evidence to be provided in support of an application to reduce the said period of publication.

Caveat against marriage or certificate of no impediment.

26. (1) Any person may enter a caveat with the Registrar-General, at any time before the solemnisation of a marriage in the Bailiwick or the issue of a certificate of no impediment under section 57.

(2) A caveat entered under subsection (1) must be signed by or on behalf of the person by whom it is entered, and state the person's place of residence and the ground of objection on which the caveat is founded.

(3) Where the Registrar-General receives an objection in

accordance with subsection (1) –

- (a) in any case where the Registrar-General is satisfied that the objection relates only to a misdescription or inaccuracy in the notice of marriage or licence, the Registrar-General should notify the persons to be married of the nature of the objection and make such enquiries into the matter as he or she thinks fit, and make any necessary correction to any document relating to the marriage, or
- (b) in any other case, pending further consideration of the objection, suspend the issue of the licence or the certificate of no impediment or, if the licence has already been issued, advise the marriage celebrant that the marriage should not be solemnised pending such consideration.

(4) If any caveat is entered in accordance with subsection (1), no licence or certificate of no impediment may be issued or, if the licence has already been issued, the marriage must not be solemnised until –

- (a) the Registrar-General, having examined the ground of the objection and being satisfied that the ground ought not to obstruct the marriage, has removed the caveat, or
- (b) subject to subsection (5), the caveat is withdrawn by the person who entered it.

(5) In the case of a licence for the solemnisation of a marriage to which section 1(2) applies, where a caveat is entered under subsection (1) on the ground that the persons to be married have not both attained the age of 18 years or that the younger person has at any time before attaining the age of 18 years been a child of the family in relation to the other, then –

(a) notwithstanding that the caveat is withdrawn by the person who entered it, no licence or certificate of no impediment may be issued, and the marriage in the Bailiwick must not be solemnised, unless the Registrar-General has examined that ground of objection and is satisfied that that ground ought not to obstruct the marriage, and

(b) either of the persons to be married may apply to the Royal Court sitting as an Ordinary Court ("**the Court**") for a declaration that, both those persons having attained the age of 18 years and the younger of those persons not having at any time before attaining the age of 18 years been a child of the family in relation to the other, there is no impediment of affinity to the solemnisation of the marriage.

(6) The Registrar-General may refer the matter of a caveat to the Court, which may uphold or remove the caveat, and no appeal shall lie from a decision of the Court.

(7) The Court, in any proceedings before it under this section,

may order the person who entered the caveat to pay all or part of the costs of the proceedings and damages to the persons against whose marriage the caveat was entered.

Forbidding of issue of licence or certificate of no impediment.

27. (1) Any person whose consent to a marriage intended to be solemnised on the authority of a Registrar-General's licence is required under section 4 may forbid the issue of such a licence, or of a certificate of no impediment under section 57, by writing, at any time before the issue of the licence, the word "forbidden" next to the entry of the notice of marriage filed under section 24 together with his or her name and place of residence and the capacity, in relation to either of the persons to be married, in which the issue of the licence is forbidden.

(2) Where the notice of marriage has been filed in electronic form, a person wishing to exercise the power conferred by subsection (1) to forbid the issue of a licence may do so by requesting the Registrar-General to record that the person forbids the issue of the licence and the Registrar-General must enter the information required by subsection (1) in electronic form.

(3) Subject to subsection (4), where the issue of a licence is forbidden under subsection (1), the notice of marriage is void.

(4) Where, under section 4(1)(b), a court has consented to a marriage, and the consent of the court has the same effect as if it had been given by a person whose consent has been refused, that person shall not be entitled to forbid the issue of a licence for that marriage under this section, and the notice of marriage is not void by virtue of this section.

Issue of licence.

28. (1) Subject to the provisions of this section, the Registrar-General may, not earlier than the day following the expiration of the period referred to in section 24(4), or such reduced period as the Registrar-General may determine under section 25, issue a licence in such form as the Registrar-General may determine.

(2) The persons to be married must, not later than the last working day before the date of the intended marriage –

- (a) attend at the office of the Registrar-General together,
- (b) provide the originals, or duly authenticated copies, of the documents required to be provided for the purpose of sections 22 and 23 (if not already provided),
- (c) provide such other evidence or further evidence, including photographic evidence, as the Registrar-General may reasonably consider necessary for the purpose of determining whether to issue a licence,
- (d) sign a signature verification form in such form and containing such particulars as the Registrar-General may determine, and
- (e) pay the prescribed fee.

(3) Where, due to exceptional circumstances which could not reasonably have been foreseen, the persons to be married are unable to attend at the office of the Registrar-General on or before the last working day before the date of

the marriage, the Registrar-General may permit the requirements in subsection (2) to be completed on the day of the marriage: Provided that such permission must not be given unless the Registrar is satisfied that those requirements can reasonably be satisfactorily completed prior to the time specified on the licence for the solemnisation of the marriage and during normal working hours.

- (4) The Registrar-General must not issue a licence if –
- (a) he or she has reason to believe that there is a lawful impediment to the intended marriage,
 - (b) a caveat has been entered under section 26 which has not been withdrawn or removed in accordance with that section,
 - (c) its issue has been forbidden under section 27,
 - (d) it appears to the Registrar-General that either of the persons to be married is incapable of consenting to the marriage or does not freely consent to enter into the marriage, or
 - (e) any other ground exists for not issuing a licence.

(5) Subject to subsection (7), a licence issued under this section shall authorise the solemnisation of the marriage of the persons named in it –

- (a) on the date and at the time specified in the licence, and

- (b) at the place, or either of two places, so specified,
- (c) subject to subsection (6), by the marriage celebrant so specified.

(6) A licence issued under this section authorises, but does not oblige, a marriage celebrant to solemnise the marriage to which it relates.

(7) A licence issued under this section is not valid if the notice of marriage in respect of the intended marriage is void by virtue of any provision of this Law and no person may solemnise the marriage on the authority of such a licence.

Change to date, time, location or celebrant of intended marriage.

