

CHAPTER 253

THE MARRIAGE OF AFRICANS ACT.

Arrangement of Sections.

Section

1. Marriages of Christian and Mohammedan Africans.
2. Application of the Marriage Act.
3. Persons by whom marriages may be celebrated, and place.
4. Formalities preliminary to marriage.
5. Consent to marriage of minors.
6. Certificate.
7. Registry.
8. Fees.
9. Certain Mohammedan marriages valid.

CHAPTER 253

THE MARRIAGE OF AFRICANS ACT.

Commencement: 1 April, 1904.

An Act relating to the marriage of Africans.

1. Marriages of Christian and Mohammedan Africans.

Notwithstanding anything in the Marriage Act, marriages may be celebrated under this Act between Africans both of whom profess the Christian or Mohammedan religions.¹

2. Application of the Marriage Act.

Except as otherwise provided in this Act, the provisions of the Marriage Act shall apply to marriages celebrated under this Act.

3. Persons by whom marriages may be celebrated, and place.

Marriages celebrated under this Act shall ordinarily be celebrated by a minister of the religion to which the parties belong, and in such places only as are licensed by the Minister for the celebration of marriages, and shall be celebrated with open doors between the hours of six o'clock in the morning and six o'clock in the afternoon.

4. Formalities preliminary to marriage.

The formalities preliminary to marriage established, usual or customary for the Africans in the religion to which the parties belong shall apply to marriages under this Act, and sections 6 to 16 of the Marriage Act shall not apply.

5. Consent to marriage of minors.

In cases where the consent of any person to the intended marriage is necessary, the minister to celebrate the intended marriage shall be deemed to

But see Cap. 252, section 1.

be a registrar of marriages for the purpose of that consent, and if there is no parent or guardian in any particular case capable of consenting, then that minister may consent in writing to the marriage, upon being satisfied, after due inquiry, that the marriage is a proper one.

6. Certificate.

The marriage certificate shall be in the form usual with African Christian or Mohammedan marriages, or if there is no such form, then in the form prescribed by the Marriage Act.

7. Registry.

For the purpose of the registration of marriages under this Act, the Minister in charge of each place of public worship licensed under section 5 of the Marriage Act shall, in the absence of any special appointment by the Minister, be a registrar and shall be deemed to be a registrar of marriages within the meaning of the Marriage Act, except that it shall not be necessary for the minister to transmit to the Registrar General a certified copy of the entries made by him or her in the Marriage Register Book more than once in three months.

8. Fees.

The fees chargeable under this Act shall be as follows—

1. on registration of the marriage (including certificate), two shillings;
2. for certified copy of entry, two shillings.

9. Certain Mohammedan marriages valid.

Nothing in the Marriage Act shall be deemed to prevent, invalidate or make an offence the celebration of a Mohammedan marriage under this Act by reason only of a former marriage, provided that the subsequent marriage is valid by Mohammedan law.

History: Cap. 212.

Cross Reference

Marriage Act, Cap. 251.
