

NEW ZEALAND MARRIAGE: LEGAL OVERVIEW

Minimum Age

In New Zealand, the minimum age is sixteen. Parental consent is required if you are under twenty.

Notice of intended Marriage and Issue of Marriage Licence

Civil law requires that you give written notice of your intended marriage not later than three days (and not earlier than three months) before your marriage. In special circumstances, the Registrar may issue a licence before the three day period has elapsed.

Contact the Department of Internal Affairs; Registrar of Births, Deaths and Marriages, Free phone 0800 225252 or www.bdm.govt.nz

Documents required prior to Marriage

For purposes of New Zealand civil law, you may be asked to produce your birth certificate. For church purposes you will be asked to produce your baptismal certificate (if you have been baptised) and your confirmation certificate (if you have been confirmed)

The Marriage Ceremony

The basic ceremony required by New Zealand civil law is that those being married express their consent in the presence of an authorised celebrant and two witnesses. The marriage ceremony must be conducted at the place specified in the Marriage Licence. The ceremony may be in whatever form the couple chooses but at some point in the ceremony, the parties must acknowledge that each takes the other as his/her legal wife/husband. In the Catholic ceremony, the priest would usually be the authorised celebrant for the purposes of civil law as well as being an official witness.

Marriage Certificates

New Zealand civil law requires that both parties, the two witnesses and the celebrant, all sign the registration forms recording the marriage. The celebrant will give one copy (the brides' copy) to you and send another copy to the Registrar of Marriages.

Church Records

Church law requires that the marriage be recorded in the marriage register of the parish where the marriage takes place and also in the baptismal registers in which the baptism of the spouses was entered.

Marriage Fee

There is a fee payable on issue of the Marriage Licence and the amount of the fee depends on whether the marriage ceremony is to take place in the Registry or in a church or

elsewhere. This fee is payable when notice is given to the Registrar of your intention to marry.

Change of Name

A woman may choose to take on her husband's surname on marriage, but there is no obligation on her to do so. If she does wish to use her husband's surname, she may do so without taking any special steps. The marriage certificate substantiates her use of the name. A wife may also choose to combine her own surname with that of her husband and use both names after marriage or she may continue to use her own name.

LEGAL CONSEQUENCES OF MARRIAGE

Welfare Benefits

If you are receiving national superannuation or other benefits, you should consult the appropriate government department about the effect your marriage may have on these benefits.

Supporting your Spouse and Children

A major obligation imposed on a person by marriage is to maintain his or her spouse, should circumstances arise where the spouse becomes in need of support. Originally this obligation was limited to the husband alone. However under the present law, the obligation to provide maintenance is not limited to husbands. The Matrimonial Property Act provides that either party who is in need is entitled to maintenance from the other, to the extent that the other can afford to provide it. Both husband and wife have an obligation to their respective means, to maintain the children of the marriage.

Joint Ownership

Where you and your spouse both want to put money into buying a property of a substantial nature – a house for instance – you should consider whether you want the property to be held in the names of both of you or one of you. A solicitor could help you decide what form of ownership best suits your needs.

Making a Will

If you die without making a Will, your spouse will inherit some or all of your property. If you have already made a Will, your marriage operates to revoke that Will unless it is clear that you made it in contemplation of the marriage.

You should consult a solicitor about the need to make a Will or change your existing Will, or as to any provisions it should contain to provide for your spouse or children.