

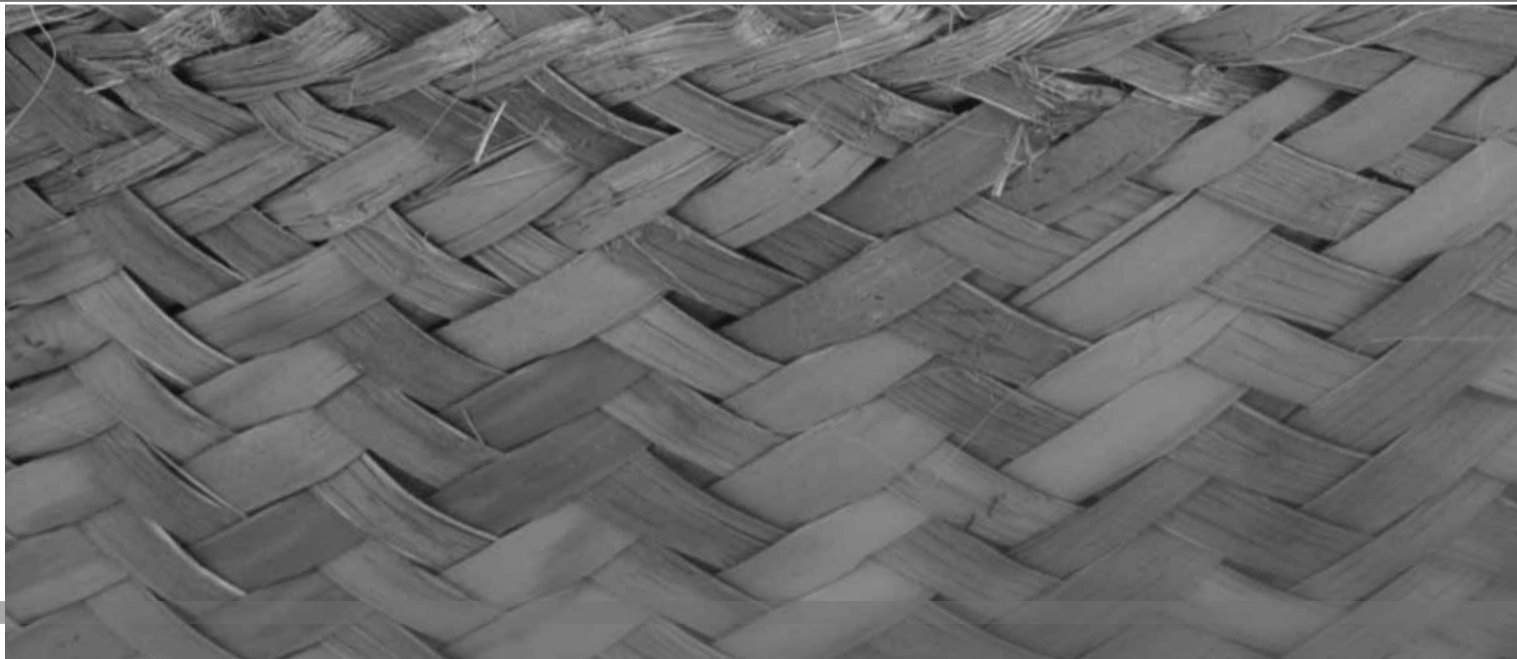
THE DEPARTMENT OF INTERNAL AFFAIRS



Te Tari Taiwhenua

# Marriage Celebrant

A GUIDE TO THE ROLE OF MARRIAGE CELEBRANT IN NEW ZEALAND



## What is a marriage?

A marriage is the formalisation of a relationship between a man and a woman, in accordance with the Marriage Act 1955.

The Marriage Act and the Births, Deaths, Marriages, and Relationships Registration Act 1995 set out the criteria, rules and processes for a couple to have their marriage solemnised and registered in New Zealand.

Regulations made under those Acts prescribe applicable forms and fees.

All forms are available from Births, Deaths and Marriages offices and agencies, and through our website: [www.bdm.govt.nz](http://www.bdm.govt.nz).

Copies of the Acts and associated regulations may be available at your local library, can be purchased from Bennett's Government Bookshops, and can be accessed on the Internet at [www.legislation.govt.nz](http://www.legislation.govt.nz).

