



ANNO PRIMO

EDWARDI VIII REGIS.

A.D. 1936.

No. 2325.

An Act to consolidate and amend the law relating to marriage.

[Assented to, 26th November, 1936.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited as the "Marriage Act, 1936," and shall come into operation on a day to be fixed by proclamation. Short title and commencement.

2. The Acts mentioned in the first schedule are hereby repealed to the extent therein mentioned. Repealing provision.

3. The provisions of this Act are arranged as follows :— Arrangement.

PART I.—Preliminary.

PART II.—Qualifications of celebrants.

PART III.—Celebration of marriages.

PART IV.—Validity of marriages.

PART V.—Offences.

PART VI.—Miscellaneous.

Marriage Act.—1936.

PART I.

Interpretation.

4. In this Act, unless the context otherwise requires—

“ district registrar ” means a district registrar of marriages :

“ deputy registrar ” means the Deputy Registrar of Births, Deaths, and Marriages :

“ Minister ” means the Minister of the Crown to whom the administration of this Act is for the time being committed by the Governor :

“ officiating minister ” means a person enrolled as an officiating minister pursuant to this Act :

“ officiating registrar ” means a person enrolled as an officiating registrar pursuant to this Act :

“ principal registrar ” means the Principal Registrar of Births, Deaths, and Marriages :

“ recognised head,” when used with reference to any religious denomination, means—

(a) when any part of South Australia is comprised within any diocese, the recognised head of the religious denomination within that diocese :

(b) in every other case, the recognised head in South Australia of the religious denomination :

“ repealed Act ” means any Act repealed by this Act or any other repealed Act relating to marriage.

Register.
15, 1867, s. 6.

5. (1) The office in the city of Adelaide at the commencement of this Act for keeping a general register of births, deaths, and marriages in South Australia shall continue to be the office in the city of Adelaide for keeping a general register of marriages.

(2) The Minister may, by notice in the *Government Gazette*, appoint any other building in the city of Adelaide to be the office for keeping the general register of marriages.

District registrars.
15, 1867, s. 7.

6. (1) All districts which at the commencement of this Act are districts within the meaning of any Act relating to the registration of births and deaths and all such districts which are from time to time so constituted, shall be the districts of district registrars under this Act.

(2) All district registrars of births and deaths appointed or acting under any such Act shall be district registrars of marriage under this Act for the respective districts for which they are appointed or act as aforesaid.

Powers of deputy registrar.
Cf. 243, 1882, s. 4.

7. The deputy registrar may exercise such of the powers of the principal registrar as the Minister from time to time directs, and shall, in the exercise of those powers, be subject to the same liabilities, penalties, and forfeitures as the principal registrar.

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PART II.

PART II.

QUALIFICATIONS OF CELEBRANTS.

8. The following persons and none other, may celebrate marriages in South Australia—

Persons authorised to celebrate marriages.
15, 1887, s. 15.

- I. Any officiating minister duly registered under this Act :
- II. Any officiating registrar duly registered under this Act :
- III. The principal registrar and the deputy registrar :
- IV. Any district registrar within the district in respect of which he is appointed or acts.

9. All officiating ministers and officiating registrars who at the commencement of this Act were enrolled as such pursuant to the provisions of any repealed Act shall, subject to this Act and without further or other authority than this Act, be and be deemed to be registered as officiating ministers or officiating registrars, as the case may be, who may celebrate marriages.

Continuance of certain enrolments.

10. (1) Any minister of religion over the age of twenty-one years who exercises the function of a minister of religion in South Australia may make application in writing to the principal registrar for registration as an officiating minister under this Act.

Application for registration as officiating minister.
Cf. Vic. No. 3726 of 1928 s. 8.

(2) Every such application shall be signed by the applicant and by the recognised head of the religious denomination to which the applicant belongs.

(3) If there is no such recognised head, the application shall be signed by two officiating ministers who shall specify the religious denomination of which they are ministers of religion.

(4) The application shall state—

- (a) the full name of the applicant :
- (b) the date of his birth :
- (c) the religious denomination to which he belongs :
- (d) his designation :
- (e) that he exercises in South Australia the function of a minister of religion of the said denomination :
- (f) his usual place of residence :
- (g) the church, chapel, or other place of worship or building in which he ordinarily officiates as a minister of religion in South Australia :
- (h) whether or not he is a British subject :
- (i) such other particulars as are prescribed by regulation.

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(5) Any minister of religion living in any State contiguous to South Australia and who exercises the functions of a minister of religion in South Australia may make an application as aforesaid for registration as an officiating minister. Every such application shall be signed by the applicant and by the recognised head of the religious denomination to which the applicant belongs and shall in all other respects comply with this section.

Verification of application and registration of applicants.
Cf. Vic., 3726, 1928, s. 9.

11. (1) The principal registrar may require proof to his satisfaction of any application as aforesaid and, if he thinks fit, may require the same to be verified by declaration—

- (a) that any person signing any application as the recognised head of any religious denomination is actually the recognised head of that denomination :
- (b) of any statement in the application :
- (c) of the authenticity of any signature in the application.

(2) The principal registrar may upon any such application recommend to the Governor that the applicant be registered as an officiating minister.

(3) Upon any such recommendation, the Governor may direct that the applicant be registered as an officiating minister and thereupon the principal registrar shall register the applicant as an officiating minister.

Officiating registrars.
Cf. 15, 1867, s. 11.

12. (1) Any person over the age of twenty-one years may make application in writing to the principal registrar for registration as an officiating registrar.

(2) The application shall state—

- (a) the full name of the applicant :
- (b) his occupation :
- (c) the date of his birth :
- (d) if made in respect of a religious body or society to which the applicant belongs, the name of the religious body or society :
- (e) his usual place of residence :
- (f) whether or not he is a British subject :
- (g) such other particulars as may be prescribed.

Verification of application.

13. (1) The principal registrar may require proof to his satisfaction of any application under section 12 and, if he thinks fit, may require the same or any matter arising out of the same to be verified by declaration as to—

- (a) any statement in the application :
- (b) the authenticity of any signature in the application.

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PART II.

(2) The principal registrar may upon any such application recommend to the Governor that the applicant be registered as an officiating registrar.

(3) No such application shall be recommended by the principal registrar unless he is satisfied that there is not a minister of religion officiating as such in respect of the religious body or society or, if the application is not made in respect of a religious body or society, that there is no person authorised to celebrate marriages conveniently near the place of residence of the applicant and that in either case it is in the public interests that the applicant should be registered as an officiating registrar.

(4) Upon any such recommendation, the Governor may direct that the applicant be registered as an officiating registrar and thereupon the principal registrar shall register the applicant as an officiating registrar.

14. No person other than a British subject shall be registered as an officiating minister or officiating registrar unless the Minister approves in writing of the registration.

