

LAWS OF GHANA



MARRIAGES ACT, 1884-1985 CAP. 127

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MARRIAGES ACT, 1884-19851(1)

PART ONE

Customary Marriages2(2)

Registration of Marriage

1. Registration of customary marriage

On the commencement of this Act, a marriage contracted under customary law before or after the

commencement may be registered in accordance with this Act.3(3)

2. Application for registration

(1) Where a marriage is contracted under customary law, either party to the marriage or both parties

may apply in writing to the registrar of the district in which the marriage was contracted for the

registration of the marriage in the register of marriages.4(4)

(2) The application for the registration of the marriage may be made at any time after the marriage,

but the Minister responsible for Justice may at any time prescribe the periods within which the failure to

register a customary marriage contracted before or after the commencement of this

Act shall be an

offence.5(5)

(3) The form of the register shall be as set out in the First Schedule.

3. Statutory declaration

(1) A statutory declaration shall be attached to the application for registration of the marriage stating

(a) the names of the parties to the marriage,

(b) the places of residence of the parties at the time of the marriage, and

(c) that the conditions essential to the validity of the marriage in accordance with the applicable

customary law have been complied with.

(2) The statutory declaration shall be supported by

(a) the parents of the spouses, or

(b) the persons standing in the place of the parents living at the time of the application for

registration.

4. Registrar to register customary marriage

(1) The Registrar of the district shall, on receipt of an application for the registration of a marriage,

register the marriage and shall by notice in the form set out in the Second Schedule notify the public of

the registration of the marriage.

(2) The notice shall be displayed on a public notice board at the office of the Registrar within

twenty-eight days of the application for registration.

5. Objection to registration of customary marriage

(1) A person who knows of a cause why the Registrar should not have registered the marriage, or

objects to the validity of the marriage under the applicable customary law, may at any time after the

publication of the notice under section 4, file the grounds of the objection in the District Court in the

district in which the marriage was registered.

(2) Copies of the grounds of the objection shall be served on the parties affected by the objection.

(3) Where, on the hearing of the grounds of objection, the District Court

(a) is satisfied that legal grounds have not been established for the objection, the Court shall

dismiss the objection; or

(b) is satisfied that there are legal grounds for the objection, the Court shall order the Registrar

to expunge the entries made in the register in respect of the registration of the marriage to

which the objection was made.

Registration of Divorce

6. Registration of customary divorce

(1) The dissolution of a marriage registered under this Part shall be recorded by the Registrar of the

district in the register of divorces which shall be in the form set out in the Third Schedule.

(2) Subsection (1) shall not apply to a marriage dissolved under section 41 of the Matrimonial Causes

Act, 1971 (Act 367).

7. Registrar to be notified of divorce

(1) Where a marriage registered under this Part is dissolved in accordance with the applicable

customary law, the parties shall, within the prescribed period, notify the Registrar of the district in which

the marriage was registered of the dissolution.6(6)

(2) The parties in notifying the Registrar shall make a statutory declaration stating that the marriage

has been dissolved in accordance with the applicable customary law.

(3) The statutory declaration shall be supported by

(a) the parents of the spouses, or

(b) the persons standing in the place of the parents living at the time of the application.

(4) The Registrar may, on receipt of the notification, record the dissolution in the register and may by

notice in the form set out in the Second Schedule notify the public of the registration of the dissolution of

the marriage.

(5) The notice shall be displayed on a public notice board at the office of the Registrar within

twenty-eight days of the receipt of the notification.

8. Objection

(1) A person who knows of a cause why the Registrar should not have registered the dissolution of the

marriage, or objects to the validity of the dissolution under the applicable customary law, may at any time

after the publication of the notice under section 7, file the grounds of the objection in

the District Court in

the district in which the dissolution was registered.

(2) Copies of the grounds of objection shall be served on the parties affected by the objection.

(3) Where, on the hearing of the grounds of objection, the District Court

(a) is satisfied that legal grounds have not been established for the objection, the Court shall

dismiss the objection; or

(b) is satisfied with the legal grounds for the objection, the Court shall order the Registrar to

expunge the entries made in the register in respect of the dissolution of the marriage.

Miscellaneous

9. Certified copies of entries in register

On the registration of a marriage or the dissolution of a marriage the Registrar shall issue to the parties

concerned a certified true copy of the entry in the register on payment of the registration fee prescribed

under this Part.

10. Objections to be heard in chambers

The grounds of an objection filed in the District Court under section 5 or 8 shall be heard in chambers.

11. Searches

The Registrar shall at a reasonable time allow a search to be made of the register and shall furnish on

request and on payment of the prescribed fee a certified true copy of an entry in the

register.

12. Correction of errors in register

(1) A clerical error in a register may, if discovered at the time of making the entry, be corrected by the

Registrar.

(2) An entry shall not be corrected nor an alteration made in the register except on the application by

the person by whom the information is furnished to the registrar.

13. Certified true copies of entries admissible as evidence

In any proceedings a true copy of the entry in the register certified and personally signed by the

Registrar is admissible in evidence as sufficient proof of the registration of the marriage or the dissolution

of the marriage.

14. Offences

A person who

(a) applies to the Registrar for the registration of a customary law marriage or dissolution which

that person knows has not been lawfully contracted or dissolved under the applicable customary law,

(b) deleted,7(7)

(c) knowingly makes a false entry in the register or a certified copy of an entry, or

(d) with intent to defraud alters an entry in the register or certified copy of an entry, commits an offence and is liable on summary conviction to a fine not exceeding seven hundred and fifty penalty units or to a term of imprisonment not exceeding three years or to both the fine and the imprisonment.

15. Application of Intestate Succession Act, 1985

(1) The Intestate Succession Act, 1985(8) applies to a spouse of a customary law marriage registered

under this Act.

(2) Despite subsection (1) where a Court is satisfied by oral or documentary evidence that a

customary law marriage had been validly contracted between the deceased and a surviving spouse, the

Court shall make an order for the estate of the intestate to be distributed in the same manner as a

customary law marriage registered under this Act.9(9)

16. Regulations

The Minister responsible for Justice may, by legislative instrument, make Regulations

(a) prescribing the periods within which customary law marriages contracted before or after the

commencement of this Act shall be registered;

(b) prescribing the periods within which the dissolution of customary law marriages shall be

registered;

(c) specifying the offences and the penalties for breach of a provision of this Part or

of the

Regulations;

(d) prescribing the necessary fees and generally making provision for the full implementation of

this Part.

17. Interpretation

In this Part, unless the context otherwise requires,

“Court” includes a court of competent jurisdiction and a tribunal;

“district” means the area of authority of a District Assembly, Metropolitan Assembly or a

Municipal Assembly;

“prescribed” means prescribed under this Part or the Regulations;

“register” means the register kept by virtue of this Part for the registration or dissolution of

marriages;

“registrar” means the registrar of marriages of the district in which a marriage or a dissolution of

marriage is registered.

“Regulations” means the Regulations made under this Part.

18. Existing by-laws to cease to have effect

On the commencement of this Part, the by-laws of a District Council relating to the

registration of

customary marriages and divorces shall cease to have effect and shall be deemed to have been cancelled

by this Act.

19. Commencement

Spent.10(10)

PART TWO

Marriage of Mohammedans¹¹(11)

Registrars

20. Registrars

(1) The district chief executive of each district is the Registrar of Mohammedan marriages and

divorces for that district.

(2) The district chief executive shall keep the Mohammedan marriage and divorce register which shall

contain the entries and shall have the counterfoil certificates attached as provided for under this Part.

Licensing of Mohammedan Priests

21. Licence to priest

(1) The Minister responsible for the Interior may grant a licence in the Form A set out in the Fourth

Schedule to a Mohammedan priest applying for the licence, who in the opinion of the Minister is a fit and

proper person to perform the functions imposed by this Part on licensed priests.

(2) The Minister responsible for the Interior may at any time revoke or suspend that licence.12(12)

22. Lists of licensed priests

A list of Mohammedan priests who have been licensed under this Part during the quarters ending 31st

day of March, 30th day of September, and 31st day of December in every year, or whose licences have

been revoked or suspended during any of those quarters shall be published in the Gazette.

