



**THE TOKELAU MARRIAGE REGULATIONS 1986,
AMENDMENT NO. 1**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 17th day of October 1988

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Tokelau Act 1948, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Tokelau Marriage Regulations 1986, Amendment No. 1, and shall be read together with and deemed part of the Tokelau Marriage Regulations 1986* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of December 1988.

2. Interpretation—Regulation 2 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) In these regulations, unless the context otherwise requires,—

“‘Administration Officer’ means any employee of the Tokelau Public Service who holds office as the Administration Officer for a village in Tokelau:

“ ‘Administrator’ means the Administrator of Tokelau:

“ ‘Marriage officer’ means any person who is appointed as, or who is deemed to be, a marriage officer in Tokelau under or by virtue of these regulations:

“ ‘Registrar’ means the Registrar of Marriages appointed under these regulations; and includes the Deputy Registrar so appointed.”

3. Appointment of marriage officers—The principal regulations are hereby amended by revoking regulation 4, and substituting the following regulation:

“4. (1) Every person who holds office as an Administration Officer shall be deemed to be a marriage officer.

“(2) The Official Secretary may, by warrant signed by the Official Secretary, appoint as a marriage officer in Tokelau—

“(i) Any minister of religion:

“(ii) Any person, not being a minister of religion, who is recognised by the adherents of any religion as a person who may officiate at religious ceremonies for that religion.

“(3) The Official Secretary may, by warrant signed by the Official Secretary, after consultation with the Taupulega which, in the Official Secretary’s opinion, is the relevant Taupulega to consult, appoint any fit and proper person to be a marriage officer.

“(4) Any appointment under subclause (2) or subclause (3) of this regulation may be at any time revoked by the Official Secretary, by warrant signed by the Official Secretary.

“(5) Every person who, immediately before the commencement of this regulation, held office as a marriage officer in Tokelau shall, without further appointment, be deemed as from the commencement of this regulation to have been appointed as a marriage officer under this regulation.”

4. Validation of marriages solemnised by persons not authorised to solemnise marriages in Tokelau—No marriage purporting to have been solemnised in Tokelau before the 1st day of December 1988 and to have been registered in accordance with the principal regulations or the Tokelau Marriage Regulations 1969 or any other enactment providing for the registration of marriages solemnised in Tokelau that was previously in force in Tokelau shall be, or be deemed ever to have been, invalid by reason only that the person who purported to solemnise the marriage was not, at the time when that person purported to solemnise the marriage, authorised by or under the law of Tokelau to solemnise marriages.

C. J. HILL,
Acting for Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 December 1988, amend the Tokelau Marriage Regulations 1986.

The effect of the amendments is to change the categories of persons who are authorised to solemnise marriages in Tokelau. At present, the Administrator of Tokelau is empowered to appoint as a marriage officer any minister of religion or other person whom the Administrator believes to be a fit and proper person to be appointed. In future, every Administration Officer for a village will be a marriage officer *ex officio*. In addition, the Official Secretary will be empowered to appoint as a marriage officer—

(i) Any minister of religion:

(ii) Any person, not being a minister of religion, who is recognised by the adherents of any religion as a person who may officiate at religious ceremonies for that religion:

(iii) Any other fit and proper person. (The Official Secretary is required to consult the relevant Taupulega (village council) before appointing any such person.)

These regulations also validate any marriage that purports to have been solemnised in Tokelau before 1 December 1988 and to have been registered in Tokelau. Such a marriage is not to be invalid by reason only that the person who purported to solemnise the marriage was not authorised to solemnise marriages in Tokelau.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 20 October 1988.

These regulations are administered in the Ministry of Foreign Affairs.