29. (1) Where the persons to be married wish to change the date, time or location of the intended marriage, or the identity of the marriage celebrant who is to solemnise the marriage, both persons to be married must notify the Registrar-General in writing, accompanied by the prescribed fee, of the proposed change a minimum of 21 clear days prior to –

- (a) the date specified in the notice, or the licence if already issued, as the date for the intended marriage, or
- (b) if the date is to be changed to a date earlier than that specified in the notice or the licence, as the case may be, the new date.

(2) Upon receipt of a notification under subsection (1), and

provided that the Registrar-General is satisfied that the proposed change would not result in a contravention of any provision in or under this Law or any other enactment, the Registrar-General shall make the corresponding amendment to the notice of marriage filed under section 24 and, if a licence has already been issued under section 28, issue an amended licence.

(3) Notwithstanding subsections (1) and (2), if in the case of an emergency or due to exceptional circumstances such that it becomes impossible or impracticable for a marriage to be solemnised –

- (a) on the date,
- (b) at the time,
- (c) in a location, or
- (d) by the marriage celebrant,

specified in the notice of marriage, and it is thereby impossible to comply with subsection (1), a marriage solemnised on a different date, at a different time, at a different location or by a different marriage celebrant shall not be void by virtue only of lack of compliance with subsection (1); provided that the persons to be married must notify the Registrar-General in writing of any such change as soon as reasonably practicable before (if possible) or after the solemnisation of the marriage stating the reasons for the lack of compliance.

Person to whom licence is to be delivered.

30. Where a marriage is intended to be solemnised on the authority of a Registrar-General's licence, the licence must be delivered to the marriage celebrant in

whose presence the marriage is to be solemnised together with –

- (a) the signature verification form signed by the persons to be married in accordance with section 28(2)(d), and
- (b) a marriage return form, in such form and containing such particulars as the Registrar-General may determine.

Solemnisation of marriage

Date of marriage.

31. (1) Subject to subsection (2), a marriage may be solemnised on any date which has been agreed between the marriage celebrant and the persons to be married and which falls during the period –

- (a) commencing on the day after the expiration of the minimum publication period mentioned in section 24(4), or such reduced period as the Registrar-General may determine under section 25, and
- (b) ending on the day before the notice of marriage becomes void in accordance with section 24(5).

(2) Except where section 29(3)(a) applies, a marriage must be solemnised on the date specified in the licence issued in respect of that marriage.

Time of marriage.

32. (1) Subject to subsection (2), a marriage may be solemnised at any

time of day which has been agreed between the marriage celebrant and the persons to be married.

(2) Except where section 29(3)(b) applies, a marriage must be solemnised at the time specified in the licence issued in respect of that marriage, or within one hour thereafter.

Location of marriage.

33. (1) Subject to subsection (2), a marriage may be solemnised at any place in the Bailiwick (including, for the avoidance of doubt, its territorial waters and airspace), which has been agreed between the marriage celebrant and the persons to be married.

(2) Except where section 29(3)(c) applies, a marriage must be solemnised at a place described in the licence issued in respect of that marriage.

Form of marriage.

34. (1) Subject to the following provisions of this section, a marriage may be solemnised between the persons named in the licence issued in respect of that marriage according to such form and ceremony as has been agreed between the marriage celebrant and the persons to be married.

(2) A marriage must be solemnised in the presence of two witnesses who have attained the age of 18 years in addition to the marriage celebrant.

(3) During the solemnisation of a marriage, each party must say to the other –

- (a) "I do solemnly declare that I do not know of any lawful reason why I, [AB], may not be joined in marriage to [CD]", and
- (b) "I call upon the persons here present to witness that I, [AB], take you, [CD], to be my lawful wedded wife [or husband, as the case may be]".

Religious content.

35. (1) No religious service may be used at any marriage solemnised by the Registrar-General or by a civil celebrant ("**the proceedings**").

(2) Without prejudice to the generality of subsection (1), the proceedings must not –

- (a) be led by a minister of religion or other religious leader,
- (b) include vows or extracts from an authorised religious marriage service or from sacred religious texts,
- (c) involve any religious ritual or symbol, or permit prayers,
- (d) include any form of worship.

(3) But the proceedings may include limited use of readings, songs or music that contain references of a religious nature in an essentially non-religious context provided that the Registrar-General or civil celebrant is satisfied

that the extent of the proposed use of such readings, songs or music during the proceedings is not such that it would contravene subsection (1).

(4) For the purposes of this section any material used by way of introduction to, in any interval between parts of, or by way of conclusion to the proceedings must be treated as forming part of the proceedings.

Formation of marriage.

36. (1) After the parties have made the declaration in section 34(3), the parties to the marriage and the witnesses must sign and date the marriage return form.

(2) If the marriage celebrant –

- (a) is satisfied that the parties to the marriage who have made the said declaration are the same persons whose signatures are on the signature verification form, and
- (b) has no reason to believe that either of the parties to the marriage is incapable of consenting to the marriage or has not freely consented to enter into the marriage,

the marriage celebrant must sign and date the marriage return form.

(3) The marriage is formed when the marriage return form has been signed by the parties to the marriage, the witnesses and the marriage celebrant.

(4) Where a person who is required to sign and date the marriage return form is unable to do so by reason of physical disability, a representative may

sign on the person's behalf at his or her direction.

Miscellaneous provisions

Void marriages.

37. Without prejudice to any other provision of this Law or any other enactment or rule of law by virtue of which a marriage is deemed to be void, where two persons knowingly and wilfully consent to or acquiesce in a marriage under this Part –

- (a) without having given due notice of marriage under section 22 to the Registrar-General,
- (b) without a licence having been duly issued under section 28 by the Registrar-General,
- (c) on the authority of a licence that is invalid by virtue of section 28(7),
- (d) on the authority of a licence that has been issued after either person to be married has provided information or documents to the Registrar-General that is or are false or inaccurate in a material particular, including (without limitation) information as to a person's immigration status,

the marriage is void.

PART IV

MARRIAGE ACCORDING TO RITES OF CHURCH OF ENGLAND

Authorisation of marriage.

