

AS AMENDED IN THE H.O.R.

No. 10 of 2012

Third Session Tenth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Marriage Act, Chap. 45:01

THE MARRIAGE (AMENDMENT) BILL, 2012

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

This Bill would amend the Marriage Act, Chap. 45:01 (“the Act”) *inter alia* to transfer the powers conferred on the President, with respect to the issue of marriage licences, to the Minister (“the Minister”) to whom responsibility for the administration of Legal Affairs is assigned.

Clauses 1 and 2 of the Bill would provide the short title to the Act and the interpretation section, respectively.

Clause 3 of the Bill would amend section 12(c) of the Act by deleting the word “President” and substituting the word “Minister” to enable marriages to be solemnized under the authority of a licence from the Minister instead of the President.

Clause 4 of the Bill would amend section 19 of the Act by deleting the word “President” wherever it occurs and substituting the word “Minister” to enable the Minister, rather than the President, to dispense with the giving of notice and the issue of the certificate of the District Registrar or Marriage Officer and to grant his licence authorizing the solemnization of a marriage.

Clause 5 of the Bill would amend section 20 of the Act in subsection (1), by deleting the word “President” and substituting the word “Minister” and in subsection (2), by deleting the words “President’s authority” and substituting the word “Minister’s authority”. The effect of these amendments would be to enable the Minister, in the case of an intended marriage between a resident party and a non-resident party, to authorize the District Registrar to issue his certificate under section 15 of the Act as if the non-resident party had given notice jointly with the resident party and as if the non-resident party met the residential qualification required under section 13.

Clause 6 of the Bill would amend section 21(1) of the Act by deleting the words “President’s authority” and substituting the words “Minister’s authority” and by deleting the words “President” and “President’s authority” occurring in paragraph (d), respectively.

Clause 7 of the Bill would amend sections 28, 29, 30 and 41 of the Act by deleting the word “President” wherever it occurs and substituting the word “Minister”.

Clause 8 of the Bill would amend the Act by inserting, after section 49, two new sections. The proposed section 50 would grant the Registrar General the power to make an Order amending any of the forms contained in a Schedule to the Act. The proposed section 51 would confer, on the Minister, the power to make an Order delegating any of his powers under the Act to the Registrar General.

Clause 9 of the Bill would amend Schedule G of the Act by deleting the words “President’s Licence” and substituting the words “Minister’s Licence”. Schedule H of the Act would also be amended by deleting the words “President’s authority” and “President” and substituting the words “Minister’s authority” and “Minister”, respectively.

BILL

AN ACT to amend the Marriage Act, Chap. 45:01

[, 2013]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

1. This Act may be cited as the Marriage Short title
(Amendment) Act, 2012.

2. In this Act, “the Act” means the Marriage Act.

Interpretation
Chap. 45:01

Section 12 amended **3.** The Act is amended in section 12(c) by deleting the word “President” and substituting the word “Minister”.

Section 19 amended **4.** The Act is amended in section 19 by deleting the word “President” wherever it occurs and substituting the word “Minister”.

Section 20 amended **5.** The Act is amended in section 20—

(a) in subsection (1)—

(i) by deleting the word “President” in both places where it occurs and substituting the word “Minister”; and

(ii) by deleting the words “President’s authority” and substituting the words “Minister’s authority”; and

(b) in subsection (2), by deleting the words “President’s authority” and substituting the words “Minister’s authority”.

Section 21 amended **6.** The Act is amended in section 21(1)—

(a) by deleting the words “President’s authority” and substituting the words “Minister’s authority”; and

(b) in paragraph (d), by deleting the words “President” and “President’s authority” and substituting the words “Minister” and “Minister’s authority”, respectively.

Sections 28, 29, 30 and 41 amended **7.** The Act is amended in sections 28, 29, 30 and 41 by deleting the word “President” wherever it occurs and substituting the word “Minister”.

New sections 50 and 51 inserted **8.** The Act is amended by inserting, after section 49, the following sections:

“Amendment of the Schedules **50.** The Registrar General may, **subject to the approval of the Minister**, by Order, amend any of the forms contained in the Schedules to this Act or prescribe such new forms as may be required to give effect to this Act.

Delegation
of powers

51. The Minister may by Order delegate to the Registrar General any of his powers under this Act, except this power of delegation or any other power delegated to him under this Act.”.

Orders
made under
sections 50
and 51 to be
laid before
Parliament

52. Any Order made in pursuance of section 50 or 51 shall be laid before Parliament within 30 days after the issue of the same.

9. The Act is amended—

Schedules G and H
amended

(a) in Schedule G, in Form 1, by deleting the words “President’s Licence” and substituting the words “Minister’s Licence”; and

(b) in Schedule H, by deleting the words “President’s Authority” and “President” and substituting the words “Minister’s Authority” and “Minister”, respectively.

Passed in the House of Representatives this day
of , 2013.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of ,
2013.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 10 of 2012

THIRD SESSION
TENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Marriage Act,
Chap. 45:01

Received and read the

First time

Second time

Third time
