
CHAPTER 120**MARRIAGE**

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CHAPTER 120

MARRIAGE

An Act relating to marriage.

4 of 1908
 27 of 1909
 10 of 1924
 28 of 1936
 13 of 1952
 12 of 1957
 39 of 1964
 43 of 1964
 7 of 1967
 E.L.A.O., 1974
 5 of 1987

1. This Act may be cited as the Marriage Act. Short title.
2. In this Act, unless the context otherwise requires — Interpretation.
 “general register office” means the general register office for the keeping of registers of marriages solemnized in The Bahamas as appointed by this Act;
 “marriage officer” means a marriage officer under this Act;
 “Minister” means the Minister responsible for the Registry of Records; E.L.A.O., 1974.
 “registrar” means a registrar of marriages under this Act;
 “Registrar-General” includes the Registrar-General of The Bahamas and the Deputy Registrar-General. 5 of 1987, Sch.
3. A marriage hereafter solemnized in The Bahamas otherwise than under the provisions of this Act shall have no legal effect. Non-compliance with the Act prevents a marriage from having any legal affect.
4. If both the parties to a marriage knowingly and wilfully acquiesce in the solemnization of the marriage ceremony between them — Wilful non-compliance renders the marriage void.
 (a) by or before a person not being a marriage officer;
 (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.
5. Except as aforesaid, and except as in section 31 of this Act provided with respect to marriages under that section, no marriage otherwise lawful which has been actually solemnized shall be declared void on the ground Effect of non-observance in other cases.

that any of the conditions by this Act directed to be observed have not been duly observed:

Provided that nothing in this section shall alter the effect of section 52 of this Act.

Designation of public officers to be marriage officers, etc.
E.L.A.O., 1974.

6. (1) It shall be lawful for the Minister from time to time —

- (a) to designate public officers to be registrars of marriages; and
- (b) subject to the provisions of section 7, to appoint any minister of religion to be a marriage officer.

(2) Every magistrate shall be *ex officio* a registrar of marriages.

(3) Every commissioner shall within his district be a registrar of marriages.

(4) The designation of a public officer as a registrar of marriages and the appointment of a minister of religion as a marriage officer shall be published in the *Gazette* and the appointment or designation shall take effect from the date specified in the notice in the *Gazette*.

Minister of religion may apply to be a marriage officer.
27 of 1909, s. 2; 43 of 1964, Third Sch.

7. Any minister of religion whether acting for one congregation or having the local superintendence of several congregations may apply to the Registrar General to be registered as a marriage officer and upon the publication in the *Gazette* of such registration shall as long as such registration remains in force be a marriage officer for the purposes of this Act, and for the purpose of construing the provisions of this Act shall be deemed to be appointed under this Act:

E.L.A.O., 1974.

Provided that the Minister may exclude any minister so applying from being registered as a marriage officer and also may remove the name of any minister from the register:

Provided also that no marriage shall be solemnized except in the presence of or by a registrar or a marriage officer or a minister of religion registered under this Act as a marriage officer.

Registrar a marriage officer *ex officio*.
13 of 1952, s. 2.

8. The Registrar General shall be *ex officio* a marriage officer for The Bahamas and every registrar shall be *ex officio* a marriage officer for his district, but they shall not act as such otherwise than subject to the provisions of sections 21 and 24 of this Act.

- 9.** 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. Safeguard for conscientious objections.
- 10.** A registrar other than a magistrate shall before entering on the duties of his office give security for the due execution of his duties in such sum as the Minister may from time to time require. Registrars to give security. E.L.A.O., 1974.
- 11.** (1) A registrar shall, subject to the approval of the Minister, designate by writing under his hand a public officer to act as his deputy in case of his illness or absence. Power enabling registrar to appoint a deputy. E.L.A.O., 1974.
- (2) A public officer designated to act under subsection (1) shall, while so acting have all the powers and duties and be subject to all the penalties herein declared concerning registrars. E.L.A.O., 1974.
- (3) A registrar may, with the approval of the Minister, cancel the designation of a public officer under subsection (1). E.L.A.O., 1974.
- (4) In the event of the incapacity or absence of any such deputy the Registrar General shall, subject to the approval of the Minister, designate a public officer to act as registrar until the registrar resumes the duties of his office, or until a new appointment to the office of registrar is duly made. E.L.A.O., 1974.
- (5) In case a registrar dies, or otherwise ceases to hold his office, his deputy shall act as registrar in his place until another public officer has been designated to be a registrar under section 6. E.L.A.O., 1974.
- 12.** It shall be lawful for any marriage officer other than a magistrate to resign his appointment as such. Any such resignation shall be notified in the *Gazette*, and shall take effect from the date of publication. Marriage officers at liberty to resign.
- 13.** Every marriage officer who owes his appointment to the fact of his being a minister of religion acting for a congregation, or having the local superintendence of several congregations, shall, if he ceases to act or to have such superintendence, *ipso facto* vacate his appointment as marriage officer, and shall notify the Registrar General that he has ceased to act or to have such superintendence as aforesaid: Marriage officers cease to be qualified when ceasing to act for a congregation. 27 of 1909, s. 2.

