



CHAPTER 5.01

MARRIAGE ACT and Subsidiary Legislation

Revised Edition
showing the law as at 1 January 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

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MARRIAGE ACT

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CHAPTER 5.01

MARRIAGE ACT

*(Acts 6 of 1921, 4 of 1925, 2 of 1930, 5 of 1930, Fed. Act 9 of 1949,
Acts 8 of 1973, 23 of 1973, 9 of 1978, 8 of 1984, 4 of 1992
and S.R.O. 20/1984)*

Commencement

[1 June 1923]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Marriage Act.

Interpretation

2. In this Act—

“**District**” means a District prescribed by section 6 of the Registration of Births and Deaths Act;

“**District Registrar**” means a Registrar nominated and appointed for a district by the Governor under section 4 of the Registration of Births and Deaths Act;

“**Marriage Officer**” means a Marriage Officer appointed under this Act;

“**registered building**” means building registered under this Act as one wherein banns of marriage may be published;

“**Registrar-General**” means the Registrar-General of Births, Deaths and Marriages.

Marriage Officers

Appointment of Ministers of Religion as Marriage Officers

3. (1) (a) Every Minister of the Christian Religion ordained or otherwise set apart to the Ministry of the Christian Religion, according to the usage of the denomination to which he belongs; and

- (b) every such Minister who, although not ordinarily resident in Montserrat, is the recognized head within Montserrat of the denomination to which he belongs;

shall be entitled to be appointed by the Governor a Marriage Officer for Montserrat unless the Governor is satisfied that he is unfit to be so appointed.

(2) The Governor may in any case require any applicant for appointment to prove that he is a Minister of the Christian Religion so ordained or set apart as aforesaid.

(3) Any Marriage Officer may act as such throughout Montserrat.

(4) Every Minister of the Christian Religion ordained or otherwise set apart to the Ministry of the Christian Religion according to the denomination to which he belongs, who is lawfully a marriage officer in any other Colony in the Leeward Islands, may solemnize a marriage in accordance with the provisions of this Act, and shall, save as provided in subsection (5), be deemed to be a Marriage Officer appointed under this Act:

Provided that such solemnization shall take place in the presence of a Marriage Officer appointed under this Act.

(5) Where any marriage is solemnized by a marriage officer of any other Colony in the Leeward Islands under the provisions of subsection (4), the Marriage Officer appointed under this Act in whose presence such marriage is solemnized shall comply with the requirements of sections 51 and 52 as to the keeping of marriage registers and the making of duplicates thereof, and shall be deemed to be the Marriage Officer for the purposes of such sections, and shall enter upon the original register and duplicate register, being in the Forms E and F respectively in the First Schedule, that the marriage was solemnized in his presence by a Minister of Religion, stating the name and address of such Minister, and the original register and duplicate register shall be signed by the Minister of Religion solemnizing the marriage.

(Amended by Act 8 of 1984)

Power to refuse to act. Marriage Officer may solemnize marriages in accordance with the rules of his denomination

4. (1) No Marriage Officer shall be required to act as such with respect to any marriage which is contrary to, or desired to be solemnized in any manner other than is prescribed by, the rules of the religious denomination to which he belongs.

(2) A Marriage Officer shall not be liable to any penalty for solemnizing with the consent in writing of the recognized head, if any, within Montserrat of the denomination to which he belongs, according to the rules and rites of his denomination, the marriage of parties who are desirous of being religiously united in accordance with the rules of such denomination, but are unable to comply with the requirements of this Act:

Provided that the performance of such ceremony shall be and be deemed to be totally void and of no effect as a marriage in law, and such marriage ceremony shall not be entered in the marriage Register Book required to be kept by this Act.

Applications for appointment as a Marriage Officer

5. (1) All applications by ministers of religion for appointment as Marriage Officers shall be made in writing to the Registrar-General.

(2) Every minister of religion acting as such for a congregation, or having the local superintendence of several congregations, who applies to be appointed a Marriage Officer, shall state in his application the name or other description of the place of public worship in which he acts, or of the places of public worship of the congregations over which he has such local superintendence, and the postal address to which all communications intended for him may be addressed.

Ministers of religion ceasing to act to notify Registrar-General

6. Every Marriage Officer shall, if he ceases to act as a minister of religion, forthwith notify the fact to the Registrar-General.

Marriage Officer may resign

7. Any Marriage Officer may resign his appointment as such by notifying his resignation to the Registrar-General. Such resignation shall be notified in the *Gazette*, and shall take effect from the date of publication.

Notification in *Gazette* necessary for vacation of office of Marriage Officer

8. A Marriage Officer when duly appointed shall retain his Office until it is notified in the *Gazette* that he has ceased to be a Marriage Officer.

Temporary absence of Marriage Officer

9. (1) Any Marriage Officer intending to be temporarily absent from Montserrat shall notify the Registrar-General of such intention, and shall make such arrangements for the custody of the marriage Register Books supplied to him as shall be satisfactory to the Registrar-General.

(2) The provisions of the preceding subsection relating to the notification of absence to the Registrar-General shall not apply to a Marriage Officer of the class referred to in paragraph *(b)* of subsection (1) of section 3, provided he complies with such requirements for the safe custody of such Register Books as may be prescribed by any general or special instructions of the Registrar-General. (*Amended by Act 8 of 1973*)

Power to cancel appointment

10. The Governor in Council shall have full power on good cause being shown to cancel the appointment of any Marriage Officer. In the event of an appointment of a Marriage Officer being cancelled the fact and cause thereof shall be communicated to the recognized head within Montserrat, if any, of the religious denomination to which he belongs.

Register of Marriage Officers

11. (1) The Registrar-General shall keep a register in accordance with Form A in the First Schedule, of all Marriage Officers appointed under this Act.

(2) Whenever any Marriage Officer changes his postal address as last recorded on the list of Marriage Officers at the Registrar-General's Office, or takes the active charge or superintendence of any place or places of worship his charge or superintendence of which is not recorded at such Office, he shall forthwith report in writing to the Registrar-General such change of residence, postal address or ministerial charge, and in default thereof his appointment as Marriage Officer may be cancelled.

Sending in of applications, notices, etc.

