

Unvalidated References:
Marriage Act 1963

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 280.

Marriage Regulation 1964

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Marriage Regulation 1964

MADE under the *Marriage Act 1963*.

Dated 200 .

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Regulation, unless the contrary intention appears–

“**birth certificate**”, in relation to a person, means an official certificate, or an official extract of an entry in an official register, showing the date and place of his birth;

“**filed**”, in relation to a notice of application made to a Magistrate under Part III. of the Act, or to another document concerning such an application, means delivered to the Clerk of the District Court;

“**notice of intended marriage**” means a notice required to be given for the purposes of Section 37(1)(a) of the Act;

“**the official certificate**”, in relation to a marriage, means the certificate of the marriage complying with Section 45(3) of the Act;

“**the retained official certificate**”, in relation to a marriage, means the certificate of the marriage that is required, under Section 45(4)(c) of the Act, to be retained by the authorized celebrant who solemnized the marriage.

PART II. – MARRIAGES OF MINORS.

Division 1.

Consent of Parents, Guardians, etc.

2. CONSENT OF PARENT, ETC., TO MARRIAGE OF MINOR.

(1) Subject to Subsections (3) and (4), a consent of a person whose consent is required by the Act to the marriage of a minor shall—

- (a) state the full name and address of the person giving the consent; and
- (b) state or otherwise indicate the capacity in which his consent is required; and
- (c) state the full name of the minor; and
- (d) state the full name and address of the other party to the marriage.

(2) Where a consent does not contain all the particulars required by Subsection (1)(a), (c) and (d) but does identify the person giving it and the parties to the marriage to which it relates, the consent shall be deemed to comply with those paragraphs.

(3) Subject to Subsections (4) and (5), where—

- (a) an authorized celebrant solemnizes the marriage of a minor; and
- (b) a document was produced to the celebrant as the consent of a person whose consent to the marriage of the minor is required by the Act,

the authorized celebrant must, by writing under his hand on the consent, state the manner in which he satisfied himself that the person who gave the consent is a person whose consent to the marriage of the minor is so required.

Penalty: A fine not exceeding K100.00.

(4) Subsections (1) and (3) do not apply to, or in relation to the consent of a Judge or Magistrate under Part III. of the Act.

(5) Subsection (3) does not apply in a case where the consent of both parents of the minor was produced to the authorized celebrant.

3. CONSENT OF ILLITERATE OR BLIND PERSON.

(1) Where it appears to a person who subscribes his name as a witness to the signature of the party giving a consent to the marriage of a minor that the party giving the consent is illiterate or blind, the witness must not so subscribe his name as a witness unless—

- (a) the consent was read, in the presence of the witness, to the person giving the consent; and

- (b) it appeared to the witness that the person giving the consent understood the matter contained in the consent and the effect of signing the consent; and
- (c) the person giving the consent signed it (whether by making his mark or otherwise) in the presence of the witness.

(2) Where Subsection (1) has been complied with in relation to a consent, the witness to the signature of the party giving the consent must certify accordingly by writing under his hand on the consent.

Penalty: A fine not exceeding K100.00.

4. CONSENT NOT IN ENGLISH LANGUAGE.

(1) Where a consent to the marriage of a minor that is produced to the authorized celebrant solemnizing the marriage is written in a language other than the English language, the celebrant shall attach to the consent a translation of the consent into the English language, made by—

- (a) the celebrant, if he is competent to make it; or
- (b) a person whom the celebrant believes to be competent to make it,

and forward the translation with the consent to the appropriate registering authority to whom the consent is required to be forwarded under Section 45(4)(b) of the Act.

(2) A person who makes a translation of a consent for the purposes of this section must certify on the translation that—

- (a) it is a translation of the consent; and
- (b) he is competent to make the translation.

Penalty: A fine not exceeding K100.00.

(3) A person shall not wilfully make a false statement in a certificate given for the purposes of Subsection (2).

(4) Where a translation of a consent is made for the purposes of this section by a person other than the authorized celebrant who solemnizes the marriage to which it relates, the celebrant must certify, on the translation, as to his belief in the competency of that person to make the translation.

Penalty: A fine not exceeding K100.00.

Division 2.

Dispensing with the Consent of Parents, Guardians, etc.

5. APPLICATION TO DISPENSE WITH CONSENT.

An application under Section 10 of the Act to dispense with the consent of a person whose consent is required to a proposed marriage of a minor—

- (a) shall be in Form 1; and

- (b) shall be accompanied by a birth certificate in respect of the applicant, unless it is impracticable to obtain such a certificate; and
- (c) if consent to the proposed marriage has been given by or in place of any person whose consent to the proposed marriage of the minor is required by the Act—shall be accompanied by the consent.

6. FORM OF DISPENSATION, ETC.

(1) Where a prescribed authority dispenses with the consent of a person to the proposed marriage of a minor, he shall furnish to the minor a dispensation in Form 2.

(2) Where a prescribed authority refuses to dispense with the consent of a person to the proposed marriage of a minor, he shall give to the minor notice of the refusal in Form 3.

Division 3.

Consent by Judges or Magistrates in Place of Parents, Guardians, etc.

7. CONSENT BY MAGISTRATE TO MARRIAGE OF MINOR.

(1) A person intending to apply to a Magistrate under Section 11(1) of the Act shall deliver notice of the application to the Clerk of a District Court.

(2) Notice of an application referred to in Subsection (1)—

- (a) shall be in Form 4; and
- (b) shall be accompanied by a birth certificate in respect of the proposed applicant, unless it is impracticable to obtain such a certificate; and
- (c) if consent to the proposed marriage has been given by or in place of any other person whose consent to the proposed marriage of the minor is required by the Act—shall be accompanied by the consent.

(3) Notice of an application under Section 11(1) of the Act by a minor who has previously made an application (not being an application that was withdrawn) under that section in relation to his proposed marriage shall state—

- (a) the name of the Magistrate to whom the previous application was made; and
- (b) the decision of the Magistrate on the previous application; and
- (c) the date of the decision.

(4) Where—

- (a) a minor who intends to make application under Section 11(1) of the Act has made a previous application under that subsection; and
- (b) the previous application has been re-heard under Section 12 of the Act,

the notice of the application shall state—

- (c) the name of the Judge by whom the inquiry into the previous application was held; and
- (d) the decision of the Judge on the re-hearing; and
- (e) the date of the decision.

