



THE DEPARTMENT OF INTERNAL AFFAIRS



Te Tari Taiwhenua

Civil Union Celebrant

A GUIDE TO THE ROLE OF CIVIL UNION CELEBRANT IN NEW ZEALAND





What is a civil union?

A civil union is the formalisation of a relationship between two people in accordance with the provisions of the Civil Union Act 2004 (in force from 26 April 2005).

The Civil Union Act and the Births, Deaths, Marriages, and Relationships Registration Act 1995 set out the criteria, rules and processes for a couple to have their civil union solemnised and officially registered in New Zealand.

Regulations made under those Acts prescribe applicable forms and fees.

All forms are available from Births, Deaths and Marriages offices and agencies, and through our website: www.bdm.govt.nz.

Copies of the Acts and associated regulations may be available at your local library, can be purchased from Bennett's Government Bookshops, and can be accessed on the Internet at www.legislation.govt.nz.

NOTE

A civil union may be entered into by same-sex couples or by couples of different sexes.

ARE THERE DIFFERENT KINDS OF CIVIL UNION CEREMONY?

There are two types of civil union ceremony:

- A ceremony conducted by a Registrar of Civil Unions in a Registry Office; and
- A ceremony conducted by an authorised Civil Union Celebrant at a place other than a Registry Office.

Registry Office ceremonies are conducted during normal office hours.

A Civil Union Celebrant may conduct a civil union ceremony at any time, on any day of the week.

WHO HAS THE AUTHORITY TO CONDUCT CIVIL UNIONS?

Only those persons appointed by the Registrar-General as Civil Union Celebrants and whose names appear in the List of Civil Union Celebrants in the **New Zealand Gazette** have authority to solemnise civil unions in New Zealand. Civil unions can also be conducted in Registry Offices by Registrars of Civil Unions, or according to the practices of certain organisations that are exempt from the requirement to have a Civil Union Celebrant present.

The *Gazette* is published weekly, and names are added to or removed from the list as required throughout the year.

A current list of Civil Union Celebrants is also available on the Births, Deaths and Marriages website at www.bdm.govt.nz. Names are added to or removed from this list as required throughout the year.

The first List of Civil Union Celebrants was published in April 2005, and subsequent lists will be published prior to 31 January in each year.

Copies of the *Gazette* are held at Births, Deaths and Marriages offices and agencies, and at some public libraries.

The *Gazette* can also be accessed online at www.gazette.govt.nz.

CAN CIVIL UNION CELEBRANTS PERFORM CIVIL UNIONS IN OTHER COUNTRIES?

The Civil Union Act 2004 is specific to civil unions in New Zealand (including the Ross Dependency). There are no reciprocal arrangements between New Zealand and other countries.

CAN A MARRIAGE CELEBRANT SOLEMNISE A CIVIL UNION?

No, unless they have also been appointed as a Civil Union Celebrant under the Civil Union Act.

Civil unions and marriages are administered under different Acts.

- To solemnise civil unions, a person must be approved in accordance with the Civil Union Act 2004 and have their name published as a Civil Union Celebrant in the *Gazette*.
- To solemnise marriages, a person must be approved in accordance with the Marriage Act 1955 and have their name published as a Marriage Celebrant in the *Gazette*.

NOTE

The person officiating over the legal aspects of the ceremony must be an authorised Civil Union Celebrant not only at the time the licence is issued but also on the actual day the civil union is to be solemnised.

The appointment of celebrants is only for a period until the next annual renewal process. Accordingly, before conducting a ceremony, celebrants must check that their approval has not expired.

IS A JUSTICE OF THE PEACE AUTHORISED TO OFFICIATE AT CIVIL UNIONS?

A Justice of the Peace has no implied or automatic authority to solemnise a civil union.

A JP may apply to the Registrar-General for approval as a Civil Union Celebrant. If so approved, the JP's name would be published in the List of Civil Union Celebrants in the *Gazette*.

CAN A PERSON GET PERMISSION TO PERFORM A 'ONE-OFF' CIVIL UNION CEREMONY?

The Civil Union Act 2004 provides for civil unions to be solemnised only by Registrars and approved Civil Union Celebrants. There is no provision for any person to be appointed as a Civil Union Celebrant to perform a 'one-off' ceremony.