38. A marriage according to the rites of the Church of England may be solemnised by a clerk in Holy Orders on the authority of a licence issued by the Dean.

Remarriage of divorced persons.

39. No clerk in Holy Orders is compelled –

- (a) to solemnise the marriage of any person whose former marriage has been dissolved and whose former spouse is still living, or
- (b) to permit the marriage of such a person to be solemnised in the church of which the clerk in Holy Orders is the minister.

Notice of marriage.

40. (1) Where a marriage is intended to be solemnised according to the rites of the Church of England, notice of marriage must be given to the Dean by both persons to be married in such form and including such information as the Dean may determine, in accordance with this section.

(2) A notice under subsection (1) must (without limitation)

include a statement of the intended date, time and place of the marriage and, in relation to each of the persons to be married –

- (a) name, surname, any former names or surnames and date of birth,
 - (b) sex,
 - (c) nationality and place of residence,
 - (d) immigration status in the Bailiwick,
 - (e) occupation,
 - (f) marital status and, if either of the persons to be married has been married or in a civil partnership, how the marriage or civil partnership ended.
- (3) A notice under subsection (1) must be accompanied by –
- (a) such documents or other evidence supporting the information provided as the Dean may determine,
 - (b) a declaration, in such form as the Dean may determine, signed by each of the persons to be married –
 - (i) that he or she believes that there is no impediment of kindred or affinity or other lawful hindrance to the marriage,

- (ii) where one of the persons to be married is, and will at the date of the marriage be, a minor who has not previously been married or a civil partner, that the consent of the person or persons whose consent to the marriage is required under section 4 has been obtained, that the necessity of obtaining any such consent has been dispensed with under that section, that a court has consented to the marriage under that section, or that there is no person whose consent is so required,
- (iii) in relation to a notice of marriage to which section 1(2) applies, that the younger of the persons to be married has not, at any time before attaining the age of 18, been a child of the family in relation to the other,
- (iv) that he or she believes that all of the information stated in the notice, and all information and evidence supplied with the notice, is true.

Determination of acceptance of notice.

41. (1) The Dean may, having received notice of marriage in accordance with section 40, require the persons to be married to provide such additional information or documents as the Dean may reasonably consider necessary for the purpose of determining whether to accept the notice of marriage, and in

particular (without limitation), in order to –

- (a) verify the accuracy of the information contained in the notice or the authenticity of the supporting documentation,
- (b) be satisfied that the persons to be married are both capable of consenting to the marriage and do freely consent to enter into the marriage,
- (c) be satisfied that there is no other ground for not accepting the notice of marriage,

and the Dean may, for that purpose, interview the persons to be married and any other person.

(2) If the Dean is satisfied that there is no reason why the intended marriage cannot take place, the notice of marriage may be accepted.

Retention of notice and publication.

42. (1) Subject to the provisions of this section, the Dean must retain the information given in notices of marriage which have been accepted under section 41 in such form as the Dean may determine.

(2) The date on which the Dean accepts a notice of marriage in accordance with section 41 is deemed to be the date on which the persons to be married have given notice of the intended marriage.

(3) As soon as reasonably practicable after notice of marriage is

accepted the Dean must transmit to the Registrar-General, and the Registrar-General must publish –

- (a) on the Royal Court website, and
- (b) in any other place that the Registrar-General thinks fit,

such details, including the names of the persons to be married (subject to section 59) and the date of the intended marriage, as may be prescribed, and, subject to subsection (4), such publication must continue for a minimum period of 21 consecutive clear days prior to the date of the intended marriage.

(4) Section 25 applies to publication under this section as it applies to publication under section 24.

(5) A notice of marriage is void after the expiration of the period of one year beginning on the date on which notice is deemed to have been given under subsection (2).

Caveat against marriage.

43. (1) Any person may enter a caveat with the Dean, at any time before the solemnisation of a marriage.

(2) A caveat entered under subsection (1) must be signed by or on behalf of the person by whom it is entered, and state the person's place of residence and the ground of objection on which the caveat is founded.

(3) Where the Dean receives a caveat in accordance with subsection (1), no licence may be issued or, if a licence has already been issued,

solemnisation of the marriage must not take place, until –

- (a) the Dean has examined the ground of the objection to the issue of the licence and is satisfied that the ground ought not to obstruct the marriage, or
- (b) subject to subsection (4), the caveat is withdrawn by the person who entered it.

(4) In the case of a licence for the solemnisation of a marriage to which section 1(2) applies, where a caveat is entered under subsection (1) on the ground that the persons to be married have not both attained the age of 18 years or that the younger of those persons has at any time before attaining the age of 18 years been a child of the family in relation to the other, then –

- (a) notwithstanding that the caveat is withdrawn by the person who entered it, no licence may be issued and the marriage must not be solemnised unless the Dean has examined that ground of objection and is satisfied that that ground ought not to obstruct the marriage, and
- (b) either of the persons to be married may apply to the Royal Court sitting as an Ordinary Court ("**the Court**") for a declaration that, both those persons having attained the age of 18 years and the younger of those persons not having at any time before attaining the age of 18 years been a child of the family in relation to the other, there is no impediment of affinity to the

solemnisation of the marriage.

(3) The Dean may refer the matter of a caveat to the Court, which may uphold or remove the caveat, and no appeal shall lie from the decision of the Court.

(4) The Court, in any proceedings before it under this section, may order the person who entered the caveat to pay all or part of the costs of the proceedings and damages to the persons against whose marriage the caveat was entered.

Issue of licence.

44. (1) Subject to the provisions of this section, the Dean may, not earlier than the day following the expiration of the period referred to in section 42(3), or such reduced period as the Registrar-General may determine under section 25, issue a licence in such form as the Dean may determine.

(2) The persons to be married must –

- (a) attend at the office of the Dean,
- (b) provide the originals, or duly authenticated copies, of the documents required to be provided for the purpose of sections 40 and 41 (if not already provided), and
- (c) sign a signature verification form, in such form and containing such particulars as the Dean may determine.

