

## CHAPTER 261

### THE MARRIAGE ACT

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## MARRIAGE

(1st April, 1925.)

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## PART I

## PRELIMINARY

1. This Act may be cited as the Marriage Act. **Short title.**

2. In this Act— **Interpretation.**

"District Registrar" means an Assistant Registrar appointed for a parish by the Public Service Commission under section 6 of the Births and Deaths (Registration) Act;

**Cap. 53.**

"Marriage Officer" means a Marriage Officer appointed under this Act.

"registered building" means a building registered under this Act as one wherein banns of marriage may be published;

"Registrar-General" means the Registrar-General of Births, Deaths and Marriages.

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

**Appointment of  
 Ministers of  
 Religion as  
 Marriage  
 Officers.**

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

shall be entitled to be appointed by the Minister responsible for Legal Affairs a Marriage Officer for Antigua and Barbuda unless the Minister responsible for Legal Affairs is satisfied that he is unfit to be so appointed.

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

(3) Any Marriage Officer may act as such throughout Antigua and Barbuda.

**Power to refuse to act.**

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

**Marriage Officer may solemnize marriages in accordance with the rules of his denomination.**

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

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

**Applications for appointment as a Marriage Officer.**

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

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

(3) Every application for appointment by a Minister of Religion as a Marriage Officer under this section shall be accompanied by a letter recommending that he be so appointed signed by the head, superintendent, superior or other senior church officer of his denomination within Antigua and Barbuda.

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

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

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

Marriage Officer may resign.

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

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

9. (1) Any Marriage Officer intending to be temporarily absent from Antigua and Barbuda 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.

Temporary absence of Marriage Officer.

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

10. The Minister responsible for Legal Affairs shall have full power on good cause being shown to cancel the appointment of any Marriage Officer. In the event of an appointment of a Marriage Officer being cancelled the fact and cause thereof shall be communicated to the recognized head within Antigua and Barbuda, if any, of the religious denomination to which he belongs.

Power to cancel appointment.

Register of  
Marriage  
Officers.  
Form A.

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

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

Sending in of  
applications,  
notices, etc.

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

Publication of  
appointments.

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

Registrar-  
General's Office.

Cap. 53.

**14.** (1) The Office of the Registrar-General shall be the General Register Office mentioned in section 3 of the Births and Deaths (Registration Act), provided that the Minister responsible for Legal Affairs may by notice in the *Gazette* declare any other building to be an office of the Registrar-General for the purposes of this Act either instead of or in addition to such General Register Office.

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

Limitation of  
powers and place  
for celebration of  
marriage.

**15.** (1) The Registrar-General, Deputy Registrar or the Assistant Registrar of the High Court shall not perform any function or act in respect of marriage otherwise than in accordance with the express provisions of this Act.

(2) The Registrar-General, Deputy Registrar or the Assistant Registrar of the High Court may celebrate a mar-



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riage at any place within Antigua and Barbuda that he is satisfied is a fit and proper place for such celebration.

## PART II

### REGISTERED BUILDINGS

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

**Registration of buildings in use at the commencement of this Act.**

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

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

**Registration of buildings at any time set apart for religious worship.**

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

(3) For every such entry, certificate, and publication, there shall be paid to the Registrar-General at the time of the delivery to him of the application to register, the sum of twenty dollars.

What to be deemed a separate building.

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

Use of building as school, &c.

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

Cancellation of registry if building disused.

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

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

(2) Every application for cancelling the registry of any such building, or for such substitution and registry of a

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

(3) For every such substitution there shall be paid to the Registrar-General, at the time of the delivery of the certificate, by the party requiring the substitution, the sum of twenty dollars.

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

**21.** In any case in which any registered building is being rebuilt or under repair, it shall be lawful for the Registrar-General, on application in writing made to him for that purpose, to order and direct that banns of marriage may be published in any church or other building in the same locality which he by order in writing directs, until the registered building is again opened for the performance of divine service, and during all such period the said church or building shall, for all purposes relating to the publication of banns of marriage, be deemed and taken to be the registered building so being rebuilt or under repair.

