



Marriage (Definition of Marriage) Amendment Act 2013

Public Act 2013 No 20
Date of assent 19 April 2013
Commencement see section 2

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The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Marriage (Definition of Marriage) Amendment Act 2013.

2 Commencement

This Act comes into force on the earlier of—

- (a) a date appointed by the Governor-General by Order in Council; and
- (b) the day that is 4 months after the date on which this Act receives the Royal assent.

3 Principal Act

This Act amends the Marriage Act 1955 (the **principal Act**).

4 Purpose

The purpose of this Act is to amend the principal Act to clarify that a marriage is between 2 people regardless of their sex, sexual orientation, or gender identity.

5 Section 2 amended (Interpretation)

In section 2(1), insert in its appropriate alphabetical order:

“**marriage** means the union of 2 people, regardless of their sex, sexual orientation, or gender identity”.

6 Section 29 amended (Licence authorizes but not obliges marriage celebrant to solemnize marriage)

In section 29, insert as subsection (2):

- “(2) Without limiting the generality of subsection (1), no celebrant who is a minister of religion recognised by a religious body enumerated in Schedule 1, and no celebrant who is a person nominated to solemnize marriages by an approved organisation, is obliged to solemnize a marriage if solemnizing that marriage would contravene the religious beliefs of the religious body or the religious beliefs or philosophical or humanitarian convictions of the approved organisation.”

- 7 Section 56 repealed (Offence to deny or impugn validity of lawful marriage)**
Repeal section 56.
- 8 Schedule 2 replaced**
Replace Schedule 2 with the Schedule 2 set out in Schedule 1 of this Act.
- 9 Consequential amendments**
The enactments specified in Schedule 2 are amended in the manner indicated in that schedule.
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Schedule 1

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Schedule 2 replaced**Schedule 2**

s 15(1)

Prohibited degrees of marriage

- (1) A person may not marry the person's—
 - (a) grandparent:
 - (b) parent:
 - (c) child:
 - (d) grandchild:
 - (e) sibling:
 - (f) parent's sibling:
 - (g) sibling's child:
 - (h) grandparent's spouse or civil union partner:
 - (i) parent's spouse or civil union partner:
 - (j) spouse's or civil union partner's parent:
 - (k) spouse's or civil union partner's grandparent:
 - (l) spouse's or civil union partner's child:
 - (m) child's spouse or civil union partner:
 - (n) grandchild's spouse or civil union partner:
 - (o) spouse's or civil union partner's grandchild.
 - (2) The prohibited degrees of marriage apply whether the relationships described are by the whole blood or by the half blood.
 - (3) In this schedule, **spouse** and **civil union partner** include a former spouse or former civil union partner, whether alive or deceased, and whether the marriage or civil union was terminated by death, dissolution, or otherwise.
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Schedule 2

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Consequential amendments**Part 1****Consequential amendments to other Acts****Adoption Act 1955 (1955 No 93)**

In section 2, definition of **adoptive parent**, replace “a husband and wife” with “a married couple”.

In section 2, definition of **adoptive parent**, replace “the husband and wife” with “the spouses”.

In section 7(2)(b), replace “a husband or a wife” with “spouse”.

In section 16(2)(a), replace “husband” with “spouse”.

In section 16(2)(i), replace “husband” with “spouse”.

Births, Deaths, Marriages, and Relationships Registration Act 1995 (1995 No 16)

Repeal section 30(2).

In section 55(1)(a)(ii), replace “the husband, the wife” with “each spouse”.

In section 55(2)(a), replace “the husband and wife” with “each spouse”.

In section 55(2)(a)(ii), replace “the husband, the wife,” with “each spouse”.

In section 55(3)(a)(ii), replace “the husband, the wife” with “each spouse”.

In section 83(2), delete “30(2).”.

Child Support Act 1991 (1991 No 142)

In section 47(3)(a), replace “husband and wife” with “married couple”.

Crimes Act 1961 (1961 No 43)

In section 24(3), replace “husband” with “spouse”.

In section 366(2), replace “his wife or her husband” with “his or her husband or wife”.