(5) Where, after a prescribed authority has refused to dispense with the consent of a person to the proposed marriage of a minor, the minor intends to apply under Section 11(1) of the Act for the consent of a Magistrate to the proposed marriage in place of the consent of that person, the notice of refusal by the prescribed authority shall be attached to the notice of the application.

(6) Notice of an application under Section 11(6) of the Act may be filed at the same time as, and may be joined with, notice of an application under Section 11(1).

(7) The consent of a Magistrate on an application under Section 11 of the Act shall be in Form 5.

8. RE-HEARING OF APPLICATION FOR CONSENT TO MARRIAGE OF MINOR.

(1) Where—

- (a) an application under Section 11(1) of the Act is granted; or
- (b) an application under Section 11(1) or (6) is refused,

the prescribed time for the purposes of Section 12(1) of the Act is one month from the day on which the application was granted or refused.

(2) A request for the re-hearing by a Judge of an application under Section 11 of the Act shall be made by filing the request in an appropriate office of the National Court.

(3) A request under Section 12 of the Act—

- (a) shall be in Form 6; and
- (b) shall be accompanied by a birth certificate in respect of the minor to whom the request relates, unless it is, impracticable to obtain such a certificate; and
- (c) if the request is made by the minor and consent to the proposed marriage has been given by or in place of a person whose consent to the proposed marriage of the minor is required by the Act—shall be accompanied by the consent.

(4) A request under Section 12 of the Act—

- (a) shall have attached to it a copy of the notice of application under Section 11 of the Act to which it relates; or
- (b) shall state the matters required by Section 7, and by Form 4, to be stated in such a notice.

(5) An application under Section 11(6) of the Act in its application, by virtue of Section 12(2) of the Act, to requests under Section 12 of the Act may be made at the same time as, and may be joined with, such a request.

9. SERVICE OF NOTICE OF REQUEST ON MAGISTRATE.

(1) A person who requests the re-hearing, under Section 12 of the Act, of an application under Section 11 of the Act shall, on the day on which the request is filed, serve notice of the request on the Magistrate who heard the application.

(2) For the purposes of Subsection (1), notice of a request may be served—

- (a) by delivering a copy of the request to the Clerk of the District Court to whom notice of the application was delivered under Section 7(1); or
- (b) by telegram, signed by the proper officer of the National Court, to that Clerk.

(3) Where notice of a request for the re-hearing of an application by a Judge is served under Subsection (1) on a Magistrate, the Magistrate shall cause the documents relating to the inquiry to which the request relates, including any transcript of the evidence given at the inquiry and any depositions of the witnesses at the inquiry, to be forwarded to the appropriate office of the National Court.

Division 4.

Authorization of Marriages of Persons not of Marriageable Age.

10. APPLICATIONS BY PERSONS UNDER MARRIAGEABLE AGE.

(1) A person intending to apply to a Judge under Section 7(2) of the Act shall file notice of the application in the appropriate office of the National Court.

(2) A person intending to apply to a Magistrate under Section 7(2) of the Act shall deliver notice of the application to the Clerk of the District Court.

11. NOTICE OF APPLICATION.

Notice of an application under Section 7(2) of the Act—

- (a) shall be in Form 7; and
- (b) shall be accompanied by a birth certificate in respect of the applicant, unless it is impracticable to obtain such a certificate; and
- (c) if consent to the proposed marriage has been given by or in place of a person whose consent to the proposed marriage of the minor is required by the Act—shall be accompanied by the consent.

12. AFFIDAVITS IN SUPPORT OF APPLICATION.

(1) As far as practicable, the facts on which an applicant intends to rely in support of his application shall be stated in affidavits.

(2) Unless the Judge or Magistrate holding the inquiry otherwise directs, an affidavit to be used at an inquiry concerning an application shall be filed before it is so used.

13. PRODUCTION OF ORDER AUTHORIZING MARRIAGE.

(1) Where a marriage is solemnized between two persons, one of whom has been authorized to marry the other by an order under Section 7(3) of the Act, the person who has been so authorized shall produce the order to the authorized celebrant who solemnizes the marriage.

(2) An authorized celebrant who solemnizes a marriage in relation to which an order under Section 7(3) of the Act has been produced to him shall forward it to the Registrar-General.

Division 5.

Practice and Procedure Relating to Inquiries.

14. INTERPRETATION OF DIVISION 5.

In this Division, unless the contrary intention appears—

“**applicant**”, in relation to a request, means the person who makes the request;

“**application to which this Division applies**” means—

- (a) an application to a Judge or a Magistrate under Section 7(2) of the Act; or
- (b) an application to a Magistrate under Section 11 of the Act; or
- (c) a request;

“**inquiry**” means an inquiry under this Division into the facts and circumstances of an application to which this Division applies;

“**request**” means a request under Section 12 of the Act for the re-hearing of an application under Section 11 of the Act.

15. TIME AND PLACE OF HEARING.

(1) As soon as practicable after notice of an application to which this Division applies made to a Judge is filed in the office of the National Court, the appropriate officer of the Court shall fix a time, date and place for the holding of an inquiry into the relevant facts and circumstances.

(2) As soon as practicable after notice of an application to which this Division applies made to a Magistrate is delivered to the Clerk of a District Court, the Clerk shall fix a time, date and place for the holding of an inquiry into the relevant facts and circumstances.

(3) An officer or Clerk who fixes the time, date and place for the holding of an inquiry shall give to the applicant notice of the time, date and place fixed.

(4) Subject to Subsection (5), an applicant shall serve personally, on each other person who is required by Section 13(1)(b) of the Act to be given an opportunity of being heard at the inquiry, notice in Form 8 of the time, date and place fixed for the holding of the inquiry, together with a copy of his notice of application.

(5) Where notice of an application to which this Division applies has been filed in an office of the National Court or delivered to the Clerk of a District Court, the appropriate officer of the court may, on the request of the applicant and after consultation with a Judge or a Magistrate, as the case may be—

- (a) dispense with service on a person under Subsection (4); or
- (b) specify the manner (not being personal service) in which service on a person may be effected for the purposes of that subsection.

16. INQUIRIES.

(1) A Judge or Magistrate may adjourn an inquiry from time to time and from place to place.

(2) A Judge or Magistrate shall conduct an inquiry without regard to legal forms and solemnities.

(3) Where—

(a) a Judge or Magistrate has heard and dealt with an application under Section 7(2) or 11 of the Act; or

(b) a Judge has heard and dealt with a request under Section 12 of the Act,

any birth certificate or consent that accompanied the application or request shall, unless the Judge or Magistrate otherwise directs, be returned, on request, to the person who made the application.