## ARE THERE DIFFERENT KINDS OF MARRIAGE CEREMONY?

There are two types of marriage ceremony:

- A ceremony held by a Registrar of Marriages in a Registry Office; and
- A ceremony held by an authorised Marriage Celebrant at a place other than a Registry Office.

Registry Office ceremonies are performed during normal office hours, but a Marriage Celebrant may solemnise a marriage at any time, on any day of the week.

## WHO HAS THE AUTHORITY TO PERFORM MARRIAGES?

Only those persons appointed by the Registrar-General as Marriage Celebrants and whose names appear in the List of Marriage Celebrants in the **New Zealand Gazette** have authority to solemnise marriages in New Zealand.

Marriages can also be conducted in Registry Offices by Registrars, or according to the practices of certain religious organisations that are exempt from the requirement to have a Marriage Celebrant present.

The *Gazette* is published fortnightly, and names are added to or removed from the list as required throughout the year. (The main List of Marriage Celebrants is published around March each year.)

Copies of the *Gazette* are held at Births, Deaths and Marriages offices and agencies, and at some public libraries.

The *Gazette* can also be accessed online at [www.gazette.govt.nz](http://www.gazette.govt.nz).

A current list of Marriage Celebrants is also available on the Births, Deaths, and Marriages website at [www.bdm.govt.nz](http://www.bdm.govt.nz). Names are added to or removed from this list as required throughout the year.

The person officiating over the legal aspects of the ceremony must be an authorised Marriage Celebrant not only at the time the licence is issued but also on the actual day the marriage is to be solemnised.

The appointment of celebrants is only for a period until the next annual renewal process. Accordingly, before conducting a ceremony, celebrants must check that their approval has not expired.

## WHAT ARE THE VARIOUS TYPES OF MARRIAGE CELEBRANTS?

In addition to Registrars of Marriages, there are three main categories of Marriage Celebrant:

- **Ministers of religious bodies** (as specified in Schedule 1 of the Marriage Act 1955): each of these religious bodies nominates its ministers, and the ministers' names are published in the *Gazette*.
- **Organisational celebrants:** approval is granted to certain organisations that have as one of their principal objects the upholding or promotion of religious beliefs or philosophical or humanitarian convictions; these organisations then nominate their designated celebrants and the names are published in the *Gazette*.
- **Independent Marriage Celebrants:** persons from the community who are appointed celebrants and who operate independent of churches and organisations.

## IS A JUSTICE OF THE PEACE AUTHORISED TO OFFICIATE AT MARRIAGES?

A Justice of the Peace has no implied or automatic authority to solemnise a marriage.

A JP may apply to the Registrar-General for approval as a Marriage Celebrant. If so approved, the JP's name would be published in the current listing of Marriage Celebrants in the *Gazette*.

## CAN A PERSON GET PERMISSION TO PERFORM A 'ONE-OFF' MARRIAGE CEREMONY?

The Marriage Act 1955 provides for marriages to be solemnised only by Registrars and approved Marriage Celebrants. There is no provision for any person to be appointed to perform a 'one-off' marriage.

## CAN MARRIAGE CELEBRANTS PERFORM MARRIAGES IN OTHER COUNTRIES?

Under the Marriage Act 1955, Marriage Celebrants are authorised to solemnise marriages only in New Zealand.

## CAN A MARRIAGE CELEBRANT SOLEMNISE A CIVIL UNION?

No, unless they have also been appointed as a Civil Union Celebrant under the Civil Union Act 2004.

Marriages and civil unions are administered under different Acts.

- To solemnise marriages, a person must be approved in accordance with the Marriage Act 1955 and have their name published as a Marriage Celebrant in the *Gazette*.
- To solemnise civil unions, a person must be approved in accordance with the Civil Union Act 2004 and have their name published as a Civil Union Celebrant in the *Gazette*.

## CAN MARRIAGE CELEBRANTS CONDUCT OTHER TYPES OF CEREMONIES?

A Marriage Celebrant wishing to officiate at civil unions may apply to the Registrar-General seeking appointment as a Civil Union Celebrant under the Civil Union Act 2004.

Anyone, whether a Marriage Celebrant or not, may conduct name-giving ceremonies, commitments, funerals, memorial services, etc. There is no legislative mechanism for approving celebrants to perform these or other similar ceremonies.

