

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4,066 of 20th March, 2014

B. 07/14

BILL

FOR

AN ACT to amend the Marriage Act.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Marriage (Amendment) Act 2014 and comes into operation on the day of publication.

Amendments to the Marriage Act.

2. The Marriage Act is amended as follows—

- (a) In section 2, inserting before “place of worship”, ““passenger ship” means any vessel, wherever registered (save in sections 6(c), 13(1), 13(3) and 22(1), in which case it must be registered in Gibraltar), of over one hundred gross tons and carrying more than twelve passengers on a voyage;”;
- (b) in section 6(c), inserting “(including on board a passenger ship registered in Gibraltar)” after “at any place”;
- (c) in section 13(1), inserting “(or on a passenger ship registered in Gibraltar)” after “in Gibraltar”;
- (d) in section 13(3), inserting “(or on a passenger ship registered in Gibraltar)” after “in Gibraltar”;
- (e) in section 22(1), inserting “or, in the case of a marriage following a licence from the Minister responsible for personal

status, at the place (including on a passenger ship registered in Gibraltar) stated in the licence,” after “at the office of the Registrar”;

(f) after section 22(1), inserting the following subsections–

“(1A) Where the marriage is to be contracted in Gibraltar under a licence from the Minister responsible for personal status under section 13, the parties to the proposed marriage shall, before the ceremony takes place, present to the Registrar a statement in the form set out in Schedule 2A or such similar statement as confirms, to the satisfaction of the Registrar, that the parties to the proposed marriage have spent or will spend at least one night in Gibraltar immediately prior to or immediately following the ceremony.

(1B) Where both parties to the marriage to be contracted under a licence from the Minister responsible for personal status under section 13 –

- (a) are passengers or crew on a passenger ship;
- (b) the passenger ship on which they are passengers or crew calls at Gibraltar;
- (c) the parties are to be married ashore in Gibraltar; and
- (d) the parties present to the Registrar a letter or other official document from the passenger ship’s master, purser or other officer or administrator attesting to (a) and (b),

the requirement that the parties have spent or will spend at least one night in Gibraltar immediately prior to or immediately following the ceremony in subsection (1)(A) shall not apply.”;

(g) in section 23, inserting after subsection (3)–

“(4) In the case of a marriage contracted on a passenger ship registered in Gibraltar following a licence from

the Minister responsible for personal status, the Deputy Registrar before whom the marriage was contracted shall enter into a Marriage Register Book to be kept in his custody a statement of the marriage in the prescribed form, signed by the Deputy Registrar, the parties to the marriage and two credible witnesses to the marriage and the Deputy Registrar shall, as soon as reasonably practicable, forward to the Registrar a duplicate of such statement similarly signed and all such statements shall be filed by the Registrar and preserved among the records of his office.

- (5) For the purposes of subsection (4)–
- (a) the Registrar shall issue a Marriage Register Book to the master of each passenger ship registered in Gibraltar;
 - (b) a Marriage Register Book issued shall at all times remain the property of the Government and the Registrar may retake possession, inspect, or otherwise exercise the Government’s ownership of it.”;
- (h) after Schedule 2, inserting the following new Schedule–

“Schedule 2A

Section 22(1A)

The form required to be presented to the Registrar under section 22(1A) before the ceremony can be performed shall be in the following, or substantially similar, terms–

“We (names) confirm that we were/will be in Gibraltar last night/tonight. We understand that if the Registrar is not satisfied with the form of proof of an overnight stay that we have provided then he will not be able to carry out the ceremony. (Date and signature of the parties).”

The forms of proof include the following–

- (a) a hotel bill covering the night before or of the ceremony;
- (b) a hotel booking form confirming that the night of the ceremony is paid for;
- (c) a statement by a resident of Gibraltar, confirming that the parties spent the night before the ceremony or will spend the night of the ceremony as his guest at the relevant address (which must be specified);
- (d) another form of proof that the parties were or will be in Gibraltar on the night before or of the ceremony.”.

EXPLANATORY MEMORANDUM

This Bill amends the Marriage Act so that where a marriage ceremony takes place in Gibraltar pursuant to a special licence issued by the Minister responsible for personal status the parties must spend at least one night in Gibraltar immediately preceding or following the ceremony. However, the Bill provides an exemption from the overnight stay requirement for passenger ship passengers and crew. The Bill also permits a marriage ceremony pursuant to a special licence to take place on board passenger ships registered in Gibraltar.

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