

## Civil Union Bill

### Government Bill

### Explanatory Note

#### General policy statement

The purpose of the Bill is to establish civil union for different and same sex couples. The Bill provides for different sex couples who want formal recognition of their relationship but for whatever reason do not wish to marry. Providing a mechanism for same sex couples to formally solemnise their relationship is part of the Government's objective of creating a positive human rights culture. The Bill will address the current situation in which same sex couples cannot receive legal recognition of their loving and committed relationship.

The Bill provides for civil union in New Zealand, and sets out the requirements and processes to enter a civil union and for the appointment of celebrants. It also provides for registration and dissolution of civil unions. The provisions in the Bill are based on the provisions for marriage but have been modernised to reflect current law, policy, and practice. The Bill sets out the requirements for civil union in the form of a stand-alone Act to reinforce Parliament's intention that marriage is available solely to a man and a woman. The recognition of civil unions and the conferring of rights and responsibilities to civil union partners across other legislation will be addressed separately in the Relationships (Statutory References) Bill.

#### Background

There have been several challenges to the Marriage Act 1955 aimed at establishing the right of same sex couples to have their relationships legally recognised. In *Quilter v Attorney General* [1998] 1 NZLR 523 the Court of Appeal held that the Marriage Act 1955 applies to marriage between a man and a woman only and that this does not constitute discrimination.

The Human Rights Amendment Act 2001 requires that government activities be subject to the anti-discrimination standards set out in section 19 of the New Zealand Bill of Rights Act 1990 and section 21 of the Human Rights Act 1993. Prohibited grounds of discrimination include sexual orientation.

#### Summary of main measures

##### Eligibility

Two people who are of different or the same sex will be able to enter a civil union provided they are:

- o aged 18 or over, or are aged 16 or 17 and have the consent of their guardians or the Family Court:

- o not within prohibited degrees of relationship:

- o not already married or in a civil union with a third party.

Persons under 16 years will not be able to enter a civil union. The consent requirements for people aged 16 and 17 have been considered in terms of the Human Rights Act 1993, which identifies age restrictions over 16 years as a prohibited ground of discrimination. Entering a civil union is a significant decision. The requirement for the consent of guardians, and the right to apply to the Family Court if that consent is withheld or not able to be obtained, recognise the developing capacity of young people and afford appropriate protection for young persons. The age requirements for civil union are considered justifiable discrimination under the New Zealand Bill of Rights Act 1990.

#### Formalities

A notice of intended civil union must be given to a Registrar of Births, Deaths, and Marriages. If the civil union is to be solemnised by a civil union celebrant or exempt body, a licence must be obtained. A licence is not required if the civil union is to be solemnised by a Registrar.

The nature of the solemnisation is largely left to the parties involved. Two witnesses must be present and, in the presence of the Registrar or civil union celebrant and the witnesses, the parties must say "I [full name] take you [full name] to be my partner in our civil union", or words to that effect.

#### Exempt bodies

Provision is made for a body to solemnise a civil union in accordance with its own rules and procedures if its objects and beliefs are inconsistent with the requirements for solemnisation. This provision recognises the long-standing exemption in the Marriage Act 1955 that enables members of the Religious Society of Friends, for example, to solemnise marriages in accordance with their beliefs.

#### Civil union celebrants

The Registrar-General will appoint all civil union celebrants. The requirements for appointment are that the Registrar-General is satisfied that the person is of good character and will conscientiously perform his or her duties, and that the appointment is in the public interest. Appointments are renewed annually. The Registrar-General may cancel a celebrant's appointment if the Registrar is not satisfied that the requirements for appointment are met. Marriage celebrants may apply to become civil union celebrants if they so wish.

#### Registration

Civil unions will be registered under the Births, Deaths, and Marriages Registration Act 1995. A new Part 7A will be inserted in that Act, and other consequential amendments made.

#### Dissolution

Civil unions will be dissolved under the Family Proceedings Act 1980. That Act will be amended to specify that its provisions apply to civil unions in the same way as they apply to marriages.

#### Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that most of the Bill comes into force on a date to be appointed by the Governor-General by Order in Council. However, clauses 34 to 36, which provide a regulation-making power, a rule-making power, and a power to appoint civil union celebrants, come into force on the day after the date of Royal assent.

#### Part 1

##### Preliminary provisions

Clause 3 provides that the purpose of the Bill is to provide that 2 people may formalise their relationship by entering into a civil union.

Clause 4 is the interpretation clause. Key definitions include definitions of civil union celebrant, exempt body, and licence. Registrar and Registrar-General have the meanings given in the Births, Deaths, and Marriages Registration Act 1995.

Clause 5 provides that in any other enactment a reference to a civil union refers only to a civil union under this Bill. This clause is of general application across the statute book.

Clause 6 provides that the Bill binds the Crown.

#### Part 2

##### Civil Unions

##### Subpart 1---Entering into civil union

#### Overview

Clause 7 provides an overview of the rules about who can enter into a civil union and an outline of the basic procedures of solemnisation, registration, and dissolution.

#### Capacity

Clause 8 prohibits people under the age of 16 from entering into a civil union. Clause 9 prohibits people within the prohibited degrees of civil union from entering into a civil union with each other. The prohibited degrees of civil union, as set out in Schedule 2, are the same as the prohibited degrees of marriage under the Marriage Act 1955, though set out in a different form. Clause 10 provides that the Family Court may dispense with the prohibition in clause 9 if a couple is within the prohibited degrees of affinity. If a couple is within the prohibited degrees of consanguinity the Court may not dispense with the prohibition.

#### Formalities

Clause 11 sets out the requirements for people who wish to enter into a civil union. One of the parties must appear personally before a Registrar. He or she must give notice of the civil union and make a statutory declaration. Clause 12 provides for the Registrar to issue a civil union licence. A licence is necessary only if the civil union is to be solemnised by a civil union celebrant or an exempt body. Clause 13 provides that a licence authorises, but does not oblige, a civil union celebrant or an exempt body to solemnise the civil union. Clause 14 provides for the solemnisation of a civil union by a Registrar. The requirements for solemnisation by a Registrar are that there be 2 witnesses and that the parties say to each other, in the presence of the Registrar and witnesses, "I, AB, take you, CD, to be my partner in our civil union", or words to that effect. Clause 15 provides for the solemnisation of a civil union by a civil union celebrant. The requirements are exactly the same as for solemnisation by a Registrar, except that the civil union celebrant takes the place of the Registrar and the celebrant must be in possession of a licence issued by a Registrar. Clause 16 provides for the solemnisation of a civil union by an exempt body. A body may apply to become an exempt body if its objects and beliefs are inconsistent with the requirements for the solemnisation of civil unions. To become an exempt body, the body must have applied for, and been granted, approval by the Minister in accordance with Schedule 1. Part of the approval process requires the body to set out the rules and procedures that will apply when it solemnises a civil union. The exempt body may then solemnise civil unions in accordance with those rules and procedures. The rules and procedures need not provide for any particular person to preside over the solemnisation. However, a licence must have been issued by a Registrar before solemnisation.

