

LAWS OF PITCAIRN, HENDERSON, DUCIE  
AND OENO ISLANDS

*Revised Edition 2001*

CHAPTER XX

**MARRIAGE ORDINANCE**

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An ordinance to make provision for the solemnization and registration of marriages and for matters relating thereto.

Ordinances Nos:  
4 of 1952,  
2 of 1957,  
2 of 1968,  
2 of 1985,

[16th October, 1952]

**1.**—(1) This ordinance may be cited as the Marriage Ordinance.

Short title and interpretation.

(2) In this ordinance, unless the context otherwise requires—

“Registrar” means the Registrar of Marriages, and includes a Deputy Registrar when acting as Registrar;

“registered minister” means a minister registered under the provisions of this ordinance.

**2.** The Governor shall, from time to time, appoint a fit and proper person to be the Registrar of Marriages, and may also from time to time appoint a Deputy Registrar of Marriages to act in the absence or during the illness or incapacity of the Registrar.

Appointment of Registrar.

**3.** The Registrar shall have an office at such place as the Governor shall from time to time direct.

Office of Registrar.

**4.** Whenever, after the commencement of this ordinance, any persons desire to marry, one of the parties to the intended marriage shall sign and give to the Registrar a notice in the Form (A) in the First Schedule hereto.

Notice of marriage.

First Schedule.

**5.** If the person giving such notice is unable to write or is insufficiently acquainted with the English language, or both, then it shall be sufficient if he or she place a mark or cross thereto in the presence of some literate person who shall attest the same, which attestation shall be in the Form (B) in the First Schedule.

Signature of notice by person unable to write or to understand English language.

First Schedule.

**6.** The Registrar shall supply forms of notice gratuitously to any persons *bona fide* applying for the same.

Registrar to supply forms of notice free of charge.

**7.** Upon receipt of such notice the Registrar shall cause the same to be entered in a book to be called the “Marriage Notice Book” which may be inspected at any reasonable time without fee. He or she shall also publish such notice by causing a copy of the same to be affixed on the outer door of the office, and to be kept exposed there until the grant of a certificate as hereinafter mentioned, or until three months shall have elapsed.

Notice to be entered in “Marriage Notice Book” and published.

**8.** The Registrar, at any time after the expiration of twenty-one days and before the expiration of three months from the date of the notice, upon payment of the prescribed

Registrar to issue certificate on proof of conditions by affidavit.

First Schedule.

fee, shall thereupon issue a certificate in the Form (C) in the First Schedule hereto:

Provided always that the Registrar shall not issue such certificate until satisfied by affidavit—

- (a) that one of the parties has been resident within the Islands at least fifteen days preceding the granting of the certificate;
- (b) that each of the parties to the intended marriage (not being a widower or widow) is eighteen years old, or that, if he or she is under that age, the consent hereinafter made requisite has been obtained in writing and is annexed to such affidavit;
- (c) that there is no impediment of kindred or affinity, or any other lawful hindrance to the marriage.

The Registrar taking such affidavit shall explain to the persons making the same what are the prohibited degrees of kindred and affinity and the penalties which may be incurred under other provisions of this ordinance.

Marriage to take place within three months after date of notice.

**9.** If the marriage shall not take place within three months after the date of the notice, the notice and all proceedings consequent thereupon shall be void; and fresh notice must be given before the parties can lawfully marry.

Governor's power to grant licence to marry.

**10.** The Governor, upon proof being made to him by affidavit that there is no lawful impediment to the proposed marriage, and that the necessary consent (if any) to such marriage has been obtained, may, if he shall think fit, dispense with the giving of notice, and with the issue of the certificate of the Registrar, and may grant his licence, which shall be according to Form (D) in the First Schedule hereto, authorizing the celebration of a marriage between the parties named in such licence by the Registrar, or by a registered minister.

First Schedule.

Caveat may be entered against issue of certificate.

