

## TASMANIA.

## THE MARRIAGE ACT 1942.

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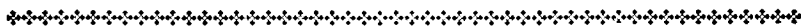


1942.

ANNO SEXTO

GEORGII VI. REGIS.

No. 53.



AN ACT to consolidate and amend the Law A.D.  
1942  
relating to Marriage. [16 November, 1942.]

**B**E it enacted by His Excellency the Governor of Tasmania,  
by and with the advice and consent of the Legislative  
Council and House of Assembly, in Parliament assembled, as  
follows:—

## PART I.

## PRELIMINARY.

**1**—(1) This Act may be cited as the *Marriage Act 1942*. Short title.  
(2) This Act shall commence on the first day of January,  
one thousand nine hundred and forty-three.

**2** The Acts enumerated in the first schedule are hereby *Repeal.*  
repealed.

**3** In this Act, unless the contrary intention appears— Interpretation.  
“Authorized celebrant” means any officiating minister  
or registrar authorised by or under this Act to  
celebrate marriage, and includes the Registrar-  
General:

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- “District” means any registration district under any Act in relation to births and deaths in this State:
- “Ecclesiastical authority” means the person appointed by a religious denomination as the administrative head for the State of that denomination:
- “Officiating minister” means any representative of a religious denomination or body:
- “Registrar” means a registrar appointed under the *Registration of Births and Deaths Act 1895*, and includes, where necessary, the Registrar-General or the Deputy Registrar-General:
- “Registrar-General” means the Registrar-General appointed under the *Registration of Births and Deaths Act 1895*:
- “Religious denomination” means any one of the religious bodies enumerated in the second schedule:
- “The Minister” means the Treasurer; but, if the administration of this Act is allocated to some other Minister, means the Minister to which the same is allocated.

## PART II.

## AUTHORISED CELEBRANTS.

*Division I.—Persons Authorised to Celebrate Marriage.*

Persons who may celebrate marriages.

**4** The following persons may celebrate marriage in this State—

- I. The Registrar-General:
- II. The Deputy Registrar-General:
- III. Any registrar: and
- IV. Any officiating minister registered for that purpose under this Act—

and no other person shall celebrate any marriage in this State except as may be prescribed in accordance with subsection (2) of section forty-three.

Celebrants, how authorised.

**5—(1)** The Registrar-General, the Deputy Registrar-General, and all registrars, shall be authorised celebrants by virtue of their respective offices.

(2) All other celebrants shall be authorised by virtue of registration under this Act as hereinafter provided.

*Division II.—Registration of Celebrants.*

Registration of officiating ministers as authorised celebrants.

**6—(1)** The Registrar-General shall keep a register of authorised celebrants, other than officers of the department, and, without fee or charge, shall register the names of all persons whose names and addresses are supplied to him as hereinafter provided.

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(2) Application for registration of any person as an author- A.D. 1942.  
ised celebrant may be made—

- I. By the appropriate ecclesiastical authority:
- II. By two duly recognised office bearers of any religious body of which there is no ecclesiastical authority:
- III. By the person seeking registration, if supported by a certificate signed by not less than twelve householders declaring that the applicant is—
  - (a) Their officiating minister: or
  - (b) The person who, in relation to their religion, exercises the functions usually exercised by a minister of religion—

and that during the six months immediately prior to the date of the application they have habitually attended public worship conducted by him.

(3) Every such application shall set forth—

- I. The full name and place of residence of the person to be registered:
- II. His religious designation, if any: and
- III. The church or place of worship at which he officiates or of which he has charge—

and the applicant shall certify that the particulars therein contained are correct.

(4) The signatures to a certificate under paragraph III. of subsection (2) hereof shall be attested by some person who shall verify the same as the genuine signatures of the persons whose signatures they purport to be respectively by a statutory declaration made before a justice or the Registrar-General.

(5) No applicant shall be registered under the provisions of paragraph III. of subsection (2) hereof if, in the opinion of the Registrar-General, the requirements of the religious body which he represents are sufficiently provided for in the locality within which such applicant resides.