CAN CIVIL UNION CELEBRANTS CONDUCT OTHER TYPES OF CEREMONIES?

A Civil Union Celebrant wishing to officiate at marriages may apply to the Registrar-General seeking appointment as a Marriage Celebrant under the Marriage Act 1955.

Anyone, whether a Civil Union Celebrant or not, may conduct name-giving ceremonies, commitments, funerals, memorial services, etc. There is no legislative mechanism for approving celebrants to perform these or other similar ceremonies.

ARE CIVIL UNION CELEBRANTS ABLE TO OFFER DIFFERENT STYLES OF CEREMONY?

Civil Union Celebrants are encouraged to work with each couple to provide a ceremony that meets their needs, and to assist couples who wish to design and write their own.

The Births, Deaths and Marriages Office can advise celebrants on the legal requirements, but does not provide advice on other aspects of the civil union ceremony.

WHAT IS THE AUTHORISED CIVIL UNION CELEBRANT'S ROLE IN THE CIVIL UNION CEREMONY?

The authorised Civil Union Celebrant must take an active role by officiating over the legal aspects of the ceremony.

Persons other than the authorised Civil Union Celebrant are also able to participate in the ceremony – eg reading a poem or singing a song.

WHAT ARE THE LEGAL ASPECTS OF THE CEREMONY?

- ✓ The formal identification of the parties named on the Civil Union Licence. (The celebrant must be satisfied that the persons about to be joined in civil union are in fact those named on the licence.)
- ✓ The civil union must be solemnised at a place described on the licence and by a Civil Union Celebrant (or Civil Union Registrar) and before at least two other witnesses.
- ✓ The exchange of the civil union statements. Each party must make a statement to the other that names both parties and acknowledges that they are freely joining in a civil union with each other.
- ✓ The registration papers must be signed by the couple, the celebrant and the two witnesses immediately after the ceremony in accordance with the Civil Union Act 2004, and must be returned to the issuing Registrar within 10 calendar days.
- ✓ The celebrant must take all reasonable steps to ensure the civil union is registered with Births, Deaths and Marriages.

WHAT IF THE NOMINATED CELEBRANT IS UNABLE TO OFFICIATE?

In a situation where the nominated celebrant is unable to officiate at a civil union, any other Civil Union Celebrant may officiate. The substitute celebrant must, however, be an **authorised** Civil Union Celebrant whose name is included in the *Gazette* List of Civil Union Celebrants.

IS A CIVIL UNION CELEBRANT OBLIGED TO SOLEMNISE A SPECIFIC CIVIL UNION?

A Civil Union Licence authorises a particular **Civil Union Celebrant** to solemnise a specific civil union, but it does not oblige them to do so.

Registrars of Civil Unions (being statutory officers) have an obligation to solemnise civil unions, but only on working days and during normal business hours.

WHO CAN BE A WITNESS AT THE CIVIL UNION?

Witnesses must be able to understand what occurs at the ceremony (*ie* they should be of sound mind, and should not be intoxicated).

Children can be witnesses, but they must be old enough to understand the nature of the ceremony, and must be able to demonstrate that understanding in court if later required to do so.

The Civil Union Act 2004 does not stipulate a minimum age for witnesses.

NOTE

The interpreter must sign a statutory declaration that they will give a true translation of the civil union ceremony.

WILL AN INTERPRETER BE REQUIRED?

The parties and witnesses to the civil union must be able to understand the language the Civil Union Celebrant uses, just as the celebrant must be able to understand the language of the parties and witnesses.

If any of the parties do not understand one another, then an interpreter will be required.

CAN CIVIL UNION CELEBRANTS CHARGE A FEE?

The Civil Union Act 2004 does not deal with fees charged by celebrants. This is a matter to be agreed between the celebrant and the parties involved.

