

ORDINANCE OF THE CHIEF PLEAS OF SARK

Ordinance No. II of 2020

**The Same-Sex Marriage (Consequential and
Miscellaneous Amendments and Contrary Provisions)
(Sark) Ordinance, 2020**

THE CHIEF PLEAS, in exercise of the powers conferred on them by sections 5(2) and 12 of the Same-Sex Marriage (Sark) Law, 2019^a, hereby order:-

Consequential and miscellaneous amendments.

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

Contrary provisions.

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

Interpretation.

3. In this Ordinance "**the Law**" means the Same-Sex Marriage (Sark) Law, 2019.

Extent.

4. This Ordinance has effect in Sark.

Citation.

^a Approved by the Chief Pleas on 17th December, 2019.

5. This Ordinance may be cited as the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Sark) Ordinance, 2020.

Commencement.

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

SCHEDULE 1

CONSEQUENTIAL AND MISCELLANEOUS AMENDMENTS

Section 1

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

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

- (a) for "*L'homme dira à la femme*", in each place where those words appear, substitute "*L'une des parties dira à l'autre*",
- (b) for "*La femme dira à l'homme*", in each place where those words appear, substitute "*L'autre partie répondra*",

^b 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.

- (c) for "ma femme" and "mon mari" substitute (in each case) "ma femme ou mon mari (selon le cas)", and
- (d) for "lawful wedded wife" and "lawful wedded husband" substitute (in each case) "lawful wedded wife or husband (as the case may be)".

Married Women's Property Law, 1928.^c

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

Matrimonial Causes Law (Guernsey), 1939.^d

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

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

^c Ordres en Conseil Vol. VIII, p. 213; amended by Vol. XXVII, p. 50. Applied to Sark by Vol. XXV, p. 69.

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

- (b) in Article 9(4), for "husband and wife" substitute "parties",
- (c) in Article 16A(5), for "a husband and wife" substitute "the parties to a marriage",
- (d) in Article 23(1), immediately after "exists," insert "subject to paragraph (7) of that Article",
- (e) in Article 23(2), immediately after "Article 16A of this Law," insert "subject to paragraph (7) of that Article as aforesaid",
- (f) in Article 28(1), for "husband or wife" substitute "party to the marriage", and
- (g) in Article 47(3), for the words "the husband to the wife, for or towards her support," substitute "one party to the other, for or towards the support of the other,".

Court of Appeal (Guernsey) Law, 1961.^e

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

Married Women's Property (Sark) Law, 1975.^f

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

^f Ordres en Conseil Vol. XXV, p. 69.

5. Section 1(3) of the Married Women's Property (Sark) Law, 1975 is repealed.

Husband and Wife (Joint Accounts) (Sark) Law, 1975.^g

6. (1) For the title of the Husband and Wife (Joint Accounts) (Sark) Law, 1975 substitute "The Married Couples (Joint Accounts) (Sark) Law, 1975".

(2) In the Married Couples (Joint Accounts) (Sark) Law, 1975 (formerly entitled the Husband and Wife (Joint Accounts) (Sark) Law, 1975) -

(a) in section 1(1), for "husband and wife" substitute "married couple", and

(b) in section 2(1), for "Husband and Wife (Joint Accounts) (Sark) Law, 1975", substitute "Married Couples (Joint Accounts) (Sark) Law, 1975".

(3) For any reference in any enactment to the Husband and Wife (Joint Accounts) (Sark) Law, 1975 substitute a reference to the Married Couples (Joint Accounts) (Sark) Law, 1975.

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

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

^g Ordres en Conseil, Vol. XXV, p. 72.

^h G.S.I. No. 26 of 2008; amended by Ordinance No. IX of 2016; G.S.I. No. 18 of 2011; No. 33 of 2013; No. 27 of 2015; No. 17 of 2019.

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

SCHEDULE 2

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

Section 2

(1) ENACTMENT	(2) PROVISIONS DISAPPLIED
Loi relative à la Protection des Femmes et des Filles Mineures registered on 1st August 1914 ⁱ	Article 13
Married Women's Property Law 1928	The whole Law except for the second paragraph of Article 12
Loi sur les Empêchements au Mariage à Cause de Parenté, et sur l'Établissement de la Juridiction Civile dans les Causes Matrimoniales registered on 3rd March 1936 ^j	The whole Law

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

^j Ordres en Conseil Vol. X, p. 308; amended by Vol. XI, p. 405.

Matrimonial Causes Law (Guernsey) 1939	Articles 7(2)(c), 19(2), 26(2), 48, 50, 59, 60A
(1) ENACTMENT	(2) PROVISIONS DISAPPLIED
Matrimonial Matters (Evidence) (Guernsey) Law, 1953 ^k	Whole Law
Marriage (Enabling) (Guernsey) Law, 1961 ^l	Whole Law
Legitimacy (Guernsey) Law, 1966 ^m	Whole Law
Successions (Personal Estates of Married Persons) (Sark) Law, 1975 ⁿ	Section 6(b)
Matrimonial Causes (Assisted Persons) (Guernsey) Ordinance, 1952 ^o	In the Schedule: Regulation 2(2) and (3), Regulation 3(4) and, in Regulation 9, the words "or, where the wife is the assisted person, if and whenever she or her husband"

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

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

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

ⁿ Ordres en Conseil Vol. XXV, p. 75.

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