Registration of Marriages

23. Registration of Mohammedan marriages

A Mohammedan marriage celebrated after the commencement of this Part shall be registered in the

manner provided by section 24.13(13)

24. Method of registration

(1) The bridegroom, the bride's wali, two witnesses to the marriage, and a Mohammedan priest

licensed under section 21 shall as soon as conveniently may be, and before the expiration of a week after

the celebration of the marriage, attend at the office of the district chief executive for

the purpose of

registering the marriage.

(2) The marriage shall be entered in the register and in the duplicate certificates in the Form B set out

in the Fourth Schedule.

(3) The licensed priest shall first enter in the second column of the register and of the attached

certificates the particulars specified in the first column.

(4) Where the entries in the second column of the register are made in a language other than English,

an English translation made by a person duly sworn to interpret that language shall then be inserted in the

third column of the register and of the certificates.

(5) The register and the certificates shall then be signed by the bridegroom, the brides' wali, and the

two witnesses who have attended for that purpose.

(6) The licensed priest shall then sign in the register and in both the marriage certificates, a certificate

that the marriage is valid according to Mohammedan law.

(7) The sworn interpreter shall then sign in the register and the marriage certificates the certificate of

the correctness of the English translation.

(8) The register and the certificates shall be completed by the signature of the district chief executive

who shall insert the date and place of registration.

(9) The certificates shall then be detached from the register, and one shall be given to the bridegroom

and the other to the bride's wali.

(10) A Justice of the High Court, may on an ex parte application by the bridegroom

or the bride's

wali, issue a certificate signed personally by the Justice to dispense with the signature of any person, other

than a licensed priest,

(a) where the period of one week limited by subsection (1) has lapsed before the registration of a

marriage which should have been so registered, or

(b) where it has been impossible or impracticable to obtain the attendance of a person, other than

a licensed priest, whose signature of the register is required.

(11) The ex parte application shall be supported by an affidavit stating the reason for the delay or

non-attendance.14(14)

Registration of Divorces

25. Divorces to be registered

A Mohammedan divorce effected after the commencement of this Part shall be registered in the

manner provided by section 26.

26. Method of registration

(1) The man, the woman's wali, and two witnesses to the divorce having been effected, and a

Mohammedan priest licensed under section 21 shall, within one month of the divorce having been

effected, attend at the office of the district chief executive for the purpose of

registering the divorce.

(2) The divorce shall be entered in the register and in the duplicate certificates in the Form C set out in

the Fourth Schedule.

(3) The licensed priest shall first enter in the second column of the register and of the attached

certificates the particulars specified in the first column.

(4) Where the entries in the second column of the register are made in a language other than English,

and English translation made by a person duly sworn to interpret that language shall then be inserted in

the third column of the register and of the certificates.

(5) The register and the certificates shall then be signed by the man, the woman's wali, and two

witnesses to the divorce who have attended for that purpose.

(6) The licensed priest shall then sign in the register and in both the divorce certificates a certificate

that the divorce is valid according to Mohammedan law.

(7) The sworn interpreter shall then sign in the register and the divorce certificates the certificate of

the correctness of the English translation.

(8) The register and the certificates shall be completed by the signature of the district chief executive

who shall insert the date and place of registration.

(9) The certificates shall then be detached from the register, and one shall be given to the man and the

other to the woman's wali.

(10) A Justice of the High Court may, on an ex parte application by the man or woman's wali, issue a

certificate signed personally by the Justice authorising the district chief executive to

register the divorce at

any time within one month from the date of the certificate, and on the registration to dispense with the

signature of a person, other than a licensed priest,

(a) where a period of one month limited by subsection (1) has elapsed before the registration of

a divorce which should have been so registered, or

(b) where it has been impossible or impracticable to obtain the attendance of a person, other than

a licensed priest whose signature of the register is required.

(11) The ex parte application shall be supported by an affidavit stating the reason for the delay or

non-attendance.15(15)

Effect of Registration and Proof

27. Marriages and divorces not valid unless registered

(1) A marriage contracted or divorce effected after the commencement of this Part by persons

professing the Mohammedan faith is not valid unless registered under this Part.

(2) A marriage or divorce under this Part when the marriage or divorce is in issue, shall be proved by

the production of the register in which the marriage or divorce is entered, or of an extract from the register

certified and signed personally by the district chief executive or of the certificate of the marriage or

divorce.

28. Succession by Mohammedan law

On the death of a Mohammedan whose marriage has been duly registered under this Part the

succession to the property of that Mohammedan shall be regulated by Mohammedan law.

Miscellaneous

29. Searches

A district chief executive shall allow searches to be made at a reasonable time in a register in the

custody of the district chief executive and shall on request give certified copies of or extracts from entries

in English in the register.

30. Fees

For a licence taken out or registration effected under this Part, for a search, and for a certified copy of

or extract from, a register, there shall be payable the fee prescribed therefor in the Form D set out in the

Fourth Schedule.

31. Application of Act 29

The provisions of the Criminal Offences Act, 1960 relating to false declaration shall apply to registers

and certificates of marriage and divorce under this Act.

32. Penalty for not signing register or certificate

A person required by section 24 or section 26 who without good cause refuses to sign a register or

certificate commits an offence and is liable to a fine not exceeding fifty penalty units.

33. Regulations

The President may, by legislative instrument, make Regulations for further or better carrying into

effect any of the purposes of this Part.16(16)

34. Interpretation

In this Part, unless the context otherwise requires,

“district chief executive” means the district chief executive of the district in which the marriage is

celebrated or the divorce is registered;

“divorce” means the irrevocable dissolution of a marriage registered under section 25;

“functions” includes powers and duties;

“register” means the Mohammedan marriage and divorce register kept by virtue of section 20.

PART THREE

Christian and Other Marriages17(17)

35. Constitution of marriage districts

The President shall, by an executive instrument published in the Gazette, divide the Republic into

districts for the purposes of this Part and may by an executive instrument published in the Gazette, alter

the marriage districts, by the alteration of boundaries of a district or by the union or subdivisions of

districts, or by the creation of new districts.18(18)

36. Appointment of registrars of marriages

(1) The Minister responsible for the Interior

(a) may appoint a fit and proper person to be the registrar of marriages for each marriage district,

and may revoke the appointment, and

(b) may appoint a deputy registrar or deputy registrars of marriages for a district.19(19)

(2) The Minister responsible for the Interior may appoint a deputy registrar of marriages for a

particular place.20(20)

(3) A deputy registrar of marriages has, within the district or place for which the registrar is

appointed, all the powers of a registrar of marriages.21(21)

37. Offices of registrars

(1) A registrar shall have an office at a place in the district as the Minister responsible for the Interior

may determine.

(2) The office of the Principal Registrar shall be at the seat of government.22(22)

38. Appointment of marriage officers

(1) The Minister responsible for the Interior may, by executive instrument, appoint a minister of

religion to be a marriage officer for the marriage district or district named in the instrument, and may in

like manner vary or suspend or revoke the appointment.23(23)

(2) An appointment, under subsection (1) shall take effect on publication in the Gazette.

(3) A minister who is appointed a marriage officer is not compellable to act as a marriage officer with

respect to a marriage which is contrary to the rules of the religious denomination to which the Minister

belongs.24(24)

39. Saving of orders

Spent.25(25)

40. Places of worship to be licensed for celebration of marriages

(1) A district chief executive may license a place of public worship within the district to be a place for

the celebration of marriages, and may cancel the licence in a notice published in the Gazette.26(26)

(2) Notice of the licensing under subsection (1) or of the cancellation of the licence shall be published

in the Gazette.