**Rebuilding or repair of registered buildings.**

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

**Notice at entrance of registered building.**

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

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

**Consent required for use of registered building.**

## PART III

## RESTRICTIONS ON MARRIAGE

Prohibited  
degrees.

**24.** If the parties to any marriage are within the prohibited degrees of consanguinity or affinity according to the law of England the marriage of such persons shall be null and void.

Marriages of  
persons under  
fifteen.

**25.** A marriage solemnized between persons either of whom is under the age of fifteen shall be null and void.

Restriction in  
cases of minority  
of parties.

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

(2) The consent required to the marriage of an infant under this section shall, in the case of a marriage intended to be solemnized on the granting of a licence by the Minister responsible for Legal Affairs or in the case of a marriage intended to be solemnized after the publication of banns, be that of the persons or person mentioned in the Second Schedule:

Second Schedule.

Provided that—

(a) if the Marriage Officer is satisfied that the consent of any person whose consent is so required cannot be obtained by reason of absence or inaccessibility or by reason of his being under any disability, the necessity for the consent of that person shall be dispensed with, if there is any other person whose consent is also required; and if the consent of no other person is required, the Minister responsible for Legal Affairs may dispense with the necessity of obtaining any consent, or the High Court may, on application being made, consent to the marriage, and the consent of the Court so given shall have the same effect as if it had been given by the person whose consent cannot be obtained;

(b) if any person whose consent is required refuses his consent, the High Court may, on application being made, consent to the marriage, and the consent of the Court so given shall have the same effect as if it had been given by the person whose consent is so refused.

## PART IV

## PRELIMINARIES TO MARRIAGE

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

**Authority for solemnization.**

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

## BANNES OF MARRIAGE

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

**Publication of banns.**

(2) Such publication shall be made in an audible manner some time during public Divine Service on a Saturday or Sunday whichever day is the day on which the principal act of worship of such congregation takes place, in the face of the congregation before whom and in the registered building in which such Minister officiates and in the parish in Antigua and Barbuda in which both of the parties to be married dwell, and shall contain the christian and other name and surname and place of abode of each of the said parties, and shall be published on three such days within a period not exceeding three months preceding the solemnization of the marriage.

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

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

Publication of banns in certain cases.

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

Notification to be made to minister before publication of banns.

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

Publication when void.

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

withdraws his objection, in which case the publication shall hold good.

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

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

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

Certificate of publication of banns.

(2) For every such certificate the officiating minister shall be entitled to demand and receive a fee of five dollars.

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

Supply of books for the registration of banns.

## MARRIAGE LICENCES

**34.** The Minister responsible for Legal Affairs may, if he thinks fit, grant a licence or special licence to marry without publication of banns or notice under this Act.

Power of the Minister responsible for Legal Affairs to grant licences.

**35.** Where either of the parties, not being a widower or widow, is under the age of eighteen years, no licence or special licence shall be granted until the consent of the persons or person required by subsection (2) of section 26 has been first obtained.

Restriction in cases of minority of parties.

Rights of parties applying for licence or special licence.

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

Application for licences.

**37.** (1) Persons desiring to obtain a licence or special licence under section 34 shall apply to the Minister responsible for Legal Affairs by petition.

(2) The petition referred to in subsection (1) must state—

(a) whether the application is for a licence or a special licence;

(b) the first and other names and surnames of both parties, their respective rank, profession or occupation, their permanent addresses and their addresses at the time of making the petition where such addresses are not their permanent addresses;

(c) whether their marriage is to be solemnized or celebrated by a Marriage Officer or by the Registrar-General and the place where and the Marriage Officer by whom the marriage is to be solemnized;

(d) whether the parties or either of them has or have been previously married;

(e) that they know of no impediment of kindred or alliance or other lawful cause to prevent the proposed marriage;

(f) that one of the parties—

(i) in the case of an application for a licence, was resident in Antigua and Barbuda for the space of fifteen days immediately preceding the date of the application for the licence; or

(ii) in the case of a special licence, was resident in Antigua and Barbuda for the space of three days;



(g) where either of the parties, not being a widower or widow, is under the age of eighteen years, that the consent of the person or persons whose consent to the marriage is required under this Act has been obtained.