**7** Any clergyman or minister of religion, being a visitor or visiting missionary, whose name, designation, place of residence, and denomination have been supplied to the Registrar-General may, on application certified by an ecclesiastical authority, be registered for the celebration of marriage during a period not exceeding three months following the date of such registration. Temporary registration of visiting ministers, &c.

**8**—(1) The Registrar-General may require proof to his satisfaction of any particulars relating to the application for registration, and, if he thinks fit, may require the same to be verified by statutory declaration— Registrar-General may require proof.

- I. That any person signing any application as the ecclesiastical authority of any religious denomination is the ecclesiastical authority of that denomination:

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- II. Of any statement in the application:
- III. Of the authenticity of any signature in the application, or in any certificate lodged therewith: or
- IV. That any person purporting to be a householder is a householder.

(2) If satisfied as to the truth of the statements made in the application, the Registrar-General may thereupon register the person named in the application as an authorised celebrant.

(3) If the Registrar-General has reasonable grounds to believe that any person applying for registration as an authorised celebrant is not a fit and proper person to celebrate marriage, or that the requirements of the religious body which he represents are sufficiently provided for, the Registrar-General, with the approval in writing of the Minister, and subject to the right of appeal provided by section thirty-four, may refuse such registration.

(4) Subject to the provisions of Division III. of this Part any person who, immediately prior to the commencement of this Act, was registered under any Act hereby repealed shall be entitled, on application as prescribed, to be registered under this Act.

Only British subjects may be registered except with Minister's approval.

**9** No person other than a British subject shall be registered as an authorised celebrant unless the Minister approves in writing of such registration.

*Division III.—Removal from Register.*

Power to Registrar-General to remove names from register.

**10**—(1) Where the Registrar-General is satisfied that any person registered as an authorised celebrant has—

- I. Died:
- II. Ceased to reside in this State:
- III. Been convicted of an indictable offence: or
- IV. Been degraded from, or deprived of, his office by a competent authority of the religious denomination or body to which he belonged or which he represented—

the Registrar-General shall remove the name of such person from the register.

(2) The Registrar-General, with the approval in writing of the Minister after such inquiry as the Minister may think necessary, may remove from the register the name of any authorised celebrant who is guilty of—

- I. Any misconduct or wilful irregularity in the celebration of any marriage:
- II. Such impropriety as to the mode, manner, or place of celebrating marriages as renders it undesirable that he should continue to celebrate marriages:
- III. A breach of this Act: or

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iv. Making a business of celebrating marriages for the purposes of profit or gain— A.D. 1942.

but any person whose name has been so removed may appeal, as provided by section thirty-four.

*Division IV.—Gazettal of Register.*

**11**—(1) In the month of December in each year the ecclesiastical authority, if any, of every religious denomination shall send to the Registrar-General a full and complete list of the names of all authorised celebrants of that denomination and their designation and residences who are exercising the functions as such celebrants on behalf, and with the approval, of that denomination in this State; and upon the removal from office or change of address of any such celebrant the ecclesiastical authority shall notify the Registrar-General forthwith, specifying the date of such removal or the particulars of such change as the case may require. Register and alterations therein to be gazetted.

(2) The Registrar-General shall, in the month of January in each year, cause to be published in the *Gazette* the names of all persons registered as authorised celebrants, with their designations, denominations, and residences.

(3) Where any person is registered as an authorised celebrant after the compilation of the annual list required by subsection (2) hereof, notice of such registration shall be published in the *Gazette* within one month after the same is effected; but failure in compliance with this requirement shall not affect the validity of such registration or the authority of the person registered.

(4) Upon the removal from the register of the name of any person, the Registrar-General shall forthwith publish in the *Gazette* a notice of such removal.

**PART III.****PROCEDURE IN RELATION TO MARRIAGE.***Division I.—Marriage Notices.*

**12** No marriage shall be celebrated unless—

- I. One or both of the parties thereto shall have given to the authorised celebrant by or before whom it is proposed that the marriage shall be celebrated a notice (in this Act called a marriage notice) in the prescribed form: and Notice of intended marriage to be given.
- II. Except as provided by section twenty, seven days shall have elapsed after such notice was given.