17. TRANSFER OF PROCEEDINGS.

(1) This section applies where a Judge or Magistrate to whom an application is made under Section 7(2) of the Act, or a Magistrate to whom an application is made under Section 11 of the Act, refuses under Section 7(5) or 11(3), as the case may be, of the Act, to proceed with the hearing of the application on the ground that he is satisfied that the matter could more properly be dealt with by a Judge or Magistrate sitting at a particular place that is nearer the place where the applicant ordinarily resides.

(2) If in a case to which this section applies, the applicant requests—

(a) orally, immediately after the refusal; or

(b) by writing under his hand at any subsequent time,

that the application be heard by a Judge or Magistrate, as the case may be, sitting at the place referred to in Subsection (1), the notice of the application, and any affidavit filed in relation to the application, shall be forwarded to—

- (c) the appropriate officer of the National Court; or
- (d) the Clerk of the appropriate District Court,

as the case may be.

(3) Where notice of an application and the affidavits in relation to an application have been received by the officer or Clerk to whom they have been forwarded under Subsection (2), they shall be dealt with as if they had been filed in the appropriate office of the National Court or delivered to the Clerk of the District Court, as the case may be, under the Act.

PART III. – CONSANGUINITY AND AFFINITY.

18. INTERPRETATION OF PART III.

In this Part, unless the contrary intention appears–

“applicants” means two persons who–

- (a) are within the prohibited degrees of affinity and apply under Section 20 of the Act for permission to marry one another; or
- (b) are within the prohibited degrees of consanguinity by reason only of the operation of Section 19 of the Act and apply under Section 21 of the Act for permission to marry one another;

“application to which this Part applies” means an application for an order to which this Part applies;

“order to which this Part applies” means an order under Section 20 or 21 of the Act.

19. APPLICATIONS.

An application to which this Part applies–

- (a) shall be in Form 9; and
- (b) shall specify the full name and address of each of the applicants; and
- (c) shall be signed by the lawyer representing the applicants or, if they are not represented by a lawyer, by the applicants; and
- (d) shall be filed in the appropriate office of the National Court.

20. AFFIDAVITS IN SUPPORT OF APPLICATIONS.

(1) As far as practicable, the facts on which the applicants intend to rely in support of their application shall be stated in affidavits filed in support.

(2) The applicants shall state in an affidavit filed in support of their application–

- (a) the circumstances by reason of which they are within the prohibited degrees of consanguinity or affinity, as the case may be; and
- (b) particulars of the exceptional circumstances alleged to justify the making of an order; and
- (c) their respective ages; and
- (d) whether they have previously made, in the country or elsewhere, an application to which this Part applies and, if they have made a previous application, the date on which, and the Judge by whom, the previous application or each previous application was determined.

(3) Where one of the applicants is a minor, he shall, in an affidavit filed in support of the application, state whether or not he has previously been married.

(4) Where a minor states in an affidavit referred to in Subsection (3) that he has previously been married, he shall state in the affidavit—

- (a) the name of the person to whom he was married; and
- (b) when and where the marriage took place; and
- (c) the means by which the marriage was dissolved; and
- (d) if the marriage was dissolved by a court, the name of the court.

(5) Where a minor states in an affidavit referred to in Subsection (3) that he has not previously been married, he shall also state in the affidavit whether or not an appropriate person or court, whether in the country or elsewhere, has given, or refused to give, his or its consent to the proposed marriage, and if such a consent has been given, shall also state—

- (a) the date on which, and the name and address of the person by whom, the consent was given, and the capacity in which he gave it; or
- (b) the date on which, and the name of the court by which, the consent was given,

as the case requires.

(6) An affidavit in support of an application to which this Part applies shall be filed in the office of the National Court in which the application is filed.

(7) An affidavit to be used on the hearing by a Judge of an application to which this Part applies shall, unless the Judge otherwise directs, be filed before it is so used.

21. TIME AND PLACE OF HEARING.

As soon as practicable after an application to which this Part applies is filed in the National Court, the appropriate officer of the Court shall—

- (a) fix a time and place for hearing the application; and
- (b) give to the applicants notice of the time and place fixed.

22. HEARING OF APPLICATIONS.

(1) A Judge may—

- (a) adjourn from time to time and from place to place the hearing of an application to which this Part applies; or
- (b) direct that an application to which this Part applies be heard by another Judge.

(2) A Judge may exercise his powers under Subsection (1) at any time and at any stage, and either with or without application by the applicants.

(3) A Judge—

- (a) shall hear an application to which this Part applies without regard to legal forms and solemnities; and
- (b) is not bound by any rules of evidence, but may inform himself on any matter in such manner as he thinks proper.

23. PRODUCTION OF ORDERS GRANTING PERMISSION TO MARRY.

When a marriage is solemnized between two persons who have been granted permission to marry by order under Section 20 or 21 of the Act, they shall furnish the order to the person by whom the marriage is solemnized, and he shall forward it to the Registrar-General.

PART IV. – PROCEEDINGS UNDER PARTS II. AND III. GENERALLY.**24. INTERPRETATION OF PART IV.**

In this Part “**application to which this Part applies**” means an application to which Division II.5 or Part III. applies as defined in Sections 14 and 18 respectively.

25. SUMMONING OF WITNESSES.

(1) Where notice of an application to which this Part applies has been filed in the office of the National Court, a Judge may, if he thinks it reasonable and proper, issue a summons in Form 10, requiring a person named in it to appear as a witness on the hearing of the application.

(2) Where notice of an application to which Division II.5 applies has been delivered to the Clerk of a District Court, a Magistrate may, if he thinks it reasonable and proper, issue a summons in Form 10, requiring a person named in it to appear as a witness on the hearing of the application.

(3) Service of a summons under this section shall be effected by delivering personally a copy of the summons to the person to be served, and at the same time showing the summons to him.

26. ATTENDANCE OF WITNESSES.

A person who has been summoned to attend before a Judge or Magistrate as a witness in proceedings on an application to which this Part applies shall appear and report himself at the time and place specified in the summons and then from day to day, unless excused by a Judge or Magistrate, as the case may be.

27. ARREST OF WITNESS FAILING TO ATTEND.

(1) If a person who has been summoned to attend before a Judge or Magistrate in proceedings on an application to which this Part applies fails to attend as required by Section 26, the Judge or Magistrate, as the case may be, may, on being satisfied that the summons has been duly served and that reasonable expenses have been paid or tendered to the person, issue a warrant for his arrest.