(3) Spent.27(27)

(4) Spent.28(28)

41. Authorities for solemnisation of marriage

A marriage may be solemnised under the authority of

- (a) a registrar's certificate,
- (b) a marriage officers certificate, or
- (c) a special licence from the Registrar.29(29)

Preliminaries to Marriage

Registrar's Certificate

42. Notice of marriage

Where after the commencement of this Part any persons desire to marry under the authority of a

registrar's certificate, one of the parties to the intended marriage shall sign and give to the registrar of the

district in which the marriage is intended to take place, a notice in the following form:

NOTICE OF MARRIAGE30(30)

To the registrar of marriages for the district of

I hereby give you notice that a marriage is intended to be had within three months from the

date of this notice between me the undersigned and the other party named in the notice.

Name

Profession Condition Occupation,

Rank or Age Dwelling or

Place of abode

Consent, if

any, and by

whom given

Bridegroom

Bride

Bachelor

or

Widower

Spinster

or

Widow

Boatman, etc.

(as case maybe)

Washer (as case
may be)

23

18

James Town

Accra

Ussher Town,

Accra Father

Witness my signature this day of,
20.....

Signature

43. Notice by person unable to write

(1) Where the person giving the notice is unable to write or is insufficiently acquainted with the

English language, or both, then it is sufficient if that person places a mark or cross to the relevant

document in the presence of a literate person who shall attest the notice.

(2) The attestation shall be in the following form:

Signed by at on the day of,
20.....:

this paper, writing, or notice having been first read over to him (her) (or read over and

truly interpreted to him (her) in the language), by
.....,

he (she) seemed to understand the same and made his (her) mark thereto in my presence.

.....

Signed

44. Registrar to supply forms of notice

A registrar shall supply forms of notice gratuitously to persons applying for the forms.

45. Notice to be entered in marriage notice book and published

(1) On receipt of the notice, the registrar

(a) shall enter the particulars in the marriage notice book, and

(b) shall publish the notice by causing a copy of it to be affixed on the outer door of the office,

or on a notice board outside the office, and to be kept exposed there until the grant of the

certificate, or until three months have elapsed.³¹⁽³¹⁾

(2) The marriage notice book may be inspected during office hours without the payment of a fee.

46. Issue of certificate of notice

(1) The registrar shall, if satisfied that the conditions specified in subsection (2) have been complied

with, at any time after the expiration of twenty-one days and before the expiration of three months from

the date of the notice, and on payment of the prescribed fee, issue the certificate in

the Form A set out in

the Fifth Schedule.

(2) The registrar shall not issue the certificate until satisfied by affidavit

(a) that one of the parties has been resident within the district in which the marriage is intended

to be celebrated at least fifteen days preceding the granting of the certificate,

(b) that each of the parties to the intended marriage who is not a widower or widow is

twenty-one years old, or that if that party is under that age, the requisite consent has been

obtained in writing and is annexed to the affidavit,

(c) that an impediment of kindred or affinity, or any other lawful hindrance to the marriage does

not exist, and

(d) that neither of the parties to the intended marriage is married under the applicable customary

law to a person other than the person with whom the marriage is proposed to be contracted.

(3) The affidavit may be sworn before the registrar, or before a District Magistrate.³²⁽³²⁾

(4) The registrar or the Magistrate taking the affidavit shall explain to the person making the affidavit

what are the prohibited degrees of kindred and affinity, and the penalties which may be incurred under

Chapter 6 of the Criminal Offences Act, 1960 (Act 29).³³⁽³³⁾

47. Marriage to take place within three months

Where the marriage does not take place within three months after the date of the notice, the notice and

all proceedings consequent on the notice are void; and a fresh notice shall be given before the parties can

lawfully marry under a registrar's certificate.³⁴⁽³⁴⁾

Marriage Officer's Certificate

48. Notices for banns

(1) Where any persons desire to marry under the authority of a marriage officer's certificate, each of

those persons shall, four days at least before the time required for the first publication of the banns of

marriage, deliver to a marriage officer for the district in which that person resides, a notice in the Form E

set out in the Fifth Schedule.

(2) Where both persons have for fifteen days previously to giving the notice resided in the same town

or village, and are members of the same religious denomination, a single notice in the Form F set out in

the Fifth Schedule is sufficient, and banns of marriage need be published only in the place of worship of

the religious denomination at that town or village, and one marriage officer's certificate in the Form J set

out in the Fifth Schedule is sufficient authority for the solemnisation of the marriage.³⁵⁽³⁵⁾

49. Publication of banns

(1) On the receipt of the notice of intended marriage, the marriage officer

(a) shall, subject to subsection (3) of section 38, personally publish the banns of marriage

between the parties named in the notice at the town or village where the person giving the

notice resides, in the place of worship of the religious denomination to which that person

belongs, or

(b) shall cause the banns to be there published by a person duly authorised for the purpose in

writing by the marriage officer by endorsement on the notice in the Form G set out in the

Fifth Schedule.

(2) Where separate notices of an intended marriage are required to be given the banns shall be

published separately in respect of each of the notices.36(36)

50. Method of publication

(1) Publication shall be made in the face of the congregation in an audible manner both in English and

the vernacular at the appropriate time during public divine service on a Sunday morning or a Sunday

afternoon or evening as appropriate and shall be in the following form:

“I publish the banns of marriage between

pg

(name of intended husband) of(state place of residence, as in notice) bachelor (or widower), and(name of intended wife) of (state place of residence, as in notice) spinster.

(name of intended husband) of(state place of residence, as in notice) bachelor (or widower), and(name of intended wife) of (state place of residence, as in notice) spinster.

If any of you know cause or just impediment why these two persons should not be joined together in holy matrimony, you are to declare it.

This is for the first (second, or third) time of asking.

(2) The publication shall be made on three Sundays.

(3) Where the person authorised to publish the banns is not familiar with the vernacular that person

may depute another person to publish the banns in the vernacular, and the banns shall be so published in

the vernacular immediately after their publication in English.³⁷⁽³⁷⁾

51. Endorsement of publication of banns on notice

The person publishing the banns shall endorse the dates of the publications on the notice, in the Form

H set out in the Fifth Schedule and where that person is not the marriage officer, that person shall return

the notice duly endorsed to the marriage officer.³⁸⁽³⁸⁾

52. Prohibition of banns

A person desiring to forbid a marriage by banns shall do so in the manner provided by section

56.³⁹⁽³⁹⁾

53. Issue of marriage officer's certificate

The marriage officer on being satisfied of the due publication of the banns, and if a caveat has not

been entered, or if the caveat has been entered but duly removed, shall at any time within three months of

the date of the last publication of banns grant to the person by whom the notice of intended marriage has

been given, if a separate notice, a marriage officer's certificate in the Form 1 set out in the Fifth Schedule,

or to one of the persons by whom a joint notice of intended marriage has been given, a certificate in the

Form J set out in the Fifth Schedule.40(40)

54. Marriage not solemnised within three months

Where the marriage is not solemnised within three months of the last publication of banns, the

publication and all proceedings consequent on the publication are void, and before the parties can be

married by banns, the banns shall be published anew in the manner and form provided, as if the banns had

never been published between them.41(41)

Special Licence

55. Special licence

(1) Where the Registrar is satisfied by an affidavit that a lawful impediment to the proposed marriage

does not exist and that the necessary consent to the marriage has been obtained, the Registrar may

dispense with the giving of notice, and with the issue of the certificate of the registrar,

and may grant the

licence, which shall be in the Form B set out in the Fifth Schedule, authorising the celebration of the

marriage between the parties named in the licence by a registrar, or by a recognised Minister of a

religious denomination or body.

