

GUERNSEY STATUTORY INSTRUMENT

2020 No. 131

**The Marriage (Bailiwick of Guernsey) Regulations, 2020**

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**The Marriage (Bailiwick of Guernsey) Regulations, 2020**

<i>Made</i>	<i>14th December, 2020</i>
<i>Coming into operation</i>	<i>see regulation 15</i>
<i>Laid before the States of Guernsey</i>	<i>, 2021</i>

THE POLICY & RESOURCES COMMITTEE, in exercise of the powers conferred on it by sections 4(1), 9(5), 10, 16, 22(1) and (3), 24(3), 25(4), 42(3), 53(2), 57(2), 60 and 66 of the Marriage (Bailiwick of Guernsey) Law, 2020<sup>a</sup>, and all other powers enabling it in that behalf, hereby orders:-

**Consent to marriage of minor.**

1. (1) The provisions of this regulation apply where a party to a proposed marriage is a minor aged 16 or 17 who has not previously been married or a civil partner ("the minor").

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<sup>a</sup> Order in Council No. XVI of 2020.

(2) For the purpose of section 4(1)(a) of the Law, the consent of each person who has parental responsibility in respect of the minor must be evidenced in such form as the Registrar-General may determine, and must include the following –

- (a) the names and addresses of the persons proposing to marry,
- (b) the name and address of the person whose consent is required, and that person's relationship to the minor or (if appropriate) the means by which that person acquired parental responsibility for the minor,
- (c) a statement by the person whose consent is required that the person gives consent to the marriage of the minor,

signed by the person whose consent is required in the presence of a witness whose signature and address must also be included.

**Application for authorisation of civil celebrant.**

2. (1) A person who wishes to be authorised as a civil celebrant must apply to the Registrar-General for such authorisation in accordance with section 9(1) of the Law.

(2) The matters to be taken into account by the Registrar-General for the purposes of section 9(5)(b) of the Law in determining an application for authorisation as a civil celebrant shall include (without limitation) whether the applicant –

- (a) has attained the age of 18 years,
- (b) has provided a satisfactory basic criminal record certificate,

- (c) has any qualifications or experience relevant to authorisation as a civil celebrant, or accreditation or affiliation with any professional or other relevant organisation,
- (d) has good interpersonal and communication skills,
- (e) understands the requirements of and under the Law and is able fully to comply, and ensure compliance, with those requirements, and
- (f) is otherwise a fit and proper person to be a civil celebrant.

**Application for authorisation as an authorised religious official.**

3. (1) Where a religious organisation other than the Church of England wishes an official of that religious organisation ("nominee") to be authorised as an authorised religious official, the relevant governing authority of that religious organisation must apply to the Registrar-General for such authorisation in accordance with section 9(1) of the Law.

- (2) An application under paragraph (1) must specify –
  - (a) the denomination, if applicable, of the religious organisation,
  - (b) whether the relevant governing authority of the religious organisation consents to the solemnisation of the marriage of same-sex couples according to the rites or usages, or in a place of worship, of that religious organisation, and

- (c) whether the nominee consents to the solemnisation of such marriage by the nominee.

(3) The matters to be taken into account by the Registrar-General for the purposes of section 9(5)(b) of the Law in determining an application for authorisation as an authorised religious official shall include (without limitation) whether the applicant –

- (a) understands the requirements of and under the Law and is able fully to comply, and ensure compliance, with those requirements, and
- (b) is a fit and proper person to be an authorised religious official.

**Conditions on authorisation or renewal.**

4. (1) The authorisation of a person as a civil celebrant or as an authorised religious official shall, in addition to any conditions that the Registrar-General considers necessary or expedient in relation to a particular authorisation, be subject to the conditions set out in this regulation.

- (2) A civil celebrant or authorised religious official must –
  - (a) at any time, if so required by the Registrar-General, undertake such further training as the Registrar-General may require in order to ensure that marriages are solemnised in compliance with the Law,
  - (b) in relation to any particular marriage for which the civil celebrant or authorised religious official is the marriage celebrant, ensure that it is conducted in accordance with

the requirements of the Law and of any other applicable enactment or rule of law.

- (3) A civil celebrant must –
  - (a) hold a current policy of public liability insurance in the minimum sum of £5,000,000, such policy to be produced to the Registrar-General whenever so required, and
  - (b) publish the fees chargeable by the civil celebrant in respect of the civil celebrant's functions under the Law.
  