12. Every application, notice or other notification required by or under this Part to be sent to the Registrar-General shall, in case the Minister concerned is a member of any denomination having a recognized head in Montserrat, be sent through such head.

Publication of appointments

13. All appointments under this Part shall be published in the *Gazette*.

Registrar-General's Office

14. (1) The Office of the Registrar-General shall be the General Registry Office mentioned in section 7 of the Registration of Births and Deaths Act, provided that the Governor may by notice in the *Gazette* declare any other building to be an office of the Registrar-General for the purposes of this Act, either instead of or in addition to such General Registry Office.

(2) A reference in this Act to the Registrar-General's Office shall, unless the context otherwise requires, be deemed to be a reference to any place which is an office of the Registrar-General under the provisions of the preceding subsection.

Limitation of powers of Registrar-General

15. The Registrar-General shall not perform any function or act in respect of marriages elsewhere than in his office, or otherwise than in accordance with the express provisions of this Act.

PART II

REGISTERED BUILDINGS

Registration of buildings in use at the commencement of this Act

16. (1) The head of every denomination of the Christian Religion in Montserrat shall, within one month after the commencement of this Act, make out and send to the Registrar-General a list of all buildings exclusively used as places of public Christian worship belonging to the denomination of which he is head, wherein banns or announcements of marriage have been usually published, and the Registrar-General shall register the same in a book to be kept for that purpose at his office, and shall make out and cause to be published in the *Gazette*, a list of all such buildings, and shall state in such list, the parish within which each building so registered is situated, and a copy of such list or of the *Gazette* containing the same shall be sent to every Marriage Officer by the Registrar-General.

(2) Where it is desired to register a building belonging to a denomination which has no head in Montserrat and which has been exclusively used as a place of Christian worship belonging to such denomination and wherein banns or announcements of marriage have been usually published, the person in charge of such building shall do, as regards such building, what is, by subsection (1) required to be done by the head of a denomination, and the Registrar-General shall deal with the same in the manner provided by the said subsection.

Registration of buildings at any time set apart for religious worship

17. (1) Any proprietor or trustee or any other person who has the sole control of a separate building used as a place of Christian worship may apply to the Registrar-General in order that such building may be registered for the publication of banns, and in such case shall deliver or send to the Registrar-General a certificate signed by not less than five householders resident in the locality that such building has been and is intended to be used as a usual place of public religious worship, and that they are desirous that such place should be so registered, which certificate shall be countersigned by the proprietor or trustee or other person making the application.

(2) On receipt of such certificate the Registrar-General shall register such building in the book in which buildings used for the publication of banns are registered, and the Registrar-General shall endorse on such certificate the date of the registry, and shall keep the same with the other records of his office, and shall give a certificate of such registry under his hand to the proprietor or trustee or other person by whom the certificate is

countersigned, and shall give public notice of the registration of such building by advertisement in the *Gazette*.

(Amended by Act 8 of 1984)

What to be deemed a separate building

18. Any building which has been and is intended to be used exclusively for public religious worship shall be taken to be a separate building for the purpose of being registered under the preceding section, notwithstanding that the same is under the same roof with any other building, or forms a part only of a building.

Use of building as school, etc.

19. The use of any building for the purposes of a school or the holding of any entertainment therein for any object in connection therewith while religious worship is not going on therein, shall not prevent such building being registered for the publication of banns.

Cancellation of registry if building disused

20. (1) If at any time subsequent to the registry of any building it is made to appear to the satisfaction of the Registrar-General that such building has been disused for the public religious worship of the congregation on whose behalf it was registered as aforesaid, the Registrar-General shall cause the registry thereof to be cancelled:

Provided that if it is proved to the satisfaction of the Registrar-General that the same congregation used instead thereof some other such building for the purpose of public religious worship, the Registrar-General may substitute and register such new place of worship instead of the disused building.

(2) Every application for cancelling the registry of any such building, or for such substitution and registry of a substituted building, shall be made to the Registrar-General and such cancellation or substitution when made, and the date thereof, shall be entered in the book provided for the registry of such buildings, and shall be certified and published in manner hereinbefore provided in the case of the original registry of the disused building.

(3) After any such cancellation or substitution has been made by the Registrar-General, it shall not be lawful to publish banns or to solemnize marriages in such disused building, unless the same is again registered in the manner hereinbefore provided.

(Amended by Act 8 of 1984)

Rebuilding or repair of registered buildings

21. In any case in which any registered building is being rebuilt or under repair, it shall be lawful for the Registrar-General, on application in writing made to him for that purpose, to order and direct that banns of marriage

may be published in any church or other building in the same locality which he by order in writing directs, until the registered building is again opened for the performance of divine service, and during all such period the said church or building shall, for all purposes relating to the publication of banns of marriage, be deemed and taken to be the registered building so being rebuilt or under repair as aforesaid.

Notice to be placed at entrance of registered building

22. In some conspicuous place at the main entrance, or at one of the main entrances, of every registered building a notice in the words following shall be placed—

“Banns of Marriage may be published in this Church or building”.

Consent required for use of registered building

23. No banns shall be published in any registered building without the consent of the minister or other person having the charge and control thereof, or of the head of the denomination to which such minister belongs, where he is by law empowered to give such consent.

PART III

RESTRICTIONS ON MARRIAGE

Prohibited degrees

24. Subject to the Marriage (Prohibited Degrees of Relationship) Act, if the parties to any marriage are within the prohibited degrees of consanguinity or affinity according to the law of England the marriage of such persons shall be null and void.*

Restriction in cases of minority of parties

25. (1) Where either of the parties, not being a widower or widow, is under the age of eighteen years, no marriage shall take place between them until the consent of the persons or person required by this Act has been first obtained.

(2) The consent required to the marriage under this section where either of the parties not being either a widower or widow is under the age of eighteen years shall, in the case of a marriage intended to be solemnized on the granting of a licence by the Governor or in the case of a marriage intended to be solemnized after the publication of banns, be that of the persons mentioned in the Second Schedule.

* See also section 11 of the Matrimonial Causes Act.

