REPUBLIC OF KIRIBATI (No. 15 of 2002)

I assent,

Beretitenti 29/10 2002

AN ACT TO AMEND THE MARRIAGE ORDINANCE (CAP. 54)

Commencement: 2002

Short title

1. This Act may be cited as the Marriage (Amendment) Act 2002.

Amendment of section 5

2. Section 5 of the Marriage Ordinance (Cap. 54) (hereinafter referred to as "the principal Ordinance") is amended by repealing "16" and substituting "18".

13

Amendment of section 7

3. Section 7 of the principal Ordinance is amended in subsection (1) by repealing the whole of subsection (1) and substituting it as follows –

"7.(1) When either party to an intended marriage, not being a widower or widow is under 21 years of age, the written consent of both the father and mother, or if any one of them is dead or of unsound mind or absent from Kiribati, of the other, or if both are dead or of unsound mind or absent from Kiribati, of the guardian of such party, shall be required:

Provided, however, that -

(a) when such party has no father, mother or guardian, the Registrar-General may, if satisfied after due inquiry that the intended marriage is a proper one,
i dispense with such consent;

(b) when the person whose consent is required refuses his consent, the Registrar-General may, if satisfied after due inquiry that the refusal is perverse and that it is in the best interests of the party requiring the consent that the intended marriage should take place, dispense with such consent."

Amendment of section 9

4. Section 9 of the principal Ordinance is amended -

(a) in subsection (a) by repealing "the district" and substituting "Kiribati"; and

(b) by adding a new subsection (d) as follows:-

where one or both parties to the intended marriage is or are not I-"(d) Kiribati a passport or other documents shall be produced evidencing the parties citizenship.".

Amendment of Schedule 1

"

Millian Millian Proving and American American

Schedule 1 to the principal Ordinance is amended by repealing the whole of that 5. Schedule and substituting a new Schedule as follows:-

SCHEDULE 1 (Section 4) KINDRED AND AFFINITY

Prohibited Degrees of Relationship

A man shall not marry 1.

> female descendants of his great great great great great grandfather ıer

	romuto do	Deentere		46 B.	" " " " " grandmoth
	"	**	<u>در</u>	~	giantunoui
	"		100		grandiamon
	"	. "	**	. i <u>r</u>	granunomo
	66	"	"		granutation
91. 194419 (4	66		66	125	" " grandmother
	"	. 66	66		" " grandfather
	**	"	"	"	" " grandmother
	"	"	"	"	" grandfather
	"	"	"	"	" grandmother
	"	"	"	· • • • •	grandfather
	"	"	٠٠ `	÷**	grandmother
his or	andmother			υ.	Construction of the second state
his or	andmother'	s sister		C I I	
	andfather's			5	
	ather's sister			ļ. ·	
	other's siste				
his M		JI .		17.	
	aughter				7
his Si					3
	on's daughte	ar			
				2	
	aughter's day				
	rother's dau				
his Si	ster's daugl	nter		***	
640000 D a 4					
2. A	woman sha	all not r	narry	ж	
			12	:	
	descendant	s of her	great	great	t great great grandfather
"	66	** **	66	"	" " grandmother
66	6,6	~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~	**	**	" " grandfather
55	**	** **	"	**	" " grandmother
**	~~	** **	66	"	" grandfather
6 6	"	cc cc	"	"	" grandmother
¢ŝ	26	** **		"	grandfather
**	"	دو ده	55	"	grandmother
					11/2441

" " " " " grandfather " " " " grandmother " " " grandfather " " " grandfather " " " grandmother her grandfather her grandfather's brother her grandmother's brother

her father's brother her father her son her brother her son's son her daughter's son her brother's son her sister's son

3. The foregoing provisions of this Schedule with respect to any relationship shall apply whether the relationship is by the whole blood or by the half blood and whether the relationship is legitimate or illegitimate.

4. In this Schedule, unless the context otherwise requires, the term "wife" means a former wife whether she is alive or deceased, and whether her marriage was terminated by death or divorce or otherwise, and the term "husband" has a corresponding meaning."