- (4) A civil celebrant must, in relation to any marriage –
  - (a) agree in writing with the persons to be married the form and content of the marriage ceremony,
  - (b) ensure that the form and content so agreed complies with the requirements of the Law,
  - (c) ensure that the agreed location, and alternative location if applicable, of the marriage is suitable and is not likely to prejudice –
    - (i) the dignity and solemnity of the marriage ceremony, and
    - (ii) the health and safety of the persons to be married and any persons attending the marriage ceremony,

and that any legal requirements relating to the use of the location for a marriage ceremony, and any guidance issued by the Registrar-General, are complied with,

- (d) subject to section 29(3)(a) of the Law, ensure that the marriage is solemnised on the date, at (or within one hour after) the time, and at a place, specified in the licence issued in respect of that marriage.

**Oath or affirmation.**

5. (1) The oath or affirmation to be taken or made by a civil celebrant for the purposes of section 10(3) of the Law is as set out in Schedule 1.

(2) Upon renewal of an authorisation under section 14 of the Law, a civil celebrant is not required to re-take the oath, or re-make the affirmation, referred to in paragraph (1).

**Inspection and investigation of complaints.**

6. (1) The Registrar-General may, for the purpose of monitoring a civil celebrant or authorised religious official under section 16 of the Law, carry out inspections of the performance of a civil celebrant or authorised religious official ("celebrant").

(2) The Registrar-General may, but need not, give advance notice to a celebrant of the date on which an inspection is to take place.

(3) If an inspection is carried out without giving advance notice the Registrar-General must notify the celebrant, in writing, as soon as practicable after the inspection –

- (a) that an inspection has taken place and the date on which it took place, and

- (b) where the Registrar-General intends to carry out an investigation under this regulation, of that intention.

(4) The Registrar-General may investigate any matter concerning a celebrant where the Registrar-General –

- (a) has been informed or has reason to believe that any condition of the celebrant's authorisation has not been complied with by the celebrant,
- (b) has reason to believe that the celebrant no longer meets the requirements for authorisation,
- (c) has reason to believe that the celebrant's application for authorisation was false or misleading in a material respect,
- (d) has imposed requirements on the celebrant as a result of a previous investigation and the Registrar-General has reason to believe that the celebrant has failed to comply with any of those requirements,
- (e) has reason to believe that the celebrant is –
  - (i) incapacitated by illness,
  - (ii) otherwise unable or unfit to discharge the functions of a civil celebrant or an authorised religious official, as the case may be, or
  - (iii) no longer a fit and proper person to discharge such functions.

(5) Where an investigation relates to –

- (a) a civil celebrant, the Registrar-General may, in carrying out the investigation, consult such persons or bodies as the Registrar-General deems necessary, or
- (b) an authorised religious official, the Registrar-General must, in carrying out the investigation, consult the governing body of the relevant religious organisation.

(6) The Registrar-General may request from a celebrant or any other person any information that the Registrar-General requires to undertake an investigation.

(7) If, having carried out an investigation pursuant to this Regulation, the Registrar-General is satisfied that there are no grounds to take further action, the Registrar-General shall notify –

- (a) the civil celebrant and such other person as the Registrar-General deems necessary, or
- (b) the authorised religious official and the governing body of the relevant religious organisation,

of the Registrar-General's decision to take no further action.

(8) If, having carried out an investigation pursuant to this Regulation, the Registrar-General is satisfied that there are grounds to take further action, the Registrar-General may, as appears to the Registrar-General necessary in the circumstances –

- (a) attach to the authorisation any condition, or suspend the authorisation pending further investigation, subject to compliance with section 18(1) of the Law,
- (b) terminate the authorisation, subject to compliance with section 18(2) and (4) of the Law,
- (c) issue a written warning to the celebrant, setting out the Registrar-General's concerns and such remedial action as the Registrar-General deems necessary, or
- (d) require the celebrant to undertake such further training, or submit to such supervision, as the Registrar-General may require.

**Notice of marriage.**

7. (1) An application to give notice of marriage under section 22(1) of the Law shall include the following, in addition to the matters mentioned in section 22(2) of the Law, in respect of each person to be married –

- (a) any other forename or surname by which the person is known,
- (b) usual place of residence,
- (c) period of residence at usual place of residence, and
- (d) should the parties wish details of the parents of the parties to be entered in the Marriage Register under regulation 10, the forenames and surnames of such parents,

and shall state whether either of the persons to be married is related to the other as set out in section 1(2)(a), (b), (c) or (d) of the Law.

(2) For the purposes of section 22(3) of the Law, the documents required to be provided to the Registrar-General by the persons to be married must include the following in respect of each person –

- (a) a birth certificate, showing the names of the person's parents, or an adoption certificate if applicable,
- (b) a Deed Poll, if applicable,
- (c) a valid passport, or other evidence to the Registrar-General's satisfaction of the person's identity,
- (d) evidence to the Registrar-General's satisfaction of the address of the person's usual place of residence,
- (e) evidence to the Registrar-General's satisfaction of the person's immigration status in the Bailiwick,
- (f) in the case of a person who has been married or a civil partner, the death certificate of the person's former spouse or civil partner, or evidence of a Final Order (Decree Absolute) of divorce, or dissolution of a civil partnership, or of annulment of a marriage or civil partnership,
- (g) in the case where one of the persons to be married is a minor aged 16 or 17 years, the forms of consent referred to in regulation 1(2) or an order of a court referred to in section 4(1)(b) of the Law.

