

MARRIAGE ORDINANCE (Chapter 181)  
CODE OF PRACTICE  
FOR CIVIL CELEBRANTS OF MARRIAGES

Pursuant to section 5C(3) of the Marriage Ordinance, it is hereby notified that the following code of practice for civil celebrants of marriages is issued under section 5C(1) of the Ordinance and its commencement date is on 17 March 2006.

“CODE OF PRACTICE FOR CIVIL CELEBRANTS OF MARRIAGES  
(Issued by the Registrar of Marriages under section 5(C)1  
of the Marriage Ordinance (Cap. 181))

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FOR CIVIL CELEBRANTS OF MARRIAGES

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### **1. Interpretation of this Code of Practice**

Words and expressions used in this Code of Practice shall, unless the context otherwise requires, have the same meaning as in the Marriage Ordinance (Cap. 181).

### **2. Compliance with Marriage Ordinance and other laws**

- 2.1 A civil celebrant shall, in performing his functions as such, comply with –
- (a) the provisions of the Marriage Ordinance (Cap. 181) applicable in relation to civil celebrants; and
  - (b) all other laws applicable in relation to celebration of marriages.
- 2.2 A civil celebrant shall not celebrate a marriage if holding the marriage ceremony at the venue concerned constitutes an offence.

### **3. Professional conduct**

- 3.1 A civil celebrant who is a solicitor shall comply with the requirements prescribed by the Law Society of Hong Kong and laws relating to the professional conduct of solicitors.
- 3.2 A civil celebrant who is a notary public shall comply with the requirements prescribed by the Hong Kong Society of Notaries and laws relating to the professional conduct of notaries public.
- 3.3 A civil celebrant shall not do anything that will bring the office of civil celebrants into disrepute.

**4. Duty to ensure absence of vitiating factors**

- 4.1 A civil celebrant must, before performing his functions as such, take reasonable steps to ensure that there do not exist any circumstances which would render the marriage concerned void or voidable under law.
- 4.2 For the purposes of paragraph 4.1, a civil celebrant shall not, in case of doubt, celebrate the marriage.

**5. Privacy and confidentiality**

- 5.1 A civil celebrant shall protect the privacy of the parties to the marriage and shall, subject to any order of a court of competent jurisdiction, maintain confidentiality in relation to their affairs.
- 5.2 Notwithstanding paragraph 5.1, a civil celebrant may disclose to a party to a marriage for the purposes of celebration of the marriage personal information of the other party obtained by the civil celebrant for the purposes of celebration of the marriage.

**6. Standard of service**

A civil celebrant shall perform his functions promptly, effectively and with due care in accordance with, as far as reasonably practicable, the wishes of the parties to the marriage.

**7. Ensure solemnity**

A civil celebrant shall perform his functions as regards celebration of marriage in such manner that does not undermine the due solemnity of marriage.

**8. Inability to act**

- 8.1 If a civil celebrant becomes aware that it is likely that he may not be able to perform any function as a civil celebrant, he shall, as soon as reasonably practicable, inform either of the parties to the marriage concerned.

8.2 If the parties to the marriage so request, the civil celebrant shall use reasonable endeavours to assist in finding another civil celebrant to perform the function concerned.

## **9. Fees**

9.1 Before agreeing to celebrate a marriage, a civil celebrant shall give the parties to the marriage a notice in writing of –

- (a) the amount of the fees he will charge for his service;
- (b) where applicable, the method of calculation of such fees;
- (c) the time and manner of payment of such fees; and
- (d) the circumstances, if any, in which fees paid will be or will not be refunded.

9.2 A civil celebrant shall not charge any fee in a way that is inconsistent with the notice given under paragraph 9.1.

## **10. Provide information to parties to the marriage**

Upon agreeing to celebrate a marriage, a civil celebrant shall provide to the parties to the marriage –

- (a) a copy of this Code of Practice; and
- (b) a copy of any information leaflet prepared by the Registrar of Marriages and specified by him for the purposes of this paragraph.

## **11. Handling of documents**

11.1 This paragraph applies to all documents received, collected, prepared or issued by a civil celebrant for the purposes of a marriage or intended marriage.

11.2 A civil celebrant shall keep all documents that come into his possession in safe custody and handle them in accordance with the requirements of the laws of Hong Kong and this Code of Practice.

11.3 A civil celebrant shall not, without lawful justification, withhold any document from the parties to the marriage.

11.4 A civil celebrant shall return to the Registrar –

- (a) all notices of intended marriage supplied to him under section 8 of the Marriage Ordinance (Cap. 181) which are not required by him for the purpose of performing his function; and
- (b) all marriage certificates supplied to him under section 20A of that Ordinance which have not been issued and are not required by him, before the expiry of his appointment.

11.5 Paragraph 11.4 does not apply if the appointment of a civil celebrant is renewed and is to take effect immediately after the expiry of the current appointment.

## **12. Advertisements**

A civil celebrant shall not advertise his practice in such manner or suffer his practice to be advertised in such manner –

- (a) that implies or suggests that the quality of the service provided by him is better than that of the service provided by any other civil celebrant; or
- (b) that is capable of undermining the respect of the public for the office of civil celebrants.

## **13. Notify change of address**

If there is any change in the address of a civil celebrant previously supplied to the Registrar of Marriages, the civil celebrant shall, without undue delay, notify the Registrar of the change.

## **14. Notify the parties to the marriage of notices received**

If a civil celebrant receives a notice under section 5D(4) (notice of intention to cancel appointment as civil celebrant) or section 5E(3) (notice of intention to suspend appointment as civil celebrant) of the Marriage Ordinance (Cap. 181) before celebrating a marriage, the civil celebrant shall, without undue delay, notify either of the proposed parties to the marriage of such notice.”



T.K.LAI

Registrar of Marriages