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MARRIAGE ACT

CHAPTER 150

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CHAPTER 150**MARRIAGE ACT**

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CHAPTER 150**MARRIAGE ACT**

[Date of commencement: 29th November, 1902.]

An Act to make provision for marriages

[Act No. 30 of 1902, Cap. 144 of 1948, Act No. 26 of 1951, L.N. 299/1956, L.N. 172/1960,
Act No. 14 of 1961, Act No. 28 of 1961, L.N. 462/1963, L.N. 2/1964, L.N. 168/1964,
Act No. 21 of 1966, Act No. 26 of 1966, Act No. 8 of 1968, Act No. 7 of 1975.]

1. Short title

This Act may be cited as the Marriage Act.

[L.N. 2/1964.]

2. Interpretation

In this Act, except where the context otherwise requires—

“**district**” means a marriage district constituted under this Act;

“**registrar**” means a registrar of marriages, and includes a deputy registrar when acting as registrar;

“**Registrar-General**” means the Registrar-General of Marriages, or the Deputy Registrar-General of Marriages, or any Assistant Registrar-General of Marriages appointed under section 3 of this Act.

[Act No. 28 of 1961, Sch., L.N. 2/1964.]

3. Registrar-General

(1) The Minister shall appoint a Registrar-General of Marriages.

(2) The Minister may appoint a Deputy Registrar-General of Marriages, and so many Assistant Registrars General of Marriages as he may think necessary for the carrying out of this Act.

[Act No. 28 of 1961, Sch., L.N. 2/1964, L.N. 168/1964.]

4. Constitution of marriage districts

The Minister shall, by order published in the *Gazette*, divide Kenya into marriage districts, for the purposes of this Act, and may, by like order, alter districts either by alteration of boundaries or by union or subdivision of districts, or by the formation of new districts.

[L.N. 299/1956, L.N. 172/1960.]

5. Appointment of registrars

(1) The Minister shall appoint a fit and proper person to be the Registrar of Marriages for each district; and may also from time to time appoint a Deputy registrar of marriages for any district to act in the absence or during the illness or incapacity of the registrar.

(2) The Minister may appoint a Registrar of Marriages for any foreign country or place, and may appoint a deputy to any such Registrar to act in the absence or during the illness or incapacity of the Registrar, being in either case—

(a) a consular officer or public officer residing in that country or place; or

(b) where there is no such officer, any public officer.

[L.N. 299/1956, L.N. 172/1960, L.N. 462/1963, Sch., Act No. 21 of 1966, First Sch., Act No. 26 of 1966, s. 2, Act No. 8 of 1968, Sch.]

6. Offices of registrars

Every registrar shall have an office at such place in his district as the Minister shall direct.

[L.N. 299/1956, L.N. 172/1960, L.N. 462/1963, Sch., Act No. 21 of 1966, First Sch.]

7. Licensing of places of worship

The Minister may license any place of public worship to be a place for the celebration of marriages, and may at any time cancel such licence; in either case he shall give notice thereof in the *Gazette*.

[L.N. 299/1956, L.N. 172/1960.]

Preliminaries to Marriage

8. Notice of marriage

(1) Whenever any persons desire to marry, one of the parties to the intended marriage shall sign and give to the registrar of the district in which the party giving such notice resides a notice in the prescribed form.

(2) If the person giving such notice is unable to write or is insufficiently acquainted with the English language, or both, then it shall be sufficient if he places his mark or cross thereto in the presence of some literate person, who shall attest the same, which attestation shall be in the prescribed form.

[Act No. 26 of 1951, s. 2, Act No. 14 of 1961, Sch.]

9. Registrars to supply forms of notice

Every registrar shall supply forms of notice gratuitously to any persons applying for the same.

10. Notice to be entered in marriage notice book and published

(1) 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.

(2) He shall also publish such notice by causing a copy of the same to be affixed on the outer door of his office, and to be kept exposed there until he grants his certificate as hereinafter provided, or until three months have elapsed.