**13**—(1) On receiving the marriage notice it shall be the duty of the authorised celebrant to satisfy himself as to the truth of the essential particulars given in the marriage notice, so far as it is practicable to verify the same. Celebrants to certify particulars in notice.

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(2) If the authorised celebrant is not satisfied as to the particulars given in such marriage notice, he shall forthwith forward the notice to the Registrar-General, who shall cause the particulars given therein to be examined and, where necessary and practicable, corrected.

(3) Where in this Act any reference is made to verification, certification, or correction, of the particulars given in a marriage notice, the same shall be construed as applying to such particulars in so far as it is practicable to verify, certify, or correct the same as the case may be.

Marriage to be within three months from date of marriage notice.

**14** Unless within three months after the giving of the marriage notice pursuant to section twelve a marriage is celebrated between the parties described in the notice, the notice shall be void, and no marriage shall be celebrated in pursuance thereof.

*Division II.—Consent to Marriage of Minor.*

Consent required to marriage of minors.

**15**—(1) Except as otherwise specially provided by this section, if either party to an intended marriage, not having been previously married, is a minor, such marriage shall not take place unless and until there is produced to the person about to celebrate same the consent in writing of the person prescribed by the third schedule.

(2) Every such consent shall be in the prescribed form and shall be signed by the person giving the same in the presence of—

- I. An authorised celebrant:
- II. A justice:
- III. A medical practitioner: or
- IV. A police officer—

who shall attest the same.

(3) No person shall attest a consent under this section unless the person giving the same is personally known to him, or he has satisfied himself as to the identity of that person.

(4) The persons designated in the second column of the third schedule shall be the persons whose consent is required under this section in the circumstances described in the first column of that schedule opposite to such designation in each case respectively.

(5) If there is no person whose consent, in the circumstances of the case, is required in accordance with the third schedule the minor may lodge a statutory declaration of such fact in lieu of the consent required by subsection (1) hereof.

(6) Where the person whose consent is required is absent from the State the authorised celebrant, on being satisfied by authentic documentary evidence that such person has in fact given consent to the proposed marriage, such celebrant may celebrate such marriage without a formal consent as otherwise prescribed.



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(7) Where the Minister is satisfied that—

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- I. The consent of the person whose consent is prescribed is withheld unreasonably and without adequate cause: or
- II. Such person is incapable of giving the same, or is absent from the State, or his whereabouts is unknown, and that, in either case, it is not practicable to obtain his consent—

the Minister, on the recommendation of the Registrar-General, by writing under his hand may authorise the marriage to be celebrated without such consent.

*Division III.—Caveats.*

**16**—(1) Any person may enter a caveat with the Registrar-General or any authorised celebrant against the celebration of the marriage of any person named therein. Caveats.

(2) Every caveat shall be in writing signed by or on behalf of the person entering the caveat, and shall state the place of residence of the caveator and the ground on which the caveat is founded.

(3) If the caveat is entered with any authorised celebrant other than the Registrar-General, he shall forthwith give notice thereof in writing to the Registrar-General.

(4) The Registrar-General may give notice in writing of any caveat to any authorised celebrant.

(5) No marriage shall be celebrated by the person with whom the caveat has been entered as aforesaid or by any other person to whom notice of the caveat is given by the Registrar-General until the Registrar-General has examined into the matter of the caveat and is satisfied that it ought not to obstruct the celebration of the marriage, or until the caveat is withdrawn by the party entering the same.

(6) Any person aggrieved by the decision of the Registrar-General may appeal, as provided by section thirty-four.

**17** Every person who, vexatiously and without any reasonable or probable cause, enters a caveat against the marriage of any person shall be liable for the costs of the proceedings and for damages and costs, including the costs of any such appeal as aforesaid, to be recovered by action in any court of competent jurisdiction by the party against whose marriage the caveat is entered. Costs of caveat:  
Damages.

*Division IV.—When Marriage May be Celebrated.*

**18**—(1) No marriage shall be celebrated if either of the intending parties thereto is under the age of— Minimum ages of parties.

