

Who's in Charge? – Some Guidance from Births, Deaths and Marriages

All couples want their wedding day to be memorable, and most will add personal touches to the official requirements. This generally results in a unique service, allowing couples to create a special event.

However, there are rare instances where a customised ceremony has the unintentional effect of contradicting the legal requirements celebrants must observe. Having received a number of queries concerning correct practice lately, we asked Registrar—General Jeff Montgomery to provide some guidance on how celebrants should respond to these requests in a way that offers couples a personal experience while still ensuring that the legal requirements are met.

Here's his response:

Most commonly, a celebrant will be asked to conduct a ceremony in conjunction with an unregistered religious or cultural representative.

Understandably, couples wish to partake in a service that reflects who they are, whilst still meeting the legal requirements. To them, having two officiators is a perfect solution. It is perfectly acceptable to work with another person to conduct a ceremony, provided that the registered celebrant completes the minimum legal requirements.

These requirements are that the registered celebrant:

- States that they are the licensed celebrant
- Conducts the vows and declares the marriage
- Completes the signing of the documents

All other parts of the ceremony — before and after — can be conducted by someone else.

The legal requirements for marriage are sometimes not well understood by couples. Some couples are even unaware that they need to apply for a marriage licence before their wedding. As a courtesy, celebrants should double—check that couples understand their responsibilities before the big day. This helps to avoid any potential problems down the track, including requests from couples for celebrants to conduct ceremonies that don't meet the legal requirements.

A case example is a couple who, having only met their celebrant the night before the wedding, hadn't applied for a marriage licence. Rather than contacting the Department, they asked the celebrant to maintain the impression of a legal wedding for their guests, declaring the couple as married and having them sign a stand-in document, rather than the Copy of Particulars of Marriage.

In this example, I can understand the couple's predicament — they've got family and friends present for the wedding, and want to proceed with the marriage. However, they've also asked the celebrant to commit an offence, conducting a ceremony without a licence, and allowing it to appear to be a legal ceremony.

There are reports of an increasing demand for ceremonies that appear to be legal, but aren't. There are a variety of reasons for this, such as a misunderstanding — as with the couple who failed to apply for a marriage licence — as well as couples who have already married overseas and wish to hold a second service in New Zealand.

The best advice we can give to celebrants is to make sure that they comply with the legal requirements of a wedding, and be clear when these requirements aren't met. It's fine to proceed with a ceremony that does not result in a legal marriage, provided the celebrant clearly states that this is the case, rather than allowing those present to believe that they have witnessed a legal proceeding.

— Jeff Montgomery

Registrar-General of Births, Deaths & Marriages