

**NO. 4 OF 2014**

**THE MARRIAGE ACT**

SUBSIDIARY LEGISLATION

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**THE MARRIAGE (GENERAL) RULES**

ARRANGEMENT OF RULES

*Rule*

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SCHEDULES

FIRST SCHEDULE —  
FEES

FORMS



**THE MARRIAGE (GENERAL) RULES**

[Legal Notice 61 of 2014]

**1. Citation**

These Rules may be cited as the Marriage (General) Rules.

**2. Marriage Certificate**

(1) The marriage certificate to be issued under section 21 of the Act shall be in Form MA1 set out in the First Schedule.

(2) The certificate of marriage issued under section 35 shall be in Form MA1 set out in the First Schedule.

**3. Notice and Registrar's certificate under section 25**

(1) A notice required to be given under section 25 of the Act shall be in Form MA2 set out in the First Schedule.

(2) 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 25 of the Act, shall issue the applicant with a certificate in the manner set out in Form MA3 of the First Schedule, upon being satisfied by affidavit that there is no legal impediment to the intended marriage.

(3) The affidavit specified under paragraph (2) may be sworn either before a Registrar or before a magistrate and shall be in Form MA4 set out in the First Schedule.

**4. Certificate of no impediment**

(1) An application for a certificate of no impediment to marriage under section 32 of the Act shall be in Form MA5 set out in the First Schedule.

(2) An application under paragraph 1 shall be accompanied by certified copies of the—

- (a) applicant's identity card or passport;
- (b) applicant's birth certificate; and
- (c) intended spouse's passport.

(3) The Registrar shall, upon being satisfied that there is no legal impediment to the intended marriage, issue the applicant with a certificate of no impediment in Form MA6 set out in the First Schedule.

**5. Special licence**

(1) A special licence under section 33 of the Act shall be issued in instances where—

- (a) any of the parties to the marriage is a foreign national;
- (b) both the parties to the marriage are foreign nationals;
- (c) the marriage is to be solemnised outside a licensed place; or
- (d) the parties are unable to give the twenty-one day notice to the registrar of their intention to marry.

(2) An application for a special licence shall be in Form MA7 set out in the First Schedule.

(3) A special licence shall be in Form MA7 set out in the First Schedule.

**6. When marriage can be celebrated**

All marriages shall be celebrated between 8 O'clock in the morning and 6 O'clock in the afternoon.

**7. Marriage Register**

The Registrar shall enter the details of each marriage certificate into the Marriage Register in the manner set out in Form MA9 in the First Schedule.

Marriage

[Subsidiary]

8. Licensing ministers of faith

- (1) A minister of faith applying for a licence under section 52(1) shall—
  - (a) be literate and demonstrate an understanding of the marriage process;
  - (b) attach a letter of recommendation from the place of worship where the minister of faith ministers;
  - (c) attach a copy of the registration certificate of the place of worship;
  - (d) attach a copy of the applicant's identity card or passport.

(2) A licence granted under the provisions of section 52(3) of the Act shall be in Form MA10 set out in the First Schedule.

9. Certified copy of marriage certificate and marriage register

(1) An application for a certified copy of a certificate of marriage and a register of marriage shall be in Form MA11 set out in the First Schedule.

(2) A certified copy of a certificate of marriage shall be in Form MA12 set out in the First Schedule.

(3) A certified copy of a register of marriage shall be in Form MA13 set out in the First Schedule.

10. Divorce Register

A divorce register to be established under section 60 and 61 of the Act shall be in Form MA14 set out in the First Schedule.

11. Fees

The fees specified in each item of the Second Schedule shall be payable in respect of the matter specified in that item.

FIRST SCHEDULE

FORMS  
(r. 2)

FORM MA 1  
MARRIAGE CERTIFICATE

<i>Serial No.</i>
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Marriage solemnised at ..... in .....

sub-county ..... County

Date of marriage.	Marriage Entry No:	
Bridegroom's Name	Age.	Marital status.
Residence at time of marriage.	County.	Sub-county.
Occupation.		
Bridegroom's Parents' Details.		
Father's name.	Mother's name.	
Occupation.	Occupation.	
Residence.	Residence.	
Bride's name.	Age.	Marital status.
Residence at the time of marriage.	County.	Sub-county.

Marriage

[Subsidiary]

Occupation  
Bride's Parents' Details..  
Father's Name.  
Occupation.  
Residence.

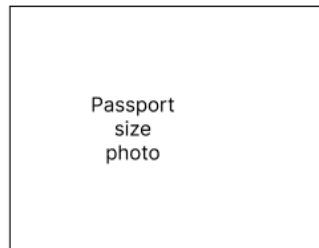
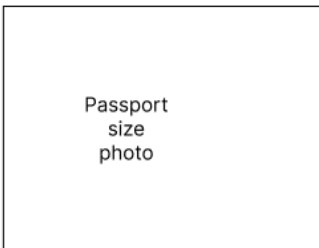
Mother's Name.  
Occupation.  
Residence.

Married in the:.....By Registrar's Certificate  
No.....

This marriage was solemnized between } in the presence of }

FORM MA 2  
NOTICE OF MARRIAGE

(r. 3(1))



To the Registrar of Marriages for the ..... County of Kenya.

We hereby give notice that a marriage is intended to be entered into within three months from that date hereof between us the undersigned on the ..... day of.....20.....at in Kenya.

PART 1: PARTIES, DETAILS

<i>Name</i>	<i>Condition</i>	<i>Occupation</i>	<i>Age</i>	<i>Residence and Address</i>	<i>Contact Information</i>
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Bridegroom  
Bride

PART 2: PARENTS' DETAILS

Bridegroom's Parents

Name	Occupation	Residence and Address
Father		
Mother		

Bride's Parents

Name	Occupation	Residence and Address
Father		
Mother		

PART 3: PARTIES' DECLARATION

We solemnly declare that there is no impediment caused by relationship consanguinity or affinity and we know of no other legal impediment to our marriage.

Marriage

[Subsidiary]

Bridegroom's signature .....

Bride's signature .....

Date .....

Date .....

Notes

- 1. Marital status can either be bachelor, spinster, widow, widower, divorced or married under customary law.
- 2. Any person who supplies false information to a Registrar or uses, gives or sends any certificate, document or declaration required for this marriage notice which is false or forged in any way is liable to prosecution.

FORM MA 3 (r. 3(2))

REGISTRAR'S CERTIFICATE

I, ....., Registrar of Marriages for ..... County do hereby certify that on the ..... day of ..... 20 ..... notice was duly entered in the marriage notice of this sub-county of the marriage intended between the parties herein named and described at ..... in Kenya, such notice being delivered under the hand of ..... and ..... that this to say—

<i>Name</i>	<i>Condition</i>	<i>Occupation</i>	<i>Age</i>	<i>Residence and Address</i>
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Bridegroom

Bride

Witnessed under my hand this ..... day of ..... 20.....

*Registrar.*

Note-This certificate will be void unless the marriage is solemnised on or before the ..... day of ....., 20.....

FORM MA 4 (r. 3(3))

AFFIDAVIT

I ..... of P.O.

Box ..... make oath and state as follows—

- 1. That a marriage is to be solemnised between me and ..... at .....
- 2. That I am a ..... and the said ..... *(Indicate marital condition)* ..... is a ..... *(Indicate marital condition)*

3. That I have, for fifteen days immediately preceding this date, been resident at ..... in the county of .....

4. That neither I nor the said ..... is under age of eighteen years.

5. That I solemnly declare that there is no impediment caused by relationship consanguinity or affinity and we know of no other legal impediment to our marriage.

Sworn at ..... this ..... day of ..... 20.....



Marriage

[Subsidiary]

Before me ..... (Signature of deponent) Registrar/Magistrate

FORM MA 5 (r. 4(3)) 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)

on the ..... day of ..... 20 ..... NOW, I hereby apply for the certificate of the Registrar of Marriages that he is not aware of any legal impediment to the intended marriage. AND I hereby declare that I am not already married to another person.

- My particulars are as follows— 1. Name: ..... 2. Country and place of birth: ..... 3. Date of birth: ..... 4. Sex: ..... 5. Race: ..... 6. Religion: ..... 7. Last place of residence in Kenya: ..... 8. Occupation: ..... 9. Condition: ..... (e.g. bachelor, spinster, widow, widower, divorced.)

Witnessed by my hand this ..... day of ..... 20 ..... (Signed) .....

FORM MA 6 (r. 4(3)) CERTIFICATE OF NO IMPEDIMENT TO MARRIAGE I, .....the Registrar of Marriages having made full inquiry in regard to ..... ("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 ground of an existing marriage, kindred, affinity or age. Dated at Nairobi this..... day of ..... 20..... Registrar of Marriages

FORM MA 7 (r. 5(2)) APPLICATION FOR SPECIAL LICENCE I, ..... of ..... Hereby apply for the grant of a Special License and I hereby make oath and say as follows— 1. A marriage is proposed to be celebrated between ..... and myself at ..... on or about ..... day of ..... 20 .....

Marriage

[Subsidiary]

- 2. I am not aware of any lawful impediment to the proposed marriage.
- 3. I am..... years of age and the said ..... is ..... years of age.
- 4. I am a ..... and the said ..... is a .....
- 5. Notice of the intended marriage has not been given under section 25 of the Act because

— .....

.....

.....

6. I now seek dispensation from the requirements of the Act relating to the giving of notice and the issue of the certificate of the Registrar because —

Sworn at ..... this ..... day of .....

20 .....

*Registrar of Marriages*

FORM MA 8 (r. 5(3))

SPECIAL LICENCE

WHEREAS .....

of .....

being a ..... and ....

..... of .

..... being a .....

desire to marry and sufficient cause has been shown to my why the preliminaries required by the Act should be dispensed with:

NOW, THEREFORE, in accordance with the Act, I do dispense with the giving of notice and issue the certificate thereby prescribed and do hereby authorise the Registrar of Marriages or recognised minister of faith to celebrate the marriage between the said—

..... and

..... at ..... within ninety days from the date hereof.

Such marriage may be celebrated between the hours of 8 O'clock in the morning and 5 O'clock in the afternoon.

Given under my hand on this ..... day of .....

20 .....

*Registrar of Marriages*

FORM MA 9 (r. 7)

REGISTER OF CERTIFICATE

Serial No.
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Marriage

[Subsidiary]

Marriage solemnised at ..... in .....sub-county.....County.

Date of marriage:                      Entry No:  
 Bridegroom's name:                    Age:                                      Marital status:  
 Residence at time of                    County:                                Sub-county:  
 marriage  
 Occupation:  
 Bridegroom's father's                  Bridegroom's mother's name:  
 name:  
 Bridegroom's father's                  Bridegroom' s mother' s occupation:  
 occupation:  
 Bride's name:                            Age:                                      Marital status:  
 Residence at time of                    County:                                Sub-county:  
 marriage:  
 Bride's father's occupation Bride's mother's occupation

This marriage was solemnized between	}	in the presence of	}	}
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Entered this ..... day of ..... 20 ..... at the County  
 Registry of Marriage at .....

FORM MA 10 \_\_\_\_\_ (r. 8(2))  
 LICENCE

IN EXERCISE of the powers conferred on the Minister by section 5(3) of the Marriage Act, (Cap.150) and delegated by him to me, I hereby license the ministers of faith of the ..... named in the Schedule hereto to celebrate marriages under the provisions of the Act.

Dated the.....  
 20.....

*Registrar of  
 Marriages*

**SCHEDULE**  
 FORM MA 11 \_\_\_\_\_ (r. 9(1))  
 APPLICATION FOR CERTIFIED COPY OF CERTIFICATE OF MARRIAGE OR REGISTER  
 General Search Form  
 (Please complete this Form in BLOCK LETTERS)  
 Application                    1. Certified copy of certificate of  
 (*tick as appropriate*) marriage  
                                       2. Certified copy of marriage register.  
 Details of applicant. Name  
                                       Phone No.

Marriage

[Subsidiary]

Address.

Full name of husband  
 Full name of bride  
 Date of marriage  
 Place of marriage  
 Officiated by  
*(Registrar or minister of faith)*  
 Name and address of Registry office/place of worship  
 Entry number of Certificate or register  
 Other particulars which would help to trace the entry.  
 Comments

FORM MA 12 (r. 9 (2))  
 CERTIFIED COPY OF CERTIFICATE OF MARRIAGE

*Serial No.*

Marriage solemnised at ..... in ..... sub-county.....County.