(3) The petition shall be signed by both persons and shall be accompanied by such evidence of the statements made in it as the Minister responsible for Legal Affairs may from time to time prescribe in the case of such petitions.

(4) The petition for a licence shall be accompanied by a fee of one hundred dollars, and a petition for a special licence shall be accompanied by a fee of two hundred and fifty dollars, which fee shall be refunded to the person making payment if the petition is refused.

**38.** A licence shall be in the form or to the effect set forth in Form B in the First Schedule; and a special licence shall be in that form except that wherever the word "licence" occurs the words "special licence" are substituted in its place. **Form of licence.**

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

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

## REGISTRAR-GENERAL'S CERTIFICATE

Notice of  
marriage.  
Form C.

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

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

(a) that they or he or she (as the case may be) know or knows of no impediment of kindred or alliance, or other lawful hindrance to the said marriage; and

(b) that they or he or she (as the case may be), have or has for the space of seven days immediately preceding the giving of such notice, had their, his or her usual place of abode and residence within Antigua and Barbuda; and

(c) when either of the parties intending marriage, and not being a widower or widow is under the age of eighteen years, further stating that the consent of the persons whose consent to such marriage is by law required, or of a Judge, has been given.

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

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

Filing and entry  
of notice.

**42.** (1) Where any such notice of marriage is given to the Registrar-General, he shall forthwith file the same with the records of his office, and shall also enter the particulars thereof in a book to be called "The Marriage Notice Book", and for every such entry there shall be paid to the Registrar-General a fee of five dollars.

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

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

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

**Form D.**

(2) For every such certificate there shall be paid to the Registrar-General a fee of five dollars.

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

(2) Such objection shall be in writing signed by or on behalf of the person who enters the same, shall state his name and place of residence and the ground of his objection, and shall be lodged with the Registrar-General within twenty-one days from the date of the notice set up outside his office under section **43**.

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

(4) The Registrar-General shall, in any such case, suspend the issue of his certificate until he receives a certified

copy of the Judge's decision, and shall act in conformity therewith.

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

Certificate when void.

**46.** In all cases where three calendar months have elapsed without the marriage to which a certificate relates having been celebrated, such certificate shall be void, and before the parties can be married on a Registrar-General's certificate, a fresh notice must be given as if no proceedings had previously been taken to obtain a certificate.

## PART V

### SOLEMNIZATION OR CELEBRATION OF MARRIAGE

Provisions as to solemnization and celebration. By whom and hours.

**47.** Except in the cases mentioned in Part VII—

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

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

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

(c) If a marriage is celebrated in the Registrar-General's Office, each of the parties shall say to the other;

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

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

**Addition of religious ceremony to civil marriage.**

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

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

**Case of marriage between minors after publication of banns.**

**50.** (1) For every marriage celebrated by the Registrar-General, the Deputy Registrar or the Assistant Registrar of the High Court there shall be paid to him a fee of one hundred dollars which shall be paid into the Consolidated Fund.

**Fee payable.**

(2) For every marriage celebrated by the Registrar-General, the Deputy Registrar or the Assistant Registrar of the High Court at a place other than his office there shall be paid to him a fee of one hundred dollars in addition to the fee referred to in subsection (1).

(3) One hundred dollars of the additional fee referred to in subsection (2) shall be paid to the Registrar-General, the Deputy Registrar or the Assistant Registrar of the High Court and the other one hundred dollars shall be paid into the Consolidated Fund.

## PART VI

## REGISTRATION OF MARRIAGE

Supply of  
register book.

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

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

Keeping of  
register of  
marriages.

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

Form E.

Duplicate  
register.

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

Form F.

(2) All such duplicate original registers made in any one calendar month shall within the first ten days of the

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

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

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

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

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

Fees payable for search and certified copies of entries, etc.

**55.** The following fees shall be payable before the performance of the duty to which the same respectively relate, that is to say—

for every general search not directed to any particular entry	\$5.00
for every search for a particular entry	\$10.00
for every certified copy of an entry	\$10.00
for every issuing of any certificate or making any record of any fact not otherwise provided for	\$10.00
for correction of each error or omission.	\$10.00

## PART VII

### CLINICAL MARRIAGES

As to marriage in *articulo mortis*.

