

THE DEPARTMENT OF INTERNAL AFFAIRS



Te Tari Taiwhenua

Getting Married

A GUIDE FOR COUPLES PREPARING TO MARRY IN NEW ZEALAND

What is a marriage?

A marriage is the formalisation of a relationship between a man and a woman, in accordance with the Marriage Act 1955.

The Marriage Act and the Births, Deaths, and Marriages Registration Act 1995 set out the criteria, rules and processes for a couple to have their marriage solemnised and registered in New Zealand.

Regulations made under those Acts prescribe applicable forms and fees.

All forms are available from Births, Deaths and Marriages offices and agencies, and through our website: www.bdm.govt.nz.

Copies of the Acts and associated regulations may be available at your local library, can be purchased from Bennett's Government Bookshops, and can be accessed on the Internet at www.legislation.govt.nz.

ARE THERE DIFFERENT KINDS OF MARRIAGE CEREMONY?

There are two types of marriage ceremony:

- A civil ceremony held by a Registrar of Marriages in a Registry Office; and
- A ceremony held by an authorised Marriage Celebrant at a place other than a Registry Office.

Registry Office ceremonies take place during normal office hours, but you can have a celebrant solemnise your marriage ceremony at any time, on any day of the week.

WHAT'S THE PROCESS FOR GETTING A MARRIAGE LICENCE?

- ✓ When a couple intend to get married, they are required to complete the appropriate type of 'Notice of Intended Marriage' form, which includes a statutory declaration that both parties are free to marry each other and that all the details supplied on the form are correct.
- ✓ One of the parties must appear in person before a Registrar of Marriages to sign the statutory declaration.
- ✓ The required fee must be paid.
- ✓ The Registrar will (no sooner than three days after receiving the Notice of Intended Marriage) issue your Marriage Licence, together with two copies of a document known as a 'Copy of Particulars of Marriage'.
- ✓ You will need to deliver these three documents to your Marriage Celebrant **before** the ceremony.

NOTE

If you ordinarily live overseas and want to get married in New Zealand, refer to page 8 for further details.

The marriage vows

Each party must say the words, “I *AB*, take you *CD*, to be my legal wife/husband” – or words to similar effect. (The full names of the respective parties should be used at the places marked *AB* and *CD*.)

WHAT HAPPENS AT A MARRIAGE CEREMONY?

The Marriage Act 1955 does not prescribe any set form for the ceremony, but the following elements are essential:

- ✓ You must marry at one of the places stated on the Marriage Licence, and before the licence expires.
- ✓ The marriage must be solemnised in the presence of either a Marriage Celebrant or a Registrar of Marriages.
- ✓ The marriage must be performed in the presence of at least two other witnesses.
- ✓ Each party must say the words, “I *AB*, take you *CD*, to be my legal wife/husband” – or words to similar effect.
- ✓ The full names of the bride and bridegroom – as they appear on the Marriage Licence – must be used at some point in the ceremony to clearly identify the bride and bridegroom. Abbreviations and nicknames may then be used in other parts of the ceremony.
- ✓ The couple, the celebrant and the two witnesses must all sign both copies of the Copy of Particulars of Marriage.

WHO CAN BE A WITNESS AT THE WEDDING?

Witnesses must be able to understand what occurs at the ceremony (*ie* they should be of sound mind, and should not be intoxicated).

Children can be witnesses, but they must be old enough to understand the nature of the ceremony, and must be able to demonstrate that understanding in court if later required to do so.

The Marriage Act 1955 does not stipulate a minimum age for witnesses.

WHAT HAPPENS AFTER THE CEREMONY?

- ✓ The Marriage Celebrant sends one Copy of Particulars of Marriage to the Registrar of Marriages so the marriage can be registered with Births, Deaths and Marriages.
- ✓ The Marriage Celebrant gives the other Copy of Particulars of Marriage to the couple.

On payment of the required fee, a Marriage Certificate may be obtained from Births, Deaths and Marriages.

CAN A PERSON MARRY SOMEONE OF THE SAME GENDER?

Same-sex couples are not permitted to marry each other in New Zealand.

A person who has undergone gender reassignment surgery may marry in their new gender. To do so, the person must either register their new gender identity, or show a Registrar of Marriages two statements regarding the surgery, signed by their doctors and/or surgeons. Contact your local Registrar of Marriages for further information.

WHEN DOES A PERSON NEED PARENTAL CONSENT TO MARRY?