11. Issue of registrar's certificate

(1) 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 referred to in section 8 of this Act, shall, upon being satisfied by affidavit that—

- (a) one of the parties has been resident within his district for at least fifteen days preceding the issue of the certificate; and
- (b) each of the parties to the intended marriage (not being a widower or a widow) is eighteen old, or that, if either party is under that age, the consent hereinafter made requisite has been obtained in writing and is annexed to such affidavit; and

- (c) there is no impediment of kindred or affinity or any other lawful hindrance to the marriage; and
- (d) neither of the parties to the intended marriage is married by African customary law or in accordance with Mohammedan law to any person other than the person with whom such marriage is proposed to be contracted,

issued his certificate in the prescribed form.

(2) The affidavit required by subsection (1) of this section may be sworn either before the registrar or before a magistrate.

(3) The registrar or magistrate taking such affidavit shall explain to the person making the same what are the prohibited degrees of kindred and affinity and the penalties which may be incurred under this Act.

[Act No. 26 of 1951, s. 3, Act No. 14 of 1961, Sch., L.N. 2/1964, Act No. 26 of 1966, s. 3, Act No. 7 of 1975, Sch.]

12. Marriage to take place within three months after notice

If the marriage does 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.

13. Marriage facilities

(1) Where a marriage is intended to be solemnized or contracted in Kenya between a British subject resident therein and a British subject resident in England, Scotland, Northern Ireland or the Republic of Ireland, a certificate for marriage issued in England by a superintendent registrar or a certificate for marriage issued by a registrar or a certificate of proclamation of banns, in Scotland, or a certificate for marriage issued by a registrar in Northern Ireland or the Republic of Ireland shall in Kenya have the same effect as a certificate for marriage issued by a registrar under section 11 of this Act.

(2) Where a marriage is intended to be solemnized or contracted in England, Scotland, Northern Ireland or the Republic of Ireland, as the case may be, between a British subject resident therein and a British subject resident in Kenya, a certificate for marriage may be issued by a registrar under section 11 of this Act in the like manner as if the marriage were to be solemnized or contracted under circumstances requiring the issue of such a certificate and as if both such British subjects were resident in Kenya.

(3) For the purposes of this section, “**certificate for marriage**” in reference to certificates issued in Scotland means a certificate of due publication of notice of intention to marry.

[L.N. 2/1964.]

14. Minister may grant licence to marry

The Minister, upon proof being made to him by affidavit 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 thinks 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 in the prescribed form, authorizing the celebration of a marriage between the parties named in such licence by a registrar, or by a recognized minister of some religious denomination or body.

[Act No. 14 of 1961, Sch., L.N. 299/1956, L.N. 172/1960.]

15. Caveat against issue of certificate

Any person 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* is removed as hereinafter is provided.

16. Reference to Supreme Court when caveat entered

Whenever a *caveat* is entered against the issue of a certificate, the registrar shall refer the matter to the Supreme Court, and that Court shall thereupon summon the parties to the intended marriage, and the person by whom the *caveat* is entered, 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 the decision of the Supreme Court shall be final.

17. Removal of caveat

(1) If the Supreme Court decides that the certificate ought to be issued, the judge shall remove the *caveat* by cancelling the word "forbidden" in the marriage notice book in ink, and writing in such marriage notice book, immediately below such entry and cancellation, the words "cancelled by order of the Supreme Court", and signing his name thereto.

(2) 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 11 of this Act.

[L.N. 2/1964.]

18. Compensation and costs

The Supreme Court may award compensation and costs to the party injured, if it appears that a *caveat* was entered on insufficient grounds.

Consent to Marriage in certain cases necessary

19. Consent to marriage of minors

If either party to an intended marriage, not being a widower or widow, is under eighteen years of age, no licence shall be granted or certificate issued unless there is produced, annexed to the affidavit referred to in section 11 of this Act, a written consent to the intended marriage signed by the person having the lawful custody of any such party.

[Act No. 26 of 1951, s. 4, L.N. 2/1964, Act No. 7 of 1975, Sch.]

20. Consent by person unable to write or to understand English

(1) If the person required to sign such consent is unable to write, or is insufficiently acquainted with the English language, or both, he shall sign such consent by placing his mark or cross thereto in the presence of one of the following persons, namely, any judge, magistrate, justice of the peace, registrar of the Supreme Court, registrar of marriages, medical officer or minister of religion.