## ARE MARRIAGE CELEBRANTS ABLE TO OFFER DIFFERENT STYLES OF CEREMONY?

Marriages taking place within different religious and cultural contexts will generally be performed in accordance with the customs and traditions of those religions and cultures.

Similarly, marriages solemnised by Marriage Celebrants affiliated to various approved organisations will all have their distinctive styles and practices.

Marriage Celebrants are encouraged to work with each couple to provide a ceremony that meets their needs, and to assist couples who wish to design and write their own.

In all cases, however, the celebrant is responsible for ensuring that all legal requirements are met.

BDM can advise celebrants on the legal requirements, but does not provide any advice on other aspects of the marriage ceremony.

## IS THERE A SUPPORT NETWORK FOR CELEBRANTS?

You may wish to join one of the celebrant associations operating in New Zealand.

# The marriage vows

Each party must say the words, “I *AB*, take you *CD*, to be my legal wife/husband” – or words to similar effect. (The full names of the respective parties should be used at the places marked *AB* and *CD*.)

## WHAT IS THE AUTHORISED MARRIAGE CELEBRANT’S ROLE IN THE MARRIAGE CEREMONY?

The authorised Marriage Celebrant must take an active role by officiating over the legal aspects of the ceremony.

Persons other than the authorised Marriage Celebrant are also able to participate in the ceremony – eg reading a poem or singing a song.

## WHAT ARE THE LEGAL ASPECTS OF THE CEREMONY?

- ✓ The formal identification of the parties named on the Marriage Licence. (The Marriage Celebrant must be satisfied that the persons about to be joined in marriage are in fact those named on the licence.)
- ✓ The marriage must be solemnised at a place described on the licence and by a Marriage Celebrant (or Registrar) and before at least two other witnesses.
- ✓ The exchange of the marriage vows.
- ✓ The registration papers must be signed and witnessed in accordance with the Births, Deaths, Marriages, and Relationships Registration Act 1995, and must be returned to the issuing Registrar within 10 calendar days.
- ✓ Marriage Celebrants must take all reasonable steps to ensure the marriage is registered with Births, Deaths and Marriages.

The full names of the bride and bridegroom – as they appear on the Marriage Licence – must be used at some point in the ceremony to clearly identify the bride and bridegroom. Abbreviations and nicknames may then be used in other parts of the ceremony.

#### ARE THERE DIFFERENT KINDS OF MARRIAGE REGISTER?

Some churches and other organisations will require a newly-married couple to sign a ‘marriage register’. While this may constitute an important aspect of record-keeping as far as the church or organisation is concerned, it is not part of the statutory registration process set out in the Marriage Act 1955 and the Births, Deaths, Marriages, and Relationships Registration Act 1995. Marriage Certificates, which provide official evidence of the marriage, are issued by Births, Deaths and Marriages.

#### WHAT IF THE NOMINATED CELEBRANT IS UNABLE TO OFFICIATE?

When the nominated Marriage Celebrant is unable to officiate at a marriage, any other Marriage Celebrant may officiate. The substitute celebrant must, however, be an **authorised** Marriage Celebrant whose name is included in the *Gazette* List of Marriage Celebrants.

#### IS A MARRIAGE CELEBRANT OBLIGED TO SOLEMNISE A SPECIFIC MARRIAGE?

A Marriage Licence authorises a particular **Marriage Celebrant** to solemnise a specific marriage, but it does not oblige them to do so.

**Registrars of Marriages** (being statutory officers) have an obligation to solemnise marriages, but only on working days and during normal business hours.

#### WHO CAN BE A WITNESS AT THE MARRIAGE?

Witnesses must be able to understand what occurs at the ceremony (*ie* they should be of sound mind, and should not be intoxicated).

Children can be witnesses, but they must be old enough to understand the nature of the ceremony, and must be able to demonstrate that understanding in court if later required to do so.

The Marriage Act 1955 does not stipulate a minimum age for witnesses.

#### WILL AN INTERPRETER BE REQUIRED?

The parties and witnesses to the marriage must be able to understand the language the Marriage Celebrant uses, just as the Marriage Celebrant must be able to understand the language of the parties and witnesses.

If any of the parties do not understand one another, then an interpreter will be required.