Registration of
confined to
British
subjects.

15. (1) Within one month after the registration of any person as an officiating minister or officiating registrar, the principal registrar shall publish notice of registration in the *Government Gazette*: Provided that failure to publish any such notice with respect to any registration shall not affect the validity of the registration.

Publication of
registration.
Cf. 15, 1887,
s. 10.

(2) Publication as aforesaid shall be *prima facie* evidence in all courts and before all persons acting judicially that the person therein named is an officiating minister or officiating registrar, as the case may be, for the purposes of this Act.

16. (1) If any officiating minister—

- (a) dies or, except in a case provided for by subsection (5) of section 10, ceases to reside in South Australia; or
- (b) ceases to exercise in South Australia the functions of a minister of religion of the religious denomination in respect of which he is registered; or
- (c) is degraded or deprived of his authority as a minister of religion by his superior or by the recognised church court or tribunal of the religious denomination to which he belongs; or
- (d) is a minister of religion registered on a certificate from two or more ministers of religion and the certificate is at any time withdrawn by the ministers of religion who granted or signed the same,

Loss of
qualification
to be notified.
Cf. Vic., 3726,
1928, s. 12.

a written notification of the fact of the death, departure, cessation of ministry, degradation, deprivation, or withdrawal shall within thirty days thereafter be given to the principal registrar by the recognised head of the denomination to which the minister belonged or by the said superior or church court or tribunal by whom he is so degraded or deprived of authority or by the ministers of religion so withdrawing their certificate. If in any religious denomination there is no such recognised head or superior or church court or tribunal or if the ministers of religion or one of them on whose certificate any officiating minister was registered are dead or out of South Australia, then any such notification may be so given by the surviving or remaining minister of religion or by any two ministers of religion of the denomination in respect of which the officiating minister is registered.

(2) On receipt of any such notification the Minister, on the recommendation of the principal registrar, and subject to section 17, may direct the principal registrar to remove the name of the officiating minister from the register of persons registered as officiating ministers.

(3) If within the said thirty days no notification is received by the principal registrar, it shall be the duty of the principal registrar to report to the Minister the fact of the death, departure, cessation of ministry, or degradation of any such officiating minister or the fact of any such withdrawal (if any such fact is known to the principal registrar) and thereupon the Minister on the recommendation of the principal registrar and subject to section 17, may direct the principal registrar to remove the name of the officiating minister from the register of persons registered as officiating ministers. For the purpose aforesaid the principal registrar may make any inquiries he may think fit.

Verification of
notification.
Cf. Vic., 3726,
1928, s. 13.

17. (1) Before the name of any officiating minister is removed from the register on the notification of any person the principal registrar may require proof to his satisfaction, and if he thinks fit he may require the same to be verified by declaration—

(a) that any person signing any notification as the recognised head of any religious denomination is actually the recognised head of the religious denomination; or

(b) of any statement made in any notification.

(2) Before the name of any officiating minister (other than an officiating minister who has died or ceased to reside in South Australia) is removed from the register pursuant to section 16, the principal registrar shall give notice in writing to the officiating minister calling upon him within a time to be fixed in the notice to show cause why his name should not be so removed. The Minister shall consider any representations made by the officiating minister within the time fixed as aforesaid.

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PART II.

18. In the month of January in every year the recognised head (if any) of every religious denomination shall make up and send to the principal registrar a full and complete list of the names of all ministers of religion of that denomination with their designations and residences registered for the time being by the principal registrar as officiating ministers for celebrating marriages in South Australia who are exercising the functions of ministers of religion in that denomination in South Australia and have not been degraded or deprived of their authority by their superior or the recognised church court or tribunal of the denomination.

Annual list of ministers of each denomination.
Cf. Vic., 3726, 1928, s. 14.

19. (1) If any officiating registrar—

(a) ceases to reside within the neighbourhood for the needs of which he was appointed : or

(b) ceases to be a member of the religious body or society in respect of which he was appointed,

Removal of officiating registrars from register.

or if the Minister is satisfied that the need for the appointment of any person as an officiating registrar has ceased to exist, the Minister may direct the principal registrar to remove the name of the officiating registrar from the register of persons registered as officiating registrars.

(2) If any officiating registrar dies the principal registrar shall remove his name from the register of persons registered as officiating registrars.

(3) The principal registrar may make any inquiries he thinks fit for the purpose of ascertaining whether the name of any officiating registrar should be removed from the register.

(4) Before the name of any officiating registrar (other than an officiating registrar who has died or ceased to reside in South Australia) is removed from the register as aforesaid, the principal registrar shall give notice in writing to the officiating registrar calling upon him within a time to be fixed in the notice to show cause why his name should not be so removed. The Minister shall consider any representations made by the officiating registrar within the time fixed as aforesaid.

20. (1) The Minister may direct the principal registrar to remove from the register of persons registered as officiating ministers or officiating registrars the name of any officiating minister or officiating registrar who—

(a) before or after the commencement of this Act is convicted of any felony or indictable misdemeanour ; or

Power to prohibit persons from celebrating marriages if guilty of felony, &c.
Cf. Vic., 3726, 1928, s. 16.

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- (b) before or after the commencement of this Act is guilty of any misconduct or wilful irregularity in the celebration of any marriage ; or
- (c) before or after the commencement of this Act is guilty of such impropriety as to the mode, manner, or place of celebrating marriages as renders it inexpedient that he should continue to celebrate marriages ; or
- (d) commits any breach of this Act.

(2) Before the name of any person is removed from the register on account of any such misconduct or irregularity or impropriety or breach as aforesaid, he shall be charged by the principal registrar with the misconduct or irregularity or impropriety or breach and the Minister shall appoint a special magistrate to inquire as to the truth of the charge. The special magistrate shall have authority to hear, receive, and examine evidence on oath and shall after fully hearing the case in the presence of the person charged or in his absence if after due notice he has neglected to attend, report to the Minister his opinion thereon. In the case of a person who is convicted of any felony or indictable misdemeanour, no inquiry under this subsection shall be necessary.

Effect of making business of celebrating marriages.
Cf. Vic., 3726, 1928, s. 17.

21. (1) The name of any officiating minister who, in the opinion of the Minister, makes a business of celebrating marriages for the purpose of profit or gain irrespective of carrying out the ordinary duties of a minister of religion, may by order of the Minister on the report of the principal registrar be removed from the register of persons registered as officiating ministers.

(2) Before the name of any officiating minister is removed from the register as aforesaid, the principal registrar shall give notice in writing to the officiating minister calling upon him within a time to be fixed in the notice to show cause why his name should not be so removed. The Minister shall consider any representations made by the officiating minister within the time fixed as aforesaid.

Publication of notice of cancellation, etc., of registration.

