

WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

VII.

No. 7 of 1907.

AN ACT to further amend the Marriage Act, 1894.

[Assented to 10th December, 1907.]

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

1. This Act may be cited as the *Marriage Act Amendment Act*, 1907, and shall be read as one with the Marriage Act, 1894, hereinafter referred to as the principal Act. Short title.

2. This Act shall come into operation on the first day of January, one thousand nine hundred and eight. Commencement.

3. The Acts mentioned in the Schedule are hereby repealed to the extent therein indicated. Repeal.
Schedule.

4. Section four of the principal Act is hereby amended by inserting after the word "religion" the words "or other person." Amendment of
58 Vict., No. 11, s. 4.

Amendment of
sec. 6.

5. Section six of the principal Act is hereby amended by striking out the words "six o'clock in the evening," and inserting the words "eight o'clock in the evening."

Amendment of
sec. 7.

6. Section seven of the principal Act is hereby amended by striking out the words "the minister or district registrar celebrating such marriage," and inserting the words "a minister or district registrar."

Amendment of

7. Section eight of the principal Act is hereby amended by striking out the words "twenty-one years," and inserting the words "sixteen years."

Amendment of
sec. 12.

8. Section twelve of the principal Act is hereby repealed, and the following is inserted in place thereof:—

Minister may cele-
brate marriage after
banns; or

12. Except by special license hereinafter mentioned, no minister shall celebrate any marriage unless and until—

(1.) The banns of such marriage have, within the three months next preceding the date of such marriage, been duly published on three Sundays in a church within the district wherein one of the parties to such marriage has resided for not less than seven days next preceding the first publication thereof, and the certificate in the prescribed form of such banns has been produced before such marriage to the celebrating minister; or

Notice posted on
door of church, etc.;
or

(2.) A notice, in writing, of the intention to celebrate such marriage, in the form contained in the Fifth Schedule, has, within the three months next preceding the date of such marriage, been and continued to remain for fourteen days affixed to the outside of the outer door of a church within the district wherein one of the parties to such marriage has resided for not less than seven days next preceding the affixing of such notice, and the certificate in the prescribed form has been produced before such marriage to the celebrating minister; or

Notice to district
registrar.

(3.) The parties to such marriage have, within three months next preceding such marriage, given notice, in the form contained in the Sixth Schedule, to the district registrar of the district wherein such parties have respectively resided for not less than seven days next preceding the giving of such notice, and the respective certificates of the giving of such notice are produced to such minister before such marriage:

Provided always, that if such parties have resided in the same district for not less than seven days as aforesaid, or if one of such parties has not resided in Western Australia for seven days immediately preceding the giving of such notice, then notice as aforesaid, at the instance of one of such parties, shall be deemed to be notice on behalf of each of such parties, and the production of the certificate of such notice shall be sufficient.

9. Section sixteen of the principal Act is hereby repealed, and the following is inserted in place thereof:—

Amendment of sec. 16.

16. The district registrar receiving the notice in the form contained in the Sixth Schedule, signed by one of the parties to the intended marriage, shall forthwith post such original notice in a conspicuous place in his office, and a true copy thereof on the outside of the outer door of the building wherein such office is situated, where they shall remain posted for seven consecutive days; and shall also enter a true copy of such notice into a book provided for that purpose, to be called "The Marriage Notice Book;" and for every entry so made the district registrar shall charge the fee of one shilling; and such book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.

Notice to be posted and entered in "Marriage Notice Book."

10. Section twenty-seven of the principal Act is hereby amended by striking out the words "First Schedule" and inserting the words "Second Schedule" in place thereof, and by striking out the words "and no other marriage except as hereinafter provided shall be valid for any purpose."

Amendment of s. 27.

11. Section twenty-eight of the principal Act is hereby amended by inserting after the word "declaration" the words "or in any notice or certificate required before solemnization, or in the registration of the marriage when solemnized."

Amendment of s. 28.

12. No marriage celebrated before the passing of this Act shall be avoided for any infringement of the principal Act if such marriage would not be avoided under the principal Act as amended by this Act.

Amendments to apply to existing marriages.

13. Every minister shall, on the first day of every month, transmit to the Registrar General a return, in the prescribed form, of all marriages celebrated by him, or stating that no marriage has been celebrated by him (as the case may be), within the State during the month last preceding.

Monthly returns.

14. Marriages between parties both of whom are Jews may be celebrated—

Celebration of marriages between Jews.

(1.) By a minister or other person of the Jewish religion, whose name, designation, and usual place of residence

have been and continue to be duly registered according to law, in the office of the Registrar General, as authorised to celebrate marriages ; or

- (2.) By a district registrar in the manner provided by the principal Act for the marriage of persons by district registrars.

Sections 6 and 12 of principal Act not to apply to marriages between Jews.

15. The provisions of sections six and twelve of the principal Act shall not apply or extend to any marriage between parties both of whom are Jews.

Validating certain marriages.

16. Notwithstanding any act, usage, or custom to the contrary, no marriage heretofore celebrated by a district registrar between persons both of whom are Jews, in accordance with the provisions regulating the marriage of persons other than Jews, shall be impeachable on the ground only that such marriage was celebrated by a district registrar.

Regulations.

17. (1.) The Governor may make regulations,—

- (a.) For the preparation and transmission of all returns and certificates from ministers and district registrars respectively ;
- (b.) Prescribing the necessary forms for all books, certificates, and documents ;
- (c.) For all other matters necessary to carry out the provisions of the principal Act and of this Act.

(2.) All such regulations shall be notified in the *Government Gazette*, and shall thereupon have the force of law.

Sec. 3.

THE SCHEDULE.

Date.	Short title.	Extent of repeal.
58 Vict., No. 11 62 Vict., No. 23	The Marriage Act, 1894 ... The Marriage Act, 1894, Amendment Act, 1898	Section 14. Sections 2 and 3.