

MARRIAGE (OVERSEAS).

No. 80 of 1958.

An Act to amend the *Marriage (Overseas) Act* 1955, and for other purposes.

[Assented to 10th October, 1958.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1.—(1.) This Act may be cited as the *Marriage (Overseas) Act* 1958. Short title and citation.

(2.) The *Marriage (Overseas) Act* 1955* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Marriage (Overseas) Act* 1955–1958.

2.—(1.) Except as provided by the next succeeding subsection, this Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

(2.) Section four of this Act shall be deemed to have come into operation on the first day of July, One thousand nine hundred and fifty-seven.

3. Section four of the Principal Act is amended by omitting the definition of “chaplain” and inserting in its stead the following definition :— Definitions.

“ ‘chaplain’ means a person who, at the time material for the purposes of this Act, holds or held an appointment as a chaplain in the Defence Force ; ”.

4. Section sixteen of the Principal Act is amended—

(a) by omitting from sub-section (1.) the word “Act” (first occurring) and inserting in its stead the word “Part” ; Marriages solemnized in overseas countries by chaplains before 1st July, 1957.

(b) by omitting from sub-section (1.) the words “this Act” (second occurring) and inserting in their stead the words “the whole of this Act” ;

* Act No. 31, 1955.

(c) by omitting from sub-section (2.) the word " Act " and inserting in its stead the word " Part "; and

(d) by adding at the end thereof the following sub-section:—

“(4.) In this section, ‘ chaplain ’ means—

(a) a person who, at the time of the solemnization of the purported marriage, held an appointment as a chaplain in the Defence Force; or

(b) a minister of religion who—

(i) was, at the time of the solemnization of the purported marriage, a member of the Defence Force; and

(ii) was authorized by or under a law of a State or Territory of the Commonwealth, at the time of the solemnization of the purported marriage, to celebrate marriages in that State or Territory or, in the case of a person who, in consequence of his service as a member of the Defence Force, had ceased to reside in a State or Territory of the Commonwealth, was, immediately before he ceased so to reside, authorized to celebrate marriages in that State or Territory.”.

Validation of
certain
marriages.

5. Where a minister of religion—

(a) purported at any time before the commencement of this section to solemnize a marriage under the Principal Act;

(b) was, at that time, a member of the Defence Force; and

(c) had been a person authorized by or under a law of a State or Territory of the Commonwealth to celebrate marriages, but had, at that time, ceased to be such a person by reason of his having ceased to reside in that State or Territory in consequence of his service as a member of the Defence Force,

that marriage shall be deemed to have been solemnized by a chaplain as defined by section four of the Principal Act.