#### Converting between marriage and civil union

Clauses 17 and 18 provide for people who are married to each other to convert their marriage into a civil union by solemnising a civil union, and for people who are in a civil union and are otherwise eligible to marry to convert their civil union into a marriage. When a conversion takes place, that fact must be recorded both in relation to the earlier relationship and the later one, as provided in new section 62D of the Births, Deaths, and Marriages Registration Act 1995 inserted by clause 38.

#### Consent for persons aged 16 or 17

Clauses 19 and 20 set out the requirement for persons aged 16 or 17 to obtain consent from their guardians to a proposed civil union. If consent is withheld or unable to be obtained, a Family Court Judge may give it instead. Under the Marriage Act 1955, consent must be obtained for the marriage of any person under the age of 20 (a minor). (Under the Relationships (Statutory References) Bill, it is proposed to amend this age to 18.)

#### Notice of objection to civil union

Clauses 21 and 22 provide for the lodging of a notice of objection to the civil union of any person. These provisions are the equivalent of the provisions in the Marriage Act 1955 about caveats against the marriage of a person. A Registrar may not issue a licence in respect of, or solemnise, the civil union of a person named in a notice of objection. If a Registrar receives notice of a civil union involving a person named in a notice of objection, the Registrar must submit the notice of objection to a Family Court Judge, and the Judge must discharge the notice if he or she is of the opinion that there is no longer any reason why the civil union should not be solemnised.

#### When civil union is or may be declared void

Clause 23 provides that a civil union is void ab initio (in other words, is void from its very beginning, as if it never happened) on the grounds set out in section 31 of the Family Proceedings Act 1980. Those are the grounds on which a marriage is void ab initio, and include such things as that either party was already married, that there was an absence of consent due to duress, mistake, insanity, or any other reason, or that the parties are within the prohibited degrees.

Unlike marriage, a civil union may be declared void ab initio on 2 further grounds, namely that either party was under the age of 16 at the time of solemnisation, or that the consents required for a party aged 16 or 17 were not obtained.

Clause 24 provides that a defect in the formalities required under the Bill does not render a civil union void.

#### Subpart 2---Civil union celebrants

Clause 25 provides for the appointment of civil union celebrants. Any person may apply to be appointed and the Registrar-General may appoint the person if satisfied that---

- o the applicant is of good character:

- o the applicant will conscientiously perform the duties of a civil union celebrant under this Bill and under the Births, Deaths, and Marriages Registration Act 1995:

- o it is in the interests of the public generally, or of a particular community, that the applicant be appointed as a civil union celebrant.

Clause 26 provides that an appointment as a civil union celebrant generally expires on 31 January in the year following the appointment, and sets out the procedure for reappointment.

Clause 27 sets out the circumstances in which a person ceases to be a civil union celebrant, which are that the person---

- o fails to be reappointed:

- o resigns:

- o has his or her appointment cancelled by the Registrar-General.

The procedure and grounds for cancellation of appointment are also set out. Clause 28 requires the Registrar-General to publish an annual list in the Gazette of the names of all civil union celebrants.

(The names of newly appointed and reappointed civil union celebrants are notified in the Gazette under clause 25(3)). The Registrar-General may also give notice of the names of people who cease to be civil union celebrants for any reason.

#### Subpart 3---Offences and miscellaneous provisions

##### Offences

Clauses 29 to 31 set out offences relating to licences for civil unions,

solemnisation, and issuing false statements.

Clause 32 imposes a 3-year limitation on bringing prosecutions under this Bill.

#### Miscellaneous

Clause 33 provides that the Registrar-General is charged with the general administration of the Bill.

Clause 34 sets out the regulation-making power.

Clause 35 provides that rules of court may be made under the Family Courts Act 1980 to provide for procedures in proceedings under this Bill.

Clause 36 provides for the appointment of civil union celebrants before the commencement of the operative parts of the Bill.

#### Subpart 4---Amendments to other enactments

##### Amendments to Births, Deaths, and Marriages Registration Act 1995

Clauses 37 and 38 amend the Births, Deaths, and Marriages Registration Act 1995 to provide that civil unions, like marriages, must be registered under that Act. Clause 37 makes substantive consequential amendments to the Births, Deaths, and Marriages Registration Act, and clause 38 inserts a new Part 7A into that Act. The provisions largely repeat those that apply to marriage but are simpler because the only relevant civil unions are those entered into under this Bill, whereas the equivalent provisions for marriage provide for the registration of marriages entered into overseas as well as certain marriages entered into otherwise than under the Marriage Act 1955.

##### Amendments to other enactments

Clauses 39 to 41 amend the Crimes Act 1961 in order to apply the existing crimes of bigamy and feigned marriage to civil unions.

Clause 42 amends the Family Proceedings Act 1980 by providing that that Act applies with respect to a civil union in the same way as it applies to a marriage. The effect of this is that parties who wish to exit a civil union may do so in the same manner, and must follow the same procedures, as parties who wish to end a marriage.

Clause 43 amends section 31 of the Family Proceedings Act 1980 (which relates to the grounds on which a marriage or civil union is void) in order to refer specifically to this Bill.

Clause 44 provides that the enactments listed in Schedule 3 are amended as indicated in that schedule. These are minor consequential amendments. The more significant amendments are contained in clauses 37 to 43.

Schedule 1 sets out the procedure by which a body becomes an exempt body.

Schedule 2 sets out the prohibited degrees of civil union.

Schedule 3 sets out consequential amendments to other enactments.

Hon David Benson-Pope

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Civil Union Act 2004.

2 Commencement

(1) This Act, other than the sections referred to in subsection (2), comes into force on a date to be appointed by the Governor-General by Order in Council.

(2) Sections 34, 35, and 36 come into force on the day after the date on which this Act receives the Royal assent.