(2) The marriage may be celebrated in a place other than a licensed place of worship or a registrar's

office if the Registrar so authorises.42(42)

Objections to Marriage

56. Caveat

(1) A person whose consent to a marriage is required, or who may know of a just cause why the

marriage should not take place, may enter a caveat against the issue of a registrar's or marriage officer's

certificate,

(a) where the marriage is to be solemnised under the authority of a registrar's certificate, at any

time before the issue of the certificate,

(i) by writing the word "Forbidden" opposite to the entry of the notice in the marriage notice book, and

(ii) by appending to the notice the name and place of abode of that person, and the grounds on or by reason of which that person claims to forbid the marriage;

(b) where the marriage is to be solemnised under the authority of marriage officers

certificates,

or one certificate, after publication of banns,

(i) by giving notice in writing to the person publishing the banns to forbid the marriage,

and

(ii) by appending the name and place of abode of that person to the notice, and

(iii) by specifying in the notice the grounds on or by reason of which that person claims to

forbid the marriage;

and the person publishing the banns, if not the marriage officer, shall forward the notice

without delay to the marriage officer, and shall, unless the notice of the intending marriage

had been returned to the marriage officer, record on the notice of intended marriage the fact

and date of the receipt of the notice forbidding the marriage.

(2) A registrar or marriage officer shall not issue the certificate until the caveat is removed.⁴³⁽⁴³⁾

57. Caveat entered, reference to Court

(1) Where a caveat is entered against the issue of a registrar's or marriage officer's certificate, the

registrar or marriage officer, shall without delay refer the matter to a Justice of the High Court.

(2) Where the Justice is satisfied that legal grounds do not exist for forbidding the issue of the

certificate, the Justice shall remove the caveat in the prescribed manner without requiring any of the

parties to appear.

(3) In any other cases the Justice shall summon the parties to the intended marriage

and the person by

whom the caveat was entered, and shall require the last-named person to show cause why the registrar or

marriage officer should not in due course issue the certificate.

(4) The case shall be heard and determined in a summary manner, and the Justice may award

compensation and costs to the party injured, if it appears that a caveat was entered on insufficient

grounds.44(44)

58. Removal of caveat

(1) Where the Justice decides that the certificate ought to issue, the Justice shall remove the caveat,

(a) in the case of a registrar's certificate, by cancelling the word "Forbidden" in the marriage

notice book in ink, and writing in the marriage notice book immediately below that entry and

cancellation, the words "Cancelled this day of , 20

, by order of the High Court at,," and signing the book accordingly;

(b) in the case of a marriage officer's certificate, by a declaration personally signed by the

marriage officer that the intended marriage is proper and may be solemnised in due course, a

certified copy of which declaration shall be forwarded by the registrar of the High Court to

the marriage officer by whom the caveat was referred.

(2) On the removal of the caveat, the registrar or marriage officer may issue the

certificate in due

course, and the marriage may proceed as if the caveat had not been entered, but the time that has elapsed

between the entering and the removal of the caveat shall not be computed in the period of three months

specified in section 45, 46, 47 or 54.45(45)

Consent to Marriage

59. Consent to marriage of minors

Where either party to an intended marriage, who is not a widower or a widow, is under twenty-one

years of age, the written consent

(a) of the father, or if the father is dead or is of unsound mind or is absent from the Republic, of

the mother, or

(b) of the mother, or if the mother is dead or is of unsound mind or is absent from the Republic,

of the guardian of that party,

shall be produced annexed to the affidavit before a licence can be granted or a certificate issued.46(46)

60. Signature of consent by person unable to write

(1) Where the person required to sign the consent is unable to write or is insufficiently acquainted

with the English language or both, then that person shall sign the consent by placing a mark or a cross to

the consent in the presence of

- (a) a Justice of the High Court,
- (b) a Magistrate,
- (c) a registrar of marriages,
- (d) a registrar of a superior court of record,
- (e) a Government medical officer or medical officer of the Armed Forces, or
- (f) a minister of religion.

(2) The signature shall be attested by that person and shall be in the following form or as near thereto

as may be:

Signed by at on the day of ,
20.....:

this paper, writing, or consent having been first read over (or read over and truly interpreted) to him (her) in the language

byhe (she) seemed to understand the

same, and made his (her) mark thereto in my presence,

Before me,

A.B.,

Justice or Magistrate47(47)

61. Consent by a Justice

Where a parent or guardian of a party is not residing in the Republic and capable of consenting to the

marriage,

(a) a Justice of the High Court,

(b) the Attorney-General, or

(c) a Magistrate,

may consent to the marriage in writing on being satisfied after due enquiry that the marriage is a proper

one, and the consent shall be as effectual as if the father or mother had consented.⁴⁸⁽⁴⁸⁾

Celebration of Marriage

62. Marriages in licensed place of worship

(1) Marriages may be celebrated in a licensed place of worship by a recognised minister of the church,

denomination or body to which the place of worship belongs, and according to the rites or usages of

marriage observed in the church, denomination or body.

(2) The marriage shall be celebrated, with the doors open between the hours of eight o'clock in the

forenoon and six o'clock in the afternoon, and in the presence of two or more witnesses besides the

officiating minister and any other persons who may wish to attend the celebration.

63. Minister not to celebrate marriage in certain cases

A minister shall not celebrate a marriage knowing of a just impediment to the marriage, nor shall the

minister celebrate a marriage until the parties deliver to the minister

(a) a registrar's certificate, or

(b) two marriage officer's certificates in the Form I in set out in the Fifth Schedule, one in

respect of each party, or one marriage officer's certificate in the Form J set out in the Fifth

Schedule, or

(c) the Registrar's licence.⁴⁹⁽⁴⁹⁾

64. Where minister may celebrate marriage

A minister shall not celebrate a marriage except in a building which has been duly licensed under

section 40 or in a place directed by the Registrar's licence.

65. Books of certificates

(1) The Minister shall cause to be printed and delivered to the several registrars, and to the recognised

ministers of licensed places of worship, books of marriage certificates in duplicate and with counterfoils

in the Form C set out in the Fifth Schedule.

(2) The books shall be kept by the several registrars and the recognised ministers of the places of

worship, under lock and key, and in the custody of the registrars and ministers respectively, who shall so

soon as all the marriage certificates in the book have been used, send the book with

the counterfoils duly

filed in to the Registrar, who shall preserve the books in the office of the Registrar.

66. Entries to be made in marriage certificate

(1) Immediately after the celebration of a marriage by a minister, the officiating minister shall make

entries in duplicate in the marriage certificate of

(a) the number of the certificate,

(b) the date of the marriage,

(c) the names of the parties, and whether any of them is of full age or a minor,

(d) the names of the parties,

(e) the condition, whether bachelor or widower, spinster or widow, of the parties,

(f) the occupation, rank, or profession of the parties,

(g) the residence at the time of marriage of the parties, and

(h) the father's or mother's names, if known, their occupation, if known.

(2) The minister shall make the first three entries and also enter the names of the witnesses in the

counterfoil of the certificate.

67. Signature of certificates

(1) The certificates shall then be signed in duplicate by the officiating minister, by the parties, and by

two or more witnesses to the marriage.

(2) The minister, having also signed the counterfoil, shall sever the duplicate certificate, deliver one

certificate to the parties and shall, within seven days after the marriage, transmit the other to the registrar

of marriages for the district in which the marriage takes place, who shall file the certificate in the office.

68. Marriage in a registrar's office

(1) After the issue of a certificate by a registrar under section 46 or section 58, the parties may

contract a marriage before a registrar in the presence of two witnesses in the registrar's office with the

doors open, between the hours of eight o'clock in the forenoon and four o'clock in the afternoon on a

week-day which is not a public holiday.50(50)

(2) The registrar shall directly or through an interpreter, address the parties thus:

“Do I understand you A.B. and C.D. that you come here for the purpose of becoming husband and wife?”

(3) On their answering in the affirmative the registrar shall proceed thus:

“Know ye that by the public taking of each other as husband and wife in my presence and in

the presence of the persons now here, and by the subsequent attestation thereof by signing

your names to that effect, you become legally married to each other, although no other rite of

a civil or religious nature shall take place, and that this marriage cannot be dissolved during

your lifetime, except by a valid judgment of divorce, and if either of you before the death of

the other, shall contract another marriage while this remains undissolved, you will be thereby

guilty of bigamy, and liable to the punishment inflicted for that offence.”