(2) Such signature shall be attested by such person in the prescribed form.

[Act No. 14 of 1961, Sch.]

21. Consent where no parent or guardian capable of consenting

If there is no person having the lawful custody of such party residing in Kenya and capable of consenting to the marriage, then, upon being satisfied after due inquiry that the marriage is a proper one, any of the following persons may consent in writing to such marriage, that is to say, the Minister, a judge of the Supreme Court or a Registrar, and such consent shall be as effectual as if the person having the lawful custody had consented.

[Act No. 26 of 1951, s. 5, L.N. 299/1956, L.N. 172/1960, L.N. 462/1963, Sch.]

22. Consent by Supreme Court

If any person whose consent to a marriage is hereby required refuses his consent, the Supreme Court may, on application being made, consent to the marriage, and the consent of the Court so given shall have the same effect as if it had been given by the person whose consent is so required.

Celebration of Marriage

23. Conditions for celebration of marriage

Marriages may be celebrated in any licensed place of worship by any recognized minister of the church, denomination or body to which such place of worship belongs and according to the rites and usages of marriage observed in such church, denomination or body, or with the consent of a recognized minister of the church, denomination or body to which such place of worship belongs by any recognized minister of any other church, denomination or body according to the rites and usages of marriage observed in the church, denomination or body to which such last-mentioned recognized minister belongs, provided that the marriage is celebrated with open doors between the hours of 8 o'clock in the forenoon and 6 o'clock in the afternoon, and in the presence of two or more witnesses besides the officiating minister.

24. Marriage not to be celebrated if impediment, nor without licence, etc.

A minister shall not celebrate any marriage if he knows of any just impediment to such marriage, nor until the parties deliver to him the registrar's certificate or the Minister's licence.

25. Where minister may celebrate marriage

A minister shall not celebrate any marriage except in a building which has been duly licensed or in such place as the Minister's licence may direct.

[L.N. 462/1963, Sch.]

26. Registrars, etc., to be provided with books of certificates

(1) The Registrar-General shall cause to be printed and deliver to the several registrars, and to the recognised ministers of licensed places of worship, books of marriage certificates in duplicate and with counterfoils in the prescribed form.

(2) Such books shall be kept by the several registrars and the recognised ministers for the time being of such places of worship, under lock and key, and shall be in custody of such registrars and ministers respectively.

[Act No. 26 of 1951, s. 6, Act No. 14 of 1961, Sch.]

27. Entries to be made in marriage certificate

Immediately after the celebration of any marriage by a minister, the officiating minister shall fill up in duplicate a marriage certificate with the particulars required, and shall state also and enter in the counterfoil the number of the certificate, the date of the marriage, the names of the parties and the names of the witnesses.

[Act No. 14 of 1961, Sch.]

28. Signature of marriage certificate

(1) The certificate shall then be signed in duplicate by the officiating minister, by the parties and by two or more witnesses to the marriage.

(2) The minister, having also signed his name to the counterfoil, shall sever the duplicate certificate therefrom, and he shall deliver one certificate to the parties, and shall within seven days thereafter transmit the other to the registrar of marriages for the district in which the marriage takes place, who shall file the same in his office.

29. Marriage in registrar's office

(1) After the issue of a certificate under section 11 or section 17, or of a licence under section 14 of this Act, the parties may, if they think fit, contract a marriage before a registrar in the presence of two witnesses in his office or his official place of residence with open doors, between the hours of 10 o'clock in the forenoon and 4 o'clock in the afternoon, and in the manner prescribed by subsection (2) of this section.

(2) (a) The registrar, after production to him of the certificate or licence, shall, either directly or through an interpreter, address the parties thus—

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

(b) If the parties answer 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 punishment for that offence.”

(c) 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).”

[L.N. 2/1964, Act No. 26 of 1966, s. 4.]

30. Signature of certificate of marriage in registrar's office

The registrar shall then fill up, and he and the parties and witnesses shall sign, the certificate of the marriage in duplicate, and the registrar shall then fill up and sign the counterfoil as hereinbefore prescribed in the case of a marriage by a minister, and shall deliver one certificate to the parties and shall file the other in his office.