Part 1  
Preliminary provisions

3 Purpose

The purpose of this Act is to provide that 2 people may formalise their relationship by entering into a civil union, which is a union that is recognised in New Zealand and capable of registration under the Births, Deaths, and Marriages Registration Act 1995.

4 Interpretation

In this Act, unless the context otherwise requires,---

civil union celebrant means a person who is appointed under section 25 as a civil union celebrant

exempt body means a body that is exempt from the requirements of this Act relating to the solemnisation of civil unions by virtue of an exemption granted under Schedule 1

guardian has the meaning given in section 3 of the Guardianship Act 1968



licence means a civil union licence issued under section 12

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

New Zealand includes the Ross Dependency

prohibited degrees of civil union means the degrees of relationship set out in Schedule 2

Registrar and Registrar-General have the meanings given in section 2 of the Births, Deaths, and Marriages Registration Act 1995.

Compare: 1955 No 92 s 2

#### 5 Reference to civil unions in any other enactment

In any other enactment, unless the context otherwise requires, a reference to a civil union refers only to a civil union entered into under and in accordance with this Act.

#### 6 Act binds the Crown

This Act binds the Crown.

### Part 2

#### Civil unions

##### Subpart 1---Entering into civil union

#### Overview

#### 7 Overview of civil union

(1) Two people, whether they are of different or the same sex, may enter into a civil union under this Act if---

(a) they are both aged 16 or over (but people aged 16 or 17 must obtain consent---see section 19):

(b) they are not within the prohibited degrees of civil union as set out in Schedule 2 (but in some cases a court may dispense with this prohibition---see section 10):

(c) they are not currently married or in a civil union with someone else (but married couples may enter into a civil union with each other---see section 17).

(2) A civil union may be solemnised by a Registrar or, if a Registrar has issued a licence, by a civil union celebrant or an exempt body.

(3) After a civil union is solemnised, it is registered as a civil union under Part 7A of the Births, Deaths, and Marriages Registration Act 1995.

(4) The dissolution of a civil union is governed by the Family Proceedings Act 1980.

(5) This section is by way of explanation only. If a provision of this or

any other Act is inconsistent with this section, the other provision prevails.

#### Capacity

##### 8 Age of eligibility

A person who has not reached the age of 16 is prohibited from entering into a civil union.

Compare: 1955 No 92 s 17

##### 9 Partners not to be within prohibited degrees of civil union

Two people who are within the prohibited degrees of civil union, as set out in Schedule 2, are prohibited from entering into a civil union with each other.

Compare: 1955 No 92 s 15(1)

##### 10 Order dispensing with prohibition on civil union within prohibited degrees of affinity

(1) Two people who are within the prohibited degrees of affinity, but who are not within the prohibited degrees of consanguinity, may apply to the Family Court for an order under this section.

(2) On an application under subsection (1), the Court may make an order dispensing with the prohibition in section 9.

(3) The Registrar of any court where an order under this section is made must send a copy of the order to the Registrar-General.

Compare: 1955 No 92 s 15(2), (3)

#### Formalities

##### 11 Notice of civil union, and statutory declaration

(1) If 2 people intend to solemnise a civil union, one of them must appear personally before the Registrar and give notice in the prescribed form of the intended civil union.

(2) The person giving notice must also make a statutory declaration in the prescribed form before the Registrar declaring that---

(a) the person believes that the parties are not within the prohibited degrees of civil union or, if they are, an order has been made under section 10 dispensing with the prohibition; and

(b) there is no other lawful impediment to the intended civil union; and

(c) the particulars in the notice are true.

Compare: 1955 No 92 s 23(1), (2)

##### 12 Issue of licence and forms where solemnisation by civil union celebrant or exempt body

(1) After notice has been given under section 11, if the civil union is to

be solemnised by a civil union celebrant or an exempt body, the Registrar must issue a licence and information return forms in accordance with this section, and section 15 or section 16 applies. (If the civil union is to be solemnised by a Registrar, section 14 applies.)

(2) Despite section (1), a Registrar must not issue a licence and information return forms if---

(a) he or she has reasonable cause to believe that the civil union is prohibited by this Act, or that any of the requirements of this Act have not been complied with; or

(b) a notice of objection to the civil union of either party has been lodged under section 21 and the notice has not been withdrawn or discharged; or

(c) the prescribed licence fee has not been paid.

(3) The Registrar may not issue the licence and information return forms sooner than the third day after the notice was given, unless the Registrar is satisfied that parties to the intended civil union would be inconvenienced by the delay.

(4) The licence must be in the prescribed form, and must authorise the civil union of the 2 people specified in the licence at the place, or at one of the 2 places, in New Zealand, specified in the licence.

(5) A Registrar other than the Registrar to whom the notice was given may issue the licence and information return forms, in which case the Registrar to whom the notice was given does not need to do so.

Compare: 1955 No 92 ss 24, 28

#### 13 Licence authorises but does not oblige

A licence authorises, but does not oblige, a civil union celebrant or an exempt body to solemnise the civil union to which the licence relates.

Compare: 1955 No 92 s 29

#### 14 Solemnisation by Registrar

(1) A Registrar may solemnise a civil union if---

(a) the Registrar is satisfied that the civil union is not prohibited by this Act; and

(b) the Registrar is satisfied that the requirements of this Act have been complied with; and

(c) the Registrar is satisfied that---

(i) No notice of objection to the civil union has been lodged under section 21; or

(ii) if a notice of objection has been lodged, it has been withdrawn or discharged; and

(d) the solemnisation does not take place---

(i) before the third day after notice of the intended civil union has been given under section 11, unless the Registrar is satisfied that the

parties to the intended civil union would be inconvenienced by the delay; or

(ii) more than 3 months after the date on which notice of the intended civil union was given (or, where a notice of objection has been lodged, more than 3 months after the date on which the notice of objection was withdrawn or discharged).

(2) During the solemnisation, each party must, in the presence of the Registrar and at least 2 witnesses, say to the other, "I, AB, take you, CD, to be my partner in our civil union", or words to that effect.

(3) No Registrar is obliged to solemnise a civil union on a day that is not a working day.

Compare: 1955 No 92 ss 28, 30, 33

#### 15 Solemnisation by civil union celebrant

(1) A civil union celebrant may solemnise a civil union between 2 parties if---

(a) the civil union celebrant is in possession of a licence in respect of the 2 parties; and

(b) the solemnisation takes place at the place (or at one of the 2 places) named in the licence; and

(c) the solemnisation does not take place more than 3 months after the date of issue of the licence.