(4) Each of the parties shall then say to the other,

“I call upon all persons here present to witness that I, A. B., do take there, C.D., to be my

lawful wife (or husband).”51(51)

69. Marriage certificate to be signed

The registrar shall then fill up, and the registrar and the parties and witnesses shall sign the certificate

of the marriage in duplicate, and the registrar shall fill up and sign the counterfoil as prescribed in the case

of a marriage by a minister, and shall deliver one certificate to the parties and shall file the other in the

office.

70. Marriage under Registrar's licence

Where the Registrar's licence authorises the celebration of a marriage at a place other than a licensed

place of worship, or the office of a registrar of marriages, the registrar of the district in which the

marriage is intended to take place, on the production of the licence, shall deliver to the person producing

the licence, a blank certificate of marriage in duplicate, and the minister or registrar celebrating the

marriage shall fill up the certificate, and observe strictly all the prescribed formalities as to marriages in a

licensed place of worship, or registrar's office.52(52)

Registry and Evidence of Marriages

71. Marriage register book

(1) The registrar of marriages in each district shall forthwith register in the marriage register book,

every certificate of marriage which is filed in the office, according to the Form D set out in the Fifth

Schedule.

(2) The entry shall be made in order of date from the beginning to the end of the book, and shall be

dated on the day on which it is so entered, and shall be signed by the registrar.

(3) The book shall be indexed in a manner best suited for easy reference.

(4) The book shall be a record book, and the registrar shall during office hours allow searches to be

made, and shall give certified copies from the book on payment of the fee mentioned in the Sixth

Schedule.

(5) Within ten days after the last day of each month, every registrar shall send to the Registrar a

certified copy of all the entries made during the preceding month in the marriage register book of the

district, and the Registrar shall file the certified copy in the office of the Registrar.

72. Correction of clerical errors in marriage certificates

(1) A clerical error in a certificate of marriage may be corrected by the registrar or minister

performing a marriage, if discovered at the time of the making of the entry.

(2) A correction or alteration shall not be made in a certificate but a registrar, when authorised by the

Minister responsible for the Interior, may correct a clerical error in a certificate of marriage filed in the

registrar's office, on production of the certificate delivered to the parties, and shall authenticate the

correction by signature or by making the correction with initials and the date of correction.⁵³⁽⁵³⁾

73. Evidence of marriage

A certificate of marriage which has been filed in the office of the registrar of a district, or a copy of

that certificate purporting to be signed and certified as a true copy by the registrar of the district and an

entry in a marriage register book or a certified copy of that entry and a copy of an extract of the records of

the Registrar relating to a marriage and certified by the Registrar to be a true copy of the extract is

admissible as evidence of the marriage to which it relates in a Court or before a person having by law or

consent of the parties authority to hear, receive and examine evidence.⁵⁴⁽⁵⁴⁾

Invalid Marriages

74. Marriage with deceased wife's sister or niece lawful

(1) A marriage may be lawfully celebrated under this Part between a man and the sister or niece of the

deceased wife, but a marriage is not valid,

(a) which if celebrated in England, would be void on the ground of kindred or affinity, or

(b) where either of the parties, at the time of the celebration of the marriage, is married under the

applicable customary law to a person other than the person with whom the marriage

is

celebrated.

(2) A marriage is void if both parties knowingly and wilfully acquiesce in its celebration in a place

other than the office of a registrar of marriages, or a licensed place of worship, except where authorised

by the Registrar's licence, or under a false name or names, or without the registrar's certificate of notice,

or the marriage officer's certificates, or one certificate when sufficient or licence duly issued, or by a

person who is not a recognised minister of a religious denomination or body, or a registrar of marriages.

(3) A marriage shall not after its celebration be considered invalid because a provision of this Part

other than this section has not been complied with.⁵⁵⁽⁵⁵⁾

75. Marriages under this Part valid

A marriage celebrated under this Part is good and valid in law to all intents and purposes.

76. Customary marriages and this Part

(1) A person who is married under this Part, or whose marriage before the commencement of this Part

is declared by this Part to be valid, shall not during the continuance of that marriage contract a valid

marriage under an applicable customary law.

(2) Unless otherwise provided, this Part does not affect the validity of a marriage contracted under or

in accordance with an applicable customary law, or in any manner apply to

marriages so contracted.

Marriages Already Celebrated

77. Existing marriages validated

(1) A marriage celebrated before the commencement of this Part by a minister of a religious

denomination or body, according to the rites in use by the religious denomination or body is a legal and

valid marriage.

(2) Subsection (1) does not legalise

(a) a marriage which has before the commencement of this Part been declared invalid by a

Court, nor

(b) a marriage, either party to which had at the time of its celebration a lawful wife or husband

living, nor

(c) a marriage which was void by reason of kindred or affinity or fraud or incapacity to contract

marriage, nor

(d) a marriage otherwise invalid, either party to which has before the commencement of this Part

and in the lifetime of the other party had intermarried with another person.⁵⁶⁽⁵⁶⁾

78. Existing registers of marriages to be transmitted to Principal Registrar

Spent.⁵⁷⁽⁵⁷⁾

79. Expenses to be defrayed from general revenue

Spent.⁵⁸⁽⁵⁸⁾

Succession to Intestate's Property

80. Effect of marriage

(1) Where a person who is subject to the applicable customary law contracts a marriage, whether

within the Republic or elsewhere in accordance with this Part or of any other enactment relating to

marriage, or has contracted a marriage prior to the passing of this Part which marriage is validated hereby,

and that person dies intestate on or after the 15th day of February, 1909, leaving a widow or husband or

any issue of that marriage, and also where a person who is an issue of that marriage dies intestate on

or after the said 15th day of February, 1909, the personal property of the intestate, and also the real

property of which that intestate might have disposed by will, shall be distributed or descend in manner

following:

(a) two-thirds in accordance with the provisions of the law of England relating to the

distribution of the personal estates of intestates in force on the 19th day of November, 1884,

despite the applicable customary law, and

(b) one-third in accordance with the provisions of the applicable customary laws which would

have obtained if that person had not been married under this Part.

(2) For the purposes of subsection (1),

(a) where by the law of England, a portion of the estate of the intestate would become a portion

of the casual hereditary revenues of the Crown, that portion shall be distributed in

accordance with the provisions of the applicable customary law, and shall not become a

portion of the casual hereditary revenues; and

(b) the real property, the succession to which cannot by the applicable customary law be affected

by testamentary disposition, shall descend in accordance with the provisions of the applicable customary law, despite any other provision in this section.

(3) Where a person dies in the circumstances mentioned in subsections (1) and (2), but on or after the

1st day of December, 1950, the property shall devolve on the administrator of the deceased person's

estate on trust to sell the property and to divide the proceeds of the sale in the manner provided in

subsections (1) and (2).60(60)

(4) Before the registrar or a marriage officer issues the certificate in the case of an intended marriage,

either party to which is a person subject to the applicable customary law, the registrar or officer shall

explain to both parties the effect of these provisions as to the succession to property as affected by

marriage.61(61)

81. Legitimation of children born before marriage

(1) A child born before the intermarriage of the parents under this Part and not procreated in adultery

shall on the intermarriage become the lawful issue of a marriage under this Part and is entitled to the same

rights and privileges.

(2) The property of the child shall, in case of intestacy, be subject to the same incidents as though the

parents had been at the date of the birth of the child married under this Part.

(3) The intercourse of a man married under the applicable customary law with an unmarried woman

is, for the purposes of this Part, not adultery.

(4) This section applies to all children both of whose parents were living on the 15th day of February,

1909.62(62)

Fees

82. Fees

(1) The fees specified in the Sixth Schedule shall be paid to the registrars for the several matters to

which they are applicable, and shall be paid by them into the Consolidated Fund.

(2) The Minister responsible for the Interior may, where satisfied of the poverty of the parties, reduce

the amount of the fees, or remit them altogether; and if they have been paid into the Consolidated Fund,

order their refund.

83. Ministers may receive customary fees

This Part does not preclude a minister from receiving the fees ordinarily paid to a minister of the

minister's denomination for the celebration of marriage.

Forms

84. Forms

The forms contained in the Fifth Schedule may be used in the cases to which they are applicable with

the alterations that are necessary.

