

CHAPTER 29. No. 4.

MUSLIM MARRIAGE AND DIVORCE
REGISTRATION.Ordinance
Ch. 29. No. 4—
1940.AN ORDINANCE RELATING TO THE REGISTRATION OF
MUSLIM MARRIAGES AND DIVORCES.Commence-
ment.

[1st July, 1936.]

Short title.

1. This Ordinance may be cited as the Muslim Marriage
and Divorce Registration Ordinance.

PART I.

GENERAL.

Definitions.

2. In this Ordinance—

“district” means a Muslim Marriage District con-
stituted under section 3;“Divorce Officer” means a person appointed to be a
Muslim Divorce Officer in accordance with section 5;“Marriage Officer” means a person appointed to
be a Muslim Marriage Officer in accordance with
section 5;“Registrar” means a Registrar of Muslim Marriages
appointed under section 4;“Registrar General” means the Registrar General
of Muslim Marriages and Divorces appointed under
section 4.Muslim
Marriage
districts.*3. The Governor may by proclamation divide the Colony
into Muslim Marriage districts for the purposes of this

* See R.G. 25.6.1936 for Muslim Marriage districts.

Ordinance and may from time to time by like proclamation alter such districts either by change of boundaries or by union or sub-division of districts or by the formation of new districts.

4. The Governor may from time to time appoint a fit and proper person to be the Registrar General of Muslim Marriages and Divorces for the Colony and a fit and proper person to be Registrar of Muslim Marriages for each district.

Appointment of Registrar General and Registrars.

5. The Governor in his discretion may from time to time appoint any fit and proper person, being a member of the Muslim community, to be a Marriage Officer or to be a Divorce Officer for the purposes of this Ordinance, and the Governor may, without assigning any reason for so doing, cancel any such appointment. Every such appointment or cancellation thereof shall take effect on the date of publication of a notice to that effect in the *Royal Gazette*.

Appointment of Muslim Marriage Officers.

6. It shall be lawful for any Officer appointed under the last preceding section to act as a Marriage Officer in any district.

Marriage Officers may act in any part of the Colony.

7. Every District Registrar shall keep affixed in a conspicuous place in his office a list containing the names and addresses of all Marriage Officers appointed under this Ordinance.

District Registrars to exhibit list of Marriage Officers.

PART II.

MARRIAGES.

8. The requisites of a valid Muslim marriage under this Ordinance are—

Requisites of marriage.

(a) that each of the parties belongs to and professes the Muslim faith or religion;

(b) that each of the parties shall, as regards age, mental capacity and otherwise, be capable of contracting marriage;

(c) that the parties shall not by reason of anything contained in the Islamic law relating to marriage be prohibited from marrying one another;

(d) that the parties, understanding the nature of the contract, shall freely consent to marry one another;

(e) that the marriage shall be effected by or before a person appointed as a Marriage Officer under the provisions of this Ordinance;

(f) that the marriage shall be registered in accordance with the provisions of this Ordinance.

Age limit
and consent.

9. The age at which a person, being a member of the Muslim Community, is capable of contracting marriage shall be sixteen in the case of males and twelve in the case of females:

Provided that in the case of an intended marriage between persons either of whom, being a male is under twenty-one years of age or being a female is under eighteen years of age (not being a widower or widow), the consent to such marriage, of the father if living, or if the father shall be dead of the guardian or guardians lawfully appointed or of one of them, and in case there be no such guardian then of the mother of such person so under age, and if there be no mother living then of such other person as may be appointed for the purpose by the Governor, shall be certified in writing by the Marriage Officer by or before whom the marriage is effected upon the certificate of such marriage to be issued in accordance with the provisions of this Ordinance.

Consent to
marriage in
certain
cases.

10. In case any person whose consent to a marriage is required in accordance with the preceding section is absent from the Colony or is unable or refuses to give such consent or is not of sound mind, it shall be lawful for the person desirous of contracting such marriage to apply to the Governor to appoint a person, being a member of the Muslim Community, to examine into the circumstances of such intended marriage, and if upon such examination by the person so appointed it shall appear to him that there are no reasonable objections to such intended marriage, he shall so formally declare in writing and such declaration shall for the purposes of this Ordinance be deemed equivalent to such consent as aforesaid.