Date of marriage:	Entry no:	
Husband 's name:	Age:	Marital status:
Residence at time of marriage:	County:	Sub-county:
Occupation:		
Husband's father's name:	Occupation:	Residence:
Husband's mother's name:	Occupation:	Residence:
Wife's name:	Age:	Marital status:
Occupation:		
Wife's father's name:	Occupation:	Residence:
Wife's mother's name:	Occupation:	Residence:

Marriage

[Subsidiary]

Married in the:.....By Registrar's Certificate  
No.....

This marriage was solemnized between } in the presence of }

Certified to be a true copy of a certificate of marriage.

Given under the seal of the Registrar on the ..... day of ..... 20.....

Notes-Any person who (1) falsifies any of the particulars of the certificate, or (2) uses a falsified certificate as true copy knowing it to be false, is liable to prosecution.

Typed by: .....

Checked by: .....

FORM MA 13 (r. 9 (3))  
CERTIFIED COPY OF CERTIFICATE OF MARRIAGE

Serial No.

Marriage solemnised at ..... in ..... sub-county,  
..... county in the Republic of Kenya.

Date of marriage:                      Marriage Register Entry No:  
Husband 's name:                      Age:                                      Marital status:  
Residence at time of                      County:                                      Sub-county:  
marriage:  
Occupation:  
Husband's father's name: Occupation:                                      Residence:  
Husband's mother's name: Occupation:                                      Residence:  
Wife's name:                                      Age:                                      Marital status:  
Occupation:  
Wife's father's name:                      Occupation:                                      Residence:  
Wife's mother's name:                      Occupation:                                      Residence:

Marriage

[Subsidiary]

Married in the:.....By Registrar's Certificate  
 No.....

This marriage was solemnized between } in the presence of }

Certified to be a true copy of an entry of marriage in the Marriage Register.

Given under the seal of the Registrar on the ..... day of ..... 20.....

Notes-Any person who (1) falsifies any of the particulars of the certificate, or (2) uses a falsified certificate as true copy knowing it to be false, is liable to prosecution.

Typed by: .....

Checked by: .....

FORM MA 14  
DIVORCE REGISTER

(r. 10)

Serial No.

Marriage District:

Where married:

Husband's Name:

Residence at time of marriage:

Wife's name:

Residence at time of marriage:

DIVORCE INFORMATION

Name of petitioner:

Name of respondent:

Case citation:

Date when divorce was issued:

Marriage Register Entry Number:

Date of marriage:

Age at time of marriage: Condition:

County: Sub-county:

Age at time of marriage: Condition:

County: Sub-county:

Place of issue:

Country:

County:

Entered this ..... day of ..... 20..... at the Registrar  
of Marriages  
office at .....  
REGISTRAR.

*Marriage*

[Subsidiary]

## SECOND SCHEDULE

[r. 11]

## FEES

ITEM		Kshs.
1.	Notice of marriage	600
2.	Solemnisation of marriage	2,000
3.	Issuance of marriage certificate	500
4.	Issuance of a certified copy of marriage certificate	600
5.	Commissioning of affidavit	200
6.	Search of marriage certificate	500
7.	Issuance of Registrar's certificate	600
8.	Application for certificate of no impediment to marriage	10,000
9.	Verification of certificate of no impediment to marriage	1,000
10.	Amendment of marriage record	200
11.	Registration of foreign marriage	1,000
12.	Licensing of minister of faith	1,000
13.	Renewal of license of minister of faith	1,000
14.	Revocation of licence of minister of faith	1,000
15.	Special license	7,000





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**THE MARRIAGE (CUSTOMARY MARRIAGE) RULES**

ARRANGEMENT OF RULES

*Rule*

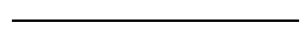
1. Citation
2. Interpretation
3. Notice and Registrar's acknowledgement of customary marriage
4. Application for registration of a customary marriage
5. Issuance of Certificate of Customary Marriage
6. Customary Marriage Register
7. Issuance of a certified copy of an entry of a customary marriage
8. Registration of customary marriages existing before commencement of the Marriage Act (Cap. 150)
9. Fees

SCHEDULES

FIRST SCHEDULE —

FORMS

FEEES





**THE MARRIAGE (CUSTOMARY MARRIAGE) RULES**

[Legal Notice 46 of 2017]

**1. Citation**

These Rules may be cited as the Marriage (Customary Marriage) Rules.

**2. Interpretation**

In these Rules, unless the context otherwise requires—

"Act" means the Marriage Act (Cap. 150);

"customary marriage" means a marriage contracted in accordance with the customs of the communities of one or both of the parties to the marriage;

"Register" means the Register of Customary Marriage referred to in rule 6;

"Registrar" has the meaning assigned to it under the Act.

**3. Notice and Registrar's acknowledgment of customary marriage**

(1) The parties to a customary marriage shall after the completion of the customary rites conferring upon them the status of husband and wife, notify the Registrar as required under section 44 of the Act by notice in Form CM 1 set out in the First Schedule.

(2) The Registrar shall display the notice provided under subrule (1) in a conspicuous place within the premises, for a period of fourteen days, inviting any person with an objection to the proposed registration to notify the Registrar with the grounds of objection within that period.

(3) After the expiry of the period specified under subrule (1) without any objection filed, or where any objections filed have been considered and dealt with by the Registrar, the Registrar shall issue to the parties an Acknowledgement Certificate in form CM 2 set out in the First Schedule.

**4. Application for registration of a customary marriage**

(1) The parties shall upon receipt of the Certificate referred to in rule 3 apply for registration of the marriage in accordance with section 55(1) of the Act.

(2) An application for registration under subrule (1) shall be in Form CM 3 set out in the First Schedule and shall be accompanied by a copy of the Certificate of Acknowledgement issued under rule 3(3).

**5. Issuance of Certificate of Customary Marriage**

(1) The Registrar shall consider the application made under rule 4 and may after conducting further investigations where appropriate issue a Certificate of Customary Marriage.

(2) The certificate of customary marriage issued under subrule (1) shall be in Form CM4 set out in the First Schedule.

**6. Customary Marriage Register**

(1) The Registrar shall establish and maintain a Register of Customary Marriages in which shall be entered the details of all customary marriages registered under these rules.

(2) The Register of Customary Marriage shall be in Form CM5 set out in the First Schedule.

**7. Issuance of a certified copy of an entry of a customary marriage**

(1) A person who wishes to obtain a certified copy of an entry of a customary marriage in the Register shall submit an application in Form CM 6 set out in the First Schedule to the Registrar.

Marriage

[Subsidiary]

(2) The Registrar shall, upon receipt of the requisite fee, issue to the applicant a certified copy of the entry as requested which shall be in Form CM 7 set out in the First Schedule.

**8. Registration of customary marriages existing before commencement of the Marriage Act (Cap. 150)**

(1) The parties to a marriage contracted under customary law before the commencement of the Act shall apply to the Registrar for registration of that marriage pursuant to section 96(2) of the Act.

(2) An application for registration under subrule (1) shall be in Form CM 8 set out in the First Schedule and shall be accompanied by a letter of confirmation from the Chief of the area where the marriage ceremony took place.

(3) The Registrar shall, upon being satisfied that the information supplied under subrule (1) and (2) is true, issue a certificate of customary marriage in Form CM 4 set out in the First Schedule in respect of the marriage.

**9. Fees**

The fees set out in the first column of the Second Schedule shall be payable in respect of the items respectively set out in the second column.

FIRST SCHEDULE

FORMS

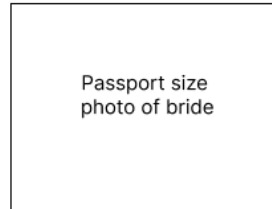
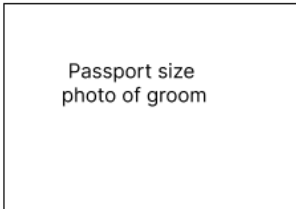
REPUBLIC OF KENYA

MARRIAGE ACT (*Cap. 150*)

**FORM CM 1**

(r. 3(1))

NOTICE OF CUSTOMARY MARRIAGE



To the Registrar of Marriages for the ..... County of Kenya.

We the undersigned hereby give notice of our completion of the relevant marriage ceremonies and rites under ..... customary law completed on the day of ..... 20 ..... at ..... sub-county ..... county. We undertake to register our customary marriage within six months from the date of this notice.

**PART 1: PARTIES' DETAILS**

<i>Name</i>	<i>Marital status at time of marriage</i>	<i>Occupation</i>	<i>Age</i>	<i>Residence and Address</i>	<i>Contacts</i>
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Husband

Wife

**PART 2: PARENTS' DETAILS**

*Husband's Parents*

<i>Name</i>	<i>Occupation</i>	<i>Residence &amp; Address</i>
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Father

Mother

*Wife's Parents*

Marriage

[Subsidiary]

Name	Occupation	Residence & Address
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Father

Mother

PART 2 - PARTIES' DECLARATION

1. That our customary marriage was contracted in accordance with the ..... Customary law and we hereby declare that the customary rites necessary to confer upon us the status of husband and wife have been completed.
2. That we were above eighteen years of age at the time of marriage.
3. That our marriage ceremonies were witnessed by the witnesses listed at Part 3 below.
4. That neither of us was a partner in a Civil, Christian, Hindu or Islamic marriage when we contracted the aforesaid customary marriage.
5. That we both freely consented to our marriage and subsequent registration.
6. That there is no impediment caused by relationship consanguinity or affinity and we know of no other legal or customary impediment to our marriage.

7. That prior to the date of this marriage ..... (Husband) was in an existing customary marriage as follows:-

S/No.	Date of marriage	Name of spouse	System of Marriage
1.			
2.			
3.			
4.			

Husband's signature.....	Wife's signature .....
Date.....	Date.....

PART 3 - WITNESS DECLARATION

We hereby declare that on the ..... day of ..... 20 ..... we witnessed and played key cultural roles in the celebration of this marriage.

We wish to confirm that the information provided by the parties above is to the best of our knowledge and belief true and correct.

Name: ..... ID No. .... Age: .....

Signature .....

Name: ..... ID No. .... Age: .....

Signature .....

Notes

1. Any person, who supplies false information to a Registrar or uses, gives or sends any certificate, document or declaration required for this marriage notice which is false or forged in any way is liable to prosecution.
2. Marital status can either be bachelor, spinster, widow, and widower, divorced or married under customary law.
3. Witnesses shall provide copies of their identity cards.

REPUBLIC OF KENYA  
MARRIAGE ACT (Cap. 150)

FORM CM 2 \_\_\_\_\_ (r. 3(3))  
ACKNOWLEDGEMENT CERTIFICATE

I, ....., Registrar of Marriages for ..... County do hereby confirm that an

Marriage

[Subsidiary]

application for registration of the customary marriage between the parties below has been received:

<i>Parties to the Marriage</i>	<i>Status</i>	<i>Occupation</i>	<i>Age</i>	<i>Residence &amp; Address</i>
--------------------------------	---------------	-------------------	------------	--------------------------------

Husband

Wife

Witnessed under my hand this ..... day of ..... 20.....

Registrar of Marriages.

NOTE — This certificate shall be void unless the marriage registration and issuance of a marriage certificate is done on or before .....

This document is not a customary marriage certificate. The certificate shall be issued at the registration of the customary marriage.

REPUBLIC OF KENYA  
MARRIAGE ACT (Cap. 150)  
FORM CM 3 (r. 4(2))  
APPLICATION FOR REGISTRATION OF CUSTOMARY MARRIAGE  
(To be filed after 14 days from the date of Notice)

We ..... and ..... of P. O. Box ..... make oath and state as follows -

1. That on the ..... day of ..... 20 ....., at ..... sub-county ..... county the relevant customary rites to confer upon us the status of husband and wife were completed under the ..... customary law.
2. That at the time of the marriage ..... (husband) was a ..... and the said ..... (wife) was a ..... (Indicate name of party and status)
3. That neither of us is under the age of eighteen years.
4. That we both freely consented to our marriage and subsequent registration.
5. That none of us was a partner in a Civil, Christian, Hindu or Islamic marriage when we contracted the aforesaid customary marriage.
6. we declare that there is no impediment caused by relationship, consanguinity or affinity, and we know of no other legal or customary impediment to our marriage.