(2) A warrant issued under Subsection (1) authorizes—

- (a) the arrest of the person; and
- (b) his being brought before the Judge or Magistrate, as the case may be; and
- (c) his detention in custody for that purpose until he is released by order of the Judge or Magistrate, as the case may be.

(3) A warrant issued under Subsection (1) may be executed by—

- (a) a member of the Police Force; or

- (b) the Sheriff or an officer of the Sheriff; or
- (c) any person to whom it is addressed,

and the person executing it may break and enter any place, building or vessel for the purpose of executing it.

(4) The arrest of a person under this section does not relieve him from any liability incurred by him by reason of his failure to attend before the Judge or Magistrate.

28. WITNESS'S EXPENSES.

(1) A person who attends in obedience to a summons under Section 25 issued by a Judge or a Magistrate is entitled to be paid witness's expenses and travelling allowances as if he were attending as a witness before the National Court, or before a District Court, as the case may be, or in special circumstances such expenses and allowances as the Judge or Magistrate directs (less any amount previously paid to him for his expenses of attendance).

(2) Expenses and allowances under Subsection (1) are payable by the person at whose request the witness was summoned.

29. POWER TO EXAMINE ON OATH.

A Judge or Magistrate may administer an oath to a person appearing as a witness before him in proceedings on an application to which this Part applies, whether he has been summoned or appears without being summoned, and may examine him on oath.

30. OFFENCES BY WITNESSES.

A person summoned under Section 25 to attend before a Judge or Magistrate who—

- (a) without reasonable excuse, fails to attend after payment or tender of a reasonable sum for his expenses of attendance; or
- (b) refuses to be sworn or to make an affirmation as a witness, or to answer any question when required to do so by the Judge or Magistrate; or
- (c) without reasonable excuse, refuses or fails to produce a book, document or writing that he was required by the summons or, in a case to which Part III. applies, by the Judge to produce,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

31. CONTEMPT, ETC.

A person who, when a Judge or Magistrate is conducting an inquiry under Part III. of the Act or is exercising powers and functions under Section 20 or 21 of the Act—

- (a) wilfully insults or disturbs the Judge or Magistrate; or
- (b) interrupts the proceedings before the Judge or Magistrate; or
- (c) uses insulting language to the Judge or Magistrate; or
- (d) by writing or speech, uses words calculated—
 - (i) to influence improperly a Judge or Magistrate, or a witness before a Judge or Magistrate, in relation to any application, or proposed application, to which this Part applies; or
 - (ii) to bring a Judge or Magistrate into disrepute in connection with an application, or proposed application, to which this Part applies,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

32. LEGAL REPRESENTATION.

(1) On the hearing of an application to which this Part applies, the applicants are entitled to be represented by a lawyer.

(2) A lawyer appearing in any proceedings on an application to which this Part applies may examine or cross-examine witnesses and address the Judge or Magistrate.

33. PROTECTION.

(1) In the performance of his duty as a Judge or Magistrate in relation to an application to which this Part applies, a Judge or Magistrate has the same protection and immunity as a Judge has in the performance of his duty as a Judge of the National Court.

(2) A lawyer appearing before a Judge or Magistrate in connection with an application to which this Part applies has the same protection and immunity as a lawyer has in appearing for a party in proceedings in the National Court.

(3) Where a party who is not represented by a lawyer appears before a Judge or Magistrate in connection with an application to which this Part applies, he has the same protection and immunity as a party to proceedings in the National Court has in appearing before the Court.

(4) A witness summoned to attend or appearing before a Judge or Magistrate in any proceedings on an application to which this Part applies has the same protection as a witness in proceedings in the National Court.

PART V. – SOLEMNIZATION OF MARRIAGES.

Division 1.

Authorization of Ministers of Religion as Celebrants.

34. NOMINATION OF MINISTER OF RELIGION.

A nomination under Section 27(b) of the Act of a minister of religion for registration under Section 28(1) of the Act shall be in Form 11.

35. APPLICATION FOR REGISTRATION.

An application under Section 28(1) of the Act shall be in Form 12.

36. NOTICE OF INTENTION TO CANCEL REGISTRATION.

A notice under Section 30(2) of the Act—

- (a) shall be in Form 13; and
- (b) shall be given to the person to whom it relates—
 - (i) by delivering it to him personally; or
 - (ii) by sending it to him by A.R. registered post at his address last known to the Registrar-General.

37. NOTICE OF REMOVAL FROM REGISTER.

Where the Registrar-General cancels the registration under Section 30(1) of the Act of a person on a ground specified in Section 30(1)(d) or (e) of the Act, the Registrar-General shall give notice of the cancellation to the recognized denomination of which the person is a minister of religion.

38. NOTICE OF CHANGE OF ADDRESS, ETC.

A notification under Section 32(1) of the Act—

- (a) shall be in writing under the hand of the person concerned; and
- (b) shall specify his name, address and designation before the change, and his name, address and designation after the change.

39. ANNUAL LIST OF MINISTERS OF RELIGION.

(1) On or before 31 January in each year, each recognized denomination shall supply to the Registrar-General a list containing particulars of persons who, on 1 January in that year—

- (a) were ordinarily resident in the country; and
- (b) were registered under Section 28(1) of the Act as ministers of religion for that denomination; and

- (c) were exercising the function of such a minister of religion.
- (2) A list supplied under Subsection (1) shall state—
 - (a) the full name, designation and place of residence of each of the persons to whom it relates; and
 - (b) in respect of each person whose name and other particulars are not included in it but were included in the list supplied in the last year—the reasons why his name and other particulars are not included in it.

40. RETURNS BY RECOGNIZED DENOMINATIONS.

(1) The Registrar-General may, by written notice to a recognized denomination, require it to supply to him, within 14 days after receipt of the notice or within such further period as he allows, a statement containing such information as is indicated in the notice, being information affecting or likely to affect the right to registration of a person registered as a minister of religion of that denomination under Section 28(1) of the Act.

(2) A statement supplied in accordance with a notice under Subsection (1) shall be—

- (a) in such form as the Registrar-General directs; and
- (b) signed by a member of the denomination on behalf of the denomination.

(3) A person who signs a statement supplied under Subsection (1) shall certify in writing at the foot of the statement as to the correctness of the information contained in it.