**11.** Any person whose consent to a marriage is hereby required, or who may know of any just cause why the marriage should not take place, may enter a caveat against the issue of the Registrar's certificate, by writing at any time before the issue thereof the word "Forbidden" opposite to the entry of the notice in the Marriage Notice Book, and appending thereto his name and place of abode, and the grounds upon or by reason of which he claims to forbid the issue of the certificate, and the Registrar shall not issue his certificate until such caveat shall be removed as hereinafter is provided.

When caveat entered question to be referred to Court.

**12.** Whenever a caveat is entered against the issue of a certificate, the Registrar shall refer the matter to the Supreme Court, and that Court shall thereupon summon the parties to

the intended marriage, and the person by whom the caveat is entered, and shall require the person by whom the caveat is entered to show cause why the Registrar should not issue his certificate, and shall hear and determine the case in a summary way, and the decision of the court shall be final.

**13.** If the Court decides that the certificate ought to be issued, a judge thereof shall remove the caveat cancelling the word “Forbidden” in the Marriage Notice Book in ink, and writing in such Marriage Book, immediately below such entry and cancellation the words “cancelled by order of the Supreme Court” and signing his name thereto. The Registrar shall then issue his certificate and the marriage may proceed as if the caveat had not been entered, but the time which has elapsed between the entering and the removal of the caveat shall not be included in the period of three months specified in section 8 hereof.

Removal of caveat.

**14.** The court may award compensation and costs to the party injured, if it appears that a caveat was entered on insufficient grounds.

Compensation and costs.

#### CONSENT TO MARRIAGE IN CERTAIN CASES NECESSARY

**15.** If either party to an intended marriage, not being a widower or widow, is under eighteen years of age, the written consent of either parent or of the guardian of such party, must be produced annexed to such affidavit as aforesaid before a licence can be granted or a certificate issued.

Consent to marriage of minors.

**16.**—(1) If the person required to sign such consent is unable to write, or is insufficiently acquainted with the English language, or both, then he or she shall sign such consent by placing a mark or cross thereto in the presence of the Registrar.

Signature of consent by person unable to write or to understand English language.

(2) Such signature shall be attested by such person in the Form (B) in the First Schedule hereto.

First Schedule.

**17.** If there be no parent or guardian of such party residing in the Islands and capable of consenting to the marriage, then any of the following persons may consent to such a marriage in writing, upon being satisfied after due inquiry that the marriage is a proper one; that is to say, the Governor or the Supreme Court, and such consent shall be as effectual as if the father or mother had consented.

Consent where no parent or guardian capable of consenting.

#### CELEBRATION OF MARRIAGE

**18.** Marriages may be celebrated by a registered minister

Marriage in place of worship by registered minister within specified hours and before witnesses.

and according to the rites and usages of marriages observed in the religious denomination to which such minister belongs:

Provided that the marriage be celebrated with open doors between the hours of 8 o'clock in the forenoon and 6 o'clock in the afternoon, and in the presence of two or more witnesses besides the officiating minister.

Minister not to celebrate marriage if impediment nor without licence, etc.

**19.** A minister shall not celebrate any marriage if he knows of any just impediment to such marriage, nor until the parties deliver to him the Registrar's certificate or the Governor's licence.

Registrar, etc., to be provided with books of certificates.

**20.** The Governor shall cause to be printed and delivered to the Registrar, and to registered ministers, books of marriage certificates in duplicate and with counterfoils in Form (E) in the First Schedule hereto. Such books shall be kept by the Registrar and the registered ministers under lock and key, and be in the custody of the Registrar and such ministers respectively.

First Schedule.

Entries to be made in marriage certificate.

**21.** Immediately after the celebration of any marriage by a minister, the officiating minister shall fill up in duplicate a marriage certificate with the particulars by the said Form (E), and state also and enter in the counterfoil the number of the certificate, the date of the marriage, names of the parties, and the names of the witnesses.

Signature of certificate in duplicate.

