



Compendium of International and National Legal Frameworks on Child Marriage

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Volume VI of VI



COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON
CHILD MARRIAGE

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LEGAL FRAMEWORKS ON CHILD MARRIAGE**

Volume VI of VI

JUNE 2022

THE WORLD BANK GROUP

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Woman in doorway. India. © Photo: World Bank / Curt Carnemark.

This compendium – developed in the framework of the Empowering Women by Balancing the Law (EWBL) initiative of the Legal Vice Presidency of the World Bank – is a working document intended as reference tool for anyone interested in the topic of child marriage (development practitioners, lawyers, community leaders, academics, researchers, students, etc.). It does not constitute an exhaustive treatment of the legal framework on child marriage and may be updated from time to time.

COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON
CHILD MARRIAGE

Volume VI of VI

**This Compendium on Child Marriage is divided in VI volumes.
Each volume should be observed as part of the whole.**

ACKNOWLEDGMENTS

The initial idea for this compendium came out in 2016 of a collaboration between the Legal Vice Presidency and the Education Global Practice at the World Bank on the role of law to end child marriage. The discussions took place within the context of a global study being conducted by the World Bank and the International Center for Research on Women on the economic and social costs of child marriage with funding from the Bill and Melinda Gates Foundation and the Children Investment Fund Foundation, as well as additional support from the Global Partnership for Education under a grant for work on out of school children.

In 2022, the Empowering Women by Balancing the Law (EWBL) initiative of the Legal Vice Presidency of the World Bank decided to update and upgrade the first edition of the Compendium. The EWBL aims to advance gender equality through substantive legal contributions to promote gender inclusivity in the law. It is rooted in the conviction that gender equality and equity under the law are preconditions for enabling women's full participation in society and for countries to achieve tangible development outcomes. However, to date, billions of women and girls worldwide face systemic barriers due to outdated and discriminatory laws that hinder their rights and opportunities.

We wish to thank the following organizations and individuals for their outstanding contribution, assistance, and guidance on this project.

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FOREWORD

Millions of women around the world continue to experience violence because of their gender. Gender-based violence (GBV) is a pandemic that is often intractable and knows no boundaries.

The United Nations Declaration on the Elimination of Violence Against Women states that “violence against women is a manifestation of historically unequal power relations between men and women” and that it is “one of the most crucial social mechanisms by which women are forced into a subordinate position compared with men”. This violence comes in many forms and includes child marriage, female genital mutilation, intimate partner violence, sexual violence during conflict, and sexual harassment among others.

The marriage of children, which affects girls overwhelmingly, is widely recognized in international and regional agreements as an extreme violation of a number of fundamental human rights. It is directly addressed as a development issue by the international community within UN Sustainable Development Goal (SDG) 5.3 “to eradicate all harmful practices such as early and forced marriage and female genital mutilation”. UNICEF estimates that 25 million child marriages have been prevented over the last decades thanks to multisectoral efforts. Still, today, 21% of girls are married before their 18th birthday—that is 1 in 5 girls in the world—and UNICEF estimates that at the current rate of efforts, more than 110 million girls will be married during their childhood before 2030.

Child marriage affects not only millions of women and girls in the world directly, but the practice also drastically impacts the development of entire societies. Child marriage is correlated with other forms of GBV such as female genital mutilation and sexual abuse, lower rates of school participation and educational achievement for girls, weaker health outcomes, higher incidence of domestic violence, lower rates of female labor force participation, higher rates of poverty and wider gaps of inequalities.

This Compendium has been developed with the conviction that for economies to reach peaceful, just and inclusive societies, they must accelerate action towards enacting and promoting enforcement of gender equality legislation, including the prohibition of child marriage. The law can be an extremely effective empowerment tool: it condemns practices that are no longer tolerated in society and protects the rights of those who in the absence of the law would otherwise be victims of intersectional forms of discrimination. For justice and the rule of law to work, better knowledge of the law, better promotion of the law and better law enforcement are crucial.

We hope that this Compendium can participate in the protection of women and girls’ fundamental rights and the promotion of strong, peaceful, and just societies, as well as to the achievement of our mission to end poverty and promote shared prosperity.

June 15, 2022

J. Clifford Frazier
Interim Senior Vice President and Group General Counsel

DISCLAIMERS AND LIMITATIONS

This Compendium is based on information on international and regional instrument on child marriage as well as domestic law, regulation, and policy as they relate to child marriage and as available online, offline, or both, based on information collected from research conducted, verified, and updated up to June 2022. Because this Compendium is carried out primarily based on information publicly available online, it has more than several hundred URLs and links to publicly available laws, regulations, and electronically published documents. Links to international and regional treaties, agreements, conventions, and other documents are hyperlinked in the title of said treaty, agreement, convention or other document. Similarly, links to national legislations are hyperlinked in the title of said legislation. All referenced URLs and links were checked at the time when they were inserted into the footnotes or in the hyperlinks. There is no guarantee as to their future accessibility. There is also no guarantee as to the continued accuracy of any information included in this Compendium after the last date on which it was verified. The findings, interpretations, and conclusions expressed in this work do not necessarily reflect the views of The World Bank.

This Compendium is limited to 194 countries (54 countries in Africa; 44 countries in Asia; 14 countries in Oceania; 23 countries in North and Central America ; 12 countries in South America ; 47 countries in Europe).

"I'll Marry When I Want."

I'll marry when I want.

My mother can't force me to marry.

My father cannot force me to marry.

My uncle, my aunt, my brother or sister, cannot force me to marry.

No one in the world can force me to marry.

I'll marry when I want.

Even if you beat me, even if you chase me away, even if you do anything bad to me, I'll marry when I want.

I'll marry when I want, but not before I am well educated, and not before I am all grown up.

I'll marry when I want.

Eileen Piri, 13 years old, Malawi¹

¹ Extracted from TED Talk of Memory Banda, Memory Banda, A warrior's cry against child marriage, July 2 2015 available at http://www.ted.com/talks/memory_banda_a_warrior_s_cry_against_child_marriage/transcript

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OCEANIA

AUSTRALIA

Marriage Act, 1961 (as amended)

5 Interpretation

(1) In this Act, unless the contrary intention appears:

[...]

marriage means the union of 2 people to the exclusion of all others, voluntarily entered into for life. [...]

minor means a person who has not attained the age of 18 years. [...]

8 Extension of Act to Territories etc.

(1) The whole of this Act extends to the following Territories:

- (a) Norfolk Island;
- (b) the Territory of Christmas Island;
- (c) the Territory of Cocos (Keeling) Islands. [...]

Part II—Marriageable age and marriages of minors

10 Application of Part

[...]

(2) Sections 11 and 12 and, so far as they have application in relation to those sections, sections 18 and 19 apply in relation to:

- (a) marriages to which Division 3 of Part IV applies; and
- (b) the marriage of a person domiciled in Australia, wherever that marriage takes place.

11 Marriageable age

Subject to section 12, a person is of marriageable age if the person has attained the age of 18 years.

12 Authorisation of marriage of person under age of 18 years in exceptional circumstances

(1) A person who has attained the age of 16 years but has not attained the age of 18 years may apply to a Judge or magistrate in a State or Territory for an order authorising him or her to marry a particular person of marriageable age despite the fact that the applicant has not attained the age of 18 years.

(2) The Judge or magistrate shall, subject to subsection (4), hold an inquiry into the relevant facts and circumstances and, if satisfied that:

- (a) the applicant has attained the age of 16 years; and
- (b) the circumstances of the case are so exceptional and unusual as to justify the making of the order; the Judge or magistrate may, in his or her discretion, make the order sought, but otherwise the Judge or magistrate shall refuse the application.

(3) Subject to subsection (5), where a Judge or a magistrate has made such an order, the person on whose application the order was made is, in relation to his or her marriage to the other person specified in the order, but not otherwise, of marriageable age.

(4) Where a Judge or a magistrate to whom an application is made under this section is satisfied that the matter could more properly be dealt with by a Judge or a magistrate sitting at a place nearer the place where the applicant ordinarily resides, the Judge or magistrate may, in his or her discretion, refuse to proceed with the hearing of the application, but such a refusal shall not, for the purposes of section 19, be deemed to be a refusal of the application.

(5) Where an order is made under this section and the marriage to which the order relates does not take place within 3 months after the date of the order, the order ceases to have effect.

13 Marriage of minor not to be solemnised without consent of parents etc.

(1) Subject to this Part, where a party to an intended marriage, not having previously been married, is a minor, the marriage shall not be solemnised unless there is produced to the person by whom or in whose presence the marriage is solemnised:

(a) in respect of each person whose consent is required by this Act to the marriage of the minor, not being a person to whom paragraph (b) is applicable:

(i) the consent in writing of that person, duly witnessed and dated not earlier than 3 months before the date on which the marriage is solemnised or, in such cases as are prescribed, such other evidence that the consent of that person to the intended marriage has been given not earlier than that time as the regulations declare to be sufficient for the purposes of this section; or

(ii) an effective consent in writing of a magistrate or a Judge under this Part in place of the consent of that person; and

(b) in respect of any person whose consent to the marriage of the minor has been dispensed with by a prescribed authority—the dispensation in writing signed by the prescribed authority.

[...]

(4) A person shall not solemnise a marriage if the person has reason to believe that:

(a) a person whose consent in writing to the marriage of one of the parties is or has been produced for the purposes of this section has revoked his or her consent;

(b) the signature of a person to a consent produced for the purposes of this section is forged or has been obtained by fraud;

(c) a consent produced for the purposes of this section has been altered in a material particular without authority; or

(d) a dispensation with the consent of a person that has been produced in relation to the marriage has ceased to have effect.

