
CHAPTER 263

**THE MARRIAGE (PROHIBITED DEGREES OF
RELATIONSHIP) ACT**

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. Marriages not to be deemed void as civil contracts,
except in certain cases.
4. Saving of existing rights and interests.
5. Saving.

**MARRIAGE (PROHIBITED DEGREES OF
RELATIONSHIP)**

(27th March, 1934.)

8/1934.
32/1956.

- 1.** This Act may be cited as the Marriage (Prohibited Degrees of Relationship) Act. **Short title.**
- 2.** In this Act "sister" or "brother" shall include a sister or brother of the half blood. **Interpretation.**
- 3.** (1) No marriage heretofore or hereafter contracted between a man and any of the following persons, that is to say— **Marriages not to be deemed void as civil contracts, except in certain cases.**
 - (a) his deceased wife's sister;
 - (b) his deceased brother's widow;
 - (c) his deceased wife's brother's daughter;

- (d) his deceased wife's sister's daughter;
- (e) his father's deceased brother's widow;
- (f) his mother's deceased brother's widow;
- (g) his deceased wife's father's sister;
- (h) his deceased wife's mother's sister;
- (i) his brother's deceased son's widow;
- (j) his sister's deceased son's widow;

within Antigua and Barbuda, or without, shall be deemed to have been or shall be void or voidable, as a civil contract, by reason only of such affinity:

Provided that in case, before the passing of this Act, any such marriage shall have been annulled, or either party thereto (after the marriage and during the life of the other) shall have lawfully married another, it shall be deemed to have become and to be void upon and after the day upon which it was so annulled or upon which either party thereto lawfully married another as aforesaid.

*Saving of
existing rights
and interests.*

4. (1) No right, title, estate or interest, whether in possession or expectancy, and whether vested or contingent at the time of the passing of this Act, existing in, to, or in respect of, any dignity, title of honour, or property, and no act or thing lawfully done or omitted before the passing of this Act shall be prejudicially affected nor shall any will be deemed to have been revoked by reason of any marriage heretofore contracted as aforesaid being made valid by this Act.

(2) No claim by the Crown for duties leviable on or with reference to death, and before the passing of this Act due and payable, and no payment, commutation, composition, discharge, or settlement of account in respect of any duties leviable on or with reference to death before the passing of this Act duly made or given, shall be prejudicially affected by anything herein contained.

(3) Nothing in this Act shall affect the devolution or distribution of the real or personal estate of any intestate, not being a party to the marriage, who at the time of the

passing of this Act shall be, and shall until his death continue to be, a lunatic, so found by inquisition.

5. (1) Nothing in this Act shall remove any person bearing any relationship set out in subsections (a) to (j) of section 3, from the class of persons adultery with whom constitutes a right on the part of wives, to sue for divorce under the Matrimonial Causes Act as amended by any subsequent enactment. ^{Saving.} **Cap. 268.**

(2) Notwithstanding anything contained in this Act or the Matrimonial Causes Act, it shall not be lawful for a divorced man, or a man who has divorced his wife, to contract any marriage which, upon the decease of any person, would be authorized by this Act, but which would otherwise be void or voidable by reason of affinity, during the lifetime of that person.
