

# **BRITISH ANTARCTIC TERRITORY**

## **THE MARRIAGE ORDINANCE 2016**

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## **THE MARRIAGE RULES (FEES) 2016**

### **REASONS AND OCCASION FOR THE ENACTMENT**

#### **THE MARRIAGE ORDINANCE 2016**

- Clause 1 provides the citation and in force date. The use of the words ‘in force forthwith’ are consistent with the provisions contained in other Ordinances.
- Clause 2 provides the definition of “Registrar General” by reference to the Registration Ordinance 2016.
- Clause 3 provides that a marriage in accordance with the provisions of the ordinance shall be valid.
- Clause 4 imports provisions from the law in England in relation to the capacity to marry and the requirements for consent. It is this provision, together with other reformed sections that would allow persons of the same sex to get married in the Territory.
- Clause 5 amends the previous provisions in relation to the appointment of a marriage officer. In particular, it allows the Commissioner to appoint any person as a marriage officer, on receipt of a completed application form and the requisite fee.
- Clause 6 stipulates the place and time at which a marriage can be conducted.
- Clause 7 maintains existing provisions that allow for a solemnisation of a marriage in the Territory by a religious ceremony thereafter.
- Clause 8 introduces new provisions to require the parties to an intended marriage to obtain a marriage licence, before they are able to get married. An application is required and payment of the prescribed fee.
- Clause 9 provides the effect of the marriage licence and states that it will be valid for a period of three months.
- Clause 10 retains the wording previously required to be said by the parties during the marriage ceremony.
- Clause 11 requires that all marriages solemnised in the Territory are to be registered.

- Clause 12 imposes duties on the marriage officer to ascertain capacity to marry.
- Clause 13 introduces new offences as a result of the changes to the process in which persons may marry in the Territory.
- Clause 14 enables the Commissioner to make rules for carrying into effect the provisions of the ordinance. One set of rules (relating to fees) is attached.
- Clause 15 clarifies the effect of English law upon the ordinance.
- Clause 16 repeals the previous Marriage Ordinance, but retains the validity of any marriage solemnised under, or in accordance with that ordinance.
- Schedule 1 Application form for appointment as a marriage officer.
- Schedule 2 Marriage Licence.

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These regulations required the payment of £1000 for appointment as a marriage officer and a £500 application fee for a Marriage Licence. Exemptions are made for where the marriage officer is a public officer in the employment of the Administration of the British Antarctic Territory.

It should be noted that this Ordinance and its associated rules are being introduced as part of a suite of new measures, designed to update the laws relating to marriage. The laws will be more in line with those in the UK, in particular allowing the marriage of persons of the same sex. There are various additional changes, such as the introduction of a marriage licence scheme and the ability for the Commissioner to appoint any suitable person as a marriage officer. It is hoped that these developments will generate valuable revenue for the Territory.

Each of the new laws within the suite of amendments are, to some extent, interlinked. For that reason, it will be important for all of them to be introduced on the same day.

James Maitland Wood QC  
14<sup>th</sup> July 2016