14 Persons whose consent is required to the marriage of a minor

Before a minor may marry, consent is required from the persons specified in Schedule 1 to this Act in relation to the minor.

15 Prescribed authority may dispense with consent in certain cases

(1) Subject to this section, a prescribed authority may, upon application in writing by a minor, dispense with the consent of a person to a proposed marriage of the minor where the prescribed authority:

(a) is satisfied that it is impracticable, or that it is impracticable without delay that would, in all the circumstances of the case, be unreasonable, to ascertain the views of that person with respect to the proposed marriage;

(b) has no reason to believe that that person would refuse his or her consent to the proposed marriage; and

(c) has no reason to believe that facts may exist by reason of which it could reasonably be considered improper that the consent should be dispensed with.

(2) An application under this section shall be supported by a statutory declaration by the applicant setting out the facts and circumstances on which the application is based and may be supported by the statutory declaration of some other person.

[...]

(4) This section does not authorise a prescribed authority to dispense with the consent of a person to a marriage of a minor where any other person whose consent to the marriage is required by this Act has refused to give consent, unless a magistrate or a Judge has, in pursuance of this Part, given consent in place of the consent of that other person.[...]

16 Consent by magistrate where parent etc. refuses consent etc.

(1) Where, in relation to a proposed marriage of a minor:

(a) a person whose consent to the marriage is required by this Act refuses to consent to the marriage; or

(b) an application by the minor under section 15 to dispense with the consent of a person to the marriage is refused;

the minor may apply to a Judge or magistrate for the consent of a Judge or the magistrate to the marriage in place of the consent of that person.

(2) The Judge or magistrate shall, subject to subsections (2A) and (3), hold an inquiry into the relevant facts and circumstances and, if satisfied:

(a) in a case to which paragraph (1)(a) applies—that the person who has refused to consent to the marriage has refused consent unreasonably; or

(b) in a case to which paragraph (1)(b) applies—that, having proper regard for the welfare of the minor, it would be unreasonable for the Judge or magistrate to refuse consent to the proposed marriage; may give consent to the marriage in place of the consent of the person in relation to whose consent the application is made.

(2A) A Judge or magistrate shall not proceed with an inquiry in accordance with subsection (2) unless:

(a) there has been produced to the Judge or magistrate a certificate signed by a family counsellor certifying that the applicant has received counselling from the family counsellor in relation to the proposed marriage; or

(b) the Judge or magistrate is satisfied that counselling by a family counsellor is not reasonably available to the applicant.

[...]

(5) Where a Judge or magistrate gives consent to the marriage of a minor in place of the consent of a person who has refused to consent to the marriage, the Judge or magistrate may also, upon application by the minor, give consent in place of the consent of any other person if the Judge or magistrate is satisfied that it is impracticable, or that it is impracticable without delay that would, in all the circumstances of the case, be unreasonable, to ascertain the views of that person with respect to the proposed marriage. [...]

19 Restriction on applications under sections 12, 15 and 16

(1) Where, in relation to a proposed marriage of a minor to a particular person:

(a) an application under section 15 has been refused by a prescribed authority;

(b) an application under section 16 has been refused by a magistrate or a Judge; or

(c) an application under section 12 has been refused by a magistrate or a Judge;

a further application under the same section by the same person in relation to the proposed marriage shall not be considered by any prescribed authority, magistrate or Judge within 6 months after the refusal of the application, unless the applicant satisfies the prescribed authority, magistrate or Judge to

whom the further application is made that there has been a substantial change in the relevant facts or circumstances since the refusal of the former application. [...]

20 Effect of consent of magistrate or Judge

Subject to section 21, where a magistrate or a Judge gives his or her consent to the marriage of a minor in place of the consent of another person, his or her consent operates, for the purposes of this Act, as the consent of that other person.

21 Consent by magistrate or Judge and dispensation with consent to be ineffective after 3 months etc.

(1) A consent to a marriage given by a magistrate or a Judge in place of the consent of another person ceases to have effect if the marriage does not take place within 3 months after the date of the consent.

(2) A dispensation with the consent of a person to a marriage ceases to have effect if:

(a) the marriage does not take place within 3 months after the date of the dispensation; or
(b) before the marriage takes place, the person whose consent has been dispensed with notifies, by writing signed by the person or in any other prescribed manner, the person to whom notice of the intended marriage has been given under this Act or, in the case of an intended marriage under Division 3 of Part V, the authorised celebrant by whom or in whose presence the marriage is intended to be solemnised, that the first-mentioned person does not consent to the marriage.

(3) Where a consent by a magistrate or a Judge or a dispensation with the consent of a person by a prescribed authority has ceased to have effect, the provisions of this Act apply as if the consent had not been given or dispensed with, as the case may be.

Part III—Void marriages

Division 1—Marriages solemnised on or after 20 June 1977 and before the commencement of section 13 of the Marriage Amendment Act 1985

22 Division to be subject to application of private international law

Subject to section 10, Part V, section 56 and any regulations made in accordance with paragraph 120(f), this Division has effect subject to the common law rules of private international law.

23 Grounds on which marriages are void

(1) A marriage that took place on or after 20 June 1977 and before the commencement of section 13 of the *Marriage Amendment Act 1985* is void where:

[...]

(d) the consent of either of the parties was not a real consent because:

(i) it was obtained by duress or fraud; [...]

(e) either of the parties was not of marriageable age;

and not otherwise. [...]

Part VII—Offences [...]

95 Marrying person not of marriageable age etc.

(1) A person shall not go through a form or ceremony of marriage with a person who is not of marriageable age.

Penalty: Imprisonment for 5 years.

(1A) For the purposes of an offence against subsection (1), strict liability applies to the physical element of circumstance, that the person is not of marriageable age.

(2) A person shall not go through a form or ceremony of marriage with a person (in this subsection referred to as ***the other party to the marriage***) who is a minor unless:

(a) the other party to the marriage has previously been married; or

(b) the written consent of the person, or of each of the persons, whose consent to the marriage of the other party to the marriage is required by this Act, has been given or dispensed with in accordance with this Act.

Penalty: Imprisonment for 6 months or 5 penalty units.

(2A) For the purposes of an offence against subsection (2), strict liability applies to the physical element of circumstance, that the other party to the marriage is a minor.

Note: For **strict liability**, see section 6.1 of the *Criminal Code*.

(3) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that he or she believed on reasonable grounds that the person with whom he or she went through the form or ceremony of marriage was of marriageable age.

(3A) To avoid doubt, section 9.2 of the *Criminal Code* (mistake of fact) does not apply in relation to the matters mentioned in subsection (3).

(4) It is a defence to a prosecution for an offence against subsection (2) if the defendant proves that he or she believed on reasonable grounds:

(a) that the person with whom he or she went through the form or ceremony of marriage had attained the age of 18 years or had previously been married; or

(b) that the consent of the person, or of each of the persons, referred to in paragraph (2)(b) had been given or dispensed with in accordance with this Act.

(5) To avoid doubt, section 9.2 of the *Criminal Code* (mistake of fact) does not apply in relation to the matters mentioned in subsection (4).

98 Contravention of subsection 13(3)

A person shall not subscribe his or her name as a witness to the signature of a person to a consent to the marriage of a minor in contravention of subsection 13(3).

Penalty: Imprisonment for 6 months or 5 penalty units. [...]

[Marriage Regulations, 2017](#)

Part 2—Marriage of minors

Division 1—Authorisation of marriage of minor

7 Application for authorisation of marriage of minor

An application to a Judge or magistrate under subsection 12(1) of the Act must:

- (a) be in writing and be lodged with the Judge or magistrate; and
- (b) unless it is impracticable to obtain the applicant's birth certificate—be accompanied by the applicant's birth certificate; and
- (c) if consent to the proposed marriage of the applicant has been given by, or in place, of a person whose consent to the proposed marriage is required by the Act—be accompanied by the consent; and
- (d) if that consent is written in a language other than English—be accompanied by a translation of the consent into English that complies with section 11; and
- (e) if a dispensation has been given in relation to the proposed marriage of the applicant under subsection 15(1) of the Act—be accompanied by the dispensation; [...]

8 Order authorising marriage

(1) This section applies in relation to a marriage if one of the parties to the marriage is a minor.

(2) The minor must give the person solemnising the marriage an order made under section 12 of the Act for the minor in relation to the marriage.

(3) The person must not solemnise the marriage unless the person is given the order.

(4) If the person solemnising the marriage is a chaplain, the person must forward the order to the Registrar-General under the *Registrar-General Act 1993* (ACT) after the marriage is solemnised.

Note: Authorised celebrants are required to forward orders made under section 12 of the Act to the appropriate registering authority for a marriage: see subparagraph 50(4)(a)(i) of the Act.

Division 2—Consent to marriage of minor

9 Consent of parent etc. to marriage of minor

(1) A consent in relation to an intended marriage for the purposes of subparagraph 13(1)(a)(i) of the Act must:

- (a) identify the person giving the consent; and
- (b) identify the parties to the intended marriage; and
- (c) indicate the capacity in which the person's consent is required.

Note 1: For example, a consent can identify a person by stating the person's full name and address.

Note 2: For the persons whose consent is required to the marriage of a minor, see section 14 of the Act.

(2) If, under subparagraph 13(1)(a)(i) of the Act, a document is produced to a person (the **celebrant**) solemnising a marriage of a minor as the consent of a person to the marriage, the celebrant must write on the document the manner in which the celebrant satisfied himself or herself that the person is a person whose consent to the marriage is required by the Act.

(3) Subsection (2) does not apply if the consent of both parents of the minor is produced to the celebrant.

