

ACTS OF GHANA
PROVISIONAL NATIONAL DEFENCE COUNCIL DECREE
CUSTOMARY MARRIAGE AND DIVORCE (REGISTRATION) LAW, 1985
(PNDCL 112)

As amended

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IN pursuance of the Provisional National Defence Council (Establishment) Proclamation, 1981, this Law is hereby made:

PART I—REGISTRATION OF CUSTOMARY MARRIAGE

Section 1—Registration of Customary Marriage.

On the commencement of this Law any marriage contracted under customary law before or after such commencement may be registered in accordance with the following provisions.

[As amended by Customary Marriage and Divorce (Registration) (Amendment) Law 1991 (PNDCL) 263 s. 1]

Section 2—Application for Registration for Customary Marriage.

(1) Where a marriage has been contracted under customary law, either party to the marriage

or both parties may apply in writing to the Registrar of Marriages (referred to in this

Law as "the Registrar") of the District in which the marriage was contracted for the

registration of the marriage in the register of marriages in this Law referred to as the

"register". [As amended by Customary Marriage and Divorce (Registration)

(Amendment) Law 1991 (PNDCL 263) s. 2 (a)].

(2) Application for the registration of the marriage may be made at any time after the marriage

except that the Secretary for Justice may at any time prescribe periods within which failure to register customary marriages contracted before or after the commencement of this Law shall be

an offence". [As substituted by Customary Marriage and Divorce Registration (Amendment) Law 1991 (PNDCL 263) s. 2 (b)].

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

Section 3—Statutory Declaration.

(1) The application for registration of the marriage shall be accompanied by a statutory declaration stating the following:—

(a) names of the parties to the marriage;

(b) the places of residence of the parties at the time of the marriage;

(c) that the conditions essential to the validity of the marriage in accordance with the applicable customary law have been complied with.

(2) The statutory declaration shall be supported by the parents of the spouses or persons standing in loco parentis to the spouses except where there are no such persons living at the time of application for registration.

Section 4—Registrar to Register Customary Marriage.

(1) The Registrar, shall upon receipt of an application for the registration of a marriage, register the marriage and shall by notice in the form set out in the Second Schedule to this Law notify the public of the registration of the marriage.

(2) The notice shall be displayed on a public notice board in the office of the Registrar within twenty-eight days of the application for registration.

Section 5—Objection to Registration of Customary Marriage.

(1) Any person who knows of any cause why the Registrar should not have registered the marriage, or objects to the validity of the marriage under the applicable customary law, may at any time after the publication of the notice by the Registrar under section 4 of this Law, file the grounds of his objection in the District Court

in the District in which the marriage was registered.

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

(3) If upon the hearing of the grounds of objection the District Court is satisfied that there are no legal grounds for the objection the Court shall dismiss the objection.

(3) If the District Court, upon hearing the grounds of the objection, is satisfied that there are

legal grounds for the objection the Court shall make an order empowering the Registrar to expunge any entries made in the register in respect of the registration of the marriage to which the objection was made.

PART II—REGISTRATION OF CUSTOMARY DIVORCE

Section 6—Registration of Customary Divorce.

(1) The dissolution of any marriage registered under this Law shall be recorded by the Registrar of the District in the register of divorces (referred to in this Law as the "register") which shall be in the form set out in the Third Schedule to this Law.

(2) The provisions of subsection (1) of this section shall not apply to any marriage dissolved

under section 41 of the Matrimonial Causes Act, 1971 (Act 367).

Section 7—Registrar to be Notified of Divorce.

(1) Where a marriage registered under this Law has been dissolved in accordance with the applicable customary law, the parties may within such period of the dissolution of the marriage as the

Secretary for Justice may prescribe, notify the Registrar of the District in which the marriage was registered of the dissolution.[As substituted by Customary Marriage and Divorce

(Registration) (Amendment) Law 1991,, (PNDCL 263) s. 3].

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

marriage has been dissolved in accordance with the applicable customary law.

(4) The statutory declaration shall be supported by the parents of the spouses or persons

standing in loco parentis living at the time of application.

(5) The Registrar may, upon receipt of such notification record in the register the dissolution

of the marriage and may by notice in the form set out in the Second Schedule to this Law notify the public of the registration of the dissolution of the marriage.

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

twenty-eight days of the receipt of such notification.

Section 8—Objection.

(1) Any person who knows of any cause why the Registrar should not have registered the

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

section 7 of this Law file the grounds of his objection in the District Court in the District in which the dissolution of the marriage in question was registered.

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

(3) If upon the hearing of the grounds of objection the District Court is satisfied that there are no legal grounds for the objection the Court shall dismiss the objection.

(4) If the District Court upon hearing the grounds of objection is satisfied that there are legal

grounds for the objection the Court shall make an order empowering the Registrar to expunge any entries made in the register in respect of the dissolution of the marriage.

PART III—MISCELLANEOUS

Section 9—Certified Copies of Entries in Register.

Upon the registration of any marriage or the dissolution of any marriage the Registrar shall

issue to the parties concerned a certified true copy of the entry in the register upon payment of a registration fee prescribed under this Law.