31. Marriage under minister's licence

Whenever the Minister's licence authorises the celebration of marriage at a place other than a licensed place of worship, or the office of a registrar of marriages, the registrar of the district in which such marriage is intended to take place, upon the production of such licence, shall deliver to the person producing the same a blank certificate of marriage in duplicate, and the minister or registrar celebrating such marriage shall fill in such certificate, and observe strictly all the formalities hereinbefore prescribed as to marriages in a licensed place of worship or registrar's office, as the case may be.

*Registry and Evidence of Marriages***32. Marriage certificates to be registered**

(1) The registrar of marriages in each district shall forthwith register in a book, to be kept in his office for such purpose and to be called the marriage register book, every certificate of marriage, which shall be filed in his office, according to the prescribed form; and every such entry shall be made in the order of date from the beginning to the end of the book, and every entry so made shall be dated on the day on which it is so entered, and shall be signed by the registrar, and such book shall be indexed in such manner as is best suited for easy reference thereto.

(2) The registrar shall at all reasonable times allow searches to be made in the marriage register book, and shall give certified copies therefrom upon payment of the prescribed fee.

(3) Within ten days after the last day of each month, every registrar shall send to the Registrar-General a certified copy of all entries made by him during the preceding month in the marriage register book of his district, and the Registrar-General shall file the same in his office.

[Act No. 4 of 1961, Sch.]

33. Correction of clerical errors

The Registrar-General, or any registrar authorized by the Registrar-General, may correct any clerical error in any certificate of marriage filed in his office or in any certified copy thereof upon production to him of the certificate delivered to the parties, and every such correction shall be authenticated by the signature of the Registrar-General or registrar, as the case may be, and the date of such correction shall be endorsed thereon.

[Act No. 26 of 1951, s. 7.]

34. Evidence of marriage

(1) The Registrar-General shall cause indexes of all the said certified copies of the marriage registers to be made and kept in the Registrar-General's office,

and every person shall be entitled to search the said indexes at any reasonable time and, on payment of the prescribed fee, shall be entitled to have a certified copy of any entry in the said certified copies of the registers; and all certified copies of entries purporting to be sealed or stamped with the seal of the Registrar-General, and every certificate of marriage which has been filed in the office of the registrar of any district or a copy thereof purporting to be signed and certified by the registrar of such district for the time being, and every entry in a marriage register book, shall be received as evidence of the marriage to which the same relates without any or other proof of such entry.

(2) The Registrars of Marriages solemnized before the commencement of this Act in any church in Kenya shall be received in evidence of the marriages to which they relate; and a copy of any entry therein, sealed with the seal of the responsible church body and certified under the hand of the registrar or other proper officer of that church body, shall be *prima facie* evidence of the entry from which the copy is made.

[Act No. 14 of 1961, s. 2, Act No. 26 of 1966, s. 5.]

Invalid Marriages

35. Marriages invalid on ground of kindred and affinity and other grounds

(1) No marriage in Kenya shall be valid which, if celebrated in England, would be null and void on the ground of kindred or affinity, or where either of the parties thereto at the time of the celebration of such marriage is married by native law or custom to any person other than the person with whom such marriage is had.

(2) A marriage shall be null and void if either party thereto is under the age of sixteen years at the time of the celebration of such marriage:

Provided that nothing in this subsection shall affect any marriage celebrated before the commencement of this subsection.

(3) A marriage shall be null and void if both parties knowingly and wilfully acquiesce in its celebration—

- (a) in any place other than the office of a registrar of marriages or a licensed place of worship (except where authorised by the Minister's licence); or
- (b) under a false name or names; or
- (c) without the registrar's certificate of notice or minister's licence duly issued; or
- (d) by a person not being a recognised minister of some religious denomination or body, or a registrar of marriages.

(4) But no marriage shall, after celebration, be deemed invalid by reason that any provision of this Act other than the foregoing has not been complied with.

[Act No. 14 of 1961, s. 3, L.N. 2/1964.]

