



# Notes

**IMPORTANT:** one of the parties must deliver the notice personally to the Registrar of Civil Unions and make the required statutory declaration. Please produce evidence of dissolution of any previous marriages and civil unions.

**At least 3 days' notice of intended civil union is required.**

## **Section 9. Partners not to be within prohibited degrees of civil union—**

Two people who are within the prohibited degrees of civil union, as set out in Schedule 2, are prohibited from entering into a civil union with each other, except as provided in section 10.

## **Section 10. Order dispensing with prohibition on civil union within prohibited degrees of affinity—**

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

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

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

## **Schedule 2. Prohibited degrees of civil union**

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

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

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

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

### **For further information please contact:**

Births, Deaths and Marriages  
PO Box 10526  
WELLINGTON

Website: [www.bdm.govt.nz](http://www.bdm.govt.nz)  
E-mail: [bdm.nz@dia.govt.nz](mailto:bdm.nz@dia.govt.nz)  
Free phone: 0800 22 52 52

### **Privacy Statement**

The information sought on this form is collected under the Civil Union Act 2004 and is required for a Civil Union Registrar to process the civil union licence application. Failure to complete the form could result in the application being declined.

A person who makes, or causes to be made, a false declaration on this form will be liable on conviction to a fine or term of imprisonment, or both.

If the civil union takes place, the information contained in this form will be transferred to the civil union registration form (the BDM345s) and form the basis of the registration of the civil union in accordance with the Births, Deaths, and Marriages Registration Act 1995 (the "BDMR Act").

If this information is so registered, it will be held on a public register, and may generally be accessed by any person on application (e.g. as a certificate or printout). Births, Deaths, and Marriages may also release it to certain government agencies, as authorised by law.

The Privacy Act 1993 provides rights of access to, and correction of, personal information collected on this form. However, the BDMR Act governs access to registered civil union information. Information about your rights to access and, where appropriate, correct the information, is available by contacting Births, Deaths and Marriages.

## What are the legal requirements for all civil union ceremonies?

The legal requirements are that:

- The civil union must be performed by a Civil Union Celebrant or Registrar of Civil unions at the place(s) specified on the civil union licence;
- The civil union must be performed in the presence of at least two witnesses; and
- During the ceremony, and before at least two witnesses, each party must make a clear statement that names both parties and acknowledges that they are freely joining in a civil union with each other.
- Both parties and witnesses must sign the registration forms (Copy of Particulars of Civil Union)

Both parties must sign the registration forms using their pre-civil union signatures according to their names on the Civil Union Licence. For example, if one party is assuming the other's surname on civil union, that party must sign the registration forms using their usual signature.

Children may act as witnesses if they understand the importance of the part they take in the recording of the civil union and can demonstrate that understanding in court if later required to do so.

## What must the Civil union Celebrant do at the civil union ceremony?

The Civil Union Celebrant must officiate at the civil union ceremony. This includes:

- The formal identification of the parties named on the civil union licence (the celebrant must be satisfied that the persons about to be joined are in fact those named on the civil union licence);
- The exchange of the civil union statements;
- After both copies of the registration papers (Copy of Particulars of Civil Union) have been signed and witnessed, the Civil Union Celebrant must return the Registrars copy to the issuing Registry Office within 10 calendar days – the couple keep the other copy;
- The Civil Union Celebrant must take all reasonable steps to ensure the civil union is registered with Births, Deaths and Marriages.

Persons other than the Civil Union Celebrant may be involved in the ceremony by, for instance, reading a poem.

There should be no doubt in the eyes of the couple, witnesses and attendees that the civil union ceremony was performed by a Civil Union Celebrant.

## What must the Registrar of Civil Unions do at a Registry Office civil union ceremony?

The Registrar of Civil Unions must officiate at the civil union ceremony. This includes:

- The formal identification of the parties named on the civil union licence (the Registrar must be satisfied that the persons about to be joined are in fact those named on the civil union licence);
- The exchange of the civil union statements;
- After both copies of the registration papers (Copy of Particulars of Civil Union) have been signed and witnessed, the Registrar will retain the Registrars copy so that the civil union can be registered – the couple keep the other copy;
- The Registrar must take all reasonable steps to ensure the civil union is registered with Births, Deaths and Marriages.

## Registry Office Ceremonies

Please be aware if you are considering having a Registry Office ceremony that they are standardised to meet the legislative requirements of entering into a civil union, which includes standard civil union statements. There are limitations on the time the ceremony takes (usually 10 minutes), the space for guests and other persons may not generally be involved in the ceremony. Contact the Registry Office where you intend to enter into a civil union to discuss the arrangements. You may book a Registry Office ceremony at the same time as you give notice of your intended civil union and pay the fee.