

THE MARRIAGE ACT

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SCHEDULES

THE MARRIAGE ACT

[2nd June, 1897.]

Cap. 237.
Law
48 of 1957.
Acts
42 of 1969
3rd Sch.,
1/1979
1st Sch.

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

Short title.

2. In this Act—

Interpreta-
tion.

“Registrar-General”, “Civil Registrar”, “Marriage Officer” mean respectively Registrar-General of Marriages, Civil Registrar of Marriages and Marriage Officer under this Act;

“General Register Office” means General Register Office for the keeping of registers of marriages solemnized in this Island as appointed by law.

3. (1) If both the parties to a marriage knowingly and wilfully acquiesce in the solemnization of the marriage ceremony between them—

In what
cases
marriage
void.
48/1957
S. 2(a).

(a) by or before a person not being a Marriage Officer;
or

(b) otherwise than in the presence of two witnesses besides the Marriage Officer solemnizing or witnessing and registering the marriage,

the marriage shall be void.

(2) A marriage solemnized between persons either of whom is under the age of sixteen years shall be void.

48/1957
S. 2(b).

(3) If the parties to any marriage are within the prohibited degrees of consanguinity or affinity according to the law of England from time to time in force, the marriage shall be void.

48/1957
S. 2(b).

Effect of non-observance of the conditions of this Act.

4. Except as aforesaid, and except as in section 37 provided with respect to marriages under that section, no marriage otherwise lawful which has been actually solemnized shall be declared void on the ground that any of the conditions by this Act directed to be observed have not been duly observed.

Civil Registrars and Marriage Officers.

5. The Minister shall from time to time appoint, and remove at pleasure, such persons as he shall think fit to be Civil Registrars of Marriages, and such ministers of religion as may be entitled to appointment under the provisions of this Act to be called Marriage Officers.

Appointments and removals of, and any resignation or vacation of office by Civil Registrars and Marriage Officers shall be notified in the *Gazette*, and shall take effect from the date of publication.

Ministers of religion, how far entitled to be Marriage Officers. 48/1957 S. 3.

6. Ministers of religious denominations, whether acting for one congregation or having the local superintendence of several congregations, shall be entitled to be appointed Marriage Officers for the Island, but the Minister may refuse to appoint any such minister if he thinks him unfit.

Civil Registrar to be Marriage Officer *ex officio*.

7. A Civil Registrar shall be *ex officio* a Marriage Officer, and shall have a known office to be approved by the Registrar-General, but shall not act as a Marriage Officer otherwise than subject to the provisions of section 28.

When Marriage Officer may refuse to act as such.

8. No minister of religion who is a Marriage Officer shall be required to act as a Marriage Officer with respect to any marriage which is contrary to the rules of the religious denomination to which he belongs.

9. A Civil Registrar shall, subject to the approval of the Minister, appoint by writing under his hand a fit person to act as his deputy in case of his illness or absence.

Deputies to Civil Registrars, their appointments, removal powers and duties.

Such deputy shall hold his office during the pleasure of the Civil Registrar by whom he is appointed, but shall be removable from his office by the Minister.

Such deputy while so acting shall have all the powers and duties and be subject to all the penalties herein declared concerning Civil Registrars.

A Civil Registrar shall be civilly responsible for the acts and omissions of his deputy.

In the event of the incapacity or absence of the deputy the Registrar-General shall, subject to the approval of the Minister, appoint a fit person to act as Civil Registrar until the person thus holding the appointment of Civil Registrar resumes the duties of his office, or until a new appointment to the office of Civil Registrar is duly made.

In case a Civil Registrar dies, or otherwise ceases to hold his office, his deputy shall act as Civil Registrar in his place until the appointment of another Civil Registrar is made by the Minister.

10. All applications by ministers of religion for appointment as Marriage Officers must be made in writing to the Registrar-General.

Applications for appointment as a Marriage Officer.

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, must state in his application the name or other description of the place of public worship in which he so acts, or of the

places of public worship of the congregations over which he has such local superintendence.

Ministers of religion ceasing to act to notify Registrar-General.

11. Every Marriage Officer who is a minister of religion acting for a congregation or having a local superintendence of several congregations shall, if he ceases so to act, or to have such superintendence forthwith notify the fact to the Registrar-General.

It shall be lawful for any Marriage Officer to resign his appointment as such, and such resignation shall be notified in the *Gazette*, and shall take effect from the date of publication.

Vacation of office of Marriage Officer to be Gazetted.

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

Temporary absence of Marriage Officer.

13. Any Marriage Officer intending temporary absence from the Island 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.

Power to remove Marriage Officer.

14. Upon representation being made to the Minister by the Registrar-General showing to the satisfaction of the Minister that any Marriage Officer has ceased to act for a congregation, or to have the local superintendence of several congregations, or has left the Island without notifying the Registrar-General and making arrangements for the custody of the marriage records in his possession as required by section 13, the Minister may remove such person as a Marriage Officer, and upon notification of such removal being made in the *Gazette*, the powers and authorities of such person as a Marriage Officer shall absolutely cease and be determined.

15. Whenever any Marriage Officer shall cease to reside in the parish, or shall change his postal address as last recorded on the list of Marriage Officers at the General Register Office, or shall take the active charge or Superintendence of any place or places of worship in respect of which he is not recorded at the General Register Office, he shall forthwith report in writing to the Registrar-General such change of residence, postal address, or ministerial charge, and in default thereof he shall be liable to be removed from the list of Marriage Officers, and his name shall be submitted to the Minister for such removal.

Change of residence, postal address and ministerial charges of Marriage Officers to be reported.

16. Marriage may be solemnized under the authority—
- (a) of a Civil Registrar's certificate or Civil Registrars' certificates;
 - (b) of a Marriage Officer's certificate or Marriage Officers' certificates;
 - (c) of licence from the Minister;
 - (d) of a licence from a Justice, the Clerk of a Resident Magistrate's Court, or any person appointed for the purpose by the Minister,

Authority for marriage.

and without any such authority in the cases specially provided for in section 37.