(4) A person who wilfully makes a false statement in a certificate for the purpose of Subsection (3) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(5) A recognized denomination shall comply with a notice given to it under this section.

Division 2.

Solemnization of Marriages.

41. NOTICE OF INTENDED MARRIAGE.

(1) A notice under Section 37(1)(a) of the Act shall be in Form 14.

(2) An authorized celebrant to whom a notice of intended marriage has been given under Section 37(1)(a) of the Act must endorse on the notice the date on which he received the notice.

(3) An authorized celebrant who solemnizes a marriage must endorse on the notice under Section 37(1)(a) of the Act in respect of the marriage—

- (a) the date on which, and the place at which, the marriage was solemnized; and

- (b) whether a birth certificate or a declaration complying with Section 37(1)(b)(ii) of the Act was produced to him in respect of each party to the marriage; and
- (c) if a party to the marriage was a minor, whether any consent to the marriage of the minor was produced to him; and
- (d) if a party to the marriage had been previously married, whether evidence of the death of the previous spouse of the party, or of the dissolution or annulment of the previous marriage, was produced to him.

Penalty: A fine not exceeding K100.00.

42. DECLARATION BY PARTY TO INTENDED MARRIAGE.

A declaration under Section 37(1)(c) of the Act—

- (a) shall be in Form 15; and
- (b) shall state whether the party making the declaration has attained the age of 21 years, and if he has not attained that age the date of his birth.

43. CERTIFICATES OF MARRIAGE.

For the purposes of Section 45(1) of the Act—

- (a) a certificate of marriage for the purpose of issue to the parties to a marriage shall be in Form 16; and
- (b) an official certificate of a marriage shall be in Form 17.

44. DISPOSAL OF RETAINED CERTIFICATES OF MARRIAGE.

(1) An authorized celebrant who is a minister of religion registered under Section 28(1) of the Act on the nomination of or in respect of a recognized denomination shall incorporate the retained official certificate of a marriage solemnized by him—

- (a) if the marriage was solemnized in a church of that denomination that is in a parish or other district in charge of a minister of religion of the denomination—with the records of the parish or district; or
- (b) if the marriage was solemnized in a church of that denomination other than a church referred to in Paragraph (a)—with the records of the church; or
- (c) in any other case—with the records of the denomination according to the rites of which the marriage was solemnized.

(2) An authorized celebrant who is authorized to solemnize marriages by virtue of an authorization under Section 34(2) of the Act may destroy the retained official certificate of a marriage solemnized by him at any time after the expiration of the period of six years after the solemnization of the marriage.

45. LOST OFFICIAL CERTIFICATES OF MARRIAGE.

(1) Where the official certificate of a marriage—

(a) is not received by the Registrar-General; or

(b) is lost or destroyed after having been received by the Registrar-General,

the Registrar-General may, by written notice to the celebrant, or to another person whom the Registrar-General believes to have the custody of, or control over, the retained official certificate of the marriage, require him—

(c) to prepare a copy of the retained official certificate of the marriage; and

(d) to certify, by writing under his hand, that the copy is a true copy of the retained official certificate; and

(e) to forward the copy to the Registrar-General.

(2) A person who receives a notice under Subsection (1) in relation to a marriage must—

(a) if he has the custody of, or control over, the retained official certificate of the marriage—comply with the notice; or

(b) in any other case—

(i) notify the Registrar-General that the retained official certificate of the marriage is not in his custody or under his control; and

(ii) if, after making reasonable inquiries, he is able to do so, supply to the Registrar-General the name and address of the person who has the custody of the certificate.

Penalty: A fine not exceeding K200.00.

(3) A copy of the retained official certificate of a marriage prepared and certified in accordance with this section has the same force and effect as if it were—

(a) an official certificate of the marriage prepared and signed in accordance with Section 45 of the Act; and

(b) the official certificate of the marriage referred to in Section 45(3) of the Act.

PART VI. – MISCELLANEOUS.

46. INTERPRETER'S CERTIFICATE.

For the purposes of Section 70(3) of the Act, a certificate by an interpreter shall be in Form 18.

47. ENDORSEMENT FOR SECOND MARRIAGE CEREMONY.

An endorsement for the purposes of Section 71(4) of the Act on a certificate issued in respect of a marriage shall be in Form 19 and under the hand of the person by whom or in whose presence the form or ceremony of marriage took place or was performed under Subsection (2) of that section.

48. RETURN OF OFFICIAL BOOKS, ETC., TO REGISTERING AUTHORITIES.

(1) Where the Government has made available to a person who is or has been an authorized celebrant any books, documents, forms or other papers for use in connection with the solemnization of marriages by him, the Registrar-General may by written notice, require him to return to the Registrar-General, within 14 days after receipt of the notice or within such further period as he allows, such of the books, documents, forms or other papers as are specified in the notice and are in his possession.

(2) A person who fails to comply with the requirements of a notice given to him under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K100.00.

49. FEES.

(1) The fees specified in Schedule 2 are the fees prescribed in respect of the matters specified in that Schedule.

(2) In the case of a particular marriage, an authorized celebrant may for special reasons remit either wholly or in part the fee for solemnizing the marriage.

(3) A document shall be taken not to have been duly filed for the purposes of this Regulation unless the fee (if any) specified in Schedule 2 in respect of the filing of the document has been paid.

(4) A notice of an application to a Magistrate under Section 7(2) or 11 of the Act shall be taken not to have been duly delivered to the Clerk of a District Court unless the fee specified in Schedule 2 in respect of that notice of application has been paid to the Clerk.

(5) The fee specified in Schedule 2 for a notice of intended marriage given to an authorized celebrant who is not a minister of religion is payable on the giving of the notice, and the fee so specified for a marriage solemnized by such a person is payable on the solemnization of the marriage.

SCHEDULE 1

PAPUA NEW GUINEA.

Marriage Act 1963.

***Form 1 – APPLICATION TO DISPENSE WITH CONSENT TO
PROPOSED MARRIAGE OF A MINOR.***

Act, Sec. 10. Form 1.Reg., Sec. 5(a).

APPLICATION TO DISPENSE WITH CONSENT TO PROPOSED MARRIAGE OF A MINOR.

To:

1. I, (*full name, address and occupation of minor*), who was both on . . . 20..., apply to dispense with the consent of (*full name and address*), who is my (*capacity in which the person's consent is required to the proposed marriage*), to my proposed marriage with (*full name, address and occupation*), who was both on . . . 20...