(4) To avoid doubt, this section does not apply in relation to the consent of a Judge or magistrate given under Part II of the Act.

Note: A consent must be forwarded to the appropriate registering authority for a marriage etc.: see subparagraph 50(4)(a)(i) and paragraph 80(4)(b) of the Act.

10 Consent not in English

If a consent to the intended marriage of a minor produced to the person solemnising the marriage is written in a language other than English, the person must, before solemnising the marriage, attach to the consent a translation of the consent into English that complies with section 11.

Note: As the translation is attached to the consent, it will be forwarded with the consent to the appropriate registering authority for a marriage etc.: see subparagraph 50(4)(a)(i) and paragraph 80(4)(b) of the Act.

[...]

Division 3—Dispensing with consent to marriage of minor

12 Application to dispense with consent

An application under section 15 of the Act to dispense with the consent of a person to a proposed marriage of a minor must be accompanied by:

- (a) unless it is impracticable to obtain the minor's birth certificate—the minor's birth certificate; and
- (b) if consent to the proposed marriage has been given by, or in place of, any other person whose consent to the marriage is required by the Act—that consent; and
- (c) if that consent is written in a language other than English—a translation of the consent into English that complies with section 11.

13 Notice of dispensation or refusal to dispense with consent

(1) If a prescribed authority dispenses with the consent of a person to a proposed marriage of a minor under section 15 of the Act, the prescribed authority must:

- (a) give the minor the dispensation in writing; and
- (b) return any documents that accompanied the application in accordance with section 12.

(2) If a prescribed authority refuses an application to dispense with the consent of a person to a proposed marriage of a minor under section 15 of the Act, the prescribed authority must, within 14 days after the refusal:

- (a) give the minor written notice of the refusal and the reasons for the refusal; and
- (b) return any documents that accompanied the application in accordance with section 12.

Division 4—Consent by Judge or magistrate in place of parent etc.

14 Consent by Judge or magistrate to marriage of minor

(1) An application under subsection 16(1) of the Act for the consent of a Judge or magistrate to a proposed marriage of a minor in place of the consent of a person must:

- (a) be in writing and be lodged with the Judge or magistrate; and
- (b) unless it is impracticable to obtain the minor's birth certificate—be accompanied by the minor's birth certificate; and
- (c) if a prescribed authority has refused under section 15 of the Act to dispense with the consent of the person to the proposed marriage—be accompanied by the notice given under paragraph 13(2)(a); and
- (d) if consent to the proposed marriage has been given by, or in place of, any other person whose consent to the proposed marriage is required by the Act—be accompanied by the consent; and
- (e) if that consent is written in a language other than English—be accompanied by a translation of the consent into English that complies with section 11; and
- (f) if an application under section 16 of the Act, or a request under section 17 of the Act, was previously made in relation to the proposed marriage of the minor (other than an application or request that was withdrawn)—state:
 - (i) the name of the Judge or magistrate who made the decision on the previous application or request; and
 - (ii) the date and details of the decision.

[...]

(4) The consent of a Judge or magistrate given under subsection 16(1) or (5) of the Act must be in writing.

15 Re-hearing of application for consent to marriage of a minor

(1) The prescribed time for a request under subsection 17(1) of the Act is 14 days after the day the application to which the request relates was granted or refused.

(2) An application under subsection 16(5) of the Act (as it applies because of subsection 17(2) of the Act) may be joined with a request under subsection 17(1) of the Act.

(3) A request under subsection 17(1) of the Act for a Judge to re-hear an application for consent to a proposed marriage of a minor in place of the consent of a person must:

- (a) be in writing and be lodged with the Judge; and
- (b) unless it is impracticable to obtain the minor's birth certificate—be accompanied by the minor's birth certificate; and
- (c) if the request is made by the minor and consent to the proposed marriage has been given by, or in place of, any other person whose consent to the proposed marriage is required by the Act—be accompanied by that consent; and
- (d) if that consent is written in a language other than English—be accompanied by a translation of the consent into English that complies with section 11; and
- (e) be accompanied by a copy of the application, including any documents required by section 14 to accompany the application.

16 Notice of request to be served on magistrate

(1) If a person requests under subsection 17(1) of the Act that an application made to a magistrate be re-heard, the person must give a copy of the request to the magistrate within 7 days after the request is lodged in accordance with subsection 15(3).

(2) If a magistrate is given a copy of a request under subsection 17(1) of the Act that an application made to the magistrate be re-heard by a Judge, the magistrate must cause the documents relating to the inquiry to which the request relates (including any transcript of the evidence given at the inquiry) to be forwarded to the Judge. [...]

[Criminal Code Act, 1995 \(as amended\)](#)

270.7A Definition of *forced marriage*

(1) A marriage is a ***forced marriage*** if one party to the marriage (the ***victim***) entered into the marriage without freely and fully consenting:

(a) because of the use of coercion, threat or deception; or

(b) because the party was incapable of understanding the nature and effect of the marriage ceremony.

(2) For the purposes of subsection (1), ***marriage*** includes the following:

(a) a registered relationship within the meaning of section 2E of the *Acts Interpretation Act 1901*;

(b) a marriage recognised under a law of a foreign country;

(c) a relationship registered (however that process is described) under a law of a foreign country, if the relationship is of the same, or a similar, type as any registered relationship within the meaning of section 2E of the *Acts Interpretation Act 1901*;

(d) a marriage (including a relationship or marriage mentioned in paragraph (a), (b) or (c)) that is void, invalid, or not recognised by law, for any reason, including the following:

(i) a party to the marriage has not freely or fully consented to the marriage (for example, because of natural, induced or age-related incapacity);

(ii) a party to the marriage is married (within the meaning of this subsection) to more than one person.

Note: Section 2E of the *Acts Interpretation Act 1901* covers relationships registered under a law of a State or Territory that are prescribed by regulations under that Act.

(3) Paragraph (1)(a) applies whether the coercion, threat or deception is used against the victim or another person.

(4) For the purposes of proving an offence against this Division or Division 271, a person under 16 years of age is presumed, unless the contrary is proved, to be incapable of understanding the nature and effect of a marriage ceremony.

Note: A defendant bears a legal burden in relation to proving the contrary (see section 13.4).

270.7B Forced marriage offences

Causing a person to enter into a forced marriage

(1) A person (the ***first person***) commits an offence if:

(a) the first person engages in conduct; and

(b) the conduct causes another person to enter into a forced marriage as the victim of the marriage.

Penalty:

(a) in the case of an aggravated offence (see section 270.8)—imprisonment for 9 years; or

(b) in any other case—imprisonment for 7 years.

Being a party to a forced marriage

- (2) A person commits an offence if:
- (a) the person is a party to a marriage (within the meaning of section 270.7A); and
 - (b) the marriage is a forced marriage; and
 - (c) the person is not a victim of the forced marriage.
- Penalty:
- (a) in the case of an aggravated offence (see section 270.8)—imprisonment for 9 years; or
 - (b) in any other case—imprisonment for 7 years.
- (3) Strict liability applies to paragraph (2)(c).
- Note: For strict liability, see section 6.1.
- (4) Subsection (2) does not apply if the person has a reasonable excuse.
- Note: A defendant bears an evidential burden in relation to the matter in subsection (4) (see subsection 13.3(3)).

FIJI

Constitution, 2013

Rights of children 41.

(1) Every child has the right—

[...]

(d) to be protected from abuse, neglect, harmful cultural practices, any form of violence, inhumane treatment and punishment, and hazardous or exploitative labour; [...]

(2) The best interests of a child are the primary consideration in every matter concerning the child.

Marriage Act (Amendment) Decree, 2009

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 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.”

[Marriage Act, 1978](#)

Marriageable age

12. Any person may contract a valid marriage under the provisions of this Act if such person is, in the case of a male, of the age of eighteen years or upwards, or, in the case of a female, of the age of sixteen years or upwards.

Consent in case of minors

13. (1) If either of the parties to a proposed marriage is under the age of twenty-one years, such marriage shall not be performed without the prior consent of-

(a) the father of such party; or
(b) in the event of the father being dead or out of Fiji, the mother of such party; or
(c) in the event of neither of the parents being alive or in Fiji, or if the father or the mother, as the case may be, refuses or withholds such consent or is from any other cause incapable or unable to give such consent, a Commissioner or a magistrate.

(2) Any applications under the provisions of paragraph (c) of subsection (1) shall be made on the prescribed form to a Commissioner or magistrate who shall make inquiry on oath as to the facts and circumstances of the case and, if the Commissioner or magistrate is satisfied that there is no parent alive or in Fiji or that the parent whose consent would otherwise be required has refused such consent unreasonably or is incapable or unable to give such consent, he may give the required consent in the manner prescribed.

(3) Where a Commissioner or a magistrate gives his consent to the marriage of a minor, such consent shall operate for the purposes of this Act, as the consent of the parent whose consent would otherwise have been required.

(4) For the purposes of this section "father" in relation to an illegitimate child, means the person who, in connection with the registration of such child, has acknowledged paternity. [...]

[Family Law Act, 2003](#)

Interpretation

2.-(1) In this Act, unless the contrary intention appears- [...]

“child” means a person who is under the age of 18 years; [...]

Nullity of marriage

32.-(1) An application under this Act for an order of nullity of marriage must be based on the ground that the marriage is void.

(2) A marriage that takes place after the commencement of this Act is void if- [...]

d) the consent thereto of either of the parties is not a real consent because-

(i) it was obtained by duress or fraud;

- (ii) that party is mistaken as to the identity of the other party or as to the nature of the ceremony performed; or that party is mentally incapable of understanding the nature and effect of the marriage ceremony; or
- (e) either of the parties is not of marriageable age, and not otherwise.