85. Interpretation

In this Part, unless the context otherwise requires,

“Court” means a court of competent jurisdiction;

“district” means a marriage district constituted under section 35;

“Registrar” means the principal registrar of marriages;

“registrar” includes a deputy registrar of marriages.

First Schedule

FORM OF REGISTER OF CUSTOMARY MARRIAGES

[Section 2 (3)]

PART A—PARTICULARS OF HUSBAND

Name Age of Date Place of Other Signature Name No. of Signature Rema

of husband and residence existing or and receipt of

husband place of of marriage thumbprints signature registrar

Marriage husband of or

husband thumbprint

of

witnesses

PART B—PARTICULARS OF WIFE

Name Age of Date Place of Condition Signature Name No. of Signature Rem

of wife wife and residence (spinster or and receipt of

place of of wife or thumbprints signature registrar

marriage divorcee) of wife or

thumbprint

of

witnesses

Second Schedule

NOTICE OF REGISTRATION OF CUSTOMARY MARRIAGE OR DISSOLUTION OF CUSTOMARY MARRIAGE

[Sections 4 and 7 (4)]

Notice is hereby given that the marriage or dissolution of the marriage between the

parties

mentioned below was registered in the Register of Marriages and Divorces in accordance with

Part One of the Marriages Act, 1884 on the day of 20.....

Name of parties to

the marriage

Place(s) of

residence of parties

Place of marriage or

dissolution of

marriage

Date of marriage or

dissolution of

marriage

Dated this Day of, 20.....

.....

Registrar of Marriages

Third Schedule

FORM OF REGISTER OF DIVORCE

[Section 6]

Name

of divorcee

Date

of marriage

Place of

residence of

divorcee

Date of

dissolution of

marriage

Signature

of divorcee

No.

of receipt

Signature

of registrar

Fourth Schedule

FORMS

FORM A

LICENCE TO MOHAMMEDAN PRIEST

[Section 21]

Priest's licence

This is to certify that I have this day licensed, a Mohammedan priest,
residing

at, to perform the duties imposed by Part 2- Marriage of
Mohammedans, on

Mohammedan priests licensed under that Part.

Dated this day of, 20.....

Fee paid

.....

Signature

FORM B63(63)

CERTIFICATE OF MARRIAGE

[Section 24 (2)]

Marriage certificate

Marriages Act, Part Two

Entry of marriage

No.

Marriages Act, Part Two

Certificate of Marriage

No.

Entry by Priest

Date of marriage

Name and residence of
bridegroom

Name and residence of
bridegroom's parents

Name and residence of
bride

Name and residence of
bride's parents

Name in full of licensed
priest certifying to
validity of marriage.....

Names in full and
residence of bride's wali
and witnesses signing
certificate

Amount of dower

Whether any portion of
the dower was paid at
once, and if so, what
amount

Signatures of parties

.....

Bridegroom

..... Bride's

Wali

..... Witness

..... Witness

English

translation

Entry by Priest

Date of marriage

Name and residence of

bridegroom

Names and residence of

bridegroom's parents

Name and residence of

bride

Name and residence of
bride's parents

Name in full of licensed
priest certifying to
validity of marriage

Name in full and
residence of bride's wali
and witnesses signing
certificate

Amount of dower

Whether any portion of
the dower was paid at
once, and if so, what
amount

Signatures of parties

.....

Bridegroom.

..... Bride's

Wali

..... Witness

..... Witness

English

translation

I hereby certify that the I hereby certify that the
above marriage is valid above marriage is valid
according to according to
Mohammedan law, and Mohammedan law, and
that the above entries are that the above entries are
correct. correct.

.....

Licensed Priest Licensed Priest

I hereby certify that the I hereby certify that the
above English translation above English translation
of the entries made by the of the entries made by the
above-named above-named
is correct is correct.

.....

Sworn Interpreter Sworn Interpreter

Dated at thisday Dated at thisday

of, 20....., of, 20.....,

.....

District Chief Executive District Chief Executive

FORM C64(64)

CERTIFICATE OF DIVORCE

[Section 26 (2)]

Divorce certificate

Marriages Act, Part Two Marriages Act,

Part Two

Entry of Divorce Certificate of

Divorce

No. No.

Entry by Priest English Entry by Priest English

translation translation

Date of divorce Date of divorce

Name and residence of
man

Name and residence of
man's parents

Name of woman

Name and residence of
woman's parents

Name in full of licensed
priest signing certificate

Names in full and
residence of woman's
wali and witnesses to
divorce signing
certificate

Signatures of parties

.....Man

..... Woman's Wali

..... Witness to

divorce

..... Witness to divorce

I hereby certify that the
above divorce is valid
according to
Mohammedan law, and
that the above entries are
correct.

.....

Licensed Priest

Name and residence of
man

Name and residence of
man's parents

Name of woman

Name and residence of
woman's parents

Name in full of licensed
priest signing certificate

Names in full and
residence of woman's
wali and witnesses to
divorce signing
certificate

Signatures of parties

.....Man

..... Woman's Wali

..... Witness to
divorce

..... Witness to
divorce

I hereby certify that
the above divorce is
valid according to
Mohammedan law, and
that the above entries are
correct.

.....

Licensed Priest

I hereby certify that the I hereby certify that
above English translation the above English
of the entries made by translation of the entries
the above-named made by the
is correct above-named
is correct.

.....

Sworn Interpreter Sworn Interpreter

Dated at this day Dated at thisday

of, 20..... of, 20.....,

.....

District Chief Executive District Chief Executive

FORM D

FEES

[Section 30]

¢

For every priest's licence
500,000.00

For registration of a marriage or divorce
200,000.00

For inspection of register, per hour
50,000.00

For certified copy of an entry (English only)
100,000.00

Fifth Schedule

FORMS

FORM A

REGISTRAR'S CERTIFICATE65(65)

[Sections 46 and 84]

Registrar's certificate

I registrar of marriages in the district in
the Ghana,

do hereby certify that on the day of, notice was
duly entered

in the Marriage Notice Book of this district, of the marriage intended between the
parties named

and described in this certificate, the notice having been signed by one of the parties,
that is to

say—

Occupation,

Name Condition rank,

or Age Consent Dwelling Length of

residence

profession

A.B

C.D.

Bachelor

Spinster

Boatman

Trader

19

16

E.F. the

father

G.H., the

mother

James

Town,

Date of notice entered, 20.....

Date of certificate given, 20.....

No caveat has been entered against the issue of this certificate,
.....

A caveat was entered against the issue of this certificate on the day of
.....,

20....., but was removed on the day of, 20....., by the Justice of the
High Court at

Witness my signature, 20.....

.....

A.B.,

Registrar of Marriages,

District

NOTE - This certificate is void unless the marriage is solemnised on or before the
.....

day of, 20.....

(A.B.)

FORM B

SPECIAL LICENCE

[Section 55]

Special Licence

WHEREAS A.B. and C.D. desire to intermarry, and sufficient cause has been shown
to me

why the preliminaries required by the Marriages Act should be dispensed with:

ypqyg p

Now, THEREFORE in pursuance of that Act, I do dispense with the giving of notice
and the

issue of the certificate thereby prescribed, and do hereby authorise any registrar of marriages,

or recognised minister of a religious denomination or body, to celebrate marriage between A.B.

and C.D., at (place of celebration), between the hours of eight o'clock in the forenoon and six

o'clock in the afternoon, and within days from the date of this licence.

Signed this day of, 20.....

.....

Registrar

FORM C66(66)

BOOK OF MARRIAGE CERTIFICATES

[Sections 65 and 66]

Book of marriage certificates

FORM D67(67)

MARRIAGE REGISTER BOOK

[Section 71 (1)]

When

married

Names

and

surnames

Whether

full age

or

minor

Condition Occupation Residence

Father's

name and

occupation

Place of

worship or

Registrar's

Office

Minister

or

Registrar

Entered this day of, 20....., at the
..... district

registry of marriages at

.....

(Signed) A. B.

