

**Reprint
as at 1 October 1981**



Proxy Marriage Regulations 1958
(SR 1958/46)

Cobham, Governor-General

Order in Council

At the Government Buildings at Wellington this 31st day of March
1958

Present:

The Hon C F Skinner, MC, presiding in Council

Pursuant to the Marriage Act 1955, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

Contents

	Page
1	2
2	2
3	2
4	3

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Justice.

5	3
6	4
7	4
8	5

Schedule	5
Form of assent, appointment, and declaration	

Regulations

- 1**
- (1) These regulations may be cited as the Proxy Marriage Regulations 1958.
- (2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

- 2**
- In these regulations, unless the context otherwise requires,—
- Act** means the Marriage Act 1955
- Commonwealth country** means a country that is a member of the British Commonwealth of Nations; and includes every territory for whose international relations the Government of that country is responsible; and also includes the Republic of Ireland as if that country were a member of the British Commonwealth of Nations
- Commonwealth representative** means an Ambassador, High Commissioner, Minister, Chargé d’Affaires, Consular Officer, Trade Commissioner, or Tourist Commissioner of a Commonwealth country (including New Zealand); and includes any person lawfully acting for any such officer and also includes any diplomatic secretary on the staff of any such Ambassador, High Commissioner, Minister, or Chargé d’Affaires.

- 3**
- These regulations apply to every marriage for which the authority of a Family Court Judge is required under section 34 of the Act.

Regulation 3: amended, on 1 October 1981, pursuant to section 17(1) of the Family Courts Act 1980 (1980 No 161).

4

Where it is intended to solemnise any marriage to which these regulations apply, the party to the intended marriage resident in New Zealand shall give notice under section 23 of the Act accompanied by the order of the Family Court Judge under section 34 of the Act authorising the marriage.

Regulation 4: amended, on 1 October 1981, pursuant to section 17(1) of the Family Courts Act 1980 (1980 No 161).

5

- (1) No marriage to which these regulations apply shall be solemnised until there is produced to the officiating minister or the Registrar, as the case may be, a document containing—
 - (a) the assent of the absent party to the marriage;
 - (b) an appointment by him of some person to act as proxy when the marriage is solemnised; and
 - (c) a declaration by him that he does not know of any lawful impediment to the marriage.
- (2) The document produced in accordance with subclause (1) shall be annexed to the copy of the particulars of the marriage which the officiating minister or the Registrar, as the case may be, is required under section 36 of the Act to forward to the Registrar-General.
- (3) The document shall be in the form in the Schedule or to the like effect, and shall be signed by the absent party and witnessed by a notary public, or a Commonwealth representative, or a barrister or solicitor of any court of a Commonwealth country, or any commissioned officer of any armed force with which the absent party is serving.
- (4) If the person appointed as proxy is unable or unwilling to act or if the appointment is revoked, any other person may be appointed as proxy by a subsequent document which shall be signed and witnessed as provided by subclause (3).
- (5) Any document under this regulation purporting to have subscribed thereon the signature of any person authorised by this regulation to witness the signature of the person signing the document shall be admitted in evidence without proof of the signature being the signature of that person or of the official character of that person.

6

Every assent given and every appointment made under these regulations shall have effect only until the expiration of 3 months after the date on which it is signed or until the date when notice of revocation in writing signed by the absent party is received by the person appointed proxy, whichever date is the sooner:

provided that the assent given by the absent party to the marriage shall cease to have effect if that party withdraws his consent to the marriage (in any manner whatsoever) and the other party to the marriage knows the consent has been withdrawn.

7

Where a marriage to which these regulations apply is solemnised by a Registrar, the present party to the marriage and the person appointed proxy for the absent party shall attend before the Registrar and in the presence of the Registrar and of 2 witnesses shall respectively make the following statement and declarations:

The proxy shall first say and declare—

“I produce the assent of AB to his (or her) marriage to CD and the appointment of a proxy to act for him (or her) at the solemnisation of the marriage. I solemnly declare firstly, that I am XY, the person named as proxy in the appointment I have produced, secondly, that I have not received any notice of revocation of either the assent or the appointment, and thirdly, that I do not know of any lawful impediment to the marriage between AB and CD.”

The present party shall then declare:

“I solemnly declare that I do not know of any lawful impediment to the marriage between me, CD, and AB.”

The proxy and the present party shall then respectively make the following statements to each other:

The proxy shall say:

“On behalf of AB I call upon these persons here present to witness that AB takes you, CD, to be his (or her) lawful wedded wife (or husband).”

The present party shall then say:

“I call upon these persons here present to witness that I, CD, take AB to be my lawful wedded husband (or wife).”

8

Every entry in the register book made pursuant to section 36 of the Act and every copy so made of any such entry shall be signed for the absent party to the marriage by the proxy in the following manner:

[*Full name of absent party*] by his (or her) proxy—

[*Signature of proxy*].

Schedule
Form of assent, appointment, and
declaration

r 5(3)

I, AB, of [*address, occupation*], hereby assent to the marriage of CD, of [*address, occupation*], and myself. I appoint XY, of [*address, occupation*], to act as my proxy when the marriage is solemnised and I declare that I do not know of any lawful impediment to the marriage. Signed by the said AB on [*date*], in the presence of—

[*Witness*]
[*Designation*].

T J Sherrard,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations provide machinery enabling the solemnisation of marriages by proxy as authorised by section 34 of the Marriage Act 1955.

The regulations prohibit the solemnisation of any marriage by proxy unless a document containing the assent of the absent party, the appointment of a proxy, and a declaration by the absent party that he knows of no impediment to the marriage is produced to the officiating minister or the Registrar.

Provision is made for the withdrawal of consent by the absent party.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 2 April 1958.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Proxy Marriage Regulations 1958. The reprint incorporates all the amendments to the regulations as at 1 October 1981, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Family Courts Act 1980 (1980 No 161): section 17(1)