#### NOTE

The interpreter must sign a statutory declaration that they will give a true translation of the marriage ceremony.

## CAN MARRIAGE CELEBRANTS CHARGE A FEE?

The Marriage Act does not specify how much a Marriage Celebrant may charge. This is a matter to be agreed between the Marriage Celebrant and the parties involved.

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## OFFENCES

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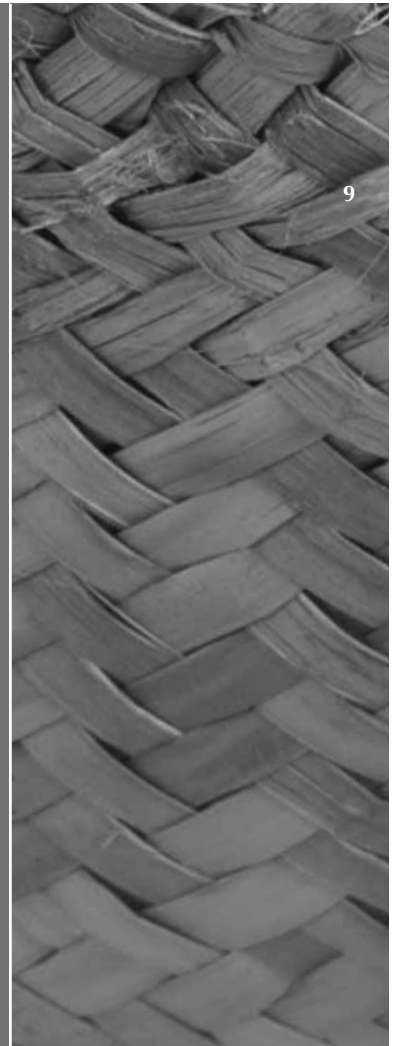
The Marriage Act 1955 and the Births, Deaths, Marriages, and Relationships Registration Act 1995 set out a number of offences relating to the solemnisation and registration of marriages. These include:

- Solemnising a marriage when not authorised as a Marriage Celebrant, or contrary to the requirements of the Act;
- Making, or causing to be made, false declarations for the purposes of the Marriage Act; and
- Making, or causing to be made, for registration purposes, a false statement in respect of any information required to be registered.

Anyone convicted for any of these offences is liable to imprisonment and/or a fine.

# Dealing with the documentation

A number of documents are integral to the solemnisation and registration of a marriage. This section is designed to help ensure that the process runs smoothly and nothing is overlooked.



## NOTICE OF INTENDED MARRIAGE

There are three types of marriage notice, each designed to deal with the particular circumstances under which each type of notice is applicable:

- ‘Notice of Intended Marriage’ (for general use);
- ‘Notice of Intended Marriage, where both parties are ordinarily resident outside New Zealand’; and
- ‘Notice of Intended Marriage, change of relationship from civil union’.

### Names of bride and bridegroom:

The full names of the bride and bridegroom, as given in the Notice of Intended Marriage (and, consequently, as they appear on the Marriage Licence), must be used at some point in the ceremony to clearly identify the bride and bridegroom. Abbreviations and nicknames may then be used in other parts of the ceremony.

No honorific (Mr/Mrs/Ms/Miss, etc) or other status indicator (Sir/Dr/Prof, etc) is required on a Notice of Intended Marriage, and no such indicator will appear on any Marriage Licence.

### Proof of end of previous marriage/civil union:

Where either of the parties has previously been married or in a civil union with a different partner, they will be expected to give the Registrar documentary evidence of the dissolution of that relationship. If the person’s former spouse or partner died, the date and place of the death must be stated on the Notice of Intended Marriage form.

Where a couple are changing the form of their relationship from a marriage to a civil union or from a civil union to a marriage, the Registrar requires documentary proof of the current relationship.

### Alternative venue:

A marriage ceremony must take place at one of the locations described on the Marriage Licence.

Where the couple are planning an outdoor ceremony it is advisable to include an alternative indoor venue on their Notice of Intended Marriage, in case of unsuitable weather conditions.

This information will appear on the Marriage Licence as an alternative place at which the marriage may be solemnised.

If the parties decide to change the place of solemnisation after the licence has been issued, they should contact the local Registrar to amend the form to show the new place of solemnisation.

