

Reprint

as at 20 September 2007

Niue Marriage Regulations 1970

(SR 1970/249)

Niue Marriage Regulations 1970: revoked, on 20 September 2007, by section 7(2) of the Niue Amendment Act 2007 (2007 No 71).

PURSUANT to the Niue Act 1966, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

Contents

	Page
1 Title and commencement	2
2 Interpretation	2
3 Solemnisation of marriage	2
4 Notice of marriage	3
5 Consent to marriage of minors	3
6 Marriage Registers	3
7 Record of marriage	3
8 Transmission of record to Registrar	3
9 Marriage certificate	4
10 Custody of Registers	4
11 Registers open to public	4

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

These regulations are administered in the Maori and Pacific Island Affairs Department.

12	Registrar may issue certified copies or certificates of any entry	4
13	Issue of certified copies of entries for official purposes	4
14	Certified copy of any entry in Registers to be received in Court	5
15	Correction of errors	5
16	Discretion of Registrar	5
17	Endorsement of marriage entry where marriage dissolved	5
18	Fees	6
19	Revocations and savings	6
	Schedule 1	6
	Schedule 2	10
	Fees to be paid to registrar of the High Court	

1 Title and commencement

- (1) These regulations may be cited as the Niue Marriage Regulations 1970.
- (2) These regulations shall come into force on the 1st day of April 1971.

2 Interpretation

In these regulations, unless the context otherwise requires,—

The Act means the Niue Act 1966

Marriage officer means a marriage officer as defined in section 517 of the Act

Register means the Marriage Register kept pursuant to regulation 6 of these regulations

Registrar means the Registrar of the High Court; and includes the Deputy Registrar

Other expressions defined in the Act have the meanings so defined:

A reference to a numbered form is a reference to a form so numbered in Schedule 1 to these regulations.

3 Solemnisation of marriage

- (1) All marriages must be solemnised between the hours of 8 am and 5 pm.

- (2) At the time of solemnisation of a marriage, the doors of the building (if any) shall be kept open to allow of the admission of the public.
- (3) The 2 witnesses to a marriage shall be of or over the age of 21 years.

4 Notice of marriage

The notice of marriage required under section 520 of the Act shall be in form 1.

5 Consent to marriage of minors

The consent required under section 526 of the Act shall be in form 2.

6 Marriage Registers

Every marriage officer shall keep for the purpose of recording marriages a Marriage Register in form 3 supplied for the purpose by the Registrar.

7 Record of marriage

- (1) Every marriage officer by whom a marriage is solemnised shall forthwith record on the original and copies of the Register the several particulars relating to the marriage required by form 3.
- (2) If a marriage officer is called upon to solemnise a marriage and at the time no Register is available, he shall enter the particulars of the marriage on a blank form instead of in the Register, and shall, as soon as practicable, affix the form in the Register and that form shall be deemed part of the Register.
- (3) No marriage shall be invalidated by any error or defect in form 3 or in the particulars so required to be recorded.

8 Transmission of record to Registrar

The duplicate copy of the Register shall be transmitted to the Registrar pursuant to section 524 of the Act.

9 Marriage certificate

Every marriage officer by whom any marriage is solemnised shall, without fee, deliver to one of the parties to the marriage a marriage certificate in form 3.

10 Custody of Registers

- (1) The Registers shall be safely kept by the marriage officers in whose custody they are placed, and shall be deemed to be the property of the Crown.
- (2) Upon the death, dismissal, transfer, or resignation of any marriage officer, the custody of those Registers shall pass to his successor in office.

11 Registers open to public

The Registers to be kept under these regulations shall at all reasonable times be open to the public on payment of the prescribed fee.

12 Registrar may issue certified copies or certificates of any entry

- (1) The Registrar shall, on the application of any person, and on payment of the appropriate fee prescribed in Schedule 2 to these regulations, issue in form 4 certified copies or certificates of any entry made in the said Registers.
- (2) Notwithstanding the provisions of this regulation, the Registrar may dispense with the payment of any fee payable under these regulations in cases of genuine hardship.

13 Issue of certified copies of entries for official purposes

Notwithstanding anything in regulation 12 hereof, where a certified copy of any entry in a Register kept under these regulations or a certificate as to any such entry is required for any official purpose, the Registrar shall issue the certified copy or special certificate in the prescribed form, free of any charge.

14 Certified copy of any entry in Registers to be received in Court

A certified copy of any entry in a Register, made or given and purporting to be signed by the Registrar and stamped with his seal, or made or purporting to be signed by any Deputy Registrar and stamped with the seal of the Registrar, shall be received in any Court as prima facie evidence of the marriage to which it relates.

15 Correction of errors

- (1) Any clerical error or any error of fact or substance or any omission of any material fact in any Register may be corrected by the Registrar.
- (2) For the purpose of this regulation, the Registrar may, if he thinks fit, require to be produced a statutory declaration and such other evidence as to the facts as he considers necessary.
- (3) Any person having custody of a Register shall, upon the direction of the Registrar, make corrections of any errors or omissions in the Register.
- (4) Except as provided in this regulation, no alteration shall be made in any entry in any Register after the entry has been completed.

16 Discretion of Registrar

Where for any sufficient cause shown to the satisfaction of the Registrar any act, matter, or thing required by these regulations cannot be done within the time limited by or in strict compliance with the conditions imposed by these regulations, it shall be sufficient if that act, matter, or thing is done within a reasonable time thereafter, or if the conditions imposed are complied with so far as is reasonably possible.