KIRIBATI

[Marriage Amendment Act, 2002](#)

Amendment of section 5

2. Section 5 of the [Marriage Ordinance](#) (Cap. 54) (hereinafter referred to as "the principal Ordinance") is amended by repealing "16" and substituting "18".

Amendment of section 7

3. Section 7 of the principal Ordinance is amended in subsection (1) by repealing the whole of subsection (1) and substituting it as follows –

"7. (1) When either party to an intended marriage, not being a widower or widow is under 21 years of age, the written consent of both the father and mother, or if any one of them is dead or of unsound mind or absent from Kiribati, of the other, or if both are dead or of unsound mind or absent from Kiribati, of the guardian of such party, shall be required:

Provided, however, that –

- (a) when such party has no father, mother or guardian, the Registrar-General may, if satisfied after due inquiry that the intended marriage is a proper one, dispense with such consent;
- (b) when the person whose consent is required refuses his consent, the Registrar-General may, if satisfied after due inquiry that the refusal is perverse and that it is in the best interests of the party requiring the consent that the intended marriage should take place, dispense with such consent."

[Marriage Ordinance, 1997](#)

Marriage of persons under 16

5. A marriage solemnised between persons either of whom is under the age of 16 shall be void.

Marriage of persons under 21

7. (1) When either party to an intended marriage, not being a widower or a widow, is under 21 years of age, the written consent of the father, or if he be dead or of unsound mind or absent from the district, of the mother, or if both be dead or of unsound mind or absent from the district, of the guardian of such party, shall be required:

Provided, however, that-

- (a) when such party has no father, mother or guardian, the Registrar-General may, if satisfied after due inquiry that the intended marriage is a proper one, dispense with such consent;
- (b) when the person whose consent is required refuses his consent, the Registrar-General may, if satisfied after due inquiry that the refusal is perverse and that it is in the best interests of the party requiring the consent that the intended marriage should take place, dispense with such consent.

(2) If the person required to signify his consent is illiterate, he shall sign his consent by placing his mark thereto after it has been read over and explained to him by a magistrate or a marriage officer who shall attest the same.

[...]

Objections to marriage

12. (1) At any time after notice of an intended marriage has been given but before the issue of the certificate for marriage, any person, whose consent to the marriage is hereby required or who may know of any just cause why the marriage should not take place, may give notice, either orally or in writing, to the registrar of the district where notice of marriage has been given, stating the reasons why he objects to the marriage. [...]

(4) If, on investigation, the objection is found to be valid, an entry to that effect shall be made in the Marriage Notice Book and the certificate for marriage shall not be issued: [...]

Offences relating to issue of certificates for marriage

28. If a registrar knowingly and wilfully-

(a) issues a certificate for marriage before the expiration of 21 days from the day on which notice of marriage was entered in the marriage notice book;

(b) issues a certificate for marriage after the expiration of 3 months from the said day;

(c) issues a certificate for marriage the issue of which has been forbidden under section 12; he shall be liable to a fine of \$500 or to imprisonment for 1 year.

MARSHALL ISLANDS

[Births, Deaths and Marriage Registration \(Amendment\) Act, 2016](#)

A BILL FOR AN ACT to amend Section 428 of the Births, Deaths and Marriage Registration Act 1988 (26 MIRC, Chapter 4) in order to raise the legal age for marriage of girls from 16 to 18.

[...]

§2. Amendment

Section 428 shall be amended by revising the existing language as follows:

§428. Requisites of a marriage.

In order to contract a valid marriage it shall be necessary:

(a) that the male at the time of contracting the marriage be not less eighteen (18) years of age and the female be not less than eighteen (18) years of age; [..]

(c) that where either of the parties were married earlier, the former spouse of that party has died, or the prior marriage of that party was annulled or dissolved by a court of competent jurisdiction.

[sub-sections b, bc and cd abrogated].

MICRONESIA

[Code of the State of Pohnpei \(Federal States of Micronesia\)](#)

Title 51, Ch. 1, 1-106

1-106. Age of majority.

All persons, whether male or female, residing in the state of Pohnpei, who shall have attained the age of 18 years shall be regarded as of legal age and their period of minority to have ceased.

Title 51, Ch. 2, 2-101

2-101. Two noncitizens or noncitizen and FSM citizen: requisites of marriage contract.

In order to make valid the marriage contract between two noncitizens or between a noncitizen and a citizen of the Federated States of Micronesia, hereinafter referred to as the “FSM,” it shall be necessary that:

(1) The male at the time of contracting the marriage be at least 18 years of age and the female at least 16 years of age, and if the female is less than 18 years of age, she must have the consent of at least one of her parents or her guardian;

[...]

Title 51, Ch. 3, 3-104

3-104. Annulment: grounds.

A decree annulling a marriage may be rendered on any ground existing at the time of the marriage that makes the marriage illegal and void or voidable. A court may, however, refuse to annul a marriage that has been ratified and confirmed by voluntary cohabitation after the obstacle to the validity of the marriage has ceased, unless the public interest requires that the marriage be annulled.

§3-105. Annulment: residency requirement.

No annulment shall be granted unless one of the parties shall have resided in Pohnpei for the three months immediately preceding the filing of the complaint.

NAURU

[Births, Deaths and Marriages Registration Act, 2017](#)

Part 6, Ch. 50 (1) and (2)

(1) The marriageable age of a person under this Act shall be at least 18 years.

(2) No person shall solemnize a marriage of a person who has not attained the age of at least 18 years.

[Matrimonial Causes Act, 1973](#)

Part 3, Ch. 22

A marriage is voidable if:

[...]

(d) either party who was at the time of the marriage domiciled or resident in the Republic was, at that time, under the age of 16 years;

[...]

Part 3, Chap. 23

(1) A marriage shall not be annulled: [...]

(d) on the ground referred to Section 22(d):

[...]

(i) if the marriage took place before the commencement of this Act;

(ii) upon the petition of a party thereto who was of, or over, the age of 16 years at the time of the marriage; or

(iii) if the petition is not presented until after the petitioner’s 18th birthday.

[...]

NEW ZEALAND

Marriage Act, 1955 (as amended)

3 Application of Act

(1) The provisions of this Act, so far as they relate to capacity to marry, shall apply to the marriage of any person domiciled in New Zealand at the time of the marriage, whether the marriage is solemnised in New Zealand or elsewhere.

(2) The provisions of this Act, so far as they relate to the formalities of marriage, including [section 18](#) (marriage of persons 16 and 17 years of age), apply to any marriage solemnised in New Zealand, and to any marriage solemnised under [section 44](#), whether or not either of the parties to any such marriage is at the time of the marriage domiciled in New Zealand.

17 Marriage of persons under 16 years of age

(1) A marriage licence shall not be issued by any Registrar and no marriage shall be solemnised by any Registrar or marriage celebrant if either of the persons intending marriage is under the age of 16 years on the date of the notice of the intended marriage given under [section 23](#).

18 Marriage of persons 16 and 17 years of age

(1) This section applies if, on the date on which notice of an intended marriage is given under [section 23](#),—

(a) either party to the intended marriage is aged 16 or 17 years; or

(b) both parties to the intended marriage are aged 16 or 17 years.

(2) If this section applies, a Registrar must not issue a marriage licence authorising the intended marriage, or solemnise the marriage, unless a Family Court Judge has, under this section, consented to the intended marriage.

(3) A party to an intended marriage who is aged 16 or 17 years must apply to the Family Court for a Family Court Judge's consent to the intended marriage, and a joint application may be made if both parties to the intended marriage are aged 16 or 17 years.

(4) A Family Court Judge may, on receipt of an application made under subsection (3), consent to the intended marriage only if the Judge is satisfied that, for each party to the intended marriage aged 16 or 17 years,—

(a) the party has made the application voluntarily, free of undue influence or coercion; and

(b) the party understands the consequences of the application and wants the Judge to consent to the intended marriage; and

(c) the intended marriage is in the party's interests.

(5) In determining whether the intended marriage is in a party's interests, the matters the Judge must take into account include, without limitation,—

(a) the age and maturity of the party; and

(b) the party's views; and

(c) any views of the party's parents and guardians that can reasonably be ascertained; and

(d) any other information available to the court relevant to the party's application.

19 Court may appoint lawyers in proceedings under section 18

(1) In any proceedings under [section 18](#), the Family Court Judge may appoint a lawyer to represent the applicant if the Judge is satisfied that the appointment is necessary or desirable.

(2) In any proceedings under [section 18](#), the Family Court Judge may (whether or not an appointment is made under subsection (1))—

- (a) appoint a lawyer to assist the court; or
- (b) direct a Registrar of the court to appoint a lawyer to assist the court. [...]

20 Judge may obtain cultural report

- (1) In any proceedings under [section 18](#), the Family Court Judge may obtain a written cultural report by—
 - (a) requesting a person whom the Judge considers qualified for the purpose to prepare one; or
 - (b) directing the Registrar to request a person whom the Registrar considers qualified for the purpose to prepare one.
- (2) The court may act under subsection (1) only if satisfied that—
 - (a) the information that the report will provide is essential for determining the application; and
 - (b) the report is the best source of the information, having regard to the quality, timeliness, and cost of other sources; and
 - (c) the proceedings will not be unduly delayed by the time taken to prepare the report; and
 - (d) any delay in the proceedings will not have an unacceptable effect on the applicant. [...]

21 When marriage is or may be declared void

The grounds on which a marriage is void *ab initio* are set out in [section 31](#) of the Family Proceedings Act 1980.

