

## MARRIAGE AMENDMENT BILL

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### EXPLANATORY MEMORANDUM

THIS Bill is intended to replace the Marriage Emergency Regulations 1944 (Serial number 1944/87), which provide for the keeping in New Zealand of a special register of marriages solemnized out of New Zealand between parties one or both of whom are members of the New Zealand Forces.

Clauses 2-6 are to the same effect as the regulations, which are revoked by clause 8. Clause 7 provides for the validity of Service marriages, and replaces the United Kingdom Act of 1823, upon which their validity has hitherto depended.

*Hon. Mr. Mason*

## MARRIAGE AMENDMENT

### ANALYSIS

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### A BILL INTITULED

AN ACT to amend the Marriage Act, 1908.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Marriage Amendment Act, 1946, and shall be read together with and deemed part of the Marriage Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

See Reprint of Statutes, Vol. III, p. 826

2. For the purposes of this Act and of the principal Act, unless the context otherwise requires,—

Interpretation.

“Member of the Forces” means any person who is a member of any of His Majesty’s Forces raised in New Zealand:

“Service marriage” means a marriage solemnized between parties one or both of whom are members of the Forces.

Record of  
Service  
marriages  
solemnized  
outside New  
Zealand.

3. (1) Subject to the provisions of subsection *three* of this section, every member of the Forces who while out of New Zealand solemnizes a Service marriage shall keep a record of the particulars relating to the marriage in a form as nearly as possible according to the form in the Sixth Schedule to the principal Act. 5

(2) Subject to the provisions of subsection *three* of this section, every member of the Forces who so solemnizes a Service marriage shall, as soon as practicable after the solemnization of the marriage, forward to the Registrar-General a duplicate record of the marriage bearing the actual signatures of the contracting parties, the witnesses, and the member of the Forces who solemnizes the marriage. 10

(3) Nothing in this section shall apply in any case where particulars of a Service marriage are registered in any part of the British dominions in accordance with the law thereof. 15

Special  
register of  
Service  
marriages.

4. (1) The Registrar-General on receiving, pursuant to section *three* of this Act, a duplicate record of particulars of a Service marriage solemnized out of New Zealand, and on being satisfied as to the authenticity thereof, shall bind the same up in a special register to be kept by him for the purpose. 20

(2) In any case where a Service marriage has been solemnized out of New Zealand by a member of the Forces, whether before or after the passing of this Act, and a duplicate record of the particulars of the marriage has not been received by the Registrar-General under this Act, the Registrar-General on receiving from either of the parties to the marriage or from any person on behalf of either of the parties or of any of their issue a record of the particulars of the marriage, or an original certificate of the solemnization thereof, purporting to be signed by the person who solemnized the marriage, and on being satisfied as to the authenticity of the record or certificate and that the production of a duplicate record in accordance with 25 30 35

section *three* of this Act is impracticable, may accept the record or certificate and bind it up in the special register aforesaid as if the record or certificate were a duplicate record as required by the said section *three*.

5 (3) The Registrar-General, for the purpose of establishing the authenticity of any record or certificate as aforesaid, may examine witnesses on oath, and may administer oaths to such witnesses, and may require any other proof, by affidavit, declaration, or otherwise,  
10 as he thinks fit.

5. The Registrar-General shall cause an index of the special register aforesaid to be compiled and kept in his office, and shall permit any person on payment of the appropriate fee specified in the Second Schedule  
15 to the principal Act to search the index and to have a copy, certified by the Registrar-General, of any record of the particulars of any marriage, or of any certificate of any marriage, which is in the special register aforesaid.

Index of special register.

20 6. A certified copy of the record of the particulars of any marriage, or of any certificate of any marriage, which is in the special register aforesaid shall, if it purports to be signed by the Registrar-General, be received as *prima facie* evidence in any Court of the  
25 fact of the marriage to which it relates having been solemnized.

Certified copies to be evidence of marriage.

7. (1) It is hereby declared that any Service marriage solemnized out of New Zealand by any member of the Forces who is a chaplain or who is  
30 duly authorized in that behalf shall be deemed to have been and to be as valid as if it had been solemnized in New Zealand in accordance with the principal Act by a person duly authorized in that behalf.

Validity of Service marriages.

(2) The Act of the Parliament of the United King-  
35 dom passed in the year eighteen hundred and twenty-three and intituled "An Act to relieve His Majesty's subjects from all doubt concerning the validity of certain marriages solemnized abroad" shall not after the passing of this Act be in force in New Zealand:

Repeal and saving.  
4 Geo. IV, c. 91

40 Provided that this subsection shall not render invalid any marriage solemnized before the passing of this Act.

Revocation of  
emergency  
regulations,  
and savings.  
Serial number  
1944/87

8. (1) The Marriage Emergency Regulations 1944 are hereby revoked.

(2) The special register and index kept under the regulations hereby revoked and all records, certificates, copies, and certified copies and generally all acts of authority that originated under any of the provisions of those regulations and are subsisting or in force on the passing of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated. 5 10

(3) All matters and proceedings commenced under the regulations hereby revoked and pending or in progress on the passing of this Act may be continued and completed under this Act. 15