- (3) The Dean may not issue a licence if –
- (a) he or she has reason to believe that there is a lawful impediment to the intended marriage,
 - (b) a caveat has been entered under section 43 which has not been withdrawn or removed in accordance with that section,
 - (c) it appears to the Dean that either of the persons to be married is incapable of consenting to the marriage or does not freely consent to enter into the marriage, or
 - (d) any other ground exists for not issuing a licence.

(4) A licence issued under this section authorises, but does not oblige, a clerk in Holy Orders to solemnise the marriage to which it relates.

(5) A licence issued under this section is not valid if the notice of marriage in respect of the intended marriage is void by virtue of any provision of this Part and no clerk in Holy Orders may solemnise the marriage on the authority of such a licence.

Duration of licence.

45. Where a marriage is not solemnised within the period of one year beginning on the date on which notice of the marriage is deemed to have been given under section 42(2), the licence is void and no clerk in Holy Orders may solemnise the marriage on the authority of such licence.

Person to whom licence is to be delivered.

46. A licence issued under section 44 must be delivered to the clerk in Holy Orders who is to solemnise the marriage together with –

- (a) the signature verification form signed by the persons to be married in accordance with section 44(2)(c),
- (b) a marriage return form, in such form and containing such particulars as the Registrar-General may determine.

Witnesses.

47. All marriages solemnised according to the rites of the Church of England must be solemnised in the presence of two or more witnesses in addition to the clerk in Holy Orders by whom the marriage is solemnised.

Formation of marriage.

48. (1) After the clerk in Holy Orders by whom the marriage is solemnised has declared in the authorised words that the marriage has been completed, the parties to the marriage and the witnesses must sign and date the marriage return form.

(2) If the clerk in Holy Orders by whom the marriage is solemnised –

- (a) is satisfied that the parties to the marriage are the same persons whose signatures are on the signature verification form, and

- (b) has no reason to believe that either of the parties to the marriage is incapable of consenting to the marriage or has not freely consented to enter into the marriage,

the clerk in Holy Orders must sign and date the marriage return form.

(3) The marriage is formed when the marriage return form has been signed by the parties to the marriage, the witnesses and the clerk in Holy Orders.

(4) Where a person who is required to sign and date the marriage return form is unable to do so by reason of physical disability, a representative may sign on the person's behalf at his or her direction.

Observance of liturgical rubric.

49. The solemnisation of marriage according to the rites of the Church of England must be in accordance with the rubric prefixed to the office of matrimony in the Book of Common Prayer, and with any Canon or regulations made under the Church of England (Worship and Doctrine) Measure 1974^j, as it applies to the Bailiwick by virtue of the Church of England (Worship and Doctrine) Measure 1984 (Channel Islands) Order 1984^k, and with any other Canon or regulations applicable in the Bailiwick, concerning the solemnisation of marriage, so far as they are consistent with this Law.

Void marriages.

50. Without prejudice to any other provision of this Law or any other

j Measure No. 3 of 1974.

k U.K. S.I. No. 1689 of 1984.

enactment or rule of law by virtue of which a marriage is deemed to be void, where two persons knowingly and wilfully consent to or acquiesce in a marriage according to the rites of the Church of England –

- (a) without having given due notice of marriage to the Dean under section 40,
- (b) without a licence having been duly issued in accordance with this Part,
- (c) on the authority of a licence which is invalid by virtue of section 44(5),
- (d) on the authority of a licence that has been issued after either person to be married has provided information or documents to the Dean that is false or inaccurate in a material particular, including (without limitation) information as to a person's immigration status,
- (e) where the marriage is solemnised by a person who is not a clerk in Holy Orders,

the marriage is void.

PART V
REGISTRATION OF MARRIAGES

General Register of Marriages.

51. (1) The Registrar-General must continue to maintain a General Register of Marriages ("**the Marriage Register**") in such form as the Registrar-General may determine.

(2) Subject to the provisions of this Part, the Registrar-General may determine the procedures and requirements for the registration of marriages and for the making of returns and provision of copies in connection with such registration.

Persons by whom marriages are to be registered.

52. A marriage must be registered in accordance with this Part –

- (a) in the case of a marriage solemnised by a civil celebrant or by an authorised religious official, by the civil celebrant or authorised religious official, as the case may be, who solemnised the marriage,
- (b) in the case of a marriage solemnised according to the rites of the Church of England, by the clerk in Holy Orders by whom the marriage is solemnised,
- (c) in any other case, by the Registrar-General.

Return to be made to Registrar-General.

53. (1) Every person who is required under section 52(a) or (b) to register a marriage must, within 72 hours of the solemnisation of the marriage, complete and deliver to the Registrar-General the marriage return form relating to the marriage.

(2) The Registrar-General must, upon receiving a return delivered in accordance with subsection (1), enter in the Marriage Register such particulars relating to the marriage as may be prescribed.

(3) An entry made under subsection (2) may be in such form as the Registrar-General may determine.

Correction of errors in register.

54. (1) Where it appears to the Registrar-General that an entry in the Marriage Register contains an error of form or of substance, other than a clerical error or an error which is not of material significance, the Registrar-General must apply to the Royal Court sitting as an Ordinary Court ("**the Court**") for permission to correct the error.

(2) If, on an application under subsection (1), the Court grants permission to correct an error in the Marriage Register, the Registrar-General must make the correction in the margin of the entry in question, without any alteration of the original entry.

(3) Any such marginal entry made by the Registrar-General must include the signature of the Registrar-General, the date the correction is made and the date when the permission under subsection (1) is granted.

Certified copies of entries in register.

55. (1) The Registrar-General must, upon application by any person and payment of the prescribed fees –

- (a) permit the person to search the Marriage Register at any reasonable time during normal working hours,
- (b) supply a copy of any entry in the Marriage Register, certified as a true copy of such entry by the Registrar-General.

(2) Such copy supplied under subsection (1) must be accepted as evidence of the marriage in question without further proof provided that the document is certified in accordance with this section and affixed with the seal of the Registrar-General.

PART VI

GENERAL AND MISCELLANEOUS

Disclosure by Registrar-General.