58 Offence to solemnise marriage contrary to provisions of this Act

Every Registrar who knowingly and wilfully issues any marriage licence or solemnises any marriage contrary to the provisions of this Act, or where there is any other lawful impediment to the marriage, and every marriage celebrant who knowingly and wilfully solemnises any marriage contrary to the provisions of this Act, or where there is any other lawful impediment to the marriage, commits an offence and shall be liable on conviction to imprisonment for a term not exceeding 5 years, or to a fine not exceeding \$600, or to both.

60 Offences in connection with false statements and improper solemnisation of marriages

Every person commits an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years, or to a fine not exceeding \$400, or to both, who knowingly and wilfully—

- (a) makes or causes to be made any false declaration or verification for the purposes of this Act; or
- (b) makes or causes to be made, for the purpose of being inserted in any register book, a false statement of any of the particulars required to be known and registered under the provisions of this Act; or
- (c) notifies any Registrar of the lodgement of a caveat under [section 25](#) if in fact no such caveat has been lodged.

[Family Proceedings Act, 1980](#)

31 Grounds on which marriage or civil union void

- (1) A marriage or civil union that is governed by New Zealand law shall be void *ab initio* (whether or not an order has been made declaring the marriage or civil union to be void) only where,—
 - (a) in the case of a marriage or civil union that is governed by New Zealand law so far as it relates to capacity to marry,—
 - (i) at the time of the solemnisation of the marriage or civil union, either party was already married or in a civil union; or
 - (ia) at the time of the solemnisation of the marriage or civil union, 1 of the parties to the marriage or civil union was under the age of 16 years; or

- (ib) at the time of the solemnisation of the marriage, 1 of the parties to the marriage was aged 16 or 17 years and the consent of a Family Court Judge required under [section 18](#) of the Marriage Act 1955 had not been obtained; or
- (ic) at the time of the solemnisation of the civil union, 1 of the parties to the civil union was aged 16 or 17 years and the consent of a Family Court Judge required under [section 19](#) of the Civil Union Act 2004 had not been obtained; or
- (ii) by reason of duress, mistake, or insanity, or for any other reason, there was at the time of the marriage or civil union an absence of consent by either party to marriage to or civil union with the other party; or [...]

[Crimes Act, 1961](#)

208 Abduction for purposes of marriage or civil union or sexual connection

Every one is liable to imprisonment for a term not exceeding 14 years who unlawfully takes away or detains a person (P) without P's consent or with P's consent obtained by fraud or duress,—

- (a) with intent to go through a form of marriage or civil union with P; or
- (b) with intent to have sexual connection with P; or
- (c) with intent to cause P to go through a form of marriage or civil union, or to have sexual connection, with some other person.

[Minors \(Court Consent to Relationships\) Legislation Act, 2018](#)

Part 1 Amendments to Marriage Act 1955

[...]

Part 3 Amendments to Care of Children Act 2004

18 Amendments to Care of Children Act 2004

This Part amends the Care of Children Act 2004.[...]

20 Section 46A replaced (Consent for de facto relationship) Replace section 46A with:

46A Consent for de facto relationship

- (1) A child aged 16 or 17 who wishes to obtain consent for his or her de facto relationship must make an application to the Family Court for the consent of a Family Court Judge.
- (2) A Family Court Judge may, on an application of a child made under subsection (1), consent to the de facto relationship only if the Judge is satisfied that— (a) the child has made the application voluntarily, free of undue influence or coercion; and (b) the child understands the consequences of the application and wants the Judge to consent to the de facto relationship; and (c) the de facto relationship is in the child's interests.
- (3) In determining whether the de facto relationship is in the child's interests, the matters that the Judge must take into account include, without limitation,— (a) the age and maturity of the child; and (b) the child's views; and (c) any views of the child's parents and guardians that can reasonably be ascertained; and (d) any other information available to the court relevant to the child's application.[...]

Part 4 Consequential amendments to other enactments

Amendments to Citizenship Act 1977

Sections 27 to 29 amend the Citizenship Act 1977.

27 Section 3 amended (Special provisions relating to parentage)

- (1) In section 3(5A), replace “subsection 3(1)(a)” with “subsection (1)(a)”.

(2) Replace section 3(5A)(b) with: (b) a person who has attained the age of 16 years but who is younger than 18 years may be treated as having a de facto relationship with another person only if the person has obtained consent for the relationship in accordance with section 46A of the Care of Children Act 2004. [...]

33 Amendments to Family Proceedings Act 1980

Section 34 amends the Family Proceedings Act 1980

34 Section 31 amended (Grounds on which marriage or civil union void)

(1) After section 31(1)(a)(i), insert: (ia) at the time of the solemnisation of the marriage or civil union, 1 of the parties to the marriage or civil union was under the age of 16 years; or

(ib) at the time of the solemnisation of the marriage, 1 of the parties to the marriage was aged 16 or 17 years and the consent of a Family Court Judge required under section 18 of the Marriage Act 1955 had not been obtained; or (ic) at the time of the solemnisation of the civil union, 1 of the parties to the civil union was aged 16 or 17 years and the consent of a Family Court Judge required under section 19 of the Civil Union Act 2004 had not been obtained; [...]

PALAU

Domestic Relations (Title 21) Revised 2014

§ 105. Age of majority.

All persons, whether male or female, residing in the Republic, who shall have attained the age of 18 years shall be regarded as of legal age and their period of minority to have ceased.

Section § 201. Marriage between two noncitizens or noncitizen and citizen; requisites of marriage contract.

In order to make valid the marriage contract between two noncitizens or between a noncitizen and a citizen of the Republic, it shall be necessary that:

(a) the male at the time of contracting the marriage be at least 18 years of age and the female at least 16 years of age, and if the female is less than 18 years of age she must have the consent of at least one of her parents or her guardian;

(b) neither of the parties has a lawful spouse living; and

(c) a marriage ceremony be performed by a duly authorized person as provided in this chapter.

§ 311. Authorized; grounds. A decree annulling a marriage may be rendered on any ground existing at the time of the marriage which makes the marriage illegal and void or voidable. A court may, however, refuse to annul a marriage which has been ratified and confirmed by voluntary cohabitation after the obstacle to the validity of the marriage has ceased, unless the public interest requires that the marriage be annulled.

PAPUA NEW GUINEA

Marriage Act, 1963

1. INTERPRETATION.

(1) In this Act, unless the contrary intention appears—

[...]

“minor” means a person who has not attained the age of 21 years;

PART II. – CUSTOMARY MARRIAGES.

3. CUSTOMARY MARRIAGES.

(1) Notwithstanding the provisions of this Act or of any other law, a native, other than a native who is a party to a subsisting marriage under Part V. may enter, and shall be deemed always to have been capable of entering, into a customary marriage in accordance with the custom prevailing in the tribe or group to which the parties to the marriage or either of them belong or belongs.

(2) Subject to this Act, a customary marriage is valid and effectual for all purposes.

4. RELIGIOUS RITES.

Notwithstanding the provisions of this Act or of any other law, religious rites or ceremonies may be performed in connection with a customary marriage.

5. PROTECTION OF WOMEN.

(1) A District Court Magistrate may, by order, forbid the marriage of a woman in accordance with custom, or purportedly in accordance with custom, where the woman objects to the marriage or purported marriage and—

(a) excessive pressure has been brought to bear to persuade her to enter into the marriage; or

(b) in the circumstances it would be a hardship to compel her to conform to custom.

(2) A person who marries, or purports to marry, a woman in contravention of an order under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K400.00 or imprisonment for a term not exceeding six months, or both.

(3) Where a marriage or purported marriage by custom has been entered into in contravention of this section, a District Court may, on application made by or on behalf of the woman at the first reasonably practicable opportunity after the marriage or purported marriage, order that the marriage or purported marriage be annulled as from the date of the order, and may make such further or other order in the premises, whether to adjust property rights as though the marriage were dissolved in accordance with custom, or otherwise, as to it seems just.

PART III. – MARRIAGEABLE AGE AND MARRIAGES OF MINORS.

6. APPLICATION OF PART III.

(1) This Part applies, notwithstanding any common law rule of private international law, in relation to marriages under Division V.2.

(2) Section 7 and, so far as they have application in relation to that section, Sections 13 and 14 apply in relation to—

(a) marriages to which Division V.3 applies; and

(b) the marriage of a person domiciled in the country, wherever it takes place.

(3) This Part does not apply to customary marriages.

7. MARRIAGEABLE AGE.

(1) Subject to this section—

(a) a male person is of marriageable age if he has attained the age of 18 years; and

(b) a female person is of marriageable age if she has attained the age of 16 years.

(2) A male person who has attained the age of 16 years but has not attained the age of 18 years, or a female person who has attained the age of 14 years but has not attained the age of 16 years, may apply to a Judge or Magistrate for an order authorizing him or her to marry a particular person of marriageable age.

(3) The Judge or Magistrate shall hold an inquiry into the relevant facts and circumstances and, if he is satisfied that—

(a) the applicant has attained—

(i) in the case of a male person—the age of 16 years; or

- (ii) in the case of a female person—the age of 14 years; and
- (b) the circumstances of the case are so exceptional and unusual as to justify the making of the order, he may, in his discretion, make the order sought, but otherwise he shall refuse the application.
- (4) Subject to Subsection (7), where a Judge or Magistrate has made an order under Subsection (3) the person on whose application the order was made is, in relation to his or her marriage to the other person specified in the order, but not otherwise, of marriageable age.
- (5) Where a Judge or a Magistrate to whom an application is made under Subsection (2) is satisfied that the matter could more properly be dealt with by a Judge or a Magistrate sitting at a place nearer the place where the applicant ordinarily resides, he may, in his discretion, refuse to proceed with the hearing of the application.
- (6) For the purposes of Section 14, a refusal under Subsection (5) shall not be deemed to be a refusal of the application.
- (7) Where an order is made under Subsection (3) and the marriage to which the order relates does not take place within three months after the date of the order, the order ceases to have effect.

