

ORDINANCE
OF THE STATES OF DELIBERATION

ENTITLED

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

[CONSOLIDATED TEXT]

NOTE

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* Sark Ordinance No. II of 2020; as amended by the Marriage (Bailiwick of Guernsey) Law, 2020 (No. XVI of 2020). This Ordinance is prospectively amended by the Matrimonial Causes (Bailiwick of Guernsey) Law, 2022 (No. ** of 2022).

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ARRANGEMENT OF SECTIONS

1. Consequential and miscellaneous amendments.
2. Contrary provisions.
3. Interpretation.
4. Extent.
5. Citation.
6. Commencement.

SCHEDULE 1 Consequential and miscellaneous amendments.

SCHEDULE 2 Contrary provision to section 1(2) and 2 of the Law.

(Made on 22nd April, 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.

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

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

Ordinance, 2020.

Commencement.

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

NOTE

The Same-Sex Marriage (Sark) Law, 2019 was brought into force on 23rd April, 2020 by the Same-Sex Marriage (Sark) Law, 2019 (Commencement) Ordinance, 2020, section 1.

SCHEDULE 1

Section 1

CONSEQUENTIAL AND MISCELLANEOUS AMENDMENTS

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

1. ...

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",

(b) in Article 9(4), for "husband and wife" substitute

^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 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.

"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

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 Section 1(3) of the Married Women's Property (Sark) Law, 1975 is repealed.

^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.

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 –

(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

^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.

- (c) in paragraph 365, for "she", in each place where it appears, substitute "he".

NOTE

In Schedule I, paragraph 1 was repealed by the Marriage (Bailiwick of Guernsey) Law, 2020, section 67, Schedule, with effect from 1st March, 2021.

SCHEDULE 2

Section 2

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

(1) ENACTMENT	(2) PROVISIONS DISAPPLIED
Loi relative à la Protection des Femmes et des Filles Mineures registered on 1 st 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 3 rd March 1936 ^j	Whole Law
Matrimonial Causes Law (Guernsey) 1939	Articles 7(2)(c), 19(2), 26(2), 48, 50, 59, 60A
Matrimonial Matters (Evidence) (Guernsey) Law, 1953 ^k	Whole Law
Marriage (Enabling) (Guernsey) Law, 1961 ^l	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.

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

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

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"

NOTES

The Loi relative à la Protection des Femmes et des Filles Mineures, 1914 has since been repealed by the Sexual Offences (Bailiwick of Guernsey) Law, 2020, section 111, Schedule 2, paragraph 2 ("Repeals"), with effect from 1st March, 2022, subject to the savings in section 2 of the Sexual Offences (Bailiwick of Guernsey) Law, 2020 (Commencement) Ordinance, 2022.

The Loi sur les Empêchements au Mariage à cause de Parenté et sur l'Établissement de la Juridiction Civile dans les Causes Matrimoniales, 1936 and the Marriage (Enabling) (Guernsey) Law, 1961 have both since been repealed by the Marriage (Bailiwick of Guernsey) Law, 2020, section 67, Schedule, with effect from 1st March, 2021.

^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.