

**REPUBLIC OF KIRIBATI**  
(No.15 of 2002)

Assented to by the  
Beretitenti  
on 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  
 “ “ “ “ “ “ “ “ “ 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

“ “ “ “ “ grandfather  
 “ “ “ “ “ grandmother  
 “ “ “ “ grandfather  
 “ “ “ “ grandmother

her grandfather  
 her grandfather’s brother  
 her grandmother’s brother  
 her father’s brother  
 her father  
 her son  
 her brother  
 her son’s son  
 her daughter’s son  
 her brother’s son  
 her sister’s son

3. The foregoing provisions of this Schedule with respect to any relationship shall apply whether the relationship is by the whole blood or by the half blood and whether the relationship is legitimate or illegitimate.

4. In this Schedule, unless the context otherwise requires, the term “wife” means a former wife whether she is alive or deceased, and whether her marriage was terminated by death or divorce or otherwise, and the term “husband” has a corresponding meaning.”

**Amendment of Schedule 2**

6. Schedule 2 of the principal Ordinance is amended by repealing the whole of Form E and substituting a new Form E as follows -

“FORM E  
 (Section 16)

MARRIAGE ORDINANCE (CAP. 54)

CERTIFICATE OF MARRIAGE

No. Date	No.	When Married	Names And Surnames	Condition	Occupation	Residence At time of Marriage	Father’s Name and Surname	Fathers occupation, rank or profession	Mother’s name And surname	Mother’s occupation, rank or profession
Name of husband										
Name of wife										
Witnesses										

Married at \_\_\_\_\_ by me \_\_\_\_\_ 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) -



**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