2. No other person is required to consent to my proposed marriage.

or

2. The consent of (*full name and address*), who is my (*capacity in which the person's consent is required to the proposed marriage*), is also required to my proposed marriage.

3. (*If consent to the proposed marriage has been given by or in place of another person, state accordingly.*)

4. (*If the other party to the proposed marriage is also a minor, state accordingly, and also state whether or not consent to the proposed marriage of the other party has been given by or in place of each person whose consent to that marriage is required by the Act.*)

Dated . . . 20...

(*Signature of Applicant.*)

PAPUA NEW GUINEA.

Marriage Act 1963.

***Form 2 – DISPENSATION WITH CONSENT TO MARRIAGE OF
MINOR.***

Act, Sec. 10. Form 2.Reg. Sec. 6(1).

DISPENSATION WITH CONSENT TO MARRIAGE OF MINOR.

I, . . . , a prescribed authority having authority under the *Marriage Act* to dispense with the consents of persons in the case of marriages of minors proposed to be solemnized in Papua New Guinea—

- (a) am satisfied that it is impracticable (or that it is impracticable without delay that would, in all the circumstances of the case, be unreasonable) to ascertain the views of . . . with respect to the marriage proposed to be solemnized between . . . (a minor) and . . . at . . . ; and . . .
- (b) have no reason to believe that . . . would refuse his (or her) consent to the proposed marriage; and
- (c) have no reason to believe that facts may exist by which it could reasonably be thought improper that the consent should be dispensed with,

and, in accordance with Section 10 of that Act, I dispense with the consent of . . . to the proposed marriage.

Dated . . . 20...

(Signature of Prescribed Authority.)

(Title of Prescribed Authority.)

PAPUA NEW GUINEA.

Marriage Act 1963.

***Form 3 – NOTICE OF REFUSAL TO DISPENSE WITH CONSENT TO
MARRIAGE OF MINOR.***

Act, Sec.10. Form 3.Reg., Sec. 6(2).

**NOTICE OF REFUSAL TO DISPENSE WITH CONSENT TO MARRIAGE OF
MINOR.**

On consideration of the application made under Section 10 of the *Marriage Act* by . . . to dispense with the consent of . . . to the marriage proposed to be solemnized between him (or her) and . . . in Papua New Guinea, I, . . . a prescribed authority having authority under that Act to dispense with the consents of persons to the marriages of minors proposed to be solemnized, give notice that I have refused to dispense with the consent of . . . to the proposed marriage.

Dated . . . 20..

(Signature of Prescribed Authority.)

(Title of Prescribed Authority.)

PAPUA NEW GUINEA.

Marriage Act 1963.

***Form 4 – NOTICE OF APPLICATION TO MAGISTRATE FOR
CONSENT TO MARRY.***

Act, Sec.11(1).

Form 4.Reg. Sec. 7(2)(a).

NOTICE OF APPLICATION TO MAGISTRATE FOR CONSENT TO MARRY.

1. I, (*full name, address and occupation*), who was both on ... 20..., give notice that I intend to apply under Section 11 of the *Marriage Act* to a Magistrate for his consent to my proposed marriage with (*full name, address and occupation*), who was both on ... 20..., in place of the consent of (*full name and address*), who is my ...

2. ... refused to consent to my marriage.

or

2. An application under Section 10 of that Act to dispense with the consent of ... was refused by ... on ... 20...

3. No other person is required to consent to my proposed marriage.

or

3. The consent of (*full name and address*), who is my (*capacity in which the person's consent is required to the proposed marriage*), is also required to my proposed marriage.

4. (*If consent to the proposed marriage has been given by or in place of another person, state accordingly.*)

5. (*If the other party to the proposed marriage is also a minor, state accordingly, and also state whether or not consent to the proposed marriage of the other party has been given by or in place of each person whose consent to the marriage is required by the Act.*)

6. (*In this and subsequent paragraphs, state any other particulars required by Section 7 of the Marriage Regulation.*)

* I also give notice that application is to be made, contingent on the Magistrate giving his consent to the proposed marriage in place of the consent of ..., for the consent of the Magistrate to the proposed marriage in place of the consent of (*full name*).

Dated ... 20...

(*Signature of Applicant.*)

*Strike out if inapplicable.

PAPUA NEW GUINEA.

Marriage Act 1963.

***Form 5 – CONSENT OF MAGISTRATE ON APPLICATION UNDER
SECTION 11 OF THE MARRIAGE ACT.***

Act, Sec. 11. Form 5.Reg., Sec. 7(7).

**CONSENT OF MAGISTRATE ON APPLICATION UNDER SECTION 11 OF
THE MARRIAGE ACT.**

On holding an inquiry into the relevant facts and circumstances concerning the application made by *(full name, address and occupation)* for my consent to his/her proposed marriage with ... in place of the consent of *(full name and address)* the ... of ... , I, ... , a person who holds office as a Magistrate, am satisfied that ... , who refused to consent to the marriage, refused unreasonably (or that, having proper regard to the welfare of ... , it would be unreasonable for me to refuse my consent to the marriage), and I therefore give my consent to the proposed marriage in place of the consent of ...

Dated ... 20...

(Signature.)

(Title.)

PAPUA NEW GUINEA.

Marriage Act 1963.

Form 6 – REQUEST UNDER SECTION 12 OF THE MARRIAGE ACT.

Act, Sec. 12. Form 6.Reg., Sec. 8(3)(a).

REQUEST UNDER SECTION 12 OF THE MARRIAGE ACT.

1. I, *(full name, address and occupation)* request that the application under Section 11 of the *Marriage Act* made to *(name)* a Magistrate for his consent to the marriage of *(full name, address, occupation and date of birth)* with *(full name, address, occupation and date of birth)* in place of the consent of *(full name)* be heard, under Section 12 of that Act, by a Judge.
2. On . . . 20..., the Magistrate *(set out the decision)*.
3. A copy of the application is attached.

or

3. *(In this and the following paragraphs set out the particulars required by Section 8(4) of the Marriage Regulation.)*

* Application is also made, contingent on the Judge giving his consent to the proposed marriage in place of the consent of . . . , for the consent of the Judge to the proposed marriage in place of the consent of *(full name)*.

Dated . . . 20...

(Signature of the person making the request.)

*Strike out if inapplicable.

PAPUA NEW GUINEA.

Marriage Act 1963.

***Form 7 – NOTICE OF APPLICATION FOR ORDER AUTHORIZING
MARRIAGE UNDER MARRIAGEABLE AGE.***

Act, Sec. 7(2). Form 7.Reg., Sec. 11(a).