Provided that nothing in this section shall be regarded as applying to a marriage officer intending to be absent temporarily as mentioned in section 14 of this Act and who has duly notified to the Registrar General his intention to cease temporarily to act for or have local superintendence over a congregation.

Except when only temporarily absent.

14. (1) Any marriage officer intending to cease temporarily from acting for a congregation or from having local superintendence of any one or more congregations shall notify the Registrar General of such intention, and shall make such arrangements for the custody of all marriage register books supplied to him as shall be satisfactory to the Registrar General.

27 of 1909, s. 2.

(2) Any marriage officer ceasing to act for or have local superintendence over a congregation without giving such notification, or without making proper arrangements to the satisfaction of the Registrar General for the safe custody of his marriage register books as aforesaid, shall *ipso facto* vacate his appointment and shall not ordinarily be entitled to reappointment.

E.L.A.O., 1974.

(3) When any marriage officer shall desire to leave The Bahamas for a time, and shall make arrangements to leave the care of his place of worship and the conduct of the services therein to a catechist, lay reader or other person not being a minister of religion, it shall be lawful for the Minister, on the recommendation of the marriage officer desiring to leave as aforesaid, to appoint such person to act as a marriage officer during the absence of the marriage officer in question, or until some other minister of religion shall have been appointed in his stead.

(4) In such a case as is provided for in subsection (3) of this section, such marriage officer as first mentioned shall hand over the marriage register books supplied to him to the person appointed to act as a marriage officer during his absence, and the latter, on the return of the marriage officer first mentioned, or the arrival of some minister of religion to take his place, shall cease to be a marriage officer and shall re-deliver the said marriage register books, or other books supplied to him in lieu thereof, to the minister of religion for whom he has been acting or his successor.

(5) Any person appointed to act as a marriage officer under the provisions of this section shall, for the time during which he is appointed to act, have all the rights, powers, and be subject to all the obligations, of a marriage officer.

15. (1) Nothing in this Act shall be construed as compelling any minister of religion to be a marriage officer. *Appointment of marriage officer.*

(2) Any minister of religion who desires to be registered as a marriage officer shall supply the Registrar General with the following information — *27 of 1909, s. 2.*

(a) the name or other description of the place of public worship with regard to the congregation attending which he acts as minister of religion and with respect to which he desires to act as marriage officer;

(b) the name or other description of the place or places of public worship over the congregations of which he has local superintendence and with respect to which he desires to act as marriage officer.

(3) Every magistrate and every registrar shall keep affixed in a conspicuous place in his office a list of all marriage officers of the district. The list shall state the name and dwelling place of each officer and the name or other description of the place or places of public worship in or for which they respectively so act. *27 of 1909, s. 2.*

(4) No minister of religion who is not a marriage officer or expressly authorised by a marriage officer shall publish any banns of marriage.

(5) If from any cause a minister of religion is not desirous of acting as a marriage officer or is not desirous of acting as a marriage officer on the occasions referred to in the provisos to section 23 of this Act and with respect to the duties of registration subsequent to the solemnization of matrimony, it shall be lawful for the Minister on application from the head of any religious denomination nominating any person for appointment as marriage officer (with limitations) for any congregation attending any place of public worship, to appoint such person to be marriage officer at all marriages solemnized at any such *E.L.A.O., 1974.*

place. Every such appointment shall be subject to bond being given or other suitable arrangements being made for the correct discharge by such person of the duties imposed upon him as a consequence of his appointment.

