

Civil Partnerships

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More than thirty separate local laws dating back as far as 1862 had to be changed to ensure that they apply to the new civil partnerships ranging from the adoption law (which allows civil partners to adopt children) to the ability to open joint bank accounts and claim a joint pension.

With regard to ownership of property, Civil Partners are now entitled to various rights previously given only to "spouses" within a marriage:

- Civil partners will be entitled to relief on the payment of stamp duty in relation to transfers between themselves of a home they share (just as spouses claimed previously). For transfers of the shares in a share transfer property Land Transaction Tax will be payable at the current reduced rate of £60.
- Under the Wills and Successions (Jersey) Law 1993 as amended, there is a definition of a "civil partnership home" meaning a dwelling place in Jersey occupied as their principal residence by a person and that person's civil partner either owned as tenants in common or held under a contract lease (for a term exceeding 9 years) by the civil partners or a corporation owned by them. The law now entitles a civil partner to claim a right of dower, where the other civil partner dies after 2nd April 2012 leaving a will of immovable property. If the civil partner dies intestate then, with certain exceptions, the surviving civil partner is entitled to a life interest of the civil partnership home with the usual rights and obligations which comes with that life interest.
- Under Article 12 of the Bankruptcy (Désastre) (Jersey) Law 1990 where a "matrimonial home" vests in the Viscount on the bankruptcy of one civil partner, the other can make an application within 3 months for an order for the home to pass to them or for a claim to the proceeds of any sale of the home or a life interest in that home.
- If one civil partner is declared "en désastre" (a form of bankruptcy) the Viscount can summon their civil partner to give evidence regarding their income debts and similar albeit that person may claim privilege and decline to answer on the basis that doing so might incriminate him/her or their civil partner.
- A civil partner will be an "associated person" for the purposes of the laws regarding transactions at an undervalue or for a preference which can permit such transfers to be set-aside where one civil partner becomes insolvent within the statutory period of time (this can even extend to a former civil partner or what the law describes as a "reputed civil partner").
- As "associated persons" a civil partner buying with their partner can expect to be required to take independent legal advice in certain circumstances. Many banks are already working on this basis when proving loan facilities to civil partners.
- For "flying freehold" properties, where the Association Representative and his/her spouse is not permitted from presiding over a meeting of the Co-Owners, this prohibition is extended to a civil partner of the Representative.

The information and expressions of opinion contained in this guide are not intended to be a comprehensive study or to provide legal advice and should not be treated as a substitute for specific advice concerning individual situations.

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