(2) During the solemnisation, each party must, in the presence of the civil union celebrant and at least 2 witnesses, say to the other, "I, AB, take you, CD, to be my partner in our civil union", or words to that effect.

(3) The celebrant must, under section 62B of the Births, Deaths, and Marriages Registration Act 1955, take all reasonable steps to ensure that the civil union is registered under that Act.

Compare: 1955 No 92 s 31(1), (2), (3)

#### 16 Solemnisation by exempt body

(1) A civil union may be solemnised by an exempt body if it is solemnised in accordance with the rules and procedures of the body as most recently notified to the Registrar-General in accordance with Schedule 1.

(2) When a civil union is solemnised by an exempt body, the obligations imposed on civil union celebrants by section 62B of the Births, Deaths, and Marriages Registration Act 1955 must be performed by the person or office holder, or in the manner, as set out in the rules and procedures of the exempt body that have been most recently notified to the Registrar-General in accordance with Schedule 1.

Compare: 1955 No 92 ss 31(4), (5), 32, 32A

### Converting between marriage and civil union

#### 17 Converting marriage into civil union

(1) Two people who are married to each other may enter into a civil union

with each other.

(2) The solemnisation of a civil union between 2 people who are, at the time of solemnisation, married to each other, converts the marriage into a civil union.

(3) If 2 people who are married to each other wish to convert their marriage into a civil union, the notice required under section 11 must include a statement to the effect that the parties are married to each other and wish to convert the marriage into a civil union.

(4) In any situation where the duration of the resulting civil union is in issue, the duration of the earlier marriage is to be treated as part of the duration of the civil union.

#### 18 Converting civil union into marriage

(1) Two people who are in a civil union with each other and who are otherwise eligible to marry under the Marriage Act 1955 may marry each other.

(2) The solemnisation of a marriage under the Marriage Act 1955 between 2 people who are, at the time of solemnisation, in a civil union with each other, converts the civil union into a marriage.

(3) If 2 people who are in a civil union with each other wish to convert their civil union into a marriage, the notice required under section 23 of the Marriage Act 1955 must include a statement to the effect that the parties are in a civil union with each other and wish to convert their civil union into a marriage.

(4) In any situation where the duration of the resulting marriage is in issue, the duration of the earlier civil union is to be treated as part of the duration of the marriage.

#### Consent for persons aged 16 or 17

#### 19 Consent to civil union of persons aged 16 or 17

(1) A Registrar may not issue a licence in respect of a civil union, or solemnise a civil union, in which one of the parties is aged 16 or 17 unless the Registrar is satisfied that the consents required by this section have been obtained.

(2) A person aged 16 or 17 who wishes to enter into a civil union must obtain the consent of each of his or her guardians to the proposed civil union.

(3) However, the consent of a particular guardian is not required if the guardian cannot be found or is unable to give consent as a result of incapacity.

(4) If, because of subsection (3), there is no guardian from whom consent can be sought, consent must be obtained either from a relative who has been acting in the place of a guardian or from a Family Court Judge.

(5) Every consent under this section must---

(a) be in writing; and

(b) except in the case of a consent issued by a Family Court Judge, be witnessed by some person who must sign the consent and give his or her full

name and address; and

(c) be delivered to the Registrar to whom notice of the intended civil union is given.

(6) A consent may be withdrawn, in writing, at any time before the Registrar issues the licence or solemnises the civil union, as the case requires.  
Compare: 1955 No 92 ss 18, 20

## 20 Application to Family Court Judge if consent refused

(1) If a person whose consent to a civil union is required refuses to give that consent, a Family Court Judge may, on application, consent to the civil union, and that consent has the same effect as if it had been given by the person who refused to give consent.

(2) When an application is made to a Family Court Judge for consent to a civil union, notice of the application must be served on every person whose consent to the civil union is required under section 19.

(3) Despite subsection (2), a Family Court Judge may, at his or her discretion, dispense with serving notice on a person whose consent to a civil union is required under section 19.  
Compare: 1955 No 92 s 19

## Notice of objection to civil union

### 21 Notice of objection to proposed civil union

(1) A person may lodge with any Registrar a notice of objection to the civil union of any person named in the notice on the grounds that the civil union is one for which a licence should not be issued.

(2) Every notice of objection must be in writing signed by or on behalf of the person who lodged the notice of objection, and must state the person's full name, residential address, and the particulars of the grounds of objection on which the notice of objection is founded.

(3) A copy of a notice of objection may be given to any Registrar other than the Registrar with whom it was lodged, in which case the copy must also show the date and place of lodgement of the notice of objection.

(4) A notice of objection lapses 1 year from the date on which it was lodged unless, within that time, a notice has been given under section 11 of the intended civil union of the person to whom the notice of objection relates.  
Compare: 1955 No 92 ss 25, 26(2)

### 22 Judge to deal with notice of objection

(1) If a Registrar receives notice under section 11 of an intended civil union and the Registrar is aware that a notice of objection has been lodged with respect to either party to the intended civil union, the Registrar must immediately submit the notice of objection to a Family Court Judge or, if a Family Court Judge is not available, to a District Court Judge.

(2) The Judge to whom the notice of objection is submitted must immediately inquire into the grounds of objection stated in the notice of objection, and,

if the Judge is of the opinion that those grounds should not prevent the solemnisation of the civil union, he or she must discharge the notice of objection.

(3) If a Judge refuses to discharge a notice of objection under this section, any person may make an application to a Family Court Judge for the discharge of the notice of objection, and the Family Court Judge, if he or she is of the opinion that there is no longer any reason why the intended civil union should not be solemnised, must discharge the notice of objection.

(4) A person who lodges a notice of objection is liable for damages if the court considers that the grounds on which the notice of objection was lodged were vexatious and unreasonable.

Compare: 1955 No 92 ss 26, 27

#### When civil union is or may be declared void

##### 23 When civil union is or may be declared void

(1) The grounds on which a civil union is void ab initio are set out in section 31 of the Family Proceedings Act 1980.

(2) A civil union may also be declared to be void ab initio on the grounds that, at the time the civil union was solemnised,---

(a) one of the parties to it was under the age of 16; or

(b) one of the parties to it was aged 16 or 17 and the consents required under section 19 had not been given.

