

Reference: C.N.67.2021.TREATIES-IV.8 (Depositary Notification)

CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN

NEW YORK, 18 DECEMBER 1979

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND: TERRITORIAL
APPLICATION IN RESPECT OF THE BAILIWICK OF JERSEY ¹

The Secretary-General of the United Nations, acting in his capacity as depositary,
communicates the following:

The above action was effected on 16 February 2021.

(Original: English)

“... the Government of the United Kingdom of Great Britain and Northern Ireland hereby extends the application of the United Kingdom’s ratification of the Convention ... to the territory of the Bailiwick of Jersey, for the international relations of which the United Kingdom is responsible.

The Government of the United Kingdom of Great Britain and Northern Ireland considers that the extension of the Convention to the Bailiwick of Jersey will enter into force on the date of receipt of this notification...”

Reservations and declarations (Original: English)

“General

(a) The Bailiwick of Jersey understands the main purpose of the Convention, in the light of the definition contained in Article 1, to be the reduction, in accordance with its terms, of discrimination against women, and does not therefore regard the Convention as imposing any requirement to repeal or modify any existing laws, regulations, customs or practices which provide for women to be treated more favourably than men, whether temporarily or in the longer term; the Bailiwick of Jersey’s undertakings under Article 4, paragraph 1, and other provisions of the Convention are to be construed accordingly.

(c) In the light of the definition contained in Article 1, the extension of the ratification of the United Kingdom of Great Britain and Northern Ireland on behalf of the Bailiwick of Jersey is subject to the understanding that none of the Bailiwick of Jersey’s obligations under the Convention shall be treated as extending to the succession to, or possession and enjoyment of, the Throne, the peerage, titles of honour, social precedence or armorial bearings, or as extending to the affairs of religious

¹ Refer to depositary notification C.N.108.1986.TREATIES-4 of 7 August 1986 (Ratification: United Kingdom of Great Britain and Northern Ireland).

denominations or orders or any act done for the purpose of ensuring the combat effectiveness of the Armed Forces of the Crown.

Article 9

The British Nationality Act 1981, which was brought into force with effect from January 1983, is based on principles which do not allow of any discrimination against women within the meaning of Article 1 as regards acquisition, change or retention of their nationality or as regards the nationality of their children. The Bailiwick of Jersey's acceptance of Article 9 shall not, however, be taken to invalidate the continuation of certain temporary or transitional provisions which will continue in force beyond that date.

Article 11

The Bailiwick of Jersey reserves the right to apply all Jersey legislation and the rules of pension schemes affecting retirement pensions, survivors' benefits and other benefits in relation to death or retirement (including retirement on grounds of redundancy), whether or not derived from a Social Security scheme.

This reservation will apply equally to any future legislation which may modify or replace such legislation, or the rules of pension schemes, on the understanding that the terms of such legislation will be compatible with the Bailiwick of Jersey's obligations under the Convention.

The Bailiwick of Jersey reserves the right to apply any non-discriminatory requirement for a qualifying period of employment or insurance for the application of the provisions contained in Article 11(2).

Article 13

The Bailiwick of Jersey reserves the right, notwithstanding the obligations undertaken in Article 13, or any other relevant article of the Convention, to continue to apply income tax legislation, pending proposed changes to these arrangements, which:

- i) Deems for income tax purposes the income of a married person living with their spouse in a year, or part of a year, of assessment to be the spouse's income and not that of the married person (subject to the right of either the married person or spouse to elect for separate assessment); and
- ii) Requires tax in respect of such income of such a married person to be assessed on their spouse (subject to the right of either the married person or their spouse to apply for separate assessment) and consequently if no such application is made restricts to the spouse the right to appeal against any such assessment and to be heard or to be represented at the hearing of any such appeal.

Article 15

In relation to Article 15, paragraph 3, the Bailiwick of Jersey understands the intention of this provision to be that only those terms or elements of a contract or other private instrument which are discriminatory in the sense described are to be deemed null and void, but not necessarily the contract or instrument as a whole.

The Bailiwick of Jersey reserves the right, notwithstanding the obligations undertaken in Article 15, paragraph 4, or any other relevant article of the Convention, to continue to apply the customary rule of law whereby a wife takes her husband's domicile, pending the planned abolition of this law.

Article 16

The Bailiwick of Jersey reserves the right, notwithstanding the obligations undertaken in Article 16, paragraph 1(h), to continue to apply the customary rule of law whereby where a person dies intestate, with no issue, the distribution of immovable property may favour the paternal side of the family pending the abolition of this law, and noting that the abolition of vidute and changes to the rights of dower do not apply in relation to the estate of a person who died before 1 September 1993.”

23 February 2021