**22.** The certificate shall then be signed in duplicate by the officiating minister by the parties and by two or more witnesses to the marriage. The minister having also signed his name to the counterfoil, he shall sever the duplicate certificate therefrom, and he shall deliver one certificate to the parties, and shall within seven days thereafter transmit the other to the Registrar of Marriages, who shall file the same in his office.

Marriage in Registrar's office.

**23.** After the issue of a certificate under section 8 or 13 hereof, or of a licence under section 10, the parties may, if they think fit, contract a marriage before the Registrar, in the presence of two witnesses in his office, with open doors, between the hours of 10 o'clock in the forenoon and 4 o'clock in the afternoon, and in the following manner—

Form to be observed.

The Registrar, after production to him of the certificate or licence, shall, either directly or through an interpreter, address the parties thus—

“Do I understand that you *A.B.*, and you *C.D.*, come here for the purpose of becoming man and wife?”

If the parties answer in the affirmative, he shall proceed thus—

“Know ye that by the public taking of each other as

man and wife in my presence, and in the presence of the persons now here, and by the subsequent attestation thereof by signing your names to that effect, you become legally married to each other, although no other rite of a civil or religious nature shall take place, and that this marriage cannot be dissolved during your lifetime, except by a valid judgment of divorce; and if either of you before the death of the other shall contract another marriage while this remains undissolved, you will be thereby guilty of bigamy, and liable to punishment for that offence.”

Each of the parties shall then say to the other, “I call upon all persons here present to witness that I, *A.B.*, do take thee, *C.D.*, to be my lawful wife (or husband).”

**24.** The Registrar shall then fill up, and together with the parties and witnesses shall sign the certificate of the marriage in duplicate, and the Registrar shall then fill up and sign the counterfoil as hereinbefore prescribed in the case of a marriage by a registered minister, and shall deliver one certificate to the parties and shall file the other in his office.

Marriage certificate to be signed.

## REGISTRY AND EVIDENCE OF MARRIAGES

**25.**—(1) The Registrar shall forthwith register in a book to be kept in his office for such purpose, and to be called “The Marriage Register Book”, every certificate of marriage which shall be filed in his office, according to the Form (F) in the First Schedule hereto; and every such entry shall be made in the order of date from the beginning to the end of the book, and every entry so made shall be dated on the day on which it is so entered, and shall be signed by the Registrar, and such book shall be indexed in such manner as is best suited for easy reference thereto.

Marriage certificate to be registered.

First Schedule.

(2) The Registrar shall at all reasonable times allow searches to be made in the Marriage Register Book, and shall give certified copies therefrom upon payment of the prescribed fee.

**26.** The Registrar may correct any clerical error in any certificate of marriage filed in his office, upon production of the certificate delivered to the parties, and shall authenticate every such correction by his or her signature and the date of such correction.

Corrections of clerical errors in marriage certificates.

**27.** Every certificate of marriage which shall have been filed in the office of the Registrar or a copy thereof, purporting

Evidence of marriage.

to be signed and certified as a true copy by the Registrar for the time being and every entry in a Marriage Register Book or copy thereof certified as aforesaid, shall be admissible as evidence of the marriage to which it relates, in any court of justice or before any person having by law or consent of parties authority to hear, receive, and examine evidence.

Registration of ministers.

**28.**—(1) The Governor, upon receiving a requisition from any minister of religion ordinarily officiating as such specifying the religious denomination of such minister and his designation and normal place of residence together with the place where he or she officiates and desiring that he or she may be registered as a minister for celebrating marriages under this ordinance, may, if he shall think fit, register or cause to be registered the name of such minister in a register book to be kept for that purpose. No fee shall be paid for any such registration.

(2) The Governor may at any time, if he shall think fit to do so, remove the name of any minister from the register and a minister whose name is removed shall not, after notification thereof in such manner as the Governor shall think fit, have authority to celebrate marriages under the provisions of this ordinance.

Circumstances invalidating marriage.

**29.**—(1) No marriage in the Islands shall be valid, which, if celebrated in England, would be null and void on the ground of kindred or affinity.