8. CONSENT TO MARRIAGE OF MINOR.

- (1) Subject to this Part, where a party to an intended marriage—
 - (a) is a minor; and
 - (b) has not previously been married,
 the marriage shall not be solemnized, unless there is produced to the person by whom or in whose presence the marriage is solemnized—
 - (c) in respect of each person whose consent is required by this Act to the marriage of the minor (other than a person to whom Paragraph (d) is applicable)—
 - (i) the written consent of the person, duly witnessed and dated not earlier than three months before the date on which the marriage is solemnized or, in such cases as are prescribed, such other evidence that the consent of that person to the intended marriage has been given not earlier than such time as the regulations declare to be sufficient for the purposes of this section; or
 - (ii) an effective written consent of a Judge or Magistrate under this Part in place of the consent of that person; or
 - (d) in respect of a person whose consent to the marriage of the minor has been dispensed with by a prescribed authority—the written dispensation signed by the prescribed authority.
- (2) (2) For the purposes of Subsection (1), the consent of a person is duly witnessed if his signature was witnessed—
 - (a) in the case of a consent signed in Papua New Guinea—by an authorized celebrant, Commissioner for Declarations, justice, lawyer, medical practitioner or commissioned officer of the Police Force; or
 - (b) in the case of a consent signed in Australia—by a person who is a competent witness to a consent under Section 13 of the *Marriage Act 1961* of Australia, as in force from time to time; or
 - (c) in the case of a consent signed in any other place—by a diplomatic officer or consular officer, a judge of a court of that place, a magistrate or justice of the peace of or for that place, or a notary public.
- (3) A person shall not subscribe his name as a witness to the signature of a person to a consent to a marriage unless—
 - (a) he is satisfied on reasonable grounds as to the identity of the person; and
 - (b) the consent bears the date on which he subscribes his name as a witness.
- (4) A person shall not solemnize a marriage if he has reason to believe that—
 - (a) a person, whose written consent to the marriage of one of the parties is or has been produced for the purposes of this section, has revoked his consent; or
 - (b) the signature of a person to a consent produced for the purposes of this section is forged or has been obtained by fraud; or

- (c) a consent produced for the purposes of this section has been altered in a material particular without authority; or
- (d) a dispensation with the consent of a person that has been produced in relation to the marriage has ceased to have effect.

9. PERSONS WHOSE CONSENT IS REQUIRED.

(1) The person or persons whose consent is required by this Act to the marriage of a minor shall, subject to this section, be ascertained by reference to Schedule 1 according to the facts and circumstances existing in relation to the minor.

[...]

(3) Where an Act provides that a person specified in the Act is to be, or is to be deemed to be, the guardian of a minor, to the exclusion of a parent or other guardian of the minor, that person is the person whose consent is required by this Act to the marriage of the minor.

(4) Where, under a law, a person specified in the law is, or is to be deemed to be, a guardian of a minor in addition to the parents or other guardian of the minor, the consent of that person is required to the marriage of the minor in addition to the consent of the person or persons ascertained in accordance with Schedule 1.

10. DISPENSING WITH CONSENT.

(1) Subject to this section, a prescribed authority may, on written application by a minor, dispense with the consent of a person to a proposed marriage of the minor in a case where the prescribed authority—
(a) is satisfied that it is impracticable, or that it is impracticable without delay that would, in all the circumstances of the case, be unreasonable, to ascertain his views with respect to the proposed marriage; and

(b) has no reason to believe that he would refuse his consent to the proposed marriage; and

(c) has no reason to believe that facts may exist by reason of which it could reasonably be considered improper that the consent should be dispensed with.

(2) An application under Subsection (1)—

(a) shall be supported by a statutory declaration by the applicant setting out the facts and circumstances on which the application is based; and

(b) may be supported by a statutory declaration by some other person.

(3) The applicant shall state in his statutory declaration whether he has made any previous applications under Subsection (1) that have been refused, and if so the date on which each such application was refused.

(4) This section does not authorize a prescribed authority to dispense with the consent of a person to a marriage of a minor where any other person whose consent to the marriage is required by this Act has refused to give his consent, unless a Judge or Magistrate has given his consent under this Part in place of the consent of the other person.

(5) For the purposes of this section, the fact that a person does not reside in, or is absent from, the country does not of itself make it impracticable to ascertain his views.

11. CONSENT BY MAGISTRATE.

(1) Where, in relation to a proposed marriage of a minor—

(a) a person whose consent to the marriage is required by this Act refuses to consent to the marriage; or

(b) an application by the minor under Section 10 for dispensation with the consent of such a person is refused,

the minor may apply to a Magistrate for the consent of the Magistrate to the marriage in place of the consent of that person.

(2) Subject to Subsection (3), a Magistrate to whom application is made under Subsection (1) shall hold an inquiry into the relevant facts and circumstances and, if he is satisfied—

(a) in a case to which Subsection (1)(a) applies—that the person who has refused to consent to the marriage has refused his consent unreasonably; or

(b) in a case to which Subsection (1)(b) applies—that, having proper regard for the welfare of the minor, it would be unreasonable for him to refuse his consent to the proposed marriage, he may give his consent to the marriage in place of the consent of the person in relation to whose consent the application is made.

(3) Where a Magistrate to whom an application is made under Subsection (1) is satisfied that the matter could more properly be dealt with by a Magistrate sitting at a place nearer the place where the applicant ordinarily resides, he may, in his discretion, refuse to proceed with the hearing of the application.

(4) For the purposes of Sections 12 and 14 a refusal under Subsection (3) shall not be deemed to be a refusal of the application.

(5) Where a Magistrate grants an application under Subsection (1)—

(a) he shall not issue his consent to the marriage before the expiration of the time prescribed for the purposes of Section 12; and

(b) if, within that time, a request for a re-hearing is made under that section he shall not issue his consent unless the request is withdrawn.

(6) Where a Magistrate gives his consent to the marriage of a minor in place of the consent of a person who has refused to consent to the marriage, the Magistrate may also, on application by the minor, give his consent in place of the consent of any other person if he is satisfied that it is impracticable, or that it is impracticable without delay that would, in all the circumstances of the case, be unreasonable, to ascertain his views with respect to the proposed marriage.

(7) For the purposes of Subsection (6), the fact that a person does not reside in, or is absent from, the country does not of itself make it impracticable to ascertain his views.

12. RE-HEARING OF APPLICATIONS.

(1) Where—

(a) an application under Section 11(1) or (6) is refused; or

(b) an application under Section 11(1) is granted,

the applicant or the person in relation to whose consent the application was made may, in the prescribed manner and within the prescribed time, request that the application be re-heard by a Judge, and a Judge may re-hear the application.

(2) Section 11(2), (6) and (7) apply, as far as they are applicable, in relation to the re-hearing of an application made under that section, and for the purpose of such a re-hearing references to the Magistrate dealing with an application shall be read as references to the Judge re-hearing the application.

13. PROCEDURE AT INQUIRIES.

(1) In conducting an inquiry under this Part, a Judge or a Magistrate—

(a) is not bound to observe strict legal procedure or apply technical rules of evidence, but shall admit and consider such relevant evidence as is available (including hearsay); and

(b) shall give to the applicant and, so far as is reasonably practicable, any person whose consent to the marriage of the applicant is required by this Act an opportunity of being heard.

(2) An inquiry by a Judge or a Magistrate under this Part shall be held in private.

(3) An applicant or other person who is given an opportunity of being heard at an inquiry under this Part may be represented by a lawyer or agent.

14. RESTRICTIONS ON CERTAIN APPLICATIONS.

(1) Where, in relation to a proposed marriage of a minor to a particular person—

(a) an application under Section 7(2) or 11 has been refused by a Judge or Magistrate; or

(b) an application under Section 10 has been refused by a prescribed authority,

a further application under the same provision or, in the case of a refused application under Section 7(2), or under Section 12, by the same person in relation to the proposed marriage shall not be considered by a prescribed authority, Judge or Magistrate within six months after the refusal of the application, unless the applicant satisfies the prescribed authority, Judge or Magistrate to whom the further application is made that there has been a substantial change in the relevant facts or circumstances since the refusal of the former application.

(2) The fact that an application is heard or dealt with in contravention of Subsection (1) does not affect the validity of an order made, or the effectiveness of a consent given, on the application or the re-hearing of the application, or make ineffective a dispensation with a consent granted on the application.

15. EFFECT OF CONSENT OF JUDGE OR MAGISTRATE.

Subject to Section 16, where a Judge or a Magistrate gives his consent to the marriage of a minor in place of the consent of another person, his consent operates, for the purposes of this Act, as the consent of that other person.

16. PERIOD OF EFFECT OF CONSENT OR DISPENSATION.

(1) A consent to a marriage given by a Judge or a Magistrate in place of the consent of another person ceases to have effect if the marriage does not take place within three months after the date of the consent.

(2) A dispensation with the consent of a person to a marriage ceases to have effect if—

(a) the marriage does not take place within three months after the date of the dispensation; or

(b) before the marriage takes place, the person whose consent has been dispensed with notifies, by writing under his hand or in any other prescribed manner, the person to whom notice of the intended marriage has been given under this Act that he does not consent to the marriage.

(3) Where a consent by a Judge or a Magistrate, or a dispensation with the consent of a person by a prescribed authority, has ceased to have effect, the provisions of this Act apply as if the consent had not been given or dispensed with, as the case may be.

