

THE MUSLIM MARRIAGE ACT

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SCHEDULE

THE MUSLIM MARRIAGE ACT

Law
53 of 1957.

[19th December, 1957.]

1. This Act may be cited as the Muslim Marriage Act. Short title.
2. In this Act—
 “Civil Registrar” and “Registrar-General” mean respectively Civil Registrar of Marriages and Registrar-General of Marriages under the Marriage Act;
 “marriage officer” means a person appointed to be a Muslim marriage officer in accordance with section 3;
 “Register Book” means the Muslim Marriage Register Book provided for under section 12.
- 3.—(1) The Minister or any person duly authorized by him may from time to time appoint, and remove at pleasure, such persons being Muslim as he shall think fit to be marriage officers for the purposes of this Act. Appointment of Muslim marriage officer.
- (2) Appointments and removals of, and any resignation or vacation of office by, marriage officers shall be notified in the *Gazette*, and shall take effect from the date of publication.
4. It shall be lawful for any officer appointed under section 3 to act as a marriage officer in any parish of the Island. Marriage officers may act in any part of the Island.
5. Every Civil Registrar shall keep affixed in a conspicuous place in his office a list containing the names and addresses of all marriage officers appointed under this Act. Civil Registrars to exhibit list of marriage officers.

Requisites
of marriage.

6. The requisites of a valid Muslim marriage under this Act are—

- (a) that each of the parties belongs to and professes the Muslim faith or religion;
- (b) that each of the parties shall, as regards age, mental capacity and otherwise, be capable of contracting marriage;
- (c) that the parties shall not by reason of anything contained in the Islamic law relating to marriage be prohibited from marrying one another;
- (d) that the parties, understanding the nature of the contract, shall freely consent to marry one another;
- (e) that the marriage shall be effected by or before a person appointed as a marriage officer under the provisions of this Act;
- (f) that the marriage shall be registered in accordance with the provisions of this Act :

Proviso as
to polyga-
mous and
incestuous
marriages.

Provided that no marriage shall be contracted under this Act, or if so contracted and registered, the same shall be null and void *ab initio*, where it is shown that either of the parties has, or had at the time of such contracting and registration, a wife or husband alive, or where either party is directly descended from the other, or where the female is a sister of the male, either by the full or the half-blood, or where the male is a brother of the female, either by the full or the half-blood.

Age limit
and consent.

7. The age at which a person, being a member of the Muslim community, is capable of contracting marriage shall be sixteen years :

Provided that in the case of an intended marriage between persons either of whom being a male is under twenty-one years of age or being a female is under eighteen years of age (not being a widower or widow), the consent to such

marriage, of the father if living, or, if the father is dead, of the guardian or guardians lawfully appointed or of one of them, and, if there is no such guardian, then of the mother of such person so under age, and, if there is no mother living, then of such other person as may be appointed for the purpose by the Minister, shall be certified in writing by the marriage officer by or before whom the marriage is effected upon the certificate of such marriage to be issued in accordance with the provisions of this Act.

8. In case any person whose consent to a marriage is required in accordance with section 7 is absent from the Island or is unable or refuses to give such consent or is not of sound mind, it shall be lawful for the person desirous of contracting such marriage to apply to the Minister to appoint a person, being a member of the Muslim community, to examine into the circumstances of such intended marriage, and if upon such examination by the person so appointed it appears to him that there are no reasonable objections to such intended marriage, he shall so formally declare in writing and such declaration shall for the purposes of this Act be deemed equivalent to such consent as aforesaid.

Consent to marriage in certain cases.

9. Subject to the provisions of section 11, if any persons intermarry otherwise than in accordance with the provisions of this Act, the marriage of such persons shall not be registered under the provisions of this Act.

Marriages which may not be registered.