17. In every case of persons residing in Jamaica intending that a marriage shall be solemnized between them under the authority of a Civil Registrar's certificate of notice, each of such persons shall on or about the same date give notice of the intended marriage to the Civil Registrar of the parish in which he or she has resided for a period of not less than fifteen clear days before the giving of such notice, in the form as nearly as may be set forth in Schedule A:

Preliminaries to marriage on Civil Registrar's certificate.

Schedule A.

Provided that when both of such persons reside within the same parish a single notice shall suffice:

MARRIAGE

Provided also that where one of the persons intending marriage is not residing in Jamaica a single notice by the other person shall suffice.

On the receipt of a notice of an intended marriage, the Civil Registrar, being satisfied that the notice is conformable to the requirements of this Act, shall forthwith enter the particulars set forth in the notice in a book to be called the Marriage Notice Book, and shall on the same day put up in a conspicuous and accessible place on the door or outer wall of his office, a public notice of the intended marriage in the form as nearly as may be set forth in Schedule B, and shall keep the same so put up for seven consecutive days thereafter.

Schedule B.

The Marriage Notice Book shall be open at all reasonable times to any person desiring to inspect it.

The Civil Registrar having complied with the requirements of this Act shall, on the expiration of seven clear days after the receipt of the notice of an intended marriage, in the event of no objection to the marriage being in force as hereinafter mentioned, grant upon request to the person who gave the notice, or to any person authorized by the person who gave the notice, a certificate of the due publication thereof, in this Act referred to as the Civil Registrar's certificate, as nearly as may be in one of the forms set forth in Schedule C, and shall therein set forth whether any objection has been offered to such intended marriage.

Schedule C.

Preliminaries to marriage on a Marriage Officer's certificate.

18. In every case of persons residing in Jamaica intending that a marriage shall be solemnized between them under the authority of a Marriage Officer's certificate or certificates of banns, each of such persons shall, on or about the same date, give notice in writing, in the form as nearly as may be set forth in Schedule D, to the minister (being a Marriage Officer) of the congregation to which he

Schedule D.

or she belongs, or is considered to be attached, or if not belonging or not considered to be attached to any congregation, then to any minister (being Marriage Officer) having the ministerial charge of a place of worship in the parish in which he or she resides :

Provided that when both of such persons belong to the same congregation a single notice shall suffice :

Provided also that where one of the persons intending marriage is not residing in Jamaica a single notice by the other person shall suffice.

On the receipt of a notice of an intended marriage the minister (being a Marriage Officer), being satisfied that the notice is conformable to the requirements of this Act, shall (subject to his right of refusal under section 8), by himself, or some other person by him duly authorized, publish the banns of marriage between the parties named therein, conformably to the notice in the place of public worship in which he ministers.

The publication shall be made in an audible manner some time during public divine service on a Sunday, or in the case of persons professing the Jewish religion, Seventh-Day Adventists and others of like religious persuasion, on a Saturday, in the face of the congregation, and shall be in the words as nearly as may be in Schedule E, and shall be made during the morning service (if there is service in the morning) or if there is no morning service then during the evening service :

Provided, that in addition to such publication of banns during divine service, the minister (being a Marriage Officer) shall enter the particulars set forth in the said notice on paper, as nearly as may be in the form set forth in Schedule K, and shall affix the same on the outside of the principal door of the place of public worship at which the banns of the marriage are required to be published, in

the manner already provided, and thereafter, when such notice shall have been kept affixed as aforesaid for a period of seven clear days, the required publication of the said banns shall be deemed to be complete.

The minister (being a Marriage Officer) having complied with the requirements of this Act shall, after the publication is complete, in the event of no objection to the marriage being in force, as hereinafter mentioned, grant upon request to the person who gave the notice, or to any person authorized by the person who gave the notice, a certificate of the due publication of banns, in this Act referred to as the Marriage Officer's certificate, as nearly as may be in one of the forms set forth in Schedule F, and shall therein set forth whether any objection has been offered to such intended marriage.

Schedule F.

Notice of intended marriage under Foreign Marriage Act.

19.—(1) When a marriage is intended to be solemnized in any foreign country or place under the provisions of the Act of the United Kingdom entitled the Foreign Marriage Act, 1892 (55 and 56 Victoria, chapter 23), and one of the parties has had his or her usual place of abode in Jamaica for a period of not less than one week (or such other period as may hereafter be fixed by any Order in Council made in exercise of the powers conferred by the said Act) immediately preceding the notice hereinafter mentioned, such person shall give notice, in the prescribed form, of the intended marriage—

- (a) to a Civil Registrar of Marriages in the parish in which he or she has had his or her usual place of abode as aforesaid; or
- (b) to the minister (being a Marriage Officer under this Act), of the congregation to which he or she belongs, or is considered to be attached, or, if not considered to be attached to any congregation, then to any minister (being a Marriage Officer) having the ministerial charge of a place of

worship in the parish in which he or she has had his or her usual place of abode as aforesaid.

(2) A notice given to a Civil Registrar of Marriages shall be deemed to be and shall be dealt with as a notice under section 17.

(3) A notice given to a minister (being a Marriage Officer) under this section, shall be deemed to be and shall be dealt with as a notice under section 18.

(4) Every Civil Registrar of Marriages, and every minister (being a Marriage Officer) shall, on the notice having been published as provided, in the case of notices under sections 17 and 18, and unless he is aware of any impediment or objection which should obstruct the solemnization of the marriage, grant to the person who gave the notice under this section, or to any person authorized by the person who gave the notice, a certificate in the prescribed form, of the due giving and publication of the notice.

(5) The Minister shall prescribe such forms as he may think fit for carrying out the provisions of this section, and until such forms are prescribed, the forms set out in the Schedules shall be used, with such variations as may be necessary.

20. No minister of religion who is not a Marriage Officer or is not expressly authorized by a Marriage Officer, shall publish any banns of marriage.

Who may
publish
banns.