22. (1) The principal registrar shall forthwith after the removal from the register of the name of any officiating minister or officiating registrar pursuant to this Act, publish in the *Government Gazette* notice of the removal.

(2) Publication as aforesaid shall be *prima facie* evidence in all courts and before all persons acting judicially that the person therein named has been removed from the register of persons authorised to celebrate marriages in South Australia and that the said person has ceased to possess the qualification to celebrate marriages.

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PART II.

23. (1) The principal registrar shall keep a register of all persons registered or deemed, pursuant to section 9, to be registered as officiating ministers or officiating registrars.

Register.
Cf. 15, 1867,
s. 13.

(2) Upon the removal of the name of an officiating minister or officiating registrar from the register, the officiating minister or officiating registrar, as the case may be, shall cease to possess the qualifications to celebrate marriages.

24. (1) The principal registrar may whenever he thinks fit and shall at least once in every two years cause to be published in the *Government Gazette* the names of all persons for the time being registered as officiating ministers who may celebrate marriages, with their designations, denominations and residences and the names of all persons for the time being registered as officiating registrars who may celebrate marriages, with their residences and particulars of the religious denomination or society, if any, in respect of which they are registered.

Publication of
names.
Cf. Vic., No.
3726 of 1928,
s. 15.

(2) Every such publication shall be *prima facie* evidence in all courts and before all persons acting judicially that the persons named therein were at the time of the publication registered as officiating ministers or officiating registrars, as the case may be, for the celebration of marriages in South Australia.

PART III.

PART III.

CELEBRATION OF MARRIAGES.

25. (1) No marriage shall be celebrated unless the parties to the marriage or one of them gives notice of the marriage in the form in the second schedule to the principal registrar or the deputy registrar or to a district registrar, officiating minister, or officiating registrar. Any such notice is in this Act referred to as a "marriage notice".

Marriage notice.

(2) Forthwith after the receipt of any marriage notice by any district registrar, officiating minister, or officiating registrar, he shall forward the same to the principal registrar.

(3) Subject to subsections (4), (5), (6), and (7), no marriage shall be celebrated by or before any person until after the lapse of at least ten days after the marriage notice is given as provided by subsection (1).

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(4) In any case of emergency where the district registrar, officiating minister, or officiating registrar is of opinion that the marriage should be celebrated without delay, the district registrar, officiating minister, or officiating registrar may celebrate the marriage before the lapse of the said period of ten days, but in every such case he shall forthwith forward the marriage notice to the principal registrar and forthwith report the marriage to the principal registrar and the reasons for dispensing with compliance with subsection (3).

(5) If the marriage notice is delivered or forwarded to the principal registrar by the district registrar, officiating minister, or officiating registrar and the principal registrar indorses on the marriage notice a certificate that the statements therein contained have been examined and that such corrections (if any) as are necessary have been made hereto, or otherwise informs the district registrar, officiating minister, or officiating registrar that the statements therein contained have been examined as aforesaid (together with particulars of any such correction), the marriage may, subject to this Act, be celebrated before the lapse of the said period of ten days.

(6) If the Minister is of opinion that an officiating minister, in the exercise of his functions as a minister of religion, is ordinarily required to travel from place to place, the Minister may by notice in writing direct that the officiating minister may celebrate marriages at any time after the giving of a marriage notice and before the lapse of ten days from the giving of the notice. Any such direction may be for such period and subject to any conditions and restrictions thought fit by the Minister, and may be revoked at any time by the Minister. An officiating minister to which any such direction applies shall forward to the principal registrar the marriage notice as required by this section, but, if pursuant to any such direction, the officiating minister celebrates any marriage before the lapse of ten days after the giving of the marriage notice, he shall not be required to report the marriage to the principal registrar or the reasons for dispensing with compliance with subsection (3).

(7) Any marriage may, subject to this Act, be celebrated by the principal registrar or the deputy registrar before the lapse of the said period of ten days if he is satisfied that the statements contained in the marriage notice have been examined and that such corrections (if any) as are necessary have been made.

Consent of
parent or
guardian.
Cf. 15, 1867,
s. 25.

Cf. U.K. 15
and 16, Geo. V.
c. 45, s. 9.

26. (1) If either party to a marriage, not having been previously married, is under the age of twenty-one years, the marriage shall not be celebrated without the production to the principal registrar, deputy registrar, district registrar, officiating minister, or officiating registrar, as the case may be, of the written consent of the parent or guardian of the said party.

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PART III.

(2) Any such consent may be in the form No. 3 in the third schedule or in any other form to the like effect.

(3) The consent shall be that of the person mentioned in the fourth schedule.

(4) If the Minister is satisfied that there is no such parent or guardian resident in South Australia or, if in the opinion of the Minister any such consent is being unreasonably withheld and that in the circumstances of the case it is desirable that the marriage should be celebrated, the Minister, on the recommendation of the principal registrar, may by notice in writing authorise the celebration of the marriage without consent as aforesaid.

27. (1) Any person may enter a caveat with the principal registrar, or any district registrar, officiating minister, or officiating registrar, against the celebration of the marriage of any person named therein. Every caveat shall be in writing signed by or on behalf of the person entering the caveat and shall state the place of residence of the said person and the ground on which the caveat is founded.

Caveat against celebration of marriage.
Cf 15, 1867, s. 26.

(2) If the caveat is entered with a district registrar, officiating minister, or officiating registrar, he shall forthwith give notice thereof in writing to the principal registrar. The principal registrar may give notice in writing of any caveat to any district registrar, officiating minister, or officiating registrar.

(3) If any caveat is entered with the principal registrar, or any district registrar, officiating minister, or officiating registrar, the caveat being duly signed by or on behalf of the person who enters the same, together with the place of residence of that person, and the ground of objection on which the caveat is founded, no marriage shall be celebrated by the person with whom the caveat is entered or by any other person to whom notice of the caveat is given by the principal registrar, until the principal registrar has examined into the matter of the caveat, and is satisfied that it ought not to obstruct the celebration of the marriage, or until the caveat is withdrawn by the party entering the same.

28. Every person who vexatiously and without any reasonable or probable cause, enters a caveat against the marriage of any person, shall be liable for the costs of the proceedings, and for damages and costs as aforesaid to be recovered as a personal action in any court of competent jurisdiction, by the party against whose marriage the caveat is entered.

Liability of persons vexatiously entering caveat.
15, 1867, s. 27.

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PART III.

Duration of
marriage
notice.
Cf. 15, 1867,
s. 30.

29. Unless within three months after the giving of the marriage notice pursuant to section 25, a marriage is celebrated between the parties described in the notice, the notice shall be void and no marriage shall be celebrated in pursuance thereof.

By whom
marriage to be
celebrated.
Cf. 15, 1867,
s. 28.