56. (1) The Registrar-General may disclose to any person any information or documents obtained in the exercise of the Registrar-General's functions under this Law and may request further information from any person for the purpose of –

- (a) verifying the accuracy of any information or the authenticity of any documentation provided to the

Registrar-General for the purposes of this Law, or

- (b) determining any matter which the Registrar-General is required to determine under this Law.

(2) Without prejudice to the generality of subsection (1), the Registrar-General may, for the said purposes, disclose information or documents to, or request information from, the following –

- (a) Her Majesty's Procureur,
- (b) a police officer, customs officer or immigration officer,
- (c) any committee of the States of Guernsey, the States of Alderney or the Chief Pleas of Sark,
- (d) the Royal Court of Guernsey, the Court of Alderney or the Court of the Seneschal.

(3) The Registrar-General may, at the request of a person who carries out functions in another jurisdiction, similar to the functions of the Registrar-General, in respect of persons entering into a marriage in that other jurisdiction, disclose any information that the Registrar-General reasonably believes may assist that other person in the exercise of his or her functions in that other jurisdiction.

(4) The Registrar-General may disclose information or documents to, and request information from, any person who carries out functions in another jurisdiction similar to the functions of an officer of police, customs officer or immigration officer in the Bailiwick, and who is investigating the immigration status

of a person intending to marry in that other jurisdiction, for the purpose of assisting that other person in the exercise of his or her functions in that jurisdiction.

(5) Except as authorised by this section, the Registrar-General must not disclose information in relation to which a person ("**identifiable person**") is identified or identifiable unless –

- (a) the identifiable person has given consent for the disclosure,
- (b) at the time of the disclosure, the information is or has already been made public as a result of steps deliberately taken by the identifiable person, or
- (c) the disclosure is necessary for the purposes of –
 - (i) any legal proceedings, including any proceedings in connection with this Law, or
 - (ii) complying with any enactment or court order.

(6) A person who contravenes subsection (5) is guilty of an offence and liable –

- (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the uniform scale, or to both, or
- (b) on conviction on indictment, to imprisonment for a

term not exceeding five years or a fine, or both.

Issue of certificate of no impediment for marriage outside the Bailiwick.

57. (1) A person resident in the Bailiwick who wishes to be married in a country or territory outside the Bailiwick where the law of that country or territory requires the person to obtain a certificate of no impediment to be issued by the domestic authorities in the Bailiwick may make an application for such a certificate to the Registrar-General.

(2) Such application must be made in such form as the Registrar-General may determine and be accompanied by –

- (a) a notice, dated and signed by the applicant, containing the full names and former names, nationality, date of birth, sex, address, marital status and occupation, and such other details as may be prescribed in relation to each of the persons to be married,
- (b) where the applicant is a minor who has not previously been married or a civil partner, a declaration signed by the applicant that the consent of the person or persons whose consent to the marriage is required under section 4 has been obtained, that the necessity of obtaining any such consent has been dispensed with under that section, that a court has consented to the marriage under that section, or that there is no person whose consent to the marriage is so required,
- (c) a declaration that the applicant believes that there is no

impediment of kindred or affinity or other lawful hindrance to the marriage, and

(d) the prescribed fee.

(3) The Registrar-General must issue a certificate of no impediment, in such form as the Registrar-General may determine, if –

(a) a notice containing the details which would be required to be published under section 24(4) if the marriage were to be solemnised in the Bailiwick has been published in the same manner and for the same period (subject to any reduction by the Registrar-General upon an application under section 25) as required under that subsection,

(b) the Registrar-General has no reason to believe that there would be an impediment to the marriage if it were to take place in the Bailiwick,

(c) its issue has not been forbidden under section 27,

(d) it does not appear to the Registrar-General that either of the persons to be married is incapable of consenting to the marriage or does not freely consent to enter into the marriage, and

(e) no other ground exists for not issuing a certificate of no impediment.

Proof of certain matters not necessary to validity of marriages.

58. (1) Where a marriage has been solemnised under this Law, it is not necessary in support of the marriage to give any proof –

- (a) that any person whose consent to the marriage was required by section 4 of this Law had given such consent,
- (b) in the case of a marriage to which section 9 of the 2016 Law, section 9 of the 2017 Law or section 9 of the 2019 Law applies (opt-in to marriage of same-sex couples), that the relevant governing authority of the religious organisation has given its consent as required under those sections,
- (c) that the marriage celebrant was authorised under this Law to solemnise the marriage and he or she solemnised the marriage in accordance with the conditions of his or her authorisation,

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

(2) A marriage which is solemnised by the Registrar-General or by a civil celebrant otherwise than in accordance with section 35 is valid notwithstanding such non-compliance.

Omission of particulars in exceptional circumstances.

59. Where the Committee has determined that there are exceptional circumstances, the Registrar-General may omit details in respect of names from –

- (a) a notice available for inspection under section 24(1),
- (b) details required to be published under section 24(3) or 42(3),
- (c) a licence issued under section 28,
- (d) a signature verification form,
- (e) a certified copy of any entry in the Marriage Register,
or
- (f) a certificate of no impediment to marriage.

Fees and charges.

60. (1) The Committee may by regulations prescribe fees and charges payable in relation to the exercise or performance of functions under this Law, payable in such manner as may be prescribed.

(2) Without prejudice to the generality of subsection (1), such regulations may prescribe the fees and charges payable in respect of –

- (a) applications for and grant of authorisation as a civil celebrant or authorised religious official, annual fees payable in respect thereof, and fees for renewals of

such authorisations,

- (b) training of civil celebrants, authorised religious officials and clerks in Holy Orders of the Church of England,
- (c) applications for and acceptance of notices of marriage,
- (d) publication, and applications for a reduced period of publication,
- (e) applications for and issue of Registrar-General's licences and certificates of no impediment,
- (f) the entry of a caveat and the forbidding of the issue of a Registrar-General's licence or certificate of no impediment,
- (g) notification to the Registrar-General of changes of date, time, location or celebrant,
- (h) solemnisation of marriages by the Registrar-General in the office of the Registrar-General or in another location,
- (i) registration of marriages,
- (j) correction of errors in the Marriage Register, and

- (k) searches of the Marriage Register, and provision of extracts or certified copies of entries.

