



### ANALYSIS

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1998, No. 11

An Act to amend the Marriage Act 1973

(7 September 1998)

**BE IT ENACTED** by the Parliament of the Cook Islands in Session assembled, and by authority of the same, as follows:

1. Short Title and commencement – (1) This Act may be cited as the Marriage Amendment Act 1998, and shall be read together with and deemed part of the Marriage Act 1973 (hereinafter referred to as “the principal Act”).

(2) This Act shall come into force on the date that it is assented to by the Queen’s Representative.

2. Other persons entitled to act as officiating ministers – Section 10 of the principal Act is amended by inserting the following new subsection -

“(4). Any person whose name has been entered in the list pursuant to this section, shall be known as a marriage celebrant.”

Price \$1.50

3. Justices of the Peace or other persons may solemnise marriages – (1) The principal Act is hereby amended by inserting after section 10, the following new section -

“10A. Justice of the Peace or other persons may solemnise marriages  
– (1) Where the Registrar-General is satisfied that for geographical, administrative, or other reasons it would be convenient for a Justice of the Peace to be able to solemnise marriages, the Registrar General may enter that person’s name in the list.

(2) Notwithstanding Part VI of this Act, a marriage celebrant whose name has been entered in the list pursuant to this section shall not have custody of a register book, and shall not solemnise any intended marriage without having obtained from the Registrar in respect of that intended marriage such part of the register as he may make available, which shall be returned to the Registrar within 3 days after the date of the solemnisation of the marriage.”

4. Removal of names from list - The principal Act is further amended by repealing section 13 and substituting the following new section –

“13. Removal of names from list - Where the Registrar-General is satisfied that –

- (a) An officiating minister or marriage celebrant has died; or
- (b) An officiating minister or marriage celebrant no longer wishes to be an officiating minister or marriage celebrant; or
- (c) The religious body which submitted the name of an officiating minister no longer wishes him to be an officiating minister or marriage celebrant; or
- (d) The officiating minister has ceased to be a minister of religion or a member of the religious body to which he or she belonged -

he shall remove the name of the officiating minister or marriage celebrant from the list and shall publish in the Gazette a correction to that effect.

(2) If the Minister is satisfied –

- (a) That an officiating minister or marriage celebrant has wilfully failed or persistently neglected to register the particulars of any marriages or to forward or return to the Registrar or to the Registrar-General any documents required so to be forwarded or returned by this Act; or
- (b) That a marriage celebrant whose name has been entered in the list pursuant to section 10 of this Act should not continue to be a marriage celebrant –

he may direct the Registrar-General to remove the name of that officiating minister or marriage celebrant from the list, and the Registrar-General shall remove the name from the list and shall publish in the Gazette a correction to that effect.”

5. Marriages before Registrar - Section 32 of the principal Act is amended by inserting after the word “Registrar” in each place where it occurs, the words “or Registrar-General”.

6. Marriage registers - Section 33(1) of the principal Act is amended by omitting the word “Every”, and substituting the words “Subject to section 10A(3) of this Act, every”.

7. Particulars of marriage to be entered in register - Section 34 of the principal Act is amended by –

- (a) inserting in subsection (1), after the word “book”, the words “or, in the case of a marriage celebrant whose name has been entered in the list pursuant to section 10A of this Act, the part of the register obtained by him from the Registrar in respect of that marriage”;
- (b) inserting in subsection (3), after the word “book”, the words “or any part of the register,”.

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This Act is administered by the Ministry of Justice.