NOTICE OF APPLICATION FOR ORDER AUTHORIZING MARRIAGE UNDER MARRIAGEABLE AGE.

1. I, (*full name, address and occupation*), who was both on . . . 20..., give notice that I intend to make application to a Judge (*or to a Magistrate*) for an order under Section 7(2) of the *Marriage Act* authorizing me to marry (*full name, address and occupation*), who was both on . . . 20...

2. I have not made a previous application under Section 7(2) of that Act.

or

2. On . . . 20..., an application under Section 7(2) of that Act for an order authorizing me to marry . . . was refused (*or granted*) by . . .

3. The consent of (*full name and address*) who is my . . . , and of (*full name and address*) who is my . . . , are required by that Act to my proposed marriage.

4. (*If consent to the proposed marriage has been given by or in place of another person, state accordingly.*)

5. (*If the other party to the proposed marriage is also a minor, state accordingly, and also state whether or not consent to the proposed marriage of the other party has been given by or in place of each person whose consent to the marriage is required by the Act.*)

6. Particulars of the exceptional or unusual circumstances alleged to justify the making of an order under that section are as follows:—

Dated . . . 20...

(*Signature of Applicant.*)

PAPUA NEW GUINEA.

Marriage Act 1963.

***Form 8 – NOTICE OF TIME, DATE AND PLACE FOR THE HOLDING
OF AN INQUIRY.***

Act, Secs. 7(2), 11, 12. Form 8.Reg., Sec. 15(4).

NOTICE OF TIME, DATE AND PLACE FOR THE HOLDING OF AN INQUIRY.

An inquiry will be held at ... on ... 20..., at ... a.m./p.m. at ... , by a Judge (or a Magistrate) into the relevant facts and circumstances concerning an application proposed to be made by ... (or a request made by ... for the re-hearing of an application made by ...) for ...

If you fail to attend at that time, date and place, the application (or request) may be heard and determined in your absence.

Dated ... 20...

(Signature of Officer or Clerk of the Court.)

(Title of the Officer or Clerk.)

PAPUA NEW GUINEA.

Marriage Act 1963.

Form 9 – Application for Permission to Marry.

Act, Secs. 20, 21. Form 9.Reg., Sec. 19(a).

APPLICATION FOR PERMISSION TO MARRY.

To a Judge of the National Court.

Application is made to a Judge on behalf of . . . , whose address is . . . and whose occupation is . . . , and on behalf of . . . whose address is . . . and whose occupation is . . . , for permission to marry one another.

Dated . . . 20..

(Signature of Lawyer for the Applicants.)

This application is filed by . . . of . . . on behalf of the applicants.

PAPUA NEW GUINEA.

Marriage Act 1963.

Form 10 – Summons.

Act, Secs. 7(2), 11, 12, 20, 21. Form 10.Reg., Sec. 25(1), (2).

SUMMONS.

To: *(full name and address of person.)*

You are summoned under Section 25 of the *Marriage Regulation* to attend at . . . on . . .
. 20... at . . . a.m./p.m. and each day unless excused by a Judge (or Magistrate), to
give evidence in connection with the application (or request) under Section . . . of the
Marriage Act by . . . for . . . (and then and there to produce the following books,
documents and writings . . .).

Dated . . . 20...

(Signature.)

(Description.)

NOTE.—Under the *Marriage Regulation*, a person who, having been served with a
summons and paid or tendered reasonable expenses, fails to attend as required by the
summons—

- (a) is guilty of an offence and liable to a fine not exceeding K200.00; and
- (b) is liable without further notice to be attested and brought before a Judge
or Magistrate.

PAPUA NEW GUINEA.

Marriage Act 1963.

***Form 11 – NOMINATION OF MINISTER OF RELIGION FOR
REGISTRATION.***

Act, Sec. 27(b). Form 11.Reg., Sec. 34.

NOMINATION OF MINISTER OF RELIGION FOR REGISTRATION.

The *(name of recognized denomination)*, being a recognized denomination for the purposes of the *Marriage Act*, nominates *(full name of minister of religion)*, who is a *(designation of the minister of religion)* of that recognized denomination for registration under Section 28(1) of that Act.

Dated . . . 20...

(Signature of person or persons authorized by the recognized denomination to nominate ministers of religion for registration.)

(Designation of the person or of each person who signs the nomination.)

PAPUA NEW GUINEA.

Marriage Act 1963.

***Form 12 – APPLICATION FOR REGISTRATION OF MINISTER OF
RELIGION.***

Act, Sec. 28(1).

Form 12.Reg., Sec. 35.

APPLICATION FOR REGISTRATION OF MINISTER OF RELIGION.

To the Registrar-General.

I, . . . , apply for registration under Section 28(1) of the *Marriage Act*, and set out the following particulars in support of my application:—

1. I am a (*designation of the applicant*) of (*name of recognized denomination*).
2. I ordinarily reside at
3. I have attained the age of 21 years, having been both on . . . 20...

Dated . . . 20...

(Signature of Applicant.)

PAPUA NEW GUINEA.

Marriage Act 1963.

***Form 13 – NOTICE OF INTENTION TO CANCEL REGISTRATION OF
MINISTER OF RELIGION.***

Act, Sec. 30(2). Form 13.Reg., Sec. 36(a).

NOTICE OF INTENTION TO CANCEL REGISTRATION OF MINISTER OF RELIGION.

To:

I give you notice, under Section 30(2) of the *Marriage Act*, that it is my intention to cancel your registration under Section 28(1) of that Act on the ground that . . . , unless cause is shown to me why your name should not be removed from the register.

In accordance with Section 30(3) of that Act, I call on you to show cause, within . . . days after service of this notice on you, why your name should not be removed from the register. Any representations made by you to me within that period will be considered by me.

Dated . . . 20...

Registrar-General.