Offences relating to false or misleading information etc.

61. (1) It is an offence for a person, for the purposes of purported compliance with, or for any purpose connected with, any provision of or under this Law to do any of the following –

- (a) make a statement which that person knows, or has reasonable cause to believe, to be false, deceptive or misleading in a material particular,
- (b) dishonestly or otherwise, recklessly make a statement which is false, deceptive or misleading in a material particular,
- (c) produce or furnish or cause or permit to be produced or furnished any information or document which that person knows, or has reasonable cause to believe, to be false, deceptive or misleading in a material particular, or
- (d) dishonestly or otherwise, recklessly produce or furnish or recklessly cause or permit to be produced or furnished any information or document which is false, deceptive or misleading in a material particular.

(2) A person who, being required to do so under or for the purposes of this Law, fails to provide the Registrar-General or the Dean with any

information which is in that person's possession, knowing or having reasonable cause to believe –

- (a) that the information is relevant to the exercise by the Registrar-General or the Dean of any functions under this Law, and
- (b) that the withholding of the information is likely to result in the Registrar-General or the Dean, as the case may be, being misled as to any matter which is relevant, and of material significance, to the exercise of those functions,

is guilty of an offence.

- (3) A person guilty of an offence under this section is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the uniform scale, or to both, or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine, or both.

Offences relating to solemnisation of marriage.

62. (1) It is an offence for the Registrar-General, knowingly or wilfully, to –

- (a) issue a licence for an intended marriage in respect of

which the notice of marriage is void under section 24(5) or 27(3),

- (b) issue a licence for an intended marriage, or a certificate of no impediment, where the period referred to in section 24(4), or any reduced period under section 25, has not expired,
- (c) issue a licence for an intended marriage or a certificate of no impediment in relation to which a caveat has been entered under section 26 and not withdrawn or removed in accordance with that section,
- (d) authorise the solemnisation of a marriage to which section 9 of the 2016 Law, section 9 of the 2017 Law or section 9 of the 2019 Law applies (opt-in to marriage of same-sex couples), unless the relevant governing authority of the religious organisation has given its consent as required under those sections.

(2) It is an offence for any person, knowingly or wilfully, to solemnise a marriage –

- (a) which is void by virtue of any provision of this Law or of any other enactment or rule of law or custom,
- (b) which the person is not authorised under the provisions of section 5(1) to solemnise,

- (c) the licence in respect of which is void by virtue of any provision of this Law.
- (3) A person guilty of an offence under this section is liable –
- (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the uniform scale, or to both, or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine, or both.

Offences relating to registration of marriages.

63. (1) It is an offence for a person –
- (a) without reasonable excuse, to refuse or omit to register any marriage which the person is required by or under this Law to register,
 - (b) knowingly to register any marriage otherwise than in accordance with the requirements by or under this Law,
 - (c) to fail, without reasonable excuse, to deliver any document which the person is required by or under this Law to deliver, or to carelessly lose or damage, or cause to be lost or damaged, such a document while it is in the person's possession,

and a person guilty of an offence under this subsection is liable to a fine not exceeding level 3 on the uniform scale.

- (2) It is an offence for a person –
 - (a) knowingly or wilfully to register any marriage which is void by virtue of any provision of this Law,
 - (b) knowingly or wilfully to provide false particulars for the purpose of the registration of a marriage under this law,
 - (c) wilfully to destroy, damage or alter, or cause to be destroyed, damaged or altered, or allow to deteriorate, or cause to be allowed to deteriorate, any document which is kept for the purposes of or under this Law,
 - (d) wilfully to make or cause to be made a false entry in the Marriage Register or make or cause to be made any certified copy of any entry therein, or certify any such copy, which is false in any particular, knowing such entry or particular to be false,
 - (e) to forge, or cause to be falsely made or forged, the Marriage Register or any document required to be kept for the purposes of or under this Law, or any certified copy of any entry in the Marriage Register.

- (3) A person guilty of an offence under subsection (2) is liable –
- (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the uniform scale, or to both, or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine, or both.

Provision, retention and publication of documents in electronic form.

64. For the avoidance of doubt, except where the contrary intention appears in or under this Law, or the Registrar-General otherwise requires, and without prejudice to the Electronic Transactions (Guernsey) Law, 2000^l, the Electronic Transactions (Alderney) Law, 2001^m or the Electronic Transactions (Sark) Law, 2001ⁿ, as the case may be –

- (a) any documents or information required by or under this Law to be retained or stored,
- (b) any application, documents or information so required to be provided to any person, and
- (c) any publication so required to be made,

^l Order in Council No. VIII of 2001; amended by Ordinance No. XXXIII of 2003; No. XIV of 2014; No. IX of 2016; No. XXIV of 2017.

^m Order in Council No. XXVI of 2001; amended by Alderney Ordinance No. VII of 2017.

ⁿ Order in Council No. X of 2001; amended by Sark Ordinance No. 125; Sark Ordinance No. II of 2015; No. XII of 2017; No. XIII of 2018.

may be retained, stored, provided or published by electronic means.

Provision of translation of documents.

65. Where an original document or information required to be provided to the Registrar-General or the Dean under this Law is in a language other than English, the document or information must be accompanied by a translation certified by the translator to be a true and accurate translation of the original document or information.

General provisions as to regulations.

66. (1) In addition to regulations made under any other provision of this Law, regulations may provide for all procedural, practical and incidental matters which may be necessary for bringing this Law into effect.

(2) Without prejudice to the generality of subsection (1), regulations under this Law –

(a) may, subject to subsection (3), make provision in relation to the creation, trial (summarily or on indictment) and punishment of offences, and

(b) may empower the Registrar-General to issue codes or guidance in relation to any matter for which regulations may be made under this Law.

(3) Regulations under this Law may not –

(a) provide for offences to be triable only on indictment, or

- (b) authorise the imposition –
 - (i) on summary conviction, of imprisonment for a term exceeding 12 months, or a fine exceeding level 5 on the uniform scale, or
 - (ii) on conviction on indictment, of imprisonment for a term exceeding two years.