(3) A marriage solemnized between persons either of whom is under the age of sixteen shall be void:

Provided that the Governor may, in his discretion, if for serious reasons he considers it to be in the interest of the intending spouses so to do, grant a licence to marry to any person under the age of sixteen but over the age of fifteen; and the exercise of such discretion by the Governor shall not be enquired into by any Court provided all the necessary consents to such marriage have been previously obtained by the parties thereto. (*Inserted by Act 8 of 1973*)

PART IV

PRELIMINARIES TO MARRIAGE

Authority for solemnization

26. Except in the cases mentioned in Part VII no marriage shall be solemnized unless there is produced to the Marriage Officer solemnizing the same, a certificate or certificates, as the case may be, of the due publication of the banns within the preceding three months, or a Governor's licence which is still in force, or a certificate or certificates from the Registrar-General which is or are still in force:

Provided that where a marriage solemnized by a Marriage Officer officiating in the registered building in which banns of such marriage have within the aforesaid period been duly published, or is celebrated at the office of the Registrar-General where any notice relating to such marriage has been duly given, and is still in force, it shall not be necessary to issue a certificate of the publication in such registered place or of the notice given in such office.

Banns of Marriage

Publication of banns

27. (1) Subject to the provisions of this Act, any minister of the Christian Religion, ordained or otherwise set apart to the Ministry of the Christian Religion, according to the usage of the persuasion to which he may belong, if appointed as a Marriage Officer (but not otherwise), may himself, or by someone officiating under his control, publish banns of marriage between persons desirous of being joined together in matrimony.

(2) Such publication shall be made in an audible manner some time during public Divine Service on a Sunday, in the face of the congregation before whom and in the registered building in which such Minister

officiates and in the parish in Montserrat in which both of the parties to be married dwell, and shall contain the Christian and other name and surname and place of abode of each of the said parties, and shall be published on three Sundays within a period not exceeding three months preceding the solemnization of the marriage.

(3) If the parties to be married dwell in different parishes in Montserrat the banns shall be published in like manner in each parish.

(4) If one or both of the parties dwell in any parish in Montserrat in which there is no registered building used for public Christian worship belonging to the denomination according to the usage of which the parties desire to be married, the banns shall be published in like manner in any two such registered buildings in Montserrat, or, if there are not two such registered buildings in Montserrat, in one such registered building in Montserrat.

Publication of banns where one party dwells outside Montserrat

28. If either of the parties to be married dwells in any place, district or parish outside Montserrat, the banns shall be published in the place, district or parish (both within and without Montserrat) in which each party dwells, and the manner of publication of the banns within Montserrat shall be in accordance with the provisions of section 27.

Notification to be made to minister before publication of banns by parties intending to marry

29. No Marriage Officer shall be obliged to publish banns between any persons whomsoever, unless the persons to be married, two days at the least before the time required for the first publication of such banns respectively, deliver, or cause to be delivered, to such Marriage Officer a notice of their true Christian and other names and surnames, their respective rank, profession or occupation, and a description of their place or respective places of abode, and of the time during which they have dwelt in such place or places, and state whether they or one, and, if one only, which of them, have or has been married before or been divorced, and such notice shall further contain a statement signed by both parties to the effect that they know of no lawful impediment to their marriage with each other.

Publication when void

30. (1) In all cases where any person, whose consent to a marriage is by this Act required, forbids such marriage and gives notice in writing thereof before it is solemnized to the minister publishing the banns for such marriage, the publication of such banns shall, subject to the provisions of this Act, be void, unless the person so objecting afterwards withdraw his objection, in which case the publication shall hold good.

(2) In all cases where three calendar months from the last publication of banns have elapsed without the marriage to which such banns relate having been solemnized, the publication of such banns shall be void.

(3) In either of the said cases before the parties can be married by banns, it shall be necessary to republish banns anew, in manner and form aforesaid, as if no banns had ever been published between them.

Certificate of publication of banns

31. The officiating minister at any registered building where banns have been duly published shall, unless such publication be void, on the request of both or either of the parties, whose banns have been so published, give to the party requiring the same a certificate of the banns having been duly published in such building. (*Amended by Act 8 of 1984*)

Supply of books for the registration of banns

32. The Registrar-General shall provide for use at every building wherein banns may be published under this Act a proper register book of banns of substantial paper ruled and having the several pages numbered progressively; and the banns shall be published from the said book and not from loose papers, and after publication shall be signed by the officiating minister, or by some person under his direction.

Marriage Licences

Power of the Governor to grant marriage licences

33. The Governor, subject to the restrictions hereinafter mentioned, may, if he thinks fit in any case, grant a licence to marry without publication of banns, or notice of marriage under this Act.

Restriction in cases of minority of parties

34. Where either of the parties not being a widower or widow, is under the age of eighteen years, no licence shall be granted until the consent of the persons or person required by subsection (2) of section 25 has been first obtained. (*Amended by Act 4 of 1992*)

Rights of parties applying for licence

35. The parties intending marriage or either of them may require that such licence shall authorize the solemnization of the marriage in respect of which such licence is applied for by any Marriage Officer by whom such marriage could have been solemnized if banns thereof had been published as aforesaid, or the celebration of such marriage by the Registrar-General.

Application for licences

36. (1) Any persons intending marriage who desire to obtain such licence shall apply to the Governor therefor by petition.

(2) The petition shall state—

- (a) the Christian or other names and surnames of the parties, their respective rank, profession or occupation;
- (b) whether the marriage is to be solemnized or celebrated by a Marriage Officer or by the Registrar-General, and if by a Marriage Officer, the place where, and the Marriage Officer by whom, the marriage is to be solemnized;
- (c) whether the parties or either of them have or has been previously married;
- (d) that they know of no impediment of kindred or alliance or other lawful cause to prevent the proposed marriage;
- (e) that one of the said parties has, for the space of three working days immediately preceding such licence, had his or her usual place of abode within Montserrat;
- (f) that the consent of the person or persons whose consent to such marriage is required under this Act has when so required been obtained.

(3) The petition shall be signed by both parties and shall be accompanied by such evidence of the statements therein made as the Governor may prescribe in the case of such petitions.