- I. Eighteen years, in case of a male: or
- II. Sixteen years, in case of a female—

except in pursuance of an order made under this section.

(2) If after such enquiry as he thinks necessary the Registrar-General or a police magistrate is satisfied that for

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A.D. 1942. — some special reason it is desirable he may make an order dispensing with the requirements of subsection (1) hereof.

(3) An order under subsection (2) hereof shall be in the prescribed form, and shall be registered at the office of the Registrar-General.

Prohibited  
degrees of  
consanguinity  
and affinity.

**19**—(1) No marriage shall be celebrated between persons who are within the prohibited degrees of consanguinity or affinity and all such marriages hereafter celebrated shall be absolutely null and void unless, in a case of affinity, dispensation therefor has been granted before marriage by a judge as hereinafter provided.

(2) Any person desiring to marry another who is within the prohibited degrees of affinity may apply as prescribed to a judge, and upon such application the judge, upon being satisfied that it is desirable so to do may make an order dispensing with the prohibition prescribed by subsection (1) hereof and thereupon such persons may marry.

(3) A copy of every order made under this section shall be filed and recorded in the office of the Registrar-General.

(4) Marriage between persons who are within the degrees of consanguinity or affinity specified in the fourth schedule is prohibited, except as provided by subsection (2) hereof, and no marriage in fact celebrated between any other persons shall be questioned or avoided on the ground of consanguinity or affinity.

Marriage  
before  
expiry of  
notice.

**20**—(1) A marriage may be celebrated before the expiration of seven days after the giving of the marriage notice if—

- I. In the opinion of the authorised celebrant to whom the notice was given the case is one of emergency and it is desirable that the marriage should be celebrated without delay:
- II. The marriage is celebrated by the Registrar-General after he has satisfied himself as to the correctness of the particulars given in the notice: or
- III. The Registrar-General has—

(a) Examined, and if necessary corrected, the particulars given in the notice and has endorsed on the notice a certificate of their correctness: and

(b) Issued a licence for the celebration of such marriage.

(2) Such licence as aforesaid may be issued by the Registrar-General on payment of the prescribed fee and after certifying the correctness of the particulars in the notice.

(3) Any authorised celebrant who celebrates a marriage as provided by paragraph i. of subsection (1) thereof shall forthwith report such marriage to the Registrar-General and set forth in such report the reasons for the celebration under that paragraph, and shall forward the marriage notice with such report to the Registrar-General.

*Marriage.**Division V.—Celebration of Marriage.*

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**21** All marriages shall—

- I. Be celebrated between the parties described in the marriage notice by or in the presence of an authorised celebrant:
- II. Take place with open doors: and
- III. Take place in the presence of at least two witnesses apparently over the age of sixteen years.

Marriage to be celebrated in the presence of witnesses and with open doors.

**22**—(1) A marriage shall be celebrated by or in the presence of the authorised celebrant to whom the marriage notice was given, and who is named in the marriage notice as the person by or in the presence of whom the marriage is to be celebrated, except where it is impracticable for such marriage to be celebrated by or in the presence of such person.

Marriage to be celebrated by persons to whom notice was given or by whom marriage to be celebrated.

(2) Where it is impracticable for the marriage to be celebrated by the person named for that purpose in the marriage notice the same may be celebrated by any authorised celebrant who—

- I. Has possession of the marriage notice: and
- II. Is satisfied by—

(a) His own investigation: or

(b) The certification thereof by some other authorised celebrant having been endorsed thereon—

that the particulars given in the notice are correct.

**23**—(1) The marriage between any two parties may be celebrated according to such form or ceremony as the parties think fit to adopt.

Mode of celebration.

(2) Any marriage celebrated by an officiating minister may be celebrated according to the usages or forms of the religious denomination or body to which he belongs, and the signature of the officiating minister to the certificate of marriage shall be conclusive evidence that the marriage was celebrated according to such usages and forms.

(3) When any marriage is celebrated by or before the Registrar-General or any registrar, in some part of the ceremony in the presence of the Registrar-General or registrar, and the witnesses, each of the parties shall say unto the other: "I call upon the persons here present to witness that I, (A.B.), do take thee, (C.D.) to be my lawful wedded wife (or husband)," or words to that effect.

