



Jersey

CIVIL PARTNERSHIP (APPROVED PREMISES) (JERSEY) ORDER 2012

Arrangement

Article

1	Interpretation	3
2	Application procedure	4
3	Grant or refusal of approval	4
4	Conditions	5
5	Expiry and renewal of approval	5
6	Revocation of approval	6
7	Reviews	7
8	Application by Connétable	8
9	Register of approved premises	8
10	Guidance concerning grants of approval and approved premises	9
11	Fees	9
12	Citation and commencement	9

SCHEDULE 1 **10**

CONDITIONS TO BE ATTACHED TO GRANTS OF APPROVAL	10
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SCHEDULE 2 **12**

FEES	12
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CIVIL PARTNERSHIP (APPROVED PREMISES) (JERSEY) ORDER 2012

Made

Coming into force

THE MINISTER FOR HOME AFFAIRS, in pursuance of Articles 13(3) and 72 of the Civil Partnership (Jersey) Law 2012, orders as follows –

1 Interpretation

In this Order, unless the context otherwise requires –

“applicant” means an applicant for approval and “application” shall be construed accordingly;

“approval” means general approval or approval for a specified civil partnership, and “approved premises” shall be construed accordingly;

“approval for a specified civil partnership” means approval of premises for the solemnization of a specified civil partnership, pursuant to Article 13(2)(a) of the Law;

“Connétable”, in relation to approved premises or an application for approval of premises, means the Connétable of the parish in which the premises are situated;

“general approval” means approval of premises for the solemnization of civil partnerships pursuant to Article 13(2)(b)(i) of the Law;

“holder of an approval” means the person on whose application the approval was granted or a person who is deemed to be the holder of an approval by virtue of Article 5(3);

“Law” means the Civil Partnership (Jersey) Law 2012;

“premises” means a permanently immovable structure comprising at least a room;

“qualification” in relation to a responsible person or the person’s deputy has the meaning given by paragraph 1 of Schedule 1, and “qualified” shall be construed accordingly;

“responsible person” has the meaning given by paragraph 1 of Schedule 1; and

“room” includes, except in the definition “premises”, a marquee.

2 Application procedure

- (1) Application for approval may be made by a proprietor or a trustee of premises.
- (2) The applicant shall deliver to the Connétable an application in writing –
 - (a) stating whether the application is –
 - (i) for approval for a specified civil partnership,
 - (ii) for general approval, for a period of 1 or 3 years, or
 - (iii) for general approval, for a period ending on the date that an existing approval made pursuant to a scheme made under Article 18 of the Marriage and Civil Status (Jersey) Law 2001 ends; and
 - (b) including the name and address of the applicant and such other information concerning the requirements described in Article 3(1)(b) and (c) as the Connétable may reasonably have required.
- (3) An application shall be accompanied by –
 - (a) a plan of the premises which clearly identifies the location, within the premises, of the room or rooms in which civil partnerships will be solemnized if approval is granted; and
 - (b) the fee specified for that application in Schedule 2.
- (4) The applicant shall provide the Connétable with such additional information as the Connétable may reasonably require in order to determine the application.
- (5) As soon as practicable after receiving an application, the Connétable shall inspect the premises or arrange for them to be inspected on the Connétable’s behalf.

3 Grant or refusal of approval

- (1) The Connétable may grant approval only if satisfied –
 - (a) that the application has been made in accordance with this Order;
 - (b) that the premises –
 - (i) are, in the opinion of the Connétable, having regard to their primary use, situation, construction and state of repair, a seemly and dignified venue for the solemnization of civil partnerships, and
 - (ii) have no recent or continuing connection with any religion, religious practice or religious persuasion which would be incompatible with their use for the solemnization of civil partnerships by the Superintendent Registrar or the Superintendent Registrar’s delegate;

- (c) that the room or rooms in which ceremonies of civil partnership will be solemnized if approval is granted are identifiable as a distinct part of the premises; and
 - (d) that the premises fulfil any other reasonable requirements which the Connétable considers appropriate to ensure that the facilities provided at the premises are suitable.
- (2) Where an application is for general approval for a period of 3 years, the Connétable may grant the approval for a period of 1 year instead.
 - (3) The Connétable shall as soon as practicable notify the applicant in writing of the Connétable's decision, including any conditions imposed under Article 4.
 - (4) If approval is refused, or is granted for a period shorter than that applied for or subject to conditions in addition to those specified in Schedule 1, the Connétable shall set out in any notification given under paragraph (3) the reasons for reaching that decision.
 - (5) If approval is refused, or is granted for a period shorter than that applied for or subject to conditions in addition to those specified in Schedule 1, the Connétable shall notify the applicant of the right to seek a review of the Connétable's decision under Article 7.