21. In any case of persons residing in Jamaica intending that a marriage shall be solemnized between them, the Minister may, on application by or on behalf of either of the parties, if he thinks fit, upon proof being made to his satisfaction that there is no impediment of kindred or alliance or other lawful hindrance to the intended marriage, and, where consent is required, that the consent of the persons authorized to give such consent has been obtained,

Prelimi-
naries to
marriage on
the
Minister's
licence.

Schedule G. grant a licence for such marriage, as nearly as may be in the form set forth in Schedule G.

Schedule I. For the purposes of such proof, the Minister may prescribe any form of declaration according to Schedule I that he thinks fit to be made before any persons that he may appoint, and declarations so prescribed shall be deemed to be declarations required by law for the purposes of a marriage.

Every Minister's marriage licence under this Act shall be deemed to be a marriage licence within the meaning of that term in the Schedule to the Stamp Duty Act :

Provided that every such Minister's marriage licence shall bear a stamp of the value of ten dollars.

Special
licences.
48/1957
S. 5(a) & (b).

22. Where the parties or one of the parties to an intended marriage has resided in the Island for a period of not less than fifteen clear days, any Justice for any parish or parishes of the Island of Jamaica, the Clerk of the Resident Magistrate's Court for the parish in which the parties or one of the parties intending marriage resides, or any person appointed for the purpose by the Minister, may issue a special licence for marriage, such licence to be in such form as shall be approved of by the Minister, and to be furnished for the purpose :

Schedule A. Provided that before the granting of such licence there shall be produced to such Justice, Clerk of the Resident Magistrate's Court, or other appointed person, a notice of marriage and declaration, signed by the parties applying for the licence, and as nearly as may be in the form set forth in Schedule A, together with a statutory declaration from some minister of religion (being a Marriage Officer) setting forth that the applicants for the marriage licence are well known to him, that the statements made by them in their marriage notice are, to the best of his knowledge and belief, in every particular just and true.

23. Before the issue of any marriage licence, the person issuing it shall secure that such licence be stamped with revenue stamps to the value of twenty-five cents, and shall himself cancel the stamps before he delivers the licence.

Stamps on
marriage
licences.

The provision made by the Schedule to the Stamp Duty Act, under "Licences", whereby the sum of ten dollars is made payable on every marriage licence, shall not apply to the special marriage licences provided for by section 22.

Schedule to
Stamp Duty
Act.

24. Persons who have reached the age of eighteen years of age and widowers or widows may marry without the consent of others.

Consent to
marriage
when re-
quired and
who may
give it.
1/1979
1st Sch.

Where a person under eighteen years of age not being a widower or widow intends to marry, the father, or if the father is dead the lawful guardian or guardians, or if there is no such guardian the mother, if unmarried, of such person shall have authority to consent to the marriage of such person, and such consent is hereby required unless there is no person authorized to give it resident in this Island.

If the parent or guardian whose consent is necessary is *non compos mentis*, or unreasonably withholds consent to the marriage of any person, either party to the intended marriage may refer the matter to a Judge of the Supreme Court who shall decide upon the same in a summary way, and if the proposed marriage appears upon examination to be proper, the Judge shall certify the same, and his certificate shall be as good and effectual as if the necessary consent had been given.

Where either of the parties to a marriage is under eighteen years of age, not being a widower or widow, and is married under this Act without the consent of the person having authority to consent, it shall be lawful for the Supreme Court, on an information by the Attorney-General, to declare a forfeiture of all interest in any property acquired by such

Consequence
of marriage
without
necessary
consent.
1/1979
1st Sch.

1/1979
1st Sch.

marriage by the other party thereto, and to secure the same for the benefit of the party so under eighteen years of age, and of the issue of the marriage.

Objections
to a
marriage,
how to be
made and
dealt with.

25. Any person may notify his objection to an intended marriage by giving notice of objection to the Civil Registrar or Marriage Officer publishing the notice of banns.

A Civil Registrar or Marriage Officer shall disregard all objections to an intended marriage not appearing on the face of the notice, unless—

- (a) they are stated prior to the issuing of the certificate of publication;
- (b) they are stated in writing by the person making the same;
- (c) the person making the same appears personally to lodge the same with the Civil Registrar or Marriage Officer, and in his presence makes and subscribes a declaration as nearly as may be in the form set forth in Schedule H, which the Civil Registrar or Marriage Officer shall endorse on the written statement of objection.

Schedule H.

With regard to objections timely and duly made as above provided, the following provisions shall apply—

- (a) Where the objection does not set forth a legal impediment to a marriage between the parties intending to solemnize marriage, or a refusal of consent on the part of any person whose consent is required to such marriage, the Civil Registrar or Marriage Officer shall suspend the issue of his certificate pending decision upon the objection, and shall consider the objection and make such enquiry thereabout as he sees fit, and himself decide thereupon.

- (b) Where the objection sets forth any legal impediment to a marriage between the parties, or any refusal of consent on the part of any person whose consent is required to such marriage, the Civil Registrar or Marriage Officer shall refer the matter to a Judge of the Supreme Court (who shall decide upon the same in as summary a way and as expeditiously as the circumstances of the case will permit), and shall suspend the issue of his certificate until he receives a certified copy of the Judge's decision to the effect that the parties are not in respect of the said objection disqualified from contracting such marriage, or where the objection is in the nature of a refusal of consent that such refusal is unreasonable and ought not to interfere with such marriage.

If it appears to the Judge that the objection, in case of an objection to a marriage, was frivolous and vexatious, he may condemn the party making it, to pay, in addition to costs and all civil damages to which he may be liable, a fine not exceeding forty dollars, to be enforced in the same way as a judgment of the Supreme Court.

26. Whenever a marriage does not take place within three months of the date of the Civil Registrar's certificate or the Marriage Officer's certificate, or a Minister's licence, or a licence by a Justice, the Clerk of the Resident Magistrate's Court, or a person appointed for the purpose by the Minister, the certificate or licence as the case may be shall be void, and no person shall proceed to solemnize the marriage until new notice has been given and certificate issued or a new licence has been granted.

Certificate
or licence
void after
three
months.

27. After the issue of a Civil Registrar's certificate or Civil Registrars' certificates, or a Marriage Officer's certificate, or Marriage Officers' certificates or a Civil Registrar's

How mar-
riage to be
solemnized
and condi-
tions to be
observed.

