Commencement: 21 June 1971

CHAPTER 60

MARRIAGE

JR 16 of 1970
JR 39 of 1975
JR 34 of 1981
Act 5 of 1993

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MARRIAGE

To provide for the validity of marriages.

PART 1 – THE VARIOUS FORMS OF MARRIAGE AND THE PERSONS AUTHORISED TO CELEBRATE MARRIAGES

1. Persons before whom marriage may be celebrated

Every marriage celebrated after the coming into operation of this Act shall be valid if celebrated –

(a) before a District Registrar;

(b) before a minister for celebrating marriages; or

(c) in accordance with custom;

and in accordance with the provisions of this Act.

2. Appointment of District Registrars

(1) District Registrars shall be appointed by the Minister responsible for home affairs and their appointments shall be notified in the Gazette.

(2) The instrument of appointment of a District Registrar shall declare the district within which he may celebrate marriages.

(3) The jurisdiction of each District Registrar shall be limited to the District to which he has been appointed. The Minister responsible for home affairs may appoint an additional District Registrar to a district who shall exercise concurrently with the office holder the functions conferred upon him by this Act.

3. Registration of ministers for celebrating marriages

(1) The Minister responsible for religious affairs, upon receiving a requisition from the head of the denomination to which any minister of religion ordinarily officiating as such in Vanuatu belongs, may register such minister as a minister for celebrating marriages for the purposes of this Act. The Minister responsible for religious affairs may after consulting the head in Vanuatu of the denomination to which he belongs remove the name of any minister from the register. The Minister responsible for religious affairs shall publish in the Gazette the registration of every minister and the removal of the name of any minister from the register, which shall come into effect on the day of such publication.

(2) If any minister so registered dies or departs permanently from Vanuatu or is by the head of his denomination deprived of his office of minister, the Minister responsible for religious affairs, upon being satisfied of the facts, shall remove the name of such minister from the register.

(3) No marriage shall be rendered void by reason only of the same having been celebrated by a person not being a duly registered minister, if either of the parties to the marriage bona fide believes at the time that he was a duly registered minister.

(4) Whenever any person desires to be married solely by custom he shall before the marriage may be celebrated fulfil the pre-marital requirements of the custom under which he desires to be married. Any person wishing to contest the validity of such a marriage shall first prove that these requirements have not been fulfilled.

PART 2 – FORMALITIES BEFORE MARRIAGE

4. Posting of notice of intended marriage

Subject to the provisions of section 6, before any marriage may be celebrated by a District Registrar or by a minister for celebrating marriages, a dated written notice of the intended marriage, giving the names and conditions of the parties thereto, their ages, family relationships and places of residence, in one of the official languages, and, if necessary, in a language understood by the parties thereto, shall be posted prominently in a place inside the church or outside the premises where the marriage is to be celebrated. Such notice shall be posted at least 3 weeks before the date of such intended marriage, and shall remain posted until the celebration of the marriage or until the expiration of 3 months from the date of the notice, whichever shall first happen. If, for any reason, the marriage be not celebrated within 3 months from the date on which the notice shall have been given as required by this section, fresh notice must be given in the manner hereinbefore set out. The notice of marriage used for religious marriage shall be attached by the minister for celebrating marriages to the copy of the marriage certificate which is sent to the District Registrar in accordance with the provisions of section 15.

5. Form of notice of intended marriage

The notice provided for in section 4 shall be as prescribed in Form A in Schedule 1 and shall be signed by both parties to the intended marriage.

6. Notice not required when banns of marriage called

Written notice of an intended marriage shall not be required when banns of marriage have been called on 3 successive Sundays or Sabbaths during public service of worship, in the regular place of worship of either or both of the parties to an intended marriage and provided that the marriage is performed in that place of worship not later than 3 months after such calling of banns. In such case the minister performing the marriage shall attach to a copy of the marriage certificate, a certificate as prescribed in Form B in Schedule 1, stating that the banns of marriage were duly called.