4 Conditions

- (1) Upon grant of an approval the Connétable –
 - (a) shall attach to the approval the standard conditions contained in Schedule 1; and
 - (b) may attach to the approval such further conditions as the Connétable considers reasonable in order to ensure –
 - (i) that the facilities provided at the premises are suitable, and
 - (ii) that the solemnization of civil partnerships on the premises or, in the case of approval for a specified civil partnership, the solemnization of that civil partnership on the premises, does not give rise to a nuisance of any kind.
- (2) Forthwith upon grant of an approval the holder of that approval shall notify the Connétable and Superintendent Registrar of the name, address and qualification of the responsible person.

5 Expiry and renewal of approval

- (1) An approval for a specified civil partnership shall be valid only for the solemnization of that civil partnership on the premises and may not be renewed.
- (2) Subject to paragraph (6) and (7) and to Article 6, a general approval shall be granted for a period of either 1 or 3 years.
- (3) Without prejudice to the provisions of this Order as to the duration of approval or revocation of approval, or any condition as to notification of

change of ownership, an approval shall remain in force notwithstanding that the holder ceases to have a proprietary interest in the premises and the person to whom his or her interest is transferred shall be deemed to be the holder in the person's place.

- (4) An application for renewal of a general approval may be made by the holder of that approval not less than 2 months and not more than 4 months before it is due to expire.
- (5) Articles 2(2) to (4), 3 and 4 shall apply to an application to renew a general approval as they apply to an application for approval and as though any reference in them –
 - (a) to an applicant were to an applicant for renewal; and
 - (b) to a grant of approval were to a renewal of general approval.
- (6) If the application is for approval of premises that are approved pursuant to a scheme made under Article 18 of the Marriage and Civil Status (Jersey) Law 2001 for the solemnization of marriages, the approval shall be granted for the period ending on the date that the approval of those premises for the solemnization of marriages ends.
- (7) If an application for renewal of general approval has been made in accordance with paragraphs (4) and (5) and that application has not been finally determined or withdrawn before the date on which the approval would otherwise expire, the approval shall continue in effect until such time as the application is finally determined or withdrawn.

6 Revocation of approval

- (1) Subject to the following provisions of this Article, a Connétable may revoke approval if satisfied –
 - (a) that the holder has failed to comply with one or more of the conditions attached to the approval under Article 4(1);
 - (b) that the use or structure of the premises has changed so that, having regard to the requirements described in Article 3(1)(b) and (c) and any requirements imposed by the Connétable in accordance with Article 3(1)(d) –
 - (i) in a case of approval for a specified civil partnership, the premises are not suitable for the solemnization of that civil partnership,
 - (ii) in a case of general approval, the premises are no longer suitable for the solemnization of civil partnerships pursuant to Article 13(2)(b)(i) of the Law; or
 - (c) that there has been any breach of the law relating to civil partnership on the premises.
- (2) Before revoking an approval under paragraph (1), the Connétable shall –
 - (a) consult the Superintendent Registrar;
 - (b) deliver to the holder of that approval a notice in writing specifying the ground or grounds upon which the Connétable proposes to revoke the approval and inviting the holder to make written

representations as to the proposed revocation within such period, being not less than 21 days, as is specified in the notice.