17 Endorsement of marriage entry where marriage dissolved

- (1) Upon the making of a decree of divorce, or a decree of presumption of death and of dissolution of marriage, or a decree of nullity of marriage, or a decree of dissolution of a voidable marriage in respect of any marriage solemnised in Niue,

the Registrar shall cause a memorandum to be entered on the record of the marriage entry.

- (2) The Registrar shall forward a notice of the memorandum referred to in subclause (1) of this regulation to the marriage officer (if any) having lawful custody of the Marriage Register in which the marriage is registered, and the marriage officer shall enter the particulars disclosed in the notice on the entry in the Marriage Register.
- (3) Every certified copy of an entry in a Marriage Register issued after any memorandum has been entered as provided by this regulation shall contain the particulars disclosed in the memorandum.

18 Fees

- (1) There shall be paid to the Registrar for various matters specified in Schedule 2 to these regulations the respective fees specified in that Schedule.
- (2) Every marriage officer is hereby empowered to receive and take on behalf of the Registrar the several fees specified in Schedule 2 to these regulations.

19 Revocations and savings

- (1) After the commencement of these regulations, the regulations under Part 18 of the Cook Islands Act 1915, relating to marriages, made by Order in Council on the 19th day of June 1916¹ shall cease to have effect as part of the law of Niue.
- (2) The provisions of sections 20, 20A, and 21 of the Acts Interpretation Act 1924 shall apply with respect to the regulations specified in subclause (1) of this regulation as if they had been revoked by subclause (1) of this regulation.

Schedule 1

Reg 4

¹ *Gazette*, 29 June 1916, p 2206

Form 1
Niue

NOTICE OF INTENDED MARRIAGE

To, a Marriage Officer of Niue.

Notice is hereby given that the undermentioned parties intend to marry at [*Church or other place where marriage is to be solemnised*] on 19.....

	Bridegroom	Bride
Name and surname		
Age		
Occupation		
Status (ie, bachelor, spinster, widower, widow, or divorced)		
Birthplace		
Usual residence		
Father's name and surname		
Father's occupation		
Mother's name and surname		

I solemnly declare that to the best of my knowledge and belief the foregoing particulars are true in every respect; and that there is not any impediment to the intended marriage (*and that the consent required under section 526 of the Niue Act 1966 has been obtained).

.....
[Signature of party giving notice]

*Delete if not applicable.

Declared before me, the undersigned, this..... day of 19.....

.....
Marriage officer.

Form 2
Niue

Reg 5

CONSENT TO MARRIAGE OF MINOR

I,

of

being the [*State: "Father or Mother"*]

of [*Full name of party to marriage who is underage*]

who was born of the

hereby consent to his (her) marriage with [*Full name of other party to marriage*]

.....
[*Signature of parent*]

Signed before me, the undersigned, at this day
of 19

.....
Marriage officer.

Form 3
Niue

Reg 6

MARRIAGE REGISTER

No.

	Bridegroom	Bride
Name and Surname		
Age		
Occupation		
Status (i.e, bachelor, spinster, widower, window, or divorced)		
Birthplace		
Usual residence		
Father's name and surname		

Form 3—*continued*

Father's occupation		
Mother's name and surname		

Married, after notice duly given to me as required by section 520 of the Niue Act 1966, this day of 19

.....
[Signature of marriage officer]

This marriage was solemnised between us:

Signatures of parties married

.....
Signatures, places of abode, and calling of witnesses

In the presence of us:

Form 4
Niue

Reg 12

CERTIFIED COPY OF ENTRY IN MARRIAGE REGISTER

Number		
When married		
Where married		
	Bridegroom	Bride
Name and Surname		
Age		
Occupation		
Status (i.e, bachelor, spinster, widower, widow, or divorced)		
Birthplace		
Usual residence		

Form 4—*continued*

Father's name and surname		
Father's occupation		
Mother's name and surname		

Certified to be a true copy of the above particulars included in an entry in the Marriage Register in my lawful custody.

Dated at this day of 19

.....
Registrar.

Schedule 2
Fees to be paid to registrar of the High Court

Reg 18

	\$
For every notice of intended marriage	0.50
For every marriage solemnised	4.00
For every certified copy of any entry in a Marriage Register, including search	1.00
Search or inspection of Marriage Register, in respect of each name or entry	0.20

P J BROOKS,
Clerk of the Executive Council

Explanatory note

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

Reprinted as at
20 September 2007

Niue Marriage Regulations 1970

These regulations prescribe the procedure for the registration of marriages solemnised in Niue, the forms required, and the fees payable in respect of such marriages.

They are in substitution for the existing regulations under Part 18 of the Cook Islands Act 1915 relating to marriages in Niue, which will cease to have effect as part of the law of Niue.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 10 December 1970.

Contents

- 1 General
 - 2 About this eprint
 - 3 List of amendments incorporated in this eprint (most recent first)
-

Notes**1 General**

This is an eprint of the Niue Marriage Regulations 1970. It incorporates all the amendments to the Niue Marriage Regulations 1970 as at 20 September 2007. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about officialisation, please see "Making online legislation official" under "Status of legislation on this site" in the About section of this website.

3 List of amendments incorporated in this eprint (most recent first)

Niue Amendment Act 2007 (2007 No 71): section 7(2)