Part 1—*continued***Family Proceedings Act 1980 (1980 No 94)**

In section 2, definition of **child of the marriage**, replace paragraph (a) with:

- “(a) in relation to a marriage (other than a void marriage)—
 - “(i) means a child of both spouses together; and
 - “(ii) includes, in relation to any proceedings under this Act, a child (whether or not a child of either spouse) who was a member of the family of the spouses at the time when they ceased to live together or at the time immediately preceding the institution of the proceedings, whichever first occurred; and”.

In section 24(1)(a), replace “husband and the wife” with “married couple”.

In section 24(1)(a), replace “husband and wife” with “a married couple”.

In section 24(2), replace “the husband or wife” with “either spouse”.

In section 64A(4), replace “the husband and wife” with “the spouses or partners”.

In section 94, replace “husband and the wife” with “married couple”.

Joint Family Homes Act 1964 (1964 No 45)

In section 2, definition of **husband and wife**, after “this Act”, insert “; and every reference in this Act to a husband and wife must be taken to include any 2 people (of any sex) who are married”.

Judicature Act 1908 (1908 No 89)

In Schedule 2, rule 6.4(1)(a), replace “husband and wife” with “a married couple”.

Land Transfer Act 1952 (1952 No 52)

In section 89E(g), after “husband and wife”, insert “(as defined in that Act)”.

Maori Vested Lands Administration Act 1954 (1954 No 60)

In section 30(2), replace “husband and wife” with “spouses”.

Part 1—*continued***Property (Relationships) Act 1976 (1976 No 166)**

In section 1C(2), replace “marriage between the husband and wife or the civil union between the civil union partners or the de facto relationship between the de facto partners” with “marriage, civil union, or de facto relationship”.

In section 1G, replace “a husband and wife or civil union partners or de facto partners” with “spouses, civil union partners, and de facto partners”.

In section 1K, replace “a husband and wife” with “spouses”.

In section 1M(b), replace “husband and wife” with “both spouses”.

In section 2A(2), replace “a husband and wife” with “2 people”.

In section 2A(2)(a), replace “as husband and wife” with “as a married couple”.

In section 2B, replace “the husband (A) and the wife (B)” with “the 2 spouses (A and B)”.

In section 2BA(a), replace “the husband and the wife” with “the spouses”.

Replace section 2E(1)(a) with:

- “(a) in relation to a marriage or civil union, a marriage or civil union in which the spouses or partners have lived together in the marriage or civil union—
 - “(i) for a period of less than 3 years; or
 - “(ii) for a period of 3 years or longer, if the court, having regard to all the circumstances of the marriage or civil union, considers it just to treat the marriage or civil union as a relationship of short duration.”.

Repeal section 2E(1)(ab).

In section 2E(2), delete “, (ab)(i),”.

In section 2E(2), replace “husband and wife” with “a married couple”.

In section 4(3)(b), replace “husband and wife” with “spouses”.

In section 8(1)(c), replace “husband and the wife” with “married couple”.

Part 1—*continued***Property (Relationships) Act 1976 (1976 No 166)**—*continued*

In section 9(4)(a), replace “husband and wife” with “a married couple”.

In section 21(1), replace “A husband and wife” with “Spouses”.

In section 21A(1), replace “A husband and wife” with “Spouses”.

In section 25(2)(a)(i), replace “husband and wife” with “spouses”.

In section 52A(3), replace “husband and wife” with “a married couple”.

Social Security Act 1964 (1964 No 136)

In section 63(b), replace “husband and wife any man and woman” with “married any 2 people”.

In section 151(1), replace “husband and wife” with “married”.

Status of Children Act 1969 (1969 No 18)

In section 14(1), definition of **partner**, replace “husband” with “spouse” in each place.

Summary Proceedings Act 1957 (1957 No 87)

In section 67(5), replace “his wife or her husband” with “his or her husband or wife”.

Te Ture Whenua Maori Act 1993 (1993 No 4)

In section 296(3), replace “husband and wife” with “married couple”.

Part 2

Consequential amendments to regulations

Land Act Regulations 1949 (SR 1949/37)

In regulation 5, replace “wife or widow” with “spouse or surviving spouse”.

Legislative history

26 July 2012	Introduction (Bill 39–1)
29 August 2012	First reading and referral to Government Administration Committee
27 February 2013	Reported from Government Administration Committee (Bill 39–2)
13 March 2013	Second reading
27 March 2013	Committee of the whole House
17 April 2013	Third reading
19 April 2013	Royal assent

This Act is administered by the Ministry of Justice.