NOTE.—Under the *Marriage Act*, a person who solemnizes a marriage after he has been given a notice under Section 30(2) of the *Marriage Act* but before—

- (a) he has been notified by the Registrar-General that the Registrar-General has decided not to cancel his registration; or
- (b) the Minister has, under Section 31 of that Act, directed that his registration be restored,

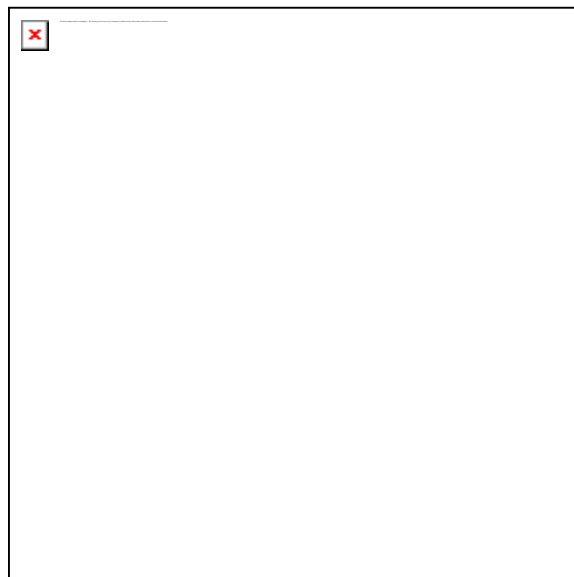
is guilty of an offence and liable to a fine not exceeding K400.00 or to be imprisoned for a term not exceeding six months.

PAPUA NEW GUINEA.

Marriage Act 1963.

Form 14 – NOTICE OF INTENDED MARRIAGE.

Act, Sec. 37(1)(a). Form 14.Reg., Sec. 41(1).



PAPUA NEW GUINEA.

Marriage Act 1963.

Form 15 – DECLARATION BY PARTY TO INTENDED MARRIAGE.

Act, Sec. 37(1)(c). Form 15.Reg., Sec. 42.

DECLARATION BY PARTY TO INTENDED MARRIAGE.

I, (*full name, address and occupation of person making the declaration*), solemnly and sincerely declare as follows:—

1. I am a (*insert "bachelor", "spinster", "widower", "widow", "divorced person" or other conjugal status*).
2. I believe that there is no legal impediment to my marriage with (*full name, address and occupation of the other party to the intended marriage*) (referred to in this declaration as "the other party") by reason of consanguinity or affinity, a subsisting former marriage or lack of marriageable age of either myself or the other party, or by reason of any other circumstances.
3. I have attained the age of 21 years.

or

4. I have not attained the age of 21 years, the date of my birth being . . . 20...

And I make this solemn declaration under the *Marriage Act*, conscientiously believing the statements contained in it to be true in every particular, and knowing that that Act provides a penalty for the wilful making of a false statement in a declaration.

(Signature of Declarant.)

Declared . . . 20...

Before me,

*(Signature and description of authorized celebrant before whom declaration made.)**

*Insert 'Registered Minister of Religion', or other description of qualification to solemnize marriages.

PAPUA NEW GUINEA.

Marriage Act 1963.

Form 16 – CERTIFICATE OF MARRIAGE.

Act, Sec. 45(1)(a). Form 16.Reg., Sec. 43(a).

CERTIFICATE OF MARRIAGE.

I, . . . , having authority under the *Marriage Act* to solemnize marriages, certify that I have this day at . . . duly solemnized marriage in accordance with the provisions of that Act (and according to the rites of . . .)* between . . . and . . . in the presence of the undersigned witnesses.

Dated . . . 20...

(Signature of Celebrant.)

(Signatures of Parties to the Marriage.)

(Signature of Witnesses.)

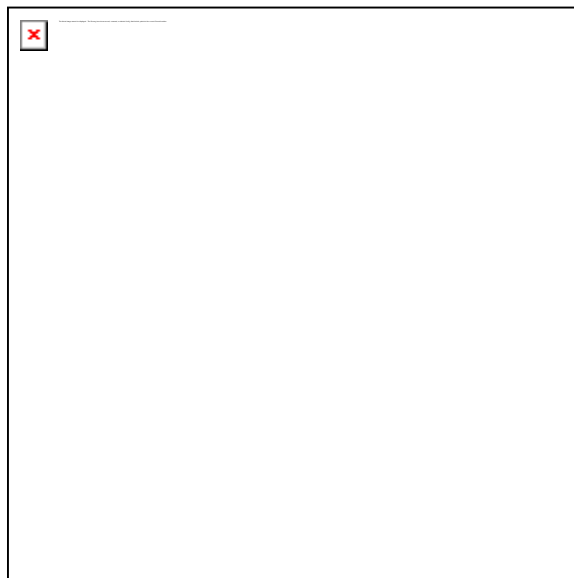
*Strike out if inapplicable.

PAPUA NEW GUINEA.

Marriage Act 1963.

Form 17 - .

Act, Sec. 45(1)(b). Form 17.Reg., Sec. 43(b).



PAPUA NEW GUINEA.

Marriage Act 1963.

Form 18 – CERTIFICATE BY INTERPRETER.

Act, Sec. 70(3).

Form 18.Reg., Sec. 46.

CERTIFICATE BY INTERPRETER.

I, (*full name and address of interpreter*), certify that on ... 20..., at ..., I faithfully performed the services of interpreter: from the ... language into the ... language (and from the ... language into the ... language) in or in connection with a ceremony of marriage solemnized between (*full name of bride groom*) and (*full name of bride*).

Dated ... 20...

(*Signature of Interpreter.*)

Witness:

PAPUA NEW GUINEA.

Marriage Act 1963.

Form 19 – ENDORSEMENT FOR SECOND MARRIAGE CEREMONY.

Act, Sec. 71(4). Form 19.Reg., Sec. 47.

ENDORSEMENT FOR SECOND MARRIAGE CEREMONY.

The form of ceremony of marriage between the above-mentioned parties took place or was performed under Section 71(2) of the *Marriage Act*, those parties having previously gone through a form of ceremony of marriage with each other on . . . 20...
Dated . . . 20...

(Signature of Celebrant.)

SCHEDULE 2

Reg. Sec. 49.

Item No.	Matter	Fees
1.	Filing a notice of an application to a Judge under Section 7(2) of the Act (including the affidavits in support of the application)	K10.0 0
2.	For a notice of an application to a Magistrate under Section 7(2) or 11 of the Act (including the affidavits in support of an application under Section 7(2) of the Act)	K10.0 0
3.	Filing a request under Section 12 of the Act	K20.0 0
4.	Filing an application under Section 20 or 21 of the Act	K20.0 0
5.	For a notice of intended marriage given to an authorized celebrant who is not a minister of religion	K25.0 0
6.	For a marriage solemnized by an authorized celebrant who is not a minister of religion	K25.0 0
7.	For a marriage solemnized by an authorized celebrant who is not a minister of religion within the time period under Section 37(1)(a)(ii)	K25.0 0

Marriage Regulation 1964