

REPUBLIC OF KIRIBATI  
(No. 15 of 2002)

I assent,



Beretitenti

29/10/2002

AN ACT TO AMEND THE MARRIAGE ORDINANCE (CAP. 54)

Commencement:  
2002

Short title

1. This Act may be cited as the Marriage (Amendment) Act 2002.

Amendment of section 5

2. Section 5 of the Marriage Ordinance (Cap. 54) (hereinafter referred to as "the principal Ordinance") is amended by repealing "16" and substituting "18".

Amendment of section 7

3. Section 7 of the principal Ordinance is amended in subsection (1) by repealing the whole of subsection (1) and substituting it as follows –

"7.(1) When either party to an intended marriage, not being a widower or widow is under 21 years of age, the written consent of both the father and mother, or if any one of them is dead or of unsound mind or absent from Kiribati, of the other, or if both are dead or of unsound mind or absent from Kiribati, of the guardian of such party, shall be required:

Provided, however, that –

- (a) when such party has no father, mother or guardian, the Registrar-General may, if satisfied after due inquiry that the intended marriage is a proper one, dispense with such consent;
- (b) when the person whose consent is required refuses his consent, the Registrar-General may, if satisfied after due inquiry that the refusal is perverse and that it is in the best interests of the party requiring the consent that the intended marriage should take place, dispense with such consent."

Amendment of section 9

4. Section 9 of the principal Ordinance is amended –
  - (a) in subsection (a) by repealing "the district" and substituting "Kiribati"; and
  - (b) by adding a new subsection (d) as follows:-

“(d) where one or both parties to the intended marriage is or are not I-Kiribati a passport or other documents shall be produced evidencing the parties citizenship.”.

**Amendment of Schedule 1**

5. Schedule 1 to the principal Ordinance is amended by repealing the whole of that Schedule and substituting a new Schedule as follows:-

“  
**SCHEDULE 1**  
 (Section 4)  
**KINDRED AND AFFINITY**

**Prohibited Degrees of Relationship**

1. A man shall not marry

|                           |       |       |       |       |       |               |
|---------------------------|-------|-------|-------|-------|-------|---------------|
| female descendants of his | great | great | great | great | great | grandfather   |
| “                         | “     | “     | “     | “     | “     | “ grandmother |
| “                         | “     | “     | “     | “     | “     | “ grandfather |
| “                         | “     | “     | “     | “     | “     | “ grandmother |
| “                         | “     | “     | “     | “     | “     | “ grandfather |
| “                         | “     | “     | “     | “     | “     | “ grandmother |
| “                         | “     | “     | “     | “     | “     | “ grandfather |
| “                         | “     | “     | “     | “     | “     | “ grandmother |
| “                         | “     | “     | “     | “     | “     | “ grandfather |
| “                         | “     | “     | “     | “     | “     | “ grandmother |

his grandmother  
 his grandmother's sister  
 his grandfather's sister  
 his Father's sister  
 his Mother's sister  
 his Mother  
 his Daughter  
 his Sister  
 his Son's daughter  
 his Daughter's daughter  
 his Brother's daughter  
 his Sister's daughter

2. A woman shall not marry

|                         |       |       |       |       |       |               |
|-------------------------|-------|-------|-------|-------|-------|---------------|
| Male descendants of her | great | great | great | great | great | grandfather   |
| “                       | “     | “     | “     | “     | “     | “ grandmother |
| “                       | “     | “     | “     | “     | “     | “ grandfather |
| “                       | “     | “     | “     | “     | “     | “ grandmother |
| “                       | “     | “     | “     | “     | “     | “ grandfather |
| “                       | “     | “     | “     | “     | “     | “ grandmother |
| “                       | “     | “     | “     | “     | “     | “ grandfather |
| “                       | “     | “     | “     | “     | “     | “ grandmother |



Married at

by me

4

Marriage Officer

|                   |   |      |              |      |
|-------------------|---|------|--------------|------|
| This marriage was | } | A.B. | { in the }   | E.F. |
| Solemnised        | } |      | { presence } |      |
| Between us        | } | C.D. | { of us }    | G.H. |

Witnesses

NOTE:- This form is to be printed in duplicate."

