

*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

W. S. MOWLE,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 31 March, 1925.*

## New South Wales.



ANNO QUINTO DECIMO

# GEORGI V REGIS.

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## Act No. 1, 1925.

An Act to declare the impugning of marriages celebrated in accordance with the Marriage Act, 1899, to be unlawful; to make certain provisions as to certificates of marriage; to declare marriages between a woman and her deceased husband's brother valid in law; to amend the Marriage Act, 1899, and certain other Acts; and for purposes connected therewith. [Assented to, 4th April, 1925.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** This Act may be cited as the "Marriage Amendment Act, 1925," and shall be read with the Marriage Act, 1899, hereinafter called the Principal Act. Short title.

**2.**

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

R. B. WALKER,  
*Chairman of Committees of the Legislative Assembly.*

*Marriage Amendment.*

Amendment of  
Part IV of  
Marriage Act,  
No. 15 of 1899,  
new s. 18A.

Marriage  
with deceased  
brother's  
widow.

**2.** Part IV of the Principal Act is amended by inserting the following new section next after section eighteen:—

18A. (1) Every marriage, otherwise lawful, celebrated in New South Wales before or after the passing of the Marriage Amendment Act, 1925, between any person and the widow of his deceased brother shall be deemed and is hereby declared to have been and to be valid and of full force and effect any law or custom to the contrary notwithstanding.

(2) This section shall not validate any such marriage where a decree of nullity has, prior to the passing of the Marriage Amendment Act, 1925, been pronounced in respect thereof by a court of competent jurisdiction.

(3) Any petition for such a decree pending at the said date may be proceeded with and determined as if this section had not been passed.

Amendment of  
Part VII of  
same Act.  
New sections  
28, 29, 30, 31.

Offence to  
deny or  
impugn  
validity of  
lawful  
marriages.  
N.Z. Act,  
No. 65 of  
1920, s. 7.

**3.** Part VII of the Principal Act is amended by the addition at the end of the following new sections:—

28. (1) Every person commits an offence against this Act, and is liable on summary conviction to a penalty not exceeding one hundred pounds, either alone or with imprisonment for a term not exceeding twelve months, who—

(a) alleges, expressly or by implication, that any persons lawfully married are not truly husband and wife; or

(b) alleges, expressly or by implication, that the issue of any lawful marriage is illegitimate or born out of true wedlock.

(2) "Alleges" in this section means making any verbal statement, or publishing or issuing any printed or written statement, or in any manner authorising the making of any verbal statement, or in any manner authorising or being party to the publication or issue of any printed or written statement.

(3)

*Marriage Amendment.*

(3) A person shall not be deemed to make an allegation contrary to the provisions of this section by reason only of using in the solemnisation of a marriage a form of marriage service which at the commencement of the Marriage Amendment Act, 1925, was in use by the religious denomination to which such person belongs, or by reason only of the printing or issue of any book containing a copy of a form of marriage service in use at the commencement of the said Act by any religious denomination.

29. Every minister or person officiating as such commits an offence against this Act and is liable upon summary conviction to a penalty not exceeding one hundred pounds, either alone or with imprisonment for a term not exceeding twelve months, who, having performed any ceremony of marriage between two persons who are already married in accordance with the provisions of this Act, and whose marriage has not been dissolved—

Offence to certify upon remarriage of persons already lawfully married.

- (a) uses the form of certificate of marriage as set out in the Fourth Schedule to this Act; or
- (b) certifies that a marriage has been celebrated by him between the said persons, without in any certificate he may give making reference to the fact that the parties have already been lawfully married.

30. (1) The Governor may, by notification in the Gazette, deprive any person of the right to celebrate marriages under this Act, where such person—

Deprivation of right to celebrate marriages.

- (a) is convicted of any felony or misdemeanour, or of any breach of this Act; or
- (b) is guilty of any misconduct in the celebration of any marriage; or
- (c) is, in the opinion of the Minister, making a business of celebrating marriages for the purpose

*Marriage Amendment.*

purpose of profit or gain, irrespective of carrying out the ordinary duties of a minister of religion ;

and thereupon the Registrar-General shall cause the name of such person to be removed from the register kept in his office.

(2) The Governor may in like manner annul any such deprivation.

Disqualifica-  
tion and  
removal from  
register.

31. (1) Any person convicted of an offence under either section twenty-eight or section twenty-nine of this Act shall be disqualified under this Act from celebrating marriages.

(2) The clerk of the court in which the accused is convicted shall forward to the Registrar-General a certificate of the conviction.

(3) The certificate shall not be so forwarded until the expiration of the time limited for the initiation of any proceedings by way of appeal from the conviction.

