



ST HELENA

A BILL

FOR

AN ORDINANCE

to amend the Marriage Ordinance, 2017, to further regulate the provisions relating to solemnisation of civil marriages; and for related and connected matters.

Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St Helena.

Short title

1. This Ordinance may be cited as the Marriage (Amendment) Ordinance, 2018.

Approved place for solemnisation of marriage

2. Section 5(b) of the Marriage Ordinance, 2017, is amended by repealing subparagraph (i) and substituting the following:
“(i) the Castle in Jamestown;”.

Transitional provisions

3. (1) The Castle in Jamestown is deemed to have been the Office of the Registrar-General for the duration of the ceremony of any marriage solemnised before date of commencement of this Ordinance.
(2) For the avoidance of doubt, the Registrar-General and Registrar before the date of commencement of the Marriage Ordinance, 2017, are deemed to have been given the authority to register marriages wherever the Office of the Registrar-General was situated at the time of registration.
(3) The Registrar-General and Registrar appointed immediately before the commencement of the Marriage Ordinance, 2017, are deemed to have all the powers to perform all the functions and duties specified under that Ordinance.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

The Marriage Ordinance, 2017, makes provision for civil marriages to be performed at the Registrar-General's Office. A marriage ceremony may also be performed at premises with approval or at a public location agreed between the marriage couple and the Registrar. The Registrar-General's Office is, however, no longer situated in the Castle and as the current Office is not suitable for the performance of marriage ceremonies, it is, therefore, proposed that the Ordinance be amended to prescribe that the Castle be the default location for civil marriages.

Additionally, under the old Ordinance, marriage ceremonies and registration of marriages had to take place at the Registrar-General's Office in the Castle. Seeing that the office moved, transitional provisions are inserted to provide that i) the registration of marriages are deemed to have taken place wherever the Office of the Registrar-General was situated at that time and ii) for the duration of any marriage ceremony the Castle is deemed to have been the Office of the Registrar-General.

The Registrar-General and Registrar were also granted additional powers under the new Marriage Ordinance, 2017, inter alia, to solemnise marriages between same sex couples and perform ceremonies at locations other than the Registrar's Office. The position is therefore clarified that the Registrar-General and Registrar, who were appointed under the old Ordinance, are deemed to have been appointed under the new Ordinance and thus have the full powers now granted under the new Ordinance to enable them to perform these new functions and duties.