36. Marriages under this Act valid

All marriages celebrated under this Act shall be good and valid in law to all intents and purposes.

[L.N. 2/1964.]

37. Marriages under native law or custom

Any person who is married under this Act, or whose marriage is declared by this Act to be valid, shall be incapable during the continuance of such marriage of contracting a valid marriage under any native law or custom, but, save as aforesaid, nothing in this Act contained shall affect the validity of any marriage contracted under or in accordance with any native law or custom, or in any manner apply to marriages so contracted.

[L.N. 2/1964.]

*Marriages Already Celebrated***38. Certain existing marriages validated**

Every marriage celebrated in Kenya before the 1st December, 1902, by any minister of any religious denomination or body, according to the rites in use by such religious denomination or body, shall be, and shall be deemed to have been from the time of the celebration thereof, a legal and valid marriage:

Provided that nothing herein contained shall legalize any marriage which has before that date been declared invalid by any competent court, nor any marriage either party to which had at the time of its celebration a lawful wife or husband living, nor any marriage which was void by reason of kindred or affinity, or fraud, or incapacity to contract marriage; nor any marriage otherwise invalid, either party to which before the said date, and in the lifetime of the other party thereto, intermarried with any other person.

38A. Foreign marriages of Kenya citizens

(1) Whenever any persons who are present in a foreign country or place desire to marry, and at least one of them is a citizen of Kenya, one of them may sign and give the registrar of the foreign country or place a notice in the prescribed form, and the provisions of section 8(2) of this Act shall apply in respect of such a notice.

(2) Where notice is given under subsection (1) of this section the other provisions of this Act shall apply accordingly so far as they are relevant (a reference to the registrar of a district being construed to include a reference to the registrar of a foreign country or place), and upon compliance with the formalities and conditions prescribed by this Act the marriage may be solemnized by the registrar in accordance with this Act:

Provided that—

- (i) in the application of section 21 of this Act to such a marriage that section shall be construed as if the words “in the foreign country or place in which the marriage is intended to be solemnized” were substituted for the words “in Kenya”; and
- (ii) sections 23, 24 and 25 of this Act shall not apply to such a marriage.

[Act No. 26 of 1966, s. 6.]

38B. Issue of certificate of no impediment

(1) If a citizen of Kenya desires to be married in a foreign country or place in accordance with the law of that country or place, and he is required by that law to produce a certificate of the kind hereinafter described, he may apply to the registrar in the prescribed form for a certificate that the Registrar-General does not know of any legal impediment to the proposed marriage.

(2) The registrar shall forward the application to the Registrar-General, who shall make full inquiry in regard to the applicant, and if the prescribed conditions have been complied with and if no such impediment has been shown, shall issue such a certificate as aforesaid to the registrar who shall thereupon deliver it to the applicant.

[Act No. 26 of 1966, s. 6.]

38C. Registration of marriages solemnized under foreign law

Where, after the commencement of this Act, a marriage has been solemnized in a foreign country or place in accordance with the law of that country or place between two persons at least one of whom is a citizen of Kenya, and those persons attend personally before the registrar of that foreign country or place and—

- (a) produce to him a certificate of or other document evidencing the marriage issued under that law and (if it is not in the English language) a translation thereof into English, together with such additional particulars as are required in the case of a marriage in Kenya; and
- (b) satisfy him that the marriage was so solemnized, he may register the certificate of marriage or other document in the marriage register book in accordance with section 32(1) of this Act: Provided that the Registrar may dispense with the attendance of a party where in his opinion the circumstances justify it.

[Act No. 26 of 1966, s. 6, Act No. 8 of 1968, Sch.]

Fees

39. Fees

There shall be paid to the Registrar-General or to a registrar, as the case may be, such fees as may be prescribed in respect of the several matters for which they are prescribed.

40. Remission of fees

The minister may when satisfied of the poverty of the parties, reduce the amount of the said fees, or remit them altogether; and, if they have been paid, order their refund.

[Act No. 14 of 1961, L.N. 299/1956, L.N. 172/1960, L.N. 462/1963, Sch., Act No. 21 of 1966, First Sch.]