PART IV. – VOID AND VOIDABLE MARRIAGES.

17. VOID MARRIAGES.

(1) Subject to Subsection (2) and to Sections 20 and 21, a marriage is void if—

[...]

(d) the consent of either of the parties is not a real consent because—

(i) it was obtained by duress or fraud; or

[...]

(e) either of the parties is not of marriageable age.

[...]

43. INVALIDITY OF CERTAIN MARRIAGES.

(1) Subject to this Act, a marriage solemnized otherwise than in accordance with the preceding provisions of this Division is not a valid marriage.

(2) A marriage is not invalid by reason of all or any of the following matters:—

[...]

(f) failure to comply with the requirements of Section 8.

PART VII. – OFFENCES.

58. MARRYING PERSON NOT OF MARRIAGEABLE AGE, ETC.

(1) Subject to Subsection (3), a person who goes through a form or ceremony of marriage with a person who is not of marriageable age is guilty of an offence.

Penalty: Imprisonment for a term not exceeding five years.

(2) Subject to Subsection (4), a person must not go through a form or ceremony of marriage with a person (in this subsection referred to as **“the other party to the marriage”**) who is a minor unless–
(a) the other party to the marriage has previously been married; or
(b) the written consent of the person, or of each of the persons, whose consent to the marriage of the other party to the marriage is required by this Act has been given or dispensed with in accordance with this Act.

Penalty: A fine not exceeding K400.00 or imprisonment for a term not exceeding six months.

(3) It is a defence to a charge of an offence against Subsection (1) if the defendant proves that he believed on reasonable grounds that the person with whom he went through the form or ceremony of marriage was of marriageable age.

(4) It is a defence to a charge of an offence against Subsection (2) if the defendant proves that he believed on reasonable grounds–

(a) that the person with whom he went through the form or ceremony of marriage had attained the age of 21 years, or had previously been married; or

(b) that the consent of the person, or of each of the persons, referred to in Subsection (2)(b) had been given or dispensed with in accordance with this Act.

(5) This section does not apply to or in relation to a customary marriage where the custom applying to the marriage recognizes it as being valid.

[...]

63. SOLEMNIZING MARRIAGE WHERE LEGAL IMPEDIMENT.

A person who solemnizes a marriage, or purports to solemnize a marriage, in a case where he has reason to believe that there is a legal impediment to the marriage is guilty of an offence.

Penalty: A fine not exceeding K400.00 or imprisonment for a term not exceeding six months.

[Penal Code Act, 1974 \(as amended\)](#)

462. FORGERY IN GENERAL: PUNISHMENT IN SPECIAL CASES.

(1) A person who forges any document, writing or seal is guilty of an offence that, unless otherwise stated, is a crime.

[...]

(4) If the thing forged purports to be, or is intended by the offender to be understood to be or to be used as–

[...]

(k) a licence or certificate required or authorized by law to be given for the celebration of a marriage; or

(l) a consent to the marriage of a minor given by a person authorized by law to give it; [...]

the offender is liable to imprisonment for a term not exceeding seven years

[...]

(5) If the thing forged purports to be, or is intended by the offender to be understood to be or to be used as–

[...]

(l) a consent to the marriage of a minor given by a person authorized by law to give it; [...]

offender is liable to imprisonment for a term not exceeding seven years.

SAMOA

[Marriage Ordinance, 1961](#)

PART 2

RESTRICTIONS ON MARRIAGE

9. Minimum age of marriage – A marriage officer shall not solemnise or record any marriage unless the husband is at least 18 years of age and the wife is at least 18 years of age, but no marriage is invalidated by a breach of the provisions of this section.

10. Consent to marriage of minors – (1) A marriage officer shall not solemnise or record the marriage of any man under the age of 21 years or of any woman under the age of 21 years without the consent of 1 of the parents or the guardian of such man or woman, if either of those parents or such guardian is alive and resident in Samoa.

(2) A District Court Judge may in any case, if the Judge thinks fit to do so, grant exemption from the requirements of this section.

(3) No marriage is invalidated by any breach of the provisions of this section.

11. General provisions relating to consents – (1) A consent under section 10 is to be in writing witnessed by some person who shall add his or her occupation and address, and the consent is to be delivered to the marriage officer to whom notice of the intended marriage is given.

(2) The consent given may, by notice in writing signed by the person giving consent, be withdrawn at any time before the marriage officer solemnises the marriage.

12. Marriages without marriage officer void – If a person knowingly and wilfully marry in Samoa in the absence of a marriage officer, the marriage is void.

[...]

PART 5

MISCELLANEOUS

30. Offence to solemnise marriage contrary to provisions of this Ordinance – A marriage officer who knowingly and wilfully solemnises any marriage contrary to the provisions of this Ordinance, or where there is any other lawful impediment to the marriage, commits an offence and is liable on conviction to a fine not exceeding 6 penalty units or to imprisonment for a term not exceeding 5 years.

32. Offences in connection with false statements and improper solemnisation of marriages – A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years, or to a fine not exceeding 4 penalty units, who knowingly and wilfully:

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

(b) *repealed by s98 of the 2002 Act, No17*

33. Offences generally – (1) A person who fails to comply with or does any act in contravention of any of the provisions of this Ordinance commits an offence.

(2) A person who commits an offence against this Ordinance for which no specific penalty is elsewhere provided is liable on conviction to a fine not exceeding 1 penalty unit.

(3) No prosecution under this Ordinance shall be commenced after the expiration of 3 years from the date when the offence was committed. [...]

[Crimes Act, 2013](#)

59. Sexual conduct with young person under 16 –

- (1) A person who has sexual connection with a young person is liable to imprisonment for a term not exceeding 10 years.
- (2) A person who attempts to have sexual connection with a young person is liable to imprisonment for a term not exceeding 10 years.
- (3) A person who does an indecent act with or on a young person is liable to imprisonment for a term not exceeding 7 years.
- (4) No person can be convicted of a charge under this section if the person was married to the young person concerned at the time of the sexual connection or indecent act concerned.
- (5) In this section:
"young person" means a person who is 12 years or over and under the age of 16 years;
"doing an indecent act with or on a young person" includes indecently assaulting the young person.

SOLOMON ISLANDS

Islanders' Marriage Act, 1996

Age of parties and consents

6 of 1967, Sched

8 of 1974, Sched

10.-(1) No marriage shall be celebrated under this Act unless it has been established to the satisfaction of the minister of religion or District Registrar that each of the parties has attained the age of fifteen years.

(2) Any Islander knowing himself or herself to be under the age of fifteen years who contracts a marriage before a minister of religion or District Registrar, and any minister of religion or District Registrar who knowingly celebrates the marriage of an Islander under the age of fifteen years, shall be guilty of an offence, and shall be liable to a fine of one hundred dollars or to imprisonment for six months.

(3) No Islander (not being a widower or widow) under the age of eighteen years may be married without the written consent of the father, or if he be dead or of unsound mind or absent from the district, of the mother, or if both be dead or of unsound mind or absent from the district, of the guardian of such Islander:

Provided, however; that where such Islander has no father, mother, or guardian, a Judge or Magistrate may, if satisfied after due inquiry that the application to marry is a proper one, give such consent.

(4) If the person required to sign such consent is unable to write or is insufficiently acquainted with the English language, or both, he shall sign such consent by placing his mark or cross thereto, in the presence of a Judge, Magistrate, District Registrar or minister of religion and such signature shall be attested by such person in the Form B in the First Schedule hereto.

Objection to marriage

8 of 1984, Sched

11.-(1) When two Islanders desire to contract a marriage before a minister of religion or District Registrar and notice of such intended marriage has been given, any person whose consent to a marriage is required, or who may know of any just cause either District Registrar cause why the marriage should not take place, may give notice, either orally or in writing, to the minister of religion or the District Registrar, as the case may be, stating the reasons why he objects to such marriage being celebrated.

(2) On receipt of such notice, the minister of religion or District Registrar shall cause the word "forbidden" to be entered in the register or Islanders' marriage notice book as the case may be, and shall make full inquiry as to the genuineness or otherwise of the objection to the marriage.

(3) If the minister of religion or District Registrar is satisfied that no objection exists he shall cancel the word "forbidden" and make and sign an entry in the register or Islanders' marriage notice book to the effect that after investigation the objection was not sustained, and the marriage may then be celebrated as if no objection thereto had been made.

(4) If, on investigation, the objection is be a valid one an entry to that effect, duly signed, shall be made in the register or Islanders marriage notice book, and the marriage shall not be celebrated.

(5) Any person who, without sufficient and proper cause, wilfully gives notice of objection to a marriage shall be guilty of an offence, and shall be liable to a fine of twenty dollars, and in default of payment, to imprisonment for two months.

Penalty for celebrating marriage without being authorized

12. Any person who, not being duly authorized thereto by law, celebrates any marriage shall be guilty of an offence, and shall be liable to a fine of one hundred dollars, and in default of payment to imprisonment for six months.

[...]

Penalty for false declaration

22. Any person who makes a false declaration for any of the purposes of this Act shall be guilty of an offence and shall be liable to a fine of one hundred dollars or to imprisonment for six months. [...]

TONGA

Constitution (revised 2020)

Age of maturity

27. No person may succeed to any tofi'a or any title until he has attained the age of twenty one years, save for members of the Royal Family who shall be deemed to have attained maturity at eighteen years of age. (*Substituted by Act 28 of 1978.*)

Births, Deaths and Marriages Registration Act, 1988

Section 5 – Solemnization of Marriage Regulations

[...]