.....

Registrar

FORM E

NOTICE FOR BANNS68(68)

[Section 48 (1)]

(By one party only)

Notice for banns (by one party)

To Minister of Church (or Chapel) at in
the district of

and a marriage officer for the district.

I, a member of the congregation of the
(insert name of

religious denomination) Church (or Chapel) at give you notice that a
marriage is

intended between me and the other party named and described in this notice and
that I desire

you to publish or cause to be published the banns of the marriage in the Church (or
Chapel) on

the first three Sundays on which service is held.

Name Condition Calling Age Dwelling place Consent, if

any, by whom

A.B

C.D.

Bachelor (or

widower) or

married to C.D.

under the

applicable

customary law

Spinster (or

Widow) or married

to A.B. under the

applicable

customary law

Trader

None

24

19

Otu Street,

Accra

Christianborg E.D.(Father)

And I give this notice with the assent of the other party herein named and described.

And I solemnly declare that I believe there is no impediment of kindred or alliance or any other

lawful hindrance to the marriage.

Witness my hand this day of, 20.....

Signature

FORM F

NOTICE FOR BANNS69(69)

[Section 48 (2)]

(Where parties of same congregation give single notice)

Notice for banns (by both parties)

To Minister of Church (or Chapel) at in the district of
..... and

a marriage officer for the district.

We and of solemnly
declare that each of

us has for fifteen days previously to the giving of this notice resided at
..... and is a

member of the congregation of the (insert name of religious
denomination) Church

(or Chapel) at and we hereby given you notice that a marriage is intended
between us and

that we desire you to publish or cause to be published the banns of the marriage in
the Church

(or chapel) on the first three Sundays on which a service is held.

Name Condition Calling Age Dwelling

place

Consent, if any, by

whom

E.F.

G.H.

Bachelor (or

widower) or

married to G.H.

under the

applicable

customary law

Spinster (or

widow) or

married to E.F.

under the

applicable

customary law

Farmer

None

28

19

Aburi

Aburi J.H.(Father)

And we solemnly declare that we believe there is no impediment of kindred or alliance or any

other lawful hindrance to the marriage.

Witness our hands this day of, 20.....

Signatures

FORM G

AUTHORITY TO PUBLISH BANNS OF MARRIAGE

[Section 49 (1)]

Authority to publish banns

To of
.....

I hereby authorise and request you to publish the banns of marriage between the

within-named ..

..... and in the (insert name of religious denomination)
Church (or

Chapel) at on the first three Sundays on which a service is held.

Dated at this day of,
20.....

.....

Marriage officer

FORM H70(70)

ENDORSEMENT OF PUBLICATION OF BANNS71(71)

[Section 51]

I, the below-named hereby certify that I did duly publish
the banns of

marriage between the within-named and on
three

Sundays, viz:—

For the first time on the 20.....,

For the second time on the 20.....,

For the third time on the 20.....,

Dated at this day of,
20.....

.....

(Signature of Marriage Officer or person
authorised to publish banns)

FORM I

MARRIAGE OFFICER'S CERTIFICATE 72(72)

[Sections 53 and 63]

Marriage officer's certificate (where notice given by one Party)

I Minister of in the district of and a

marriage officer for the district, hereby certify that on the day of,

20...., notice was duly given of the intended marriage by banns between the parties herein named

and described, the notice having been signed by one of the parties, that is to say,

Name Condition Calling Age Dwelling place Consent, if any, by

whom

A.B

C.D.

Bachelor (or

widower) or

married to C.D.

under the

applicable

customary law

Spinster (or

widow) or married

to A.B. under the

applicable

customary law

Trader

None

24

19

Otu Street,

Accra

Christianborg E.D. (Father)

And I further certify that the banns of marriage have been duly published in the
(insert name of

religious denomination) Church (or Chapel) aton three Sundays, viz.
.....

g) (p) y) (p) y,

(insert dates) and that a caveat has not been entered against the issue of this
certificate;

or a caveat was entered against the issue of this certificate on
the.....

day of, 20....., but was removed on the day of
.....,

20....., by the Justice of the High Court

Witness my signature this day of,
20.....

.....

Marriage Officer

FORM J

MARRIAGE OFFICER'S CERTIFICATE73(73)

[Sections 48 (2), 53 and 63]

(Where joint notice given by both parties)

Marriage officer's certificate (where joint notice given)

I Minister of Church (or Chapel) in the district of
..... and

a marriage officer for the district, hereby certify that on theday of
.....,

20....., notice was duly given by the parties named and described in this
certificate of their

intended marriage by banns, parties having solemnly declared that each of them had
for fifteen

days previously to the giving of the notice resided at (Aburi) and was a member of
the

congregation of the (here insert name of religious denomination) church (or Chapel)
at (Aburi).

Name Condition Calling Age Dwelling place Consent, if any,

by whom

E.F.

G.H.

Bachelor (or widower)

or married to G.H.

under the applicable

customary law

Spinster (or widow) or

married to E.F. under

the applicable

customary law

Farmer

None

28

19

Aburi

Aburi J.H. (Father)

And I further certify that the banns of marriage have been duly published in the.....

Church (or Chapel) at (Aburi) on three Sundays, viz, - (insert dates) and that caveat has

not been entered against the issue of this certificate:

Or

a caveat was entered against the issue of this certificate on the day of,

20....., but was removed on the day of, 20....., by the Justice

, y ,,y

of the High Court at

Witness my signature this day of, 20.....

y ,,y

of the High Court at

Witness my signature this day of, 20.....

.....

Marriage Officer

Sixth Schedule74(74)

FEES

[Section 71 (4)]

Fees ¢

Filing every notice of marriage 50,000.00

On issue of each certificate or certified copy of it	50,000.00
Certifying an extract	50,000.00
Special licence with marriage ceremony	500,000.00
Special licence without marriage ceremony	500,000.00
Marriage ceremony	50,000.00

Endnotes

1 (Popup - Footnote)

1.

This Act consolidates the Customary Marriage and Divorce (Registration) Law, 1985 (P.N.D.C.L. 112), the

Marriage of Mohammedans Ordinance, 1907 (Cap. 107 McCarthy and Cap. 129 McElwaine), and the

Marriage Ordinance, 1884 (No. 14 of 1884) (Cap. 105 McCarthy and Cap. 127 McElwaine).

The Constitution (Consequential Provisions) Act, 1960 (C.A. 8) made a number of consequential

amendments regarding such changes as “President” or “Minister” for “Governor”.

2 (Popup - Footnote)

2. This Part was issued as the Customary Marriage and Divorce (Registration) Law,

1985 (P.N.D.C.L. 112).

The amendments made to it by the Customary Marriage and Divorce Registration (Amendment) Law, 1991 were

deemed to have come into force on the 14th day of June, 1985.

3 (Popup - Footnote)

3.

Amended by section 1 of the Customary Marriage and Divorce (Registration) (Amendment) Law, 1991

(P.N.D.C.L. 263).

4 (Popup - Footnote)

4.

Amended by section 2 (a) of the Customary Marriage and Divorce (Registration) (Amendment) Law, 1991

(P.N.D.C.L. 263).

5 (Popup - Footnote)

5.

Substituted by section 2 (b) of the Customary Marriage and Divorce (Registration) (Amendment) Law, 1991

(P.N.D.C.L. 263).

6 (Popup - Footnote)

6.

Substituted by section 3 of the Customary Marriage and Divorce (Registration) (Amendment) Law, 1991

(P.N.D.C.L. 263).

7 (Popup - Footnote)

7.

By section 4 of the Customary Marriage and Divorce (Registration) Amendment Law, 1991

(P.N.D.C.L. 263). The paragraph provided that, “without reasonable cause, proof of which shall be on him, fails or

refuses to register any customary law marriage or dissolution thereof under this Law”.

8 (Popup - Footnote)

8.

P.N.D.C.L. 111.

9 (Popup - Footnote)

9.

Substituted by section 5 of the Customary Marriage and Divorce (Registration) (Amendment) Law, 1991

(P.N.D.C.L. 263).

