



ST HELENA

A BILL

FOR

AN ORDINANCE

to amend various Ordinances to provide for equal treatment of the population regardless of gender.

Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St Helena.

Citation and commencement

1. This Ordinance may be cited as the General Amendment (Gender Equality) Ordinance, 2017 and comes into force on the date of publication.

Amendment of legislation

2. The legislation listed in the first column of the Schedule is amended to the extent indicated in the second column thereof.

SCHEDULE

AMENDMENTS TO LEGISLATION

| Legislation | Extent amended |
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| Births and Deaths (Registration) Ordinance, Cap. 79 | Section 9(2) is repealed and the following is substituted therefor: “(2) The Registrar for St Helena must on or within seven days after the registration of the birth of any child, not already vaccinated in St Helena, give notice in writing to the person with parental responsibility for the child, that it is that person’s duty to have the child vaccinated in the manner directed in the Vaccination Ordinance, and must deliver to that person a notice of the days, hours and places where the Chief Medical Officer or other medical |

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| | <p>practitioner will be available for the purposes of vaccination.”</p> <p>Section 10(1) is amended by deleting the words “father and mother” wherever it occurs in the words preceding the proviso and substituting “parents” therefor.</p> |
| Civil Procedure Ordinance, Cap. 32 | <p>Section 37(1) is amended by deleting the words “his wife” in paragraph (a) of the proviso and substituting “his or her spouse” therefor.</p> |
| Liquor Ordinance, Cap. 56 | <p>Section 31(3) is amended by deleting the words “wife, husband or child” and substituting “spouse, life partner or child” therefor.</p> |
| Matrimonial Causes Ordinance, Cap. 81 | <p>Sections 10, 11 and 12 are repealed.</p> <p>Section 16(4) is amended by deleting the words and character “including a wife if she has separate property,”.</p> <p>Section 19 is amended—</p> <p>(a) by repealing subsection (1) and substituting the following therefor:</p> <p>“(1) In every case of a judicial separation, each spouse is, from the date of the decree and whilst the separation continues, considered as a sole owner with respect to the property of every description which that party acquires or which devolves upon him or her, and that property may be disposed of by him or her in all respects as a sole owner, and on his or her intestate death, that property, will devolve as if that party’s spouse had pre-deceased him or her: Provided that if that party again cohabits with his or her spouse, all that property as he or she is entitled to when such cohabitation commences, shall be held to that party’s separate use, subject however to any agreement in writing made between that party and his or her spouse whilst separate.”;</p> <p>(b) by repealing subsection (2).</p> <p>Section 21 is amended—</p> <p>(a) by deleting the words “the wife” in subsection (1) and substituting “either party” therefor;</p> <p>(b) by deleting subsection (2) and substituting the following therefor:</p> <p>“(2) Such petition must be served on the defendant and the Court may make such order on the defendant for payment to the petitioner of maintenance as it deems just.”.</p> <p>Section 22, other than the heading, is repealed and the following is substituted therefor:</p> |

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| | <p>“22. The Court may, if it sees fit, on any decree absolute of divorce or nullity of marriage or on any decree of judicial separation, order that one party shall secure to the other party such gross sum of money, or such annual sum of money for any term not exceeding that other party’s life, as, having regard to the circumstances the court deems reasonable or the Court may make an order on either party for the payment to the other party during their joint lives of such monthly or weekly sum for his or her maintenance and support as the Court may think reasonable:</p> <p>Provided that if the party from any cause becomes unable to make such payment, the Court may discharge or modify the order or temporarily suspend the order as to the whole or any part of the money so ordered to be paid, and again to revive the same order wholly or in part, as to the Court seems fit.”.</p> |
| Trade Unions and Disputes Ordinance, Cap. 119 | Section 27 is amended by deleting the words “his wife” and substituting “his or her spouse” therefor. |
| Vaccination Ordinance, Cap. 61 | <p>Sections 3, 6 are amended by deleting the words “father or mother” wherever they occur and substituting the word “parents” therefor.</p> <p>Sections 4 and 5 are amended by deleting the words “the father or mother” wherever they occur and substituting “either parent” therefor.</p> |
| Welfare of Children Ordinance, 2010 | Section 101(3) is amended by deleting the words “the mother or father” and substituting “one of the parents” therefor. |

EXPLANATORY NOTE

(This note is not part of the Ordinance)

The purpose of this Ordinance is to amend various Ordinances to remove the differential treatment of persons based on gender to ensure gender equality and neutrality and eliminate discrimination against women.