30. (1) A marriage shall be celebrated by or in the presence of the person to whom the marriage notice is given and who is named in the marriage notice as the person by or in the presence of whom the marriage is to be celebrated: Provided that the said person is a person authorised under this Act to celebrate marriages.

(2) In the case of death, illness, or absence of the person named in the marriage notice as the person by or in the presence of whom the marriage is to be celebrated, the marriage may be celebrated by any other person authorised under this Act to celebrate marriages: Provided that such other person shall not celebrate the marriage unless—

- (a) he is in possession of the marriage notice which has been indorsed by the principal registrar that the statements therein contained have been examined and that such corrections (if any) as are necessary have been made thereto; or
- (b) he is informed by the principal registrar or is satisfied that the principal registrar has informed the person to whom the marriage notice was given, that the statements therein contained have been examined and that such corrections (if any) as are necessary have been made thereto.

Declaration.
Cf. 243, 1882,
s. 11 (part).

31. (1) A marriage shall not be celebrated unless and until each of the parties about to be married has made before the person celebrating the marriage a declaration in accordance with form No. 1 or form No. 2 in the third schedule indorsed upon one of the copies of the certificate of marriage or a declaration with such modifications as the circumstances may require. The declaration shall be signed by each of the parties about to be married and by the person celebrating the marriage.

(2) One of the copies of every certificate of marriage shall bear the following footnote printed in red ink:—

“NOTE.—The declaration on the back hereof must be duly made and signed, otherwise the person celebrating the marriage shall be guilty of an offence”.

(3) The principal registrar, deputy registrar, district registrar, officiating minister, or officiating registrar, as the case may be, is hereby authorised to take any such declaration.

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PART III.

32. (1) All marriages—

Method of
celebration.
243, 1882, ss. 5
and 15 (part).

(a) shall be celebrated in the building and between the parties described in the marriage notice by or in the presence of the principal registrar, deputy registrar, district registrar, officiating minister, or officiating registrar according to such form or ceremony as the parties think fit to adopt :

(b) shall take place with open door :

(c) shall take place in the presence of at least two witnesses apparently of a mature age.

(2) Any marriage celebrated by an officiating minister may be celebrated according to the usage and forms of the religious denomination to which he belongs, and the signature of the officiating minister to the certificate of marriage in the form in the fifth schedule shall be conclusive evidence that the marriage was celebrated according to the said usage and forms.

(3) No officiating minister or officiating registrar shall be compelled to celebrate any marriage in any case where he has any conscientious objection to so doing.

(4) When any marriage is celebrated by the principal registrar or deputy registrar, or any district registrar or officiating registrar, in some part of the ceremony, in the presence of the principal registrar, deputy registrar, district registrar, or officiating registrar and the witnesses, each of the parties shall say unto the other :—“ I call upon those persons here present to witness that I, A.B., do take thee, C.D., to be my lawful wedded wife (or husband) ” or words to that effect.

(5) No person shall celebrate any marriage of any parties to the marriage of whom there is, in the knowledge of the said person, any lawful impediment.

33. (1) The principal registrar, deputy registrar, and every district registrar, officiating minister, or officiating registrar, shall make out in triplicate a certificate according to the form contained in the fifth schedule of every marriage celebrated by or before him.

Marriage
certificates.
15, 1867, s. 33.

(2) The parties contracting the marriage, and also the witnesses thereto, shall sign or attest their full names and places of abode on all the certificates.

(3) The principal registrar, deputy registrar, district registrar, officiating minister, or officiating registrar, shall also sign his name on all the certificates, and shall deliver one of the certificates immediately after the marriage to one of the parties thereto, and shall also within seven days forward another of the certificates to the district registrar of the district in which the marriage is celebrated, and the third

copy of the certificate, together with the declarations signed by the parties to the marriage, and the written consent of the parent or guardian (if any), to the principal registrar.

(4) The principal registrar and every district registrar shall preserve all such certificates, numbering them in consecutive series according to their dates, and shall from time to time cause them, so arranged, to be bound up in convenient volumes to constitute respectively the general and district registers of marriages. The principal registrar shall also preserve amongst the records of his office all such notices and declarations forwarded to him as aforesaid.

(5) The principal registrar may destroy any marriage notices deposited with him pursuant to this Act and any licences deposited with him pursuant to any repealed Act after the lapse of such period as is from time to time fixed by the Minister.

Quarterly
return of
marriages.
Cf. 15, 1887,
s. 34.

34. Every district registrar, officiating minister, and officiating registrar shall within fourteen days after each of the first days of January, April, July, and October in every year, forward to the principal registrar a report authenticated by his signature of all marriages by him performed during the preceding three months, or a *nil* account if no marriages have been performed by him within that period.

Procedure on
re-marriage.
Cf. N.S.W.,
1, 1925, s. 3.

35. If any ceremony of marriage is performed between two persons who are already married to each other and whose marriage has not been dissolved, the person performing the ceremony of marriage shall not, if he has knowledge of the former marriage—

- (a) use the form of certificate of marriage in the fifth schedule; or
- (b) certify that a marriage has been celebrated by him between the said persons without in any certificate he may give making reference to the fact that the said persons have already been lawfully married.

Fees for
marriages.

36. (1) There shall be payable for the giving of every marriage notice to and the celebration of every marriage by the principal registrar, the deputy registrar, or a district registrar the fees prescribed in the sixth schedule. No fee shall be payable to the principal registrar where a marriage notice is forwarded to him by a district registrar, officiating minister, or officiating registrar.

(2) Any charge or fee may be made or received by any officiating minister or officiating registrar for the celebration of any marriage and any such charge or fee may be retained by the officiating minister or officiating registrar.

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PART IV.

PART IV.

VALIDITY OF MARRIAGES.

37. No marriage in fact shall be avoided by reason only of the same having been celebrated by a person whose registration has been cancelled pursuant to this Act if either of the parties to the marriage at the time *bona fide* believed that the said person was qualified to celebrate marriages.

Celebration by person whose registration has been cancelled.
Vic. 3726, 1928, s. 29.

38. No marriage in fact celebrated by any minister of religion who is not registered as an officiating minister shall be avoided by reason only of such minister not being so registered if either of the parties to the marriage at the time *bona fide* believed that the minister was qualified to celebrate marriages.

Celebration of marriage by minister of religion who is not registered.
Vic. 3726, 1928, s. 31.

39. No marriage in fact shall be avoided by reason of non-compliance with the provisions of section 25 or section 30, or by reason of non-compliance with the provisions of any repealed Act requiring the issue of a licence before the celebration of the marriage.

Marriage celebrated without notice.
Vic. 3726, 1928, s. 32.

