

CHAPTER 97

CIVIL MARRIAGE

ARRANGEMENT OF SECTIONS

SECTION

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SCHEDULES

• CHAPTER 97

CIVIL MARRIAGE

An Act to Provide for Civil Marriages in Sierra Leone
[12TH SEPTEMBER, 1910.]

9 of 1910
21 of 1929
14 of 1953
"Sierra Leone" replaces "Colony and
Protectorate" by Act No. 29 of 1972

1. This Act may be cited as the Civil Marriage Act, and shall be read and construed as one with the Christian Marriage Act (hereinafter referred to as the Principal Act), and shall apply to Sierra Leone.

Short title,
construction
and
application.
Cap. 95

Registrars of
MarriagesNotice of
marriage
As amended
by section 1
of Act No.
49 of 1965Supply of
forms by
RegistrarPublication
of noticeIssue of
Certificate by
Registrar on
proof of necessary
conditions by
affidavitAs amended by
sec 2 of Act
No. 49 of 1965

2. In this Act, unless the context otherwise requires, the expression "Registrar" means a Registrar of Marriages.
3. For the purposes of this Act the Registrar General shall be Registrar of Marriages for the Police District of Freetown and the Headquarters Judicial District while the District Officers in Sierra Leone shall be Registrars of Marriages in their respective districts.
4. Whenever after the commencement of this Act any person desires to be married in the Office of a Registrar, one of the parties to the intended marriage shall sign and give to the Registrar of the district, in which the marriage is intended to take place, a notice according to the form in schedule A hereto and shall pay the prescribed fee.
5. Every Registrar shall supply forms of notice gratuitously to any persons applying for the same.
6. Upon receipt of such notice the Registrar shall cause the same to be entered in a book to be called the 'Marriage Notice Book,' which may be inspected during office hours without fee. He shall also publish such notice by affixing or causing to be affixed, a copy of the same on the outer door of his office, to be kept exposed there until he shall grant his certificate as hereinafter mentioned, or until three months shall have elapsed.
7. The Registrar, at any time after the expiration of twenty-one days and before the expiration of three months from the date of the notice, upon payment of the prescribed fee, shall thereupon issue a certificate according to the form in Schedule B hereto:

Provided always that he shall not issue such certificate until one of the two parties to the intended marriage shall appear personally and make an affidavit-

 - (a) That one of the parties to the intended marriage has resided within the district in which the marriage is intended to be celebrated for at least fifteen days before the granting of the certificate;
 - (b) That each of the parties to the intended marriage (not being a widower or widow) is -
 - (c) In the case of a person whose personal law is customary law not less than eighteen years of age; and

The words "the Headquarters Judicial District while" were added by ordinance No. 14 of 1958, which commenced on the 1st July, 1953

(ii) in every other case not less than twenty-one year of age, and where one of the parties is under the age of eighteen or twenty-one as the case may be, that the consent of the person or persons whose consent to such marriage is required by law has been obtained.

d) If the personal law of the either of the parties to the proposed marriage is customary law, that the following conditions have been fulfilled-

(i) That neither of the parties is a party to the subsisting marriage; (ii) if the woman is under 18 years of age, that at least one of her parents or guardians has given his or her consent.

8. If the marriage shall not take place within three months after the date of the notice, the notice and all proceedings consequent thereupon shall be void, and fresh notice must be given before the parties can lawfully marry.

9. The President upon proof by affidavit made before the Registrar General that there is no lawful impediment to the proposed marriage, and that the necessary consent, if any, to such marriage has been obtained, may, if he shall think fit, dispense with the giving of notice and with the issue of the certificate of the Registrar and may grant his licence, which shall be according to the form in Schedule C hereto, authorising the celebration of a marriage between the parties named in such licence by a Registrar.

10. Any person whose consent to a marriage is hereby required, or who may know of any just cause why the marriage should not take place, may enter a caveat against the issue of the Registrar's certificate by writing at any time before the issue thereof the word "Forbidden" opposite to the entry of the notice in the Marriage Notice Book, and appending thereto his name and place of abode, and the grounds upon or by reason of which he claims to forbid the issue of the certificate, and the Registrar shall not issue his certificate until such caveat shall be removed as hereinafter is provided.