41. Minister may receive customary fees

This Act shall not preclude a minister from receiving the fees ordinarily paid to a minister of his denomination for the celebration of marriage.

[L.N. 2/1964.]

Offences and Penalties

42. Marriage with a person previously married

Whoever, being unmarried, goes through the ceremony of marriage with a person whom he or she knows to be married to another person shall be liable to imprisonment for a period not exceeding five years.

[Act No. 28 of 1961, Sch.]

43. Making false declarations, etc., for marriage

Whoever, in any declaration, certificate, licence, document or statement by law to be made or issued for the purposes of a marriage, declares, enters, certifies or states any material matter which is false shall, if he does so without having taken reasonable means to ascertain the truth or falsity of such matter, be guilty of an offence and liable to imprisonment for a term not exceeding one year, or shall, if he does so knowing that such matter is false, be guilty of an offence and liable to imprisonment for a term not exceeding five years.

44. False pretence of impediment to marriage

Whoever endeavours to prevent a marriage by pretence that his consent thereto is required by law, or that any person whose consent is so required does not consent, or that there is any legal impediment to the performing of such marriage, shall, if he does so knowing that such pretence is false or without having reason to believe that it is true, be guilty of an offence and liable to imprisonment for a term not exceeding two years.

45. Unlawfully performing marriage ceremony

Whoever performs or witnesses as a marriage officer the ceremony of marriage, knowing that he is not duly qualified so to do, or that any of the matters required by law for the validity of such marriage has not happened or been performed, so that the marriage is void or unlawful on any ground, shall be guilty of an offence and liable to imprisonment for a term not exceeding five years.

46. Wilful neglect of duty to fill up or transmit certificate of marriage

Whoever, being under a duty to fill up the certificate of a marriage celebrated by him, or the counterfoil thereof, or to transmit the same to the registrar of marriages, wilfully fails to perform such duty shall be guilty of an offence and liable to imprisonment for a term not exceeding two years.

47. Personation in marriage

Whoever personates any other person in marriage, or marries under a false name or description, with intent to deceive the other party to the marriage shall be guilty of an offence and liable to imprisonment for a term not exceeding five years.

48. Fictitious marriage

Whoever goes through the ceremony of marriage, or any ceremony which he or she represents to be a ceremony of marriage, knowing that the marriage is void on any ground, and that the other person believes it to be valid, shall be guilty of an offence and liable to imprisonment for a term not exceeding five years.

49. Contracting marriage under this Act, when already marriage by native law or custom

Whoever contracts a marriage under this Act, being at the time married in accordance with native law or custom or in accordance with Mohammedan law to any person other than the person with whom such marriage is contracted, shall be guilty of an offence and liable to imprisonment for a term not exceeding five years.

[L.N. 2/1964.]

50. Contracting marriage by native law or custom when already married under this Act

Whoever, having contracted marriage under this Act, during the continuance of such marriage contracts a marriage in accordance with native law or custom shall be guilty of an offence and liable to imprisonment for a term not exceeding five years.

[L.N. 2/1964.]

*Rules***51. Rules**

The Minister may make rules for the better carrying into effect of the provisions of this Act, and, without prejudice to the generality of the foregoing, may make rules prescribing the forms to be used and the fees to be paid in respect of such matters as may be specified by this Act or by such rules.

[Act No. 14 of 1961, s. 5, L.N. 2/1964.]

CHAPTER 150

MARRIAGE ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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MARRIAGE DISTRICTS CONSTITUTED UNDER SECTION 4, 1951

[G.N. 1424/1951, L.N. 195/1958, L.N. 260/1960, L.N. 462/1963.]

The Turkana District and the Northern Frontier together form a marriage district.

The Kilifi District forms two marriage districts, as follows—

- (a) the Kilifi District excepting the Malindi Sub-district;
- (b) the Malindi Sub-district.

The Taita District forms two marriage districts, as follows—

- (a) the Taira District excepting the Taveta Sub-district;
- (b) the Taveta Sub-district.

Every other administrative district is a marriage district.