(4) Notwithstanding anything in section 15 or in section 46 the Governor may in writing under his hand give approval for the solemnization of a marriage in any suitable place (and at any reasonable time) in Montserrat by the Registrar-General or by a Marriage Officer whether such place is the office of the Registrar or a Registered building or not.*

(Amended by Act 4 of 1992)

Form of licence

37. A licence shall be in the form or to the effect set forth in Form B in the First Schedule.

Objections against issue of a licence

38. If any objection to the grant of any licence for a marriage be lodged with the Governor, such objection being duly signed by or on the behalf of the person who lodges the same, stating his place of residence and the ground of objection, no licence shall issue until the Governor has examined into the matter of the objection, and is satisfied that it ought not to obstruct the grant of the licence for the said marriage, or until the objection be withdrawn by the party who lodges the same.

* Vue Pointe Hotel appointed by G.N. 163/1996.

Licence, when void

39. In all cases where three calendar months have elapsed without the marriage to which a licence relates having been solemnized or celebrated, such licence shall be void, and before the parties can be married by licence, a fresh licence must be obtained as if no licence had previously been granted.

*Registrar-General's Certificate***Notice of marriage**

40. (1) Any persons intending marriage who desire to obtain a Registrar-General's Certificate shall give notice under their hands in the Form C in the First Schedule, or to the like effect, to the Registrar-General.

(2) Every such notice shall have at the foot thereof a statutory declaration made and signed by the parties or party giving such notice and stating—

- (a)* that they or he or she (as the case may be) know or knows of no impediment of kindred or alliance, or other lawful hindrance to the said marriage; and
- (b)* that they or he or she (as the case may be), have or has for the space of three working days immediately preceding the giving of such notice, had their, his or her usual place of abode and residence within Montserrat; and
- (c)* when either of the parties intending marriage, and not being a widower or widow is under the age of eighteen years, further stating that the consent of the persons whose consent to such marriage is by law required, or of a Judge, has been given.

(3) Such declaration may be made before and taken by any person by law authorized to administer an oath, or before and by the Registrar-General.

(4) No such notice shall be received by the Registrar-General unless the said notice is in the prescribed form and accompanied by such declaration as aforesaid, and by such certificate as aforesaid, if a certificate be requisite.

(Amended by Act 4 of 1992)

Filing and entry of notice

41. (1) Where any such notice of marriage is given to the Registrar-General, he shall forthwith file the same with the records of his office, and shall also enter the particulars thereof in a book to be called "The Marriage Notice Book."

(2) The Marriage Notice Book may, at any reasonable time, be inspected without fee by any person.

(Amended by Act 8 of 1984)

Publication of notice

42. Where the Registrar-General receives any such notice he shall cause a true and exact copy thereof with a statement under his hand that any objections to the intended marriage must be lodged with him within 21 days from the date thereof, to be suspended or affixed in some conspicuous place outside his office for the 21 days next after the day of the entry of such notice in his Marriage Notice Book.

Certificate of Notice

43. (1) After the expiration of 21 days next after the day of the entry of such notice in his Marriage Notice Book, the Registrar-General shall issue under his hand, upon the request of any party giving such notice, a certificate in the form or to the effect set forth in Form D in the First Schedule, provided that in the meantime no lawful impediment or valid objection to such marriage has been shown to exist.

(Amended by Act 8 of 1984)

Objections to issue of notice

44. (1) Any person may enter an objection to the issue of a Registrar-General's certificate on the ground of any legal impediment to a marriage between the parties, or of consent on the part of any person whose consent is required to such marriage, not having been obtained.

(2) Such objection shall be in writing signed by or on behalf of the person who enters the same, shall state his name and place of residence and the ground of his objection, and shall be lodged with the Registrar-General within 21 days from the date of the notice set up outside his office under section 42.

(3) When any objection is lodged the Registrar-General shall forward the objection to a Judge of the High Court who shall decide upon the same as expeditiously as the circumstances of the case will permit, the objection so forwarded being, as far as practicable, regarded and dealt with as a petition to the Judge sitting in Chambers.

(4) The Registrar-General shall, in any such case, suspend the issue of his certificate until he receives a certified copy of the Judge's decision, and shall act in conformity therewith.

(5) The cost of and attending the decision of any objection by a Judge shall be in the Judge's discretion.

Certificate when void

45. In all cases where three calendar months have elapsed without the marriage to which a certificate relates having been celebrated, such

certificate shall be void, and before the parties can be married on a Registrar-General's certificate, a fresh notice must be given as if no proceedings had previously been taken to obtain a certificate.

PART V

SOLEMNIZATION OR CELEBRATION OF MARRIAGE

Provisions as to solemnization and celebration. By whom and hours

46. Except in the cases mentioned in Part VII—

(a) every marriage shall be solemnized by some Marriage Officer between the hours of six in the morning and eight in the evening, or shall be celebrated by the Registrar-General between the hours of ten in the morning and three in the afternoon, and shall be solemnized or celebrated in the presence of two or more credible witnesses besides such Marriage Officer or Registrar-General;

(b) a marriage shall be solemnized by a Marriage Officer according to such form and ceremony as the parties may see fit to adopt:

Provided that in some part of the ceremony the consent of each party to accept the other as his or her wife or husband is clearly expressed in the presence of the Marriage Officer and the witnesses; and

(c) if a marriage is celebrated in the Registrar-General's Office, each of the parties shall say to the other; "I call upon these persons here present to witness that I A.B., do take thee, C.D., to be my lawful wedded wife (*or* husband)."

Addition of religious ceremony to civil marriage

47. If the parties to any marriage contracted at the Registrar-General's Office desire to add the religious ceremony ordained or used by any church or persuasion, to the marriage so contracted, they may present themselves for that purpose to any minister of such church or persuasion, and such minister, may, if he thinks fit, perform the marriage service of the church or persuasion to which he belongs, but nothing in the performance of such service shall supersede or invalidate any marriage so previously contracted, nor shall the performance of such service be entered as a marriage among the marriages in any marriage, register provided under this Act:

Provided also that at no marriage celebrated at the Registrar-General's Office shall any religious service be used at such office.