(4) Before making any regulations under this Law, the Committee must consult –

- (a) in the case of regulations having effect in Alderney, the Policy and Finance Committee of the States of Alderney, and
- (b) in the case of regulations having effect in Sark, the Policy and Finance Committee of the Chief Pleas of Sark,

in relation to the terms of the proposed regulations; but a failure to comply with this subsection does not invalidate any regulations made under this Law.

(5) Regulations made under this law cease to have effect –

- (a) in Alderney if, within the period of four months immediately following the date on which the regulations are made by the Committee ("**the relevant**

date"), the States of Alderney resolve to disapprove the application of those regulations to Alderney, and

- (b) in Sark if, at the first or second meeting of the Chief Pleas of Sark following the relevant date, the Chief Pleas resolve to disapprove the application of those regulations to Sark.

(6) If the States of Alderney or the Chief Pleas of Sark resolve to disapprove the application of any regulations in accordance with subsection (5), those regulations cease to have effect in Alderney or (as the case may be) Sark, but without prejudice to –

- (a) anything done under those regulations in Alderney or (as the case may be) Sark, or
- (b) the making of new regulations having effect in Alderney or (as the case may be) Sark.

(7) Regulations under this Law must be laid before a meeting of the States of Deliberation as soon as practicable and if, at that or the next meeting, the States of Deliberation resolve to annul them, they shall cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

Repeals.

67. The enactments mentioned in the first column of the Table in the Schedule are repealed to the extent set out in the second column of that Table.

Interpretation.

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

"**the 2016 Law**", "**the 2017 Law**" and "**the 2019 Law**": see section 5(2),

"**Alderney Marriage Law**" means the Loi ayant rapport aux Mariages célébrés dans l'Île d'Auregny of 1923^o,

"**authorised religious official**": see section 5(1)(d),

"**certificate of no impediment**": see section 57,

"**civil celebrant**": see section 5(1)(b),

"**civil partnership**" means a civil partnership formed under the Civil Partnership Act 2004^P (**the 2004 Act**"), or under the Civil Partnership (Jersey) Law 2012^q, or which is treated under the 2004 Act as having been formed by virtue of an overseas relationship being registered, and which has not been dissolved or annulled, and "**civil partner**" is construed accordingly,

"**clear day**" means a period of 24 hours ending at midnight,

"**clerk in Holy Orders**": see section 21,

^o Ordres en Conseil Vol. VII, p. 121; amended by Vol. XIII, p. 416; Vol. XV, p. 382; Vol. XX p. 267; Vol. XXII, p. 560; Vol. XXXI, p. 306; Order in Council No. XIV of 2005; Alderney Ordinance No. II of 1978; No. VIII of 2018.

^P An Act of Parliament (2004 c. 33).

^q Ch. 12.260.

"**Code of Conduct**" means the Code of Conduct for Marriage Celebrants issued from time to time by the Registrar-General,

"**the Committee**" means the States of Guernsey Policy & Resources Committee,

"**Dean**" includes a Vice-Dean and includes any clerk in Holy Orders authorised in writing by the Dean to carry out functions of the Dean under this Law, to the extent of that authorisation,

"**Deputy Registrar**" means a Deputy Registrar appointed by the Registrar-General under section 7(2),

"**document**" includes a document in electronic form,

"**immigration officer**" means an immigration officer appointed for the purposes of the Immigration Act 1971^r under paragraph 1(1) of Schedule 2 to that Act, and includes a customs officer authorised to act as an immigration officer in accordance with that paragraph,

"**marriage celebrant**" means any person who is permitted to solemnise marriage under section 5(1),

"**Marriage Law 1919**" means the Loi ayant rapport aux Mariages

^r An Act of Parliament (1971 c. 77).

Célébrés dans les Îles de Guernesey, d'Auregny et de Serk, 1919^s,

"**Marriage Register**" means the General Register of Marriages maintained in accordance with section 51,

"**marriage return form**" means the marriage return form delivered to the marriage celebrant or to the clerk in Holy Orders who is to solemnise the marriage, as the case may be, in accordance with section 30 or section 46,

"**minor**" means a person under the age of 18 years,

"**non-business day**" has the meaning given in the Non-Business Days Order, 1993^t,

"**normal working hours**" means the hours of opening of the offices of the Registrar-General in Guernsey, Alderney or Sark, as the case may be,

"**notice of marriage**" means a notice of marriage given under section 22 or 40,

"**office of the Registrar-General**" means the office of the Registrar-General in the island in which a marriage is intended to be solemnised,

"**prescribed**" means prescribed by regulations of the Committee,

^s Ordres en Conseil Vol. VI, p. 57; amended by Vol. XV, p. 200; Vol. XX, p. 267; Vol. XXX, p. 114; Vol. XXXI, p. 278; Vol. XXXIII, p. 444; Vol. XXXV(1), p. 398; Order in Council No. III of 2014; Recueil d'Ordonnances Tome XXI, p. 104; Ordinance No. XIII of 2017.

^t G.S.I. No. 28 of 1993.

"Registrar-General" means the Registrar-General of Marriages and includes a Deputy Registrar,

"Registrar-General's licence" means a licence issued under section 28,

"regulations" means regulations of the States Policy & Resources Committee,

"relevant governing authority": see section 5(4),

"signature verification form" means the form signed by the persons to be married in accordance with section 28(2)(d) or section 44(2)(c),

"working day" means any day except a non-business day, during normal working hours.

(2) Any reference in this Law to an enactment of the States of Jersey, of the Parliament of the United Kingdom, of the Scottish Parliament and of the Northern Ireland Assembly, and to a Measure of the National Assembly for Wales is, unless the contrary intention appears, a reference to that enactment or Measure as amended, re-enacted (with or without modification), extended or applied.

Citation.

69. This Law may be cited as the Marriage (Bailiwick of Guernsey) Law, 2020.

Commencement.