**Amendment of Schedule 3**

7. Schedule 3 of the principal Ordinance is amended as follows –

(a) by repealing the whole of Form 1 and substituting a new Form 1 as follows –

**SCHEDULE 3**

**FORM 1**  
*(Section 22)*

**NOTICE OF MARRIAGE INTENDED TO BE  
SOLEMNISED UNDER THE FOREIGN MARRIAGE ACT 1892**

To: The Registrar-General of Kiribati

I HEREBY give you notice that a marriage is intended to be had within 3 calendar months from the date hereof at \_\_\_\_\_ between me and the other party herein named and described (that is to say) –

| Name       | Condition | Occupation, Rank or Profession | Age | Dwelling Place | Nationality |
|------------|-----------|--------------------------------|-----|----------------|-------------|
| J.B. .. .. | Bachelor  |                                |     |                |             |
| E.R. .. .. | Spinster  |                                |     |                |             |

and that I have had my usual place of abode for a period of not less than 1 week last past at \_\_\_\_\_ in Kiribati,

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 20.. .  
(Signature)"; and

(b) by repealing the whole of Form 2 and substituting a new Form 2 as follows -

"FORM 2  
(Section 24)

CERTIFICATE OF RECEIPT OF NOTICE OF  
MARRIAGE UNDER THE FOREIGN MARRIAGE ACT 1892

I, \_\_\_\_\_, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_ 20.., notice was duly entered in my Foreign Marriage Notice Book of the marriage intended to be had at \_\_\_\_\_ between the parties therein named and described, delivered under the hand of \_\_\_\_\_ one of the parties (that is to say) -

| Name       | Condition | Occupation,<br>Rank or<br>Profession | Age | Dwelling<br>Place | Nationality |
|------------|-----------|--------------------------------------|-----|-------------------|-------------|
| J.B. .. .. | Bachelor  |                                      |     |                   |             |
| E.R. .. .. | Spinster  |                                      |     |                   |             |

and that the said \_\_\_\_\_ thereby declared that he/she had had his/her usual place of abode for a period of not less than 1 week preceding the date of such notice at \_\_\_\_\_ in Kiribati and that the notice was published upon the \_\_\_\_\_ day of \_\_\_\_\_ 20.., by posting the same in a conspicuous place in my office and has remained so posted for a period of 14 days and that I am not aware of any impediment or objection which should obstruct the solemnisation of the said marriage.

Registrar-General of  
Births, Deaths and Marriages."

**Amendment of Schedule 4**

8. Schedule 4 of the principal Ordinance is amended by repealing the whole of Schedule 4 and substituting a new Schedule 4 as follows -

"SCHEDULE 4  
(Section 30)

FEES

|    |   |          |
|----|---|----------|
| 1. | Filing notice of marriage and entering same .. .. | \$ 5.00  |
| 2. | On issue of certificate for marriage .. ..        | \$10.00  |
| 3. | Endorsement of certificate for marriage .. ..     | \$10.00  |
| 4. | Certifying any extract .. ..                      | \$15.00  |
| 5. | Licence .. ..                                     | \$50.00" |

**MARRIAGE (AMENDMENT) ACT 2002****EXPLANATORY MEMORANDUM**

1. The current Marriage Ordinance, although it has been in place for a considerable number of years, does not actually reflect Kiribati custom and traditions relating to marriage. Under the present Ordinance, second cousins cannot marry. The amendment to the Ordinance in Schedule 1 seeks to extend that to the sixth degree of cousinship.
2. The amendment also raises the age limit of marriage from 16 to 18. It is acknowledged that at age 18 a person is more mature and is able to make responsible decisions in life such as getting married.
3. Clause 3 of the Act amends section 7 to require the written consent of both parents of either party to the intended marriage to be given.
4. The remaining amendments are to various Forms contained in Schedules 2 and 3. The amendment of Schedule 4 increases the fees by about one hundred per cent (100%).

Titabu Tabane  
Attorney General  
5 April 2002

**CERTIFICATE BY THE CLERK OF THE MANEABA NI MAUNGATABU**

This printed impression of the Marriage (Amendment) Act, 2002 has been examined by me with the Bill which was passed by the Maneaba ni Maungatabu on 3<sup>rd</sup> October 2002 and is found by me to be a true and correctly printed copy of the said Bill.



**IOATAAKE TIMEON**

Clerk of Maneaba ni Maungatabu

**PUBLISHED BY EXHIBITION AT THE MANEABA NI MAUNGATABU THIS 30<sup>TH</sup>  
DAY OF OCTOBER, 2002.**

LA  
Gau



**Clerk of Maneaba ni Maungatabu**