Case of marriage between minors after publication of banns

48. No Marriage Officer who solemnizes any marriage after due publication of banns between persons, both or one of whom are or is at the time of such marriage under the obligation to obtain the consent of others, shall be answerable or responsible, or liable to any pain, penalty, or proceeding for having solemnized such marriage without the consent of the parents or guardians, or other persons if any whose consent is required by law, unless such parents or guardians, or other persons, or one of them, shall forbid the marriage, and give notice thereof to such Marriage Officer before he has solemnized the same.

49. *Repealed by Act 8 of 1984.*

PART VI

REGISTRATION OF MARRIAGE

Supply of register book

50. (1) Bound marriage register books and separate sheets for a duplicate original register, all of substantial paper, according to the forms provided for the registration of marriages by this Act, shall at the commencement of this Act and thereafter whenever necessary be supplied by the Registrar-General through the District Registrars to each Marriage Officer.

(2) Every Marriage Officer shall safely keep and preserve every such marriage register book supplied to him, and such book or books shall be open to the inspection of the Registrar-General at all times.

Keeping of register of marriages

51. Immediately after the solemnization or celebration of every marriage, an entry thereof shall be made in a marriage register book, by the Marriage Officer or Registrar-General; and in every such entry in every such register it shall be expressed that the marriage was solemnized after banns or Governor's licence or Registrar-General's certificate and, if both or either of the parties married by licence or certificate be under age and not a widow or widower, that the previous consent had been given of the parents or guardians or other persons or person having lawful authority to withhold consent to the marriage, or after such order of a Judge as aforesaid, and shall be signed by the Marriage Officer or Registrar-General as the case may be, with his proper addition, and by the parties married, and shall be attested by such two witnesses; and every such entry shall be in the form to the effect set out in Form E in the First Schedule.

Duplicate register

52. (1) Of every such entry at the same time before the parties depart shall then and there be made on a separate piece of paper a duplicate original register in which the same matter shall be entered and signed and attested by the same parties in the form or to the effect set out in Form F in the First Schedule.

(2) All such duplicate original registers made in any one calendar month shall within the first ten days of the calendar month next following be transmitted by the Marriage Officers to the Registrars of the Districts in which the marriages have taken place, and the said District Registrars shall, at the end of every three months, namely, within the first ten days of January, April, July and October of each year, transmit all such duplicates to the Registrar-General, who shall file and safely preserve them in his office.

(3) The Registrar-General shall make or cause to be made and kept in his office an alphabetical index of all duplicate original registers filed in his office.

(4) Every original register, and also every copy thereof, certified, under the hand of the Marriage Officer, or Registrar-General, who for the time being has the lawful custody of the original, to be a true copy, and every such duplicate original register, and also every copy thereof, certified, under the hand of the District Registrar, or Registrar-General, who for the time being has the lawful custody of such duplicate original register, to be a true copy, shall respectively be good evidence of the facts therein recorded, in pursuance of this Act in all Courts and proceedings whatsoever in which it may be necessary to give evidence of the marriage to which the same relates.

Correction of errors by authority of Registrar

53. (1) No alteration in any register shall be made except as authorized by this Act.

(2) Any clerical error in any register may be corrected by the Registrar-General or any person duly authorized in that behalf by the Registrar-General.

(3) An error of fact or substance in any register may be corrected—

- (a)* by entry in the margin without any alteration of the original entry; or
- (b)* if the Registrar-General deems it necessary, by the making of a further entry with a reference therein to the original entry by the Registrar-General or by a person duly authorized in that behalf by the Registrar-General upon production to the Registrar-General or such duly authorized person by the person requiring such error to be corrected of an affidavit

setting forth the nature of the error and the true facts of the case.

(Inserted by Act 8 of 1973)

Right to search register books and to have certified copies of entries therein

54. It shall be lawful for all persons at all reasonable times in the day (except Sundays and holidays) to search the original register book, and also the file of duplicate original registers, in the presence of the person for the time being having the care of the same respectively, or his deputy, and to have a true copy of any entry therein, certified under the hand of the Marriage Officer, District Registrar or Registrar-General, having the custody of the original or duplicate original register as aforesaid (as the case may be) which true copy such Marriage Officer, District Registrar or Registrar-General is hereby required to make and examine or cause to be made and examined, and to certify under his hand to be a true copy, in the form of the duplicate original register, except that the same shall be headed "Certified Copy of Original (*or* Duplicate Original) Marriage Register," (as the case may be), and shall be dated on the day, month, and year, when the same is delivered.

Fees payable

55. The Governor in Council may, from time to time, by Order provide for the payment of fees, and the amount of such fees, for the performance of any duties or services under this Act. *(Amended by Act 8 of 1984)*

PART VII

CLINICAL MARRIAGES

As to marriage in *articulo mortis*

56. It shall be lawful for a Marriage Officer to solemnize a marriage without any licence or certificate of notice or banns in the following special case, that is to say, where the marriage is between two persons one of whom he believes from the certificate of a duly qualified medical practitioner, if any such practitioner has been in attendance on such person during his or her last illness, and if not, from his own observation, to be at the point of death, such person before the solemnization declaring that he or she believes that he or she is at the point of death.

(2) No such marriage shall be solemnized unless both parties are able to and actually and previously signify their consent thereto in presence of two witnesses besides the Marriage Officer.

(3) No such marriage shall be solemnized where either of the parties is under 21 years of age, not being a widower or widow, without the verbal or written consent of the person whose consent is by law required. If such person is present such consent may be given orally, and such person shall sign the register of such marriage in token of assent thereto. If such person is absent such consent shall be in writing and shall be attached to the duplicate register.

(4) A marriage so solemnized shall be specially registered, and the certificate of the medical practitioner, or of the Marriage Officer who performed the ceremony, as the case may be, that in his opinion the sick person is at the point of death, shall be attached to the duplicate original register and forwarded to the Registrar-General.

(5) The register and duplicate original register shall contain the particulars and be in the form indicated in Form G in the First Schedule; but shall in all other respects be subject to the provisions of this Act relating to marriage registers.

(6) No marriage solemnized under the provisions of this section shall be valid unless the foregoing conditions are observed.

(7) The certificate to be given by a medical practitioner or a Marriage Officer for the purposes of this section shall be in the Form H in the First Schedule.