(3) An application for a declaration under subsection (2) may be made under section 29 of the Family Proceedings Act 1980 as if the application were an application for an order declaring that the civil union was void ab initio on any of the grounds referred to in section 31 of that Act.

Compare: 1955 No 92 ss 15(4), 17(2), 18(7)

##### 24 Effect of defects in formalities or procedures

(1) A defect in compliance with the formalities or procedures required under this Act does not, in itself, render a civil union void.

(2) However, nothing in this section exempts a Registrar or civil union celebrant who, or an exempt body that, does anything contrary to the provisions of this Act from any penalty for an offence under this Act.

Compare: 1955 No 92 s 22

#### Subpart 2---Civil union celebrants

##### 25 Appointment of civil union celebrants

(1) Any person may apply to the Registrar-General to be appointed as a civil union celebrant.

(2) The Registrar-General may appoint a person as a civil union celebrant if the person has paid any prescribed application fee and the Registrar-General is satisfied that---

(a) the person is of good character; and

(b) the person will conscientiously perform the duties of a civil union celebrant under this Act and under the Births, Deaths, and Marriages Registration Act 1995; and

(c) it is in the interests of the public generally, or of a particular community (whether defined by geography, interest, belief, or some other factor) that the person be appointed as a civil union celebrant.

(3) The Registrar-General must give notice in the Gazette of the name of every person who is appointed or reappointed as a civil union celebrant.

(4) A person named in a notice given under subsection (3) is entitled to act as a civil union celebrant on and from the date specified in the notice, and ceases to be entitled to act as a civil union celebrant when his or her appointment ceases under section 27(1).

## 26 Expiry of appointment and reappointment

(1) A person who wishes to continue to act as a civil union celebrant after 31 January in the year after the year of his or her appointment or reappointment must apply to the Registrar-General for reappointment during November of the year in which the person was appointed or reappointed.

(2) The Registrar-General may reappoint a civil union celebrant only if the civil union celebrant has paid any prescribed reapplication fee and the Registrar-General is satisfied as to the matters set out in section 25(2).

(3) A reappointment takes effect on 1 February in the year following the application for reappointment.

(4) A person who is appointed as a civil union celebrant in November or December of any year is deemed to be reappointed on the following 1 February and need not apply for reappointment until November of that following year.

(5) If a person does not apply for reappointment as required by subsection (1), or if his or her application is refused, then his or her appointment is cancelled on 31 January following his or her appointment or reappointment (except where subsection (4) applies).

## 27 Ceasing to be civil union celebrant

(1) A person ceases to be a civil union celebrant,---

(a) in the case of a person who fails to be reappointed under section 26, on the date specified in subsection (5) of that section; or

(b) in the case of a person who resigns in writing, on the date on which the Registrar-General receives the resignation; or

(c) in the case of a person whose appointment is cancelled by the Registrar-General under this section, on the date referred to in subsection (5).

(2) The Registrar-General may cancel a person's appointment as a civil union celebrant if the Registrar-General is not satisfied, with respect to the person, of the matters set out in section 25(2).

(3) The Registrar-General may not cancel a person's appointment as a civil



union celebrant without first---

(a) giving the person notice that the Registrar-General is considering cancelling the appointment; and

(b) giving the person a reasonable opportunity to make submissions on the proposal; and

(c) considering any submissions made by the person within that time.

(4) The Registrar-General must give notice in writing to the person concerned of a decision to cancel the person's appointment as a civil union celebrant, and also of any decision not to proceed with a proposed cancellation.

(5) If a person's appointment as a civil union celebrant is cancelled, the notice from the Registrar-General must specify the date on which the cancellation takes effect, which must be a date not sooner than 5 days after the date on which the notice is sent.

## 28 List of civil union celebrants

(1) The Registrar-General must, at least once every year, publish a list in the Gazette of the names of all current civil union celebrants, and this list may be combined with any notice given under section 25(3).

(2) The Registrar-General may at any time publish in the Gazette a list of the names of civil union celebrants who have ceased to be civil union celebrants since the latest list under this subsection was published.

## Subpart 3---Offences and miscellaneous provisions

### Offences

## 29 Offence to issue licence or solemnise civil union contrary to Act

(1) A Registrar who knowingly and wilfully issues a licence contrary to this Act commits an offence.

(2) A Registrar or civil union celebrant who knowingly and wilfully solemnises a civil union contrary to section 14 or section 15 commits an offence.

(3) A person is liable, on conviction on indictment for an offence against subsection (1) or subsection (2), to imprisonment for a term not exceeding 5 years, or to a fine not exceeding \$10,000, or to both.

(4) An exempt body that knowingly and wilfully solemnises a civil union otherwise than in accordance with its rules and procedures as most recently notified to the Registrar-General commits an offence and is liable on conviction on indictment to a fine not exceeding \$10,000.

Compare: 1955 No 92 s 58

## 30 Offence to purport to solemnise civil union

Every person commits an offence, and is liable on conviction on indictment to imprisonment for a term not exceeding 5 years, if he or she purports to solemnise a civil union as a civil union celebrant knowing that he or she is not a civil union celebrant.

Compare: 1955 No 92 s 59

31 Offences in connection with false statements relating to civil union  
Every person commits an offence and is liable on conviction on indictment  
to imprisonment for a term not exceeding 2 years, or to a fine not exceeding  
\$5,000, or to both, who knowingly and wilfully---

(a) makes or causes to be made any false declaration for the purposes of  
this Act; or

(b) makes or causes to be made, for the purpose of being inserted in any  
register, a false statement of any particular required to be known and  
registered; or

(c) gives a Registrar a document that purports to be a copy of a notice  
of objection when it is not in fact a copy of a notice of objection.  
Compare: 1955 No 92 s 60

### 32 Limitation on prosecutions

A prosecution under this Act may not be commenced more than 3 years from the  
date on which the offence was committed.  
Compare: 1955 No 92 s 63

## Miscellaneous

### 33 Registrar-General

The Registrar-General is charged with the general administration of this Act.  
Compare: 1955 No 92 s 4

### 34 Regulations

The Governor-General may from time to time, by Order in Council, make  
regulations for one or more of the following purposes:

(a) prescribing fees for any of the following:

(i) the issue of a licence:

(ii) the solemnisation of civil unions (which may prescribe  
different fees for solemnisation at different times or in different  
circumstances):

(iii) the lodging of a notice of objection, or a copy of a notice  
of objection:

(iv) applying to be a civil union celebrant:

(v) applying for reappointment as a civil union celebrant:

(vi) applying to be an exempt body:

(b) prescribing forms to be used for the purposes of this Act:

(c) prescribing the matters that must be included in forms (other than  
prescribed forms) used in connection with civil unions:

(d) providing for any other matter contemplated by this Act, necessary for its administration, or necessary for giving it full effect.  
Compare: 1955 No 92 s 64

### 35 Rules of procedure

(1) Rules may be made under section 16A of the Family Courts Act 1980 that regulate the practice and procedure of Family Courts in proceedings under sections 10, 20, and 22.

