



Commonwealth of Australia

# **NOTICE OF INTENDED MARRIAGE**

FORM 13 – (regulation 38)

*Marriage Act 1961*

**Please read all NOTES following on page 2,  
and complete this form in TYPE or by using BLOCK LETTERS**

## PRIVACY NOTES

- Section 42 of the *Marriage Act 1961* requires that a marriage shall not be solemnized unless a notice in writing of the intended marriage, in the prescribed form, is given to the authorized celebrant solemnizing the marriage. This Notice is the prescribed form for this purpose.
- The authorized celebrant to whom the Notice is given sends the Notice to the Registrar of Births, Deaths and Marriages of the State or Territory in which the marriage takes place, after the marriage ceremony. The Registrar uses the information to register the marriage.
- The Registrar of Births, Deaths and Marriages then sends the Notice to the Australian Bureau of Statistics, which requests information about these matters under the *Census and Statistics Act 1905*. The ABS records non-identifying information from the Notice, and uses the information to generate national statistics on marriage and the family in Australia. Personal identifying information is not retained.

## NOTES

### **MARRIAGE OF ANY PERSON UNDER 18 YEARS WITHOUT AN ORDER OF A JUDGE OR MAGISTRATE IS INVALID**

#### **UNDER NO CIRCUMSTANCES CAN 2 PERSONS UNDER 18 YEARS MARRY EACH OTHER**

1. If party to an intended marriage is unable, after reasonable inquiry, to state any information required in this Notice, he or she should write 'unknown' in the relevant space on the form. To make the Notice effective, he or she must also give the authorized celebrant a statutory declaration stating that he or she is unable to state the information required in the Notice, and the reason for that inability. However, a statutory declaration is not necessary in relation to the information required under item 9, 10, 11 or 12, or the date of a previous marriage ceremony under item 14.
2. The marriage cannot be solemnized until after 1 calendar month from the date the authorized celebrant receives this Notice unless, under subsection 42 (5) of the *Marriage Act 1961*, a prescribed authority has authorized the marriage to be solemnized before that time has elapsed. Also, the marriage cannot be solemnized if the authorized celebrant received the Notice more than 18 months before the proposed marriage.
3. Section 104 of the *Marriage Act 1961* makes it an offence for a person to give this Notice to an authorized celebrant or to sign it if, to that person's knowledge, the Notice contains a false statement or an error or is defective.
4. If a party to an intended marriage cannot conveniently sign this Notice at the time it is intended to give notice of the intended marriage, the other party may sign the Notice and give it to the proposed authorized celebrant. However, in this case, the party who has not signed the notice must sign it in the presence of that celebrant or another authorized celebrant before the marriage is solemnized.
5. Section 42 of the *Marriage Act 1961* requires certain documents to be produced to the authorized celebrant before the marriage is solemnized, in particular:
  - (a) evidence of the date and place of birth of each party; and
  - (b) if a party is a divorced person or a widow or widower - evidence of that party's divorce, or of the death of that party's spouse.

If a party has been divorced in Australia, the authorised celebrant should sight court evidence of the decree upon dissolution of marriage.
6. If a party to an intended marriage has not turned 18 (unless he or she has previously been married), he or she must obtain the necessary consents or dispensations required under the *Marriage Act 1961*, and the authorized celebrant must sight those consents or dispensations before proceeding with the marriage. Also, a person under 18 years is not of marriageable age, and cannot be a party to a marriage, unless he or she obtains an order from the court under section 12 of the Act.



Are the parties related to each other? Yes  No

If yes, state relationship

Signature of bridegroom

Signature of bride

Signature of witness\*

Signature of witness\*

Qualification

Qualification

Date: ..... / ..... / .....

Date: ..... / ..... / .....

\* This notice must be signed in the presence of any of the following:

- (a) if a party signs the notice in Australia - an authorized celebrant, a Commissioner for Declarations under the *Statutory Declarations Act 1959*, a justice of the peace, a barrister or solicitor, a legally qualified medical practitioner, or a member of the Australian Federal Police or the police force of a State or Territory;
- (b) if a party signs the notice outside Australia - an Australian Diplomatic Officer, an Australian Consular Officer, an employee of the Commonwealth authorized under paragraph 3 (c) of the *Consular Fees Act 1955*, an employee of the Australian Trade Commission authorized under paragraph 3 (d) of the *Consular Fees Act 1955* or a notary public.

**PARTICULARS TO BE COMPLETED BY AUTHORIZED CELEBRANT**

Date notice received by celebrant

Place marriage solemnized

Rites used

Date marriage solemnized

\* Strike out words not required

† Strike out if inapplicable

	Bridegroom	Bride
Birth certificate(s) produced	<input type="checkbox"/>	<input type="checkbox"/>
Registration Number	<input type="text"/>	<input type="text"/>
Overseas passport produced	<input type="checkbox"/>	<input type="checkbox"/>
Overseas passport number	<input type="text"/>	<input type="text"/>
Statutory declaration(s) regarding birth produced	<input type="checkbox"/>	<input type="checkbox"/>

	Bridegroom	Bride
Document referred to in paragraph 42 (5A) of the Act given to parties	<input type="checkbox"/>	<input type="checkbox"/>
* death		
† Evidence of *nullity	<input type="checkbox"/>	<input type="checkbox"/>
* dissolution		
If dissolution or nullity, Court location	<input type="text"/>	
	<input type="text"/>	
	<input type="text"/>	

† For marriage of a party under 18 years:

- consents received
- court approval

† Approval for shortening of time received

Celebrant's number

Celebrant's signature

Official use only