(Amended by Act 8 of 1983)

PART VIII

OFFENCES, ETC.

Unduly solemnizing marriage

57. Any person who knowingly and wilfully—

- (a) solemnizes marriage at any other time than between the hours of six o'clock in the morning and eight o'clock in the evening, save in the cases mentioned in subsection (2) of section 4 and in Part VII; or
- (b) solemnizes any marriage, save in the cases mentioned in subsection (2) of section 4 and in Part VII, without due publication of banns, or licence from the Governor or certificate from the Registrar-General first had and obtained; or
- (c) falsely pretending to be a Marriage Officer or the Registrar-General solemnizes or celebrates marriage; or

- (d) solemnizes any marriage (save as aforesaid) more than three months after the last publication of banns, or the issue of a licence by the Governor, or the entry of a notice of such marriage by the Registrar-General,

shall be guilty of a misdemeanour, and shall on conviction thereof be liable to imprisonment, for any term not exceeding two years:

Provided that all prosecutions for any such misdemeanour shall be commenced within three years after the offence committed.

Making false declaration

58. Any person who knowingly and wilfully makes any false declaration (statutory or other) or signs any petition, notice, statement or certificate required by this Act, which is in any material respect false, for the purpose of procuring any marriage, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to be prosecuted and punished accordingly.

Liability of persons lodging an objection on frivolous grounds

59. (1) Any person who shall enter an objection with the Governor against the grant of any licence or with the Registrar-General against the issue of any certificate on grounds which the Governor or a Judge shall declare to be frivolous as well as being such as ought not to obstruct the grant of the licence or issue of the certificate, as the case may be, shall be liable for the costs of the proceedings, and for damages which may be recovered by plaint or action by the party against whose marriage such objection has been lodged.

(2) For the purpose of enabling any person to recover costs and damages in any proceedings, as provided by this section, from any person who has lodged an objection on frivolous grounds, a copy of the declaration of the Governor purporting to be signed by him or a copy of the judgment of the Judge, shall be evidence that the Governor or Judge has declared such objection to have been lodged on grounds that are frivolous as well as being such as ought not to obstruct the grant of the licence or issue of the certificate, as the case may be.

PART IX

MISCELLANEOUS

Dispensation with proof of preliminary matters, after solemnization of marriage

60. After the solemnization or celebration of any marriage under this Act, it shall not be necessary, in support of such marriage, or in any action, suit or proceeding where the same may come into question, to give any

proof of the consent of any person whose consent thereunto is by law required, or the actual dwelling of the parties married, or of either of them, before the marriage in any specified place, for any prescribed period or that the banns were published, or notice of intended marriage given, in the place wherein or by or to the person by or to whom the banns ought to have been published, or the notice given or that the marriage was solemnized or celebrated, in the place, and by a person, where and by whom the same ought to have been solemnized or celebrated:

Provided that nothing herein contained shall prevent any evidence from being given that such marriage is null and void under any provision of this Act expressly declaring such marriages to be null and void, but the burden of proof shall in all such cases lie on the party alleging any such marriage to be null and void.

Prohibiting of proceedings to compel marriage

61. In no case whatsoever shall any suit or proceeding be had in any Court or before any jurisdiction whatsoever, to compel the celebration of any marriage, by reason of any promise or marriage contract entered into, or by reason of seduction, or of any cause whatsoever which shall arise after the commencement of this Act, any law or usage to the contrary notwithstanding:

Provided that nothing herein contained shall prevent any person aggrieved from suing for or recovering damages in any Court, or by any proceeding wherein and whereby damages may be lawfully recovered for breach of promise of marriage, or for seduction, or other cause as aforesaid.

Invalidation of certain marriages

62. If any person shall—

- (a) save in the case mentioned in Part VII of this Act, knowingly or wilfully inter-marry in any other place than a building wherein marriage may lawfully be celebrated or without due publication of banns, or without a licence from the Governor or a certificate from the Registrar-General first had and obtained; or
- (b) knowingly or wilfully consent to or acquiesce in the solemnization or celebration of his marriage by any person not being a Marriage Officer or the Registrar-General;

the marriage of such person shall be null and void to all intents and purposes whatsoever.

(Inserted by Act 8 of 1973)

Securing of property when necessary consent to marriage not obtained

63. (1) Where either of the parties to a marriage is under 21 years of age, not being a widower or widow, and is married under this Act, without the consent of the person whose consent is by law required, no community of

property between the parties for the benefit or to the advantage of the party marrying such minor shall take place, nor shall any property be acquired from such minor by the other party to the marriage by last will, gift, transfer, or in any other way whatsoever, nor shall any stipulation made by such party by any ante-nuptial contract for any benefit from the property of such minor be valid or of any effect.

(2) It shall be lawful for the parent or guardian of the minor whose consent has not been given to such marriage to take proceedings in the High Court by action for securing such property; and the High Court shall have power in such action to order and direct that all the property of such minor shall be secured under the direction of such Court for the benefit of the minor or of the issue of the marriage, or of both in such manner as the said Court shall think fit, for the purpose of preventing the offending party from deriving any interest, or pecuniary benefit from such marriage.

Saving clause as to fees

64. Nothing in this Act shall affect the right of any Marriage Officer to receive for any duty performed by him under this Act such fees as have heretofore been customarily paid to Ministers of the same denomination for the performance of duty.

Disposal of fees received by Registrar-General and District Registrars

65. The District Registrars shall pay all fees received by them under the provisions of this Act to the Registrar-General, and the Registrar-General shall pay all such fees and all fees received by him under the said provisions into the Treasury for the public uses of Montserrat.

FIRST SCHEDULE**FORM A***(Section 11)*

No.	Name	Denomination	Date of appointment	Postal Address		Remarks
				Originally given	At present time	

FORM B

(Section 37)

By.....

To all those to whom these Presents shall come

Be it known that

Bachelor\Spinster born in

an inhabitant at of Montserrat, and

Bachelor\Spinster born in

an inhabitant at Montserrat,

having petitioned me for a licence to marry without publication of banns, or notice of marriage, and they the said

having made it appear that there does not exist any lawful cause or impediment to their marriage, Licence is hereby granted to

Marriage Officer to solemnize
the Registrar - General to celebrate

a marriage between the said and
without publication of banns or notice of marriage according to the provisions of the Marriage Act, provided no lawful impediment be known to the contrary.