Sworn at ..... this ..... day of ..... 20 .....

Before me ..... Registrar

\_\_\_\_\_  
(Signature of Husband)

\_\_\_\_\_  
(Signature of Wife)

REPUBLIC OF KENYA  
MARRIAGE ACT (Cap. 150)  
FORM CM 4 (rr. 5(2), r. 8(3))  
CERTIFICATE OF CUSTOMARY MARRIAGE

Marriage

[Subsidiary]

Serial No.
------------

Marriage solemnised under..... customary law in the..... Sub county.....County

Date of marriage	Registration Entry No:	
Husband's Name	Age.	Marital status.
Residence at time of marriage	County.	Sub-county.
Occupation.		
Parents Names		
Father's name.	Mother's name.	
Occupation.	Occupation	
Residence.	Residence.	
Wife's name	Age.	Marital status.
Residence at time of marriage	County.	Sub-county.
Occupation.		
Parents Names		
Father's name.	Mother's name.	
Occupation.	Occupation	
Residence.	Residence.	

Registered in the: .....		by Acknowledgement Certificate	
No.....			
By.....			
This marriage was solemnized between	}	.....	} in the presence of
		.....	
		.....	
		.....	
	}	.....	}
		.....	
		.....	
		.....	

Note: A customary marriage is polygamous or potentially polygamous.

REPUBLIC OF KENYA \_\_\_\_\_  
MARRIAGE ACT (Cap. 150)  
(r. 6(2))  
REGISTER OF CUSTOMARY MARRIAGES

Marriage

[Subsidiary]

Serial No.
------------

Marriage solemnised under..... customary law in the..... Sub county.....County in the Republic of Kenya.

Date of Registration marriage Marriage register entry no:

Husband's name: Age. Marital condition: Residence at time of marriage County. Sub-county.

Occupation: Husband's father's name: Occupation: Residence: Husband's mother's name: Occupation: Residence: Wife's name: Age: Marital condition: Occupation: Wife's father's name: Occupation: Residence: Wife's mother's name: Occupation: Residence:

Registered in the: ..... By Acknowledgement  
 Certificate No.....  
 By.....  
 This marriage was registered between { ..... } in the presence of { ..... }

Entered this .....day of .....20.....at the County Registry of Marriage at .....

REGISTRAR

REPUBLIC OF KENYA MARRIAGE ACT (Cap. 150) APPLICATION FOR CERTIFIED COPY OF ENTRY IN REGISTER OF CUSTOMARY MARRIAGE FORM CM 6 (r. 7(2))

Application for a Certified Copy (Please complete this form in BLOCK LETTERS) APPLICATION Certified copy of certificate of marriage (tick as appropriate) Certified copy of entry in register Details of Applicant Name: Phone No: Address:



Marriage

[Subsidiary]

Full Name of  
 Husband  
 Full Name of Wife  
 Date of  
 Registration:  
 Place of  
 Registration:  
 REGISTERED BY:  
 (Registrar)  
 Name and Address  
 of Registry Office  
 Entry Number Of  
 CERTIFICATE OR  
 REGISTER  
 Other Particulars  
 Which Would Help  
 To Trace The Entry  
 Comments

REPUBLIC OF KENYA  
 MARRIAGE ACT (Cap. 150)

Serial No.
------------

FORM CM 7 (r. 7(2))  
 CERTIFIED COPY OF ENTRY IN REGISTER OF CUSTOMARY MARRIAGES

Marriage solemnised under..... customary law in the..... Sub county.....County in the Republic of Kenya.

Date of Registration      Marriage register entry no:  
 marriage  
 Husband's name:      Age.      Marital condition:  
 Residence at time of      County.      Sub-county.  
 marriage  
 Occupation:  
 Husband's father's name: Occupation:      Residence:  
 Husband's mother's name: Occupation:      Residence:  
 Wife's name:      Age:      Marital condition:  
 Occupation:  
 Wife's father's name:      Occupation:      Residence:  
 Wife's mother's name:      Occupation:      Residence:

Marriage

[Subsidiary]

Registered in the: ..... By Acknowledgement  
 Certificate No.....  
 By.....  
 This marriage { ..... } in the presence { ..... }  
 was { ..... } of { ..... }  
 registered { ..... }  
 between { ..... }

Certified to be a true copy of an entry of marriage in the Marriage Register.

Given under the seal of the Registrar on the .....day of .....  
20 .....

NOTES -Any person who (1) falsifies any of the particulars of the certificate, or (2) uses a falsified certificate as true copy knowing it to be false, is liable to prosecution.

Typedby: .....

Checked by .....

REPUBLIC OF KENYA  
MARRIAGE ACT (Cap. 150)  
FORM CM 8 (r. 8(2))  
APPLICATION FOR REGISTRATION OF CUSTOMARY MARRIAGE  
CONTRACTED BEFORE THE ENACTMENT OF THE MARRIAGE ACT (Cap. 150)

To the Registrar of Marriages for the ..... County of Kenya

A. PARTICULARS OF HUSBAND

- Name
- Age
- Marital status
- Occupation
- Father's name
- Mothers name
- Existing/previous spouses

B. DECLARATION BY HUSBAND

I, the undersigned, hereby declare that:

- (1) I freely consented to the customary marriage between myself and the woman whose particulars are set out hereunder.
- (2) The marriage was contracted in accordance with the laws and customs of the ..... community.
- (3) I was not a partner in any Civil, Christian, Hindu or Islamic marriage when I contracted the aforesaid customary marriage.
- (4) At the time of the aforesaid customary marriage I was married under customary law to the following namely:

S/No.	Date of marriage	Name of spouse	System of Marriage
-------	------------------	----------------	--------------------

Marriage

[Subsidiary]

- 1.
- 2.
- 3.
- 4.

C. DECLARATION BY WIFE

I, the undersigned, hereby declare that:

- (1) I freely consented to the customary marriage between myself and the man whose particulars are set above.
- (2) The marriage was contracted in accordance with the laws and customs of the ..... community.

C. DECLARATION BY WITNESSES

We, the undersigned, hereby declare that-

- (a) we were present at the above marriage ceremony.
- (b) the information provided by the parties is to the best of our knowledge and belief true and correct.
- (c) the marriage was legally contracted in accordance with the laws and customs of the ..... community.

HUSBAND'S WITNESS:

Name: ..... ID No. .... Sign: .....

WIFE'S WITNESS

Name: ..... ID No. .... Sign: .....

\* Witness should provide copies of their identity cards.

SECOND SCHEDULE

[r. 9]

FEES

<i>S/No.</i>	<i>item</i>	<i>KSh.</i>
1.	Issuance of notice of customary marriage form	600
2.	Issuance of an Acknowledgement Certificate	600
3.	Commissioning of an application for registration of a customary marriage form	200
4.	Registration and issuance of a customary marriage certificate	2500
5.	Issuance of a search form for a customary marriage	500
6.	Issuance of a certified copy of an entry of a customary marriage	600
7.	Registration of customary marriage contracted before 20th May, 2014	3,900



**THE MARRIAGE (HINDU MARRIAGE) RULES**

ARRANGEMENT OF RULES

*Rule*

1. Citation
2. Interpretation
3. Notice and Registrars certificate
4. Special Licence
5. Licensing of Hindu marriage officers
6. Registration of Hindu marriages
7. Marriage registers
8. Certified copy of marriage certificate and marriage register
9. Registration of marriages performed under Cap. 157 (Repealed)
10. Fees

SCHEDULES

FIRST SCHEDULE —  
FEES

FORMS



**THE MARRIAGE (HINDU MARRIAGE) RULES**

[Legal Notice 47 of 2017]

**1. Citation**

These Rules may be cited as the Marriage (Hindu Marriage) Rules.

**2. Interpretation**

In these Rules, unless the context otherwise requires—

"Act" means the Marriage Act (Cap. 150);

"Council" means the Hindu Council of Kenya or any other body designated and recognized as such by the Hindu Community in Kenya;

"Hindu" has the meaning assigned to it under the Act;

"Hindu marriage" means a marriage contracted in accordance with the tenets of the Hindu faith;

"marriage officer" means a person appointed under section 52 of the Act, upon recommendation by the Council for purposes of these rules.

**3. Notice and Registrars certificate**

(1) Where a man and a woman who adhere to the Hindu faith intend to marry under Part VI of the Act, they shall give to the Registrar a written notice of not less than twenty-one days and not more than three months, of their intention to marry.

(2) The notice referred to in paragraph (1) shall be in Form MH1 as set out in the First Schedule.

(3) The parties to a proposed Hindu marriage shall swear an affidavit in form MH2 set out in the First Schedule before the Registrar confirming that there is no legal impediment to the intended marriage.

(4) The Registrar shall at any time after the expiration of twenty-one days and before the expiration of three months from the date of the notice in subrule (1), issue the applicant with a certificate in the form set out in Form MH3 set out in the First Schedule.

**4. Special Licence**

(1) Parties to a marriage may apply to the Registrar for a special licence in Form MH4 set out in the First Schedule.

(2) The Registrar may, after considering the application under subrule (1), dispense with the notice required under rule 3 and issue a special licence where—

- (a) any of the parties to the marriage is a foreign national;
- (b) both the parties to the marriage are foreign nationals;
- (c) the marriage is intended to be solemnised outside a licensed venue; or
- (d) the parties are unable for just cause to give the twenty-one day notice to the registrar of their intention to marry.

(3) A special licence shall be in Form MH5 set out in the First Schedule.

**5. Licensing of Hindu marriage officers**

(1) A Hindu marriage shall be conducted by a minister of faith licensed for that purpose by the Registrar under section 52(3) of the Act.

(2) A person shall be eligible for a licence under subrule (1) if the person—

- (a) is literate and demonstrates an understanding of the Hindu marriage process; and
- (b) is recommended by the Council by notice in writing to the Registrar.

*Marriage*

[Subsidiary]

(3) The Council shall forward the identification documents of the ministers of faith in respect of whom a recommendation is made under subrule (2)(b).

(4) A licence under this rule shall be in Form MH6 set out in the First Schedule.

**6. Registration of Hindu marriages**

(1) There shall be issued in respect of every Hindu marriage a certificate in Form MH7 set out in the First Schedule.

(2) The Registrar shall supply the Hindu Marriage certificates upon application by the Council for use for purposes of these rules.

**7. Marriage registers**

(1) The Registrar shall establish and maintain a Register of Hindu Marriages into which shall be entered the details of the marriages contracted under these rules.

(2) The Registrar shall enter the details of each marriage certificate issued under section 56(1) of the Act into the register referred to in subrule (1) in Form MH8 set out in the First Schedule.

**8. Certified copy of marriage certificate and marriage register**

(1) An application for a certified copy of a marriage certificate and a certified copy of the entry in the marriage register shall be in Form MH9 set out in the First Schedule.

(2) A certified copy of a certificate of marriage shall be in Form MH10 set out in the First Schedule.

(3) A certified copy of an entry in the register shall be in Form MH11 set out in the First Schedule.

**9. Registration of marriages performed under Cap. 157 (Repealed)**

(1) Parties to a marriage contracted under the Hindu Marriage and Divorce Act (Repealed) shall apply to the Registrar for the registration of that marriage in accordance with section 96(2) of the Act.

(2) An application for registration under subrule (1) shall be in Form MH12 set out in the First Schedule and shall be accompanied by—

- (a) a forwarding letter from the Hindu Council;
- (b) a certified copy of the marriage certificate or other documents certified by the Council evidencing the marriage; and
- (c) copies of identification documents.

(3) The Registrar shall, where satisfied with the application, issue the applicants with a certificate of marriage in accordance with these rules.

**10. Fees**

The fees for the items specified in the first column of the Second Schedule shall be as set out in the second column of the Second Schedule.

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 FIRST SCHEDULE

## FORMS

REPUBLIC OF KENYA  
MARRIAGE ACT (*Cap.* 150)

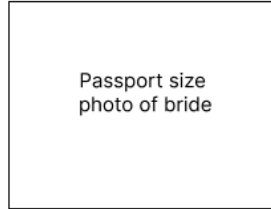
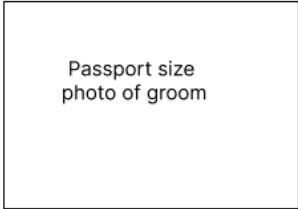
**FORM MH1**  
NOTICE OF MARRIAGE

(*r.* 3(2))



Marriage

[Subsidiary]



To the Registrar of Marriages for the ..... County of Kenya.

