

CONDOMINIUM DES NOUVELLES-HEBRIDES

NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 16 de 1970

JOINT REGULATION 16 of 1970

JOINT REGULATION

No. 16 of
1970.

provide for the validity of New Hebridean marriages.

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enforced by the Resident Commissioners under the provisions of Articles 2 (2), 7, 8 and 9 of the Anglo-French Protocol of 1914.

PART I

THE VARIOUS FORMS OF MARRIAGE AND THE PERSONS
AUTHORISED TO CELEBRATE MARRIAGES

1. Every marriage between New Hebrideans (which expression includes all persons of the aboriginal races of the Pacific who are not citizens or subjects, or under the protection of either of the Governments of France and Great Britain) celebrated after the coming into operation of this Regulation shall be valid if celebrated—

- before a District Registrar;
- before a Minister for Celebrating Marriages; or
- in accordance with custom;
- in accordance with the provisions of this Regulation.

2. (1) District Agents shall be the District Registrars in their respective Districts:

Provided that when there is no District Agent in any District, the Resident Commissioners shall appoint some fit and proper person to perform the duties of District Registrar.

(2) The jurisdiction of each District Registrar shall be limited to the District to which he has been appointed. When circumstances render it necessary the Resident Commissioners may appoint to a District an additional District Registrar who shall exercise concurrently with the office-holder the functions conferred upon him by this Regulation.

3. (1) The Resident Commissioners, upon receiving a requisition from the head of the denomination to which any minister of religion ordinarily officiating, as such in the New Hebrides belongs, shall register such minister as a Minister for Celebrating Marriages for the purposes of this Regulation. The Resident Commissioners, after consulting the head in the New Hebrides of the denomination to which he belongs remove the name of any Minister from the register. The Resident Commissioners shall publish in the *Condominium Gazette* the registration of every Minister and the removal of the name of any Minister from the register, which shall come into force on the day of such publication.

(2) If any Minister so registered dies or departs permanently from the New Hebrides or is by the head of his denomination deprived of his office of minister, the Resident Commissioners, upon being satisfied of the facts, shall remove the name of such Minister from the Register.

(3) No marriage shall be rendered void by reason only of the time having been celebrated by a person not being a duly registered Minister, if either of the parties to the marriage bona fide believes at the time that he was a duly registered Minister.

(4) Whenever any New Hebridean desires to be married solely by custom he shall before the marriage may be celebrated fulfil the pre-marital requirements of the customs under which he desires to be married. Any person wishing to contest the validity of such a marriage shall first prove that these requirements have not been fulfilled.

PART II

FORMALITIES BEFORE MARRIAGE

5. Subject to the provisions of Section 7, before any marriage between New Hebrideans may be celebrated by a District Registrar or by a Minister for Celebrating Marriages, a dated written notice of the intended marriage, giving the names and conditions of the parties thereto, their ages, family relationships and places of domicile, in one of the official languages, and, if necessary, in a language understood by the parties thereto, shall be posted prominently in a place inside the church or outside the District Agency where the marriage is to be celebrated. Such notice shall be posted at least three weeks before the date of such intended marriage, and shall remain posted until the celebration of the marriage or until the expiration of three months from the date of the notice, whichever shall first happen. If, for any reason, the marriage be not celebrated within three months from the date on which the notice shall have been given as required in this section, fresh notice must be given in the manner hereinbefore set out. The notice of marriage used for religious marriage shall be attached by the Minister for Celebrating Marriages to the copy of the marriage certificate which is sent to the District Registrar in accordance with the provisions of section 16.

6. The notice provided for in section 5 shall be as prescribed in Form A in Schedule I to this Regulation and shall be signed by both parties to the intended marriage.

7. Written notice of an intended marriage shall not be required if banns of Marriage have been called on three successive days or Sabbaths during public service of worship, in the place of worship of either or both of the parties to an intended marriage and provided that the marriage is performed in that place of worship not later than three months after such calling of banns.

In such case the Minister performing the marriage shall attach to a copy of the marriage certificate, a certificate as prescribed in Form B in Schedule I to this Regulation, stating that the banns of marriage were duly called.

8. No marriage shall be celebrated by a Minister for Celebrating Marriages or a District Registrar until each of the parties to the intended marriage shall have made and signed a declaration as prescribed in Form C in Schedule I to this Regulation. The Declarations shall be forwarded to the District Registrar together with the marriage certificate forwarded in accordance with the provisions of section 16.