10.—(1) Immediately after a Muslim marriage has been effected by or before a marriage officer, he shall enter in a book to be supplied by the Registrar-General and kept by the marriage officer for that purpose (to be called "the Muslim Marriage Certificate Book") a certificate in the prescribed form of the said marriage, which shall be signed by such marriage officer and by the parties to the marriage

Completion of marriage certificate and transmission to Registrar-General.

and by two credible witnesses, and such marriage officer shall enter up in the counterfoil the prescribed particulars and sign the same.

(2) Every marriage officer shall, within seven days of a Muslim marriage being effected by or before him, transmit to the Registrar-General the certificate referred to in subsection (1).

(3) Upon receipt of the said certificate the Registrar-General, if it appears to him that the requisites of a valid Muslim marriage have been complied with and that the consent of any person required by this Act to consent to such marriage has been obtained, shall cause the same to be registered.

(4) Every marriage officer who, without reasonable cause or excuse, fails to transmit to the Registrar-General any certificate in accordance with the provisions of this section shall be guilty of an offence against this Act and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding twenty dollars.

Registration
of marriages
entered into
prior to
commence-
ment of
Act.

11.—(1) Any Muslim marriage which was entered into prior to the 19th December, 1957, between Muslims domiciled in the Island at the date of such marriage and which marriage is still subsisting and is valid according to the Muslim law relating to marriage may be registered under this Act in accordance with the provisions hereinafter contained.

(2) The parties to such marriage shall attend together with a marriage officer before a Civil Registrar and such parties shall, in the presence of and before the Civil Registrar, make a declaration in the form prescribed, which declaration shall be certified by the marriage officer in the manner prescribed.

(3) The fee prescribed for effecting a marriage shall apply in respect of the taking of the declaration of a marriage entered into prior to the 19th December, 1957.

(4) If it appears to the Civil Registrar that the requisites of a valid Muslim marriage were complied with at the date it was contracted and that such prior marriage is still subsisting he shall transmit the declaration to the Registrar-General for registration.

12.—(1) The Registrar-General shall file in his office all certificates and declarations of Muslim marriages which shall be transmitted to him, and shall forthwith register in a book in the prescribed form to be kept in his office for such purpose and to be called the "Muslim Marriage Register Book" particulars of every certificate and declaration of a Muslim marriage which shall be filed in his office, and every entry so made shall be dated on the day on which it is so entered and shall be signed by the Registrar-General.

Filing of certificate and registration of marriage by Registrar-General.

(2) Upon such registration by the Registrar-General and upon payment of the prescribed fee, he shall issue and transmit to the parties to the marriage a certificate of registration of the marriage in the prescribed form, and in the case of a marriage effected after the 19th December, 1957, he shall send a notification of the fact and date of registration to the marriage officer by or before whom the marriage was effected, who shall thereupon enter such particulars in the space provided for the purpose in the counterfoil of the Muslim Marriage Certificate Book.

13. The children of any Muslim marriage registered in accordance with the provisions of this Act shall be legitimate, and in the case of children of a prior marriage registered by virtue of sections 11 and 12 who were born before the date of such registration, the date of legitimation shall be

Legitimacy of children.

the date of registration of such prior marriage under the sections aforesaid :

Provided that the provisions of this section shall not operate to alter the status of any child deemed legitimate by virtue of the provisions of any other law.

Application
of Legitima-
tion Act.

14. The Legitimation Act shall apply, *mutatis mutandis*, to persons legitimated by reason of registration under the provisions of this Act.

Correction
of clerical
errors in
Register
Book.

15. The Registrar-General may correct any clerical error in any certificate of marriage filed in his office and in the Register Book, and shall authenticate every such correction by his signature and the date of such correction.

Searches in
Register
Book and
copies of
entries.

16.—(1) Upon payment of the prescribed fees, the Registrar-General shall at all reasonable times allow searches to be made in the Register Book and shall give certified copies therefrom.

(2) Any copy certified under the hand of the Registrar-General to be a correct copy of any entry in the Register Book shall be admissible as evidence of the registration of the marriage to which it relates in all courts or before any person now or hereafter having by law or consent of the parties authority to hear, receive and examine evidence.

Use of
English
language.

