

LAWS OF BRUNEI

CHAPTER 124
REGISTRATION OF MARRIAGES ACT

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CHAPTER 124
REGISTRATION OF MARRIAGES ACT

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REGISTRATION OF MARRIAGES ACT

An Act to provide for the registration of marriages

Commencement: 1st January 1962

Citation.

1. This Act may be cited as the Registration of Marriages Act.

Appointment of Registrar General and Registrars of Marriages.

2. (1) His Majesty the Sultan and Yang Di-Pertuan in Council may appoint any public officer to be Registrar General of Marriages for the purposes of this Act and the said Registrar General shall have general charge and supervision of all registers of marriages and other books kept under this Act, and all Registrars of Marriages shall be subject to his directions for the purposes of this Act.

(2) His Majesty may appoint so many public officers, by name or by office, as he thinks fit to be Registrars of Marriages for Brunei Darussalam or for such area as may be specified in the appointment or to be and to act as the Deputy of any such Registrar when such Registrar is absent from Brunei Darussalam, or his area, or is ill or when his office is temporarily vacant, and in this Act "Registrar" includes a Deputy Registrar.

Register and Registrar's Note-Book.

3. Every Registrar appointed under this Act shall keep a register in the form in the First Schedule to this Act, and he shall enter therein full particulars of all marriages registered by him and he shall also keep a book to be called the Registrar's Note-Book in which he shall record in his own hand all proceedings in respect of the registration of any marriage and all evidence taken by him in any such proceedings under this Act.

Registration of marriages solemnised or contracted within Brunei Darussalam.

4. (1) Any marriage solemnised or contracted within Brunei Darussalam, other than a marriage one of the parties to which professed at

the time of such marriage the religion of Islam or the Christian religion, may be registered if —

(a) the parties to such marriage shall appear before the Registrar and shall produce to the Registrar such evidence either oral or documentary as may satisfy the Registrar that such marriage took place:

Provided always that evidence of cohabitation and repute that they have lived together as man and wife may suffice so to satisfy the Registrar; and

(b) the parties shall fill in and subscribe a declaration in the form in the Second Schedule to this Act in the presence of the Registrar and shall answer such questions as the Registrar may think fit to put to them for the purpose of explaining or substantiating the statements made in the said declaration:

Provided that the Registrar may vary the said form in any case in which the parties profess no religion or are married otherwise than by a ceremony; and

(c) the parents or one of the parents, or, if both the parents are dead or if neither of the parents is within Brunei Darussalam, the natural guardian of a husband or wife who is under the age of 18 years at the date of their appearance before the Registrar as aforesaid shall appear before the Registrar upon or before the registration of such marriage and declare on oath that he, she or they have consented to such marriage:

Provided that if the Registrar is satisfied that in all the circumstances of the case it is proper so to do he may dispense with the consent of any parent or guardian; and

(d) the prescribed fees are paid.

(2) The Registrar shall register a marriage by entering the particulars thereof in the register.

Registration of marriages solemnised or contracted outside Brunei Darussalam.

5. (1) Any marriage solemnised or contracted outside Brunei Darussalam, other than a marriage both parties to which professed at the time of such marriage the religion of Islam may be registered if —

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(a) the parties to such marriage shall appear before the Registrar and shall produce to the Registrar such evidence either oral or documentary as may satisfy the Registrar that such marriage took place:

Provided always that evidence of cohabitation and repute that they have lived together as man and wife may suffice to satisfy the Registrar; and

(b) the parties shall fill in and subscribe a declaration in the form in the Second Schedule to this Act in the presence of the Registrar and shall answer such questions as the Registrar may think fit to put to them for the purpose of explaining or substantiating the statements made in the said declaration:

Provided that the Registrar may vary the said form in any case in which the parties profess no religion or are married otherwise than by a ceremony; and

(c) the prescribed fees are paid.

(2) The Registrar shall register a marriage by entering the particulars thereof in the register.

Registration of one spouse.

6. Notwithstanding anything to the contrary contained in sections 4 and 5, a Registrar may dispense with the appearance of one of the parties to a marriage if he is satisfied that there exists good and sufficient reason for the absence of that party and in such case the form in the Second Schedule to this Act shall be amended appropriately and shall include a statement of the reason for the absence of the other party.

Copies of registration to be delivered to spouses.

7. (1) Upon the registration of a marriage in accordance with the provisions of section 4 or 5 a certified copy of the entry in the register signed by the Registrar shall be delivered or sent to the husband and another copy to the wife and a certified copy of the entry in the register shall be sent, within such period as may be prescribed, to the Registrar General of Marriages and such certified copies shall constitute the register of marriages of the Registrar General.

(2) If the particulars contained in a certified copy of the entry in the register in respect of any marriage, upon being forwarded to the Registrar General of Marriages in accordance with the provisions of subsection (1), appear to the said Registrar General to be identical with those of a marriage the registration of which has been cancelled in accordance with the provisions of this Act, he shall return the said certified copy to the Registrar by whom it was sent together with particulars of the marriage the registration of which has been cancelled and the said Registrar shall thereupon call upon the parties to show cause why the registration of the said marriage should not be cancelled and if the parties fail to show cause the Registrar shall cancel the registration of the said marriage.