We hereby give notice that a marriage is intended to be entered into within three months from that date hereof between us the undersigned on the ..... day of ..... 20 ..... at ..... in Kenya.

Part 1 - PARTIES' DETAILS

<i>Name</i>	<i>Condition</i>	<i>Occupation</i>	<i>Age</i>	<i>Residence &amp; Contacts Address</i>
-------------	------------------	-------------------	------------	---

Bridegroom

Bride

Part 2 - PARENTS' DETAILS

Groom's Parents

<i>Name</i>	<i>Occupation</i>	<i>Residence &amp; Address</i>
-------------	-------------------	--------------------------------

Father

Mother

Bride's Parents

<i>Name</i>	<i>Occupation</i>	<i>Residence &amp; Address</i>
-------------	-------------------	--------------------------------

Father

Mother

Part 3 - PARTIES' DECLARATION

We solemnly declare that there is no impediment caused by relationship consanguinity or affinity and we know of no other legal impediment to the proposed marriage.

Bridegroom's signature .....	Bride's signature .....
Date .....	Date .....

Notes—

Any person who supplies false information to a Registrar or uses, gives or sends any certificate, document or declaration required for this marriage notice which is false or forged in any way is liable to prosecution.

Status can either be bachelor, spinster, widow, widower, divorced or married under customary law.

REPUBLIC OF KENYA  
MARRIAGE ACT (Cap. 150)  
**FORM MH2**  
AFFIDAVIT

(r. 3(3))

I .....  
of P. O.  
Box .....  
make oath and state as follows—

Marriage

[Subsidiary]

7. That a marriage is to be solemnised between me and ..... at .....

8. That I am a ..... and the said ..... is a ..... (Indicate marital condition)

9. That I have, for fifteen days immediately preceding this date, been resident at ..... in the county of .....

10. That neither I nor the said ..... is under the age of eighteen years.

11. That I solemnly declare that there is no impediment caused by relationship consanguinity or affinity and we know of no other legal impediment to the proposed marriage.

Sworn at ..... this ..... day of ....., 20 .....

Before me ..... Registrar (Signature of deponent)

REPUBLIC OF KENYA MARRIAGE ACT (Cap. 150) FORM MH3 REGISTRAR'S CERTIFICATE

(r. 3(4))

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

Table with 5 columns: Name, Condition, Occupation, Age, Residence and Address. Parties to the Marriage

Bridegroom Bride Witnessed under my hand this ..... day of ..... 20 .....

Registrar of Marriages

Note—This certificate will be void unless the marriage is solemnised on or before the ..... day of ..... 20 .....

REPUBLIC OF KENYA MARRIAGE ACT (Cap. 150) FORM MH4 APPLICATION FOR SPECIAL LICENCE

(r. 4(1))

I .....

Marriage

[Subsidiary]

of .....

Hereby apply for the grant of a Special Licence and I hereby make oath and say as follows—

1. A marriage is proposed to be celebrated between ..... and myself at ..... on or about the ..... day of ..... 20 .....

2. I am not aware of any lawful impediment to the proposed marriage.

3. I am ..... years of age and the said ..... is ..... years of age.

4. I am a ..... and the said ..... is a ..... (Marital status)

5. Notice of the intended marriage has not been given under rule 3 —

6. I now seek dispensation from the requirements of the Act relating to the giving of notice and the issue of the certificate of the Registrar because

Sworn at ..... this ..... day of ..... 20 .....

Registrar of Marriages

REPUBLIC OF KENYA MARRIAGE ACT (Cap. 150)

FORM MH5 SPECIAL LICENCE WHEREAS .....

(r. 4(3))

of ..... being a ..... and ..... of ..... being a .....

desire to marry and sufficient cause has been shown to my why the preliminaries required by the Act should be dispensed with:

NOW, THEREFORE, in accordance with the Act, I do dispense with the giving of notice and issue the certificate thereby prescribed and do hereby authorise the Registrar of Marriages or recognised minister of faith to celebrate the marriage between the said —

and ..... at .....

within ninety days from the date hereof.

Such marriage may be celebrated between the hours of 8 O'clock in the morning and 5 O'clock in the afternoon.

Marriage

[Subsidiary]

Given under my hand on this ..... day of .....  
20 .....

Registrar of  
Marriages

REPUBLIC OF KENYA  
MARRIAGE ACT (Cap. 150)

FORM MH6

(r. 5(4))

LICENCE TO CONDUCT HINDU MARRIAGES

IN EXERCISE of the powers conferred on me by section 52 of the Marriage Act  
(Cap. 150) I hereby license the ministers of faith of the

.....  
Named in the Schedule hereto to celebrate marriages under the provisions of the  
Act.

Dated the .....  
20 .....

Registrar of  
Marriages

REPUBLIC OF KENYA  
MARRIAGE ACT (Cap. 150)

FORM MH7

(r.6(1))

MARRIAGE CERTIFICATE

Serial No.

Marriage solemnised at .....in .....

sub-county ..... county in the Republic of Kenya.

Date of marriage

Marriage Entry No.

Bridegroom's Name

Age.

Marital status.

Residence at time of  
marriage

County.

Sub-county.

Occupation.

Parents Names

Father's name.

Mother's name.

Occupation.

Occupation

Residence.

Residence.

Bride's Name

Age.

Marital status.

Residence at time of  
marriage

County.

Sub-county.

Occupation.

Parents Names

Father's name.

Mother's name.

Occupation.

Occupation

Residence.

Residence.

Marriage

[Subsidiary]

Married in the:.....By Registrar's Certificate  
 No.....  
 Special License by .....

This marriage was solemnized between { Bride..... } in the presence of { ..... }  
 { Groom..... }

REPUBLIC OF KENYA  
 MARRIAGE ACT (Cap. 150)  
**FORM MH8**  
 REGISTER OF MARRIAGE

(r. 7(2))

Serial No.

Marriage solemnised at .....in.....  
 sub-county .....county in the Republic of Kenya.

Date of marriage:                      Entry No:  
 Groom's Name:                      Age:                                      Marital status:  
 Residence at time of                      County:                                      Sub-county:  
 marriage  
 Occupation:  
 Father's name:                      Mother's name:  
 Groom's father's                      Groom's mother's occupation:  
 occupation:  
 Bride's Name                      Age.                                      Marital status.  
 Residence at time of                      County.                                      Sub-county.  
 marriage  
 Bride's father's                      Bride's mother's occupation:  
 occupation:

Married in the:.....By Registrar's Certificate                      No.....  
 Special License by.....

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

Entered this .....day of ..... 20 ..... at the County  
 Registry of Marriage at .....

Marriage

[Subsidiary]

REPUBLIC OF KENYA  
MARRIAGE ACT (Cap. 150)  
**FORM MH9**

(r. 8(1))  
Search Fee: Ksh.  
500

APPLICATION FOR CERTIFIED COPY OF CERTIFICATE OF MARRIAGE OR REGISTER

General Search Form

(Please complete this Form in BLOCK LETTERS)

APPLICATION      1. Certified copy of certificate of marriage  
(Tick as            marriage  
*appropriate*)      2. Certified copy of certificate of marriage  
                                 marriage

DETAILS OF            Name  
APPLICANT.        Phone No.  
                                 Address.

Full Name of  
Husband  
Full Name of Bride  
Date of Marriage  
Place of Marriage

OFFICIATED BY  
(Registrar or  
Minister of Faith)  
Name and Address  
of Registry Office/  
Place of Worship  
Entry Number  
of Certificate or  
Register  
Other Particulars  
Which Would Help  
to trace the Entry.  
Comments.

REPUBLIC OF KENYA  
MARRIAGE ACT, (Cap. 150)

(r. 8(2))  
Search Fee: Ksh.  
600

**FORM MH10**  
CERTIFIED COPY OF CERTIFICATE OF MARRIAGE

Serial No.

Marriage solemnised at .....in.....

Marriage

[Subsidiary]

sub-county .....county in the Republic of Kenya.

Date of marriage:                      Entry No:  
 Groom's Name:                        Age:                                      Marital status:  
 Residence at time of                County:                                Sub-county:  
 marriage  
 Occupation:  
 Husband's father's name: Occupation:                                Residence:  
 Husband's mother's name: Occupation:                                Residence:  
 Wife's name:                            Age:                                      Marital status:  
 Occupation:  
 Wife's father's name:                Occupation:                            Residence:  
 Wife's mother's name:                Occupation:                            Residence:

Married in the:.....By Registrar's Certificate	No.....
Special License by.....	
This marriage was solemnized between { ..... }	in the presence of { ..... }

Certified to be a true copy of the certificate of marriage.

Given under the seal of the Registrar on the ..... day of ..... 20 .....

NOTES - Any person who (a) falsifies any of the particulars of the certificate, or (b) uses a falsified certificate as true copy knowing it to be false, is liable to prosecution.

Typed by: .....

Checked by: .....

REPUBLIC OF KENYA  
 MARRIAGE ACT (Cap. 150)  
**FORM MH11**  
 CERTIFIED COPY OF REGISTER OF MARRIAGE  
 CERTIFIED COPY OF CERTIFICATE OF MARRIAGE

(r. 8(3))

Serial No.

Marriage solemnised at .....in.....

sub-county .....county in the Republic of Kenya.

Date of marriage:                      Marriage register entry no:  
 Husband's Name:                        Age:                                      Marital status:  
 Residence at time of                County:                                Sub-county:  
 marriage  
 Occupation:

Marriage

[Subsidiary]

Husband's father's name: Occupation: Residence:  
 Husband's mother's name: Occupation: Residence:  
 Wife's name: Age: Marital status:  
 Occupation:  
 Wife's father's name: Occupation: Residence:  
 Wife's mother's name: Occupation: Residence:

Married in the.....By Registrar's Certificate No.....

Special License by.....

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

Certified to be a true copy of the certificate of marriage.

Given under the seal of the Registrar on the ..... day of ..... 20 .....

NOTES - Any person who (a) falsifies any of the particulars of the certificate, or (b) uses a falsified certificate as true copy knowing it to be false, is liable to prosecution.

Typed by: .....

Checked by: .....

REPUBLIC OF KENYA

MARRIAGE ACT (Cap. 150)

FORM MH12

(r. 9(2))

APPLICATION FORM FOR THE REGISTRATION OF AN EXISTING HINDU MARRIAGE UNDER SECTION 96(2) OF THE MARRIAGES ACT (Cap. 150)

1. Name (Husband) .....  
Age/Date of Birth .....
2. Name Wife .....  
Age/Date of Birth .....
3. Place of Residence, (If Any) (Husband) .....
4. Place of Residence, (If Any) (Wife) .....
5. A Hindu Marriage was solemnized between (Name of the Husband) ..... and (Wife) ..... on ..... at .....  
(date) ..... (place) .....
6. According to the Hindu faith and rites and we declare that we have been living together as husband and wife ever since the date noted above.
7. We hereby declare that—
  - (a) Neither of us had a spouse living at the time of Marriage.
  - (b) Both of us had completed the age of Eighteen Years at the time of marriage and the consent of our guardians had been obtained for the marriage.
  - (c) There was no impediment caused by the relationship, consanguinity or affinity and we did not know of no other legal impediment to our marriage.



Marriage

[Subsidiary]

8. Marital status at the time of marriage of the parties.

Husband .....  
Wife .....

We also declare that the above particulars are true to the best of our knowledge and belief.

Signature .....  
(Husband)

Signature .....  
(Wife)

Station .....

Dated .....