OFFENCES

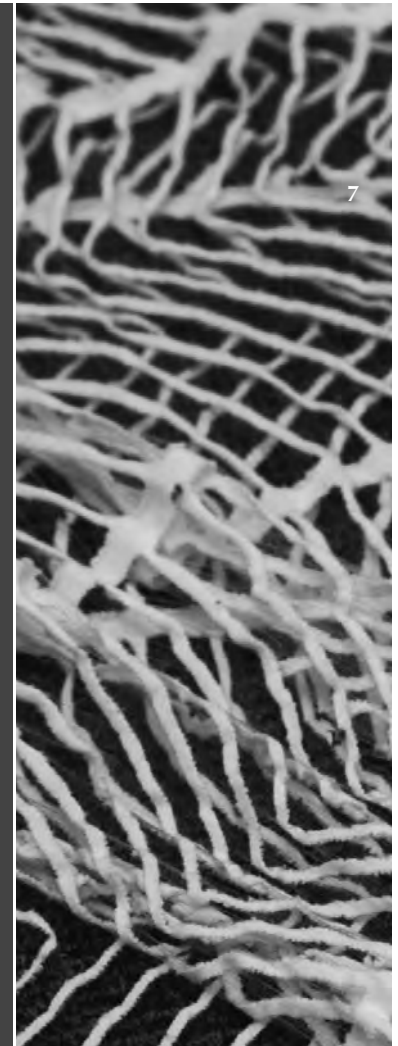
The Civil Union Act 2004 sets out a number of offences relating to the solemnisation and registration of civil unions. These include:

- Solemnising a civil union when not authorised as a Civil Union Celebrant, or contrary to the requirements of the Act;
- Making, or causing to be made, a false declaration for the purpose of the Act;
- Making, or causing to be made, for the purpose of registration, a false statement in respect of any information that is required to be registered; and
- Lodging a false Notice of Objection.

Anyone convicted for any of these offences is liable to imprisonment and/or a fine.

Dealing with the documentation

A number of documents are integral to the solemnisation and registration of a civil union. This section is designed to help ensure that the process runs smoothly and nothing is overlooked.



NOTE

A couple intending to change their relationship from marriage to civil union will be required to provide proof of their marriage.

NOTICE OF INTENDED CIVIL UNION

There are three types of civil union notice, each designed to deal with particular circumstances:

- ‘Notice of Intended Civil Union’ (for general use);
- ‘Notice of Intended Civil Union, where both parties are ordinarily resident outside New Zealand’; and
- ‘Notice of Intended Civil Union, change of relationship from marriage’.

Proof of end of previous marriage/civil union:

Where either of the parties has previously been married or in a civil union, they may be expected to give the Registrar documentary evidence of the dissolution of that relationship. If the person’s former spouse or partner died, the date and place of the death must be stated on the Notice of Intended Civil Union.

Where a couple are changing the form of their relationship from a marriage to a civil union or from a civil union to a marriage, the Registrar requires documentary proof of the current relationship.

Courier option

If the date of the couples intended civil union is more than 2 weeks after the date that the documents are to be collected from the Registrar, the couple may decide to have them couriered to their address at their own expense. The couple should discuss this with the Registry Office at the same time as they give notice of their intended civil union.

Alternative venue:

A civil union must be conducted at one of the places described on the Civil Union Licence.

Where the couple are planning an outdoor ceremony it is advisable to include an alternative indoor venue on their Notice of Intended Civil Union, in case of unsuitable weather conditions.

This information will appear on the Civil Union Licence as an alternative place at which the civil union may be solemnised.

Where it is desired, for whatever reason, to conduct the ceremony at a venue other than one of those stated on the Civil Union Licence, the person who made the declaration on the Notice of Intended Civil Union must go to the Registrar who issued the Civil Union Licence and have that licence amended prior to the ceremony.

However, where there is an emergency and it is not possible to contact the Registrar immediately, the papers must be returned to the Registrar the next working day after the civil union and the Registrar advised of the change in venue

If the ceremony is to be held on council land the celebrant should advise the parties to book the area and obtain a receipt from the council, to prevent ‘double bookings’.

If the parties are wanting a marquee set up, council permission is required – for health and safety reasons (eg fire hazards, toilet facilities, noise problems).

Coming from overseas:

When a couple ordinarily living overseas want to have a civil union in New Zealand, the couple (or either of them) will need to:

- ✓ Complete a 'Notice of Intended Civil Union, where both parties are ordinarily resident outside of New Zealand';
- ✓ Send the civil union notice (with the fee) to the Registry Office closest to the place where they want to have the civil union, ensuring that it reaches the Registrar at least a week before the intended date of the ceremony;
- ✓ Sign the statutory declaration in front of a Registrar; and
- ✓ Collect the Civil Union Licence and the two copies of the Copy of Particulars of Civil Union.