7. Declaration prior to marriage

No marriage shall be celebrated by a minister for celebrating marriages or a District Registrar until each of the parties to the intended marriage shall have made and signed the declaration prescribed in Form D in the Schedule to the Civil Status Act, Cap. 61. The declarations shall be forwarded to the District Registrar together with the marriage certificate forwarded in accordance with the provisions of section 16.

8. Proof of impediment to marriage

Any person who claims that an impediment exists to any marriage, or that any marriage has not been publicly celebrated, or that any marriage is invalid shall himself bring proof of the facts alleged.

PART 3 – THE CELEBRATION OF MARRIAGES

9. Marriages not to contravene Cap. 45

No marriage shall be celebrated in contravention of the provisions of the Control of Marriage Act, Cap. 45. Every marriage shall be celebrated publicly. A marriage celebrated in contravention of the provisions of this section shall be deemed to be void.

10. Formalities of custom marriage

Every custom marriage shall be performed in a place and according to the form laid down by local custom.

11. Number of witnesses required at celebration of marriage
The presence of at least two witnesses aged over 21 years shall be necessary for the due celebration of every marriage before a minister for celebrating marriages or a District Registrar.

12. Place of celebration of marriage
Every marriage before a District Registrar or before a minister for celebrating marriages shall be celebrated in the premises, or in the church in which notice of the intended marriage was given, or in which the banns were called, as the case may be:

Provided that when one or other of the parties to an intended marriage is in extremis, or in any other case where the circumstances so require, a District Registrar or a minister for celebrating marriages may celebrate a marriage in a place other than those prescribed in this Act.

13. Formalities of marriage celebrated before a minister for celebrating marriages
Every marriage celebrated before a minister for celebrating marriages shall be performed according to the form practised by his denomination. In addition, to be valid it must include the expression by both parties thereto of their consent to the union thus contracted.

14. Formalities of marriage celebrated before District Registrar
Every marriage before a District Registrar shall be celebrated, after he has satisfied himself that the formalities precedent to marriage prescribed by this Act have been complied with, in the form prescribed in Schedule 2.

PART 4 – FORMALITIES AFTER MARRIAGE

15. Registration of marriage
(1) Immediately upon the celebration of any civil, religious or custom marriage, it shall be registered in conformity with the provisions of the Civil Status Act, Cap. 61.

(2) Where the marriage is performed by a minister for celebrating marriages, the person performing the ceremony of marriage and, in the case of a custom marriage, the bridegroom or the head of his family or the head of the bride's family or the chief of the village of either of the parties or an assessor, who was present at the marriage, shall thereafter forward to the District Registrar on the first occasion possible a notice as prescribed in Form C in Schedule 1.

(3) In all cases, the parties to the marriage shall be issued by the Registrar-General with a certified copy of the page of the Central Register relating to their marriage.

PART 5 – OTHER PROVISIONS

16. Parties unable to write to place their mark or cross on notice or declaration
If either of the parties to an intended marriage is unable to write, it shall be sufficient if he or she place a mark or cross to the notice required under section 4 and the declaration required under section 7; the notice and declaration shall be witnessed by the District Registrar, the minister for celebrating marriages, or a person authorised under section 15 to notify the Registrar of the celebration of a custom marriage, as the case may be, in the style prescribed at the foot of Form A in Schedule 1.

17. Certified copy of register admissible in evidence
Any completed page in the Central Register, or any copy thereof certified as a true copy by a District Registrar of Civil Status or by the Registrar-General, shall be admissible in any court as sufficient evidence of the marriage to which it relates. Any person who falsifies such a

copy by means of addition, alteration or omission shall be guilty of an offence and liable to a fine not exceeding VT 50,000 or to a term of imprisonment not exceeding 6 months, or to both such fine and imprisonment.

18. Offence for unauthorised person to celebrate marriage

Any person who, not being duly authorised thereto by the provisions of this Act, celebrates any marriage shall be guilty of an offence and shall be liable to a fine not exceeding VT 50,000 or to a term of imprisonment not exceeding 6 months. In such a case, the marriage shall be void, except as provided in section 3(3).

