

MARRIAGE AMENDMENT ACT 2002



**BERMUDA
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MARRIAGE AMENDMENT ACT 2002

[Date of Assent: 30 December 2002]

[Operative Date: 30 December 2002]

WHEREAS it is expedient to require all marriages to be celebrated or contracted after the issue of a certificate for marriage issued by the Registrar and to provide for the publication of an advertisement of a notice of intended marriage whether the marriage is to be a civil or religious ceremony:

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:—

Citation

1 This Act which amends the Marriage Act 1944 ("the principal Act") may be cited as the Marriage Amendment Act 2002.

Amendment of section 9 of principal Act

2 Section 9(1) of the principal Act is deleted and the following substituted:

"9(1) Subject to the requirements of the Act relating to notice of marriage and the issue of certificates —

- (a) a marriage may be celebrated by a Marriage Officer under the authority of the Registrar's certificate; or

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(b) a marriage may be contracted before the Registrar under the authority of the Registrar's certificate."

Amendment of section 10 of principal Act

3 Section 10 of the principal Act is amended —

(a) by deleting subsection (2) and substituting the following —

"(2) The notice required by subsection (1) shall be given to the Registrar whether the marriage is —

(a) to be celebrated by a marriage officer; or

(b) to be contracted before the Registrar,

on the authority of the Registrar's certificate."

Amendment of section 11 of principal Act

4 Section 11 of the principal Act is amended —

(a) by deleting subsection (2);

(b) in subsection (3), by deleting "a notice of marriage given to him as aforesaid" and substituting "a certificate for marriage issued by the Registrar under section 14".

Repeal of section 12 of principal Act

5 Section 12 of the principal Act (which relates to the issue of certificates by marriage officers) is repealed.

Amendment of section 17 of principal Act

6 Section 17 of the principal Act is amended —

(a) in subsection (1), by deleting "by a Marriage Officer under section 12 or (as the case may be)";

(b) by deleting subsection (3) and substituting the following —

"(2) Notice under subsection (2) shall be given to the Registrar and may be given at any time before the issue of the certificate to which it relates.";

(c) in subsection (4), by deleting "Marriage Officer or Registrar, as the case may be," and substituting "Registrar".

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Repeal and replacement of section 18 of principal Act

7 Section 18 of the principal Act is repealed and the following is substituted—

"Duties of Registrar on entry of caveat

18 (1) On the entry of a caveat under section 17 the Registrar shall forthwith record in the Marriage Notice Book the particulars contained in the notice and the date of receipt of the notice.

(2) The Registrar shall as soon as possible refer every caveat to a judge."

Amendment of section 19 of principal Act

8 Section 19 of the principal Act is amended—

- (a) in paragraph (b), by deleting "Marriage Officer or";
- (b) in paragraph (d)—
 - (i) by deleting "Marriage Officer or Registrar as the case may be" and substituting "Registrar";
 - (ii) by deleting "sections 12 and" and substituting "section".

Amendment of section 20 of principal Act

9 Section 20(1) of the principal Act is amended by deleting "a Marriage Officer or".

Amendment of section 21 of principal Act

10 Section 21 of the principal Act is amended—

- (a) in subsection (1), by deleting "of the due publication of banns issued to him or her by a Marriage Officer under section 12" and substituting "for marriage issued by the Registrar under section 14";
- (b) in subsection (2), by deleting "by a Marriage Officer under section 12, or as the case may be,";
- (c) in subsection (3)(a), by inserting "or Wales" after "England".

Amendment of section 23 of principal Act

11 Section 23(1) of the principal Act is amended—

- (a) by deleting paragraph (a);

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(b) in paragraph (b), by deleting the words "a certificate issued by a Marriage Officer and".

Amendment of section 26 of principal Act

12 Section 26(2) of the principal Act is repealed and the following is substituted —

"(2) In this section "to officiate" in respect of a marriage means to publish the banns thereof or to celebrate that marriage."

Amendment of section 28 of principal Act

13 Section 28(1)(f)(i) of the principal Act is repealed.

Amendment of section 33 of principal Act

14 Section 33(5)(b)(i) of the principal Act is repealed.

Amendment of Second Schedule to principal Act

15 The Second Schedule to the principal Act is amended by deleting Form B.