10 (Popup - Footnote)

10.

The section provided that,

“This Law shall be deemed to have come into force on the same day as the Intestate Succession Law, 1985

(P.N.D.C.L. 111).”

11 (Popup - Footnote)

11.

This Part was Chapter 129 of the Revised Edition of the Laws of the Gold Coast, 1951.

12 (Popup - Footnote)

12.

Amended by the Constitution (Consequential Provisions) Act, 1960 (C.A. 8.).

13 (Popup - Footnote)

13.

Amended by section 2 of the Marriage of Mohammedans (Amendment) Ordinance, 1935 (No. 30 of 1935).

14 (Popup - Footnote)

14.

Amended by section 2 of the Marriage of Mohammedans (Amendment) Ordinance, 1932 (No. 18 of 1932).

15 (Popup - Footnote)

15.

Amended by section 3 of the Marriage of Mohammedans (Amendment) Ordinance, 1932 (No. 18 of 1932).

16 (Popup - Footnote)

16.

Amended by the Constitution (Consequential Provisions) Act, 1960 (C.A. 8).

17 (Popup - Footnote)

17. This Part was Chapter 127 of the revised Edition of the Laws of the Gold Coast, 1951.

18 (Popup - Footnote)

18. Amended by section 2 of the Marriage (Amendment) Ordinance, 1935 (No. 30 of 1935).

19 (Popup - Footnote)

19. Amended by section 3 of the Marriage (Amendment) Ordinance, 1950 (No. 34 of 1950) and No. 26 of 1956.

20 (Popup - Footnote)

20. Added by section 3 of the Marriage (Amendment) Ordinance, 1950 (No. 34 of 1950) and amended by the

Revised Edition of the Laws (Miscellaneous Provisions), 1952 (No. 50 of 1952). See also L.N. 243 of 1958.

21 (Popup - Footnote)

21. Added by section 3 of the Marriage (Amendment) Ordinance, 1950 (No. 34 of 1950).

22 (Popup - Footnote)

22. Amended by the Marriage (Amendment) Ordinance, 1956 (No. 26 of 1956). See also L.N. 243 of 1958.

23 (Popup - Footnote)

23. Amended by the Marriage (Amendment) Ordinance, 1956 (No. 26 of 1956). See also L.N. 243 of 1958.

24 (Popup - Footnote)

24. Added by section 2 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

25 (Popup - Footnote)

25. The section provided for the saving of orders made under sections 3, 4, 5, and 6 as applied to Ashanti and the

Northern Territories by Cap. 110 and Cap. 111.

26 (Popup - Footnote)

26. Amended by section 2 of the Marriage (Amendment) Ordinance, 1921 (No. 17 of 1921).

27 (Popup - Footnote)

27. The subsection dealt with the licensing of places of public worship in Ashanti and the Northern Territories.

28 (Popup - Footnote)

28. The subsection dealt with the validity of licence granted under Cap. 110 and Cap. 111.

29 (Popup - Footnote)

29. Added by section 3 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

30 (Popup - Footnote)

30. Amended by section 4 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909) and section 2 of the

Marriage (Amendment) Ordinance, 1935 (No. 30 of 1935).

31 (Popup - Footnote)

31. Amended by section 5 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

32 (Popup - Footnote)

32. Amended by section 2 of the Marriage (Amendment) Ordinance, 1935 (No. 30 of 1935).

33 (Popup - Footnote)

33. Amended by section 6 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

34 (Popup - Footnote)

34. Amended by section 7 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

35 (Popup - Footnote)

35. Amended by section 8 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of

1909).

36 (Popup - Footnote)

36. Added by section 8 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

37 (Popup - Footnote)

37. Added by section 8 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

38 (Popup - Footnote)

38. Added by section 8 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

39 (Popup - Footnote)

39. Added by section 8 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

40 (Popup - Footnote)

40. Added by section 8 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

41 (Popup - Footnote)

41. Added by section 8 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

42 (Popup - Footnote)

42. Amended by section 4 of the Marriage (Amendment) Ordinance, 1950 (No. 34 of 1950).

43 (Popup - Footnote)

43. Substituted by section 10 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

44 (Popup - Footnote)

44. Substituted by section 10 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

The provision that the Justice's decision "shall be final" has been omitted as inconsistent with article 137 of

the Constitution.

45 (Popup - Footnote)

45. Substituted by section 10 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

46 (Popup - Footnote)

46. Amended by section 2 of the Marriage (Amendment) Ordinance, 1935 (No. 30 of 1935).

47 (Popup - Footnote)

47. Amended by section 2 of the Marriage (Amendment) Ordinance, 1935 (No. 30 of 1935).

See also the Marriage (Amendment) Ordinance, 1956 (No. 26 of 1956) and the Constitution (Consequential

Provisions) Act, 1960 (C.A. 8 of 1960).

48 (Popup - Footnote)

48. Amended by section 2 of the Marriage (Amendment) Ordinance, 1935 (No. 30 of 1935).

49 (Popup - Footnote)

49. Substituted by section 11 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

50 (Popup - Footnote)

50. Amended by section 5 of the Marriage (Amendment) Ordinance, 1950 (No. 34 of 1950).

51 (Popup - Footnote)

51. Amended by section 12 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

52 (Popup - Footnote)

52. See also the Marriage (Amendment) Ordinance, 1956 (No. 26 of 1956).

53 (Popup - Footnote)

53. Substituted by section 11 of the Marriage (Amendment) Ordinance, 1956 (No. 26 of 1956).

54 (Popup - Footnote)

54. Amended by section 6 of the Marriage (Amendment) Ordinance, 1950 (No. 34 of 1950).

55 (Popup - Footnote)

55. Amended by section 13 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

56 (Popup - Footnote)

56. Amended by section 2 of the Marriage (Amendment) Ordinance, 1935 (No. 30 of 1935).

57 (Popup - Footnote)

57. The section required the existing registers to be sent to the Registrar with the appropriate certificate.

58 (Popup - Footnote)

58. The section provided for the payment out of the public chest of the expenses incurred in respect of

section 78.

59 (Popup - Footnote)

59. Amended by section 2 of the Marriage (Amendment) Ordinance, 1951 (No. 13 of 1951).

60 (Popup - Footnote)

60. Added by section 2 of the Marriage (Amendment) Ordinance, 1951 (No. 13 of

1951).

61 (Popup - Footnote)

61. Substituted by section 5 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909), by section 2 of

Marriage Amendment, 1909 (No 6 of 1909) and by section 2 of the Marriage (Amendment) Ordinance, 1935 (No.

30 of 1935).

62 (Popup - Footnote)

62. Added by section 16 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

63 (Popup - Footnote)

63. Amended by section 4 of the Marriage of Mohammedans (Amendment) Ordinance, 1932 (No. 18 of 1932).

64 (Popup - Footnote)

64. Amended by section 4 of the Marriage of Mohammedans (Amendment) Ordinance, 1932 (No. 18 of 1932).

65 (Popup - Footnote)

65. Amended by section 17 of the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

66 (Popup - Footnote)

66. Amended by section 2 of the Marriage (Amendment) Ordinance, 1935 (No. 30 of 1935).

67 (Popup - Footnote)

67. Substituted by section 9 of the Marriage (Amendment) Ordinance, 1950 (No. 34 of 1950).

68 (Popup - Footnote)

68 Added by the Schedule to the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

69 (Popup - Footnote)

69. Added by the Schedule to the marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

70 (Popup - Footnote)

70. Added by the Schedule to the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

71 (Popup - Footnote)

71. Added by the Schedule to the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

72 (Popup - Footnote)

72. Added by the Schedule to the Marriage (Amendment) Ordinance, 1909 (No. 2 of

1909).

73 (Popup - Footnote)

73. Added by the Schedule to the Marriage (Amendment) Ordinance, 1909 (No. 2 of 1909).

74 (Popup - Footnote)

74. Substituted by section 1 of the Marriage Ordinance (Amendment) Act, 2001 (Act 606).