Section 10—Objections to be Heard in Chambers.

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

Section 11—Searches.

The Registrar shall at all reasonable times allow searches to be made of the register and shall

furnish on request and upon payment of a fee prescribed under this Law a certified true copy of

any entry in the register.

Section 12—Correction of Errors in Register.

Any clerical error in a register may, if discovered at the time of making the entry, be corrected by the Registrar and no other entry shall be corrected nor any alteration made in the register except on the application by the person by whom the information is furnished to

the Registrar.

Section 13—Certified True Copies of Entries Admissible as Evidence.

In any proceedings a true copy of the entry in the register certified under the hand of the Registrar shall be admissible in evidence as sufficient proof of the registration of the marriage or the dissolution of the marriage.

Section 14—Offences.

Any person who—

- (a) applies to the Registrar for the registration of any customary law marriage or dissolution thereof which he knows has not been lawfully contracted or dissolved under the applicable customary law;
- (b) knowingly makes any false entry in the register or a certified copy thereof; or

(c) with intent to defraud alters any entry in the register or certified copy thereof, shall be guilty of an offence and liable on summary conviction to a fine not exceeding ₦10,000.00 or to imprisonment not exceeding three years or both.

[As amended by Customary Marriage and Divorce (Registration) (Amendment) Law 1991 PNDCL 263 s. 4].

Section 15—Application of Intestate Succession Law, 1985.

(1) The provisions of the Intestate Succession Law, 1985 (PNDCL 111) shall apply to any

spouse of a customary law marriage registered under this Law.

(2) Notwithstanding subsection (1) of this section, where a court or tribunal is satisfied by oral or documentary evidence before it that a customary law marriage had been validly contracted between a deceased and a surviving spouse, the court or tribunal shall make an order for the estate of the intestate to be distributed in the same manner as a customary law marriage registered under this Law.[As substituted by Customary Marriage and Divorce Registration (Amendment) Law 1991 PNDCL 263 s. 5].

Section 16—Regulations.

The Secretary responsible for Justice may by legislative instrument—

(a) prescribe the periods within which customary marriages contracted before or after the commencement of this Law shall be registered;

(b) prescribe the periods within which dissolution of such marriages shall be registered;

(c) specify offences and penalties for breach of any provision of this Law or regulations made thereunder;

(d) prescribe such fee as he may deem fit, and generally make provision for the full implementation of this Law. [As substituted by Customary Marriage and Divorce Registration (Amendment) Law 1991 PNDCL 263 s. 6].

Section 17—Interpretation.

In this Law,

"District" means the area of authority of a District Council established under any enactment for the time being in force;

"Registrar" means the Registrar of Marriages appointed by a District Council for the purposes of registering marriages and dissolution of marriages under this Law.

Section 18—Existing Bye-laws to Cease to Have Effect.

On the commencement of this Law the Bye-Laws of any District Council relating to the registration of customary marriages and divorces shall on such commencement cease to have effect and shall be deemed to have been cancelled by this Law.

Section 19—Commencement.

This Law shall be deemed to have come into force on the same day as the Intestate Succession Law, 1985 (P.N.D.C.L 111).

FIRST SCHEDULE

FORM OF REGISTER OF CUSTOMARY MARRIAGES

PART A—PARTICULARS OF HUSBAND

Name of Husband	Age of Husband	Date and Place of Marriage	Place of
Residence of Husband	Other Existing Marriage	Signature or Thumbprint of	
Husband	Name and Signature or Thumbprint of Witnesses	No. of Receipt	
Signature of Registrar			
Remarks			

PART B—PARTICULARS OF WIFE

Name of Wife	Age of Wife	Date and Place of Marriage	Place of Residence
of Wife	Conditiona— (Spinter or Divorce)	Signature or Thumb-print of Wife	Name
and			
Signature or Thumb-print or witnesses	No. of Receipt	Signature of Registrar	
Remarks			

SECOND SCHEDULE

NOTICE OF REGISTRATION OF CUSTOMARY MARRIAGE OR DISSOLUTION OF
CUSTOMARY MARRIAGE

NOTICE is hereby given that the marriage* or dissolution of the marriage* between the parties mentioned below was registered in the Register of marriages and Divorces in accordance with the provisions of the Customary Marriage and Divorce (Registration) Law, 19..... on theday of19.....

Name of Parties to the Marriage	Place(s) of Residence of Parties	Place of Marriage
or Dissolution of Marriage	Date of Marriage or Dissolution of Marriage	

Dated this.....day of.....19..... Registrar of Marriages.....

*Delete where not applicable.

THIRD SCHEDULE

FORM OF REGISTER OR DIVORCE

Name of Divorce Date of Marriage Place of Residence of Divorce
Date of Dissolution of Marriage Signature of Divorce No. of Receipt
Signature of Registrar

Made this 14th day of June, 1985.

FLT the Provisional National Defence Council

amended by

CUSTOMARY MARRIAGE AND DIVORCE (REGISTRATION) (AMENDMENT) LAW 1991
(PNDCL 263)1.