(4) No person shall celebrate any marriage if there is, in the knowledge of such person, any lawful impediment to such marriage.

(5) No officiating minister shall be compelled to perform the marriage ceremony in any case where he has any objection to doing so.

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Marriage by  
mutual  
consent.

**24—**(1) If any persons object to the celebration of their marriage by any authorised celebrant they may mutually contract and celebrate marriage between themselves as hereinafter provided.

(2) Every such marriage shall be celebrated before a registrar, and such registrar shall ensure that all the relevant requirements of this Act are fulfilled.

(3) In the certificates required by section twenty-six such registrar shall certify that such marriage was celebrated before him in pursuance of this section, and the form of certificate shall be modified accordingly.

Both parties  
to sign  
declaration  
before  
marriage.

**25—**(1) A marriage shall not be celebrated unless and until each of the parties about to be married has made and signed before an authorised celebrant a declaration of freedom to marry in accordance with the prescribed form endorsed upon one of the copies of the certificate of marriage with such modifications, if any, as the circumstances may require, and every such declaration shall be attested by the person before whom it is made.

(2) The certificate of marriage endorsed with the declaration shall bear the following footnote printed in red ink:—

“NOTE.—The declaration on the back hereof must be duly made and signed by both parties to the marriage, otherwise the person celebrating the marriage shall be guilty of an offence.”

(3) Every authorised celebrant is hereby authorised to take and attest such declaration.

*Division VI.—Procedure after Celebration of Marriage.*Marriage  
certificate.

**26—**(1) Every authorised celebrant immediately upon a marriage having been celebrated by or before him shall make out a certificate thereof in the prescribed form.

(2) Every such certificate shall be made out in triplicate and be signed in triplicate by the parties to the marriage, the witnesses thereto, and the person celebrating the marriage respectively.

(3) The authorised celebrant shall—

- I. Where the consent of any person is required for such marriage, endorse on all such triplicate copies the fact of such consent and the name of the person giving it, and attest such endorsement:
- II. Hand to one of the parties to the marriage one of such triplicate copies of the certificate:
- III. Within seven days forward to the Registrar-General that one of such triplicate copies on which is endorsed the declaration by the parties: and

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- iv. Retain the remaining certificate and keep the same together with the marriage notice (except where the same is in the possession of the Registrar-General in accordance with section twenty), the licence, if any, and the consent, if any, as a record of the marriage. A.D. 1942.

**27** The Registrar-General shall carefully preserve all such certificates, numbering them consecutively under each district according to their dates, or in any other way which the Registrar-General may deem most convenient for future reference, and shall cause them so arranged to be bound up in convenient volumes to constitute the general register of marriages. Registrar-General to register all marriages.

(2) Should any certificate or certified copy, forming part or intended to form part of the general register, be lost or destroyed the Registrar-General is hereby empowered to demand, and any custodian of any register containing the original entry or certified copies of the same shall, upon the demand of the Registrar-General, supply certified copies of the same free of any charge, and the certified copies so supplied shall be substituted for those originally lost or destroyed.

**28** Every authorised celebrant shall, on the first day of the months of January, April, July, and October respectively, or within fourteen days thereafter, forward to the Registrar-General a true and complete report, authenticated by his signature, of all marriages by him performed during the preceding three months, distinguishing such, if any, as may have been performed by licence, or a nil account if no marriages have been performed by him within such period. Quarterly returns to be made to Registrar-General.

**29**—(1) No person shall celebrate a marriage between parties who, to the knowledge of such person, are already lawfully married to each other and whose marriage has not been dissolved. Marriage of the same parties not to be again celebrated.

(2) If any religious ceremony is performed in relation to the marriage of such persons the person performing the same, if he knows of such former marriage, shall not—

- i. Use the form of certificate of marriage prescribed by or under this Act;
- ii. Give any certificate of having celebrated the marriage of such persons unless the certificate so given contains a statement that such persons were already lawfully married.

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## PART IV.

## VALID AND INVALID MARRIAGES.

Certain irregularities not to invalidate marriage.