17. All prescribed applications, certificates and entries in the Register Book shall be in the English language.

A marriage officer who is unable to write, but able to read, the English language, may cause the particulars required in the certificates and entries in the Register Book to be written in the English language in his presence by another person, but such officer must nevertheless sign the certificates and entries in the Register Book.

18. Every person who unlawfully and maliciously destroys or injures, or causes to be destroyed or injured, any Register Book or any notice, licence, certificate, entry or statement mentioned in this Act, or any certified copy thereof respectively, shall be guilty of felony, and liable on conviction on indictment to imprisonment with or without hard labour for a term not exceeding three years.

Destroying
or injuring
Register
Book, etc.

19. Any person who without being duly appointed as a marriage officer—

Offences by
unauthor-
ized
persons.

- (a) knowingly and wilfully solemnizes any marriage purporting to be a marriage under the provisions of this Act; or
- (b) knowingly and wilfully makes or signs any certificate or signs any declaration required by this Act to be made or signed by a marriage officer,

shall be guilty of felony and liable on conviction on indictment to imprisonment with or without hard labour for a term not exceeding three years.

20. All fees received by or on behalf of the Registrar-General under this Act shall be accounted for and paid by him into the Consolidated Fund.

Fees.

21. The Minister may make such regulations as may be necessary for the proper carrying out of the provisions of this Act, and more especially may prescribe—

Regulations.

- (a) the form of any certificate, register or other document required for the purpose of this Act;
- (b) the conditions under which registers or other documents may be inspected; and
- (c) the fees to be paid in respect of anything required or permitted to be done under the provisions of this Act, and provisions for their remission on

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account of the poverty of the parties or for other good reason :

Schedule. Provided that, until varied or revoked by any such regulations, the regulations contained in the Schedule shall be in force.

Marriages permissible under the general law.

22. Nothing in this Act contained shall be construed to prevent or disable any Muslim from contracting a marriage according to the general law of the Island.

SCHEDULE

(Section 21)

PART I

General

1. These Regulations may be cited as the Muslim Marriage Regulations, 1957.
2. In these Regulations the expression "Act" means the Muslim Marriage Act.
3. The fees set out in Part II shall be payable in respect of the matters therein specified.
4. The Forms set out in Part III shall be the Forms to be used in respect of the matters therein specified.

PART II

Fees

(a) For effecting a marriage (such fee to be payable to the marriage officer)	25c
(b) For issuing a certificate of registration of marriage				25c
(c) For every search in the Register Book			...	10c
(d) For every certified copy of any entry in the Register Book	25c

PART III

THE MUSLIM MARRIAGE ACT

Declaration Required by Section 11

Date and place of marriage	Husband's name and age at date of marriage	Wife's name and age at date of marriage	Names and sex of children with date of birth in each case	Names of children who are dead, with date and place of death

A. I, _____ of _____, and I, _____ his wife respectively do solemnly

and sincerely declare as follows—

1. That the details of the marriage set out above are true and such marriage was in accordance with the Islamic law relating to marriage.
2. That at the date of such marriage we were domiciled in the Island.
3. That such marriage is still subsisting according to the Islamic law of marriage at the date hereunder written.

Declared at _____ this _____ day of _____, 19 _____, before me.

.....
Civil Registrar

Signature or mark of parties:
(i)
(ii)

Signature of Witnesses who identify the parties:
(i)
(ii)

[The inclusion of this page is authorized by L.N. 480/1973]

THE MUSLIM MARRIAGE ACT

(Section 12 (1))

Registered No.

The Muslim Marriage Register Book

Parish

Date and place of marriage	Husband's name and age	Occupation of husband and address	Wife's name and age	Name of father of husband and address	Name of father of wife and address	Dowry and how payable	Name of Marriage Officer	Signature of Registrar-General and date

[The inclusion of this page is authorized by L.N. 480/1973]

N.B. In the case of registration of a marriage in existence prior to the commencement of the Act, the details to be entered shall be those appearing in the Declaration and Certificate required by section 11.

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