Amendment of Schedule 2

6. Schedule 2 of the principal Ordinance is amended by repealing the whole of Form E and substituting a new Form E as follows -

"FORM E (Section 16)

MARRIAGE ORDINANCE (CAP. 54)

CERTIFICATE OF MARRIAGE

No. Date	No.	When Married	Names And Surnames	Condition	Occupation	Residence At time of Marriage	Father's Name and Surname	Fathers occupation, rank or profession	Mother's name And surname	Mother's occupation, rank or profession
Name of husband				.: .::						
Name of wife	·			Esg				<i>1</i> 7		
Witnesses								•		

440 : 94

			4					
Married at	ł by me		ne			Marriage Officer		
				с ж				
		4	11 4			а м		
					국 241		11 11	
This 1	narriage was	- } -	78	A.B.	•	in the }	E.F.	
Solen	inised	··· }		54 NC	- {	presence}		
Betwe	en us	3	75.1	C.D.	{	ofus }	G.H.	
141 I.			39°. 21	5 A	8	24. B	Witnesses	

NOTE:- This form is to be printed in duplicate."

Amendment of Schedule 3

"

7. Schedule 3 of the principal Ordinance is amended as follows -

(a) by repealing the whole of Form 1 and substituting a new Form 1 as follows -

SCHEDULE 3

FORM 1 (Section 22)

NOTICE OF MARRIAGE INTENDED TO BE SOLEMNISED UNDER THE FOREIGN MARRIAGE ACT 1892

To: The Registrar-General of Kiribati

I HEREBY give you notice that a marriage is intended to be had within 3 calendar months from the date hereof at between me and the other party herein named and described (that is to say) –

Name	Condition	Occupation, Rank or Profession	Age	Dwelling Place	Nationality
J.B	Bachelor	4		2	
E.R	Spinster				

and that I have had my usual place of abode for a period of not less than 1 week last past at in Kiribati,

1 . 5

. Lie

11.

ana da Nori day of

Witness my hand this

20.. .

(Signature)"; and

(b) by repealing the whole of Form 2 and substituting a new Form 2 as follows -

"FORM 2

(Section 24)

CERTIFICATE OF RECEIPT OF NOTICE OF MARRIAGE UNDER THE FOREIGN MARRIAGE ACT 1892

I, , do hereby certify that on the day of 20.., notice was duly entered in my Foreign Marriage Notice Book of the marriage intended to be had at between the parties therein named and described, delivered under the hand of one of the parties (that is to say) -

Name	Condition	Occupation, Rank or Profession	Age	Dwelling Place	Nationality
J.B	Bachelor			er M _{el} er D	
E.R	Spinster				ž. u

and that the said thereby declared that he/she had had his/her usual place of abode for a period of not less than 1 week preceding the date of such notice at in Kiribati and that the notice was published upon the day of 20.., by posting the same in a conspicuous place in my office and has remained so posted for a period of 14 days and that I am not aware of any impediment or objection which should obstruct the solemnisation of the said marriage.

Registrar-General of Births, Deaths and Marriages."

Amendment of Schedule 4

8. Schedule 4 of the principal Ordinance is amended by repealing the whole of Schedule 4 and substituting a new Schedule 4 as follows -

H.t.s

alla

1.21

:::

ditt

"SCHEDULE 4 (Section 30)

FEES

1.	Filing notice of marriage and entering same			\$ 5.00
2.	On issue of certificate for marriage	••		\$10.00
3.	Endorsement of certificate for marriage			\$10.00
4.	Certifying any extract	••	••.	\$15.00
5.	Licence			\$50.00"

5

MARRIAGE (AMENDMENT) ACT 2002

EXPLANATORY MEMORANDUM

1. The current Marriage Ordinance, although it has been in place for a considerable number of years, does not actually reflect Kiribati custom and traditions relating to marriage. Under the present Ordinance, second cousins cannot marry. The amendment to the Ordinance in Schedule 1 seeks to extend that to the sixth degree of cousinship.

2. The amendment also raises the age limit of marriage from 16 to 18. It is acknowledged that at age 18 a person is more mature and is able to make responsible decisions in life such as getting married.

3. Clause 3 of the Act amends section 7 to require the written consent of both parents of either party to the intended marriage to be given.

4. The remaining amendments are to various Forms contained in Schedules 2 and 3. The amendment of Schedule 4 increases the fees by about one hundred per cent (100%).

11

ini National

11

14 .

na b Titabu Tabane Attorney General 5 April 2002

CERTIFICATE BY THE CLERK OF THE MANEABA NI MAUNGATABU This printed impression of the Marriage (Amendment) Act, 2002 has been examined by me with the Bill which was passed by the Maneaba ni Maungatabu on 3rd October 2002 and is found by me to be a true and correctly printed copy of the said Bill.

IOATAAKE TIMEON Clerk of Maneaba ni Maungatabu

> LA Can

31:

11.

nen [Clerk of Maneaba ni Maungatabu