(4) If any such proceedings are initiated, the certificate shall not be so forwarded until the proceedings are finally disposed of, and if the conviction is quashed or set aside, shall not be so forwarded.

(5) Upon receipt of the certificate the Registrar-General shall, if the person convicted is a person registered in his office as a minister of religion ordinarily officiating as such under this Act, cause the name of the person convicted to be removed from the register, and shall notify the fact of the removal in the Gazette.

Amendment of  
Part II of Act  
No. 15 of 1899,  
s. 9.

**4.** Part II of the Principal Act is amended—

- (a) (i) by inserting in paragraph (c) of section nine after the words "written consent" the words "of a police or stipendiary magistrate or"; and
- (ii) by inserting in the same paragraph before the word "justice" where it secondly occurs the words "magistrate or";

(b)

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*Marriage Amendment.*

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(b) by adding at the end of the same section the following proviso:—

Provided that where the custody of the party has been committed to the mother by a court of competent jurisdiction or by agreement, or where the parents of the party are living apart and an order for the maintenance of the mother has been made against the father, the marriage may be celebrated upon the production of the written consent of the mother of the party.

*In the name and on behalf of His Majesty I assent to this Act.*

D. R. S. DE CHAIR,  
*Government House, Sydney, 4th April, 1925.* Governor.

Marriage Act

It is hereby enacted at the end of the same section the following provisions:

Provided that when the custody of the party has been committed to the mother by a court of competent jurisdiction or by agreement or otherwise the parents of the party are living apart and an order for the maintenance of the mother has been made against the father, the marriage may be celebrated upon the production of the written consent of the mother of the party.

In witness whereof on behalf of His Majesty I assent to this Act.  
D. R. S. DE CHAIR,  
Governor.  
Government House,  
Hyderabad, 14 April, 1925.

MARRIAGE AMENDMENT BILL.

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*SCHEDULE of the Amendment referred to in Message of 27th March, 1925.*

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Page 2, clause 3, lines 27 and 28. Omit "and sufficiently married" insert "husband  
and wife"

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MARRIAGE AMENDMENT BILL

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SECTION 1 of the Amendment referred to in clause of 21st March, 1925.

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Section 1 of the Amendment referred to in clause of 21st March, 1925, shall be amended as follows:—

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*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. S. MOWLE,

*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 25 March, 1925.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.*

W. L. S. COOPER,  
*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, 27th March, 1925.*

## New South Wales.



ANNO QUINTO DECIMO

# GEORGII V REGIS.

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Act No.     , 1925.

An Act to declare the impugning of marriages celebrated in accordance with the Marriage Act, 1899, to be unlawful; to make certain provisions as to certificates of marriage; to declare marriages between a woman and her deceased husband's brother valid in law; to amend the Marriage Act, 1899, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Marriage Amendment Act, 1925," and shall be read with the Marriage Act, 1899, hereinafter called the Principal Act. Short title.

68969

317—A

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

*Marriage Amendment.*

2. Part IV of the Principal Act is amended by inserting the following new section next after section eighteen :—

Amendment of Part IV of Marriage Act, No. 15 of 1899, new s. 18A.

5 18A. (1) Every marriage, otherwise lawful, celebrated in New South Wales before or after the passing of the Marriage Amendment Act, 1925, between any person and the widow of his deceased brother shall be deemed and is hereby declared to have been and to be valid and of full force and effect  
10 any law or custom to the contrary notwithstanding.

Marriage with deceased brother's widow.

(2) This section shall not validate any such marriage where a decree of nullity has, prior to the passing of the Marriage Amendment Act, 1925, been pronounced in respect thereof by a court of  
15 competent jurisdiction.

(3) Any petition for such a decree pending at the said date may be proceeded with and determined as if this section had not been passed.

3. Part VII of the Principal Act is amended by the addition at the end of the following new sections :—

Amendment of Part VII of same Act. New sections 28, 29, 30, 31.

25 28. (1) Every person commits an offence against this Act, and is liable on summary conviction to a penalty not exceeding one hundred pounds, either alone or with imprisonment for a term not exceeding twelve months, who—

Offence to deny or impugn validity of lawful marriages.

(a) alleges, expressly or by implication, that any persons lawfully married are not truly and  
~~sufficiently married~~ husband and wife; or

N.Z. Act, No. 65 of 1920, s. 7.

30 (b) alleges, expressly or by implication, that the issue of any lawful marriage is illegitimate or born out of true wedlock.