11. If any persons shall intermarry otherwise than in accordance with the provisions of this Ordinance, or if the parties to any marriage are within the prohibited degrees of consanguinity or affinity according to the Islamic law relating to marriage, the marriage of such persons shall not be registered under the provisions of this Ordinance.

Marriages which may not be registered.

12. (1) Immediately after a Muslim marriage has been effected by or before a Marriage Officer, he shall enter in a book to be supplied by the Registrar General and kept by the Marriage Officer for that purpose (to be called the "Muslim Marriage Certificate Book") a certificate in the prescribed form of the said marriage, which shall be signed by such Marriage Officer and by the parties to the marriage and by two credible witnesses, and such Marriage Officer shall enter up in the counterfoil the prescribed particulars and sign the same.

Completion of marriage certificate and transmission to District Registrar and Registrar General.

(2) Every Marriage Officer shall, within seven days of a Muslim marriage being effected by or before him, transmit to the District Registrar the certificate referred to in the preceding subsection together with the prescribed fee.

(3) Upon receipt of the said certificate the District Registrar, if it appears to him that the requisites of a valid Muslim marriage have been complied with and that the consent of any person required by this Ordinance to consent to such marriage has been obtained, shall countersign the certificate so forwarded and transmit the same to the Registrar General for registration.

(4) Every Marriage Officer who, without reasonable cause or excuse, shall fail to transmit to the District Registrar any certificate in accordance with the provisions of this section together with the prescribed fee shall, on summary conviction, be liable for each offence to a fine of fifty dollars.

13. (1) Any Muslim marriage, which was entered into prior to the commencement of this Ordinance between Muslims domiciled in the Colony at the date of such marriage and which marriage is still subsisting and is valid according to the Islamic law relating to marriage, may be registered

Registration of marriages entered into prior to commencement of Ordinance.

under this Ordinance in accordance with the provisions hereinafter contained.

(2) The parties to such prior marriage shall attend together with a Marriage Officer before a District Registrar and such parties shall, in the presence of and before the District Registrar, make a declaration in the form prescribed which declaration shall be certified by the Marriage Officer in the manner prescribed.

(3) If it appears to the District Registrar that the requisites of a valid Muslim marriage were complied with at the date it was contracted and that such prior marriage is still subsisting he shall transmit the declaration to the Registrar General for registration.

Filing of certificate and registration of marriage by Registrar General.

14. (1) The Registrar General shall file in his office all certificates and declarations of Muslim marriages which shall be transmitted to him, and shall forthwith register in a book in the prescribed form to be kept in his office for such purpose and to be called the "Muslim Marriage Register Book" particulars of every certificate and declaration of a Muslim marriage which shall be filed in his office, and every entry so made shall be dated on the day on which it is so entered and shall be signed by the Registrar General, and such book shall be kept in such manner as is best suited for easy reference thereto.

(2) Upon such registration by the Registrar General, and upon payment of the prescribed fee, he shall issue and transmit to the parties to the marriage a certificate of registration of the marriage in the prescribed form, and in the case of a marriage effected after the commencement of this Ordinance he shall send a notification of the fact and date of registration to the Marriage Officer by or before whom the marriage was effected, who shall thereupon enter such particulars in the space provided for the purpose in the counterfoil of the Muslim Marriage Certificate Book.

Registration to legitimate children of marriage so registered.

15. The children of any Muslim marriage registered in accordance with the provisions of this Ordinance shall be legitimate, and in the case of the children of a prior marriage registered by virtue of section 13 the date of such legitimation shall be the date of registration of such prior marriage:

Provided that such legitimation in respect of each child of such prior marriage shall have effect as from the date of the birth of each such child:

Provided further that the provisions of this section shall not operate to alter the status of any child deemed legitimate by virtue of any other law.

16. The Legitimation Ordinance, save and except sections 3 and 10 thereof, shall apply, *mutatis mutandis*, to persons legitimated by reason of registration of marriage under the provisions of this Ordinance.

Application of Legitimation Ordinance.

PART III.

DIVORCES.