(6) Every person appointed under the provisions of subsection (5) of this section shall have all the powers and shall be subject to all the duties conferred or imposed by this Act on marriage officers except such powers and duties as are incident to the publication of banns and the issuing of a certificate of the kind referred to in section 16 of this Act:

Provided that nothing herein contained shall be deemed to constitute any such person as a marriage officer within the meaning of section 14 of this Act.

27 of 1909, s. 2.

(7) Ministers of religion who desire to be registered as marriage officers, subject to the exception hereinbefore mentioned, may be registered as marriage officers for all purposes connected with the issue of a marriage officer's certificate such as is referred to in section 16 of this Act and all matters and duties and powers anterior or incidental to such issue. Every minister registered with the limitations aforesaid shall for all purposes be deemed to be a marriage officer within the meaning of this Act with respect to the matters, duties and powers aforesaid.

27 of 1909, s. 2.

(8) Every person appointed as marriage officer or as marriage officers, subject to the limitations aforesaid, shall notify the Registrar General of his address and of every change therein. If any marriage officer does not notify his address as aforesaid the Minister may cancel his registration.

E.L.A.O., 1974.

16. Marriage may be solemnized under the authority —

Methods of solemnizing marriage.

27 of 1909, s. 2.

(a) of a registrar's certificate or registrar's certificates; or

(b) of a marriage officer's certificate or marriage officer's certificates; or

39 of 1964, s. 2.

(c) of a licence from the Registrar General,

or without any such authority or certificates in the cases specially provided for in section 31 of this Act.

17. (1) In every case of persons residing in The Bahamas intending that a marriage shall be solemnized between them under the authority of a registrar's certificate of notice, each of such persons shall on or about the same date give notice (making the declaration therein contained) of the intended marriage to the registrar in whose district he or she has respectively 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 to this Act:

Procedure by registrar's certificate.

Schedule A.

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

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

(2) On the receipt of a notice of an intended marriage the 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 to this Act, and shall keep the same so put up for seven consecutive days thereafter.

Marriage Notice Book.

Schedule B.

(3) The marriage notice book shall be open at all reasonable times to any person desiring to inspect it.

(4) The 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 authorised by the person who gave the notice, certificate of the due publication thereof, in this Act referred to as the registrar's certificate, as nearly as may be in one of the forms set forth in Schedule C to this Act, and shall therein set forth whether any objection has been offered to such intended marriage.

Schedule C.

18. (1) In every case of persons residing in The Bahamas intending that a marriage shall be solemnized between them under the authority of a marriage officer's

Procedure by marriage officer's certificate.

Schedule D.

certificate or certificates of banns, each of such persons shall on or about the same date give notice in writing (making the declaration therein contained) in the form as nearly as may be set forth in Schedule D to this Act, to the minister (being a marriage officer) of the congregation to which he 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 a marriage officer of the district 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 The Bahamas a single notice by the other person shall suffice.

The Marriage
Banns Book.

(2) On receipt of a notice under subsection (1) of this section of an intended marriage as aforesaid, the minister (being a marriage officer) being satisfied as to the compliance with the requirements aforesaid (and subject to the proviso aforesaid), shall within four days enter the particulars set forth in the notice and also the date when such notice shall have been received by him in a book to be kept by him entitled “The Marriage Banns Book” and shall also enter the said particulars and date on paper, and shall post the latter on a notice board to be kept affixed on the outside of the principal door of the place of worship in which he ministers (and in the event of his ministering in more than one place, preferably on the outside of that at which he may have published the banns); and thereafter when such notice shall have been kept affixed as aforesaid for a period extending over three Sundays, shall, subject to the provisions of this section, give the certificate of due publication of banns hereinafter mentioned.

(3) 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 also (subject to his right of refusal under section 9 of this Act) by himself, or some other person by him duly authorised, publish the banns of marriage between the parties named therein conformably to the notice in the place of public worship in which he ministers.

(4) The publication of the banns of marriage 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 on a Saturday, in the face of the congregation, and shall be in the words as nearly as may be in Schedule E to this Act, and shall be made for three Sundays or Saturdays as above provided preceding the solemnization of the marriage, during the morning or evening service.

Schedule E.

(5) 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 authorised 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 to this Act, and shall therein set forth whether any objection has been offered to such intended marriage.

Schedule F.