If the civil union is to be solemnised by the Registrar, the statutory declaration can be signed that day, at any suitable time before the ceremony.

Alternatively, the statutory declaration can be signed, while the couple are in their home country, in front of a Commonwealth representative (*ie* an authorised diplomatic or consular officer of a Commonwealth country).

Written consent:

The written consent of all the guardians (usually the parents) is required in respect of any person 16 or 17 years of age. (Both parties to a civil union must be at least 16 years of age.)

If the guardians cannot be located or are incapacitated, consent can be sought from a relative acting in place of a guardian or from a Family Court Judge.

A Family Court Judge can also grant consent if the parents or guardians refuse to give it.

Consent forms are available from Births, Deaths and Marriages offices and agencies, and through our website: www.bdm.govt.nz.

No Civil Union Licence can be issued where either of the parties is under 16 years of age.

NOTE

If the couple wish to change the form of their current relationship from marriage to civil union, and they currently live overseas, they may complete the form – without signing the statutory declaration – and send it to the Registry Office nearest to the place where the civil union is to be solemnised. On arrival in New Zealand they will need to sign the statutory declaration in front of a Registrar of Civil Unions, before the licence is issued.

STATUTORY DECLARATION

One of the parties to the civil union must appear in person before a Registrar of Civil Unions to sign a statutory declaration that both parties are free to enter into a civil union and that all the details supplied are correct.

The statutory declaration can be taken only by a Registrar of Civil Unions.

CIVIL UNION LICENCE

The Registrar of Civil Unions will issue the Civil Union Licence no sooner than three days after receiving the Notice of Intended Civil Union.

A Civil Union Licence is valid for three months from the date of issue.

No Civil Union Celebrant may solemnise a civil union without having been given the Civil Union Licence authorising that specific civil union.

COPY OF PARTICULARS OF CIVIL UNION

The person making the statutory declaration and collecting the Civil Union Licence from the Registrar will also be given two copies of a document known as a 'Copy of Particulars of Civil Union'.

The celebrant needs to be given these documents prior to the ceremony.

During the solemnisation, both copies of the Copy of Particulars of Civil Union must be signed by the couple, the celebrant and the witnesses.

After the ceremony the celebrant gives the couple one Copy of Particulars of Civil Union and returns the other, within 10 calendar days, to the Registrar who issued the Civil Union Licence.

NOTICE OF OBJECTION

Any person objecting to a proposed civil union may lodge a Notice of Objection with a Registrar of Civil Unions to stop the issue of a Civil Union Licence until a Family Court Judge has decided the matter.

When a Registrar receives a Notice of Intended Civil Union and is aware that a relevant objection has been lodged, the Registrar will submit the objection to the Family Court, and the court will determine whether the objection should be discharged (cancelled).

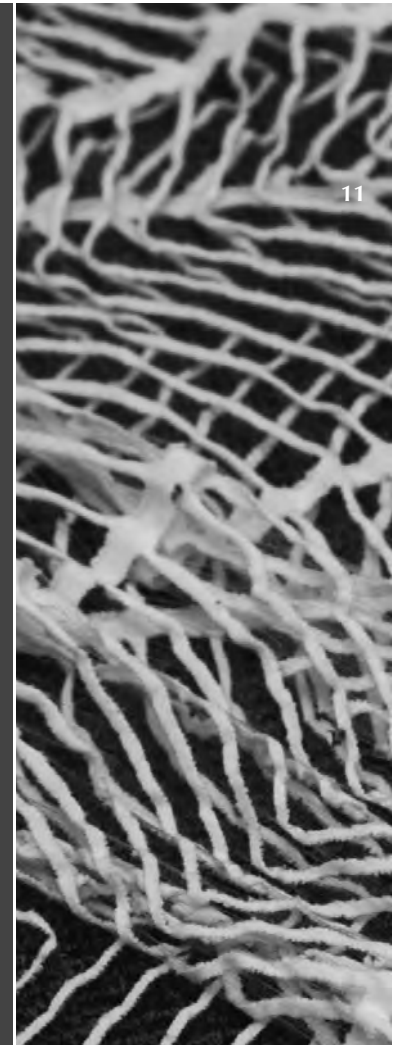
A Notice of Objection to a civil union will also be treated as a caveat to a marriage, and vice versa.