The following conditions apply:

- Both parties to a marriage must be at least 16 years of age.
- If you are 16 or 17 years of age, you will need parental consent:
 - You must generally obtain consent from each of your parents – exceptions apply where they are living apart, cannot be located or are, as a result of mental incapacity, unable to give consent;
 - In certain circumstances, consent must be obtained from legal guardians other than your parents, from a relative acting in place of a guardian, or from a Family Court Judge;
 - If your parents or guardians refuse consent, you can apply to a Family Court Judge for consent to get married.

Consent forms are available from Births, Deaths and Marriages offices and agencies, and through our website: www.bdm.govt.nz.

NOTE

Under the Civil Union Act 2004, a civil union may be entered into by same-sex couples or by couples of different sexes.

WHAT ARE THE VARIOUS KINDS OF NOTICE OF INTENDED MARRIAGE?

There are three types of marriage notice, each designed to deal with the particular circumstances under which each type of notice is applicable:

- ‘Notice of Intended Marriage’ (for general use);
- ‘Notice of Intended Marriage, where both parties are ordinarily resident outside New Zealand’; and
- ‘Notice of Intended Marriage, change of relationship from civil union’.

With the advent of civil union, there is now also a ‘Notice of Intended Civil Union, change of relationship from marriage’ – as outlined in our brochure **Civil Union : A guide for couples preparing to enter into a civil union in New Zealand**.

CAN A COUPLE CHANGE THEIR CIVIL UNION TO A MARRIAGE ... OR THEIR MARRIAGE TO A CIVIL UNION?

Where a couple are in a civil union and are otherwise eligible to marry, they may change the form of their relationship to a marriage without having to formally dissolve their civil union. For them, the process begins with a ‘Notice of Intended Marriage, change of relationship from civil union’ form.

Similarly, a married couple who wish to continue in a relationship with each other may change the form of that relationship to a civil union without being required to formally dissolve their marriage.

In this case they would begin by completing a ‘Notice of Intended Civil Union, change of relationship from marriage’ form.

In either case, the couple will be required to produce evidence of their current relationship.

If you wish to change the form of your current relationship from civil union to marriage, and you currently live overseas, you may complete the form – without signing the statutory declaration – and send it to the Registry Office nearest to the place where your marriage is to be solemnised. On arrival in New Zealand, you will need to sign the statutory declaration in the presence of a Registrar of Marriages, before a licence can be issued.

WHAT ABOUT THOSE WHO HAVE PREVIOUSLY MARRIED OR BEEN IN A CIVIL UNION WITH A DIFFERENT PARTNER?

When completing the Notice of Intended Marriage you will be asked to provide evidence of the dissolution of your previous marriage or civil union relationship (eg Divorce/ Dissolution Order).

NOTE

Same-sex couples are not permitted to marry each other in New Zealand.

If your previous partner has died you will be required to give the date of their death, but you will not need to produce evidence of the death if the death has been registered in New Zealand.

Any person who believes that there are legal grounds why a Marriage Licence should not be issued for a couple intending to marry may lodge a caveat with any Registrar of Marriages.

HOW DOES A CAVEAT WORK?

A caveat is a formal notice giving the grounds as to why a Marriage Licence should not be issued.

When any Registrar receives a Notice of Intended Marriage and is aware a relevant caveat has been lodged, the Registrar will submit the objection to the Family Court, and the court will determine whether the objection should be discharged (cancelled).

A caveat to a marriage would also be treated as a Notice of Objection to a civil union, and vice versa.

Caveats expire after one year unless discharged or withdrawn.

If the Family Court considers that the grounds on which a particular caveat was lodged were unreasonable and were intended to annoy or cause distress, the person who lodged the caveat will be liable to pay compensation to the couple.

WHAT IF A COUPLE WANT A CEREMONY IN A CHURCH OR SOME OTHER PLACE OF WORSHIP?

If you intend to marry in a church or other place of worship, the administration office of that place of worship will be able to advise whether a Marriage Celebrant is appointed to solemnise weddings there, and to provide contact details, etc.

HOW DO WE KNOW THE MARRIAGE CELEBRANT IS APPROVED?

Only those persons licensed by the Registrar-General as Marriage Celebrants and whose names appear in the List of Marriage Celebrants in the ***New Zealand Gazette*** have authority to solemnise marriages in New Zealand.

Marriages can also be conducted in Registry Offices by Registrars of Marriages, or according to the practices of certain organisations that are exempt from the requirement to have a Marriage Celebrant present.

The *Gazette* is published weekly, and names are added to or removed from the list as required throughout the year. (The main List of Marriage Celebrants is published around March each year.)

Copies of the *Gazette* are held at Births, Deaths and Marriages offices and agencies, and at some public libraries.

