

REPUBLIC OF VANUATU

BILL FOR THE

MARRIAGE

(AMENDMENT) ACT NO. OF 2021

Explanatory Note

This Bill amends the Marriage Act [CAP 60] (“the Act”).

The current Act recognises the common forms of marriage such as civil marriage, religious marriage and marriage in accordance with custom.

This Bill empowers the Minister to prescribe other formalities relating to marriages.

It is the Government’s policy to include Sub-Registrars for the purposes of administering this Act.

Currently, there is no provision allowing the Minister to make Regulations under the Act. This Bill empowers the Minister, on the advice of the Registrar- General, to amend by Order a Schedule and to make Regulations under the Act.

Deputy Prime Minister and Minister of Internal Affairs



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**BILL FOR THE
MARRIAGE
(AMENDMENT) ACT NO. OF 2021**

An Act to amend the Marriage Act [CAP 60].

Be it enacted by the President and Parliament as follows-

1 Amendment

The Marriage Act [CAP 60] is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF MARRIAGE ACT [CAP 60]

1 Whole of the Act

After “District Registrar”, insert “or Sub-Registrar”

2 Section 1

Repeal the section, substitute

“1. Interpretation

In this Act, unless the contrary intention appears:

Central Register has the same meaning as in the Civil Status (Registration) Act [CAP 61];

District Registrar means a person appointed as a District Registrar under subsection 4(1) of the Civil Status (Registration) Act [CAP 61];

marriage means:

- (a) a civil marriage; or
- (b) a religious marriage; or
- (c) a custom marriage;

Minister means the Minister responsible for religious affairs;

minister means a person registered under section 3A;

Registrar-General has the same meaning as in the Civil Status (Registration) Act [CAP 61];

Sub-Registrar means a person appointed as a Sub-Registrar under subsection 4(3) of the Civil Status (Registration) Act [CAP 61].

1A. Persons before whom marriage may be celebrated

- (1) A marriage must be celebrated in accordance with the provisions of this Act.
- (2) A marriage is valid if it is celebrated:
 - (a) before a District Registrar or a Sub-Registrar; or
 - (b) before a minister for celebrating marriages; or
 - (c) before a custom chief for a custom marriage.”

3 Section 4

After “District Registrar” (first occurring), insert “, Sub-Registrar”

4 Section 8

After “himself”, insert “or herself”

5 Section 12

- (a) After “District Registrar” (wherever occurring), insert “, Sub-Registrar”
- (b) Delete “before” (second occurring)

6 Section 13

After “his”, insert “or her”

7 Section 14

- (a) After “he”, insert “or she”
- (b) After “himself”, insert “or herself”

8 After section 21

Insert

“22. Amendment of Schedule

The Minister may, on the advice of the Registrar-General, by Order, add to, vary or replace a Schedule in this Act.

23. Regulation

- (1) The Minister may, on the advice of the Registrar-General, make Regulations:
 - (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

- (2) Without limiting subsection (1), the Minister, on the advice of the Registrar-General, may make Regulations for all or any of the following:
 - (a) prescribe other formalities for the celebration of marriage;
 - (b) prescribe fees for the celebration of marriage.”