(2) No marriage purported to be celebrated in the Islands under this ordinance shall be valid if at the date of the marriage either of the parties thereto was—

- (i) under the age of seventeen years, being male; or
- (ii) under the age of sixteen years, being female.

(3) A marriage shall be null and void if both parties knowingly and wilfully acquiesce in its celebration—

- (a) in the case of a marriage before the Registrar in any place other than the office of the Registrar; or
- (b) under a false name or names; or
- (c) without the Registrar's certificate of notice or Governor's licence duly issued; or
- (d) by a person not being a registered minister or the Registrar of Marriages.

(4) No marriage shall, after celebration, be deemed invalid by reason that any provision of this ordinance other than the foregoing has not been complied with.

Marriages under this Ordinance valid.

**30.** All marriages celebrated under this ordinance shall be good and valid in law to all intents and purposes.

**31.** The fees specified in the Second Schedule hereto shall be paid to the Registrar for the several matters to which they are applicable and shall be paid and applied as the Governor may from time to time direct.

Fees.  
Second Schedule.

**32.** The Governor may, when he is satisfied of the poverty of the parties, reduce the amount of the said fees, or remit them altogether; and, if they have been paid into revenue, order their refund.

Fees may be remitted  
on ground of poverty.

### OFFENCES AND PENALTIES

**33.** Whoever is guilty of bigamy shall be liable to imprisonment for a period not exceeding five years.

Bigamy.

**34.** Whoever, being unmarried, goes through the ceremony of marriage with a person whom he or she knows to be married to another person, shall be liable to imprisonment for a period not exceeding five years.

Marriage with a  
person previously  
married.

**35.** Whoever in any declaration, certificate, licence, document, or statement by law to be made or issued for the purposes of a marriage, declares, enters, certifies, or states any material matter which is false, shall, if he or she does so without having taken reasonable means to ascertain the truth or falsity of such matter, be liable to imprisonment for a period not exceeding one year, or shall, if he or she does so knowing that such matter is false, be guilty of an offence and liable to imprisonment for a period not exceeding five years.

Making false  
declaration, etc., for  
marriage.

**36.** Whoever endeavours to prevent a marriage by pretence that his or her consent thereto is required by law, or that any person whose consent is so required does not consent, or that there is any legal impediment to the performing of such marriage, shall, if he or she does so knowing that such pretence is false or without having reason to believe that it is true, be guilty of an offence and liable to imprisonment for a period not exceeding two years.

False pretence of  
impediment to  
marriage.

**37.** Whoever performs or witnesses as a registered minister or Registrar the ceremony of marriage, knowing that he or she is not duly qualified so to do, or that any of the matters required by law for the validity of such marriage has not happened or been performed, so that the marriage is void or unlawful on any ground, shall be guilty of an offence and liable to imprisonment for a period not exceeding five years.

Unlawfully  
performing marriage  
ceremony.

**38.** Whoever, being under a duty to fill up the certificate of a marriage celebrated by him or her, or the counterfoil thereof, or to transmit the same to the Registrar, wilfully fails

Wilful neglect of  
duty to fill up or  
transmit certificate of  
marriage.

to perform such duty, shall be guilty of an offence and liable to imprisonment for a period not exceeding two years.

Personation in marriage.

**39.** Whoever personates any other person in marriage, or marries under a false name or description, with intent to deceive the other party to the marriage, shall be guilty of an offence and liable to imprisonment for a period not exceeding five years.

Fictitious marriage.

**40.** Whoever goes through the ceremony of marriage, or any ceremony which he or she represents to be a ceremony of marriage, knowing that the marriage is void on any ground, and that the other person believes it to be valid, shall be guilty of an offence and liable to imprisonment for a period not exceeding five years.

Forms in First Schedule may be used.

**41.** The forms contained in the First Schedule hereto may be used in the cases to which they are applicable, with such alterations as may be necessary.

Returns.