**30**—(1) No marriage whenever celebrated shall be avoided by reason only of the fact that, having in fact been celebrated, it was celebrated—

## I. By a person—

- (a) Whose registration as an officiating minister had been cancelled;
- (b) Who was not registered as aforesaid or in whose registration there was any informality or omission;
- (c) Who was not a person authorised to celebrate marriage: or
- (d) In whose appointment as Registrar-General or registrar there was any informality, defect, or illegality—

at the time of such celebration if either party to such marriage believed in good faith and on reasonable grounds that the person by or before whom the marriage was celebrated was qualified to celebrate such marriage:

## II. Without compliance with the provisions of section twelve or with the provisions of any repealed Act requiring the issue of a licence or certificate: or

## III. If the identity of the parties is not in question, without both, or either, of the parties thereto having duly made the required declaration or that the declaration made by either was defective or erroneous.

Proof of consent not required.

**31** It shall not be necessary in support of any marriage to give any proof of the consent of any person thereto whose consent is by law required, and no evidence shall be given to prove the contrary in any proceedings touching the validity of the marriage.

Marriages within the prohibited degrees.

**32**—(1) Except as provided by section nineteen, all marriages celebrated, or purporting to be celebrated in this State after the commencement of this Act between persons who are within the prohibited degrees of consanguinity or affinity shall be absolutely void and of no effect.

(2) No marriage in fact celebrated before the commencement of this Act shall be questioned or avoided on the ground only that the parties thereto were at the time of such celebration within the degrees of consanguinity or affinity which, under the laws then in force, were prohibited unless it is shown that, at the time such marriage was celebrated—

## I. The party to the marriage seeking such avoidance believed in good faith that there was no impediment of consanguinity or affinity to the marriage;

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and that the other party thereto knew that such A.D. 1942.  
impediment existed: or

- II. Both the said parties were aware that they were  
within such prohibited degrees.

**33** The prohibited degrees of consanguinity and affinity respectively which may affect the validity of a marriage in fact celebrated shall be those set out in the fourth schedule and none other.

Prohibited  
degrees of  
consanguinity  
and affinity.

## PART V.

## MISCELLANEOUS.

**34**—(1) Any person aggrieved by the decision of the Registrar-General as to—

Appeal from  
decision of  
the Registrar-  
General.

- I. The refusal of registration of such person as an authorised celebrant:
- II. The removal of such person's name from the register: or
- III. Whether a caveat shall or shall not obstruct the celebration of the marriage against which it was entered—

may appeal to a judge against such decision.

(2) Every such appeal shall be made in such manner, and within such time, as may be prescribed.

**35** The Registrar-General shall furnish to every authorised celebrant such printed forms as may be necessary to enable them to celebrate and register marriages in conformity with, and otherwise to observe, the provisions of this Act.

Forms to be  
furnished.

**36**—(1) The Registrar-General shall cause indexes of the register books in his office to be made and kept with the other records of his office.

Index of  
general  
Register:  
Searches:  
Fees.

(2) Subject to subsection (3) hereof every person shall be entitled, at all reasonable hours, to require such indexes to be searched, and to have a certified copy of, or extract from, any entry in the register books under the hand of the Registrar-General on payment of the prescribed fees.

(3) The Registrar-General may, in any case he thinks fit, require the person seeking to have any such search made to disclose the reasons for the search and any other relevant matters, and if the Registrar-General is of the opinion that the search is required for improper reasons, or that the person requiring the search has no proper reason for requiring the search to be made, he may refuse to make the search or to issue any such certified copy or extract unless directed by the Minister to make or issue the same.

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A.D. 1942. (4) No fee shall be payable in respect of any search, certificate, or extract required for the purposes of any government department, and the Registrar-General may make any search or issue any certificate or extract for any such purpose.

Correction of errors.

**37**—(1) If the Registrar-General is satisfied by declaration, or such other evidence as he may think sufficient, that any particular in any register of marriages is incorrect, or that any clerical error has occurred, he may correct the register, and such correction shall be signed by him and marked with the date upon which it is made.

