

MARRIAGE AMENDMENT BILL

EXPLANATORY NOTE

This Bill contains miscellaneous amendments to the Marriage Act 1955.

Clause 2 provides for the appointment of more than one Deputy Registrar in any case where a Registrar has been appointed.

Clause 3 provides that proxy marriage may take place where conditions of his service as a member of the armed forces prevent one party to an intended marriage from being in New Zealand.

Clause 4 authorises the Registrar-General to require an officiating minister to register a marriage or to supply particulars in respect of a marriage solemnised by the minister. Any officiating minister who fails to comply with any such direction will commit an offence. It is already an offence to neglect to do the things in respect of which the Registrar-General is authorised to give a direction, but the period within which a prosecution may be commenced is limited. The clause is designed to meet those cases where the breach is discovered after the period of limitation has expired.

Clause 5 is complementary to *clause 4*. It permits the Registrar-General to complete his records from satisfactory evidence received by him in cases where the required particulars have not been forwarded.

Clause 6 permits the use of a shortened form for a copy of a marriage certificate. At present a shortened form may be used for copies issued by the Registrar-General but this clause will permit a similar form to be used by a Registrar and will also permit the use of alternative forms in such circumstances as may be prescribed.

Hon Mr Mason

MARRIAGE AMENDMENT

ANALYSIS

Title	4. Officiating minister to comply with directions of the Registrar-General with respect to registration
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2. Deputy Registrars	6. Form of certified copy
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A BILL INTITULED

An Act to amend the Marriage Act 1955

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

1. Short Title—This Act may be cited as the Marriage Amendment Act 1959, and shall be read together with and deemed part of the Marriage Act 1955 (hereinafter referred to as the principal Act).

10 **2. Deputy Registrars**—Section five of the principal Act is hereby amended as follows:

(a) By adding to subsection one the words “One or more Deputy Registrars may be appointed in any case where a Registrar is appointed.”:

15 (b) By omitting from subsection three the words “The Deputy Registrar,” and substituting the words “Every Deputy Registrar”:

(c) By repealing subsection four, and substituting the following subsection:

“(4) During a vacancy in the office of Registrar at any place, or during the absence from duty of the Registrar at any place, and so long as no Acting Registrar has been appointed to act for the Registrar, every Deputy Registrar at that place shall have all the powers, duties, and functions of the Registrar.” 5

3. Proxy marriages—Subsection two of section thirty-four of the principal Act is hereby amended by adding the words “or by reason of the conditions of his service as a member of the armed forces of any Commonwealth country, or of any country for the time being allied with any Commonwealth Country.” 10

4. Officiating minister to comply with directions of the Registrar-General with respect to registration—The principal Act is hereby amended by inserting, after section thirty-seven, the following section: 15

“37A. (1) Where any officiating minister has neglected to register the particulars of any marriage solemnised by him or to forward to the Registrar-General any document required to be so forwarded by this Part of this Act, the Registrar-General may direct the officiating minister to register the particulars or to forward the document. 20

“(2) Any officiating minister who fails to comply with a direction of the Registrar-General under subsection one of this section commits an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds.” 25

5. Registrar-General may complete register from evidence received—Section thirty-eight of the principal Act is hereby amended by adding the following as subsection two thereof:

“(2) Where particulars of any marriage required to be registered under this Act have not been so registered, or for any reason whatever the Registrar-General has not a copy of any entry under section thirty-six of this Act relating to a marriage, he may, on receipt of a statutory declaration or such other evidence as he deems sufficient as to the several particulars required to be registered, insert particulars of the marriage in the register kept under this section”. 30
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6. Form of certified copy—Section fifty of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection: 40

“(1) Every certified copy of an entry in a register under this Act shall be in the prescribed form and any such form shall include only such particulars, and shall be used in such circumstances, as may be prescribed.”