SECOND SCHEDULE

[r. 10]

FEES

<i>Item</i>		<i>KSh.</i>
1.	Notice of marriage	600
2.	Issuance of marriage certificate	500
3.	Issuance of a certified copy of marriage certificate	600
4.	Commissioning of affidavit	200
5.	Search of marriage certificate	500
6.	Issuance of Registrar's certificate	600
7.	Amendment of marriage record	200
8.	Licensing of minister of faith	2,000
9.	Special licence	7,000
10.	Registration of marriages contracted under the Hindu Marriage and Divorce Act ( Repealed)	3,900



**THE MARRIAGE (MUSLIM MARRIAGE) RULES**

ARRANGEMENT OF RULES

*Rule*

1. Citation
2. Application
3. Interpretation
4. Registration of Muslim marriage
5. Muslim Marriage Committee
6. Functions of the Muslim Marriage Committee
7. *Gazettement* of Muslim marriage officers
8. Issuance of marriage Certificate books
9. Form of marriage certificate
10. Marriage Register
11. Certificate copy of entry in marriage register
12. Absence of *mahr* not to affect marriage
13. Reference to and action by Court
14. Verification of particulars of persons intending to marry
15. Validity or invalidity of Muslim marriages
16. Determination of the status, mutual rights and obligations of the parties
17. Registration of marriages contracted by a Kenyan citizen abroad
18. Marriages performed under Cap 156 (Repealed)
19. Fees

SCHEDULES

FIRST SCHEDULE —

FORMS

SECOND SCHEDULE —

FEES



**THE MARRIAGE (MUSLIM MARRIAGE) RULES**

[Legal Notice 288 of 2017]

**1. Citation**

These Rules may be cited as the Marriage (Muslim Marriage) Rules.

**2. Application**

These Rules shall apply only to Muslim marriages where both parties profess the Islamic faith and submit to these Rules:

Provided that marriages conducted by members from any of the respective Muslim schools of jurisprudence in these Rules are accepted to many a *kitabiyah*.

**3. Interpretation**

In these Rules, unless the context otherwise requires—

"Act" refers to the Marriage Act (Cap. 150);

"Constitution" means the Constitution of Kenya;

"Committee" means Muslim Marriage Committee established under rule 5 of these Rules;

"Court" means the Kadhis court established under Article 169(1) of the Constitution;

"*kitabiyah*" means a Christian or Jewish woman;

"*mahr*" means a sum of money or other property given or agreed to be given to, or a right conferred upon the wife by the husband in consideration of marriage or a token of appreciation;

"*mahr al mithi*" means equivalent *mahr* paid to the bride's agemate during their own marriages;

"Muslim marriage officer" means a *Sheikh, Mufti or Imam* authorised by the Registrar to officiate over a muslim marriage;

"Muslim schools of jurisprudence" means Muslims from the Sunni, *Shia Ithna Ashen, Shia Imami Ismaili* and *Daudi Bohra* Community (*Fatimi Dawat*);

"Muslim marriage" means a contract between a Muslim man and a woman who is lawfully eligible to be his wife and which is conducted in accordance with Islamic law;

"Registrar" means the Registrar appointed under section 50 of the Act;

"reverttee" means a person who has converted to Islam;

"*waliyy*" means a person recognised by any of the Muslim schools of jurisprudence as a guardian of the bride for purposes of contracting a Muslim marriage;

"*wakil*" means a person recognised by any of the Muslim schools of jurisprudence as a proxy of either of the parties to a marriage for purposes of contracting a Muslim marriage.

**4. Registration of Muslim marriage**

(1) The parties to a Muslim marriage shall after the marriage is conducted, make an application for registration of their marriage to a Muslim marriage officer or a Kadhi.

(2) The application under subrule (1) shall be in Form MM1 set out in the First Schedule.

**5. Muslim Marriage Committee**

For the purpose of these Rules, there shall be a Committee to be known as the Muslim Marriage Committee, which shall consist of—

- (a) the Chief Kadhi, who shall be the Chairman of the Committee; and

*Marriage*

[Subsidiary]

- (b) one representatives from each of the following—
  - (i) the Supreme Council of Kenya Muslims;
  - (ii) the Federation of the *Khoja Shia Ithna Asheri Jamaat* of Africa;
  - (iii) His Highness Prince Aga khan *Shia Imami Ismaili* Council of Kenya; and
  - (iv) the *Daudi Bohra* Community (*Falimi Dawat*); and
- (c) an eminent Muslim scholar nominated by the Chief Kadhi.

**6. Functions of the Muslim Marriage Committee**

The function of the Committee shall be to—

- (a) recommend suitable persons to the Registrar for appointment as Muslim marriage officers for purposes of these Rules; and
- (b) advise the Registrar on all such matters relating to or connected with the administration of these Rules referred to it by the Registrar.

**7. Gazettement of Muslim marriage officers**

(1) The Registrar shall issue a licence to conduct marriages to a Muslim marriage officer upon recommendation by the Committee.

(2) A licence granted under subrule (1) shall be in Form MM2 set out in the First Schedule and shall be issued upon payment of the fee specified in the Second Schedule.

(3) The Committee may at any time make a recommendation to the Registrar for the cancellation and recall of a licence to conduct marriages issued under this rule.

(4) Before making a recommendation under subrule (3) the committee shall furnish the concerned marriage officer with reasons for its recommendation and afford him an opportunity to be heard.

(5) A person aggrieved by the decision of the committee under subrule (4) may appeal to the Registrar within fourteen days of notification of the decision.

**8. Issuance of marriage Certificate books**

The Registrar shall upon application by a Muslim marriage officer issue marriage certificate books necessary for officiating and registration of Muslim marriages upon payment of the fee specified in the Second Schedule.

**9. Form of marriage certificate**

The marriage certificate to be issued in respect of a Muslim marriage shall be in Form MM3 set out in the First Schedule.

**10. Marriage Register**

(1) The Registrar shall establish and maintain a register of Muslim marriages into which shall be entered the details of the marriages in respect of which certificates are issued under these Rules.

(2) The register referred to in subrule (1) shall be in Form MM4 set out in the First Schedule.

(3) Every Muslim marriage officer shall, within two weeks of officiating a marriage, send a copy of the Certificate of marriage to the Registrar.

(4) The Registrar shall, within two weeks upon receipt of the Marriage certificate from the Muslim Marriage Officer, make an entry in the marriage register.

**11. Certificate copy of entry in marriage register**

(1) An application for a certified copy of a marriage certificate and a certified copy of the entry in the marriage register shall be made to the Registrar and shall be in Form MM5 set out in the First Schedule.

(2) A certified copy of an entry in the marriage register shall be in Form MM6 set out in the First Schedule.

### 12. Absence of *mahr* not to affect marriage

(1) A marriage registered under these Rules shall not be invalid by reason only that—

- (a) no *mahr* has been agreed upon; or
- (b) there is uncertainty or ambiguity relating to *mahr*.

(2) In cases contemplated under subrule (1)(a) or (b), the wife shall be entitled to equal *mahr al mithi*.

### 13. Reference to and action by Court

Where—

- (a) a marriage involves a woman who has no *waliyy* in a situation where a *waliyy* is required under her respective Muslim school of jurisprudence; or
- (b) the consent to marriage by the *waliyy* of the woman to the intended marriage is denied,

the Muslim marriage officer shall refer the matter to the Court nearest to the place where the woman resides and the Court shall issue the appropriate directions.

### 14. Verification of particulars of persons intending to marry

(1) Upon a request to officiate a marriage, the marriage officer shall confirm the following particulars in respect of parties intending to register their marriage—

- (a) the age of the bride and bridegroom;
- (b) the consent of the bride and bridegroom;
- (c) the consent of the *waliyy* of the bride, provided that such consent shall not override the consent of the bride and bridegroom;
- (d) the consent of the bride or groom as the case may be, in writing in case of marriage through a *wakil*;
- (e) the identity of the parties and the *waliyy*; and
- (f) certificate and affidavit of confession where the bride or bridegroom are revertees.

(2) At least one of the parties to the marriage shall be present at the wedding.

### 15. Validity or invalidity of Muslim marriages

Nothing contained in these Rules shall be construed to render valid or invalid, by reason only of registration or non-registration, any Muslim marriage which is otherwise invalid or valid, as the case may be, according to the law governing the respective Muslim school of jurisprudence to which parties to such marriage belong.

### 16. Determination of the status, mutual rights and obligations of the parties

In all matters relating to any Muslim marriage, the status and the mutual rights and obligations of the parties shall be determined according to the law governing the respective Muslim school of jurisprudence to which the parties belong.

### 17. Registration of marriages contracted by a Kenyan citizen abroad

Where a Kenyan citizen has contracted a valid Muslim marriage outside Kenya, not being a marriage registered under section 57 of the Act, the person shall upon return to Kenya appear before the nearest Court to have the marriage registered under these Rules.

### 18. Marriages performed under Cap 156 (Repealed)

All Muslim marriages registered under the Mohammedan Marriages and Divorce Registration Act (Repealed) shall be deemed to be registered under these Rules.

## Marriage

[Subsidiary]

**19. Fees**

The fees payable under these Rules shall be as set out in the Second Schedule.

## FIRST SCHEDULE

## FORMS

**FORM MM1**

(r. 4(2))



REPUBLIC OF KENYA  
MARRIAGE ACT (Cap. 150)  
APPLICATION FOR REGISTRATION OF MUSLIM MARRIAGE

## طلب لتسجيل الزواج الإسلامي

Date: .....التاريخ

I, .....of P.O.Box .....

apply for registration of marriage and to be issued with a Muslim marriage certificate. إن  
أطلب إصدار شهادة الزواج الإسلامي

Name of Husband .....إسم الزوج

Nationality .....الجنسية

ID. No./ Passport .....رقم البطاقة الشخصية / الجواز

Email address .....البريد الإلكتروني

Phone No .....رقم الهاتف

Name of Wife .....إسم الزوجة

Nationality .....سيتهاجن

Wife waliy's Name .....إسم وليّ الزوجة

Relationship of Waliyy with the wife .....قربة الوليّ بالزوجة

County and place where marriage was officiated .....المحافظة ومكان انعقاد الزواج

Mahr agreed .....مهر المتفق عليه

Mahr given .....المهر المبذول

Date of marriage .....التاريخ الزواج Hijri .....

Witnesses: أسماء الشهود

1. Name .....I.D No .....

2. Name .....I.D No .....



Marriage

[Subsidiary]

Name of Muslim Marriage Officer who officiated the marriage .. اسم المأذون الشرعي الذي عقد النكاح

Oath

I, .....and ..... take oath that the averments herein are true and correct to the best of knowledge and that the marriage was conducted and fulfilled all requirements of marriage under Islamic Sharia.

هوق أعوذ أنده نشهد بأن العبيانات أعلاه صحيحة وأنه تم عقد النكاح طبقا لجميع نحن ال أركان النكاح بحسب الشرعيعة الإسلاميه.

Husband متوق الزوج Wife متوق الزوج

Signature .....Signature: .....

FOR OFFICIAL USE ONLY

The application is granted/ not granted [ Reasons]

Name of Muslim Marriage Officer .....

Signature .....

Date .....

FORM MM2

(r. 7(2))



REPUBLIC OF KENYA

MARRIAGE ACT (Cap. 150)

LICENCE TO CONDUCT MARRIAGES

IN EXERCISE of the powers conferred on me by section 52 of the Marriage Act (Cap. 150), 1 hereby license the Muslim Marriage Officer named in the Schedule hereto to celebrate marriages under the provisions of these Rules and the Act.

SCHEDULE

Name of marriage officer .....

Dated the ..... 20.....

Registrar of Marriages

FORM MM3

(r. 9)



Serial No.

REPUBLIC OF KENYA

MARRIAGE ACT, (Cap. 150)

MUSLIM MARRIAGE CERTIFICATE

## Marriage

[Subsidiary]

## شهادة الزواج الإسلامي

Marriage Entry No.			رقم التسجيل
Date of Marriage			تاريخ الزواج
Husband's Name			إسم الزوج
Age			عمر الزوج
Marital Status			الحالة الزوجية للزوج
Occupation			وظيفة الزوج
Residence <b>محل إقامة الزوج</b>	County <b>الاقليم</b>	Sub-County <b>المحافظة</b>	
Wife's Name			إسم الزوجة
Age			عمر الزوجة
Marital Status			الحالة الزوجية للزوجة
Occupation			وظيفة الزوجة
Residence <b>وظيفة الزوجة</b>	County <b>الاقليم</b>	Sub-County <b>المحافظة</b>	
Wife's Waliyy and relationship			إسم ولي الزوجة والقرابة
Agreed Mahr			المهر المتفق عليه
Paid Mahr and Deferred Mahr			المهر المسلم والمهر المؤجل
Particulars of gifts			تفاصيل الهدايا
Place of Marriage			المكان الذي عقد فيه الزواج
County of Marriage			مكان عقد الزواج
Husband's Signature or His Attorney			توقيع الزوج أو وكيله
Wife / Guardian's Signature			توقيع الزوجة أو وليها
Name of 1 <sup>st</sup> Witness,			إسم الشاهد الأول ورقم

Marriage

[Subsidiary]

Identity Card No. and Signature		بطاقتہ الشخصیة وتوقيعه
Name of 2nd Witness, Identity Card No. and Signature		إسم الشاهد الثاني ورقم بطاقتہ الشخصیة وتوقيعه
Name and signature of Muslim Marriage Officer		إسم المأذون الشرعی الذي عقود النكاح
Date of Issuance		تاریخ إصدار عقود النكاح

FORM MM4

(r. 10(2))



Serial No.