(2) Rules made under the Family Courts Act 1980---

(a) are subject to section 20(2) and (3); and

(b) do not affect the practice and procedure of District Courts in proceedings under section 22.

Compare: 1955 No 92 s 64A

### 36 Appointment of civil union celebrants before section 25 comes into force

(1) The Registrar-General may, before section 25 comes into force, receive applications from persons who wish to be appointed as civil union celebrants, and may appoint suitable persons under section 25(2).

(2) The Registrar-General may give the Gazette notice required by section 25(3) at any time, but no person who is named in the notice is entitled to act as a civil union celebrant until the date on which section 25 comes into force, or any later date specified in the notice.

### Subpart 4---Amendments to other enactments

#### Amendments to Births, Deaths, and Marriages Registration Act 1995

37 Amendments to section 2 of Births, Deaths, and Marriages Registration Act 1995

(1) Section 2 of the Births, Deaths, and Marriages Registration Act 1995 is amended by repealing the definition of celebrant, and substituting the following definition:

"celebrant means, as the case requires,---

"(a) in relation to a marriage, a person who is a marriage celebrant under the Marriage Act 1955; and, in relation to a marriage solemnised by a celebrant, means the celebrant who solemnised it; and

"(b) in relation to a civil union, a person who is a civil union celebrant under the Civil Union Act 2004; and, in relation to a civil union solemnised by a celebrant, means the celebrant who solemnised it."

(2) Section 2 of the Births, Deaths, and Marriages Registration Act 1995 is amended by inserting, in their appropriate alphabetical order, the following definitions:

"civil union certificate means---

"(a) a document that is issued by, and signed or sealed by or stamped with the seal of, a Registrar, and that contains registered civil union information; and

"(b) in relation to any civil union, means a civil union certificate containing registered civil union information relating to that civil union

"civil union information means information relating to a civil union; and, in relation to any civil union, means information relating to that civil union".

(3) Section 2 of the Births, Deaths, and Marriages Registration Act 1995 is amended by omitting from paragraph (a) of the definition of Register the words "or marriage", and substituting the words "marriage, or civil union".

38 New Part 7A inserted in Births, Deaths, and Marriages Registration Act 1995

The Births, Deaths, and Marriages Registration Act 1995 is amended by inserting, after section 62, the following Part:

"Part 7A  
"Civil unions

"62A Civil unions under Civil Union Act 2004 to be registered

"(1) Every civil union entered into under the Civil Union Act 2004 must be registered in accordance with this Part.

"(2) No other type of civil union may be registered under this Act.

"62B Civil unions solemnised by celebrant

A celebrant who solemnises a civil union must,---

"(a) immediately after solemnising the civil union,---

"(i) enter on both information return forms provided under section 12 of the Civil Union Act 2004 the prescribed information relating to the civil union; and

"(ii) ensure that both forms are signed by the parties to the civil union, the celebrant, and 2 witnesses to the solemnisation; and

"(iii) give one form to the parties; and

"(b) within 10 days of solemnising the civil union, forward the other form to a Registrar.

"62C Registrars to register civil unions

"(1) A Registrar who is authorised by the Registrar-General to register civil unions must,---

"(a) if he or she receives a form under section 62B, register the information, but only to the extent that the information given is information required by the prescribed form; and

"(b) if he or she solemnises a civil union, register the prescribed information relating to it.

"(2) A Registrar who is not authorised by the Registrar-General to register civil unions must send to the Registrar-General, or to a Registrar specified by the Registrar-General (as the Registrar-General for the time being directs),---

"(a) any information contained on a form forwarded to the Registrar under section 62B, but only to the extent that the information is information required by the prescribed form; and

"(b) if the Registrar solemnises a civil union, the prescribed information relating to that civil union.

"(3) Subsections (1) and (2) may be overridden by section 82.

"62D Conversion to be recorded

If the Registrar-General or a Registrar receives information that the parties to a marriage or civil union have, under section 17 or section 18 of the Civil Union Act 2004, converted their marriage into a civil union or their civil union into a marriage, the Registrar-General or Registrar must---

"(a) note on any information relating to the earlier marriage or civil union that is registered under this Act that the marriage or civil union has been converted, and note when and where the conversion was effected; and

"(b) note on the information relating to the later marriage or civil union that, on the date and at the place in which the solemnisation of the later marriage or civil union took place, the parties converted their earlier marriage or civil union into a marriage or civil union; and

"(c) ensure that a link is created between the registered information relating to the earlier marriage or civil union and the registered information relating to the later marriage or civil union.

"62E Dissolutions to be recorded

"(1) The Registrar of a Family Court must immediately send to the Registrar-General a certificate of any of the following orders made in that Court under the Family Proceedings Act 1980:

"(a) an order dissolving a civil union:

"(b) an order declaring that a party to a civil union is presumed dead and the civil union is dissolved:

"(c) an order declaring that a civil union is void ab initio.

"(2) The Registrar-General must record the information contained in a certificate received under subsection (1) as part of the information recorded under this Act relating to the civil union.

"62F Convictions for bigamy to be recorded

"(1) When a person who is a party to a civil union is convicted of bigamy, the Registrar of the Court concerned must immediately send to the Registrar-General a certificate of the conviction specifying---

"(a) the names of the parties to the bigamous marriage or civil union; and

"(b) the date and place of the bigamous marriage or civil union; and

"(c) the date of the conviction.

"(2) If the information relating to a bigamous marriage or civil union is recorded under this Act, the Registrar-General must record the information received under subsection (1) as part of that information.

"62G Recording new names in relation to civil unions

"(1) If a person in a civil union changes his or her name and the change is recorded (under section 21(5)) in the person's birth information, the person may request the Registrar-General to include his or her new name in the information relating to his or her civil union.