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

certificate in the case of one of the parties, and of a Marriage Officer's certificate in the case of the other party, or a licence from the Minister, or a licence by a Justice, the Clerk of the Resident Magistrate's Court, or a person appointed for the purpose by the Minister, the marriage may be solemnized between the parties described in the certificate or licence according to such form and ceremony as the parties may see fit to adopt:

Provided that every such marriage shall be solemnized in the presence of a Marriage Officer and of two witnesses between the hours of six a.m. and eight p.m. with open doors:

Provided also that the certificate or certificates, or if the marriage is by licence, the licence shall be first delivered to the Marriage Officer by or before whom the marriage is solemnized:

Provided also that in some part of the ceremony or immediately before the ceremony, and in the presence of such Marriage Officer and witnesses, each of the parties shall declare—

I do solemnly declare that I know not of any lawful impediment why I, A.B., may not be joined in matrimony to C.D.

And each of the parties shall say to the other—

I call upon these persons here present to witness that I, A.B., do take (or have now taken) thee, C.D., to be my lawful wife (or husband):

Provided also that there be no lawful impediment to the marriage of such parties.

Marriage by
a Civil
Registrar.

28. If the parties so desire they may, after certificate or licence duly granted, contract, and solemnize marriage in the presence of a Civil Registrar, and in the presence

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

of two witnesses, with open doors, and between the hours of six a.m. and eight p.m., making the declaration and using the form of words provided in section 27; but, in such case no religious service shall be used.

29. If the parties to a marriage contracted before the Civil Registrar or a Marriage Officer desire that there shall be separately performed any religious service of marriage between them, they may present themselves to any acknowledged minister of religion, and such minister upon the production of a certified copy of the Register of Marriage as contracted before a Civil Registrar or a Marriage Officer, may, if he thinks fit, perform such religious service.

As to a separate religious service.

Nothing in the reading or celebration of such service shall supersede or invalidate any marriage previously contracted before the Marriage Officer, nor shall such ceremony be registered under this Act as a marriage.

30. The Marriage Officer by or before whom a marriage is solemnized shall ask the parties to be married the particulars required to be registered touching the marriage.

Inquiries by Marriage Officer.

31. Immediately after the solemnization of a marriage the Marriage Officer before whom it is solemnized shall register it in duplicate, that is to say—

How marriages to be registered.

(a) in a Marriage Register Book to be kept by him for the purpose, and also

(b) in a duplicate form attached to the Marriage Register Book as a counterfoil,

and the entry of such marriage both in the Marriage Register Book and the duplicate shall be signed by the Marriage Officer, and also by the parties married, and by two witnesses.

The Register shall contain the particulars and be in the form indicated in Schedule L.

Schedule L.

Marriage
Officer's
duties imme-
diately after
registration.

32. Immediately after registration the Marriage Officer shall separate the duplicate register from the Marriage Register Book and forthwith deliver or cause to be delivered such duplicate register to the Registrar-General, and shall deliver a certified copy of the register to one of the parties to the marriage, without fee.

Registering
marriage in
the General
Register
Office.

33. The duplicate register transmitted by the Marriage Officer to the Registrar-General shall be filed and safely preserved by him in the General Register Office.

Rectification
of register as
to marriage
not properly
registered.

34. Where a Marriage is solemnized under the provisions of this Act, which, without fault of the parties thereto, has been omitted to be registered, or where the Register of a Marriage has been lost or destroyed, it shall be lawful for either of the parties, or in case of his or her death the issue or other lawful representative of such party, to apply to any Resident Magistrate for an order to have such marriage correctly registered.

The Resident Magistrate shall require notice of such application to be given to such persons as he thinks expedient.

If the Resident Magistrate is satisfied after hearing such evidence as may be adduced that such marriage has been proved, he shall make an order to that effect, and shall certify the same to the Registrar-General, who shall thereupon cause the marriage to be specially registered (in duplicate) in accordance with the terms of the order, in books to be kept for the purpose in the General Register Office, with a note of such order and the date thereof.

Alteration
of Register
of Marriage.

35.—(1) No alteration in any Register of Marriages shall be made except as authorized by this Act.

(2) Any clerical error which may from time to time be discovered in any such Register of Marriages may be

corrected by the Registrar-General or any person authorized in that behalf by him, subject to the prescribed rules.

(3) An error of fact or substance in any Marriage Register may be corrected by entry in the margin in red ink (without any alteration in the original entry) by the Registrar-General upon production to him by either of the parties to the marriage, or in case of his or her death by the issue or other lawful representative of such party, of a statutory declaration setting forth the nature of the error and the true facts of the case. ^{48/1957}
S. 6.

36. Certified copies of Registers under this Act and under sections 61, 62 and 63 of the Registration (Births and Deaths) Act, relating to Civil Status Records, shall be exempt from all stamp duty. Certified copies of Registers exempt from stamp duty.

37. It shall be lawful for a Marriage Officer to solemnize a marriage without any certificate of notice or banns in the following special case, that is to say, where the marriage is between two persons one of whom is in *articulo mortis*. Act to marriage in articulo mortis.

No such marriage shall be solemnized unless both parties are able to signify their consent thereto in presence of two witnesses.

No such marriage shall be solemnized where either of the parties is under twenty-one years of age not being a widower or widow, unless the person whose consent is required is present and gives his or her consent verbally.

A marriage so solemnized shall be specially registered.

The Register shall contain the particulars and be in the form indicated in Schedule M.

Schedule M.

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

Rules under this Act, how and by whom made, altered or revoked.

38. The Registrar-General may from time to time make, and when made revoke, add to and alter, rules for the carrying out of the registration provisions of this Act, and for the direction of officers connected with registration in the performance of duties under this Act. Such rules shall be subject to the approval of the Minister, who may allow, disallow, alter and add to, such rules or any of them.

General Register Office for marriages.

39. The General Register Office for keeping registers of births and deaths shall be the General Register Office for keeping registers of all marriages solemnized in this Island.