(2) If the Registrar-General is satisfied that any person whose marriage is registered in any register of marriage is lawfully using a name other than the name by which he is described in the register, the Registrar-General may, without any erasure of the original entry and upon payment of the prescribed fee, cause to be entered in the register a note of the name so used by such person, and such note shall be signed by the Registrar-General and marked with the date upon which the entry is made.

(3) If any certified copy of, or extract from, an entry so corrected or altered is issued by the Registrar-General, the copy may be of the entry as so corrected or altered; or, if the Registrar-General thinks fit, may be a copy of the original entry showing all corrections and alterations made thereon pursuant to this Act or any repealed Act.

Notices of divorce to be entered in marriage register.

**38**—(1) The Registrar of the Supreme Court shall forward to the Registrar-General a certificate of any decree made by the Supreme Court whereby any marriage celebrated in this State has been finally dissolved or annulled.

(2) Every such certificate shall specify the names of the parties and the date and place of marriage, the date of the decree, and such other relevant particulars as may be required by the Registrar-General.

(3) On receipt of any such certificate the Registrar-General shall cause to be entered on the certificate of marriage filed in his office a memorandum of the particulars disclosed in the certificate.

(4) If notice in writing is received by the Registrar-General from an officer of any competent court within any part of the British Dominions other than Tasmania or from any officer in whose charge is placed the keeping of any principal register of marriages in that part, that any marriage registered in Tasmania has been finally dissolved or annulled by a competent court in that part, the Registrar-General, if satisfied that the marriage has been so dissolved or annulled, may cause to be entered on the certificate of marriage a memorandum of the particulars disclosed in the notice.

(5) Every certified copy of the entry relating to any marriage which has been dissolved or annulled, issued after the



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receipt by the Registrar-General of a certificate or notice under this section, shall include the essential particulars contained in the certificate or notice. A.D. 1942.

**39**—All notices required by this Act to be given by the Registrar-General may be sent by post, and if given to an authorised celebrant may be sent to the address of such celebrant shown in the register. Notices may be sent by post.

**40**—(1) No person lawfully asked by any authorised celebrant any question touching, or relevant to, any particulars given or required to be given in the marriage notice of or relating to such person shall— Offences.

- I. Refuse to answer such question: or
- II. Wilfully make any false statement in relation to such question.

Penalty: One hundred pounds.

(2) No person shall knowingly celebrate or take part in the celebration of the marriage of any parties—

- I. Either of whom is below the age prescribed by this Act as the minimum age at which a person of the sex of such party may marry, except in pursuance of an order lawfully made under this Act: or
- II. If there is any impediment to the marriage of such parties.

Penalty: One hundred pounds.

(3) No authorised celebrant shall celebrate, or take part in the celebration of, any marriage—

- I. Either of the parties to which is, to the knowledge of such celebrant, a minor, without the written consent of the prescribed person unless—
  - (a) The Minister has authorised such marriage without such consent:
  - (b) The minor has lodged a statutory declaration that there is no person whose consent is prescribed: or
  - (c) The celebrant has been satisfied by documentary evidence that such person has consented to such marriage:

- II. After the expiration of three months after the marriage notice in respect thereof was given:
- III. Before the expiration of seven days after the marriage notice in respect thereof was given except in circumstances in which such celebration is expressly authorised by this Act:
- IV. Without having obtained the marriage notice in respect thereof: or
- V. Without procuring the prescribed declaration to be made by both the parties thereto.

Penalty: Fifty pounds.

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(4) No authorised celebrant shall fail or neglect to—

- I. Forward to the Registrar-General, as and when prescribed, the certificate of any marriage celebrated by him: or
- II. Furnish to the Registrar-General as and when provided any return or report required by this Act.

Penalty: Twenty pounds.

Declarations  
may be taken  
by celebrants.

**41** Every authorised celebrant shall have authority to take any declaration required by this Act, and every such declaration duly made and taken shall have effect as and be deemed to be a statutory declaration.

Fees.

**42—**(1) The fees payable, and the matters in respect of which the same shall be payable under this Act shall be as prescribed, and all such fees shall be payable in advance.

