



Marriage Amendment Act 2012

Public Act 2012 No 13
Date of assent 24 February 2012
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Marriage Amendment Act 2012.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act amended

This Act amends the Marriage Act 1955.

4 New section 41 substituted

Section 41 is repealed and the following section substituted:

“41 Certificate of no impediment to person intending foreign marriage

“(1) A person who intends to marry outside New Zealand in accordance with the law of another country or jurisdiction may apply to the Registrar-General for a certificate of no impediment.

“(2) An application must—

“(a) be made in the prescribed form; and

“(b) contain the prescribed information; and

“(c) be accompanied by the prescribed fee.

“(3) On receipt of an application, the Registrar-General must make whatever searches and inquiries he or she considers appropriate.

“(4) The provisions of sections 25(1) to (3) and 26 apply in respect of intended marriages to which this section relates in the same way as they apply to marriages intended to be solemnised in New Zealand.

“(5) The Registrar-General may issue a certificate of no impediment to the applicant if—

“(a) any caveat lodged within 14 days of the Registrar-General receiving an application under subsection (1) is withdrawn by the caveator or discharged under section 26; and

“(b) the Registrar-General is satisfied that no lawful impediment to the intended marriage has been shown to exist.”

5 Consequential amendments to Marriage (Forms) Regulations 1995

(1) This section amends the Marriage (Forms) Regulations 1995.

(2) Regulation 3 is amended by revoking paragraph (e) and substituting the following paragraph:

- “(e) for an application under section 41 by a person who intends to marry outside New Zealand for a certificate of no impediment, form 5:”.
 - (3) Regulation 3 is amended by revoking paragraph (f).
 - (4) The Schedule is amended by—
 - (a) revoking form 5 and substituting the form 5 set out in the Schedule of this Act; and
 - (b) revoking form 6.
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Schedule

s 5(4)(a)

**New form 5 substituted in Schedule of
Marriage (Forms) Regulations 1995**

Form 5

r 3(e)

Application for certificate of no impediment

*Section 41, Marriage Act 1955***To the Registrar-General**

- 1 I, [*full name*], at present residing at [*place*], intend to marry [*full name*], a national or citizen of [*country of nationality of partner*], in [*country of intended marriage*].
- 2 I apply for a certificate of no impediment to my intended marriage.
- 3 My details are—
Name at birth (if different from above):
Date of birth:
Place of birth:
Father's full name:
Father's full name at birth:
Mother's full name:
Mother's full name at birth:

Select any of paragraphs 4 to 6 that apply.

- 4 I have previously been married—
Date of previous marriage:
Place of previous marriage:
How marriage ended:
Date and place of dissolution (if applicable):
- 5 I have previously been in a civil union—
Date of previous civil union:
Place of previous civil union:
How civil union ended:
Date and place of dissolution (if applicable):
- 6 *For this paragraph select the statement that applies.*
Statement A
My mother/father/parents* live in New Zealand.

Form 5—*continued*

My mother's/father's/parents'* address is:

*Select one.

Statement B

Neither of my parents live in New Zealand.

The name and address of a relative/friend* in New Zealand who has known me over a period of time is:

*Select one.

Date:

Signature of applicant:

Legislative history

16 February 2012

Divided from Statutes Amendment Bill (No 2)
(Bill 271–2) and third reading

24 February 2012

Royal assent

This Act is administered by the Ministry of Justice.