Seal of office.

40. There shall be provided a seal or stamp of the General Register Office with which all certified copies issuing out of the office as in this Act provided shall be sealed or stamped.

Supply of books, forms, etc., to Marriage Officers.

41. There shall be supplied to the proper officers all books, registers and forms required for the execution of this Act.

All books so supplied to be kept for entries shall be of durable materials, and shall have the pages and places for entry respectively numbered progressively.

Forms of notice of marriage shall be supplied by the Registrar-General to the several Civil Registrars and Marriage Officers, who shall account for all forms so issued to them.

Registrar-General of Marriages.

42. The Registrar-General of Births and Deaths shall be also the Registrar-General of Marriages.

Registrar-General to see to the execution of this Act.

43. The Registrar-General of Marriages shall superintend, control and direct, all officers entrusted with registration duties under this Act, and shall make all necessary provision for the execution of this Act.

44. The Registrar-General shall have the custody and shall be responsible for the safe keeping of all Registers of Marriage and documents relating thereto as may have been committed to his keeping by any enactment or are so committed under the provisions of this Act.

Registrar-General responsible for documents committed to his keeping.

45. The Registrar-General shall cause to be made and kept in the General Register Office an Index of the Registers of Marriages filed in the office.

Index to Register Book.

46. The Registrar-General shall allow all persons, within hours to be prescribed by rules, to search the Index of Marriage Registers in the General Register Office.

Index may be searched.

47. The Registrar-General shall give a copy, sealed and stamped with the seal of the General Register Office, of any Marriage Register in the General Register Office, to any person requiring it and on payment of the appointed fee.

Office copy of Registers.

48. All Marriage Officers shall be Registrars of Marriages for the purpose of registering marriages solemnized or witnessed by them under this Act.

Marriage Officers to be Registrars of Marriages.

49. Every Marriage Officer as a Registrar of Marriages shall keep safely the Marriage Register Book supplied to him for the purposes of this Act until every place of entry therein is filled, or until he ceases to be a Marriage Officer, and shall then return it to the Registrar-General.

Their duties as such.

50. Every Civil Registrar—

(a) shall have an office to be approved by the Registrar-General, and shall keep safely in his office the Marriage Register Book, entrusted to him as Civil Registrar;

(b) shall make such periodical returns to the Registrar-General relating to the duties per-

Duties of Civil Registrars.

- formed by him in relation to this Act as may be required by rules to be made under this Act;
- (c) shall perform such other duties in relation to the execution of this Act as may be assigned to him by rules to be made under this Act.

Marriage facilities of Commonwealth citizens.

51. Where a marriage is intended to be solemnized or contracted in the United Kingdom between a Commonwealth citizen resident in England, Scotland or Ireland and a Commonwealth citizen resident in Jamaica, a certificate by a Civil Registrar of the due publication of the notice of an intended marriage or a certificate by a Marriage Officer of the due publication of banns may be granted in the like manner as if the marriage was to be solemnized or contracted under the circumstances requiring the grant of such a certificate under section 17 or under section 18 as the case may be, and as if both such Commonwealth citizens were resident in Jamaica.

Fees.
Schedule N.

52. The fees specified in Schedule N shall be payable under this Act, and shall in all cases be demandable and payable before the performance of the duty or the doing of the act to which they relate.

Fees received by or on behalf of the Registrar-General in the General Register Office and under the provisions of this Act shall be accounted for and paid by him into the Treasury.

Expenses of carrying out this Act.

53. The expenses of carrying this Act into execution shall, where not otherwise provided for, be paid out of the Consolidated Fund.

Registers, Records of Registers and copies, how far evidence.

54. Every original Register in a Marriage Register Book, and every Duplicate Original Register, and every Record of Registers kept in the General Register Office, and every copy thereof or of any entry therein certified under the hand of the Registrar-General to be a true copy, shall, res-

pectively, be good evidence of the facts therein recorded in pursuance of this Act, in all proceedings and before all courts.

55. Every officer under this Act who makes default, and every person who has held and has ceased to hold any office under this Act, who, while holding or on ceasing to hold such office has made default in strictly complying with the foregoing provisions of this Act, whether by omission or commission, shall be guilty of an offence against this Act, and shall be liable on summary conviction to a penalty not exceeding twenty dollars.

Penalty on Marriage Officers not complying with this Act.

56. Every Marriage Officer who shall neglect or refuse to forward to the Registrar-General the Duplicate Register of any marriage solemnized by or before him as required by section 32, or shall fail to deliver or cause to be delivered any Original Marriage Register Book when filled in or on his ceasing to be a Marriage Officer as mentioned by section 49, or any Marriage Register Book which is required for inspection at the General Register Office and has been requisitioned for by the Registrar-General, or shall lose or injure, or allow to be injured, whilst in his keeping, any Marriage Register Book or Marriage Register shall forfeit and pay a sum not exceeding forty dollars for any such offence.

Penalty on Marriage Officers for certain neglects and defaults.

57. No prosecution shall be instituted against any person for any offence punishable on summary conviction under this Act without permission of the Director of Public Prosecutions.

Director of Public Prosecutions must authorize prosecution.

58. The Registrar-General in the event of any failure in the transmission of Registers, or copies of Registers, as in this Act required by Marriage Officers, or in the transmission of any return required to be sent to the General Register Office under rule or rules made under

Report to be made by Registrar-General to Director of Public Prosecutions.

this Act, shall report the default of such Marriage Officer specially to the Director of Public Prosecutions.

Schedules.

59. The Schedules, and all directions therein contained or specified, or thereto appended, shall be of the same force and effect as if the same were enacted in the body of this Act.

Cancellation of Original Registers, Duplicate Original Registers and other entries of bigamous marriages.

60.—(1) Whenever any person is convicted in this Island of the crime of bigamy, the Registrar of the Supreme Court or the Clerk to the Circuit Court, as the case may be, shall transmit to the Registrar-General a certificate under his hand certifying the conviction for bigamy of the person named in such certificate.