9. Any person who claims that an impediment exists to any marriage, or that any marriage has not been publicly celebrated, or that any marriage is invalid shall himself bring proof of the facts alleged.

PART III

THE CELEBRATION OF MARRIAGES

10. No marriage shall be celebrated in contravention of the provisions of the Joint Control of Marriage Regulation No. 12 of 1969. Every marriage shall be celebrated publicly. A marriage celebrated in contravention of the provisions of this section shall be void.

11. Every custom marriage shall be performed in a place and according to the form laid down by local custom.

12. The presence of at least two witnesses aged over 21 years shall be necessary for the due celebration of every marriage before a Minister for Celebrating Marriages or a District Registrar.

13. Every marriage before a District Registrar or before a Minister for Celebrating Marriages shall be celebrated in the Agency, or in the church in which notice of the intended marriage was given, or in which the banns were called, as the case may be.

14. Provided that when one or other of the parties to an intended marriage is in extremis, or in any other case where the circumstances so require, a District Registrar or a Minister for Celebrating Marriages may celebrate a marriage in a place other than those prescribed in this regulation.

15. Every marriage celebrated before a Minister for Celebrating Marriages shall be performed according to the form practised in the Agency. In addition, to be valid it must include the declaration by both parties thereto of their consent to the union thus

15. Every marriage before a District Registrar shall be celebrated, after he has satisfied himself that the formalities precedent to a marriage prescribed by this Regulation have been complied with, in the form prescribed in Schedule II to this Regulation.

PART IV

FORMALITIES AFTER MARRIAGE

16. Immediately upon the celebration of any civil, religious or custom marriage, it shall be registered in conformity with the provisions of the Joint Regulation of Births, Acknowledgements, Deaths and Marital Status Regulations No. 17 of 1970.

(a) Where the marriage is performed by a Minister for Celebrating Marriages, the person performing the ceremony of marriage and, in the case of a custom marriage, the bridegroom or the head of his family or the head of the bride's family or the chief of the village of either of the parties or an assessor, who was present at the marriage, shall thereafter forward to the District Registrar on the first occasion possible a notice as prescribed in Form D in Schedule 1 to this Regulation.

(b) In all cases, the parties to the marriage shall be issued by the Registrar-General with a certified copy of the page of the Central Register relating to their marriage.

PART V

OTHER PROVISIONS

17. If either of the parties to an intended marriage is unable to sign, it shall be sufficient if he or she place a mark or cross to the effect required under section 5 and the declaration required under section 8; the notice and declaration shall be witnessed by the District Registrar, the Minister for Celebrating Marriages, or a person authorised under section 16 of this Regulation to notify the Registrar of the celebration of a custom marriage, as the case may be, in the style prescribed at the foot of Forms A and C respectively in Schedule I to this Regulation.

Any completed page in the Central Register, or any copy thereof certified as a true copy by a District Registrar of Births, Acknowledgements, Deaths and Marital Status or by the Registrar-General shall be admissible in any Court as sufficient evidence of a marriage to which it relates. Any person who falsifies such a copy by means of addition, alteration or omission shall be guilty of an offence and liable to a fine not exceeding one hundred and fifty dollars or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

Any person who, not being duly authorised thereto by the provisions of this Regulation, celebrates any marriage shall be guilty of an offence and shall be liable to a fine not exceeding one hundred

by Australian dollars or to a term of imprisonment not exceeding six months. In such a case, the marriage shall be void, except as provided in subsection (3) of section 3 of this Regulation.

Any person who wilfully makes a false declaration in order to contract a marriage which would otherwise have been illegal shall be guilty of an offence and shall be liable to a fine not exceeding one hundred and fifty Australian dollars or to a term of imprisonment not exceeding six months, or to both such fine and imprisonment.

Nothing in this Regulation shall be deemed to invalidate a marriage, however performed, prior to the coming into operation of this Regulation.

This Regulation may be cited as the Joint Validity of Marriages Regulation No. 16 of 1970 and shall come into operation on the date of its publication in the Condominium Gazette.

Dated at Vila this thirty-first day of December, 1970.

LOUIS COLIN H. ALLAN
Resident Commissioner Her Britannic Majesty's
for the French Republic. Resident Commissioner.