40. No marriage in fact (whether celebrated before or after the commencement of this Act) shall be avoided by reason of any mere defect or error in the declaration made respecting the same or by reason only of the fact that both or either of the parties to the marriage has not made the said declaration when the identity of the parties to the marriage is not in question.

Defect or error in declaration.
15, 1867, s. 37.

41. It shall not be necessary in support of any marriage to give any proof that either of the parties previous to the marriage resided within the district wherein the marriage was celebrated or of the consent of any person thereto whose consent is required by law, and no evidence shall be given to prove the contrary in any proceedings touching the validity of the marriage.

Residence of parties to marriage.
15, 1867, s. 37.

42. Every marriage in fact *bona fide* celebrated in South Australia before the first day of March, eighteen hundred and sixty-eight, shall be deemed a legal and valid marriage to all intents and purposes: Provided that no lawful impediment existed at the time of the marriage.

Validity of certain marriages.
15, 1867, s. 5.

PART IV.

Marriage Act.—1936.

Marriages
within
prohibited
degrees.

U.K. 5 and 6
Will. IV., c.
54, s. 2.

Degrees of
consanguinity
and affinity.

25 Hen. VIII.,
c. 22.

28 Hen. VIII.,
c. 7, s. 7.

32 Hen. VIII.,
c. 38.

2 and 3, Edw.
VI., c. 23.

1 and 2, Phillip
and Mary,
c. 8, s. 4.

1 Eliz., c. 1,
s. 3.

43. All marriages between persons within the prohibited degrees of consanguinity or affinity shall be absolutely null and void to all intents and purposes whatsoever.

44. (1) The following and none other shall be the persons who shall be deemed to be within the prohibited degrees of consanguinity and affinity which shall affect at law the validity of a marriage in fact celebrated :—

I. In relation to a man :—

Any ancestor or descendant of his.

His father's wife.

His grandfather's wife.

His wife's grandmother.

His father's sister.

His mother's sister.

His wife's mother.

His wife's daughter.

His son's wife.

His sister.

His son's son's wife.

His daughter's son's wife.

His wife's son's daughter.

His wife's daughter's daughter.

His brother's daughter.

His sister's daughter.

II. In relation to a woman :—

Any ancestor or descendant of hers.

Her mother's husband.

Her grandmother's husband.

Her husband's grandfather.

Her father's brother.

Her mother's brother.

Her husband's father.

Her husband's son.

Her daughter's husband.

Her brother.

Her son's daughter's husband.

Her daughter's daughter's husband.

Marriage Act.—1936.

PART IV.

Her husband's son's son.

Her husband's daughter's son.

Her brother's son.

Her sister's son.

(2) For the purpose and in the construction of this section "wife" or "husband" means a person who has been a wife or husband (as the case may be) and there shall be no difference between relationship of the whole blood and of the half blood or between legitimate and illegitimate children.

45. All marriages celebrated within South Australia (whether before or after the commencement of this Act) between any person and the sister of his deceased wife, or the daughter of the sister of his deceased wife, shall be deemed, and are hereby declared valid, and of full force and effect, any law or custom to the contrary notwithstanding: Provided that this section shall not render valid any such marriage in any case where either of the parties to the marriage have thereafter, before the seventh day of June, eighteen hundred and seventy-one, lawfully intermarried with any other person; nor shall the passing of this section, or the Act No. 21 of 1870-71, deprive or be held to have deprived any person of any property which that person may have lawfully inherited prior to the seventh day of June, eighteen hundred and seventy-one, or affect any *lis pendens* at the said date.

Validity of marriage with deceased wife's sister, or the daughter of the sister.

21, 1870-71, s. 1.

U.K. 7 Edw. 7, c. 47, s. 1.

46. All marriages celebrated within South Australia (whether before or after the commencement of this Act) between any woman and her deceased husband's brother shall be deemed and are hereby declared valid and of full force and effect: Provided that this section shall not render valid any such marriage in any case where either of the parties to the marriage have thereafter, before the twelfth day of November, nineteen hundred and twenty-five, lawfully intermarried with any other person, nor shall this Act or the Deceased Husband's Brother's Marriage Act, 1925, deprive or be held to have deprived any person of any property which that person may have lawfully inherited before the twelfth day of November, nineteen hundred and twenty-five, or affect any *lis pendens* at the said date.

Validity of marriage with deceased husband's brother.

1872, 1925, s. 2.

U.K. 11 and 12 Geo. V., c. 24, s. 1.

47. Where an order nisi for the dissolution of any marriage is made, the parties to the marriage shall after the expiration of three months after the order becomes absolute or upon the dismissal of any appeal against the order absolute, whichever last happens, respectively be at liberty to marry again as if the marriage to which the order relates had been dissolved by death.

Effect of order absolute for divorce.

Cf. Vic. 3726, 1928, s. 88.

*Marriage Act.—1936.***PART V.****PART V.****OFFENCES.**

Penalty on making false declaration or statement.
Cf. 15, 1867, s. 39.

48. Any person who—

- (a) knowingly and wilfully makes any false declaration, or signs any false notice for the purpose of procuring any marriage ; or
- (b) forges any signature to any document for the purpose of procuring any marriage ; or
- (c) when entering a caveat pursuant to section 27 knowingly and wilfully makes or signs any false statement ; or
- (d) falsely represents himself or herself to be a person whose consent to any marriage is necessary, knowing the representation to be false,

shall be guilty of felony and liable to imprisonment for any term not exceeding three years.

Registrar wilfully contravening the Act.
15, 1867, s. 41.

49. Any principal registrar, deputy registrar, or district registrar who knowingly and wilfully registers any marriage which has been celebrated in deliberate contravention of the provisions of this Act, and any principal registrar, deputy registrar, district registrar, officiating minister, or officiating registrar who knowingly and wilfully celebrates any such marriage shall be guilty of felony and liable to imprisonment for any term not exceeding five years.

Furnishing false information to be inserted in certificate.
15, 1867, s. 43.

50. (1) The principal registrar, deputy registrar, district registrar, officiating minister, or officiating registrar, to whom any marriage notice is given or before whom any marriage is celebrated according to the provisions of this Act, may ask the parties to be married the several particulars touching the marriage required to be entered in the marriage notice or certificate thereof, as in this Act provided.

(2) Any person who wilfully makes or causes to be made any false statement touching any of the particulars required to be known and entered as aforesaid shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds.

Marriage Act.—1936.

PART V.

51. Any person who—

- (a) wilfully destroys or injures or causes to be destroyed or injured, any register book of marriages, or any part or certified copy of any part thereof; or
- (b) falsely makes or counterfeits or causes to be falsely made or counterfeited, any part of any such register book or certified copy thereof; or
- (c) wilfully inserts or causes to be inserted, in any such register book or certified copy thereof, any false entry of any marriage; or
- (d) wilfully gives any false certificate relating to a marriage; or
- (e) certifies any writing to be a copy or extract of any such register book, knowing the same to be false in any part thereof; or
- (f) forges or counterfeits the seal or signature of the principal registrar, the deputy registrar, or of any district registrar,

Destruction or alteration or forgery of register.
15, 1867, s. 45.

shall be guilty of felony and liable to imprisonment for any term not exceeding five years.