(2) On receipt of such certificate the Registrar-General shall, if the person convicted went through the form of bigamous marriage in this Island, cancel or cause to be cancelled every Original Register and Duplicate Original Register of such marriage and shall cancel or cause to be cancelled every Record of Registers relating to such marriage kept in the General Register Office, and thereupon the provisions of section 54 shall, in respect only of such Original Register, Duplicate Original Register, copy thereof or entry therein, cease to be of any effect whatsoever.

Offences

Tampering with Marriage Registers.

61. Whoever intentionally and unlawfully falsifies, destroys, injures, removes or conceals, any public Register of Marriages, with intent to defeat, or obstruct or pervert the course of justice, or to defraud, or injure any person, shall be liable to imprisonment for seven years.

42/1969
3rd Sch.

Personation of Marriage Officer.

62. Whoever pretends to be or acts as a Marriage Officer not being lawfully authorized to act as such officer, is guilty of a misdemeanour, unless he show that he so pretended or acted under a mistake of law or of fact.

63. Every Marriage Officer who, being bound or authorized as such officer to attest or certify, by writing or otherwise, any document or matter, or that an event has or has not happened, attests or certifies such document or matter knowing the same to be false in any material particular, or attests or certifies that such an event has happened or has not happened (as the case may be) without knowing or having reason to believe that the same has happened or has not happened (as the case may be) according to his attestation or certificate, shall be liable to imprisonment for two years.

False official certificates or attestations.

64. Every Marriage Officer who unlawfully and intentionally destroys, injures, falsifies or conceals, any notice or certificate which is in his possession, custody or control, or to which he has access by virtue of his office, shall be liable to imprisonment for two years.

Tampering of Marriage Officers with certificates or notices.

65. Whoever being unmarried goes through the ceremony of marriage with a person whom he knows to be married to another person is guilty of a misdemeanour, whether the other party to the ceremony has or has not such guilty knowledge as to be guilty of bigamy.

False ceremony of marriage.

66. Whoever goes through the ceremony of marriage, or any ceremony which he represents to be a ceremony of marriage, knowing that the marriage is void on any ground and that the other person believes it to be valid, shall be liable to imprisonment for ten years.

Fraudulent ceremony of marriage with a party believing it valid.
42/1969
3rd Sch.

67. Whoever personates any other person in marriage, or marries under a false name or description, with intent to deceive the other party to the marriage, shall be liable to imprisonment for ten years.

Frauds by one party to a marriage on the other.
42/1969
3rd Sch.

Fraudulent performance of ceremony when marriage unlawful.

42/1969
3rd Sch.

68. Whoever performs or as a Marriage Officer, witnesses, the ceremony of marriage, knowing that he is not duly qualified to do so, or that any of the matters required by law for the validity of such marriage has not happened or been performed or that the marriage is void or unlawful on any ground, shall be liable to imprisonment for seven years.

Fraudulent endeavouring to prevent a marriage.

69. Whoever endeavours to prevent a marriage by pretence that his consent thereto is required by law, or that any person whose consent is so required does not consent, or that there is any legal impediment to the performing of such marriage, shall, if he do so knowing that such pretence is false or without having reason to believe that it is true, be liable to imprisonment for two years.

Provisions relating to punishment.
42/1969
3rd Sch.

70. Liability to imprisonment for any specified period under the provisions of this Act includes liability to imprisonment for any shorter period, and with or without hard labour.

(Section 17)
SCHEDULE A

FORM No. 1. Applicable to the case of parties residing in the same Parish or District and giving a single Notice.

NOTICE OF MARRIAGE

TO THE CIVIL REGISTRAR OF THE PARISH OF
WE,*

give you notice that a Marriage is intended to be had between us, the parties herein named and described, that is to say—

Name and Surname	Condition	Calling	Age	Parish and Dwelling Place	Length of Residence	Father's Name and Surname
48/1957 S. 7.						

And we solemnly, declare that we have for fifteen clear days immediately preceding the date of this Notice had our usual place of abode and residence within the abovementioned Parish of _____, and that we believe there is no impediment of kindred alliance, or other lawful hindrance to the said Marriage.
In witness whereof we have hereunto set and subscribed our hands this _____ day of _____ 19____

Subscribed and declared by the above named in the presence of us the undersigned, householders in the above-mentioned Parish, who declare that we believe the statements contained in this Notice to be true.

Witness.
Witness.

*Insert the names of the persons giving notice.

SCHEDULE A

(Section 17)

FORM NO. 2. (Applicable to the case of parties residing in different Parishes, or giving separate Notices).

NOTICE OF MARRIAGE

I,* **To THE CIVIL REGISTRAR OF THE PARISH OF**
 , give you notice that a Marriage is intended to be had between me and the other party herein named and described (that is to say)—

Name and Surname	Condition	Calling	Age	Parish and Dwelling Place	Length of Residence	Father's Name and Surname

48/1957
S. 7.

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

And I solemnly declare that I have for fifteen clear days immediately preceding the date of this Notice had my usual place of abode within the abovementioned Parish of _____ and that I believe there is no impediment of kindred or alliance, or other lawful hindrance to the said Marriage.

In witness whereof I have hereunto set and subscribed my hand this _____ day of _____ 19____.

Subscribed and declared by the above named in the presence of us the undersigned, householders in the above-mentioned Parish, who declare that we believe the statements contained in this Notice to be true.

Witness.

Witness.

*Insert the names of the person giving notice.

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

MARRIAGE

SCHEDULE B.

(Section 17)

Civil Registrar's Office, Parish of

PUBLIC NOTICE

NOTICE has this day been received, at this Office, of Marriage as intended to be solemnized between the following persons (that is to say)—

Name and Surname	Condition	Calling	Place of Residence

All objections to a Certificate being granted authorizing the celebration of this Marriage must be lodged with the Civil Registrar in writing within seven days from this date by the Objector, who must appear personally to declare to the truth thereof.

Civil Registrar of the Parish of

Date of Notice.