**42.** The Registrar shall make such returns to the Governor as the Governor may from time to time direct.

Jurisdiction of Supreme Court.

**43.** The jurisdiction of the Supreme Court shall be exercised in accordance with the provisions of this ordinance.

Form (A).

## FIRST SCHEDULE

## NOTICE OF MARRIAGE

To the Registrar,

I hereby given you notice that a marriage is intended to be had within three months from the date hereof between me, the undersigned, and the other party herein named.

Name	Condition	Occupation Rank or Profession	Age	Dwelling or place of abode	Consent (if any) and by whom given
A.B.					
CD.					

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_ 20 .

*Signature.*

Form (B).

## FORM OF ATTESTATION

Signed by the said \_\_\_\_\_, at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, this notice having been first read over to him (her) (*or*, read over and truly interpreted to him (her) in the language) by \_\_\_\_\_. He (she) seemed to understand the same and made his (her) mark thereto in my presence.

*(Signed).*

Form (C).

## REGISTRAR'S CERTIFICATE

I, \_\_\_\_\_, Registrar, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, notice was duly entered in the Marriage Notice Book of the marriage intended between the parties herein named and described, such notice being delivered under the hand of \_\_\_\_\_, one of the parties, that is to say:—

Name	Condition	Occupation Rank or Profession	Age	Consent	Dwelling	Length of Residence
<i>A.B.</i>						
<i>C.D.</i>						

Date of notice entered:

Date of Certificate given:

No caveat has been entered against the issue of the certificate; or

A caveat was entered against the issue of this certificate on the \_\_\_\_\_ day of \_\_\_\_\_, but it has been cancelled.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

*Registrar*

NOTE.—This certificate will be void unless the marriage is solemnized on or before the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

Form (D).

## SPECIAL LICENCE

Whereas *A.B.* and *C.D.* desire to intermarry, and sufficient cause has been shown to me why the preliminaries required by the Marriage Ordinance, should be dispensed with;

Now, therefore, in pursuance of the said Ordinance, I do dispense with the giving of notice and the issue of the certificate thereby prescribed, and do hereby authorize the Registrar, or registered minister to celebrate marriage between the said *A.B.* and *C.D.* within \_\_\_\_\_ days from the date hereof.

Such marriage may be celebrated by the Registrar between the hours of 10 o'clock in the forenoon and 4 o'clock in the afternoon, or by such registered minister between the hours of 8 o'clock in the forenoon and 6 o'clock in the afternoon.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

*Governor.*

Form (E).

Certificate of Marriage								Certificate of Marriage											
No.								No.											
Date								Date											
20								20											
	No.	When Married	Names and Surnames	Full Age or Minor	Condition	Rank or Profession	Residence at time of Marriage	Father's name and Surname	Occupation, Rank or Profession of Father		No.	When Married	Names and Surnames	Full Age or Minor	Condition	Rank or Profession	Residence at time of Marriage	Father's name and Surname	Occupation, Rank or Profession of Father
Name of Husband										Name of Husband									
Name of Wife										Name of Wife									
Witnesses										Witnesses									
Married at _____ by (or before) me								Married at _____ by (or before) me											
<i>Minister (or Registrar)</i> (as the case may be).								<i>Minister (or Registrar)</i> (as the case may be).											
This marriage was celebrated between us } A.B. in the presence of us } E.F. G.H.								This marriage was celebrated between us } A.B. in the presence of us } E.F. G.H.											
<i>Witnesses.</i>								<i>Witnesses.</i>											

Form (F).

When Married	Names and Surnames	Whether full age or Minor	Condition	Occupation	Residence	Father's name and Occupation

Entered this \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ 20\_\_\_\_.

*Registrar.*

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**SECOND SCHEDULE**

	\$ c
Filing every notice and entering same .....	5.00
On issue of each certificate or certified copy thereof.....	3.00
Certifying any extract .....	3.00
On every marriage in Registrar's office.....	10.00
Special licence .....	50.00