(2) All fees received under this Act by the Registrar-General and the registrars for the Districts of Hobart and Launceston shall be paid into the consolidated revenue; and all fees received by registrars other than for the Districts of Hobart and Launceston under this Act shall and may be retained by them for their own use and benefit.

(3) In any case in which the Registrar-General is satisfied that the circumstances are such as to justify the remission of any fee payable under this Act, the Registrar-General or any registrar, with the approval in writing of the Registrar-General, may remit any such fee, and a marriage may be celebrated without payment thereof.

Regulations.

**43—**(1) The Governor may make regulations under this Act.

(2) In relation to any religious denomination or body, whose beliefs, in the opinion of the Governor, are such as to call for such modification, the regulations may provide for the modification of the provisions of this Act as may be prescribed in respect only of the mode of celebration of marriages between members of the denomination or body concerned; and may prescribe the cases and the manner in which and the conditions subject to which the authority of an authorised celebrant may be delegated in respect of a particular marriage to a member of the denomination or body to which the parties to such marriage belong.

## THE FIRST SCHEDULE.

Number. Regnal Year and	Title of Act repealed.
37 Vict. No. 7 .....	The Marriage (Deceased Wife's Sister) Act, 1874
59 Vict. No. 23 .....	The Marriage Act, 1895.
60 Vict. No. 13 .....	The Marriage Act, 1896.
15 Geo. V. No. 6 .....	The Marriage (Deceased Husband's Brother) Act, 1924.

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## THE SECOND SCHEDULE.

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Section 3.

The Church of England.  
 The Roman Catholic Church.  
 The Presbyterian Church of Tasmania.  
 The Methodist Church of Australasia.  
 The Congregational Union of Tasmania.  
 The Baptist Union of Tasmania.  
 The Church of Christ.  
 The Salvation Army.  
 The Seventh-day Adventist Church.  
 The Society of Friends.  
 The Jewish Church.

## THE THIRD SCHEDULE.

Section 15.

## CONSENT TO MARRIAGE OF A MINOR.

Circumstances Applicable to the Minor to be Married.	Person Whose Consent is Required.
1. Where the parents are living together .....	The father.
2. Where the parent whose consent would otherwise be required resides out of this State and it is declared to be impracticable to obtain the consent of that parent, and the other parent resides in this State	The parent residing in this State.
3. Where the minor has one parent only and is in the custody of the parent .....	The parent.
4. Where the minor has been committed by the order of a competent court, or by agreement between the parents, to the custody of any person .....	The person to whose custody the minor is so committed; but if such custody has been given to one parent for part of each year and to the other parent for the remainder of the year, the consent of both parents.
5. Where the minor is in the custody of a legal guardian .....	The guardian.

NOTE.—Where any minor has been adopted pursuant to the *Adoption of Children Act 1920*, the adopting parent has all the rights and duties of, and is in the same position as, a natural parent. If a minor is of illegitimate birth, his mother is the sole parent, except where he acquires one by adoption.

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## THE FOURTH SCHEDULE.

Section 19.

PROHIBITED DEGREES OF CONSANGUINITY AND  
AFFINITY.

Consanguinity.	Affinity.
1. Marriage of a man is prohibited if the woman is, or has been, his—	
Ancestress	Wife's mother
Descendant	Wife's grandmother
Sister	Wife's daughter
Father's sister	Wife's son's daughter
Mother's sister	Wife's daughter's daughter
	Father's wife
Brother's daughter	Grandfather's wife
Sister's daughter	Son's wife
	Son's son's wife
	Daughter's son's wife
2. Marriage of a woman is prohibited if the man is, or has been, her—	
Ancestor	Husband's father
Descendant	Husband's grandfather
Brother	Husband's son
Father's brother	Husband's son's son
	Husband's daughter's son
Mother's brother	Mother's husband
Brother's son	Grandmother's husband
Sister's son	Daughter's husband
	Son's daughter's husband
	Daughter's daughter's husband—

and for the purposes of this schedule it is immaterial whether the relationship is of the whole blood or half-blood, or whether the same is traced through, or to, any person of illegitimate birth.