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

MARRIAGE

MARRIAGE

(Section 17)

SCHEDULE C**CIVIL REGISTRAR'S CERTIFICATE****FORM No. 1***(Applicable to the case of parties residing in different Parishes)*

I, _____, Civil Registrar for the parish
of _____, hereby certify that on the _____ day of
_____, 19____, *

duly gave notice to me of h _____ intended marriage to *

and
that all the requirements of law in respect of such notice, so far as
the said _____ is concerned, have been complied with
and no objections stated (*or* written objections lodged with me).

Certified by me the said _____, this _____ day
of _____, 19_____.

Civil Registrar for the parish of

(Section 17)

CIVIL REGISTRAR'S CERTIFICATE**FORM No. 2***(Applicable to the case of parties residing in the same Parish)*

I, _____, Civil Registrar for the parish
of _____, hereby certify that on the _____ day
of _____, 19____, *

and on the _____ day of
_____, 19____, *

duly gave notice to me of their intended marriage, and that all the
requirements of law in respect of such notices have been complied
with, and no objections stated (*or* written objections lodged with me).

Certified by me the said _____, this _____ day
of _____, 19_____.

Civil Registrar for the parish of

*Give name, surname, condition, calling and place of residence.

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

SCHEDULE D

(Section 18)

FORM NO. 1. (Applicable to the case of parties giving separate Notices).

NOTICE FOR BANNS

To A. B. OF

IN THE PARISH OF
A MARRIAGE OFFICER OF THE ISLAND OF JAMAICA

I, _____ hereby
give you notice that a Marriage is intended between me and the other party herein named and described, and that
I desire you to publish the Banns of such Marriage in the manner required by law.

Name and Surname	Condition	Calling	Age	Parish and Dwelling-place

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 other lawful hindrance to the said Marriage. In witness whereof I have hereunto set and subscribed my hand this _____ day of _____ 19 _____.

Subscribed and declared by the abovenamed in the presence of us the undersigned, householders in the above-mentioned Parish, who declare that we believe the statements contained in this Notice to be true.

Witness.

Witness.

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

MARRIAGE

SCHEDULE D

(Section 18)

FORM NO. 2. (Applicable to the case of parties giving a single Notice)

NOTICE FOR BANNS

To A. B. OF

IN THE PARISH OF
A MARRIAGE OFFICER OF THE ISLAND OF JAMAICA

WE, _____ hereby
give you notice that a Marriage is intended between us, the parties herein named and described, and that we desire you
to publish the Banns of such Marriage in the manner required by law.

Name and Surname	Condition	Calling	Age	Parish and Dwelling-place

And we solemnly declare that we believe there is no impediment of kindred or alliance or other lawful hindrance to the said Marriage.

In witness whereof we have hereunto set and subscribed our hands this _____ day of _____, 19 ____.

Subscribed and declared by the abovenamed in the presence of us the undersigned, householders in the above-mentioned Parish who declare that we believe the statements contained in this Notice to be true.

Witness.

Witness.

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

MARRIAGE

SCHEDULE E

(Section 18)

Form of Words to be used in the Publication of Banns

I publish the banns of marriage between A.B., of (*here state the parish as stated in the notice*), and C.D., of (*here state the parish as stated in the notice*)

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

SCHEDULE F

(Section 18)

MARRIAGE OFFICER'S CERTIFICATE

FORM NO. 1

(Applicable to the case of parties belonging to different Congregations, or residing in different Parishes)

I, _____, of _____, in the parish of _____, a Marriage Officer for the Island of Jamaica, hereby certify that on the _____ day of _____, 19____,*

duly gave notice to me of h _____ desire to have the banns of h _____ intended marriage with* _____ published and that all the requirements of law in respect of such notice and publication, so far as the said _____ is concerned, have been complied with and no objections stated (*or written objections lodged with me.*)

Certified by me the said _____, this _____ day of _____, 19____. _____ of _____, in the parish of _____, a Marriage Officer of the Island of Jamaica.

*Give name, surname, condition, calling and place of residence.

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

MARRIAGE

(Section 18)

MARRIAGE OFFICER'S CERTIFICATE

FORM NO. 2

*(Applicable to the case of parties belonging to the same Congregation,
or residing in the same parish)*

I, _____, of _____, in
the parish of _____, a Marriage Officer for the Island
of Jamaica, hereby certify that on the _____ day of _____,
19 _____,*

and on the _____ day of _____, 19 _____,*
duly gave notice to me of their desire to have the banns of a marriage
intended between them published and that all the requirements of
law in respect of such notices and publication have been complied
with, and no objections stated (or written objections lodged with me).

Certified by me the said _____, this _____ day
of _____, 19 _____.

_____ of _____, in the
parish of _____, a Marriage Officer
of the Island of Jamaica.

(Section 21)

SCHEDULE G**MINISTER'S LICENCE**

Jamaica.

To any Marriage Officer of this Island

These are to licence and permit you to solemnize a marriage between
*A.B. (here give name, surname, condition, calling and place of residence
of A.B.) and C.D. (here give name, surname, condition, calling and
place of residence of C.D.)* according to the provisions of the Marriage
Act, you knowing no lawful cause or impediment to the contrary.

Given under my hand at _____, this _____ day
of _____, 19 _____.

(Signed)

This licence will be void if the marriage is not solemnized within
three months from the date hereof.

*Give name, surname, condition, calling and place of residence.

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

MARRIAGE

37

SCHEDULE H

(Section 25)

I hereby solemnly declare that the facts, as stated by me in the written statement of objections to the marriage intended between *A.B.* and *C.D.* on which this declaration is endorsed, are true to the best of my knowledge and belief.

(Signed) *P.Q., Objector.*

I certify that this declaration was made before me, and subscribed in my presence this _____ day of _____, 19____, at _____

(Signed) *M.N.,
Civil Registrar,
, a Marriage Officer.*

(or _____ of _____
as the case may be).

(Section 21)

SCHEDULE I
FORM OF DECLARATION (FOR MINISTER'S LICENCE)
Prescribed under the Marriage Act, Section 21, appointed to be made before a Magistrate

Names in Full	Condition	Calling	Ages	Dwelling-places and Parishes

I, (a) hereby solemnly and sincerely declare that a Marriage has been agreed upon between the abovenamed (b) and that the above statement as to their respective names, conditions, callings, ages and dwelling-places, is in every particular just and true, and that I believe there is no impediment of kindred or alliance or other lawful hindrance to such Marriage.