- (3) Before reaching a final decision on the proposed revocation, the Connétable shall take into account any representations made to the Connétable within the period referred to in paragraph (2)(b) by or on behalf of the holder of the approval.
- (4) If the Connétable decides to revoke the approval, the Connétable shall deliver a further notice in writing to the holder, stating the date upon which the approval shall cease to have effect and the procedure whereby such decision may be subject to review under Article 7.
- (5) For the purposes of paragraph (1)(c), the Superintendent Registrar shall notify the Connétable if, in the Superintendent Registrar's opinion, there has been any breach of the law relating to civil partnership on approved premises.
- (6) The Connétable shall revoke any approval with immediate effect as soon as practicable after being requested to do so by the holder of that approval and deliver a notice of revocation in writing to the holder.
- (7) Upon receipt of notice of revocation under paragraph (4) or (6), the holder of an approval shall forthwith give notice of the revocation to all parties who have made arrangements to solemnize a civil partnership in the premises which were approved but whose civil partnership has not yet been solemnized there.

7 Reviews

- (1) An applicant who is aggrieved by a decision to refuse an approval or to grant approval for a period shorter than that applied for or subject to conditions in addition to those specified in Schedule 1 may apply to the Minister for a review of that decision.
- (2) A holder of an approval who is aggrieved by a decision –
 - (a) to refuse to renew that approval;
 - (b) to renew the approval for a period shorter than that applied for;
 - (c) to attach to the renewal of that approval conditions other than those specified in Schedule 1; or
 - (d) to revoke that approval otherwise than under Article 6(6),may apply to the Minister for a review of that decision.
- (3) A person applying to the Minister for a review of a decision shall give the Connétable a copy of the application.
- (4) On a review of a decision the Minister may, acting in accordance with Article 3(1) –
 - (a) confirm the original decision;
 - (b) vary an original decision to grant or renew approval, in particular by extending the period for which it is granted or by removing

conditions attached under Article 4(1)(b) or by attaching new or different conditions; or

- (c) substitute a different decision, which may, where the original decision was to revoke an approval, be a decision that the approval should not be revoked but should be subject to new or different conditions than those which were previously attached to it.
- (5) The Minister shall –
- (a) give notice in writing to the applicant or holder of the Minister's decision on review, stating his or her reasons for that decision and (except where the original decision is confirmed) the date from which it takes effect; and
 - (b) give a copy of the notice to the Connétable and to the Superintendent Registrar.

8 Application by Connétable

- (1) This Article applies where a Connétable is the applicant for or holder of an approval in respect of premises situated in the Connétable's parish.
- (2) The Connétable shall refer the application for grant or renewal to the Minister and may grant the approval or renewal only with the authority of the Minister and upon such terms and subject to such further conditions as the Minister considers reasonable for the purposes described in Article 4(1)(b).
- (3) Articles 6 and 7 and Schedule 1 shall apply, with the necessary changes, to the application or approval as if –
 - (a) any reference in them to the Connétable were a reference to the Minister; and
 - (b) any reference to the Minister were a reference to the Royal Court.

9 Register of approved premises

- (1) The Superintendent Registrar shall keep a register of all approved premises, containing –
 - (a) the name and full postal address of the approved premises;
 - (b) the description of the room or rooms in which civil partnerships are to be solemnized;
 - (c) the name and address of the holder of the approval;
 - (d) the date of grant of the approval;
 - (e) in the case of approval for a specified civil partnership, the date and time of and the parties to that civil partnership;
 - (f) in the case of general approval –
 - (i) the due date of expiry of that approval, and
 - (ii) if the approval is renewed, the date of renewal;
 - (g) if the approval is revoked, the date on which the revocation takes effect; and

- (h) the name, address and qualification of the responsible person.
- (2) Upon the grant, renewal or revocation of approval, or any change of the details listed in paragraph (1) in respect of premises, the Connétable shall notify the Superintendent Registrar.
- (3) The Superintendent Registrar shall make the appropriate entries in the register upon being notified of the grant of an approval and shall amend the register upon being notified of renewal or revocation of an approval or that any of the details listed in paragraph (1) in respect of premises have changed.
- (4) The register shall be open to public inspection at the office of the Superintendent Registrar during normal opening hours.
- (5) The register shall be kept in permanent form which may include its maintenance on a computer.

10 Guidance concerning grants of approval and approved premises

The Minister may issue guidance supplementing the provision made by this Order.

11 Fees

Schedule 2 shall have effect to specify the fees payable under this Order.

12 Citation and commencement

This Order may be cited as the Civil Partnership (Approved Premises) (Jersey) Order 2012 and shall come into force on 2nd April 2012.

Signed.....

Date.....