Rules under section 51

MARRIAGE RULES, 1961

[L.N. 474/1961, L.N. 462/1963, L.N. 184/1965, L.N. 269/1966, L.N. 124/1967, L.N. 44/1968, L.N. 316/1974, L.N. 48/1981, L.N. 245/1988, L.N. 89/1997, L.N. 87/2003, Corr. No. 60/2003.]

1. These Rules may be cited as the Marriage Rules, 1961.
2. Every notice required to be given under section 8 of the Act shall be in Form 1 contained in the First Schedule to these Rules.
3. Where under the provisions of section 8 or section 20 of the Act attestation is required, such attestation shall be in Form No. 2 contained in the First Schedule to these Rules.
4. The certificate of the registrar required to be issued under subsection (1) of section 11 of the Act shall be in Form No. 3 contained in the First Schedule to these Rules.
5. A licence granted under the provisions of section 14 of the Act shall be in Form No. 4 contained in the First Schedule to these Rules.
6. The books required to be delivered to the several registrars and to the recognised ministers of licensed places of worship pursuant to the provisions of section 26 of the Act shall be in Form No. 5 contained in the First Schedule to these Rules.
7. The form according to which, under the provisions of subsection (1) of section 32 of the Act, every certificate of marriage which shall be filed in the office of a registrar, shall be registered in the marriage register book, shall be in Form No. 6 contained in the First Schedule to these Rules.
- 7A. An application for a certificate of no impediment to marriage shall in Form No. 7 contained in the First Schedule hereto.
[L.N. 269/1966, s. 2.]
- 7B. A certificate of no impediment to marriage shall be in Form No. 8 contained in the First Schedule hereto.
[L.N. 269/1966, s. 2.]
8. The fees specified in each item of the Second Schedule to these Rules shall be payable for and in respect of the matter specified in that item.

FIRST SCHEDULE

FORM No. 1

(r. 2)

NOTICE OF MARRIAGE

To the Registrar of Marriages for the
District of Kenya.

I hereby give you notice that a marriage is intended to be entered into within three months from the date hereof between me, the undersigned and the other party herein named at
in Kenya.

Marriage

[Subsidiary]

FIRST SCHEDULE, FORM No. 1—continued

Name	Condition	Occupation	Age	Residence	Consent, if any, and by whom given
Bridegroom	Bachelor, widower or divorced person.	Farmer (or as the case may be).		Mombasa (or as the case may be).	
Bride	Spinster, widow or divorced person.	Typist (or as the case may be).		Nairobi (or as the case may be).	

Witness my hand, this day of, 20

Signature

FORM No. 2

(r. 3)

FORM OF ATTESTATION

Signed by the said
 at, on the day of, 20,
 this notice having been first read over to him (her) (or, read over and truly interpreted to him (her)) in
 the language) by
 He (She) seemed to understand the same and made his (her) mark thereto in my presence.

Signed

(Designation)

FORM No. 3

(r. 4)

REGISTRAR'S CERTIFICATE

I,, Registrar of Marriages for
 the District of Kenya, do hereby
 certify that on the day of, 20
 notice was duly entered in the marriage notice book of this district of the marriage intended between
 the parties herein named and described at in Kenya, such notice
 being delivered under the hand of one of the parties,
 that is to say—

Name	Condition	Occupation	Age	Consent	Residence	Length of Residence
A.B.	Bachelor, widower, or divorced person.	Farmer (or as the case may be).			Mombasa (or as the case may be).	

Marriage

[Subsidiary]

FIRST SCHEDULE, FORM No. 3—continued

Name	Condition	Occupation	Age	Consent	Residence	Length of Residence
C.D.	Spinster, widow or divorced person.	Typist (or as the case may be).		G.H. the mother (or as the case may be).	Nairobi (or as the case may be).	

Date of notice entered,, 20

Date of certificate given,, 20

No caveat has been entered against the issue of this certificate; or

A caveat was entered against the issue of this certificate on the day of, 20 but it has been cancelled.