70. This Law shall come into force on the day appointed by Regulations of the Committee and different dates may be appointed for different provisions and for different purposes.

SCHEDULE
REPEALS

Section 67

(1) ENACTMENT	(2) PROVISIONS REPEALED
Loi de 1840 ayant Rapport au Registre Général des Naissances, des Mariages et des Morts ^u	The whole Law
Loi ayant rapport aux Naissances, aux Mariages et aux Morts, enregistrée sur les records d'Auregny le 6 juillet 1850	The whole Law
Loi ayant rapport aux Mariages Célébrés dans les Îles de Guernesey, d'Auregny et de Serk, 1919	The whole Law
Loi ayant rapport aux Mariages Célébrés dans l'Île d'Auregny, 1923	The whole Law
Loi supplémentaire relative aux Mariages, 1926 ^v	The whole Law

^u Ordres en Conseil Vol. I, p. 60.

^v Ordres en Conseil Vol. VIII, p. 42.

(1) ENACTMENT	(2) PROVISIONS REPEALED
Loi sur les Empêchements au Mariage à cause de Parenté et sur l'Etablissement de la Juridiction Civile dans les Causes Matrimoniales, 1936 ^w	The whole Law
Matrimonial Causes Law (Guernsey), 1939 ^x	Article 63
Births, Deaths and Marriages Certificates (Miscellaneous Provisions) (Guernsey) Law, 1951 ^y	Section 3
Marriage Law, 1919 (Provisions applicable to Alderney) Law, 1951 ^z	The whole Law
Marriage (Amendment) Law, 1951 ^{aa}	The whole Law
Marriage (Alderney) (Amendment) Law, 1953 ^{bb}	The whole Law
Marriage (Enabling) (Guernsey) Law, 1961 ^{cc}	The whole Law
Registration of Births, Deaths and Marriages (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 1979 ^{dd}	Section 2

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

^x Ordres en Conseil Vol. XI, p. 318. There are amendments not relevant to this enactment.

^y Ordres en Conseil Vol. XV, p. 46; amended by Vol. XXVII, p. 40; Vol. XXXIII, p. 444; G.S.I. No. 59 of 2012. There are other amendments not relevant to this enactment.

^z Ordres en Conseil Vol. XV, p. 196.

^{aa} Ordres en Conseil Vol. XV, p. 200; amended by Ordinance No. VII of 2010.

^{bb} Ordres en Conseil Vol. XV, p. 382; amended by Ordinance No. VII of 2010.

^{cc} Ordres en Conseil Vol. XVIII, p. 312.

^{dd} Ordres en Conseil Vol. XXVII, p. 40; amended by Vol. XXXIII, p. 444.

(1) ENACTMENT	(2) PROVISIONS REPEALED
Marriage (Guernsey) Law, 1987 ^{ee}	The whole Law
Births, Deaths, Marriages and Legitimacy (Bailiwick of Guernsey) (Amendment) Law, 1991 ^{ff}	Section 2
Marriages (Amendment) (Guernsey and Sark) Law, 1993 ^{gg}	The whole Law
Marriage (Alderney) (Amendment) Law, 2005 ^{hh}	The whole Law
Marriage (Special Licences) (Sark) Law, 2013 ⁱⁱ	The whole Law
Same-Sex Marriage (Guernsey) Law, 2016	Sections 10 and 11
Same-Sex Marriage (Alderney) Law, 2017	Sections 10 and 11
Same-Sex Marriage (Sark) Law, 2019	Sections 10 and 11
Marriage Fees (Guernsey) Ordinance, 1978 ^{jj}	The whole Ordinance
Marriage (Fees) (Alderney) Ordinance, 1978 ^{kk}	The whole Ordinance
Births, Deaths and Marriages (Fees) (Amendment) Ordinance, 1991 ^{ll}	Section 1 and the Schedule

^{ee} Ordres en Conseil Vol. XXX, p. 114.

^{ff} Ordres en Conseil Vol. XXXIII, p. 444.

^{gg} Ordres en Conseil Vol. XXXV(1), p. 398.

^{hh} Order in Council No. XIV of 2005.

ⁱⁱ Order in Council No. III of 2014.

^{jj} Recueil d'Ordonnances Tome XXI, p. 104; amended by Tome XXV, p. 238; Ordinance No. XIX of 2006; No. 60 of 2012; No. 82 of 2018.

^{kk} Alderney Ordinance No. II of 1978; amended by No. XVII of 2018.

^{ll} Recueil d'Ordonnances Tome XXV, p. 238.

(1) ENACTMENT	(2) PROVISIONS REPEALED
Marriage Fees (Guernsey) (Amendment) Ordinance, 2006 ^{mm}	The whole Ordinance
Marriage (Residence Qualification) (Alderney) Ordinance, 2008 ⁿⁿ	The whole Ordinance
Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009	Section 11
Marriage (Special Licences) (Residence Qualification) (Sark) Ordinance, 2014 ^{oo}	The whole Ordinance.
Fees (Alderney) Ordinance, 2018 ^{pp}	Sections 5 and 7 and Schedule 3
Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Guernsey) Ordinance, 2017 ^{qq}	Paragraph 1 of Part I of Schedule 1
Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Alderney) Ordinance, 2018 ^{rr}	Paragraph 1 of Part I of Schedule 1
Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Sark) Ordinance, 2020	Paragraph 1 of Part I of Schedule 1

^{mm} Ordinance No. XIX of 2006; amended by G.S.I. No. 4 of 2009.

ⁿⁿ Alderney Ordinance No. IV of 2008.

^{oo} Sark Ordinance No. II of 2014.

^{pp} Alderney Ordinance No. XVII of 2018.

^{qq} Ordinance No. XIII of 2017.

^{rr} Alderney Ordinance No. VIII of 2018.

(1) ENACTMENT	(2) PROVISIONS REPEALED
Marriage Fees (Guernsey) Regulations, 2012 ^{ss}	The whole instrument
Marriage Fees (Guernsey) Regulations, 2018 ^{tt}	The whole instrument

^{ss} G.S.I. No. 60 of 2012.

^{tt} G.S.I. No. 82 of 2018.