35 (2) "Alleges" in this section means making any verbal statement, or publishing or issuing any printed or written statement, or in any manner authorising the making of any verbal statement, or in any manner authorising or being party to the publication or issue of any printed or written statement.

(3)

*Marriage Amendment.*

(3) A person shall not be deemed to make an allegation contrary to the provisions of this section by reason only of using in the solemnisation of a marriage a form of marriage service which at the commencement of the Marriage Amendment Act, 1925, was in use by the religious denomination to which such person belongs, or by reason only of the printing or issue of any book containing a copy of a form of marriage service in use at the commencement of the said Act by any religious denomination.

29. Every minister or person officiating as such commits an offence against this Act and is liable upon summary conviction to a penalty not exceeding one hundred pounds, either alone or with imprisonment for a term not exceeding twelve months, who, having performed any ceremony of marriage between two persons who are already married in accordance with the provisions of this Act, and whose marriage has not been dissolved—

Offence to certify upon remarriage of persons already lawfully married.

- (a) uses the form of certificate of marriage as set out in the Fourth Schedule to this Act; or
- (b) certifies that a marriage has been celebrated by him between the said persons, without in any certificate he may give making reference to the fact that the parties have already been lawfully married.

30. (1) The Governor may, by notification in the Gazette, deprive any person of the right to celebrate marriages under this Act, where such person—

Deprivation of right to celebrate marriages.

- (a) is convicted of any felony or misdemeanour, or of any breach of this Act; or
- (b) is guilty of any misconduct in the celebration of any marriage; or
- (c) is, in the opinion of the Minister, making a business of celebrating marriages for the purpose

*Marriage Amendment.*

purpose of profit or gain, irrespective of carrying out the ordinary duties of a minister of religion ;

5 and thereupon the Registrar-General shall cause the name of such person to be removed from the register kept in his office.

(2) The Governor may in like manner annul any such deprivation.

10 31. (1) Any person convicted of an offence under either section twenty-eight or section twenty-nine of this Act shall be disqualified under this Act Disqualification and removal from register. from celebrating marriages.

15 (2) The clerk of the court in which the accused is convicted shall forward to the Registrar-General a certificate of the conviction.

(3) The certificate shall not be so forwarded until the expiration of the time limited for the initiation of any proceedings by way of appeal from the conviction.

20 (4) If any such proceedings are initiated, the certificate shall not be so forwarded until the proceedings are finally disposed of, and if the conviction is quashed or set aside, shall not be so forwarded.

25 (5) Upon receipt of the certificate the Registrar-General shall, if the person convicted is a person registered in his office as a minister of religion ordinarily officiating as such under this Act, cause the name of the person convicted to be removed from the register, and shall notify the fact of the removal in the Gazette.

4. Part II of the Principal Act is amended—

- 35 (a) (i) by inserting in paragraph (c) of section nine after the words "written consent" the words "of a police or stipendiary magistrate or"; and
- (ii) by inserting in the same paragraph before the word "justice" where it secondly occurs the words "magistrate or";
- (b)

Amendment of Part II of Act No. 15 of 1899, s. 9.

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*Marriage Amendment.*

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(b) by adding at the end of the same section the following proviso:—

5            Provided that where the custody of the party  
             has been committed to the mother by a court  
             of competent jurisdiction or by agreement, or  
             where the parents of the party are living apart  
             and an order for the maintenance of the  
10            mother has been made against the father, the  
             marriage may be celebrated upon the produc-  
             tion of the written consent of the mother of  
             the party.

ARTICLE I

Section 1

(1) In addition to the rest of the words in this section, the following shall apply:—

The word "State" shall include any territory or other area under the dominion of the Government of India and any territory which may be added to the territory of the State by any law of the State or by any order of the President made in this behalf.

The word "Governor" shall include any person who may be appointed as the Governor of the State by the President and any person who may be appointed as the acting Governor of the State by the President.

The word "Minister" shall include any person who may be appointed as a Minister of the State by the Governor and any person who may be appointed as an acting Minister of the State by the Governor.

The word "Public Officer" shall include any person who is employed in any office or post connected with the administration of the State and any person who is employed in any office or post connected with the administration of any territory which may be added to the territory of the State by any law of the State or by any order of the President made in this behalf.

5

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Section 2

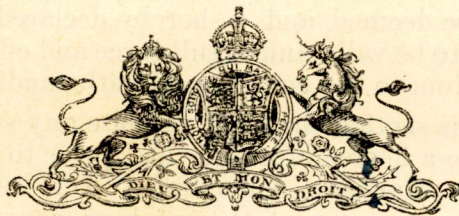
(2)

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*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. S. MOWLE,  
*Clerk of the Legislative Assembly.*  
Legislative Assembly Chamber,  
Sydney, 25 March, 1925.