The *Gazette* can also be accessed online at www.gazette.govt.nz.

NOTE

For further information on the role of the Marriage Celebrant, refer to our brochure, **Marriage Celebrant : A guide to the role of Marriage Celebrant in New Zealand.**

WHERE CAN WE FIND A CURRENT LISTING OF APPROVED MARRIAGE CELEBRANTS?

A current List of Marriage Celebrants in your area is available from your nearest Registrar of Marriages or by phoning 0800 22 52 52.

The Registrar-General's office does not send Marriage Celebrants' names to be listed in the Yellow Pages or elsewhere.

HOW MUCH DOES IT ALL COST?

Fees will apply for:

- Applying for a Marriage Licence;
- Lodging a caveat;
- Having a marriage ceremony in a Registry Office; and
- Purchasing a Marriage Certificate.

Marriage Celebrants may charge a fee for solemnising a marriage. BDM does not set the level of such a fee.

CAN PARTNERS CHANGE THEIR NAMES ONCE THEIR MARRIAGE IS SOLEMNISED?

- You can retain your current surname;
- A man may take the woman's surname;
- A woman may take the man's surname;
- Both may adopt a combination of their surnames (eg as a hyphenated surname).

You can use your Copy of Particulars of Marriage or Marriage Certificates as evidence of the fact that you have adopted the new surname.

You will be given or sent a 'Notification to Registrar of Electors of Intended Marriage/Civil Union' form, for updating your details on the electoral roll.

WHAT IF A COUPLE LIVE OVERSEAS AND WANT TO GET MARRIED IN NEW ZEALAND?

- ✓ You will need to complete a 'Notice of Intended Marriage, where both parties are ordinarily resident outside of New Zealand'.
- ✓ Send this marriage notice (with the required fee) to the Registry Office closest to the place where you want to have the ceremony, ensuring that it reaches the Registrar at least a week before you intend to have the ceremony.
- ✓ Collect the Marriage Licence and the two copies of the Copy of Particulars of Marriage.
- ✓ If a Registrar is to solemnise the marriage the statutory declaration can be signed in the presence of the Registrar immediately prior to the ceremony; otherwise you must sign the statutory declaration when you pick up the licence from the Registrar.

Alternatively, the statutory declaration can be signed, while you are in your home country, in front of a Commonwealth representative (ie an authorised diplomatic or consular officer of a Commonwealth country.)

IF A COUPLE GET MARRIED OVERSEAS WILL THEIR MARRIAGE BE RECOGNISED IN NEW ZEALAND?

Generally speaking, any marriage that takes place in another country in accordance with that country's laws is recognised as legitimate in New Zealand.

If you arrange for a New Zealand representative to attend your marriage ceremony in another country, you can have the marriage registered in New Zealand. The representative completes a 'Certificate of Marriage Outside New Zealand' and sends it to BDM in New Zealand. The representative may charge a fee for attending your marriage.

One benefit of registering your marriage in New Zealand is that a New Zealand Marriage Certificate can be issued to you. This does not replace any marriage certificate issued to you in the country in which you were married.

If you wish to marry overseas, you will need to communicate with the authorities in the country in which you plan to marry, determine what their requirements are, and make all arrangements yourself.

WHAT HAPPENS TO THE INFORMATION RECORDED ON THE MARRIAGE FORMS?

- BDM holds and uses the information you give us in accordance with the following legislation:
 - Marriage Act 1955;
 - Civil Union Act 2004;
 - Births, Deaths, and Marriages Registration Act 1995; and
 - Privacy Act 1993.
- You have the right to access and, where appropriate, correct the information, in accordance with the relevant provisions of these Acts.
- Under information-matching programmes approved by the Privacy Commissioner, other organisations may compare information with the Births, Deaths and Marriages Office. For a current list of these programmes, visit our website: www.bdm.govt.nz.

NOTE

The marriage register is a public register; any person can obtain a Marriage Certificate, a printout of the marriage record or a copy of the Copy of Particulars of Marriage. Requests for such information must be made in the prescribed manner, and the required fee paid.

PROHIBITED DEGREES OF MARRIAGE

The Second Schedule of the Marriage Act 1955 lists the relationships that are forbidden from marriage.