(3) For the purposes of subparagraph (2)(f), where a divorce, dissolution or nullity was finalised in a jurisdiction outside the British Islands, the persons to be married must also produce to the Registrar-General a written opinion by an Advocate of the Royal Court of Guernsey that the divorce, dissolution or nullity, as the case may be, is recognised under the Law of the Bailiwick of Guernsey.

**Publication.**

8. For the purposes of sections 24(3) and 42(3) of the Law, the details required to be published include -

- (a) the date of the notice of marriage,
- (b) subject to section 59 of the Law, the full names and any former names of the parties to be married and any other names by which the said parties are known, and
- (c) the date of the intended marriage.

**Applications for reduction of publication period.**

9. (1) An application under section 25(1) for reduction of the minimum period of publication specified in section 24(4) of the Law ("**the application**") must be made in writing to the Registrar-General, stating the reduced period requested and the exceptional circumstances as a result of which the application is made, and providing supporting evidence as required in paragraphs (2) or (3), as the case may be.

(2) Where the exceptional circumstances include the illness of one of the persons to be married as mentioned in section 25(2)(a) of the Law, the application should be accompanied by written evidence from a medical practitioner –

- (a) that the medical practitioner is in medical attendance on the person concerned,

- (b) that the person is ill and unlikely for that reason to be able to enter into the proposed marriage if the period of publication is not reduced, and
- (c) that in the medical practitioner's opinion the person to be married understands the nature and purport of the marriage ceremony.

(3) Where the exceptional circumstances include circumstances other than those mentioned in paragraph (2), the application should be supported by such evidence as the Registrar-General may require in order to be satisfied that there are compelling reasons for reducing the publication period.

(4) For the purpose of paragraph (2), "medical practitioner" means a person who is entitled to practise as a medical practitioner in the Bailiwick under section 1 of the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015<sup>b</sup> or section 1 of the Regulation of Health Professions (Medical Practitioners) (Sark) Ordinance, 2017<sup>c</sup>, as the case may be.

**Particulars to be entered in Marriage Register.**

10. For the purpose of section 53(2) of the Law, the particulars relating to a marriage to be entered in the Marriage Register in relation to each party to the marriage are --

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<sup>b</sup> Ordinance No. XXII of 2015; amended by No. L of 2015; No. IX of 2016.

<sup>c</sup> Sark Ordinance No. VI of 2017.

- (a) full names, the names on the party's birth certificate or adoption certificate, if different, and any other name by which the party is known,
- (b) age,
- (c) marital status,
- (d) occupation, and
- (e) at the option of the parties to the marriage, the names of the parents of the parties.

**Application for certificate of no impediment.**

11. (1) An application for a certificate of no impediment under section 57 of the Law must be accompanied by the following documents in respect of the applicant –

- (a) a birth certificate, showing the names of the applicant's parents, or an adoption certificate if applicable,
- (b) a Deed Poll, if applicable,
- (c) a valid passport, or other evidence to the Registrar-General's satisfaction of the applicant's identity,
- (d) evidence to the Registrar-General's satisfaction of the address of the applicant's usual place of residence,
- (e) evidence to the Registrar-General's satisfaction of the applicant's immigration status in the Bailiwick,
- (f) in the case of an applicant person who has been married or a civil partner, the death certificate of the applicant's

former spouse or civil partner, or evidence of a Final Order (Decree Absolute) of divorce, or dissolution of a civil partnership, or of annulment of a marriage or civil partnership,

- (g) in the case of an applicant who is a minor aged 16 or 17 years, the forms of consent referred to in regulation 1(2) or an order of a court referred to in section 4(1)(b) of the Law.

(2) For the purposes of subparagraph (1)(f), where a divorce, dissolution or nullity was finalised in a jurisdiction outside the British Islands, the applicant must also produce to the Registrar-General a written opinion by an Advocate of the Royal Court of Guernsey that the divorce, dissolution or nullity, as the case may be, is recognised under the Law of the Bailiwick of Guernsey.

#### Fees.

12. (1) The fees payable in respect of and in connection with marriage shall be those set out in Schedule 2 and shall, subject to paragraph (2), be payable to the Registrar-General.

(2) Annual fees shall be payable in advance on 1<sup>st</sup> March in each year of the duration of the authorisation, such payments to be pro-rated for part of a year immediately following the date of authorisation or preceding the date of termination, but shall not be refundable in the event of the removal of the name of a person from the register established under section 8 of the Law, for whatever reason, during a period in respect of which an annual fee has been paid.