52. Any person who on the ground that he is a minister of religion exercising the functions of such causes his name to be registered as an officiating minister, he knowing at the time that he is not a minister of religion exercising the functions of such, shall be guilty of a misdemeanour and liable to imprisonment for any term not exceeding three years.

Persons wrongfully obtaining registration as ministers.
Vic. 3726, 1928, s. 51.

53. Any minister of religion or person officiating as such who celebrates any marriage, he then not being registered as an officiating minister, shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

Unregistered minister celebrating marriage.
Vic. 3726, 1928, s. 52.

54. Any person who celebrates a marriage purporting to act as an officiating registrar he then not being qualified to act, shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds.

Pretended officiating registrar celebrating marriage.
Vic. 3726, 1928, s. 53.

55. Any person who celebrates a marriage under the false pretence that he is the principal registrar, the deputy registrar or is a district registrar, officiating minister, or officiating registrar, shall be guilty of a misdemeanour and liable to imprisonment for any term not exceeding three years.

Penalty for pretended principal registrar, etc.

*Marriage Act.—1936.***PART V.**

Persons unduly
celebrating
marriage.
15, 1867, s. 40.

56. Any person duly authorised under this Act to celebrate marriage, who knowingly and wilfully celebrates any marriage in South Australia—

- (a) in any place other than the building specified in the marriage notice given in respect thereof; or
- (b) after the expiration of three months from the giving of the marriage notice; or
- (c) except in the circumstances mentioned in section 25, before the lapse of ten days after the giving of the marriage notice,

shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

Penalty for
celebrating
marriage
without
marriage
notice.

57. Any person duly authorised under this Act to celebrate marriages who knowingly and wilfully celebrates or takes part in the celebration of any marriage in respect of which the marriage notice required by section 25 has not been given, shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

Penalty for
wilfully
celebrating
marriage
without
consent of
parents.
15, 1867, s. 42.

58. Any person duly authorised under this Act to celebrate marriages, who—

- (a) knowingly and wilfully, without the written consent of any parent or guardian required to be given pursuant to section 26 (unless such consent has been dispensed with as provided by section 26) celebrates or takes part in the celebration of any marriage wherein one or both of the parties has or have not attained the full age of twenty-one years; or
- (b) knowingly and wilfully purports to celebrate or to take part in the celebration of any marriage to which there is any lawful impediment,

shall be guilty of an offence and liable to a penalty of not less than fifty pounds and not more than five hundred pounds.

Penalty for
neglecting to
forward
marriage
notice or
certificate.

59. Any district registrar, officiating minister, or officiating registrar, who—

- (a) neglects or refuses to forward to the principal registrar any marriage notice lodged with him, or any report required to be given pursuant to subsection (4) of section 25; or
- (b) neglects or refuses to forward to the principal registrar and district registrar the certificate of any marriage celebrated by him, as provided by this Act; or
- (c) neglects or refuses to furnish any statement required by section 34,

Marriage Act.—1936.

PART V.

shall be guilty of an offence and liable to a penalty not exceeding ten pounds.

60. Every district registrar who refuses or without reasonable cause omits to register any marriage certificate forwarded to him, and every person having the custody of any register book who loses or injures the same, or wilfully allows the same to be injured whilst in his keeping, shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

Penalty for not duly registering marriages and for losing registers.
15, 1867, s. 44.

61. Any principal registrar, deputy registrar, district registrar, officiating minister, or officiating registrar who celebrates any marriage without the declaration required by this Act having first been made and signed, shall be guilty of an offence and liable to a penalty not exceeding ten pounds.

Penalty for celebrating marriage without declaration.
243, 1882, s. 11 (part).

62. All proceedings for offences against this Act, not being felonies or misdemeanours, shall be disposed of summarily.

Summary procedure for offences.
15, 1867, s.

PART VI.

PART VI.

MISCELLANEOUS.

63. The principal registrar shall furnish to every district registrar, officiating minister, and officiating registrar, such printed forms as may be necessary to enable them to celebrate and register marriages in conformity with, and otherwise to observe, the provisions of this Act.

Forms to be furnished to registrars, &c.
Cf. 15, 1867, s. 32.

64. (1) The principal registrar and every district registrar shall cause indexes of the registry books in his office to be made and kept with the other records of his office.

Index of register.
Cf. 15, 1867, s. 35.

(2) Subject to subsection (3), every person shall be entitled at all reasonable hours to require the said indexes to be searched, and to have a certified copy of, or extract from, any entry or entries in the said register books under the hand of the principal registrar or district registrar on payment of the fees mentioned in the sixth schedule.

(3) The principal registrar or the district registrar may, in any case he thinks fit, require the person seeking to have any such search made to disclose the reasons for the search and any other relevant matters and if the principal registrar or district registrar is of opinion that the search is required for improper reasons or that the person requiring the search has no proper reason for making the search, he may refuse to allow the search or to issue any such certified copy or extract.

PART VI.

Marriage Act.—1936.

Certified copies
to be evidence.
15, 1867, s. 36.
243, 1882,
s. 13.

65. (1) All certified copies of entries purporting to be under the hand and seal of the principal registrar or of any district registrar as aforesaid shall be received as *prima facie* evidence in any court or before any person acting judicially of the marriage to which the same relates without any further or other proof of the entry.

(2) Upon a certificate being made by the principal registrar that the register of marriages for any specified period, and for any particular district is lost or destroyed, then and in all such cases the certificate of the principal registrar under his hand and seal, shall be received as evidence in any court or before any person acting judicially of the matter to which the same relates without further proof being required.

Correction of
errors.

66. (1) If the principal registrar is satisfied by declaration, or in any other manner he thinks fit, that any particular in any register of marriages is incorrect, he may correct the register, which correction shall be signed by him and marked with the date upon which it is made.

(2) If the principal registrar is satisfied that any person whose marriage is registered in any register of marriage is lawfully using a name other than the name by which he is described in the register, the principal registrar may upon payment of the fee mentioned in the sixth schedule cause to be entered in the register a notice of the name first mentioned, which shall be signed by him and marked with the date upon which the entry is made.

(3) Notice of any such correction or entry shall be given by the principal registrar to any district registrar having possession of any register in which the marriage is registered, and the district registrar shall indorse on the relative entry in the register a copy of the correction or entry made as aforesaid by the principal registrar.