This licence will be void unless the marriage between the parties herein named be solemnized or celebrated within three calendar months from the date thereof.

Given under my hand, at Montserrat, this day of, 20... .

.....
Governor of Montserrat

FORM C

(Section 40)

FORM OF NOTICE OF MARRIAGE

To the Registrar-General.

I/We (as the case may be) the undersigned, hereby give you notice that a marriage is intended to be held within three calendar months from the date hereof, between me and the other party herein named and described, that is to say—

(a)	Name and Surname	Condition	Rank, Profession or Occupation	Age	Dwelling place	Length of Residence	Parishes in Montserrat in which the parties respectively dwell.
		(i.e., Widower, Bachelor, Widow or Spinster)					

And I/We hereby solemnly and sincerely declare that I/We know of no impediment of kindred or alliance or other lawful hindrance to the said marriage, and that I/We the above-named, have for the space of three working days immediately preceding the giving of this notice, had my/our usual place of abode and residence within the above-mentioned parish/parishes respectively in Montserrat.

And I/We further solemnly and sincerely declare that of the parties herein named and described (neither is a minor under the age of twenty-one years), (*or in lieu of the part within brackets*) (not being a widower, (*or* widow) is (*or* am) a minor under the age of 21 years, and that the consent of ^(b) whose consent to this marriage is required by law has been duly given and obtained thereto.)

And I/We make the foregoing declarations conscientiously believing the same to be true, pursuant to the provisions of the Marriage Act, well knowing that every person who knowingly or wilfully makes a false declaration, or who signs any false notice for the purpose of procuring any marriage under the provisions of the said Act, shall suffer the penalties of perjury.

In witness thereof I/We have hereunto set and subscribed my hand/our hands

this day of, 20..... .

(Signed.)

Declared before me this day, 20..... .

(Signed.)

(a) The names and particulars relating to the man should be first entered in the several columns, and then the names, etc., of the woman placed below.

(b) Insert party's name.

FORM D

(Section 43)

FORM OF REGISTRAR-GENERAL'S CERTIFICATE

I Registrar-General of Montserrat do hereby certify that on the day of the following notice was duly entered in the Marriage Notice Book.

(here copy notice omitting the declarations at foot thereof).

The issue of this certificate has not been objected to by any person (*or* has been objected to, but such objection has been over-ruled).

This certificate will be void unless the marriage is solemnized or celebrated within three calendar months after the date of the entry of the notice, namely, on or before the day of, 20..... . (Signed.)

Registrar-General

FORM E

(Sections 3(5) and 51)

ORIGINAL REGISTER

20..... Marriages Solemnized or Celebrated at in Parish of 20.....

No.	When Married.	Names and Surnames.	Age.	Condition.	Rank, Profession or Occupation.	Residence at the time of Marriage.	After Banns or Licence or Registrar-General's Certificate.	Consent, by whom given, or Judge's Order.

Married at in the Parish aforesaid, after, by me

(Signed)

Marriage Officer (or Registrar-General).

This Marriage was solemnized or celebrated between us { } in the presence of us { }

FORM F
(Sections 3(5) and 52)

DUPLICATE ORIGINAL REGISTER

20..... Marriages Solemnized or Celebrated at in Parish of 20.....

No.	When Married.	Names and Surnames.	Age.	Condition.	Rank, Profession or Occupation.	Residence at the time of Marriage.	After Banns or Licence or Registrar-General's Certificate.	Consent, by whom given, or Judge's Order.

Married at in the Parish aforesaid, after, by me
(Signed).....
Marriage Officer (*or* Registrar-General).

This Marriage was solemnized or celebrated between us { } in the presence of us { }
Examined with the Original Register and found to be correct—
.....
Marriage Officer (*or* Registrar-General).

FORM G

(Section 55(5))

FORM OF MARRIAGE REGISTER AND DUPLICATE ORIGINAL MARRIAGE REGISTER (MARRIAGE IN *ARTICULO MORTIS*)

No.	When Married.	Names and Surnames.	Condition.	Rank, Profession or Occupation.	Ages	Parish and Residence at the time of Marriage.	Father's Name and Surname.

Married at in the Parish of, by me

a Marriage Officer of the Colony of Montserrat.

This Marriage was solemnized between us

{

.....

}

in the presence of us

{

(a) [I consented to the marriage of

(Signed)]

I hereby certify that immediately before the solemnization of this marriage, the said solemnly declared to me in the presence of the witnesses who have attested this marriage that he/she believed him/her self to be at the point of death.

This day of, 20.....

(a) Add if circumstances require Marriage Officer

FORM H

(Section 55(7))

I,, Medical Practitioner,
having been in attendance on certify that in
my opinion the said is in *articulo*
mortis.

(Signed.)

SECOND SCHEDULE

(Section 25(2))

Consents Required to the Marriage of an Infant not being a widower or widow

1. Where the Infant is legitimate.

<i>Circumstances</i>	<i>Person or Persons whose consent is required</i>
1. Where both parents are living:	
(a) if parents living together;	Both parents.
(b) if parents are divorced or separated by order of Court or by agreement;	The parent to whom the custody of the infant is committed by order of any Court or by agreement, or, if the custody of the infant is so committed to one parent during part of the year and to the other parent during the rest of the year, both parents.
(c) if one parent has been deserted by the other;	The parent who has been deserted.
(d) if both parents deprived of custody of infant by order of Court;	The person to whose custody the infant is committed by order of the Court.
2. Where one parent is dead:	

(a) if there is no other guardian;	The surviving parent.
(b) if a guardian has been appointed by the deceased parent.	The surviving parent and the guardian if acting jointly, or the surviving parent or the guardian if the parent or guardian is the sole guardian of the infant.
3. Where both parents are dead.	The guardians or guardian appointed by the deceased parents or by the Court under section 8 of the Guardianship of Infants Act.

