

EXTRAORDINARY

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MARRIAGE ACT (AMENDMENT) DECREE 2009
(DECREE NO. 26 OF 2009)

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MARRIAGE ACT (AMENDMENT) DECREE 2009

GOVERNMENT OF FIJI
(DECREE NO. 26 OF 2009)A DECREE TO AMEND THE MARRIAGE ACT (CAP. 50) WITH RESPECT TO
THE MINIMUM AGE OF MARRIAGE AND CONSEQUENTIAL MATTERS

IN exercise of the powers vested in me as President and Commander in Chief of the Republic of the Fiji Military Forces I hereby make the following Decree:

Part 1 – PRELIMINARY

Short title and interpretation

- 1.—(1) This Decree may be cited as the Marriage Act (Amendment) Decree 2009.
- (2) In this Decree “the Act” means the Marriage Act (Cap. 50).

Part 2 – AMENDMENT OF THE ACT

Section 2 amended

2. Section 2 of the Act is amended in the definition of “minor” by deleting “twenty-one” and substituting “eighteen”.

Section 12 amended

3. Section 12 of the Act is amended, save for the heading of the section, by deleting the whole section and substituting—

“12. Any person may contract a valid marriage under the provisions of this Act, if such person is of the age of eighteen years or upwards.”

Sections 13 and 14 repealed

4. Sections 13 and 14 of the Act are repealed.

Section 16 amended

5. Section 16 is amended—

- (a) by deleting “16.” at the beginning and substituting “14.”; and
- (b) in subsection (2) by placing a full stop after “given” and deleting the rest of the subsection.

Section 17 amended

6. Section 17 of the Act is amended by—

- (a) deleting “17.” at the beginning and substituting “15.”; and
- (b) deleting the words “and any consent required to be produced therewith”.

Section 18 amended

7. Section 18 of the Act is amended by—

- (a) deleting “18.” at the beginning and substituting “16.”;
- (b) deleting “17” and substituting “15”; and
- (c) deleting the words “and any consent given for the proposed marriage”.

Section 19 amended

8. Section 19 of the Act is amended by—

- (a) deleting “19.” at the beginning and substituting “17.”; and

- (b) deleting “17”, “16” and “21” and substituting “15”, “14” and “19” respectively.

Section 31 amended

9. Section 31 of the Act is amended by repealing the whole section, including the heading, and substituting—

“Penalty for marrying a minor

29. Any person who—

- (a) willfully and unlawfully marries a person under the age of eighteen years; or
- (b) induces or endeavours to induce any marriage officer or other person to solemnize marriage between parties when the person so acting knows that one of the parties to the marriage is a minor; or
- (c) abets or assists the principal offender in any such act or endeavour as is described in paragraphs (a) and (b), knowing that a party to the marriage or intended marriage is a minor,

shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding two years.”

Section 39 amended

10. Section 39 of the Act is amended by—

- (a) deleting “39.” at the beginning and substituting “37.”; and
- (b) in subsection (2) by—
 - (i) deleting “– (a)” after “unless”;
 - (ii) deleting “; and” at the end of paragraph (a) and substituting a full stop; and
 - (iii) deleting the whole of paragraph (b).

Certain section numbers re-numbered

11. In addition to and consistent with the amendment of section numbers of the Act effected by sections 6, 7, 8, 9 and 10, the Act is amended by re-designating sections 15, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38 and 40 as sections 13, 14, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36 and 38 respectively.

Part 3 – TRANSITIONAL ARRANGEMENTS

Saving for certain special licences

12. Notwithstanding anything in this Decree regarding the minimum age for contracting a valid marriage, where the female party to an intended marriage for which a special licence authorizing the marriage had been granted before the commencement of this Decree was at the time the licence was granted aged sixteen (16) years or over but under the age of eighteen (18) years, the parties to the intended marriage may contract a valid marriage pursuant to that licence provided that the male party to the intended marriage is aged 18 years or over.

Given under my hand this 20th day of July 2009.

JOSEFA ILOILOVATU ULUIVUDA
President and Commander in Chief
of the Republic of the Fiji Military Forces