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

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

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



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

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

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

(7) The certificate to be given by a medical practitioner or a Marriage Officer for the purposes of this section shall be in the Form H in the First Schedule. The fee payable to any Government Medical Officer for any such certificate shall be ten dollars, if a special visit is not required before it can be given; if a special visit is required, the fee shall be twenty dollars. **Form H.**

## PART VIII

### OFFENCES, &c.

**57.** Any person who knowingly and wilfully— **Unduly solemnizing marriage.**

(a) solemnizes any marriage at any other time than between the hours of six o'clock in the morning and eight o'clock in the evening, save in the cases mentioned in subsection (2) of section 4 and in Part VII; or

(b) solemnizes any marriage, save in the cases mentioned in subsection (2) of section 4 and in Part VII without due publication of banns, or licence from the Minister responsible for Legal Affairs or certificate from the Registrar-General first had and obtained; or

(c) falsely pretending to be a Marriage Officer or the Registrar-General solemnizes or celebrates any marriage; or

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

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

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

**Making false declaration.**

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

**Liability of persons lodging an objection on frivolous grounds.**

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

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

## PART IX

## MISCELLANEOUS

**60.** After the solemnization or celebration of any marriage under this Act, it shall not be necessary, in support of such marriage, or in any action, suit or proceeding where the same may come into question, to give any proof of the consent of any person whose consent thereunto is by law required, or the actual dwelling of the parties married, or of either of them, before the marriage in any specified place, for any prescribed period or that the banns were published, or notice of intended marriage given, in the place wherein or by or to the person by or to whom the banns ought to have been published, or the notice given or that the marriage was solemnized or celebrated, in the place, and by a person, where and by whom the same ought to have been solemnized or celebrated: Provided that nothing herein contained shall prevent any evidence from being given that such marriage is null and void under any provision of this Act expressly declaring such marriage to be null and void, but the burden of proof shall in all such cases lie on the party alleging any such marriage to be null and void.

Dispensation with proof of certain preliminary matters, after solemnization of marriage.

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

Prohibiting of proceedings to compel marriage.

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

**62.** If any persons, save in the case mentioned in Part VII, knowingly and wilfully—

Invalidation of certain marriages.

(a) intermarry in any other place than a building wherein marriage may lawfully be celebrated; or

(b) intermarry without due publication of banns; or licence from the Minister responsible for Legal Affairs

or a certificate from the Registrar-General first had and obtained; or

(c) consent to, or acquiesce in, the solemnization or celebration of their marriage by any person not being a Marriage Officer or the Registrar-General,

the marriage of such persons shall be null **and void** to all intents and purposes.

Securing of property when necessary consent to marriage not obtained.

**63.** (1) 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 whose consent is by law required, no community of property between the parties for the benefit or to the advantage of the party marrying such minor shall take place, nor shall any property be acquired from such minor by the other party to the marriage by last will, gift, transfer, or in any other way whatsoever, nor shall any stipulation made by such party by any ante-nuptial contract for any benefit from the property of such minor be valid or of any effect.

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

Saving clause as to fees.

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

Disposal of fees received by Registrar-General and District Registrars.

**65.** The District Registrars shall pay all fees received by them under the provisions of this Act to the Registrar-General, and the Registrar-General shall pay all such fees and all fees received by him under the said provisions into the Treasury and except the fee received by him under section

50(2), such fees shall be for the public uses of Antigua and Barbuda.

**66.** No marriage solemnized under this Act shall be, <sup>Validation.</sup> or be deemed to have been, invalid by reason only that such marriage was solemnized by a female Minister of the Christian Religion who was appointed or purported to be appointed by the Governor-General as a Marriage Officer for Antigua and Barbuda.

## FIRST SCHEDULE

(S.11.)

## FORM A

No.	Name	Denomina- tion	Date of appoint- ment	Postal Address		Remarks
				Originally given	At present time	

LAWS OF ANTIGUA AND BARBUDA

30

CAP. 261)

Marriage

FORM B (S. 38.)