Minister for Home Affairs

SCHEDULE 1

(Article 4(1)(a))

CONDITIONS TO BE ATTACHED TO GRANTS OF APPROVAL

1. The holder of the approval must ensure that there is at all times an individual with responsibility for ensuring compliance with these conditions (the “responsible person”) and that the responsible person’s occupation, seniority, position of responsibility in relation to the premises, or other factors (the responsible person’s “qualification”), indicate that the responsible person is in a position to ensure compliance with these conditions.
2. The responsible person or, in the person’s absence, an appropriately qualified deputy appointed by the responsible person, shall be available on the premises for a minimum of one hour prior to each civil partnership ceremony and throughout each civil partnership ceremony.
3. The holder must notify the Connétable and the Superintendent Registrar –
 - (a) of the holder’s name and address immediately upon the holder becoming the holder of an approval by virtue of Article 5(3); and
 - (b) of the name, address and qualification of the responsible person immediately upon the appointment of a new responsible person.
4. The holder must notify the Connétable and the Superintendent Registrar immediately of any change to any of the following –
 - (a) the layout of the premises, as shown in the plan submitted with the approved application, or in the use of the premises;
 - (b) the name or full postal address of the approved premises;
 - (c) the description of the room or rooms in which civil partnerships are to be solemnized;
 - (d) the name or address of the holder of the approval; and
 - (e) the name, address or qualification of the responsible person.
5. The approved premises must be made available at all reasonable times for inspection by or on behalf of the Connétable.
6. There must be displayed at each public entrance to the premises, for one hour prior to the time arranged for the solemnization of the civil partnership ceremony and throughout the ceremony, a suitable notice –
 - (a) stating that the premises have been approved –
 - (i) in the case of approval for a specified civil partnership, for the solemnization of that civil partnership, pursuant to Article 13(2)(a) of the Law, or
 - (ii) in a case of general approval, for the solemnization of civil partnerships pursuant to Article 13(2)(b)(i), of the Law; and
 - (b) identifying and giving directions to the room in which a civil partnership ceremony is to take place.

7. No food or drink may be sold or consumed in the room in which a civil partnership ceremony takes place for one hour prior to that ceremony or during that ceremony.
8. All civil partnership ceremonies must take place in a room which was identified as one to be used for the solemnization of civil partnerships on the plan submitted with the approved application.
9. The room in which a civil partnership is solemnized must be separate from any other activity on the premises at the time of the ceremony.
10. The arrangements for and content of each civil partnership ceremony must meet with the prior approval of the Superintendent Registrar.
11. Any reference to the approval of premises on any sign or notice, or on any stationery or publication, or within any advertisement may state that the premises have been approved as a venue for a specified civil partnership, pursuant to Article 13(2)(a) of the Law or as a venue for civil partnerships pursuant to Article 13(2)(b)(i) of the Law, but shall not state or imply any recommendation of the premises or its facilities by the Connétable or Superintendent Registrar.

SCHEDULE 2

(Article 11)

FEES

1. The fees specified for the purposes of Article 2(3)(b) are as follows –

(a)	for an application for approval of premises for a specified civil partnership	£100
(b)	in a case where approval has been granted in respect of premises for a 1 year or 3 year period for the solemnization of marriages pursuant to a scheme established under Article 18 of the Marriage and Civil Status (Jersey) Law 2001, for an application for approval of those premises for a period ending on the date the said approval for the solemnization of marriages ends	£40
(c)	for an application for approval of premises for a period of 1 year (other than in a case where paragraph (b) applies)	£200
(d)	for an application for approval of premises for a period of 3 years (other than in a case where paragraph (b) applies)	£300

2. Where the application is made under this Order for an approval for 1 year of premises at the same time as an application is made for approval for 1 year of those premises for the solemnization of marriages pursuant to a scheme established under Article 18 of the Marriage and Civil Status (Jersey) Law 2001, the total fee payable in respect of both applications shall be £200.
3. Where the application is made under this Order for an approval for 3 years of premises at the same time as an application is made for approval for 3 years of those premises for the solemnization of marriages pursuant to a scheme established under Article 18 of the Marriage and Civil Status (Jersey) Law 2001, the total fee payable in respect of both applications shall be £300.