## New South Wales.



ANNO QUINTO DECIMO

# GEORGI V REGIS.

\*\*\*\*\*

Act No. , 1925.

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Marriage with deceased brother's widow.

10 (2) This section shall not validate any such marriage where a decree of nullity has, prior to the passing of the **Marriage Amendment Act, 1925**, been pronounced in respect thereof by a court of competent jurisdiction.

15 (3) Any petition for such a decree pending at the said date may be proceeded with and determined as if this section had not been passed.

**3.** Part VII of the Principal Act is amended by the addition at the end of the following new sections :—

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Offence to deny or impugn validity of lawful marriages.

(a) alleges, expressly or by implication, that any persons lawfully married are not truly and sufficiently married; or

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30 (b) alleges, expressly or by implication, that the issue of any lawful marriage is illegitimate or born out of true wedlock.

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(3)



*Marriage Amendment.*

(3) A person shall not be deemed to make an allegation contrary to the provisions of this section by reason only of using in the solemnisation of a marriage a form of marriage service which at the commencement of the Marriage Amendment Act, 1925, was in use by the religious denomination to which such person belongs, or by reason only of the printing or issue of any book containing a copy of a form of marriage service in use at the commencement of the said Act by any religious denomination.

29. Every minister or person officiating as such commits an offence against this Act and is liable upon summary conviction to a penalty not exceeding one hundred pounds, either alone or with imprisonment for a term not exceeding twelve months, who, having performed any ceremony of marriage between two persons who are already married in accordance with the provisions of this Act, and whose marriage has not been dissolved—

Offence to certify upon remarriage of persons already lawfully married.

(a) uses the form of certificate of marriage as set out in the Fourth Schedule to this Act; or

(b) certifies that a marriage has been celebrated by him between the said persons, without in any certificate he may give making reference to the fact that the parties have already been lawfully married.

30. (1) The Governor may, by notification in the Gazette, deprive any person of the right to celebrate marriages under this Act, where such person—

Deprivation of right to celebrate marriages.

(a) is convicted of any felony or misdemeanour, or of any breach of this Act; or

(b) is guilty of any misconduct in the celebration of any marriage; or

(c) is, in the opinion of the Minister, making a business of celebrating marriages for the purpose

*Marriage Amendment.*

purpose of profit or gain, irrespective of carrying out the ordinary duties of a minister of religion ;

5 and thereupon the Registrar-General shall cause the name of such person to be removed from the register kept in his office.

(2) The Governor may in like manner annul any such deprivation.

10 31. (1) Any person convicted of an offence under either section twenty-eight or section twenty-nine of this Act shall be disqualified under this Act from celebrating marriages. Disqualifica-  
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15 (2) The clerk of the court in which the accused is convicted shall forward to the Registrar-General a certificate of the conviction.

(3) The certificate shall not be so forwarded until the expiration of the time limited for the initiation of any proceedings by way of appeal from the conviction.

20 (4) If any such proceedings are initiated, the certificate shall not be so forwarded until the proceedings are finally disposed of, and if the conviction is quashed or set aside, shall not be so forwarded.

25 (5) Upon receipt of the certificate the Registrar-General shall, if the person convicted is a person registered in his office as a minister of religion ordinarily officiating as such under this Act, cause the name of the person convicted to be removed from the register, and shall notify the fact of the removal in the Gazette.

4. Part II of the Principal Act is amended—

35 (a) (i) by inserting in paragraph (c) of section nine after the words "written consent" the words "of a police or stipendiary magistrate or"; and

(ii) by inserting in the same paragraph before the word "justice" where it secondly occurs the words "magistrate or";

(b)

Amendment of  
Part II of Act  
No. 15 of 1899,  
s. 9.

---

*Marriage Amendment.*

---

(b) by adding at the end of the same section the following proviso:—

7            Provided that where the custody of the party  
             has been committed to the mother by a court  
             of competent jurisdiction or by agreement, or  
             where the parents of the party are living apart  
             and an order for the maintenance of the  
10            mother has been made against the father, the  
             marriage may be celebrated upon the produc-  
             tion of the written consent of the mother of  
             the party.

[7d.]

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Sydney: Alfred James Kent, Government Printer—1925.

(b) In addition to the provisions of the same section the following provisions shall apply:

Provided that where the conduct of the party has been committed to the custody of a court of competent jurisdiction by an agreement, or where the interests of the party are being protected in an order for the maintenance of the mother has been made against the father, the mother may be excluded from the custody of the child, or the mother of the child, or the mother of the party.