(4) Subject to subsection (6) of section 67, if any certified copy or extract from any entry so corrected or altered is issued by the principal registrar or a district registrar, the copy shall be of the entry as so corrected or altered: Provided that in any case in which the principal registrar thinks fit the certified copy shall be a copy of the original entry showing all corrections and alterations made thereon pursuant to this Act or any repealed Act.

Notice of
dissolution of
marriage to be
entered in
marriage
register.
Cf. N.Z., 65,
1920, s. 3.

67. (1) The Master of the Supreme Court shall forward to the principal registrar a certificate of any order made by the Supreme Court whereby any marriage celebrated in South Australia has been finally dissolved or decreed a nullity.

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Any number of such certificates may be included in a return to be made by the Master to the principal registrar. The said return shall be made from time to time as thought fit by the Master. The first such return shall include certificates in respect of all orders to which this section applies made after the commencement of this Act, and every subsequent return shall include certificates in respect of all such orders made after the next preceding return.

(2) Every such certificate shall specify the names of the parties and the date and place of marriage, the date of the order, and such other relevant particulars as may be required by the principal registrar.

(3) On receipt of any such certificate the principal registrar shall cause to be entered on the certificate of the marriage filed in his office a memorandum of the particulars disclosed in the certificate.

(4) If notice in writing is received by the principal registrar from an officer of any competent court within any part of the British dominions other than South Australia or from any officer in whose charge is placed the keeping of any principal register of marriages in that part, that any marriage registered in South Australia has been finally dissolved or decreed a nullity by a competent court in that part, the principal registrar, if satisfied that the marriage has been so dissolved or decreed a nullity, may cause to be entered on the certificate of marriage a memorandum of the particulars disclosed in the notice.

(5) The principal registrar shall forthwith give notice of any entry made pursuant to this section to the district registrar having possession of any register in which the marriage is registered, and the district registrar shall indorse on the relative entry in the register a copy of the entry made as aforesaid by the principal registrar.

(6) Every certified copy of the entry relating to any marriage which has been dissolved or declared a nullity, issued after the receipt by the principal registrar of a certificate or notice under this section, shall contain the particulars in the certificate or notice.

68. Any notice required by this Act to be given by the principal registrar to any officiating minister or officiating registrar may be given by post addressed to the place of residence shown in the register of officiating ministers or officiating registrars, as the case may be, as the usual place of residence of the officiating minister or officiating registrar.

Notice.

PART VI.

Marriage Act.—1936.

Power to direct
retention of
fees.

69. The Minister may from time to time by general or special direction, direct that the whole or any part of any fees paid to any district registrar pursuant to this Act may be retained by the district registrar. Any such direction may be revoked or varied by the Minister.

Regulations.

70. The Governor may make regulations—

- (a) prescribing fees to be paid to the principal registrar or district registrars either in addition to or in substitution for any fees mentioned in the sixth schedule :
- (b) prescribing any duties of officiating ministers and officiating registrars under this Act and requiring the furnishing of information to the principal registrar by officiating ministers or officiating registrars :
- (c) prescribing any forms necessary or convenient, either in addition to, or in substitution for, any forms contained in the schedules :
- (d) prescribing particulars to be furnished pursuant to section 10 or section 12 :
- (e) prescribing any matters which may be necessary or convenient for carrying this Act into effect.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

W. DUGAN, Governor.

Marriage Act.—1936.

SCHEDULES.

THE FIRST SCHEDULE.

Acts Repealed.

Number and Year of Act.	Title or Short Title.	Extent of Repeal.
No. 15 of 1867	The Marriage Act, 1867	The whole.
No. 5 of 1868-9	An Act to amend "The Marriage Act, 1867"	The whole.
No. 21 of 1870-71	An Act to legalize the Marriage of a Man with the Sister, or the Daughter of the Sister, of his Deceased Wife	The whole.
No. 243 of 1882	The Marriage Act Further Amendment Act, 1882	The whole.
No. 929 of 1907	Births, Marriages, and Deaths Registration Amendment Act, 1907	Section 2.
No. 1672 of 1925	Deceased Husband's Brother's Marriage Act, 1925	The whole.

THE SECOND SCHEDULE.

Marriage Notice.

To the Principal Registrar of Births, Deaths and Marriages, South Australia.

I HEREBY give you notice that a marriage is intended to be celebrated between the parties herein named and described. The marriage is intended to be celebrated on the day of 19

Full Name and Surname of Parties.	Date of Birth.	Where Born.	Full Name and Surname of Fathers of Parties.	Church or Building where Marriage to be Celebrated.	Name and Designation of Person Intended to Celebrate Marriage.

Dated this day of 19

Signature(s) of person or persons giving notice.

Signed before me this day of 19

..... Officiating Minister.

..... Officiating Registrar.

..... District Registrar.

..... Principal Registrar.

..... Deputy Registrar.

NOTE.—(1) This notice should be given at least 10 days before the wedding is celebrated, except in the circumstances outlined in subsections (4), (5), (6) or (7) of section 25.

(2) If the wedding is not celebrated within three calendar months after this notice is given, the notice becomes void and of no effect and a further notice must be given.

(3) This notice must be forthwith forwarded to the Principal Registrar of Births, Deaths, and Marriages by the person before whom the notice is signed.

Marriage Act.—1936.

THE THIRD SCHEDULE.

FORM No. 1.

Declaration (when parties are above the age of twenty-one years).

I, _____ of _____ in the State of South Australia,
do solemnly and sincerely declare that, being about to contract
marriage with one _____ of _____, I believe
that there is not any impediment of consanguinity or affinity, or other lawful hindrance,
to the said marriage; and that I, the said _____ and the said _____
are both above the age of twenty-one years, and I make this solemn declaration conscientiously believing the same to be true.

Declared and subscribed by the above-named _____ at _____
, this _____ day of _____, 19 _____,
before me,

(Principal Registrar, Deputy Registrar, District Registrar,
Officiating Minister, or Officiating Registrar, as the case
may be.)

I, the above-named _____, of _____,
declare that I conscientiously believe the above declaration to be true, and hereto subscribe
my name.

Declared and subscribed by the above-named _____, at _____
this _____ day of _____, 19 _____, before me,

(Principal Registrar, Deputy Registrar, District Registrar,
Officiating Minister, or Officiating Registrar, as the case
may be.)

FORM No. 2.

Declaration (when one or both parties are under twenty-one years of age).

I, _____ of _____, in the State of South Australia,
do solemnly and sincerely declare that, being about to contract
marriage with one _____ of _____, I believe
that there is not any impediment of consanguinity or affinity, or other lawful hindrance,
to the said marriage; and that I, the said _____ am* _____ the age of
twenty-one years, and the said _____ is* _____
the age of twenty-one years, but the written consent of
whose consent to the said marriage is by law required, has been duly obtained. And I
make this solemn declaration conscientiously believing the same to be true.