(3) Fees payable under this regulation shall be paid to the Registrar-General but in respect of functions by or under this Law carried out in Alderney or

Sark such fees shall accrue to the Deputy Registrar in Alderney or Sark, as the case may be.

**Interpretation.**

13. In these regulations, unless the context otherwise requires –

"**British Islands**" means the Bailiwick of Guernsey, the Bailiwick of Jersey, the United Kingdom of Great Britain and Northern Ireland, and the Isle of Man,

"**basic criminal record certificate**" means a certificate issued under section 113A of the Police Act 1997, as extended to the Bailiwick of Guernsey, with modifications, by the Police Act 1997 (Criminal Records) (Guernsey) Order, 2009,

"**the Law**" means the Marriage (Bailiwick of Guernsey) Law, 2020,

and all other expressions shall have the meaning given in the Law.

**Citation.**

14. These Regulations may be cited as the Marriage (Bailiwick of Guernsey) Regulations, 2020.

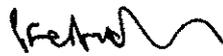
**Commencement**

15. These Regulations shall come into force as follows –

- (a) regulations 2, 3, 4, 5, 12, 13, 14 and 15, on 11<sup>th</sup> January, 2021, and

(b) regulations 1, 6, 7, 8, 9, 10 and 11 on 1<sup>st</sup> March, 2021.

Dated this 14th day of December, 2020

A handwritten signature in black ink, appearing to read 'P.T.R. Ferbrache', with a stylized flourish at the end.

P.T.R. FERBRACHE

President of the Policy & Resources Committee

For and on behalf of the Committee

## SCHEDULE 1

### FORM OF OATH OR AFFIRMATION

Regulation 5(1)

1. The form of oath to be taken by a civil celebrant before solemnising any marriage shall be as follows:

"You swear and promise on the faith that you owe to God that well and faithfully, with dignity and solemnity, you will discharge the office of Civil Celebrant of Marriages in the Bailiwick of Guernsey, the whole as to such charge appertains.

SO HELP YOU GOD".

2. The form of affirmation to be made by a civil celebrant before solemnising any marriage shall be as follow:

"You solemnly and truly declare and affirm that well and faithfully, with dignity and solemnity, you will discharge the office of Civil Celebrant of Marriages in the Bailiwick of Guernsey, the whole as to such charge appertains."

SCHEDULE 2

FEES

Regulation 12

PART I

*Marriage Celebrants*

<b>Description</b>	<b>Fee</b>
Training for authorisation as a civil celebrant	£250
Registration of civil celebrant	£50
Annual fee for civil celebrant	£100
Renewal of registration as civil celebrant	£100
Training for authorisation as authorised religious official (pre-commencement authorised persons)	£0
Training for authorisation as authorised religious official (other applicants)	£50
Registration of authorised religious official	£0
Annual fee payable in respect of authorised religious official	£0

PART 2

*Fees payable under Part III of the Law*

Description	Fee
Acceptance of notice of marriage	£85
Publication (also applies to publication of details of marriages to take place in Church of England)	£22.50
Application for reduced period of publication	£45
Issue of marriage licence	£70
Application for and issue of certificate of no impediment (per person)	£115
Entry of caveat	£0
Change to date, time, location or celebrant –  a) if made at least 6 weeks prior to original date of marriage and before marriage licence is issued  b) if made otherwise than in accordance with (a)	£0  £25
Solemnisation of marriage by Registrar-General at office of the Registrar-General during normal working hours	£85
Solemnisation of marriage by Registrar-General at office of the Registrar-General outside normal working hours	£235

Solemnisation of marriage by Registrar-General in another location during normal working hours	£230
Solemnisation of marriage by Registrar-General in another location outside normal working hours	£380

### PART 3

#### *Fees payable in relation to registration of marriages*

<b>Description</b>	<b>Fee</b>
Registration of marriage	£22.50
Correction of errors in register	£45
Search of register and provision of certified copies of an entry	£20

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#### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under the Marriage (Bailiwick of Guernsey) Law, 2020. They make provision for procedural matters under that Law, including the method of giving consent to the marriage of a minor; applications for authorisation as a civil celebrant or authorised religious official; conditions to be attached to such an authorisation; the form of oath or affirmation to be taken by marriage celebrants; the information and documentation required to be provided on giving notice of marriage

or applying for a certificate of no impediment; information to be included in notices of marriage and in the required publication prior to marriage; and the fees for various procedures under the Law.

These Regulations will come into force in two stages: as to those provisions which relate to and support the application for, and granting of, authorisation as a civil celebrant or authorised religious official, on the 11<sup>th</sup> January, 2021; and as to the remaining provisions, on 1<sup>st</sup> March, 2021.