19. (1) In any case of persons residing in The Bahamas intending that a marriage shall be solemnized between them, the Registrar General 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 authorised to give such consent has been obtained, grant a licence for such marriage, as nearly as may be in the form set forth in Schedule G to this Act.

Procedure by
marriage licence.
39 of 1964, s. 3.

Schedule G.

(2) For the purpose of such proof as is required by subsection (1) of this section, the Registrar General may prescribe any form of declaration 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 purpose of a marriage.

20. (1) Persons who have reached the age of eighteen years and widowers and widows may marry without the consent of others.

Procedure when
the consent of a
parent or a
guardian is
required.
10 of 1924, s. 3.;
12 of 1957, s. 2.;
27 of 1976 s. 2.
Schedule M.

(2) When a person under eighteen years of age, not being a widower or widow intends to marry, the persons or person mentioned in Schedule M to this Act shall have authority to consent to the marriage of such person, and such consent is hereby required, except as provided in subsection (3) of this section.

(3) If the parent or guardian whose consent is necessary is *non compos mentis*, or unreasonably withholds consent to the marriage of any person, or if no person authorised under this Act to give consent to a marriage is resident in the Bahamas or is easily accessible, either party to the intended marriage may refer the matter to the Supreme Court which shall decide upon the same in a summary way, and if the proposed marriage appears upon examination to be proper the Supreme Court shall certify the same, and such certificate shall be as good and effectual as if the necessary consent had been given.

(4) 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 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.

21. (1) Any person may notify his objection to an intended marriage by giving notice of objection to the registrar or marriage officer publishing the notice or banns.

(2) A 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 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 to this Act, which the registrar or marriage officer shall endorse on the written statement of objections.

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

Procedure to be followed if a marriage is open to objection.

Schedule H.

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- (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 registrar or marriage officer shall suspend the issue of his certificate pending decision upon the objection, and make such inquiry 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 registrar or marriage officer shall refer the matter to the Supreme Court (which 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 Supreme Court'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 of consent is unreasonable and ought not to interfere with such marriage.

(4) If it appears to the Supreme Court that the objection in case of an objection to a marriage, was frivolous and vexatious the court may condemn the party making it to pay, in addition to costs and all civil damages to which he may be liable a fine of eighty dollars, to be enforced in the same way as a judgment of the Supreme Court.

5 of 1987, s. 2.

22. Whenever a marriage does not take place within three months of the date of the registrar's certificate, or a marriage officers certificate, or a licence granted under section 19 of this Act, 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.

Certificates and licences do not operate after three months from the date of issue.

Declarations must be made by the parties that there is no lawful impediment to their marriage in order that the latter may become binding in law.

23. After the issue of a registrar's certificate or registrar's certificates, or a marriage officer's certificate or marriage officer's certificates, or a registrar's 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 granted under section 19 of this Act, the marriage may be solemnized between the parties described in the certificate or licences 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 credible witnesses between the hours of six o'clock in the morning and eight o'clock in the evening 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 further that in some part of the ceremony or immediately before or after 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) C.D. to be my lawful wife (or husband):

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

Marriage may be contracted before a registrar.

24. If the parties so desire they may, after certificate or licence duly granted, contract and solemnize marriage at any place and in the presence of a registrar and in the presence of two witnesses, with open doors, and between the hours of six o'clock in the morning and eight o'clock in the evening, making the declaration and using the form of words provided in section 23 of this Act; but in such case no religious service shall be used.

Marriage contracted before a registrar may be subsequently solemnized in church.

25. If the parties to a marriage contracted before the 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 the certificate of marriage of the parties before the registrar or a marriage officer may, if he thinks fit, perform such religious service:

Provided that 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 as a marriage.

26. 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.

Marriage officers to obtain the particulars required for registration.

27. Immediately after the solemnization of a marriage the marriage officer before whom it is solemnized shall register it in duplicate, that is to say, firstly in a book to be kept by him for that purpose, called the marriage register, and, secondly on a separate form, such registration shall be in the form given in Schedule K to this Act, and shall be signed by the parties married, by two witnesses and by the marriage officer.

Registration of marriages in the marriage officer's marriage register book.

Schedule K.

28. After such registration of a marriage as aforesaid, the marriage officer shall transmit the duplicate register to the Registrar General and shall without payment of any fee, deliver to each of the parties married a copy of the original register of the marriage certified under his hand to be a true copy.