By .....

Minister responsible for Legal Affairs

To all those to whom these Presents shall come

Be it known that

Bachelor born in  
Widower

an inhabitant at

of Antigua and Barbuda,

and

Spinster born in  
Widow

an inhabitant at

of Antigua and Barbuda,

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

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

Marriage Officer to solemnize

the Registrar-General to celebrate a marriage between the said

and

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

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

Given under my hand, at St. John's Antigua, this  
day of

.....  
Minister responsible for  
Legal Affairs.

FORM C

(S. 41.)

FORM OF NOTICE OF MARRIAGE

*To the Registrar-General.*

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

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

---

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

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

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

In witness thereof I have hereunto set and subscribed my hand  
 We our hands  
 this day of 19 .

(Signed.)

Declare before me this day of 19 .

(Signed.)

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

(b) Insert party's name.





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FORM D

(S. 44)

Form of Registrar-General's Certificate

I \_\_\_\_\_ Registrar-General of Antigua and Barbuda do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_ the following notice was duly entered in the marriage notice book (here copy notice omitting the declarations at foot thereof).

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

This certificate will be void unless the marriage is solemnized or celebrated within three calendar months after the date of the entry of the notice, namely, on or before the \_\_\_\_\_ day of \_\_\_\_\_

(Signed.)

Registrar-General

FORM E  
ORIGINAL REGISTER

(S. 52.)

19 . Marriages Solemnized or Celebrated at \_\_\_\_\_ in Parish of \_\_\_\_\_ 19 \_\_\_\_ .

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

Married at \_\_\_\_\_ in the Parish aforesaid, after \_\_\_\_\_, by me

(Signed) .....  
Marriage Officer (or Registrar-General).

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

(S. 53.)

FORM F  
DUPLICATE ORIGINAL REGISTER

19 . Marriages Solemnized or Celebrated at _____ in Parish of _____ 19 .						
No.	When Married.	Names and Surnames.	Age.	Condition.	Rank Profession or Occupation.	Residence at the time of Marriage.
						After Banns or Licence or Registrar-General's Certificate.
						Consent, by whom given, or Judge's Order.

Married at \_\_\_\_\_ in the Parish aforesaid, after \_\_\_\_\_, by me  
 (Signed) .....  
 Marriage Officer (or Registrar-General).  
 This Marriage was solemnized or celebrated between us }  
 Examined with the Original Register and found to be correct— } in the presence of us [ ]  
 Marriage Officer (or Registrar-General).

FORM G (S. 56.)  
 FORM OF MARRIAGE REGISTER AND DUPLICATE ORIGINAL MARRIAGE REGISTER  
 (MARRIAGE IN ARTICULO MORTIS)

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

Married at \_\_\_\_\_ in the Parish of \_\_\_\_\_ by me \_\_\_\_\_,  
 a Marriage Officer of Antigua and Barbuda.

This Marriage was \_\_\_\_\_ }  
 solemnized between us \_\_\_\_\_ }  
 (a) [ I consented to the marriage of \_\_\_\_\_ }  
 (Signed) ]

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

This \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ .  
 \_\_\_\_\_ Marriage Officer

(a) Add if circumstances require.

FORM H

(S. 56.)

Medical

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

(Signed.)

## SECOND SCHEDULE

(S. 26)

CONSENT REQUIRED TO THE MARRIAGE  
OF A MINOR

Consent to the marriage of a minor shall be obtained in accordance with the following provisions—

(a) if both the minor's parents are alive and living together, consent shall be obtained from both parents;

(b) if the minor's parents are living apart and he is living with one parent, consent shall be obtained from the parent with whom he is living;

(c) if the parents are living apart and the minor is not living with either, consent shall be obtained from both parents unless the consent of one parent is dispensed with by a Judge of the High Court;

(d) if one of the parents is dead, consent shall be obtained from the surviving parent and any other person who is the legal guardian of the minor;

(e) if both parents are dead consent shall be obtained from any person who is the legal guardian of the minor.