

MARRIAGE.

5° Elizabeth II., No. LXXII.

No. 72 of 1956.

**AN ACT to amend the Marriage Act, 1894-1948,
and to amend consequentially the Registration
of Births, Deaths and Marriages Act, 1894-1948.**

[Assented to 4th January, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Marriage Act Amendment Act, 1956*.

Vol. 6
Reprinted
Acts.
Approved for
reprint 13th
February,
1953.

(2) In this Act the Marriage Act, 1894-1948, Act 58 Victoriae, No. 11 as reprinted with amendments to and including Act No. 23 of 1948

incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938,
is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Marriage Act, 1894-1956.

2. The Act mentioned in the Schedule to this Act is amended, and as so amended may be cited, as prescribed in that Schedule. Registration Act amended.

3. The principal Act is amended by adding after section eight, the following section:— S. 8A added.

8A. (1) In this section—

“Magistrate” means a person holding office as a magistrate under the Stipendiary Magistrates Act, 1930, or under the Public Service Act, 1904;

“medical practitioner” means a person registered under “The Medical Ordinance, 1869,” or under the Medical Act, 1894, and whose name is upon the register mentioned in the latter Act.

(2) After the coming into operation of the Marriage Act Amendment Act, 1956, a person authorised by this Act to celebrate marriages shall not celebrate an intended marriage,

(a) if the intended husband has not attained the age of eighteen years; or

(b) if the intended wife has not attained the age of sixteen years;

except by authority of an order made and issued under this section by a Magistrate.

Twelfth
Schedule.

(3) On application being made to a Magistrate for the making and issuing of such an order authorising the celebration of an intended marriage, the Magistrate may make and issue the order in, or substantially in, the form in the Twelfth Schedule to this Act, but only if the Magistrate is satisfied by enquiry on oath or affirmation,

- (a) that the intended wife is pregnant;
- (b) that consent to celebration of the intended marriage is given as required by section nine of this Act; and
- (c) that the order should be made in the interests of the parties to the intended marriage, and of the unborn child.

(4) The Magistrate

- (a) may hear the application in camera; and
- (b) may accept as evidence of pregnancy, a certificate purporting to have been signed by a medical practitioner, certifying that the person named in the certificate is in his opinion pregnant, if the Magistrate is satisfied that the person named in the certificate is the intended wife.

(5) In the event of a marriage being celebrated in breach of this section, the marriage is not, by reason only of the breach, void.

(6) The provisions of this section do not preclude a Magistrate, to whom application is made under this section for an order authorising the celebration of an intended marriage, from giving consent to the marriage in his capacity of justice of the peace if the proviso to subsec-

tion (1) of section nine of this Act applies, or in his capacity as the Court if subsection (2) of that section applies, as well as making and issuing the order.

4. Section nine of the principal Act is amended S. 9 amended. by adding after the word, "Act" in line eight of subsection (1), the passage, ",", and also an order authorising the celebration of the marriage where such an order is necessary pursuant to the provisions of section eight A of this Act".

5. Section ten of the principal Act is amended— S. 10 amended.

(a) by adding after the word, "consent" in line two, and again in line three, the passage, "or, as the case may be, consent and order,";

(b) by adding after the word, "form" in line three, the words, "appropriate to the case and"; and

(c) by substituting for the words, "endorsed on each" in line five, the words, "attached to the third copy mentioned in section eleven of this Act of the".

6. The Fourth Schedule to the principal Act is Fourth Schedule amended. amended—

(a) by substituting for the words, "ENDORSEMENT OF CONSENT TO MARRIAGE OF MINOR UPON" in lines two and three, the words, "STATEMENT OF FACT REQUIRED BY SECTION TEN TO BE ATTACHED TO THIRD COPY OF";

(b) by substituting for the words, "this certificate" in line eight, the words, "the attached third copy of certificate of marriage"; and

(c) by adding after the word, "certificate" in line eight, the following passage—

(Note.—The following additional certificate is required to be attached to the third copy of the certificate of marriage if the intended wife has not attained the age of sixteen years, or if the intended husband has not attained the age of eighteen years.)

I also certify that I have had produced to me an order purporting to have been made and issued on the _____ day of _____, 19____, under section eight A of the Marriage Act, 1894 as amended, by....., Stipendiary/Resident Magistrate.

Twelfth Schedule added.

7. The principal Act is amended by adding after the Eleventh Schedule, the following Schedule:—

S. 8A (3).

TWELFTH SCHEDULE.

FORM OF ORDER OF MAGISTRATE AUTHORISING CELEBRATION OF MARRIAGE WHERE INTENDED BRIDE UNDER SIXTEEN, OR INTENDED HUSBAND UNDER EIGHTEEN, YEARS OF AGE.

Pursuant to section eight A of the Marriage Act, 1894 as amended, I _____ Stipendiary/Resident Magistrate by this Order do authorise celebration of marriage between....., of.....(intended husband) and, of..... (intended wife).

Dated the _____ day of _____, 19____.

Stipendiary/Resident Magistrate.

SCHEDULE.

AMENDMENT OF THE REGISTRATION OF BIRTHS,
DEATHS AND MARRIAGES ACT, 1894-1948.

1. (1) In this Schedule the Registration of Births, Deaths, and Marriages Act, 1894-1948, Citation.

Act 58 Victoriae, No. 16 as reprinted, with amendments to and including Act No. 4 of 1914 incorporated, and as further amended by Act No. 21 of 1948,

Reprinted in
the Appendix
to the
Sessional
Volume
for 1934.

is referred to as the principal Act.

(2) The principal Act as amended by this Schedule may be cited as the Registration of Births, Deaths, and Marriages Act, 1894-1956.

2. The Eleventh Schedule to the principal Act is amended by deleting from the form marked A the forms of certificates relating to consents to marriages of minors, which forms commence with the words, "I certify that the consent of" and end with the words, "or District Registrar".

Eleventh
Schedule
amended.