However, where there is an emergency and it is not possible to contact the Registrar immediately, the papers must be returned to the Registrar the next working day after the wedding and the Registrar advised of the change in venue.

If the ceremony is to be held on council land the celebrant should advise the parties to book the area and obtain a receipt from the council, to prevent 'double bookings'.

If the parties are wanting a marquee set up, council permission is required – for health and safety reasons (eg fire hazards, toilet facilities, noise problems).

#### Coming from overseas:

When a couple ordinarily living overseas want to have a marriage in New Zealand, the couple (or either of them) will need to:

- ✓ Complete a 'Notice of Intended Marriage, where both parties are ordinarily resident outside of New Zealand';
- ✓ Send the marriage notice (with the fee) to the Registry Office closest to the place where they want to have the marriage, ensuring that it reaches the Registrar at least a week before the intended date of the ceremony;
- ✓ Sign the statutory declaration before a Registrar, when they arrive in New Zealand; and

- ✓ Collect the Marriage Licence and the two copies of the Copy of Particulars of Marriage.

If the marriage is to be solemnised by the Registrar, the statutory declaration can be signed that day, at any suitable time before the ceremony.

Alternatively, the statutory declaration can be signed, while the couple are in their home country, in front of a Commonwealth representative (*ie* an authorised diplomatic or consular officer of a Commonwealth country).

#### NOTE

If a couple who are in a civil union wish to change the form of their relationship to marriage, and they currently live overseas, they may complete the form – without signing the statutory declaration – and send it to the Registry Office nearest to the place where their marriage is to be solemnised. On arrival in New Zealand they will need to sign the statutory declaration in the presence of a Registrar of Marriages, before a licence can be issued.

**Written consent:**

Written parental consent is required in respect of any person 16 or 17 years of age. (Both parties to a marriage must be at least 16 years of age.)

A Family Court Judge can also grant consent if the parents refuse to give it.

Consent forms are available from Births, Deaths and Marriages offices and agencies, and through our website: [www.bdm.govt.nz](http://www.bdm.govt.nz).

No Marriage Licence can be issued where either of the parties is under 16 years of age.

**STATUTORY DECLARATION**

One of the parties to the marriage must appear in person before a Registrar of Marriages to sign a statutory declaration that both parties are free to marry and that all the details supplied are correct.

The statutory declaration can be taken only by a Registrar of Marriages.

**MARRIAGE LICENCE**

The Registrar of Marriages will issue the Marriage Licence no sooner than three days after receiving the Notice of Intended Marriage.

A Marriage Licence is valid for three months from the date of issue.

No Marriage Celebrant may solemnise a marriage without having been given the Marriage Licence authorising that specific marriage.

## COPY OF PARTICULARS OF MARRIAGE

The person making the statutory declaration and collecting the Marriage Licence from the Registrar will also be given two copies of a document known as a 'Copy of Particulars of Marriage'.

The celebrant needs to be given these documents prior to the ceremony.

Immediately after the solemnisation, both copies of the Copy of Particulars of Marriage must be signed by the couple, the celebrant and the two witnesses.

After the ceremony the celebrant gives the couple one Copy of Particulars of Marriage and returns the other, within 10 calendar days, to the Registrar who issued the Marriage Licence.

## COURIER OPTION

If the date of the couples intended marriage is more than 2 weeks after the date that the documents are to be collected from the Registrar, the couple may decide to have them couriered to their address at their own expense. The couple should discuss this with the Registry Office at the same time as they give notice of their intended marriage.

## CAVEAT

Any person objecting to a proposed marriage may lodge a caveat with a Registrar of Marriages to stop the issue of a Marriage Licence until a Family Court Judge has decided the matter.

When a Registrar receives a Notice of Intended Marriage and is aware that a relevant caveat has been lodged, the Registrar will submit the matter to the Family Court, and the court will determine whether the caveat should be discharged.

A caveat to a marriage will also be treated as a Notice of Objection to a civil union, and vice versa.

Caveats expire after one year unless discharged or withdrawn.

If the Family Court considers that the grounds on which a particular caveat was lodged were unreasonable and/or were intended to annoy or cause distress, the person who lodged the caveat will be liable to pay compensation to the couple.