19. Offence to make false declaration to contract marriage

Any person who wilfully makes a false declaration in order to contract a marriage which would otherwise have been illegal shall be guilty of an offence and shall be liable to a fine not exceeding VT 50,000 or to a term of imprisonment not exceeding 6 months, or to both such fine and imprisonment.

20. Saving

Nothing in this Act shall be deemed to invalidate any marriage, however performed, prior to the coming into operation of this Act.

21. Fees

The Minister responsible for home affairs may by Order prescribe fees payable on the celebration of marriage.

SCHEDULE 1

(sections 4 and 5)

FORM A

NOTICE OF INTENDED MARRIAGE

Notice is hereby given that a marriage is intended to be celebrated within 3 months of the date hereof between the undersigned.

The marriage will take place at .....

Name	Condition	Occupation Rank or Profession	Age	Place of Residence	Consent, if any, and by whom given
1. 2.					

those our hands this ..... day of ..... 20.....

.....
(Signature)

.....
(Signature)

(section 16)

Certificate of the District Registrar or the Minister for Celebrating Marriages

(To be completed only if either of the parties to the intended marriage is unable to write.)

Signed by the said ..... at .....
on the .....day of ..... 20.....
This notice was interpreted to him/her in the .....
language by ..... He/She seemed to understand the nature and purpose thereof and made his/her mark thereto in my presence.

Signed .....

FORM B

(section 6)

NOTICE OF INTENDED MARRIAGE

Calling of Banns

To: The District Registrar at .....

I hereby declare that the Banns of Marriage between .....
and ..... have been called on 3 successive Sabbaths during public service of worship, the dates being

(1) .....(2) ..... and (3) .....

Date ....
Signature, minister for celebrating marriages

FORM C

(section 15)

NOTICE OF MARRIAGE

	1. Date and Place of Marriage and by whom performed	
HUSBAND	2. Name in Full, Occupation, Place of Residence	
	3. Date and Place of Birth	
	4. Status (Bachelor, Widower, Divorced)	
	5. Parentage	
WIFE	6. Name in Full, Occupation, Place of Residence	
	7. Date and Place of Birth	
	8. Status (Spinster, Widow, Divorced)	
	9. Parentage	
WITNESSES	10. Name in Full, Occupation, Place of Residence Date and Place of Birth	
	11. Name in Full, Occupation, Place of Residence Date and Place of Birth	
REMARKS	12. Time, Day, Month and Year of Declaration	
	13. Other Remarks/Observations	

.....
Signature or thumbprint of Witness

.....
Signature or thumbprint of Witness SEAL

.....
Signature of minister for celebrating marriages (if appropriate)

.....
Date

.....
Signature of Registrar or Sub-Registrar

.....
Full name of Registrar or Sub-Registrar

.....
Office or Occupation

.....
Date

FOR USE OF REGISTRAR-GENERAL

(a) Seal and date of Authentication

(b) Number in Central Register.....

SCHEDULE 2

(section 14)

FORM OF MARRIAGE CEREMONY BEFORE A DISTRICT REGISTRAR

1. The District Registrar shall address each party as follows –
"Do you ..... (full name) consent to take ..... (full name of other party) as your wife (or husband)?"

2. If both parties answer in the affirmative, the District Registrar shall in a manner understood by them inform the parties that they are for all purposes married and that the marriage cannot be dissolved while they are both living except by a valid judgment of divorce.

3. The District Registrar shall then address the parties together in the following words –

"You owe to one another mutual fidelity, support and assistance. The husband is the head of the family, but he shall exercise this function in its common interest, the wife combining with him to ensure its orderly conduct and in particular to assist in the proper upbringing of the children. The wife may fulfil the functions of the husband as head of the family if for any reason the husband is unable to do so. The husband shall be primarily responsible for the material welfare of the family and shall furnish the necessities of life according to his ability. The choice of the family home shall rest with the husband and the wife shall live with him and the husband shall be bound to allow her to do so."

Table of Amendments (since the Revised Edition 1988)

3(1) *Amended by Act 5 of 1993*
3(2) *Amended by Act 5 of 1993*