



ANNO SEXTO

ELIZABETHAE II REGINAE

A.D. 1957.

No. 21 of 1957.

An Act to amend the Marriage Act, 1936-1950.

[Assented to 31st October, 1957.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Marriage Act Amendment Act, 1957". Short titles.
- (2) The Marriage Act, 1936-1950, as amended by this Act, may be cited as the "Marriage Act, 1936-1957".
- (3) The Marriage Act, 1936-1950, is hereinafter referred to as "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. This Act shall come into operation on a day to be fixed by proclamation. Commencement.
4. The following section is enacted and inserted in the principal Act after section 42 thereof :— Enactment of s. 42a of principal Act—
 - 42a. (1) Subject to this section, a marriage contracted after the commencement of the Marriage Act Amendment Act, 1957, between persons either of whom is— Age of marriage.
 - (a) a boy under the age of eighteen years ; or
 - (b) a girl under the age of sixteen years,
 shall be void.

(2) Where two persons are incapable of contracting a valid marriage by reason only that one or both of them is or are under the age or ages mentioned in subsection (1) of this section, the Minister may, on the application of those persons, and if he is satisfied that it is desirable that they should marry, order that subsection (1) of this section shall not apply to a marriage contracted between them. Every such order shall be effective as soon as it is made, and a copy shall be forwarded to the Principal Registrar. If the persons to whom the order relates inter-marry the Principal Registrar shall cause a memorandum of the order to be entered on the relevant marriage certificates in the general register of marriages and in the appropriate district register of marriages and in any copy of or extract from any such certificate issued under this Act.

(3) The Minister shall not make an order under subsection (2) of this section if either of the parties to the proposed marriage is—

(a) a boy under the age of fourteen years ; or

(b) a girl under the age of twelve years.

(4) The Minister shall in every case ascertain whether all parents whose consent is required under section 26 of this Act have so consented and if so then he shall make an order under subsection (2) of this section unless there are special circumstances which would justify his refusing to do so.

(5) Subsection (1) of this section shall not apply to a marriage contracted between persons in whose favour an order has been made under subsection (2) of this section.

(6) Nothing in this section shall affect any requirement as to the consent of parents or guardians under section 26 of this Act.

(7) A person shall not by reason only that at the time of his birth his parents are rendered incapable of contracting a valid marriage by virtue of subsection (1) of this section be incapable of being legitimated by the subsequent marriage of his parents.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. A. GEORGE, Governor.