11. Whenever a caveat is entered against the issue of a certificate, the Registrar shall refer the matter to the Chief Justice, and the Chief Justice shall thereupon summon the parties to the intended marriage and the person by whom the caveat is entered to appear before him, and shall require the person by whom the caveat is entered to show cause why the Registrar should not issue his certificate, and shall hear and determine the case in a summary way, and his decision shall be final.

2. If the Chief Justice decides that the certificate ought to be issued he shall remove the caveat by canceling the word "Forbidden" in the Marriage Notice Book in ink, and writing in such Marriage

As amended by
sec. 3 of Act
No. 12 of 1965

Marriage to take place
within three months
after date of notice

Grant by President of
licence to marry.

Caveat may be
entered against
issue of certificate.

When Caveat
question to be
referred to
Court

Removal
of caveat

and cancellation the words "cancelled by *order* of the Supreme Court," and signing his name thereto. The Registrar shall then issue his certificate and the marriage may proceed as if the caveat had not been entered, but the time that has elapsed between the entering and the removal of the caveat shall not be computed in the period of three months specified in section 7 hereof.

Compensa-
tion and
costs

13. The Chief Justice may award compensation and costs to the party injured, if it has appeared that a caveat was entered on insufficient grounds.

Marriage in a
Registrar's
office

14. After the issue of the certificate by a Registrar under section 7 hereof or after the granting of a licence under section 9 hereof, the parties may, if they think fit, contract a marriage before such Registrar or the Registrar named in the licence, as the case may be, in the presence of two witnesses in his Office with open doors on any day within three months of the date of the issuing of the certificate or of the date of the licence and between the hours of nine in the forenoon and three in the afternoon and in the following manner-

Form to be
observed.

The Registrar shall address the parties thus-

"Do I understand you A.B. and you C.D. that you come here for the purpose of becoming man and wife?"

Upon being answered in the affirmative he shall proceed thus-

"Know ye that by the public taking of each other as man and wife in my presence and in the presence of the persons now here, and by the subsequent attestation thereof by signing your names to that effect, you become legally married to each other although no other rite of a civil or religious nature shall take place, and that this marriage cannot be dissolved during your lifetime except by a valid judgment of divorce, and if either of you before the death of the other shall contract another marriage while this remains undissolved, you will be thereby guilty of bigamy, and liable to the punishment inflicted for that offence."

Each of the parties shall then say to the other-

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

- (a) unless the parties thereto have obtained a certificate of the Registrar or licence of the President;
- (b) if there exists any such impediment thereto as is mentioned in sub-sections (1) and (3) of section 7 of the Principal Act;
- (c) if celebrated under a false name or false names with the knowledge of both parties; or
- (d) unless celebrated in the presence of at least two witnesses. Save as aforesaid, every marriage celebrated under the provisions of this Act shall be valid until it be lawfully dissolved.

16. (1) There shall be kept in the office of the Registrar a book to be called the "Marriage Register Book." Such book shall be according to the form of Schedule D hereto or such form as shall be prescribed from time to time by the President and shall be a numbered counterfoil book. Immediately after the celebration of a marriage, the Registrar shall register consecutively in such book the prescribed particulars relating to such marriage, and shall also register the same on the counterfoil. The register and the counterfoil shall be signed by the Registrar, the parties and the two witnesses.

Registration

(2) For the purpose of making the entries aforesaid it shall be lawful for the Registrar to ask of the parties information as to the prescribed particulars, and the parties are hereby required to supply the Registrar with the required information. The Registrar, other than the Registrar General, shall forward the counterfoil aforesaid duly filled in and signed as aforesaid to the Registrar General. The counterfoil aforesaid shall be forwarded as aforesaid with all reasonable dispatch, and if sent by post shall be registered free of cost.

17. No Registrar who shall discover any error to have been committed in the form of or substance of any entry of marriage shall be therefor liable to any of the penalties imposed by the General Registration Act, or any Act amending the same, if within one month next after the discovery of such error he shall correct in the presence, if possible, of the parties married, the erroneous entry in the Marriage Register Book according to the truth of the case by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereunto the day of the month and year when such correction shall be made, and shall send to the

Correction of
accidental
errors in
Register in Cap
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