REPUBLIC OF KENYA  
THE MARRIAGE ACT

(Cap. 150)

REGISTER OF MUSLIM MARRIAGE

Marriage Certificate issued at ..... in ..... sub-county, ..... county in the Republic of Kenya.

Date of Marriage Ceremony: Serial No. of the Marriage Certificate:

Date of Issuance of Marriage Certificate:

Husband's name: Age: Marital Status:

Occupation:

Residence at time of marriage: County: Sub-county:

Wife's name: Age: Marital Status:

Occupation:

Residence at time of marriage: County: Sub-county:

Certificate Issued to ..... By ..... (in the presence of) .....

.....

Entered this ..... day of .....

20 ..... at ..... the County

Registry of Marriage at .....

REGISTRAR

FORM MM5

(r. 11(1))



REPUBLIC OF KENYA  
THE MARRIAGE ACT

Marriage

[Subsidiary]

(Cap. 150)

APPLICATION FOR CERTIFIED COPY OF REGISTER OF MUSLIM MARRIAGE

General Search Form

(Please complete this Form in BLOCK LETTERS)

Details of Applicant Name
Phone No.
Address.

Full Name of Husband

Full Name of Wife

Date of Issuance of Marriage Certificate

Place of Issuance of Marriage

Certificate

Officiated By:

(Kadhi or Muslim Marriage Officer)

Name and Address of Registry

Office/Place of Issuance Of Marriage

Certificate

Entry Number of Certificate or Register

Other Particulars which would help to trace the Entry:

COMMENTS.

FORM MM6

(r. 11(2))



REPUBLIC OF KENYA

THE MARRIAGE ACT

(Cap. 150)

CERTIFIED COPY OF REGISTER OF MUSLIM MARRIAGE

Marriage Certificate issued at ..... in ..... sub-county, ..... county in the Republic of Kenya.

Date of Marriage Ceremony: Serial No. of the Marriage Certificate:

Date of Issuance of Marriage Certificate: Age: Marital Status:

Occupation:

Residence at time of marriage: County: Sub-county:

Wife's name: Age: Marital Status:

Occupation:

Residence at time of marriage: County: Sub-county:

Certificate Issued to ..... By ..... (in the presence of) .....

Entered this ..... day of ..... 20 ..... at..... the County Registry of Marriage at .....

REGISTRAR

Certified to be a true copy of an entry of marriage in the Muslim Marriage Register.

Marriage

[Subsidiary]

Given under the seal of the Registrar on the .....day of .....  
20 .....

NOTES

Any person who (a) falsifies any of the particulars of the certificate, or (b) uses a falsified certificate as true copy knowing it to be false, is liable to prosecution.

Typed by .....

Checked by .....

SECOND SCHEDULE

FEES



REPUBLIC OF KENYA  
THE MARRIAGE ACT (Cap. 150)

	<i>Item</i>	<i>KSh</i>
1.	Application for marriage form	600
2.	Issuance of marriage certificate	500
3.	Issuance of a certified copy of register of marriage	600
4.	Search of marriage register	500
5.	Amendment of marriage record	200
6.	Issuance of a marriage license	2,000



**THE MARRIAGE (MATRIMONIAL PROCEEDINGS) RULES**

ARRANGEMENT OF RULES

*Rule*

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SCHEDULES

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**THE MARRIAGE (MATRIMONIAL PROCEEDINGS) RULES**

[Legal Notice 122 of 2020]

**1. Citation**

These Rules may be cited as the Marriage (Matrimonial Proceedings) Rules.

**2. Interpretation**

In these Rules, unless the context otherwise requires—

"court" has the meaning assigned to it under section 2 of the Act;

"defended cause" means a matrimonial cause in which a respondent has entered appearance and filed an answer;

"Kadhi's Court" means a subordinate court established pursuant to Article 170(3) of the Constitution;

"petitioner" means a party to a marriage who applies to the court for a separation, divorce, annulment of marriage or presumption of death of a spouse;

"respondent" means a party to a marriage who defends or otherwise responds to the petitioner's application for a separation, a divorce, an annulment of marriage or a presumption of death of a spouse, including a party who files a cross-petition;

"spouse" has the meaning assigned to it under section 2 of the Act; and

"undefended cause" means a matrimonial cause in which no answer has been filed and includes a matrimonial cause in which all the answers have been struck out.

**3. Objective**

(1) The objective of these Rules is to facilitate the just, expeditious, proportionate and affordable resolution of matrimonial disputes under the Act and any other written law.

(2) The Court shall, in the exercise of its powers under the Act or the interpretation of any of its provisions, seek to give effect to the spirit and principles of the Constitution and the objective of these Rules.

**PART II – COMMENCEMENT OF MATRIMONIAL PROCEEDINGS****4. Application for leave to present a petition**

(1) An application for leave to present a petition for separation of the parties or for the dissolution of a marriage contracted under Part IV of the Act before three years have elapsed since the celebration of the marriage shall be made by originating summons in Form MA15 set out in the First Schedule.

(2) The applicant shall file an affidavit in support of the Originating Summons under subrule (1) stating—

- (a) the grounds on which the application is made;
- (b) whether there has been any previous application under this rule; and
- (c) whether any effort has been made to reconcile the parties.

(3) The affidavit required under subrule (2) shall be accompanied by a copy of the intended petition.

(4) If the application for leave under this rule is allowed, the intended petition shall be deemed as duly filed on payment by the applicant of the fee set out in the Second Schedule, whereupon the proceedings shall commence in accordance with these Rules.

(5) An application for leave under this rule may be heard *ex-parte*.

*Marriage*

[Subsidiary]

(6) An application to live apart under section 14 of the Act shall be by way of a Miscellaneous Application inter parties and shall be accompanied by a form of consent and the agreement to live apart.

(7) Upon the expiry of the one year period from the date of the agreement to live apart, a party may petition the court to determine their status by way of Originating Summons in form MA16.

(8) A notice of objection to the Registrar or the person in charge of the place where notice of intended marriage has been posted under sections 19 and 27 of the Act shall be sufficient provided that the notice—

- (a) is in writing;
- (b) discloses the name of the person giving the notice of objection;
- (c) discloses the person's relationship with either of the parties to the intended marriage; and
- (d) discloses the reason for the objection to the intended marriage.

(9) A report of the process of determination of the objection under sections 20(3) and 28(3) of the Act shall be in form MA17 and shall disclose—

- (a) the details in subrule (8)(b) to (d) above;
- (b) a summary of the proceedings;
- (c) a copy of the regulations relied upon; and
- (d) the reasons for the decision of the person in charge of the public place where the marriage is to be celebrated

(10) An appeal under sections 20(4), 28(4) and 29(3) of the Act shall be by way Originating Summons.

## 5. Commencement of proceedings

Proceedings for—

- (a) separation of the parties;
- (b) dissolution of a marriage;
- (c) annulment of a marriage; or
- (d) presumption of death of a spouse,

shall be commenced by a petition to the court in Form MA18 set out in the First Schedule.

## 6. Form of Petition

(1) A petition under rule 5 shall state—

- (a) the date and place of the marriage;
- (b) the principal address at which the parties to the marriage have cohabited within or outside Kenya, as the case may be;
- (c) whether there are any living children of the marriage, and if so, the names and dates of birth or ages of such children;
- (d) whether there have been any previous proceedings with reference to the marriage by or on behalf of either of the parties thereto, and if so, the date and effect of any decree or order made in such proceedings, and whether there has been any resumption of cohabitation since the making thereof;
- (e) the alleged matrimonial offence, or other grounds on which the relief is sought, setting out with sufficient particularity in separate paragraphs the individual facts relied on, other than the evidence by which they are proved;
- (f) in the case of a petition for presumption of death and dissolution of the marriage, the last place of cohabitation of the parties and the circumstances in which the parties ceased to cohabit, the date when and the place where the respondent was last seen or heard of, and the steps which have been taken to trace the respondent;

*Marriage*

[Subsidiary]

- (g) in the case of a petition for restitution of conjugal rights, the date when and the circumstances in which the respondent withdrew from the society of the petitioner, the desire of the petitioner for restitution of conjugal rights and the willingness of the petitioner to render them to the respondent;
- (h) except in the case of a petition for restitution of conjugal rights, whether the petition is presented or prosecuted in collusion with the respondent or any of the co-respondents; and
- (i) the petitioner's prayer setting out particulars of the relief claimed, including any of the claims specified in section 84 of the Act.

(2) Unless the court otherwise directs, every petition shall be signed by the petitioner or, in the case of a minor or person of unsound mind, by next friend or guardian ad litem in accordance with the provisions of Order 32 of the Civil Procedure Rules (sub. leg.).

(3) Every petition shall be supported by an affidavit sworn by the petitioner—

- (a) verifying the facts of which the deponent has personal knowledge; and
- (b) deposing as to belief in the truth of the other facts alleged in the petition.

(4) The petition shall be accompanied by—

- (a) a duly authenticated copy of the Certificate of Marriage;
- (b) a list of witnesses (if any);
- (c) written witness statements (if any); and
- (d) duly authenticated copies of evidential documents (if any) to be relied on at the hearing of the petition:

Provided that the evidential documents specified in subrule (4) may be filed at any time before the Court certifies that the pleadings are in order in accordance with rule 17.

(5) In the absence of any written statement made by the petitioner pursuant to subrule (4)(c), the petition may be adopted as the petitioner's witness statement.

## **7. Application for ancillary relief**

(1) An application by any of the parties for ancillary relief under Part XII of the Act may be made by notice of motion at any stage in the proceedings.

(2) A petitioner who has not included in their petition a prayer for maintenance may make an application for maintenance at any time after filing the petition.

(3) A respondent may make an application for maintenance at any time after entering appearance.

(4) A petitioner or a respondent who has entered appearance to the petition may at any time apply for the variation or revocation of a subsisting order of maintenance made by the court.

(5) An application under subrule (4) shall be by notice of motion and shall—

- (a) state the nature of the variation sought; and
- (b) be supported by an affidavit sworn by the applicant stating the facts relied upon and the grounds on which the application is made, unless the supporting affidavit is dispensed with by order of the court.

(6) An application made under this rule shall be served on the respondent, and on such other persons as the court may direct, in accordance with the provisions of Order 5 of the Civil Procedure Rules (sub. leg.).

(7) A party who has entered appearance in any proceedings under the Act may file an affidavit in response, within fourteen days after service upon him or her of an application for ancillary relief in accordance with this rule.

(8) Unless otherwise provided in these Rules, an application for leave in respect of any action required to be taken in proceedings under the Act or these Rules, or for any other order or direction, shall be made by notice of motion supported by an affidavit.

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[Subsidiary]

## 8. Notice to appear

(1) Where a petition is filed, a notice to appear shall be served on the respondent in Form MA198 set out in the First Schedule requiring the respondent to appear within fourteen days or within such time as the court may direct.

(2) The notice to appear shall be accompanied by copies of—

- (a) the petition;
- (b) the application (if any) for ancillary relief; and
- (c) any interlocutory application filed with the petition.

### PART III – SERVICE OF PETITION AND OTHER COURT PROCESS

## 9. Service on the respondent

(1) Whenever it is reasonably practicable, service of the petition shall be made on the respondent in person.

(2) Where the respondent has appointed an agent with power to accept service on his or her behalf, and has notified the petitioner of that fact, service on the respondent's agent shall be sufficient for purpose of this Rule.

(3) Service may be made on an advocate who has instructions to accept service on behalf of the respondent and has entered an appearance.