"(2) A request under subsection (1) that is made in respect of the recording of new names under section 21 may be made when the statutory declaration is deposited under section 21(3).

"(3) The Registrar-General must include the new names or change of names as requested, so long as the request was accompanied by the prescribed fee."

Amendments to other enactments

39 Section 205 of Crimes Act 1961 amended

(1) Section 205(1) of the Crimes Act 1961 is amended by---

(a) inserting in paragraph (a), after the words "form of marriage", the words "or civil union"; and

(b) inserting in paragraph (b), after the words "knows to be married", the words "or in a civil union"; and

(c) inserting in paragraph (c), after the words "being married", the words "or in a civil union"; and

(d) omitting from paragraph (d) the words "knows to be married.", and substituting the words "knows to be married or in a civil union; or".

(2) Section 205(1) of the Crimes Act 1961 is amended by adding the following paragraphs:

"(e) the act of a person who, being in a civil union, goes through a form of civil union or marriage with a third person; or

"(f) the act of a person who goes through a form of civil union with a person whom he or she knows to be in a civil union or to be married."

(3) Section 205(2) of the Crimes Act 1961 is amended by repealing paragraph (b) and substituting the following paragraphs:

"(b) a form of civil union is any form of civil union recognised under the Civil Union Act 2004 as a valid form of civil union under that Act:

"(c) No form of marriage or civil union may be held to be an invalid form of marriage or civil union by reason of any act or omission of the person charged with bigamy, if it is otherwise a valid form."

(4) Section 205(3) of the Crimes Act 1961 is amended by omitting all the words after the word "unmarried", and substituting the words "or not in a civil union they would have been incompetent to contract marriage or enter into a civil union".

(5) Section 205(4) of the Crimes Act 1961 is amended by---

(a) inserting, after the words "form of marriage", the words, "or entering into a civil union"; and

(b) inserting in paragraphs (a) and (b), after the word "spouse" in each case, the words "or civil union partner (as the case may be)".

40 Section 206 of Crimes Act 1961 amended

Section 206 of the Crimes Act 1961 is amended by---

(a) inserting, after the words "form of marriage", the words "or with whom the offender entered into a civil union,"; and

(b) inserting, after the words "that the marriage", the words "or civil union".

41 New section 207 of Crimes Act 1961 substituted

The Crimes Act 1961 is amended by repealing section 207 and substituting the following section:

"207 Feigned marriage or feigned civil union

"(1) Everyone is liable to imprisonment for a term not exceeding 7 years who goes through a form of marriage or civil union with any other person, knowing that the marriage or civil union will be void for any reason other than that one of the parties is already married or in a civil union.

"(2) Provided that if the Judge is satisfied that the other person knew, at the time when the offence was committed, that the marriage or civil union would be void, the offender is liable to imprisonment for a term not exceeding 2 years."

42 New section 2A inserted in Family Proceedings Act 1980

The Family Proceedings Act 1980 is amended by inserting, after section 2, the following section:

"2A Application of Act to civil unions

"(1) This Act applies with respect to a civil union entered into under the Civil Union Act 2004 in the same way as it applies to a marriage governed by New Zealand law.

"(2) For the purposes of giving effect to subsection (1), in this Act the words in the first column of the following table are to be taken to include (with whatever modifications are appropriate in the context) the words in the second column:

marriage (other than the definition of marriage in section 2)	civil union
spouse	party to a civil union
husband	one of the parties to a civil union
wife	the other party to a civil union
to marry	to enter into a civil union
married person	party to a civil union

capacity to marry

capacity to enter into a civil union

"(3) Subsection (2) does not limit any other modifications that may be necessary to give effect to subsection (1)."

#### 43 Amendment to section 31 of Family Proceedings Act 1980

(1) Section 31(1)(a)(iii) of the Family Proceedings Act 1980 is amended by:

(a) inserting, after the words "Marriage Act 1955", the words "or in Schedule 2 of the Civil Union Act 2004 (as the case requires)"; and

(b) omitting the words "under section 15(2) of that Act".

(2) Section 31(1) of the Family Proceedings Act 1980 is amended by repealing paragraph (b) and substituting the following paragraph:

"(b) in the case of a marriage that is governed by New Zealand law so far as it relates to the formalities of marriage, the parties knowingly and wilfully married without a marriage licence, or in the absence of a celebrant or Registrar in contravention of the Marriage Act 1955 or the Civil Union Act 2004 (as the case requires)."

#### 44 Consequential amendments to other enactments

The enactments listed in Schedule 3 are consequentially amended in the manner indicated in that schedule.

#### Schedule 1 Exempt bodies

ss 4, 16

##### 1 Application to become exempt body

(1) A body that wishes to become an exempt body must apply to the Registrar-General for exemption in the prescribed form.

(2) The application must set out---

(a) the name and contact address of the body; and

(b) the objects and beliefs of the body; and

(c) the approximate number of its members who are of or over the age of 16; and

(d) an explanation of why the objects and beliefs of the body are inconsistent with the requirements of this Act for the solemnisation of a civil union; and

(e) the rules and procedures that the body proposes to apply when solemnising a civil union.

(3) The application must be signed by at least 10 members of the body who are of or over the age of 16, each of whom must give their age and address, and the signatures must be accompanied by a statutory declaration, signed by a person who is not a member, to the effect that the signatories are who they claim to be and are members of the body.



## 2 Registrar-General or Minister may grant exemption

(1) The Registrar-General may agree to grant the exemption applied for if any prescribed application fee is paid and the Registrar-General is satisfied that---

(a) the objects and beliefs of the body are inconsistent with the requirements of this Act for the solemnisation of a civil union; and

(b) the rules and procedures that the body proposes to apply when solemnising a civil union are generally consistent with this Act and are otherwise satisfactory.

(2) If the Registrar-General fails or refuses to agree to exempt the body, he or she must refer the matter to the Minister.

(3) The Minister must agree to grant the exemption sought if he or she is satisfied as to the matters referred to in subclause (1), but, if the Minister is not so satisfied, he or she must refuse the application.

(4) The Registrar-General must advise the applicant of the result of the application.

(5) When the Registrar-General or the Minister agrees to exempt a body from the requirements of this Act for the solemnisation of a civil union, the Registrar-General must give notice in the Gazette of that fact, and the body is exempt from the date specified in the notice.