# Applying to become a Marriage Celebrant

## EXPRESSION OF INTEREST

If you are interested in becoming a Marriage Celebrant, please write to:

**Celebrant Applications**  
**Births, Deaths and Marriages**  
**PO Box 10-526**  
**Wellington 6143, New Zealand**

Your expression of interest must include the following information:

- Your full name
- Phone number
- Postal address
- E-mail address

In addition –

- Please state the name of the church or organisation to which you are affiliated; or
- Indicate that you wish to be an independent Marriage Celebrant (a person appointed solely on the basis of community service and not acting under the auspices of any church or organisation); and
- Provide any other details you consider relevant to your situation.

This information will enable BDM to send you an application form of the appropriate type.

The following sections outline the process for the appointment of independent Marriage Celebrants. To find out more about the approval process for ministers of religion and celebrants affiliated to organisations, please contact Births, Deaths and Marriages.

### SEEKING APPOINTMENT

The application form gives you the opportunity to establish your credentials and suitability for appointment.

When seeking appointment as an independent Marriage Celebrant, applicants should demonstrate not only their suitability for the role, but also that the interests of the public generally, **or** a particular community are not being adequately met by the existing Marriage Celebrants.

You will also need to attach two signed testimonials vouching that you are a person of good character.

**Completed applications should be sent to the postal address given above.**

### APPOINTMENT CRITERIA

Two main criteria will be considered when appointing Marriage Celebrants:

- An applicant must be either a Justice of the Peace or some other person of good character; and
- The Registrar-General is satisfied it is in the interests of the public generally, or of a particular community (whether defined by geography, interest, belief, or some other factor) that the person be appointed as a Marriage Celebrant.

Within approximately 10 working days, BDM will send written acknowledgment that your application has been received.

Staff from BDM may directly contact those who have written your testimonials.

The Registrar-General will also take into consideration any potential conflicts of interest and apparent bias that may arise if that person is appointed, and consider whether those issues can be managed appropriately.

The Registrar-General will consider your application, and (if satisfied that a need has been demonstrated) will refer it to your local Registrar of Marriages, who may then call you in for a formal interview. Your application form will be forwarded to your local Registrar for reference in that interview.

## INTERVIEWING

The purposes of the interview are:

- To ensure the Registrar-General has sufficient information on which to base a decision;
- To advise the applicant about the role; and
- To give the applicant an opportunity to ask questions.

After the interview, the Registrar will send a report to the Registrar-General.

You will be notified of the outcome of the interview within approximately 10 working days.

In the meantime, there is no legislative restriction on your being involved in or participating in a marriage service (such as reading a poem), provided an authorised Marriage Celebrant undertakes the legal requirements in accordance with the Marriage Act 1955.

## IF APPOINTED AS A MARRIAGE CELEBRANT

The names of successful applicants are published in the *Gazette*. Names are added or removed from the published list as required throughout the year.

The names of Marriage Celebrants are also published on the Births, Deaths, and Marriages website at [www.bdm.govt.nz](http://www.bdm.govt.nz). Names are added to or removed from this list as required throughout the year.

You may solemnise marriages only after your name has been published in the *Gazette*.

A person whose authority has been revoked **must not** officiate at a marriage ceremony.

Appointment as a Marriage Celebrant does not automatically authorise you to officiate at civil unions. To be authorised to solemnise civil unions, you need to make a separate application under the Civil Union Act 2004.

## ANNUAL RENEWAL OF APPOINTMENT

You should not assume that renewal of your appointment as a Marriage Celebrant is automatic.

Towards the end of each calendar year, the Registrar-General writes to celebrants, as a courtesy, asking whether they wish to continue in the role.

It is important to advise BDM whenever you change your address, so that you receive this reminder and the renewal form enclosed with it.

A celebrant who has not received such a letter by December should write to BDM for a renewal form.

Each renewal application is treated as a fresh application for consideration by the Registrar-General.

Should a Marriage Celebrant not apply for reappointment, their name will be removed from the *Gazette* list, and they will no longer be authorised to solemnise marriages.