(4) Service of the petition on the respondent in person shall be valid only if it is effected by a duly authorised process server.

## 10. Substituted service

(1) An application for substituted service shall be made in accordance with the provisions of Order 5 Rule 17 of the Civil Procedure Rules (sub. leg).

(2) Except as otherwise provided in these Rules, Order 5 of the Civil Procedure Rules (sub. leg), shall apply with necessary modifications to matters relating to issuance and service of summons.

## 11. Service out of Kenya

(1) Service out of Kenya of a petition or notice of a petition may be allowed by the court whenever it is shown to the satisfaction of the court that the respondent is not resident in Kenya, and that it is a proper case for service out of Kenya.

(2) An application for leave to serve a petition, notice of petition or other process relating to proceedings under the Act, shall be by way of notice of motion supported by an affidavit and shall state—

- (a) the place or country where the respondent ordinarily resides or may be found; and
- (b) the grounds on which the application is made.

(3) An order granting leave to effect service of the petition or notice of petition out of Kenya shall limit the time after such service within which the respondent is required to enter an appearance, having regard to the particular place or country at which the petition, notice or other process is served.

(4) Where leave is granted under this rule to serve out of Kenya, the petition, notice or other process to which the order relates shall be served in such manner as the court may direct.

## 12. Proof of service

Unless the court otherwise directs, a petition shall not proceed to hearing unless—

- (a) the respondent has entered an appearance; or
- (b) the petitioner has filed an affidavit in proof of service in Form MA20 set out in the First Schedule, sworn by the process server deposing to the fact that—
  - (i) the respondent was duly served in person;

- (ii) service was effected on the respondent's advocate or other authorised agent; or
- (iii) in the case of substituted service, such service was effected in accordance with the order of the court.

PART IV – ANSWER TO PETITION, CROSS-  
PETITION AND INTERLOCUTORY PROCEEDINGS

**13. Answer to petition, cross petition etc.**

(1) The respondent may, within fourteen days of entering an appearance, file an answer to the petition containing statements of the facts relied upon, other than a bare denial of the fact stated in the petition, and accompanied by an affidavit sworn by the respondent—

- (a) verifying the matters of which the deponent has personal knowledge; and
- (b) deposing as to belief in the truth of the other facts alleged in the answer to petition.

(2) The respondent's answer to the petition shall be accompanied by—

- (a) a list of witnesses (if any);
- (b) witness statements (if any); and
- (c) duly authenticated copies of evidential documents to be relied upon at the hearing of the petition:

Provided that the evidential documents specified in this subrule may be filed at any time before the Court certifies that the pleadings are in order in accordance with rule 17.

(3) In the absence of any written statement made by the respondent pursuant to subrule (2)(b), the respondent's answer to the petition may be adopted as the respondent's witness statement.

(4) The respondent's answer to the petition may be accompanied by a cross-petition in accordance with rule 6, with such modifications as may be necessary, accompanied by an affidavit sworn by the respondent—

- (a) verifying the facts of which the deponent has personal knowledge; and
- (b) deposing as to belief in the truth of the other facts alleged in the cross-petition.

(5) Where the respondent files a cross-petition—

- (a) the provisions of subrules (2) and (3) shall apply with necessary modifications; and
- (b) service of the cross-petition shall be effected either—
  - (i) on the petitioner in person if the petitioner is unrepresented; or
  - (ii) in the case where the petitioner is represented, on his or her advocate.

**14. Petitioner to file answer to cross-petition**

(1) A petitioner who is served with a cross-petition may file an answer to the cross petition within fourteen days from the date of service.

(2) Pleadings shall close on filing of an answer to a cross-petition or a petition.

**15. Leave to file pleadings etc. out of time**

(1) No party may file any pleading or other process out of time except with leave of the court on application for extension of time for that purpose, and on such terms as the court may think fit.

(2) An application for leave to file pleadings or other process out of time may be made orally at any stage in the proceedings.

**16. Amendment of pleadings**

(1) The petitioner may amend the petition and serve on the respondent the amended petition without leave at any time before the respondent has filed an answer to the petition.

[Subsidiary]

(2) Where the respondent has filed an answer to the petition, the petitioner may amend the petition or other pleading only with the leave of the court on such terms as the court may direct.

PART V – CERTIFICATE OF COMPLIANCE, HEARING, DECREES, ETC.

**17. Certificate of compliance**

(1) The petitioner or respondent may, within forty-five days after close of pleadings, move the court for directions in respect of the following matters—

- (a) the identity and representation of parties;
- (b) service of pleadings and other process;
- (c) certification of pleadings;
- (d) discovery and production of documents;
- (e) pending interlocutory applications;
- (f) mode of taking evidence;
- (g) place of hearing;
- (h) settlement of issues;
- (i) expert witnesses;
- (j) application for the use of alternative dispute resolution mechanisms;
- (k) pending applications relating to matrimonial property under section 17(2)(b) of the Matrimonial Property Act (Cap. 152);
- (l) settlement of issues relating to the children (if any) of the marriage; and
- (m) any other matter relevant to the proceedings.

(2) An application under this rule shall be by notice of motion.

(3) If no application is made for directions under sub rule (1) within ninety days after close of pleadings, the court may, on its own motion, list the matter for directions on a date and time notified to the parties.

(4) If on the date set for directions the court is satisfied that the pleadings are in order, the court shall issue a certificate of compliance in Form MA 21 set out in the First Schedule.

**18. Setting down the petition for hearing and dismissal for want of prosecution**

(1) Where a certificate of compliance is issued in accordance with rule 17(4), either party may set the petition down for hearing.

(2) If no application is made or step taken by either party for more than one year after the certificate of compliance has been issued, the court may, either on its own motion or on application by any party to the proceedings, issue a notice to show cause why the petition should not be dismissed.

(3) If at the hearing of the notice to show cause the court is satisfied that there is sufficient reason to justify the delay in prosecution of the petition, the court may make such orders as it thinks fit for expeditious determination of the petition.

(4) If the court is not satisfied that there is sufficient reason to justify the delay in the prosecution of the petition, the court shall dismiss the petition on such terms as the court may think just.

(5) In any other case, the court may dismiss the petition or cross-petition, or strike out any pleading, for non-compliance with any direction or order given in accordance with rule 17.

**19. Right of respondent to be heard without filing answer to petition**

Notwithstanding the failure to file an answer to a petition or cross-petition, a respondent who has entered an appearance may—

- (a) cross-examine witnesses on the evidence adduced in support of the petition; and

- (b) make oral or written submissions on questions of law, or costs.

## 20. Decree to issue on dissolution of marriage, etc.

(1) On dissolution of a marriage, a decree *nisi* shall issue in Form MA22 set out in the First Schedule signed by the Magistrate under the seal of the court on the written application by a party to the proceedings, and on payment of the fee set out in the Second Schedule.

(2) Unless the court otherwise directs, a decree absolute shall issue at the expiry of thirty days following the issue of the decree *nisi*, in Form MA23 set out in the First Schedule signed by the Magistrate under the seal of the court, on written application by any party to the proceedings, and on payment of the fee set out in the Second Schedule.

(3) The Magistrate shall, within thirty days from the date of the decree issued in accordance with subrule (2), deliver a certified copy of the decree absolute to the Registrar, who shall make an entry in the Register stating—

- (a) the particulars of the matrimonial proceedings in which the marriage to which the decree relates was dissolved;
- (b) the date on which the marriage was dissolved; and
- (c) the date on which the decree absolute was issued.

(4) A party to the proceedings may obtain a certified copy of a decree issued under this rule, or other orders of the court, on payment of the fee set out in the Second Schedule.

## PART VI – MISCELLANEOUS PROVISIONS

### 21. Dissolution of marriage under Islamic Law

Matrimonial proceedings for dissolution of a marriage celebrated under Islamic law shall be commenced by petition addressed to the Kadhi's Court in accordance with the Rules of Procedure and Practice in the Kadhi's Court.

### 22. Registration of foreign annulments and divorces

(1) Where a marriage celebrated in Kenya is annulled or dissolved by a decree of a foreign court, any party to the annulled or dissolved marriage shall apply to the Registrar in Form MA24 set out in the First Schedule to register the decree.

(2) The application under subrule (1) shall include the documents set out under section 61(3) of the Act.

### 23. Alternative Dispute Resolution

(1) Except in proceedings for dissolution of a marriage, the court may, with the consent of the parties at any stage in the proceedings, but before final judgment, refer any or all of the issues in dispute to an appropriate dispute resolution mechanism in accordance with the practice and procedure for the time being established to facilitate court-mandated mediation.

(2) Any mediated agreement reached between the parties in respect of all or any of the issues in dispute shall constitute part of the record in the proceedings and adopted as an order of the court.

(3) If the parties fail to reach an agreement on any of the issues referred to mediation under this rule, the court shall proceed to hear and determine such issues in accordance with these Rules.

### 24. Appeals

(1) A party who is dissatisfied with an order or decision of the court may appeal to the High Court within thirty days from the date of the order or decision complained of.

(2) An appeal lodged pursuant to subrule (1) shall not, unless the court otherwise orders on application by the appellant, act as a stay of such order or decision.

### 25. Petition by indigent persons

(1) An indigent person may present or defend a petition under these Rules in accordance with the provisions of Order 33 of the Civil Procedure Rules (sub. leg).

Marriage

[Subsidiary]

(2) Nothing in subrule (1) prevents an indigent person from securing legal aid under the Legal Aid Act to present or defend a petition under these Rules.

FIRST SCHEDULE

FORMS

FORM NO. MA15 (r. 4(1))
REPUBLIC OF KENYA
IN THE RESIDENT MAGISTRATES COURT OF KENYA AT.....
CAUSE NO..... OF.....
IN THE MATTER OF A PROPOSED PETITION FOR THE DISSOLUTION OF MARRIAGE BETWEEN

AND

ORIGINATING SUMMONS

LET..... of..... within fourteen days (14) after service of this summons, inclusive of the day of such service upon him/her cause an appearance to be entered to this summons, which is issued upon the application of..... for ORDERS:

1. That the applicant be at liberty to file a petition for the dissolution of his/her marriage with the said..... solemnized on the..... day of..... notwithstanding that the three years have not passed since the date of the said marriage;

WHICH APPLICATION is supported by the affidavit of..... and premised on the grounds provided in the attached affidavit and further grounds to be adduced at the hearing of this application.

Dated at..... this..... day..... 20.....

Signature

"If any party served does not appear at the time and place above-mentioned such order will be made and proceedings taken as the court may think just and expedient.

REPUBLIC OF KENYA
IN THE RESIDENT MAGISTRATES COURT OF KENYA AT.....
CAUSE NO..... OF.....
IN THE MATTER OF A PROPOSED PETITION FOR THE DISSOLUTION OF MARRIAGE BETWEEN

AND

SUPPORTING AFFIDAVIT

I,..... of Post Office Box Number..... and a resident of..... within the Republic of Kenya do hereby make oath and solemnly state as follows:

- 1. THAT I am an adult of sound mind and disposition, the Applicant herein hence competent to swear this Verifying Affidavit.
2. (State grounds that are relied on)
3. ....



Marriage

[Subsidiary]

4. ....  
 5. ....  
 6. THAT I make this Affidavit in support of my Application.  
 7. THAT what is deposed to herein is true to the best of my knowledge,  
 information and belief save for matters deposed to on information and belief  
 sources whereof have herein above been disclosed  
 SWORN at .....by the said }  
 ..... }  
 This..... day of..... 20..... }  
 Before me }  
 Commissioner of Oaths }

FORM NO. MA16 (r. 4(5))  
 REPUBLIC OF KENYA  
 IN THE RESIDENT MAGISTRATES COURT OF KENYA AT.....  
 CAUSE NO..... OF.....  
 IN THE MATTER OF A PROPOSED PETITION FOR THE DISSOLUTION OF  
 MARRIAGE  
 BETWEEN

AND

ORIGINATING SUMMONS

LET..... of..... within fourteen days (14) after service  
 of this summons, inclusive of the day of such service upon him/her cause an  
 appearance to be entered to this summons, which is issued upon the application  
 of.....for ORDERS:

1. That the applicant be at liberty to file a petition for the dissolution of his/her  
 marriage with the said..... solemnized on the..... day of.....  
 notwithstanding that the three years have not passed since the date of the said  
 marriage

WHICH APPLICATION is supported by the affidavit of..... and premised on  
 the grounds provided in the attached affidavit and further grounds to be adduced  
 at the hearing of this application.