SCHEDULE 1

FORM A

NOTICE OF INTENDED MARRIAGE

(Sections 5 and 6)

District Registrar at
I hereby give you notice that a marriage is intended to be celebrated within six months of the date hereof between me, the undersigned, and the other person herein named.
The marriage will take place at *..... District Agency
..... Church.
(as appropriate).

Name	Condition	Occupation Rank or Profession	Age	Place of Residence	Consent, if any, and by whom given

In my hand this day of, 19....

(Signature)

CERTIFICATE OF THE DISTRICT REGISTRAR OR THE MINISTER FOR CELEBRATING MARRIAGES

completed only if either of the parties to the intended marriage is unable by the said... at... day of... 19... notice was interpreted to him/her in the... by... He/She seemed to understand the and purpose thereof and made his/her mark thereto in my presence. Signed...

FORM B

(Section 7.)

NOTICE OF INTENDED MARRIAGE

CALLING OF BANNS

The District Registrar at... hereby declare that the Banns of Marriage between... have been called on three successive Sabbaths during service of worship, the dates being... (2) ... and (3) ... Signature, Minister for Celebrating Marriages.

FORM C

(Section 8.)

DECLARATION PRIOR TO MARRIAGE

... (full name of first party) of ... solemnly and sincerely declare that I believe there is no impediment or lawful objection by reason of any kindred or relationship, any former marriage, or want of consent of parents or guardians, or any other lawful cause, to my being married to ... (full name of other party) of ... daughter of ... (full name), of ... (Signature (or mark) of first party) the said ... (full name of other party), do solemnly and sincerely declare that I believe there is no impediment or lawful objection by any such reason or other lawful cause, as aforesaid, to my being married to the said ... (full name of first party). (Signature (or mark) of other party) Married by both the parties abovenamed at ... day of ... 19... before me. (Signature of Minister of Religion or District Registrar)

CERTIFICATE OF THE DISTRICT REGISTRAR OR THE
MINISTER FOR CELEBRATING MARRIAGES

Completed only if either of the parties to the intended marriage is unable

to sign the said at

..... day of 19.....

His/Her voice was interpreted to him/her in the.....

by He/She seemed to understand the

intended purpose thereof and made his/her mark thereto in my presence.

Signed.....

REGISTRATION OF MARRIAGES

FORM "B".

Schedule to Joint Regulation No. 17 of 1970

FORM "D"

(Section 16), Schedule to Joint Regulation No. 16 of 1970

1. Date and Place of Marriage and by whom performed	
2. Name in Full, Occupation, Place of Residence	
3. Date and Place of Birth	
4. Status (Bachelor, Widower, Divorced)	
5. Parentage	
6. Name in Full, Occupation, Place of Residence	
7. Date and Place of Birth	
8. Status (Spinster, Widow, Divorced)	
9. Parentage	
10. Name in Full, Occupation, Place of Residence, Date and Place of Birth	
11. Name in Full, Occupation, Place of Residence, Date and Place of Birth	
12. Time, Day, Month and Year of Declaration	
13. Other Remarks/Observations	

Signature or Thumb- print of Witness	SEAL	Signature of Minister for Celebrating Marriages (if appropriate)	FOR USE OF REGISTRAR- GENERAL
Signature or Thumb- print of Witness.		Date	(a) Seal and date of Authentication
		Signature of Registrar or Sub- Registrar	(b) Number in Central Register.....
		Full name of Registrar or Sub- Registrar	
		Office or Occupation	
		Date	

SCHEDULE II

FORM OF MARRIAGE CEREMONY BEFORE A DISTRICT REGISTRAR

The District Registrar shall address each party as follows—

"Do you (full name) consent to take
..... (full name of other party) as your wife (or
husband)?"

If both parties answer in the affirmative, the District Registrar shall in a
clearly understood by them inform the parties that they are for all purposes
valid and that the marriage cannot be dissolved while they are both living
by a valid judgment of divorce.

The District Registrar shall then address the parties together in the
following words—

"You owe to one another mutual fidelity, support and assistance. The
husband is the head of the family, but he shall exercise this function in its
common interest, the wife combining with him to ensure its orderly conduct
and in particular to assist in the proper upbringing of the children. The wife
shall fulfil the functions of the husband as head of the family if for any
reason the husband is unable to do so. The husband shall be primarily
responsible for the material welfare of the family and shall furnish the
necessities of life according to his ability. The choice of the family home shall
be with the husband and the wife shall live with him and the husband shall
be bound to allow her to do so."