(c) [And I further declare that (d) the (e) of the said (f) (g) (consents to such Marriage and such consent in writing duly signed by (h) is hereunto annexed;) and further, that (i) the Father of the said Minor is dead, and the said Minor has no Guardian and (k) said Mother is now unmarried.]

(l) [And I further declare that the said Minor has no Father, lawful Guardian or unmarried Mother resident in this Island.]

Declared before me at _____ this _____ day of _____ 19 _____ J.P.

- (a) Insert name, dwelling-place and description of declarant.
- (b) Insert names of the parties.
- (c) The declarations in brackets are only to be used in cases of Minors not previously married, in which case so much only of the latter declarations as are applicable should be used. If both parties are Minors similar declarations should be made in respect of each.
- (d) Insert the name, dwelling-place and description of the party entitled to give consent, or if such party is the declarant then the words "I am."

- (e) Insert the character in which he or she consents.
- (f) Insert the Minor's name.
- (g) If declarant is the party entitled to consent, substitute for the words in brackets the words "and consent to such marriage."
- (h) Insert "him" or "her" according to fact.
- (i) Insert name of Minor's Father.
- (k) Insert "his" or "her."
- (l) If there is no person competent to give consent this form should be used in lieu of (c).

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

MARRIAGE

SCHEDULE K

(Section 18)

Parish of

PUBLIC NOTICE

NOTICE has this day been received by me of Marriage as intended to be solemnized between the following persons (that is to say)—

Name and Surname	Condition	Calling	Place of Residence

MARRIAGE

All objections to a Certificate of due publication of Banns being granted authorizing the celebration of this Marriage must be lodged with me in writing within* days from this date by the Objector, who must appear personally to declare to the truth thereof.

.....
A.B. *a Marriage*

Officer of the Island of Jamaica.

Date of Notice.

*Fill in number of days to allow for a period of seven clear days from date of the posting of this notice.

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

MARRIAGE

SCHEDULE L—MARRIAGE REGISTER (Section 31)

No.	When Married	Name and Surname	Condition	Calling	Age	Parish and Residence at the time of Marriage	Father's Name and Surname

Married at _____, in the Parish of _____,
 by (or before) me _____, a Marriage Officer of the Island of Jamaica.

This Marriage was _____ in the presence of us _____
 celebrated between us _____

SCHEDULE L—MARRIAGE (DUPLICATE) REGISTER

(Section 31)

MARRIAGE

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

No.	When Married	Name and Surname	Condition	Calling	Age	Parish and Residence at the time of Marriage	Father's Name and Surname

Married at _____, in the Parish of _____
 by (or before) me _____, a Marriage Officer of the Island of Jamaica.

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

SCHEDULE M—MARRIAGE REGISTER (MARRIAGE *IN ARTICULO MORTIS*) (Section 37)

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

MARRIAGE

No.	When Married	Name and Surname	Condition	Calling	Age	Parish and Residence at the time of Marriage	Father's Name and Surname

Married at _____, in the Parish of _____
 by (or before) me, _____ a Marriage Officer of the Island of Jamaica.
 This Marriage was { in the presence of us {
 solemnized between us { {

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 above attested this Marriage that _____ he believed
 self to be at the point of death _____ *Marriage Officer.*
 This _____ day of _____ 19 _____

SCHEDULE M—MARRIAGE (DUPLICATE) REGISTER MARRIAGE *IN ARTICULO MORTIS*

No.	When Married	Name and Surname	Condition	Calling	Age	Parish and Residence at the time of Marriage	Father's Name and Surname

Married at _____, in the Parish of _____
 by (or before) me, a Marriage Officer of the _____ of _____

This Marriage was solemnized between us {
 in the presence of us {

I hereby Certify that immediately before the solemnization of this Marriage, the said _____ solemnly
 declared to me, in the presence of the Witness who have above attested this Marriage that _____ he believed
 self to be at the point of death. _____
Marriage Officer.

This _____ day of _____ 19 _____

[The inclusion of this page is authorized by L.N. 87/2004]

MARRIAGE

MARRIAGE**SCHEDULE N**L.N.
137/2003**MARRIAGE FEES AND REGISTER FEES**

Terms	Amount of Fee \$
<i>Payable to a Marriage Officer</i>	
For receiving a notice for banns	500.00
For receiving an objection (payable by party making the objection)	1,500.00
For witnessing or solemnizing a marriage (payable by one of the parties to the marriage)	2,000.00
<i>Payable to a Civil Registrar</i>	
For receiving a notice of marriage	500.00
For receiving an objection (payable by party making the objection)	1,500.00
For witnessing or solemnizing a marriage (payable by one of the parties to the marriage)	2,500.00
<i>Payable to the Registrar General's Department</i>	
For every search in the General Register Office per hour and each part of an hour (payable by persons requiring the search) per parish	200.00
For every certified copy of an entry of a Register of Marriage	650.00
For each additional copy of the same certificate applied for at the same time	100.00
For correction of an error of fact or substance in a marriage register (payable by the person requiring the correction to be made)	2,000.00
For every certified copy of an entry of Special Licence Register of Marriage (payable by the person requiring the service) and delivery at Express rate	1,250.00
For witnessing a special licence marriage ceremony (payable by one of the parties to the marriage or agency co-ordinating the marriage) and providing a special certificate	5,000.00
No-impediment	5,000.00

SCHEDULE N. *contd.*

Terms	Amount of Fee \$
Expedition Fee for each service—7 Day Fee (to be paid in addition to the regular fee)	500.00
Expedition Fee for each service—Same Day Fee (to be paid in addition to the regular fee)	1,500.00

Fees payable to the Registrar General only by Overseas Customers

United States:

Ordinary	US\$55
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Express	US\$85
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Canadian:

Ordinary	Can\$ 86
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Express	Can\$130
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United Kingdom:

Ordinary	£40.00
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Express	£60.00
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