2. Where the Infant is Illegitimate.

<i>Circumstances</i>	<i>Person whose consent is required</i>
If the mother of the infant is alive.	The mother, or if she has by order of the Court been deprived of the custody of the infant, the person to whom the custody of the infant has been committed by order of the Court.
If the mother of the infant is dead.	The guardian appointed by the mother.

MARRIAGE ACT (FEES) ORDER – SECTION 55

(S.R.O. 7/1993)

Short title

1. This Order may be cited as the Marriage Act (Fees) Order.

Fees to be paid for the performance of duties and services

2. The following fees shall be demandable and payable for the performance of the duties and services to which they relate—

- (1) For every entry, certificate and publication in relation to the registration of a building for the publication of banns, on delivery of the application to register, pursuant to section 17 of the Act..... \$40
- (2) For every cancellation or substitution of registration of a building, on delivery of the certificate for cancellation or substitution, pursuant to section 30 of the Act..... \$40
- (3) For every certificate of publication of banns given by the officiating Minister, payable to the officiating Minister, pursuant to section 31 of the Act..... \$20
- (4) For every entry in the Marriage Notice Book, pursuant to section 41 of the Act \$20
- (5) For every Certificate of Notice, pursuant to section 43 of the Act..... \$20
- (6) For every marriage celebrated—
 - (a) in the office of the Registrar-General \$50
 - (b) out of the Registrar's Office \$100
 - (c) in a Cruise Ship \$200

Provided that an additional \$100 shall be payable in respect of any marriage which takes place outside normal working hours, that is to say between 4:00 p.m. and 8.00 a.m. Monday through Friday and on Saturdays and Sundays.

- (7) For every licence to marry without publication of banns or notice of marriage granted by the Governor under section 33 of the Act \$200

- | | | |
|------|--|------|
| (8) | For every general search not directed to any particular entry ... | \$40 |
| (9) | For every search for a particular entry, each | \$20 |
| (10) | For every Certified copy of entry | \$20 |
| (11) | For correction of any error of fact in a Register, pursuant to section 53 of the Act | \$40 |
-

CHAPTER 5.01

**(U.K.) MARRIAGE OF BRITISH SUBJECTS
(FACILITIES) ACT, 1915–1916**

AN ACT TO FACILITATE MARRIAGES BETWEEN BRITISH SUBJECTS RESIDENT IN THE UNITED KINGDOM AND BRITISH SUBJECTS RESIDENT IN OTHER PARTS OF HIS MAJESTY'S DOMINIONS OR IN BRITISH PROTECTORATES.

Facilities for marriages between British subjects resident in the United Kingdom and British subjects resident elsewhere

1. (1) Where His Majesty is satisfied that the law in force in any part of His Majesty's Dominions outside the United Kingdom makes due provision for the publication of banns or for the giving of notice in respect of marriages between British subjects intended to be solemnized or contracted in the United Kingdom, and for the recognition of certificates for marriage issued by superintendent registrars in England and of certificates for marriage issued by registrars, and certificates of proclamation of banns, in Scotland, and of certificates for marriage issued by registrars in Ireland as sufficient notice in respect of marriages between British subjects intended to be solemnized or contracted in that part of His Majesty's Dominions, His Majesty may by Order in Council declare that this section shall apply to that part of His Dominions,* and in such case—

- (a) where a marriage is intended to be solemnized or contracted in the United Kingdom between a British subject resident in England, Scotland, or Ireland and a British subject resident in that part of His Majesty's Dominions, a certificate of the publication of banns or a certificate of notice of marriage issued in accordance with such law shall in England have the same effect as a certificate for marriage issued by a superintendent registrar, and in Scotland and Ireland have the same effect as a certificate for marriage issued by a registrar in Scotland and Ireland respectively; and
- (b) where a marriage is intended to be solemnized or contracted in that part of His Majesty's Dominions between a British subject resident in that part and a British subject resident in England, Scotland or Ireland, a certificate for marriage may be issued in England by a superintendent registrar, or in Scotland or Ireland by a registrar, in the like manner as if the marriage was to be solemnized or contracted under circumstances requiring the issue of such a certificate, and as

* Applied to the colony of the Leeward Islands by U.K. Statutory Instrument 1916 No. 555

if both such British subjects were resident in England, Scotland, or Ireland, as the case may be.

(2) For the purposes of this section the expression “**certificate for marriage**” in reference to certificates issued in Scotland shall mean a certificate of due publication of notice of intention to marry.

(3) Nothing in this Act shall affect the existing law or practice relating to the proclamation of banns in Scotland or the issue of certificates of such proclamation.

Extension to Protectorates

2. His Majesty may by Order in Council extend this Act to any British protectorate, and on the making of any such Order this Act shall, subject to the provisions of the Order, have effect as if the protectorate were part of His Majesty’s Dominions.

3. If His Majesty is satisfied that, for the purposes of a marriage to be solemnized or contracted in any part of His Dominions outside the United Kingdom between a British subject resident in that part and a British subject resident in England, Scotland, or Ireland, no notice of the marriage is, under the law in force in that part of His Dominions required on the part of the person resident in England, Scotland, or Ireland, His Majesty may by Order in Council declare that section one of the Marriage of British Subjects (Facilities) Act, 1915, shall apply to that part of His Dominions, notwithstanding that the law in force in that part does not make provision for the recognition of certificates for marriage issued in England, Scotland, and Ireland, and of certificates of proclamation of banns issued in Scotland, as sufficient notice in respect of such marriage as aforesaid, provided that the other conditions required by that section are fulfilled.

Short title

4. This Act may be cited as the (U.K.) Marriage of British Subjects (Facilities) Act, 1915-1916.

CHAPTER 5.01

MARRIAGE (PROHIBITED DEGREES OF RELATIONSHIP) ACT

(Acts 8 of 1934 and 24 of 1956)

Commencement

[27 March 1934]

Short title

1. This Act may be cited as the Marriage (Prohibited Degrees of Relationship) Act.

Interpretation

2. In this Act “**sister**” or “**brother**” shall include a sister or brother of the half blood.

Marriages not to be deemed void as civil contracts except in certain cases

3. No marriage heretofore or hereafter contracted between a man and any of the following persons, that is to say—

- (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 Montserrat, 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 person of unsound mind so found by inquisition.

Saving

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.

(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.

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