## 3 Exempt body to notify changes

(1) An exempt body must notify the Registrar-General if---

(a) it changes its name; or

(b) it changes its objects and beliefs in a way that impacts on why it considers that the requirements of this Act for the solemnisation of a civil union are inconsistent with those objects and beliefs; or

(c) it changes its rules and procedures for solemnising civil unions.

(2) If the body notifies the Registrar-General that it has changed its name, the Registrar-General must give notice of that fact in the Gazette.

(3) The Registrar-General must ask the Minister to cancel the exemption of an exempt body if the Registrar-General is satisfied that,---

(a) as a result of changes referred to in subclause (1)(b) or (c), the body should no longer be an exempt body; or

(b) the body has failed to conduct one or more civil unions in accordance with its rules and procedures as most recently notified to the Registrar-General.

(4) If the Minister decides that the body should no longer be an exempt body, the Registrar-General must give notice in the Gazette that the body is no longer an exempt body, and notify the body accordingly.

(5) A body ceases to be an exempt body on the date on which the notice referred to in subclause (4) is published in the Gazette.

Prohibited degrees of civil union

1 Person A and person B are within the prohibited degrees of civil union if person A is person B's---

- 1 grandparent
- 2 parent
- 3 child
- 4 grandchild
- 5 sibling (brother or sister)
- 6 parent's sibling (brother or sister)
- 7 sibling's child
- 8 grandparent's spouse or civil union partner
- 9 parent's spouse or civil union partner
- 10 spouse's or civil union partner's parent
- 11 spouse's or civil union partner's grandparent
- 12 spouse's or civil union partner's child
- 13 child's spouse or civil union partner
- 14 grandchild's spouse or civil union partner
- 15 spouse's or civil union partner's grandchild

2 The prohibited degrees of civil union apply whether the relationships described are by the whole blood or by the half blood.

3 In this schedule, spouse and civil union partner includes a former spouse or former civil union partner, whether alive or deceased, and whether the marriage or civil union was terminated by death, dissolution, or otherwise.

Schedule 3  
Consequential amendments to other enactments

s 44

Part 1  
Amendments to Acts

Births, Deaths, and Marriages Registration Act 1995  
(1995 No 16)

Omit from paragraph (a) of the Long Title the words "and marriages", and substitute the words "marriages, and civil unions".  
Omit from paragraph (c) of the Long Title the words "or marriage" and substitute the words "marriage, or civil union".

Insert, after section 70:

"70A Civil union certificates

Every civil union certificate must contain as much information (being information relating to the civil union to which the certificate relates that is recorded under this Act at the time the certificate is issued) as is then prescribed."

Omit from section 71 the words "or marriage certificate" and substitute the words "marriage certificate, or civil union certificate".

Omit from section 72 the words "or marriage" and substitute the words "marriage, or civil union".

Insert in section 74(1A), after the word "marriages," the words "civil unions,".

Insert in section 74(1A)(a), after the word "marriage," the words "civil union,".

Insert in section 74(1A)(a)(ii), after the word "married," the words "the names of the people who entered into a civil union,".

Omit from section 75(1)(c) the words "or marriage" and substitute the words "marriage, or civil union".

Insert in section 76(3)(b)(i), after the words "the Marriage Act 1955", the

words "or the Civil Union Act 2004".

Insert in section 78(3)(b), after the word "marriage", the words "or civil union".

Omit from the heading to section 78A the words "and marriage information" and substitute the words "marriage information, and civil union information".

Omit from section 78A(1) the words "and marriage information" and substitute the words "marriage information, and civil union information".

Omit from section 78A(4) the words "and marriage information" and substitute the words "marriage information, and civil union information".

Omit from section 82 the words "or marriage," and substitute the words "marriage, or civil union". Amend Schedule 1A as follows:

In the entry relating to the Department for Courts, add the words "and civil union information" in the second column.

In the entry relating to the Department of Internal Affairs, insert, after the words "marriage information," in the second column, the words "civil union information,".

In the entry relating to the Department of Inland Revenue, omit the words "and marriage information" from the second column and substitute the words ", marriage information, and civil union information".

In the entry relating to the Land Transport Safety Authority of New Zealand, add the words "and civil union information" in the second column.

In the entry relating to the Department of Labour,---

(a) insert in the second column, after the item "Marriage information", the item "Civil union information"; and

(b) opposite that new item in the third column, insert the words "To verify the civil union of a person to a New Zealand citizen".

In the entry relating to the Department of Work and Income, insert, after the words "marriage information," in the second column, the words "civil union information,".

#### Electoral Act 1993

(1993 No 87)

Insert in section 93(1), after the expression "Marriage Act 1955", the words "or a notice of intended civil union under the Civil Union Act 2004".

Insert in section 93(2), after the word "marriage", the words "or civil union".

Insert in section 93(5), after the word "marriage" in each place where it appears, the words, "or civil union".

#### Family Courts Act 1980

(1980 No 61)

Insert in section 16A(4), after paragraph (d), the following paragraph:

"(da) the Civil Union Act 2004:".

#### Privacy Act 1993

(1993 No 28)

In Part 1 of Schedule 2, insert after the item relating to the Chiropractors Act 1982:

#### Civil Union Act 2004

#### section 28

In the second column of Part I of the Second Schedule, add to the list of provisions that are opposite the item for the Births, Deaths, and Marriages Registration Act 1995 the expression "62D".

#### Summary Proceedings Act 1957

(1957 No 87)

In Part II of the First Schedule, insert, in its appropriate alphabetical order:

The Civil Union Act 2004	29	Offence to issue licence or solemnise civil union contrary to Act
	30	Offence to purport to solemnise civil union
	31	Offences in connection with false statements relating to civil unions

Part 2  
Amendments to Regulations

Domestic Violence (Public Registers) Regulations 1998  
(SR 1998/342)

Add to Schedule 1 the following item:

Civil Union Act 2004	section 28
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Family Courts Rules 2002  
(SR 2002/261)

Insert in rule 7, after paragraph (a), the following paragraph:

"(ab) Civil Union Act 2004:".

Insert, in rule 38, after paragraph (a), the following paragraph:

"(ab) Civil Union Act 2004 (see, for example, section 20(2) of that Act):".

Insert, after rule 334:

"334A Application of rules and forms to civil unions  
Rules 335 to 376 and the forms set out in Schedule 6 apply and must be used, with all necessary modifications, in respect of any proceedings under the Family Proceedings Act 1980 that relate to a civil union."