Forbidden Marriages

A man may not marry his –

- Grandmother
- Grandfather's wife
- Wife's grandmother
- Father's sister
- Mother's sister
- Mother
- Stepmother
- Wife's mother
- Daughter
- Wife's daughter
- Son's wife
- Sister
- Son's daughter
- Daughter's daughter
- Son's son's wife
- Daughter's son's wife
- Wife's son's daughter
- Wife's daughter's daughter
- Brother's daughter
- Sister's daughter

A woman may not marry her –

- Grandfather
- Grandmother's husband
- Husband's grandfather
- Father's brother
- Mother's brother
- Father
- Stepfather
- Husband's father
- Son
- Husband's son
- Daughter's husband
- Brother
- Son's son
- Daughter's son
- Son's daughter's husband
- Daughter's daughter's husband
- Husband's son's son
- Husband's daughter's son
- Brother's son
- Sister's son

The prohibition applies to these relationships whether the relationship is by the whole blood or by the half blood.

Further, the term "wife" includes a former wife, whether she is alive or deceased, and whether her marriage was terminated by death or divorce or otherwise; and the term "husband" has a corresponding meaning.

A man may also not marry his –

- Grandmother's civil union partner
- Grandfather's civil union partner
- Mother's civil union partner
- Father's civil union partner
- Son's civil union partner
- Daughter's civil union partner
- Grandson's civil union partner
- Granddaughter's civil union partner
- Civil union partner's grandmother
- Civil union partner's mother
- Civil union partner's daughter
- Civil union partner's granddaughter

A woman may also not marry her –

- Grandmother's civil union partner
- Grandfather's civil union partner
- Mother's civil union partner
- Father's civil union partner
- Son's civil union partner
- Daughter's civil union partner
- Granddaughter's civil union partner
- Grandson's civil union partner
- Civil union partner's grandfather
- Civil union partner's father
- Civil union partner's son
- Civil union partner's grandson

In this list, the term "civil union partner" includes a former civil union partner, whether he or she is alive or deceased, and whether the civil union was terminated by death or dissolution or otherwise.

As well, a reference to a stepfather or stepmother is a reference to a relationship established by marriage.

OFFENCES

The Marriage Act 1955 and the Births, Deaths, and Marriages Registration Act 1995 set out a number of offences relating to the solemnisation and registration of marriages. These include:

- Solemnising a marriage when not authorised as a Marriage Celebrant, or contrary to the requirements of the Act;
- Making, or causing to be made, a false declaration for the purposes of the Marriage Act; and
- Making, or causing to be made, for registration purposes, a false statement in respect of any information required to be registered.

Anyone convicted for any of these offences is liable to imprisonment and/or a fine.

- ✓ Ensure you are legally free to marry.
- ✓ Choose an approved Marriage Celebrant.
- ✓ Choose a place to hold the marriage ceremony, and, if an outside venue, an alternative location in case of unsuitable weather.
- ✓ Complete the applicable Notice of Intended Marriage:
 - Return the form to the Registrar of Marriages at least a week before you intend to have the ceremony (especially important if you live overseas and want to have your marriage solemnised in New Zealand).
 - If you have previously been married or in a civil union, you will need to provide proof of the dissolution of that relationship.
 - If changing the form of your relationship, you will need to provide evidence of your current relationship.
- ✓ Sign the statutory declaration:
 - One of the parties to the marriage must appear in person before a Registrar of Marriages to sign a statutory declaration that both parties are free to marry and that all the details supplied are correct.
- ✓ Pay the prescribed fee.
- ✓ Collect the Marriage Licence and the two copies of the Copy of Particulars of Marriage.
- ✓ Deliver the Marriage Licence and both copies of the Copy of Particulars of Marriage to your Marriage Celebrant **before** the ceremony.
- ✓ Send a 'Notification of Intended Marriage' to the Electoral Enrolment Centre.

Marriage checklist

What is a marriage? A marriage is the formalisation of a relationship between a man and a woman, in accordance with the Marriage Act 1955. The Marriage Act and the Births, Deaths, and Marriages Registration Act 1995 set out the criteria, rules and processes for a couple to have their marriage solemnised and registered in New Zealand. Regulations made under those Acts prescribe applicable forms and fees. All forms are available from Births, Deaths and Marriages offices.



THE DEPARTMENT OF INTERNAL AFFAIRS



Te Tari Taiwhenua

**THIS BROCHURE ANSWERS THE QUESTIONS MOST LIKELY
TO ARISE AS COUPLES PLAN THEIR MARRIAGE CEREMONY**

Please contact us if you require further assistance:

- Talk to your nearest Registrar of Marriages
- Visit our website: www.bdm.govt.nz
- E-mail the Births, Deaths and Marriages Office:
bdm.nz@dia.govt.nz
- Freephone 0800 22 52 52
- Write to:
Births, Deaths and Marriages
PO Box 10-526
Wellington, New Zealand