Notices of Objection expire after one year unless discharged or withdrawn.

If the Family Court considers that the grounds on which a particular Notice of Objection was lodged were unreasonable and were intended to annoy or cause distress, the person who lodged the Notice of Objection will be liable to pay compensation to the couple.

Applying to become a Civil Union Celebrant

When seeking appointment as a Civil Union Celebrant, applicants should demonstrate not only their suitability for the role, but also that their particular community or special interest group is not being adequately served by existing Civil Union Celebrants.



NOTE

The Civil Union Act 2004 includes a provision to charge Civil Union Celebrants an application fee and a renewal fee. It is not currently proposed to charge a fee for appointment or reappointment.

APPLICATION FORM

To obtain an application form:

- Download and print one from our website: www.bdm.govt.nz
- E-mail us at bdm.nz@dia.govt.nz
- Freephone 0800 22 52 52 (within New Zealand only)
- Write to:
Celebrant Applications
Births, Deaths and Marriages
PO Box 10-526
Wellington, New Zealand

The application form gives you the opportunity to establish your credentials and suitability for appointment.

You will also need to attach two signed testimonials vouching for your character and your ability to perform your duties as a Civil Union Celebrant conscientiously.

Completed applications should be sent to the postal address given above.

APPOINTMENT CRITERIA

There are three main criteria to be taken into account when the Registrar-General is considering candidates for appointment as Civil Union Celebrants:

- The applicant must be a person of good character; and
- The applicant must demonstrate that they have the ability to conscientiously perform the duties of a civil union celebrant; and
- There must be evidence that an appointment as a Civil Union Celebrant is in the interests of:
 - either the public generally; or
 - a particular community (whether defined by geography, interest, belief, or some other factor).

Within approximately 10 working days, BDM will send written acknowledgment that your application has been received.

Staff from BDM may directly contact the persons who have written your testimonials.

The Registrar-General will also take into consideration any potential conflicts of interest and apparent bias that may arise if that person is appointed, and consider whether those issues can be managed appropriately.

The Registrar-General will consider your application, and (if satisfied that a need has been demonstrated) will refer it to your local Registrar of Civil Unions, who may then call you in for a formal interview. Your application form will be forwarded to your local Registrar for reference in that interview.

INTERVIEWING

The purposes of the interview are:

- To ensure the Registrar-General has sufficient information on which to base a decision;
- To advise the applicant about the role; and
- To give the applicant an opportunity to ask questions.

After the interview, the Registrar will send a report to the Registrar-General.

You will be notified of the outcome of the interview within approximately 10 working days.

In the meantime, there is no legislative restriction to your being involved in or participating in a civil union ceremony (such as reading a poem), provided an authorised Civil Union Celebrant undertakes the legal requirements in accordance with the Civil Union Act 2004.

IF APPOINTED AS A CIVIL UNION CELEBRANT

The names of successful applicants are published in the *Gazette* and at www.bdm.govt.nz. Names are added or removed from the published list as required throughout the year.

You may solemnise civil unions only after your name has been published in the *Gazette*.

A person whose authority has been revoked must not officiate at a civil union ceremony.

Appointment as a Civil Union Celebrant does not automatically authorise you to solemnise marriages. To be authorised as a Marriage Celebrant, you need to make a separate application under the Marriage Act 1955.

ANNUAL RENEWAL OF APPOINTMENT

You should not assume that renewal of your appointment as a Civil Union Celebrant is automatic.

Civil Union Celebrants are appointed for a period until the next appointment renewal process. Unless renewed, all appointments expire on 31 January. (Except that if you are appointed in November, December or January, you will not need to re-apply until the following November.)

Towards the end of each calendar year, the Registrar-General writes to celebrants, as a courtesy, seeking an indication of their intention to continue in the role.

It is important that you advise BDM whenever you change your address, so that you receive this reminder and the renewal form enclosed with it.

A celebrant who has not received such a letter by December should write to BDM for a renewal form.