Transmission of duplicate register to the Registrar General.

29. 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.

Duplicate register to be filed and preserved.
28 of 1936, s. 2.

30. (1) 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, having first given notice of his or her intention by two publications in the *Gazette*, to apply to a judge of the Supreme Court in chambers for an order to have such marriage correctly registered.

Correction of omissions in registers.
28 of 1936, s. 3.

(2) The judge shall require notice of such application to be given to such persons as he thinks expedient.

(3) If the judge 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 accordance with the terms of the order.

(4) When a marriage is ordered to be registered in accordance with the provisions of this section the Registrar General shall insert the particulars required to be registered in such of the forms prescribed in the Schedules to this Act as may be suitable and shall sign the same and make a reference to the said order and the date thereof, and shall file the form in its appropriate place.

Schedules

Recognition of marriages *in articulo mortis* does not have any legal retrospective effect and does not annul an existing will.

31. (1) 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 who have lived in unlawful connection and one of whom is *in articulo mortis*.

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

27 of 1976, s. 2.

(3) No such marriage shall be solemnized where either of the parties is under eighteen 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.

(4) A marriage so solemnized shall be specially registered.

(5) The register shall contain the particulars and be in the form indicated in Schedule L to this Act.

Schedule L.

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

(7) No marriage solemnized under the provisions of this section shall operate as a revocation of any will.

Departmental rules may be made by the Registrar General.

32. 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.

E.L.A.Oc., 1974.

33. The Registry of Records shall be the general register office for keeping a register of all marriages solemnized in The Bahamas.

General register office.

34. 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.

Copies of certificates to be sealed.

35. (1) There shall be supplied to the proper officers all books, registers, forms and other materials required for the execution of this Act.

Forms, books, etc., to be supplied to officers.

(2) 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.

(3) Forms of notice of marriage shall be supplied by the Registrar General to the several registrars and marriage officers, who shall account for all forms so issued to them.

36. The Registrar General shall be *ex officio* the Registrar General of Marriages.

The Registrar General to be the Registrar General of Marriages.

37. 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.

The Registrar General entrusted with the supervision and control of marriage registration. Custody of registers.

38. The Registrar General shall have the custody, and shall be responsible for the safe keeping of —

- (a) all registers of marriage and documents relating thereto that may be in his custody at the time of the commencement of this Act, and of any ancient register of marriages which previous to such commencement may have been kept in any place of worship and which the owner may be willing to give up;
- (b) all such other registers of marriage as may be committed to his keeping or be deposited in the general register office under the provisions of this Act.

Index registers.
28 of 1936, s. 4.

39. The Registrar General shall cause to be made and kept in the general register office an index of all duplicate registers of marriage filed in the office.

Right to search register.
28 of 1936, s. 5.

40. The Registrar General shall allow all persons, within office hours, to search the index and the files of duplicate registers of marriage.

Issues of certified copies.
28 of 1936, s. 6.

41. The Registrar General shall give a copy, certified under his hand, of any duplicate register on the file to any person requiring it.

Marriage officers to be under obligation to register marriages.

42. Except in the case of exemptions referred to in subsections (5), (6) and (7) of section 15 of this Act all marriage officers shall be registrars of marriage for the purpose of registering marriages solemnized or witnessed by them under this Act.

Registration work by marriage officers.

43. (1) Every marriage officer as a registrar of marriages —

- (a) 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 (unless entrusted with it under any rule passed under this Act) to the Registrar General;
- (b) shall give a copy, certified under his hand, of any entry in every marriage register book in his keeping to any person requiring it;
- (c) shall keep in the prescribed manner all other marriage register books which may be entrusted to him under any rules passed under this Act.

(2) A marriage officer who is a minister of religion may act as a marriage officer in any part of The Bahamas.

Obligation of registrars and of marriage officers in their capacity as registrars.

44. Every registrar —

- (a) shall keep safely in his office every marriage register book kept by himself;
- (b) shall allow all persons, within reasonable hours to be prescribed by rules under this Act, to search the marriage register book in his keeping;
- (c) shall give a copy, certified under his hand, of any entry in the marriage register book in his keeping to any person requiring it;

- (d) shall make such periodical returns to the Registrar General relating to the duties performed by him in relation to this Act as may be required by rules made under this Act;
- (e) 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.