Parties and witnesses bound to speak the truth.

8. (1) Every declaration made under the provisions of section 4 or 5 shall be sworn or affirmed in such manner as the Registrar shall think proper by all persons who subscribed the same, and every person who gives evidence before the Registrar shall also be bound to answer truthfully all questions put to him by the Registrar under the provisions of section 4 or 5 of this Act.

(2) Any person who wilfully makes a false statement in any such declaration or who gives any evidence in any enquiry under this Act which he knows to be untrue, or who does any other act, which if done in a judicial proceeding would be punishable under Chapter XI of the Penal Code (Chapter 22), shall be punishable on conviction as provided in that chapter in the same way as if the act had been done in or in relation to a judicial proceeding.

Powers of Registrar.

9. For the purposes of this Act every Registrar appointed under this Act shall have all the powers of a magistrate for the summoning and examination of witnesses and the administration of oaths and affirmations.

Refusal or postponement of registration.

10. (1) If the Registrar is not satisfied of the truth of any statement made to him he may refuse to register the marriage or if he requires evidence with regard to any particulars required to be registered he may postpone registration and he may call for any further evidence that he thinks necessary:

Provided that the Registrar shall record in the Registrar's Note-Book his reasons for any such refusal or postponement.

(2) If the Registrar has reason to believe on the evidence of any person that a marriage between the parties is prohibited by the institutions of the religion professed by either party, or if both profess the same religion by the institutions of that religion, or by the law or custom having the force of law applicable to either party he shall refuse to register the marriage.

(3) In any case in which the parties profess different religions the Registrar may, if he thinks proper, refuse to register the marriage.

(4) The Registrar shall not register any marriage unless one of the parties thereto is ordinarily resident within Brunei Darussalam.

(5) There shall be no appeal from the cancellation by a Registrar of the registration of a marriage or from the refusal of a Registrar to register a marriage, but such refusal shall not debar the same or another Registrar from registering it if subsequently satisfied that the grounds for his refusal to register either did not exist or have since been removed.

Validity of a marriage not affected by registration or non-registration.

11. Neither the registration of nor the omission to register any marriage shall affect the validity of the marriage nor shall any error in the particulars recorded nor any omission to record any particular which ought to have been recorded affect the validity of the registration of the marriage.

Search for and certified copy of entry in marriage registers.

12. (1) The Registrar General and every Registrar shall cause indices to be made of the registers of marriages kept by them, and any person upon application to the Registrar General or a Registrar, and upon payment of the prescribed fee, shall be entitled to have a search made in the marriage register and the index thereof, and to have a certified copy of any entry in such marriage register.

(2) Every certified copy of any entry in a register of marriages, if such copy purports to be signed by any person entrusted under this Act, shall be received for all purposes and in all courts as evidence of the marriage to which it relates without further proof of such register or of any entry therein or of such signature, but not of the validity of such marriage; but a court may, in the absence of any evidence to the contrary, presume any marriage so registered to have been valid and the onus of proving that there was no such valid marriage shall be on the person alleging the same.

Amendment of registers.

13. (1) Any Registrar having custody of a register in which a marriage has been registered in accordance with the provisions of this Act may, on application in the prescribed manner and on payment of the prescribed fee by either spouse, amend the register by the correction of any error in the particulars contained therein; and where an entry in the register is so amended a certified copy of the amended entry in the register signed by the Registrar shall be delivered or sent to the husband and another copy to the wife and a certified copy of the amended entry in the register shall be sent, within such period as may be prescribed, to the Registrar General of Marriages.

(2) The Attorney General may apply to the Court of a Magistrate to cancel the registration of any marriage in such manner as may be provided by rules made under this Act and the Court shall send a copy of the order made in every such application to the Registrar by whom such marriage was registered and to the Registrar General of Marriages and the register shall be amended by cancelling the registration of such marriage if the Court so orders.

(3) Where it is declared by a court of competent jurisdiction that a marriage registered in accordance with the provisions of this Act is invalid and the court so orders, a copy of the said order shall be sent to the Registrar by whom such marriage was registered and to the Registrar General of

Marriages and the register shall be amended by cancelling the registration of such marriage.

(4) Any person, whether or not a party to the proceedings, who is aggrieved by any decision of a court under subsection (2) or (3), may appeal to the High Court or to the Court of Appeal, as the case may be, and from the High Court to the Court of Appeal, in such manner as may be provided by any written law in force in Brunei Darussalam relating to appeals.

Offences and penalties.

14. (1) (a) Any person who induces any woman or female child to appear with him or with some other person before a Registrar and to declare or acknowledge that she is married to him or to such other person shall, if he knows at the time that she is not so lawfully married according to the institutions of the religion she professes, or if she is under the age of 18 years of the religion professed by her parents or natural guardians or by the law or custom having the force of law applicable to the parties or either of them or knows or has reason to believe that such woman or female child has a husband living from whom she has not been lawfully divorced according to the institutions of the religion professed by her at the time of such former marriage, or if she was then under the age of 18 years of the religion professed by her parents or natural guardians or by the law or custom having the force of law applicable to the parties or either of them, unless by the institutions of such religion or by the law or custom having the force of law applicable to him he is permitted to have more than one wife at any one time, be guilty of an offence and shall be liable to imprisonment for 7 years.