NOTE

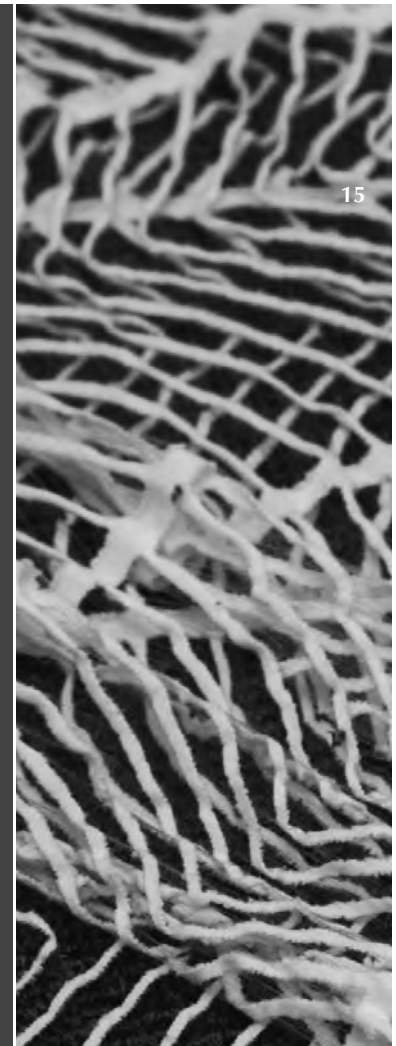
Should a Civil Union Celebrant not apply for reappointment, their name will be removed from the *Gazette* list, and they will no longer be authorised to solemnise civil unions.

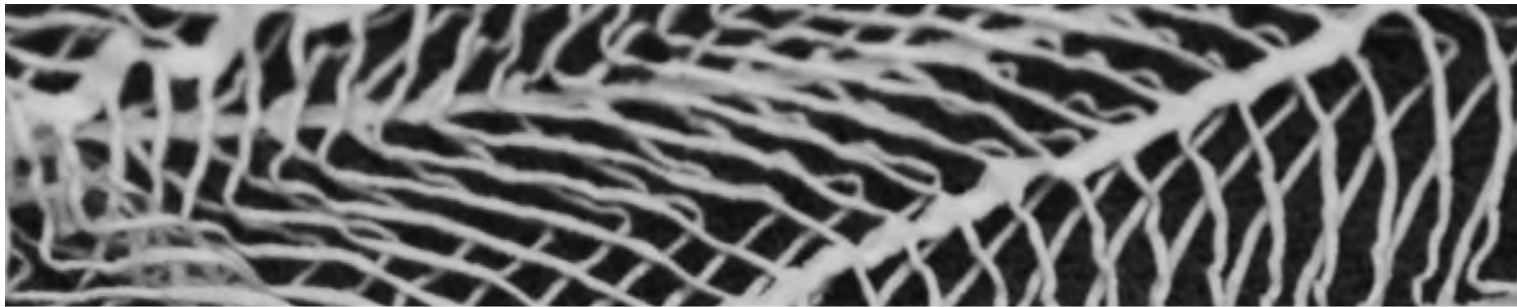
WHERE TO GO FOR GUIDANCE

A Civil Union Celebrant requiring guidance on any procedural aspect of civil unions may –

- Contact their nearest Registrar of Civil Unions
- Visit our website: www.bdm.govt.nz
- E-mail the Births, Deaths and Marriages Office: bdm.nz@dia.govt.nz
- Freephone 0800 22 52 52
- Write to:
Births, Deaths and Marriages
PO Box 10-526, Wellington 6143, New Zealand

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**THIS GUIDE FOR CIVIL UNION CELEBRANTS ALSO ANSWERS
THE QUESTIONS MOST LIKELY TO ARISE AS PEOPLE CONSIDER
APPLYING TO BE APPOINTED AS CIVIL UNION CELEBRANTS**

Please contact us if you require further assistance:

- Talk to your nearest Registrar of Civil Unions
- Visit our website: www.bdm.govt.nz
- E-mail the Births, Deaths and Marriages Office:
bdm.nz@dia.govt.nz
- Freephone 0800 22 52 52
- Write to:
Births, Deaths and Marriages
PO Box 10-526
Wellington 6143, New Zealand

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