45. The expenses of carrying the Act into execution shall, where not otherwise provided for, be payable out of the consolidated Fund by warrant in the usual manner.

Expenses.

46. (1) Every original register in a marriage register and every copy certified under the hand of the officer for the time being having the lawful custody of the original to be a true copy thereof and every duplicate 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 be respectively good evidence of the facts which shall have been therein set forth in pursuance of the provisions of this Act in all proceedings and before all courts.

Evidence by means of certified copies and duplicates.

(2) All certified copies aforesaid and all declarations made pursuant to the provisions of this Act shall be exempt from stamp duty.

47. (1) Every officer under this Act who makes default in strictly complying with the provisions thereof, whether by omission or commission, shall be guilty of an offence and shall be liable on summary conviction to a penalty of eighty dollars.

Penalty for non-compliance with provisions of this Act.

5 of 1987, s. 2.

(2) This section shall extend to and include persons who have ceased to hold office under this Act, in relation to any offence as aforesaid of which they may have been guilty while holding or on ceasing to hold such office.

(3) No person shall be prosecuted under this section without the written permission of the Attorney-General.

48. After the solemnization of any marriage under or by virtue of this Act, it shall not be necessary in support of the marriage, or in any action or proceeding where the same may come into question, to give any proof of the actual dwelling of the parties married, or of either of them, before the marriage or that the banns were published, or

Presumption in favour of marriages when solemnized under this Act.

that the marriage was solemnized in the place, and by a person where and by whom the same ought to have been published and solemnized respectively.

Marriage impossible within the prohibited degrees.

49. If any persons knowingly and wilfully intermarry after the commencement of this Act without authority as detailed in section 16 of this Act, or, if the parties to any marriage are within the prohibited degrees of consanguinity or affinity according to the law of The Bahamas, the marriage shall be null and void.

Minimum age of marriage.
7 of 1967, s. 2.

50. (1) A marriage solemnized between persons either of whom is under the age of fifteen years shall, subject to the provisions of this section, be void.

(2) Notwithstanding the provisions of subsection (1) of this section, the Supreme Court may upon the application of either party to an intended marriage who has reached the age of thirteen years but is under the age of fifteen years, and upon good cause shown, by order grant a dispensation and in such case the intended marriage may be lawfully solemnized.

(3) Every application shall be heard and decided by a judge of the Supreme Court in a summary way.

(4) Nothing in this section contained shall affect the validity of any marriage solemnized before the seventh day of April, 1967.

Rules.
E.L.A.O., 1974.

51. It shall be lawful for the Minister to make rules for carrying into effect this Act and in particular for all or any of the following purposes —

- (a) to regulate and to restrict the issue of licences authorised to be issued under section 19 of this Act and to ensure the registration of marriages so licensed;
- (b) to fix and enforce payment of fees to be paid for performing any act under this Act;
- (c) to regulate and prescribe any duty to be performed under this Act;
- (d) prescribing the conditions under which marriage officers may retain possession of marriage registers which have been completely filled in;
- (e) the occasions on which documents or statements are to be supported or vouched for by declarations;

-
- (f) to regulate the rectification of errors in marriage registers;
 - (g) the duties of marriage officers appointed on the recommendation of heads of religious denominations: *27 of 1909, s. 2.*

Provided that the Schedules to this Act unless and until altered by any such rules, and all directions therein contained and specified or thereto appended shall be of the same force and effect as if the same were enacted in the body of this Act.

52. (1) No alteration in any register of marriages shall be made except as authorised by this Act. *Alterations.*

(2) Any clerical error which may from time to time be discovered in any such register, may be corrected by the Registrar General or any person authorised in that behalf by him, subject to any rules made under this Act.

(3) Any error of fact or substance in any such register may be corrected by the Registrar General upon production to him by either of the parties to the marriage, or in the case of his or her death, by the issue or other lawful representative of such party, of a declaration setting forth the nature of the error and the true facts of the case.

SCHEDULE A (Section 17(1))
FORM No. 1**NOTICE OF MARRIAGE**

(applicable to the case of parties residing in different districts, or giving separate notices)

To the Registrar of the district of I, (*here insert the name of the person giving notice*) 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.	District and Dwelling Place.	Length of Residence

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 days immediately preceding the date of this notice had my usual place of abode within the above-mentioned district of _____ and that I believe there is no impediment of kindred or alliance or other lawful hindrance to the said marriage.