17. Part III. of this Ordinance shall apply to all divorces, dissolutions and annulments of marriages between Muslims (hereinafter referred to as "divorces") effected after the commencement of this Ordinance, and all such divorces, if effected by or before a Divorce Officer according to the Islamic law of divorce, dissolution and annulment of marriage and are registered in accordance with the provisions of this Part of this Ordinance, shall be deemed to be valid for all purposes as from the date of registration, notwithstanding that any Muslim marriage so dissolved or annulled may have been registered in accordance with any other law relating to the registration of marriages.

Application of Part III.

18. Immediately after the absolute dissolution or annulment of any Muslim marriage by or before a Divorce Officer, he shall enter in a book to be supplied by the Registrar General and kept by the Divorce Officer for that purpose (to be called the "Muslim Divorce Certificate Book"), a certificate in the prescribed form of the dissolution or annulment of such marriage which shall be signed by the Divorce Officer and by the party applying for the divorce, and such signatures shall be witnessed by two credible witnesses. The Divorce Officer shall also enter up in the counterfoil the prescribed particulars and sign the same.

Completion of divorce certificate.

Transmission of certificate to Registrar General.

19. A Divorce Officer shall, within seven days of the absolute dissolution or annulment of a Muslim marriage by or before him, transmit to the Registrar General the certificate referred to in the preceding section together with an application for registration by the Divorce Officer accompanied by the prescribed fee.

Filing of certificate and registration of divorce by Registrar General.

20. (1) Upon receipt of any certificate and application for registration of a divorce, the Registrar General, if it appears to him that such are in order, shall file in his office the application and certificate, and shall forthwith register in a book in the prescribed form to be kept in his office for such purpose and to be called the "Muslim Divorce Register Book" particulars of every certificate of a Muslim divorce which shall be filed in his office, and every entry so made shall be dated on the day on which it is so entered and shall be signed by the Registrar General and such book shall be kept in such manner as is best suited for easy reference thereto.

(2) Upon such registration as aforesaid, the Registrar General shall transmit to the Divorce Officer notification of the fact and date of registration of the divorce, and the Divorce Officer shall thereupon enter such particulars in the space provided for the purpose in the counterfoil of the Muslim Divorce Certificate Book.

Period within which registration may be effected.

21. Registration under this Ordinance of any Muslim divorce shall not be effected later than one month from the date on which the absolute dissolution or annulment of the marriage was effected by or before the Divorce Officer.

PART IV.

MISCELLANEOUS.

Correction of clerical errors in Registers.

22. The Registrar General may correct any clerical error in any certificate of marriage or certificate of divorce filed in his office and in the Muslim Marriage or Muslim Divorce Register Books and shall authenticate every such correction by his signature and the date of such correction.

23. (1) Upon payment of the prescribed fees, the Registrar General shall at all reasonable times allow searches to be made in the Muslim Marriage or Muslim Divorce Register Books and shall give certified copies therefrom.

Searches in Registers and copies of entries.

(2) Any copy certified under the hand of the Registrar General to be a correct copy of any entry in the Muslim Marriage or Muslim Divorce Register Books shall be admissible as evidence of the registration of the marriage or the divorce to which it relates in all courts or before any person now or hereafter having by law or consent of parties authority to hear, receive, and examine evidence.

24. All prescribed applications, certificates and entries in register books shall be in the English language.

Use of English language.

A Marriage Officer or a Divorce Officer, who is unable to write, but able to read, the English language may cause the particulars required in the certificates and entries in the Register Books to be written in the English language in his presence by another person, but such Officer must nevertheless sign the certificates and entries in the Register Books.

25. Every person who shall knowingly and wilfully make any false oath, affidavit or declaration, or sign any false application, notice or certificate required by this Ordinance, for the purpose of the registration of any marriage or divorce, and every person who shall wilfully make, or cause to be made, for the purpose of being inserted in any register of marriages or divorces, any false statement touching any of the particulars required to be known and registered, shall on being convicted thereof be subject to the same pains and penalties as if he were guilty of perjury.

False oath or statement.

26. Every person who shall knowingly and wilfully forge or alter or falsely make, or procure to be forged or altered or falsely made, or shall offer, utter or dispose of, knowing the same to have been forged or altered or falsely made, any register book or any notice, licence, certificate, entry or statement mentioned in this Ordinance, or any certified copy thereof respectively, or shall wilfully insert or cause to be inserted in any register book or certified copy thereof any

Forging or altering register book, notice, etc.

false entry of marriage or divorce, or shall wilfully give any false certificate, or shall certify any writing to be a copy or extract of any register book, knowing the same to be false in any part thereof, or shall forge or counterfeit the seal of the Registrar General, shall be guilty of felony and liable to imprisonment for seven years.