## NOTE

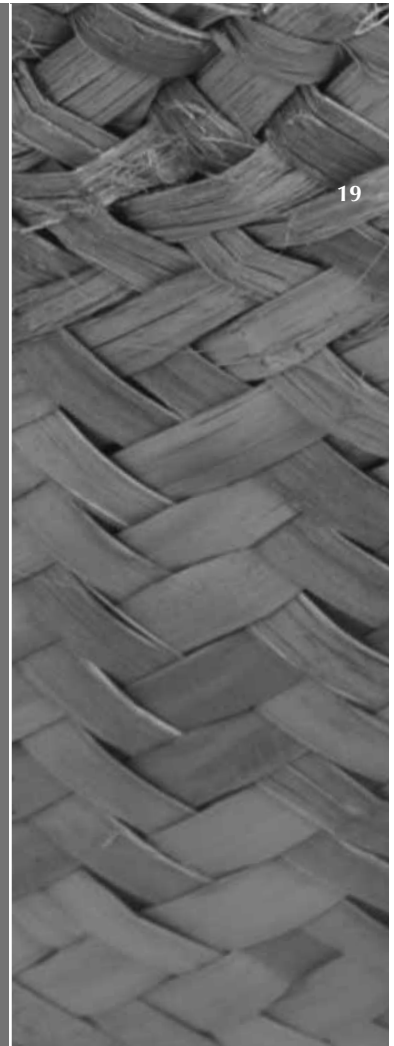
'MC' is not a recognised abbreviation for Marriage Celebrant, and BDM asks Marriage Celebrants not to use the letters after their name. The abbreviation ordinarily indicates that the person concerned is a holder of the Military Cross.

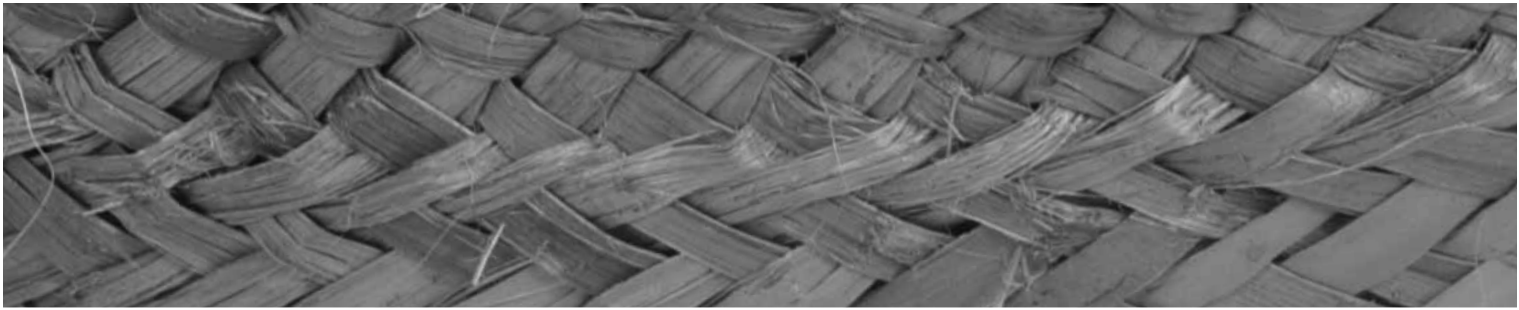
#### WHERE TO GO FOR GUIDANCE

A Marriage Celebrant requiring guidance on any procedural aspect of marriages may –

- Contact their nearest Registrar of Marriages
- Visit our website: [www.bdm.govt.nz](http://www.bdm.govt.nz)
- E-mail the Births, Deaths and Marriages Office: [bdm.nz@dia.govt.nz](mailto:bdm.nz@dia.govt.nz)
- Freephone 0800 22 52 52
- Write to:  
Births, Deaths and Marriages  
PO Box 10-526, Wellington 6143, New Zealand

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**THIS GUIDE FOR MARRIAGE CELEBRANTS ALSO ANSWERS  
THE QUESTIONS MOST LIKELY TO ARISE AS PEOPLE CONSIDER  
APPLYING TO BE APPOINTED AS MARRIAGE CELEBRANTS**

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Please contact us if you require further assistance:

- Talk to your nearest Registrar of Marriages
- Visit our website: [www.bdm.govt.nz](http://www.bdm.govt.nz)
- E-mail the Births, Deaths and Marriages Office:  
[bdm.nz@dia.govt.nz](mailto:bdm.nz@dia.govt.nz)
- Freephone 0800 22 52 52
- Write to:  
Births, Deaths and Marriages  
PO Box 10-526  
Wellington 6143, New Zealand