[To form part of the declaration when the party is under eighteen years of age and is not a widower or widow.]

And I solemnly declare that I have the consent of all whose consent is necessary for my marriage, namely: [*here state names and authority of all whose consent is necessary*].

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

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

A.B. (*Name and Designation*) witness.

C.D. (*Name and Designation*) witness.

FORM No. 2

NOTICE OF MARRIAGE

(applicable to the case of parties residing in the same district and giving a single notice)

To the Registrar of the district of

We (*here insert the names of the persons giving notice*) 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	District and Dwelling Place.	Length of Residence

And we solemnly declare that we have for fifteen days immediately preceding the date of this notice had our usual place of abode and residence within the above-mentioned district of , and that we believe there is no impediment of kindred or alliance or other lawful hindrance to the said marriage

[*To form part of the declaration when the parties are under eighteen years of age and are not a widow or a widower respectively.*]

27 of 1976, s. 2

And we solemnly declare that we each have the consent of all whose consent is necessary for our marriage, namely: — [*here state names and authority of all whose consent is necessary.*]

In witness whereof we have hereunto set and subscribed our hands this day of 19

(*Signatures.*)

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

A.B. (*Name and Designation*) witness.

C.D. (*Name and Designation*) witness.

FORM No. 2**REGISTRAR'S CERTIFICATE**

(applicable to the case of parties residing in the same district)

I, [M.N.] Registrar for the District of hereby certify that on the day of 19, A.B. [*here give name, surname, condition, calling and place of residence of A.B.*] and on the day of 19, C.D. [*here give name, surname, condition, calling and place of residence of C.D.*] duly gave notice to me of their intended marriage, and that all the requirements of the Marriage Act in respect of such notices have been complied with, and no objections stated (or written objections lodged with me, as the case may be).

(Signed) M.N.,

Registrar of the District of.....

SCHEDULE D (Section 18(1))**FORM No. 1****NOTICE FOR BANNS**

(applicable to the case of parties belonging to different congregations or giving separate notices)

To Minister of Church (or Chapel) in the District of and a Marriage Officer of the said District.

I, (*here insert the name of the person giving notice*) being a member of the congregation of the said Church (or Chapel) 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 on three Sundays beginning with Sunday the day of next.

Name and Surname.	Condition.	Calling.	Age.	District 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.

27 of 1976, s. 2.

[To form part of the declaration when the party is under eighteen years of age and is not a widower or widow.]

And I solemnly declare that I have the consent of all whose consent is necessary for my marriage, namely: [here state names and authority of all whose consent is necessary].

In witness whereof we have hereunto set and subscribed our hands this day of 19

(Signature.)

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

A.B. (Name and Designation) witness.
C.D. (Name and Designation) witness.

FORM No. 2

NOTICE OF BANNS

(applicable to the case of parties belonging to the same congregation and giving a single notice)

To Minister of Church (or Chapel) in the District of and a Marriage Officer of the said District.

We (here insert the names of the persons giving notice), being members of the congregation of the said Church (or Chapel) 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 your Church (or Chapel) on three Sundays beginning with Sunday the day of next.

Name and Surname.	Condition.	Calling.	Age.	District and Dwelling Place.

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

27 of 1976, s. 2.

[To form part of the declaration when the parties or one of the parties is or are under eighteen years of age and is not or are not a widow or widower respectively.]

And we solemnly declare that we each have the consent of all whose consent is necessary for our marriage. namely:— [here state names and authority of all whose consent is necessary].

In witness whereof we have hereunto set and subscribed our hands this day of 19

(Signatures.)

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

A.B. (Name and Designation) witness.

C.D. (Name and Designation) witness.

SCHEDULE E (Section 18(4))

FORM OF WORDS TO BE USED IN THE PUBLICATIONS OF BANNES.

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

This is the first (or second, or third, as the case may be) time of asking.