Destroying
or injuring
register
book, etc.

27. Every person who shall unlawfully and maliciously destroy or injure, or cause to be destroyed or injured, any register book or any notice, licence, certificate, entry or statement mentioned in this Ordinance, or any certified copy thereof respectively, shall be guilty of felony, and liable to imprisonment for three years.

Limitation.

28. No prosecution under this Ordinance shall be commenced after the expiration of three years from the commission of the offence nor without the written consent of the Attorney General.

Disposal of
fees.

29. All fees received by the Registrar General or District Registrars under this Ordinance shall be paid into the Treasury for the use of the Colony.

Regulations.

30. The Governor in Council may make such regulations as may be necessary for the proper carrying out of the provisions of this Ordinance and more especially may prescribe—

(a) the place or places at which shall be situate the offices of the several District Registrars;

(b) the form of any certificate, register or other document required for the purpose of this Ordinance;

(c) the conditions under which registers or other documents may be inspected;

(d) the fees to be paid in respect of anything required or permitted to be done under the provisions of this Ordinance, and provision for their remission on account of the poverty of the parties or for other good reason:

Schedule.

Provided that, until varied or revoked by any such

regulations, the regulations contained in the Schedule hereto shall be in force.

31. Sections 13, 14 and 16 to 23 inclusive of the Immigration (Indian) Ordinance, shall as from the 1st of July, 1936, no longer apply to an immigrant, as defined in section 12 of that Ordinance, who belongs to the Muslim faith or religion, and to that extent the said sections are hereby modified: Provided that such modification shall not in any manner affect the validity of any record or entry lawfully made in any register or of any act or thing lawfully made in any register or of any act or thing lawfully done under and by virtue of the provisions of the said sections.

Sections 13, 14 and 16 to 23 of Immigration (Indian) Ordinance not to apply to Muslims.

SCHEDULE.

(Se.

Part I.—General.

- 1. These regulations may be cited as the Muslim Marriage and Divorce Regulations.
- 2. The fees set forth in Part II of this Schedule shall be payable in respect of the matters therein specified.
- 3. The forms set forth in Part III of this Schedule shall be the forms to be used in respect of the matters therein specified.

Part II.—Fees.

Marriage registration fee	...	...	...	...	...	\$
(Payable to District Registrar by Marriage Officer on transmitting certificate of marriage.)						.60
On issue of certificate of registration of marriage	...	...	...	...	...	1.60
Divorce registration fee	...	...	...	...	...	1.20
(Payable to Registrar General by the Divorce Officer transmitting certificate of divorce.)						
For every search in any register book	...	...	...	...	...	.24
For every certified copy of any entry	...	...	...	...	...	.48

Part III.—Forms.

COLONY OF TRINIDAD AND TOBAGO.

THE MUSLIM MARRIAGE AND DIVORCE REGISTRATION ORDINANCE.

Declaration required by section 13 (2).

Date and place of marriage.	Husband's name and age at date of marriage.	Wife's name and age at date of marriage.	Names and dates of births of children and deaths, if any.

I, _____ of _____ and I _____ his wife respectively do solemnly and sincerely declare as follows:—

1. The details of the marriage set out above are true and such marriage was in accordance with the Islamic law relating to marriage.
2. That at the date of such marriage we were domiciled in the Colony.
3. That such marriage is still subsisting according to the Islamic law at the date hereunder written.

Declared at _____ this _____ day of _____, 19 _____
Before me,

District Registrar of Muslim Marriages.

I, _____ of _____ a Muslim Marriage Officer appointed under the Muslim Marriage and Divorce Registration Ordinance do hereby certify as follows:—

1. That the parties to the marriage specified above are desirous of registering such marriage under the said Ordinance.
2. That I have enquired into the circumstances of such marriage and to the best of my knowledge, information and belief the details specified above are true and that such marriage was in accordance with the Islamic law and is still subsisting between the said parties at the date hereunder written.

Dated this _____ day of _____, 19 _____

Marriage Officer.

Witness

District Registrar of Muslim Marriages.

No.

No.