2. Applications for a licence to marry

(1) The affidavit required by the [Births, Deaths and Marriages Registration Act](#) as amended (hereinafter called "the Act") shall have exhibited to it the following documents-

(a) The birth certificates of both applicants. If an applicant cannot produce his or her birth certificate then, unless the Sub-Registrar hearing the application is satisfied beyond any doubt by the appearance of the applicant that he or she is over 18, he or she shall file an affidavit by a person who has personal knowledge of when the applicant was born and that person shall state his means of knowledge.

(b) An applicant who is over 15 but under 18 years of age must exhibit the written consent of his parents or guardian. If his parents are divorced or separated the consent shall be that of the parent who has custody of him, where there is no custody order and the parents disagree the Sub- Registrar shall decide which parents shall be entitled to give or refuse consent.

[...]

(2) The Sub-Registrar to whom the application is made shall-

(a) tell both applicants that it is a serious offence to make a false statement to obtain a marriage licence;

[...]

(e) if the answer to either question (c) or (d) is affirmative, the Sub-Registrar shall make such further enquiries as he thinks necessary to satisfy himself that the parties are in fact free to marry each other. If he is not satisfied he shall refuse to issue a licence and shall inform the applicants that they may, if they wish, appeal to the Registrar General;

[...]

(g) once the Sub-Registrar is satisfied that the applicants are free to marry each other, he shall administer the Oath to them and ask each of them to say "Everything in this my affidavit is true". He shall then ask each applicant to sign the affidavit and shall witness their signatures; [...]

Disabilities

6. No person who is insane, or who is under the age of 15 years, or who being under the age of 18 years has not obtained the written consent of his or her guardian, shall be granted a marriage licence.

Penalty for making a false oath

11. Any one who shall make a false oath to obtain a licence to marry shall on conviction thereof be liable to imprisonment for 3 years and the Supreme Court may if it considers proper to do so declare the marriage null and void.

False declaration, etc. to procure certificates, etc., of marriage.

21. If any person-

(a) For the purpose of procuring a marriage or a marriage licence or certificate knowingly and wilfully makes or signs a false declaration notice or certificate required under any Act, ordinance or regulation for the time being in force relating to marriage; or

(b) knowingly and wilfully makes or knowingly or wilfully causes to be made for the purpose of being inserted in any marriage licence or register a false statement as to any particular required by law to be known or registered relating to any marriage, [...]

he shall be guilty of an offence and on conviction thereof shall be liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$100 or to both such fine and imprisonment.

(Act 7 of 1929)

Criminal Offences Act (revised 2020)

Abduction of women.

128. Any person who shall by force take away or detain any woman of any age with intent to marry or carnally know her or to cause her to be married or carnally known by any other person shall on conviction thereof be liable to imprisonment for any term not exceeding 7 years.

Abduction of girls.

129. (1) Any person who shall take or cause to be taken any girl being under the age of 14 years out of the possession, and against the will, of her father or mother or any other person having the lawful charge of her, shall be liable on conviction thereof to imprisonment for any term not exceeding 5 years.

(2) It shall be no defence to any prosecution brought under this section to prove that the girl consented to being so taken or that the accused was told or reasonably believed the girl to be of or above the age of 14 years.

TUVALU

Marriage Act (consolidated to 2008)

5 Marriage of persons under 16

A marriage solemnised between persons either of whom is under the age of 16 shall be void.

[...]

7 Marriage of persons under 21

(1) When either party to an intended marriage, not being a widower or a widow, is under 21 years of age, the written consent of the father, or if he be dead or of unsound mind or absent from the district, of the mother, or if both be dead or of unsound mind or absent from the district, of the guardian of such party, shall be required:

Provided, however, that —

(a) when such party has no father, mother or guardian, the Registrar-General may, if satisfied after due inquiry that the intended marriage is a proper one, dispense with such consent;

(b) when the person whose consent is required refuses his consent, the Registrar-General may, if satisfied after due inquiry that the refusal is perverse and that it is in the best interests of the party requiring the consent that the intended marriage should take place, dispense with such consent.

(2) If the person required to signify his consent is illiterate, he shall sign his consent by placing his mark thereto after it has been read over and explained to him by a magistrate or a marriage officer who shall attest the same.

[...]

9 Registrar to issue certificate for marriage

The registrar, at any time after the expiration of 21 days and before the expiration of 3 months from the date of the notice, upon payment of the prescribed fee, shall thereupon issue his certificate [...]

Provided always that he shall not issue his certificate until he has been satisfied that —

[...]

(b) each of the parties to the intended marriage (not being a widower or widow) is 21 years old, or that if he or she is under age, that the required consent has been given or has been dispensed with; [...]

11 Island Court may grant licence to marry

(1) Subject to subsections (2) and (3), the Island Court may dispense with the issue of the certificate for marriage and may grant a licence, which shall be in Form C of Schedule 2, authorizing the solemnisation of a marriage between the parties named in such licence.

(2) The Island Court shall only grant the licence in accordance with subsection (1) if satisfied by evidence on oath of the following matters —

(i) that there is no lawful impediment to a proposed marriage; and

(ii) that such consents as may be necessary to the marriage have been obtained; [...]

12 Objections to marriage

(1) At any time after notice of an intended marriage has been given but before the issue of the certificate for marriage, any person, whose consent to the marriage is hereby required or who may know of any just cause why the marriage should not take place, may give notice, either orally or in writing, to the registrar of the district where notice of marriage has been given, stating the reasons why he objects to the marriage.

[...]

(4) If, on investigation, the objection is found to be valid, an entry to that effect shall be made in the Marriage Notice Book and the certificate for marriage shall not be issued:

Provided that, if either party is dissatisfied with the decision of the registrar he may within 2 months refer the decision to the Registrar-General, or where the Registrar-General is himself the registrar of the district, to the Attorney-General who shall decide upon the validity or otherwise of the objection; and if the Registrar-General or the Attorney-General, as the case may be, decides that the objection is not valid the entry in the Marriage Notice Book shall be cancelled, and the certificate for marriage may then be issued. [...]

29 Marriages when invalid

A marriage solemnised after the commencement of this Act shall be null and void if —

[...]

(c) solemnised without the authority of a certificate for marriage or of a licence where such certificate or licence is required;

[...]

[Penal Code](#)

164 Marriage ceremony fraudulently gone through without lawful marriage

Any person who dishonestly or with fraudulent intention goes through the ceremony of marriage, knowing that he is not thereby lawfully married, shall be guilty of a felony, and shall be liable to imprisonment for 5 years.

VANUATU

[Control of Marriage Act, 1966 \(as amended\)](#)

CHAPTER 45

CONTROL OF MARRIAGE

1. Determination of age

In any prosecution for an offence against this Act the court may, if it thinks fit, and in the absence of other positive evidence as to age, determine the age of any person by his physical appearance alone.

2. Age of marriage

No person of the male sex being under the age of 18 years and no person of the female sex being under the age of 16 years may lawfully marry.

3. Consent to marriage

No person being under the age of 21 years may lawfully marry without the consent of:

(a) his father and mother;

(b) in the event of either his father or mother being dead, the survivor;

(c) the two persons in whose effective charge he is;

(d) in the event of one or other of the persons referred to in paragraph (c) being dead, the survivor:

Provided that, if there is disagreement between the father and mother or between the persons referred to in paragraph (c) consent shall be deemed to have been given:

Provided further that, if consent is refused by the person or persons from whom it is required the magistrate's court in the territorial jurisdiction of which the person to whom such consent has been refused resides may, notwithstanding such refusal, authorise the marriage.

4. Celebration of marriages

The principal celebrant of any marriage shall satisfy himself prior to the celebration of the said marriage:

(a) that the party or parties thereto, as the case may be, have attained the ages prescribed in section 2;

(b) that, if one or both the parties thereto, as the case may be, are under the age of 21 years, in respect of that or those parties, as the case may be, the provisions of section 3 of this Act have been complied with;

(c) that the parties thereto have freely expressed their consent before at least two witnesses or before the District Commissioner of the District in which they reside.

5. Forced marriage

No person shall compel another person of any age to marry against his will.

6. Invalidity of marriage

No marriage shall be valid unless the parties thereto have expressed their consent in the manner prescribed in paragraph (c) of section 4.

7. Penalties

(1) If any person acts in contravention of the provisions of sections 2 and 3 he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 20,000.

(2) If any person acts in contravention of the provisions of section 4 he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 50,000.

(3) If any person acts in contravention of the provisions of section 5 he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 100,000, or to a term of imprisonment not exceeding 2 years, or to both such fine and imprisonment.

[Marriage Act, 1971 \(as amended\)](#)

9. Marriages not to contravene Cap. 45

No marriage shall be celebrated in contravention of the provisions of the [Control of Marriage Act](#), Cap. 45. Every marriage shall be celebrated publicly. A marriage celebrated in contravention of the provisions of this section shall be deemed to be void. [...]

18. Offence for unauthorised person to celebrate marriage

Any person who, not being duly authorised thereto by the provisions of this Act, celebrates any marriage shall be guilty of an offence and shall be liable to a fine not exceeding VT 50,000 or to a term of imprisonment not exceeding 6 months. In such a case, the marriage shall be void, except as provided in section 3(3).

19. Offence to make false declaration to contract marriage

Any person who willfully makes a false declaration in order to contract a marriage which would otherwise have been illegal shall be guilty of an offence and shall be liable to a fine not exceeding VT 50,000 or to a term of imprisonment not exceeding 6 months, or to both such fine and imprisonment.

[Matrimonial Causes Act 1986](#)

1. Decree of nullity in respect of void marriages

A marriage is void and the Court shall pronounce a decree of nullity in respect thereof if it is proved –

(a) that the marriage was induced by duress or mistake; or

[...]

(d) that the marriage was not celebrated in due form.

