

MARRIAGE (AMENDMENT) ACT.

Act No. 3, 1956.

An Act to make further provision with respect to marriages before district registrars; to declare valid at law certain marriages between a man and his aunt by marriage and between a woman and her uncle by marriage; for these and other purposes to amend the Marriage Act, 1899, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 2nd August, 1956.]

**Elizabeth II,
No. 3, 1956.**

BE

8 Marriage (Amendment) Act.

No. 3, 1956.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in 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 (Amendment) Act, 1956."

(2) The Marriage Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the Marriage Act, 1899-1956.

Amendment of Act No. 15, 1899.

2. The Marriage Act, 1899-1948, is amended—

Sec. 3 (2). (Marriages before registrar.)

(a) by omitting subsection two of section three and by inserting in lieu thereof the following subsection:—

(2) A marriage celebrated by a district registrar shall be in the form of words set forth in the Third Schedule hereto to be repeated and signed by the parties to such marriage respectively.

Sec. 9. (Consent in case of minority.)

(b) by omitting from subsections one, three and four of section nine the words "or police";

Sec. 17A. (Validation of certain marriages before District Registrars.)

(c) (i) by inserting in subsection one of section 17A after the word "celebrated" the words "before the commencement of the Marriage (Amendment) Act, 1956,";

(ii) by inserting in the same subsection after the words "to this Act" the words "before the repeal of that Schedule by the Marriage (Amendment) Act, 1956";

(iii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection:—

(2) This section extends to marriages celebrated before the commencement of the Marriage (Amendment) Act, 1934, as well

as

Marriage (Amendment) Act.

9

as to marriages celebrated after that commencement but before the commencement of the Marriage (Amendment) Act, 1956. No. 3, 1956.

- (d) by inserting next after section 18A the following new sections:— New secs.
18B and 18C.

18B. (1) Every marriage, otherwise lawful, celebrated in New South Wales before or after the passing of the Marriage (Amendment) Act, 1956, between a man and— Marriage
with uncle
by mar-
riage or
with aunt
by
marriage.

(a) the daughter of his deceased wife's brother;

(b) the daughter of his deceased wife's sister;

(c) the widow of his brother's deceased son; or

(d) the widow of his sister's deceased son;

or between a woman and—

(e) the son of her deceased husband's brother;

(f) the son of her deceased husband's sister;

(g) the widower of her brother's deceased daughter; or

(h) the widower of her sister's deceased daughter,

shall be deemed and is hereby declared to have been and to be valid and of full force and effect any law or custom to the contrary notwithstanding.

(2) This section shall not validate any such marriage where the marriage would, but for the enactment of subsection one of this section,

No. 3, 1956.

section, have been void or voidable by reason of any blood relationship between the parties thereto.

(3) This section shall not validate any such marriage where a decree of nullity has, before the commencement of the Marriage (Amendment) Act, 1956, been pronounced in respect thereof by a court of competent jurisdiction.

(4) Any petition for such a decree pending at such commencement may be proceeded with and determined as if this section had not been enacted.

Construction
of sections
eighteen, 18A
and 18B.

18c. For the avoidance of doubt it is hereby declared that for the purposes of sections eighteen, 18A and 18B of this Act—

- (a) brother includes half-brother;
- (b) sister includes half-sister; and
- (c) it is immaterial whether any person referred to in those sections was or is legitimate or illegitimate.

Sec. 20(3).
(Certificate
of such
marriage to
be sent to
registrar.)

- (e) by omitting from subsection three of section twenty the words "ten days" and by inserting in lieu thereof the words "one month";

Repeal of
Second
Schedule.

- (f) by omitting the Second Schedule;

Fourth
Schedule.

- (g) by omitting from the Fourth Schedule the words "daughter of [*James Edwards*] of [*place of residence and designation*]";

Fifth
Schedule.

- (h) by omitting from the Fifth Schedule the words "or police" wherever occurring.

NEWCASTLE