

16 July 2009

**BIRTHS, DEATHS & MARRIAGES**  
**Whānautanga, Matenga, Mārenatanga**

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Dear [REDACTED]

**ROLE OF MARRIAGE AND CIVIL UNION CELEBRANTS**

Instances continue to be brought to my attention of persons other than Marriage or Civil Union Celebrants taking the lead role in the solemnisation of marriages and civil unions. The purpose of this letter is to remind all Marriage and Civil Union Celebrants of their role and responsibilities.

A marriage may only be solemnised by an approved Marriage Celebrant or a Registrar of Marriages, while a civil union may only be solemnised by an appointed Civil Union Celebrant or a Registrar of Civil Unions.

The Court held in the *Department of Internal Affairs v Newson*<sup>1</sup> that the Marriage or Civil Union Celebrant must officiate at the marriage or civil union. This includes:

- The formal identification of the parties named on the Marriage or Civil Union Licence (the celebrant must be satisfied that the persons about to be joined are in fact those named on the Licence);
- The marriage or civil union must be solemnised at a place described on the Licence;
- The marriage or civil union must be solemnised by a Marriage Celebrant (if a marriage) or Civil Union Celebrant (if a civil union) and at least two other witnesses;
- The exchange of the marriage vows or civil union statements;
- 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;
- Celebrants must take all reasonable steps to ensure the marriage or civil union is registered with Births, Deaths and Marriages.

Persons other than the Marriage or Civil Union Celebrant may be involved in the ceremony by, for instance, reading a poem.

In summary, Marriage and Civil Union Celebrants must:

- Officiate the ceremony;
- Preside over the legal aspects;
- Not be a bystander nor being just present;
- There should be no doubt in the eyes of the witnesses and attendees that the marriage or civil union was performed in accordance with the appropriate legislation by a Marriage or Civil Union Celebrant.

If you have questions about this matter please email [bdm.nz@dia.govt.nz](mailto:bdm.nz@dia.govt.nz)

Yours sincerely



Brian Clarke  
Registrar-General

<sup>1</sup> DC AK CRI 2004-004-014068 [9 December 2005]