(Section 12 (1).)

COLONY OF TRINIDAD AND TOBAGO,

THE MUSLIM MARRIAGE AND DIVORCE REGISTRATION ORDINANCE.

Muslim Marriage Certificate Book.

Counterfoil.

Marriage District
 Date of Marriage
 Place of Marriage
 Husband's Name and age
 Wife's Name and age
 Witnesses' names—
 (1)
 (2)

Date and place of Marriage.	Husband's name and age.	Occupation of husband and address.	Wife's name and age.	Name of father of husband and address.	Name of father of wife and address.	Dowry and how payable.

Signature of parties to the Marriage (1)
 (2)

Signature of Witnesses (1)
 (2)

Certificate forwarded to District Registrar at on day of , 19 .

Signature of Marriage Officer.

*Registered this day of , 19 .

*Date of Registration of Marriage by Registrar General to be filled in subsequently by Marriage Officer and signed by him.

I of a Muslim Marriage Officer, certify that a Marriage between the above-mentioned parties in accordance with the Islamic Law of Marriage and the provisions of the Muslim Marriage and Divorce Registration Ordinance, was entered into before me this day of , 19 .

Signature of Marriage Officer,

Signature of District Registrar for the Marriage District of

District Registrar of Muslim Marriages.

Date

Section
14 (1.)

COLONY OF TRINIDAD AND TOBAGO.

THE MUSLIM MARRIAGE AND DIVORCE REGISTRATION ORDINANCE.

Muslim Marriage Register Book.

Registered No. .

Marriage District.

Date and place of Marriage.	Husband's name and age.	Occupation of husband and address.	Wife's name and age.	Name of father of husband and address.	Name of father of wife and address.	Marriage Officer.	District Registrar.	Dowry and how payable.

Registered this day of , 19 .

Registrar General of Muslim Marriages and Divorces.

N.B.—In the case of a prior marriage the details to be entered shall be those as shown by the declaration and certificate.

(Section
14 (2).)

COLONY OF TRINIDAD AND TOBAGO.

THE MUSLIM MARRIAGE AND DIVORCE REGISTRATION ORDINANCE.

Certificate of Registration of Marriage.

Date

This is to certify that a marriage entered into before* Marriage Officer on the day of , 19 , at between of and of was duly registered in accordance with the provisions of the Muslim Marriage and Divorce Registration Ordinance on the day of , 19 .

Registrar General of Muslim Marriages and Divorces.

* Omit the name of the Marriage Officer, in the case of a prior marriage.

No.

No.

(Section 18.)

COLONY OF TRINIDAD AND TOBAGO.

THE MUSLIM MARRIAGE AND DIVORCE
REGISTRATION ORDINANCE.

Muslim Divorce Certificate Book.

Counterfoil.

Date of Marriage
 Place of Marriage
 Husband's name and age
 Wife's name and age
 Date of Dissolution of
 marriage
 Witnesses' names—
 (1)
 (2)
 Signature of Divorce Officer.

Date and place of Marriage.	Husband's name and age.	Occupation of husband and address.	Wife's name and age.	Name of father of husband and address.	Name of father of wife and address.

Signature of party applying for Divorce.

Signature of Witnesses (1)
(2)

*Registered this
day of , 19 .

*Date of registration of Di-
vorce by Registrar General
to be filed in subsequently
by Divorce Officer.

I of certify that a marriage sub-
sisting between the above mentioned parties both
of whom are of the Muslim Faith or Religion has
this day been absolutely dissolved in accordance
with the Islamic law relating to the dissolution of
Muslim Marriages.

Dated this day of , 19 .

Signature of Divorce Officer.

Signature of Witnesses.

(1)
(2)

5 (2)

(Section
20 (1).)

COLONY OF TRINIDAD AND TOBAGO.

THE MUSLIM MARRIAGE AND DIVORCE REGISTRATION ORDINANCE.

Muslim Divorce Register Book.

Registered No. ,

Date and place of Marriage.	Husband's name and age.	Occupation of husband and address.	Wife's name and age.	Name of father of husband and address.	Name of father of wife and address.

Name of party applying for divorce

Name of Divorce Officer certifying
dissolution of the Marriage

and date of dissolution

Registered this day of , 19

Registrar General of Muslim Marriages and Divorces.