# 1965 No. 137

# MARRIAGE

## The Foreign Marriage (Armed Forces) (Amendment) Order 1965

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| *Made* - - - - | *29th January* 1965 |
| *Laid before Parliament* | *4th February* 1965 |
| *Coming into Operation* | *5th February* 1965 |

At the Court at Buckingham Palace, the 29th day of January 1965

**Present,**

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in this behalf conferred upon Her by section 3 of the Foreign Marriage Act 1947(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

**1.** The Foreign Marriage (Armed Forces) Order 1964(b) shall be amended by substituting for Schedule 1 thereof the Schedule to this Order.

**2.** The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

**3.** This Order may be cited as the Foreign Marriage (Armed Forces) (Amendment) Order 1965 and shall come into operation on 5th February 1965.

*W. G. Agnew.*

### SCHEDULE

NEW ZEALAND—Section 44 of the Marriage Act 1955 reads as follows:—

"A service marriage solemnised out of New Zealand by any member of the forces who is a chaplain or who is duly authorised in that behalf shall be deemed to have been and to be as valid as if it had been solemnised in New Zealand in accordance with the provisions of this Act."

AUSTRALIA—Sections 71 and 73 of the Marriage Act 1961 read as follows:—

"71.—(1) Subject to this Part, a marriage between parties of whom one at least is a member of the Defence Force may be solemnised in an overseas country by or in the presence of a chaplain.

(2) The Governor General may, by Proclamation, declare that a part of the Queen's Dominions that has been occupied by a state at war with the Commonwealth and in which facilities for marriage in accordance with the local law have not, in the opinion of the Governor General, been adequately restored shall be deemed to be an overseas country for the purposes of this section."

(a) 10 & 11 Geo. 6. c. 33. (b) S.I. 1964/1000 (1964 II, p. 2241).
(c) 52 & 53 Vict. c. 63.

"73. A marriage solemnised under this Part, being a marriage which, if it had been solemnised in Australia in accordance with Division 2 of Part IV of this Act, would have been a valid marriage, is valid throughout the Commonwealth and all the Territories of the Commonwealth."

## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

The Foreign Marriage (Armed Forces) Order 1964 makes provision in Article 6 and Schedule 1 for laws in force in Australia and New Zealand, being laws appearing to Her Majesty to make provision similar to Section 22 of the Foreign Marriage Act 1892, to have effect as part of the law of the United Kingdom. This Order substitutes for the said Schedule 1 a new Schedule setting out legislation of Australia and New Zealand which has effect at the date of the operation of this Order.