

STATES OF JERSEY



Jersey

DRAFT MARRIAGE AND CIVIL PARTNERSHIP (DISSOLUTION AND SEPARATION) (JERSEY) LAW 202- (P.85/2025): AMENDMENT

**Lodged au Greffe on 19th January 2026
by the Minister for Justice and Home Affairs
Earliest date for debate: 3rd February 2026**

STATES GREFFE

DRAFT MARRIAGE AND CIVIL PARTNERSHIP (DISSOLUTION AND SEPARATION)
(JERSEY) LAW 202- (P.85/2025): AMENDMENT

1 PAGE 42, ARTICLE 21 –

In Article 21(1)(b), for “a deed or” substitute “an”.

2 PAGE 42, ARTICLE 22 –

(1) In Article 22(1), for “a dissolution order or annulment order” substitute “a final dissolution order or final annulment order”.

(2) In Article 22(4), delete “20 and”.

3 PAGE 43, ARTICLE 23 –

(1) In Article 23(1) –

(a) in sub-paragraph (a), for “a dissolution order” substitute “a final dissolution order”;

(b) in sub-paragraph (b), for “an annulment order” substitute “a final annulment order”.

(2) In Article 23(3), delete “20 and”.

4 PAGE 44, ARTICLE 24 –

(1) In Article 24, for the second paragraph (2) substitute “(3)” and renumber the subsequent paragraphs and cross-references accordingly.

(2) In Article 24(3)(b) (renumbered as Article 24(4)(b)), delete “Article 20 and”.

5 PAGE 45, ARTICLE 27 –

In Article 27(6)(c), delete “20 and”.

6 PAGE 50, ARTICLE 36 –

In Article 36, delete paragraph (8) and renumber the subsequent paragraph accordingly.

7 PAGE 52, ARTICLE 40 –

(1) In Article 40(2), for “, with the intention of impeding the application, is” substitute “may be”.

(2) In Article 40(3)(b), for “application” substitute “court”.

MINISTER FOR JUSTICE AND HOME AFFAIRS

REPORT

This Amendment introduces minor technical changes to improve certain provisions in the [Draft Marriage and Civil Partnership \(Dissolution and Separation\) \(Jersey\) Law 202-](#) (the “Draft Law”) following queries raised by the Children, Education and Home Affairs Scrutiny Panel (“the Panel”). These amendments are largely editorial in nature and are intended to enhance the overall effectiveness of the Draft Law.

Article 21

Article 21(1)(b) of the Draft Law refers to the term “a deed or instrument”.

The Panel queried whether the term “deed” should be replaced with the word “contract”. While the word “deed” appears in several pieces of Jersey legislation, it is not formally recognised as a legal term under Jersey law. However, the inclusion of the word “instrument” in paragraph 21(1)(b) is helpful, as under Jersey law, “instrument” has a broad meaning and can encompass written documents such as contracts and therefore it is unnecessary to add the word contract.

To reflect this and ensure clarity, an amendment is proposed to remove the word “deed” from paragraph 21(1)(b).

Article 22

Following a query from the Panel, two amendments are proposed to Article 22.

1. Article 22(1): For clarity it is proposed that the word “final” be inserted before both “dissolution order” and “annulment order”.
2. Article 22(4): It is proposed that the reference to Article 20 is removed from paragraph 22(4). Removing this reference does not create any unintended legal consequences. Initial concerns that its omission might allow orders to conflict with the rights that Article 20 was intended to extinguish, potentially leading to inconsistent outcomes if the loss of succession rights were overlooked, are addressed through the inclusion of Article 31(1) which helps to mitigate these concerns.

Article 23

Two amendments are proposed to this Article these reflect the proposed amendments to Article 22 and the rationale for both is the same as those detailed for Article 22.

1. Article 23(1): It is proposed that the word “final” be inserted before both “dissolution order” and “annulment order”.
2. Article 23(3): It is proposed that the reference to Article 20 is removed from this paragraph.

Article 24

The Panel identified a numbering issue within this Article, and the first amendment addresses this matter.

The proposed amendment to paragraph 24(3)(b) (renumbered as 24(4)(b)) reflects the removal of the reference to Article 20. The rationale for this in line with that expressed in the proposed amendment to Article 22(4), noted above.

Article 27

The proposed amendment to Article 27(6)(c) reflects the removal of the reference to Article 20. The rationale for this is in line with that expressed in the proposed amendment to Article 22(4), detailed above.

Article 36

Following a query from the Panel, it is proposed that paragraph (8) is removed from Article 36, with subsequent paragraphs renumbered accordingly. The removal of this paragraph will provide the court with discretion in determining how the applicant's costs are handled at final order stage.

Article 40

Minor amendments are proposed to this Article.

The amendment to paragraph (2) is intended to protect a weaker or more vulnerable spouse or civil partner and to enable the court to address situations where the other spouse or civil partner may be about to make a reviewable disposition.

The amendment to Article 40(3)(b) is designed to strengthen the provision. It is important that part (b) is read with the preamble to Article 40(3), the revised wording will state: "The court may set aside a disposition, and make a financial order or a sale of property order as if the disposition had not occurred, if the court is satisfied that person B has made the disposition with the intention of impeding the court".

Financial and staffing implications

There are no additional financial or staffing implications for Government as a result of this amendment.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has not been prepared in relation to this proposition as a CRIA is not required, in accordance with Schedule 2 of the [Children \(Convention Rights\) \(Jersey\) Law 2022](#).