Dated at..... this..... day.....  
 20.....

Signature

*"If any party served does not appear at the time and place above-mentioned  
 such order will be made and proceedings taken as the court may think just and  
 expedient."*

REPUBLIC OF KENYA  
 IN THE RESIDENT MAGISTRATES COURT OF KENYA AT.....  
 CAUSE NO..... OF.....  
 IN THE MATTER OF A PROPOSED PETITION FOR THE DISSOLUTION OF  
 MARRIAGE  
 BETWEEN

AND

Marriage

[Subsidiary]

SUPPORTING AFFIDAVIT

I.....of Post Office Box Number..... and a resident of.....within the Republic of Kenya do hereby make oath and solemnly state as follows:

1. THAT I am an adult of sound mind and disposition, the Applicant herein hence competent to swear this Verifying Affidavit.

(State grounds that are relied on)

2.....

3.....

4.....

5. THAT I make this Affidavit in support of my Application.

6. THAT what is deposed to herein is true to the best of my knowledge, information and belief save for matters deposed to on information and belief sources whereof have hereinabove been disclosed

SWORN at .....by the said }

.....

This..... day of..... 20..... }

Before me }

Commissioner of Oaths }

FORM NO. MA17

(r. 4(9))

REPUBLIC OF KENYA

IN THE {insert place of worship/Registrar of Marriages}

IN THE MATTER OF THE INTENDED MARRIAGE

BETWEEN

{insert the name of the party} and {insert the name of the party to the intended marriage}

AND

{insert name of the objector} as OBJECTOR

1. {insert the name of the Objector} being a {insert Relationship} to {insert party to the intended marriage} lodged a Notice of Objection on {insert date}

2. {insert name of the objector} objected to the intended marriage on the following grounds: - a. THAT.....b. THAT.....c. THAT.....

3. {Insert details of the proceedings in summary}

4. {insert details of regulations relied upon}

5. Having considered the matter and the Regulations, I find as follows

a. THAT.....b. THAT.....c. THAT.....

THAT..... for {insert reasons}

DATED at {insert place} on this .....day of..... 20.....

{SIGNATURE}

.....

{insert name}

{insert title}

FORM NO. MA18

(r. 5)

REPUBLIC OF KENYA

IN THE RESIDENT MAGISTRATE'S /KADHI'S COURT OF KENYA

AT.....

CAUSE NO..... OF 20.....

Marriage

[Subsidiary]

\_\_\_\_\_ (name of party filing) PETITIONER

VERSUS

\_\_\_\_\_ RESPONDENT

PETITION FOR.....

TO: THE..... MAGISTRATE

AT.....

THE HUMBLE PETITION of ..... (insert petitioner's full name) care

of .....

(insert address for service), in the Republic of Kenya SHOWS as follows;

1. That the Petitioner is an adult working and residing in .....County.

2. That the Petitioner and the Respondent celebrated and solemnized their marriage at .....(2) in at..... (3) in.....(4) on..... day of.....20 through a .....(5) Marriage.

3. That the parties were issued a certificate of marriage. (Annexed herewith and marked as .....is a CERTIFIED copy of the marriage certificate)

4. That the couple had children during their marriage Namely; (6)

a.....

b.....

c.....

5. After the celebration of the marriage, the Petitioner and Respondent lived together

in .....

(insert grounds relied on for the divorce in separate paragraphs, their particulars and attach any supporting documents)

6. ....

7. ....

8. ....

9. ....

10. That there .....(7) been proceedings between the parties hereby with reference to the marriage in this court or any court elsewhere either by or on behalf of the Petitioner or the Respondent.

11. (if there have been other proceedings, provide details)

12. That this cause of action arose within the jurisdiction of this Honorable Court..

REASONS WHEREFORE the Petitioner prays for orders;

a. That the marriage between the Petitioner and the Respondent

be .....(8)

b. That the .....(9) pay the costs of this Petition.

c. Such other orders that this court may deem fit and just to grant in the circumstances

DATED at.....this ..... day of..... 20.....  
..... (insert petitioner's name)

(sign)

PETITIONER

DRAWN & FILED BY

.....

.....

.....

TO BE SERVED UPON

..... (insert respondent's name and address)

Marriage

[Subsidiary]

.....  
.....

\*Notes---

- 1. Dissolution or Nullification (whichever is applicable)
- 2. Place where marriage was solemnized
- 3. County where marriage was solemnized
- 4. Country where marriage was solemnized
- 5. Christian, Civil, Customary, Islamic, Hindu (whichever is applicable)
- 6. Insert names of any children, their dates of birth and age at time of filing
- 7. have, have not (whichever is applicable)
- 8. dissolved, nullified (whichever is applicable)
- 9. petitioner, respondent

REPUBLIC OF KENYA

IN THE RESIDENT MAGISTRATE'S /KADHI'S COURT OF KENYA

AT.....

CAUSE NO..... OF 20.....

..... (name of party filing) PETITIONER

VERSUS

..... RESPONDENT

VERIFYING AFFIDAVIT

I,..... a resident of.....and of Post Office Box  
Number....., do hereby make oath and state as follows:-

8. THAT I am an adult of sound mind and disposition, the petitioner herein hence  
competent to swear this Verifying Affidavit.

9. THAT I have read the contents of the Petition herein and I confirm and verify  
the facts to be correct.

10. THAT what is deponed to herein is true to the best of my knowledge,  
information and belief.

Dated this ..... day of ..... 20 .....

SWORN at.....by the said ]

]

..... ]

This ..... day of..... ]

20.....

]

Before me ]

Commissioner of Oaths ]

FORM NO. MA19

..... (r. 8(1))

REPUBLIC OF KENYA

IN THE RESIDENT MAGISTRATE'S /KADHI'S COURT OF KENYA

AT.....

CAUSE NO..... OF 20.....

..... (insert name of filing party)

PETITIONER

VERSUS

..... (name of party entering appearance)

RESPONDENT

NOTICE TO APPEAR TO BE ENDORSED ON A PETITION

In the Resident Magistrate's Court of Kenya at.....

To..... (respondent) of.....

Marriage

[Subsidiary]

TAKE NOTICE that you are required, within..... days (1) after service hereof upon you, inclusive of the day of such service, to enter an appearance either in person or by your advocate at the court registry at ....., should you think fit so to do, and thereafter to make answer to this petition (2) and that, in default of your so doing, the Court will proceed to hear the petition(2) and pronounce judgment, your absence notwithstanding.

The Petition (3) is filed and this notice is issued by (4)

Dated at the..... day of....., 20.....

Registrar

Note.— Any person entering an appearance must at the same time furnish an address for service.

- 1. or as the case may be.
2. or answer.
3. or answer.
4. state name and address of petitioner or advocate.

FORM NO. MA20 (r. 12)
REPUBLIC OF KENYA
IN THE RESIDENT MAGISTRATE'S /KADHI'S COURT OF KENYA
AT.....
CAUSE NO..... OF 20.....

PETITIONER
VERSUS

RESPONDENT
AFFIDAVIT OF SERVICE

I, ..... Office Box Number..... in the Republic of Kenya do hereby make oath and solemnly state as follows:—

- 1. THAT I am (1)..... of the High Court of Kenya hence competent to swear this affidavit. (Attach copy of practicing certificate or process server license)
2. THAT on the..... day of..... 20..... I received a certified copy of the (2) dated..... day of..... 20..... from..... (3) with instructions to serve the same upon..... (4)
3. THAT I served the certified copy of the..... (2) on the..... day of..... 20..... by delivering to the said..... (4) personally and requiring his/her signature of acknowledgement of service
4. (Indicate means of knowledge of identity of the person served)
5. THAT what I have deposed to herein is true of my own knowledge save for facts deposed to on information and belief source of which have been duly disclosed herein.

SWORN at.....by the said ]
..... ]
..... ] DEPONENT

Marriage

[Subsidiary]

This ..... day ]
of ..... 20 .....

BEFORE ME: ]
A COMMISSIONER FOR OATHS ]

Notes---Delete whichever is not applicable

- 1. advocate or licensed process server
2. summons, petition, notice
3. court, advocates, petitioner, applicant
4. insert name of receiving party

FORM NO. MA21 (r. 17(4))
REPUBLIC OF KENYA
IN THE RESIDENT MAGISTRATE'S COURT OF KENYA AT.....
CAUSE NO..... OF .....
(name of party filing)

PETITIONER
VERSUS

RESPONDENT

COURT'S CERTIFICATE

IT IS HEREBY CERTIFIED that the pleadings in this cause are in order and that the matter is ready for hearing.

IT IS FURTHER DIRECTED that the matter shall be heard at..... on the..... day of..... 20.....

Dated this..... day of..... 20.....

REGISTRAR

FORM NO. MA22 (r. 20(1))
REPUBLIC OF KENYA
IN THE RESIDENT MAGISTRATE'S / /KADHI'S COURT OF KENYA
AT.....
CAUSE NO..... OF .....
(name of party filing)

PETITIONER
VERSUS

RESPONDENT

DECREE OF..... (1)

IT IS HEREBY ORDERED AND DECREED;

1. THAT the marriage between the Petitioner and the Respondent be and is HEREBY..... (2) on the grounds of....., final upon entry of this decree.

2. That the Settlement Agreement dated ..... day of ..... 20 ..... entered into by and between the parties is incorporated herein by reference and shall have the same force as if stated herein in full. (3)

Dated this..... day of....., 20.....

MAGISTRATE

Marriage

[Subsidiary]

- \*Notes---1. Dissolution of Marriage, Annulment of Marriage (whichever is applicable)
- 2. Dissolved, Annulled (whichever is applicable)
- 3. If applicable

FORM NO. MA23 \_\_\_\_\_ (r. 20(2))  
 REPUBLIC OF KENYA  
 IN THE RESIDENT MAGISTRATE'S / /KADHI'S COURT OF KENYA  
 AT.....  
 CAUSE NO..... OF .....  
 \_\_\_\_\_ (name of party filing)

PETITIONER  
VERSUS

RESPONDENT  
DECREE ABSOLUTE.....

IT IS HEREBY ORDERED AND DECREED;  
 THAT the marriage between the Petitioner and the Respondent being a  
 Christian/Civil/Customary marriage [*insert whichever is applicable*] be and is  
 HEREBY..... on the grounds of....., final upon  
 entry of this decree.  
 Dated this..... day of....., 20.....

\_\_\_\_\_  
MAGISTRATE

FORM NO. MA24 \_\_\_\_\_ (r. 22(1))  
 REPUBLIC OF KENYA  
 IN THE HIGH COURT OF KENYA AT.....  
 CAUSE NO..... OF .....  
 IN THE MATTER OF REGISTRATION OF A FOREIGN ANNULMENT/  
 DISSOLUTION OF MARRIAGE (Delete as appropriate)  
 BETWEEN

\_\_\_\_\_  
AND

NOTICE BY HIGH COURT REGISTRY OF APPLICATION FOR REGISTRATION  
 OF A FOREIGN ANNULMENT/DISSOLUTION OF MARRIAGE  
 LET ALL PERSONS CONCERNED TAKE NOTICE THAT a petition for  
 the registration of a foreign annulment/dissolution of marriage dated  
 the..... day of..... 20..... issued by the..... court  
 in..... (state country) has been made to this court. The annulment/  
 dissolution of marriage is in regard to the marriage between.....  
 and..... solemnized on the..... day of.....  
 at..... in..... (state country where the marriage was  
 solemnized).  
 AND FURTHER TAKE NOTICE that objection to such registration is hereby  
 invited and may be lodged in the registry within.....days of publication of  
 this notice.  
 AND FURTHER TAKE NOTICE that if no objection has been lodged in the  
 registry within the said time the court may proceed to effect registration as  
 prayed and to make such orders as it thinks fit.

Marriage

[Subsidiary]

Dated the .....Day of ..... 20 .....

.....  
Registrar.

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SECOND SCHEDULE

FEES

Item	KSh
Filing of petition	2,000
Application for Decree <i>Nisi</i>	1,500
Application for Decree Absolute	1,500
Certified Copy of Decree	1,500
Motions	1,500
(a) Filing fee	1,000
(b) Fee on the order	

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