(b) The court before whom any person is convicted of an offence in contravention of paragraph (a) of this subsection shall order the cancellation of the registration of the said marriage and shall transmit a copy of such order to the Registrar by whom such marriage was registered and to the Registrar General of Marriages and the register shall be amended by cancelling the registration of such marriage.

(2) Any male person who, having a wife living and being debarred according to the institutions of the religion he professes or which he professed at the time of his marriage to such wife or by the law or custom having the force of law applicable to the parties or either of them from having more than one wife at a time, procures or attempts to procure the

registration under this Act of a marriage between himself and any other woman or female child shall, subject to the exceptions contained in section 494 of the Penal Code (Chapter 22), be liable to the same penalty as if he had committed an offence punishable under that section.

(3) Any person who forges any entry in any register kept or any certified copy of any entry therein given under the provisions of this Act or who fraudulently or dishonestly uses as genuine any such certified copy which he knows or has reason to believe to be forged shall be punishable on conviction with the penalty provided in section 466 of the Penal Code (Chapter 22) for offences punishable under that section or under section 471 of the Penal Code, as the case may be.

Marriage solemnised or contracted in Brunei Darussalam after commencement of this Act must be registered within 3 months.

15. No marriage which is solemnised or contracted within Brunei Darussalam after the coming into force of this Act shall be registered in accordance with the provisions of this Act unless such marriage is so registered within 3 months of the date upon which it was solemnised or contracted:

Provided that a Registrar may, notwithstanding the provisions of this section, register such a marriage more than 3 months after the said date if he is satisfied that it was not registered within the said period for good cause.

Registrars to be public servants.

16. Every Registrar appointed under this Act shall be deemed to be a public servant within the meaning of the Penal Code (Chapter 22).

Rules.

17. His Majesty the Sultan and Yang Di-Pertuan in Council may make rules for the purposes of this Act, and without prejudice to the generality of the foregoing, may in particular make rules for —

- (a) prescribing the fees to be charged under this Act;
- (b) prescribing the manner in which the Registrars shall exercise the powers conferred on them by this Act;

(c) providing for the safe custody of all Registers and Registrar's Note-Books kept under this Act and all declarations made for the purposes of this Act; and

(d) generally for carrying out the purposes of this Act.

Dissolution of marriages. [S 22/92]

18. (1) The High Court shall, subject to the provisions of this section, have the same jurisdiction in matrimonial proceedings, in relation to a marriage, which —

(a) is between parties, neither of whom at the date of the petition is of the Muslim faith; and

(b) has been registered under section 4 or 5,

as if it were a civil marriage registered as such under the Marriage Act (Chapter 76).

(2) For the purpose of subsection (1) a marriage registered under section 4 or 5 of this Act shall be deemed to be a monogamous marriage.

(3) The High Court shall have jurisdiction under this section if, at the date of the petition, either party to the marriage —

(a) had a substantial connection with Brunei Darussalam; or

(b) had been ordinarily resident within Brunei Darussalam for at least 12 months immediately preceding the petition.

FIRST SCHEDULE

(section 3)

FORM OF REGISTER

Register of marriage for in Brunei Darussalam

Entry No. Marriage contracted on the at

Husband

Wife

Name in full

Age at date of marriage

Place of Birth

Religion

Marital status

Father's name in full

Contracted according to the rites, ceremonies, customs or usages of in the presence of

Registered by me this day of 20 , upon the application of now residing at and now residing at the parties married, supported by the evidence of

..... Registrar of Marriages

SECOND SCHEDULE

(sections 4, 5 and 7)

BRUNEI DARUSSALAM

REGISTRATION OF MARRIAGES ACT, CHAPTER 124

DECLARATION FOR THE REGISTRATION OF A MARRIAGE

We, the undersigned, do each of us severally, solemnly, and sincerely declare that a marriage was solemnised (or contracted) between us, namely (husband) son of, and (wife) daughter of, at in on the day of in the year, in accordance with the institutions of the religion (or with the law or custom having the force of law applicable to each of us) and that we believe that there was at the time of such marriage no lawful impediment thereto and that the same was and is a lawful marriage according to the institutions of the religion professed by us (or the law or custom having the force of law applicable to each of us):

And we do each of us severally, solemnly, and sincerely declare that we have/have not made previous application in accordance with the provisions of any written law relating to the registration of marriages at any time in force in Brunei Darussalam or any part thereof in respect of the said marriage:

SECOND SCHEDULE — (continued)

And we do each of us severally make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act (Chapter 12).

Subscribed and solemnly declared by the above-named and at in Brunei Darussalam this day of 20 .	}	[Signature of husband and wife]
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Before me,

Registrar of Marriages

Interpreted by me and signed in my presence.

Interpreter

NOTE: If any previous application has been made for registration of the same marriage, full particulars thereof must be given.