Declared and subscribed by the above-named _____ at _____
, this _____ day of _____, 19 _____,
before me,

(Principal Registrar, Deputy Registrar, District Registrar,
Officiating Minister, or Officiating Registrar, as the case
may be.)

I, the above-named _____, of _____,
declare that I conscientiously believe the above declaration to be true, and hereto subscribe
my name.

Declared and subscribed by the above-named _____, at _____
this _____ day of _____, 19 _____, before me,

(Principal Registrar, Deputy Registrar, District Registrar,
Officiating Minister, or Officiating Registrar, as the case
may be.)

* Write in "under" or "above", as the case may be.

Marriage Act.—1936.

FORM No. 3.

Consent of Parent or Guardian.

I, _____ of _____ do hereby give my full consent to the proposed marriage between _____ and _____ in virtue of my character as _____ to the said _____ who is under the age of twenty-one years, and for whose marriage with _____ my consent is by law required.
 Dated this _____ day of _____, 19 _____.

NOTE.—Consent is required to the marriage of a person under twenty-one years of age who has not been previously married.

The consent is to be given by the following persons :—

I. Where the infant is legitimate—

Circumstances.	Person whose Consent is required.
1. Where both parents are living— (a) if parents living together (b) if parents are divorced or separated by order of court or by agreement (c) if one parent has been deserted by the other (d) if one parent has been absent from South Australia for at least six months (e) if both parents have been deprived of custody of infant by order of court	Both parents. The parent to whom the custody of the infant is committed by order of any court or by the agreement, or, if the custody of the infant is so committed to one parent during part of the year and to the other parent during the rest of the year, both parents. The parent who has been deserted. The other parent. The person to whose custody the infant is committed by order of the court.
2. Where there is one parent living— (a) if the infant is in the custody of the surviving parent (b) if the surviving parent has been deprived of the custody of infant by order of court (c) if the infant is in the custody of a guardian	The surviving parent. The person to whose custody the infant is committed by order of the court. The guardian of the infant.
3. Where both parents are dead	The guardian of the infant.

II. Where the infant is illegitimate—

Circumstances.	Person whose Consent is required.
If the mother of infant is alive	The mother, or if she has by order of a court been deprived of the custody of the infant, the person to whom the custody of the infant has been committed by the order of the court.
If the mother of the infant is dead	The guardian of the infant.

III. Where the infant has been adopted pursuant to the Adoption of Children Act, 1925—Where an infant, whether of legitimate or illegitimate birth, has been adopted pursuant to the Adoption of Children Act, 1925, the infant shall be deemed to be an infant as referred to in paragraph I. of above, and the adopting parent or parents shall be deemed to be a parent or parents, as the case may require, as referred to in the said paragraph I.

IV. For the purposes aforesaid “ guardian ” means any person appointed as guardian of an infant pursuant to any order of a court or pursuant to will or deed and any person appointed as, or deemed to be, the guardian of an infant pursuant to or under any Act.

V. “ Infant ” in the above means a person under the age of twenty-one years.

Marriage Act.—1936.

THE FOURTH SCHEDULE.

Cf. U.K. 15 and 16, Geo. V., c. 45. Schedule.

Consents required to the marriage of an infant who has not been previously married—

I. Where the infant is legitimate—

Circumstances.	Person whose Consent is required.
1. Where both parents are living— (a) if parents living together (b) if parents are divorced or separated by order of court or by agreement (c) if one parent has been deserted by the other (d) if one parent has been absent from South Australia for at least six months (e) if both parents have been deprived of custody of infant by order of court	Both parents. The parent to whom the custody of the infant is committed by order of any court or by the agreement, or, if the custody of the infant is so committed to one parent during part of the year and to the other parent during the rest of the year, both parents. The parent who has been deserted. The other parent. The person to whose custody the infant is committed by order of the court.
2. Where there is one parent living— (a) if the infant is in the custody of the surviving parent (b) if the surviving parent has been deprived of the custody of infant by order of court (c) if the infant is in the custody of a guardian	The surviving parent. The person to whose custody the infant is committed by order of the court. The guardian of the infant.
3. Where both parents are dead	The guardian of the infant.

II. Where the infant is illegitimate—

Circumstances.	Person whose Consent is required.
If the mother of infant is alive	The mother, or if she has by order of a court been deprived of the custody of the infant, the person to whom the custody of the infant has been committed by the order of the court.
If the mother of the infant is dead	The guardian of the infant.

III. Where the infant has been adopted pursuant to the Adoption of Children Act, 1925—Where an infant, whether of legitimate or illegitimate birth, has been adopted pursuant to the Adoption of Children Act, 1925, the infant shall be deemed to be an infant as referred to in paragraph I. of this schedule and the adopting parent or parents shall be deemed to be a parent or parents, as the case may require, as referred to in the said paragraph I.

IV. For the purposes of section 26 and this schedule “ guardian ” means any person appointed as guardian of an infant pursuant to any order of a court or pursuant to will or deed and any person appointed as, or deemed to be, the guardian of an infant pursuant to or under any Act.

Marriage Act.—1936.

THE FIFTH SCHEDULE.
Certificate of Marriage.

19 .			Married in the District of					
When married.	Name and Surname to be written in full.	Age last birthday.	Place and Country of Birth.	Condition. <i>(see footnote)</i>	Trade or Calling.	Residence at time of Marriage.	Name and Surnames of Fathers of both parties.	Place in which Celebrated.

This marriage was } celebrated be- } tween us }	In the } presence } of us }	Name.	Trade or Calling.	Residence.	} Witnesses

The above-named A.B. and C.D. were duly married by or before me, at the time and place above-named, and in the presence of the witnesses whose signatures are above written.
Witness my hand this day of , 19 .

E.F.,
Principal Registrar, District Registrar, Officiating Minister, or Officiating Registrar
[as the case may be].

NOTE *(to be printed in red)*.—The declaration on the back hereof must be duly made and signed, otherwise the person celebrating the marriage shall be guilty of an offence.

NOTE.—Under the heading "Condition" state whether bachelor, spinster, widow, widower, or divorced person.

THE SIXTH SCHEDULE.

<i>Fees Payable.</i>	£	s.	d.
On giving any marriage notice to the principal registrar, deputy register, or a district registrar.....	0	5	0
For the celebration of any marriage by the principal registrar, deputy registrar, or a district registrar after ten days' notice	0	10	0
For the celebration of any marriage by the principal registrar, deputy registrar, or a district registrar with less than ten days' notice	2	15	0
For any search of an entry of a marriage, including any extract supplied of the entry.....	0	3	0
For any certified copy under seal of an entry of a marriage.....	0	5	0
For correcting any entry of a marriage.....	0	5	0