SCHEDULE F (Section 18(5))

FORM No. 1

MARRIAGE OFFICER'S CERTIFICATE

This certificate remains in force for three months only from its date
(section 22 of the Marriage Act)

(applicable to the case of parties belonging to different congregations)

I, Minister of (Church or Chapel) in the District of and a Marriage Officer for the said District hereby certify that on the day of 19, A.B. (*here give name, surname, condition, calling, and place of residence of A.B.*) duly gave notice to me of his (or her) desire to have the banns of his (or her) intended marriage with C.D. (*here give name, surname, condition, calling, and place of residence of C.D.*) published in my said Church (or Chapel), and that all the requirements of the Act in respect of such notice and publication so far as the said A.B. is concerned have been complied with, and no objection stated (or written objections lodged with me, as the case may be).

Certified by me the said this day of 19

(Signed) P.Q.,

Minister of Church (or Chapel) in the District of and a Marriage Officer of the said District.

FORM No. 2

MARRIAGE OFFICER’S CERTIFICATE

(applicable to the case of parties belonging to the same congregation)

I, Minister of Church (or Chapel) in the District of and a Marriage Officer for the said District hereby certify that on the day of 19, A.B. [*here give name, surname, condition, calling and place of residence of A.B.*] and on the day of 19 , C.D. [*here give name, surname, condition, calling and place of residence of C.D.*] duly gave notice to me of their desire to have the banns of a marriage intended between them published in the said Church (or Chapel), and that all the requirements of the Act in respect of such notices and publication have been complied with, and no objections stated (or written objections lodged with me, as the case may be).

Certified by me the said this day of 19

(Signed) P.Q.,

Minister of Church (or Chapel) in the District of and a Marriage Officer of the said District.

SCHEDULE G (Section 19(1))

To any marriage Officer of The Bahamas.

These are to License 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 impediment to the contrary.

Given under my hand at this day of 19

(Signed) Registrar General.

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

39 of 1964, s. 4.

SCHEDULE H (Section 21(2))

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

(Signed) M.N.

Registrar [or

Minister of Church (or Chapel) and a Marriage Officer as the case may be] of the District of

SCHEDULE K (Section 27)

(1) MARRIAGE REGISTER.

No.	When Married.	Name and Surname.	Condi-tion.	Call-ing.	Age.	District and Residence at the time of Marriage.	Father's Name and Surname

Married at by (or before) me a Marriage Officer of the District of

This marriage was celebrated between us in the presence of us

This day of 19

(2) MARRIAGE DUPLICATE REGISTER.

No.	When Married.	Name and Surname.	Condi-tion.	Call-ing.	Age.	District and Residence at the time of Marriage.	Father's Name and Surname

Married at by (or before) me a
 Marriage Officer of the District of

This marriage was celebrated between us
 in the presence of us

This day of 19

SCHEDULE L —(1) (Section 31(5))

**(1) MARRIAGE REGISTER
 (MARRIAGE *IN ARTICULO MORTIS*).**

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

Married at by (or before) me a
 Marriage Officer of the District of

This marriage was celebrated between us
 in the presence of us

This day of 19

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 (or she) believed himself (or herself) to be at the point of
 death.

Marriage Officer of the District of

This day of 19

**(2) MARRIAGE (DUPLICATE) REGISTER
 (MARRIAGE *IN ARTICULO MORTIS*).**

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

Married at by (*or* before) me a
Marriage Officer of the District of

This marriage was celebrated between us
in the presence of us

This day of 19

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 (*or* she) believed himself (*or* herself) to be at the point of death.

Marriage Officer of the District of

This day of 19

SCHEDULE M (Section 20(2))

CONSENTS REQUIRED TO THE MARRIAGE OF AN INFANT)

12 of 1957, s. 3.

I. Where the Infant is Legitimate

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

Circumstances	Person or Persons whose Consent is Required.
2. Where one parent is dead:	
(a) if there is no other guardian;	The surviving parent.
(b) if a guardian has been appointed by the deceased parent.	The surviving parent and the guardian if acting jointly, or the surviving parent or the guardian if the parent or guardian is the sole guardian of the infant.
3. Where both parents are dead.	The guardians or guardian appointed by the deceased parents or by the Supreme Court.

II. Where the Infant is Illegitimate

Circumstances	Person or Persons whose Consent is Required.
If the mother of the infant is alive.	The mother, or if she has by order of the Supreme Court been deprived of the custody of the infant, the person to whom the custody of the infant has been committed by order of the Supreme Court.
If the mother of the infant is dead.	The guardian appointed by the mother or by the Supreme Court.