Witness my hand, this day of, 20

(Signed)

Registrar of Marriages District

NOTE.—This certificate will be void unless the marriage is solemnized on or before the day of, 20

FORM No. 4

(r. 5)

SPECIAL LICENCE

WHEREAS A.B. of being* and C.D. of being* desire to intermarry, and sufficient cause has been shown to me why the preliminaries required by the Marriage Act should be dispensed with:

Now, therefore in pursuance of the said Act, I do dispense with the giving of notice and the issue of the certificate thereby prescribed, and do hereby authorize any registrar of marriages, or recognized minister of some religious denomination or body, to celebrate marriage between the said A.B. and C.D., at (place of celebration), within days from the date hereof.

Such marriage may be celebrated by a registrar of marriages between the hours of 10 o'clock in the forenoon and 4 o'clock in the afternoon, or by such recognized minister between the hours of 8 o'clock in the forenoon and 6 o'clock in the afternoon.

Given under my hand, this day of, 20

(Signed)

* Insert condition.

Marriage

[Subsidiary]

FIRST SCHEDULE—*continued*

FORM No. 5

(r. 6)

[L.N. 462/1963, Sch.]

CERTIFICATE OF MARRIAGE

No.

MARRIAGE solemnized at in the District of
the Region of Kenya.

<i>When married</i>	<i>Name and surname</i>	<i>Age</i>	<i>Condition</i>	<i>Occupation</i>	<i>Residence at time of marriage</i>	<i>Father's name and surname</i>	<i>Father's occupation</i>

Married in the..... by Registrar's Certificate by (or before) me
By License

This Marriage was solemnized between { { in the presence of }
.....

FORM No. 6

(r. 7)

[L.N. 462/1963, Sch.]

MARRIAGE REGISTER BOOK

No.	Marriage solemnized at in the District of the Region of Kenya.							
	<i>When married</i>	<i>Name and surname</i>	<i>Age</i>	<i>Condition</i>	<i>Occupation</i>	<i>Residence at the time of marriage</i>	<i>Father's name and surname</i>	<i>Father's occupation</i>

Marriage

[Subsidiary]

FIRST SCHEDULE, FORM No. 6—continued

Married in the..... by Registrar's Certificate By.....
by Special License

This Marriage was solemnized between { { in the presence of }

Entered this day of, 20
at the District Registry of Marriages at

Registrar

FORM No. 7

[L.N. 269/1966, s. 2.]

APPLICATION FOR CERTIFICATE OF NO IMPEDIMENT TO MARRIAGE

To the Registrar of Marriages for

WHEREAS I wish to marry
full Name of other Party

at

in
name of foreign country or place

NOW I hereby apply for the certificate of the Registrar-General that he is not aware of any legal impediment to the intended marriage.

AND I hereby declare that I am not already married to any person whether under customary law or otherwise howsoever.

My particulars are as follows:

- 1. Surname
2. Christian Name and Forename
3. Country and Place of Birth (giving where applicable sublocation, location and district)
4. Date of Birth
5. Father's full Name and Address (giving where applicable sublocation, location and district)
6. Sex
7. Race
8. Religion
9. Last Residence in Kenya
10. Occupation
11. Condition, e.g., bachelor, widower, divorced person

Witness my hand, this day of, 20

(Signed)

Marriage

[Subsidiary]

FIRST SCHEDULE—continued

FORM No. 8

[L.N. 269/1966, s. 2.]

CERTIFICATE OF NO IMPEDIMENT TO MARRIAGE

I, Registrar-General of Marriages for the Republic of Kenya, having made full inquiry in regard to (hereinafter called "the applicant"), formerly residing at

HEREBY CERTIFY that I am not aware of any legal impediment to the intended marriage of the applicant to on the grounds of existing marriages, kindred, affinity or age.

Dated at Nairobi this day of, 20

Registrar-General

SECOND SCHEDULE

[Rule 8, L.N. 184/1965, L.N. 269/1966, L.N. 124/1967, L.N. 44/1968, L.N. 316/1974, L.N. 48/1981, L.N. 245/1988, L.N. 89/1997, L.N. 87/2003, s. 2, Corr. No. 60/2003.]

Table with 2 columns: Description and KSh. Amount. Includes items like 'For filling every notice of marriage and entering the same' (200 KSh) and 'For authenticating the seal of the Registrar-General by the Attorney-General' (1,500 KSh).