



Marriage Celebrants Programme

July 2018

Notice of intended marriage – giving the minimum one month notice

Parties to a marriage are required to give an authorised celebrant at least one month's written notice prior to the solemnisation of their marriage¹. This notice is known as the Notice of Intended Marriage (NOIM). The NOIM must be given to the celebrant no earlier than 18 months, and no later than one month before the date of the marriage. A notice expires after 18 months, and a marriage must not be solemnised if the NOIM was received more than 18 months before the date of the proposed marriage. This fact sheet explains the meaning of one month as it applies to the NOIM.

Giving notice 'not later than one month before the date of the marriage'

Subsection 2G(1) of the [Acts Interpretation Act 1901](#) provides that, subject to a contrary intention in any Act, *month* means a period starting at the start of any day of one of the calendar months; and 'ending immediately before' the start of the corresponding day of the next calendar month, or if there is no such day – at the end of the next calendar month.'

Two examples are provided in the Acts Interpretation Act:

Example 1: A month starting on 15 December in a year ends immediately before 15 January in the next year.

Example 2: A month starting on 31 August in a year ends at the end of September in that year (because September is the calendar month coming after August and does not have 31 days).

Subsection 36(1) of the Acts Interpretation Act deals with how time periods are calculated and includes a table to show how different scenarios are to be interpreted in Commonwealth Acts and provides examples. Item 7 in the table at subsection 36(1) states that if a period of time referred to in an Act that is expressed to end before a specified day, then the period of time does not include that day. In accordance with this rule, this time period would not include the marriage day. Taken together with the definition of 'month' in section 2G of the Acts Interpretation Act, further examples are provided below.

Example: If the parties to an intended marriage give a notice to the celebrant on 15 November, the first day the marriage could be solemnised would be 16 December.

¹ Paragraph 42(1)(a) of the *Marriage Act 1961*.

Example: The notice period for a NOIM given on 29, 30 or 31 January ends at the end of February in that year. This is because February is the calendar month coming after January and does not have 31 days. Therefore, for a NOIM given to the celebrant on 29, 30 or 31 January, the first day the marriage can be solemnised is 1 March of that year. This applies regardless of whether it is a leap year.

But if the notice period was given on 28 January in a leap year, the month would expire on 28 February, which means the marriage could be solemnised on 29 February.