

LAWS OF TRINIDAD AND TOBAGO

MARRIAGE ACT

CHAPTER 45:01

Act

13 of 1923

Amended by

9 of 1932

24 of 1943

24 of 1947

35 of 1952

172/1961

16 of 1962

2/1963

28 of 1973

136/1976

45 of 1979

51/1980

17 of 1981

5 of 1982

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1-4	1/1990
5-10	1/1980
11-12/1	1/1990
13-28	1/1980

Note
on
Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note
on
Adaptation

Certain fees in this Chapter were increased by the Commission under paragraph 4 of the Second Schedule to the Law Revision Act (Ch. 3:03). Where this occurs, a marginal reference in the form normally indicating an amendment is made to L.N. 51/1980 (the Legal Notice by which the President's approval was signified).

CHAPTER 45:01

MARRIAGE ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Registrar of marriages.
4. District Registrar, Port-of-Spain.
5. District Registrars, San Fernando and Arima.
6. District Registrars, other Counties.
7. Marriage officers.
8. Application for licence as a Marriage Officer.
9. Resignation of Marriage Officer.
10. Marriage Officer may act in any part of Trinidad and Tobago.
11. District Registrars to keep lists of Marriage Officers.
12. Alternative procedure which may be followed as a preliminary to solemnisation of marriage.
13. Notice to District Registrar.
14. District Registrars to send copies of entries to Registrar.
15. Issue of District Registrar's certificate.
16. Notice to Marriage Officer.
17. Marriage Officer to send copies of entries to Registrar.
18. Issue of Marriage Officer's certificate.
19. Procedure by licence from the President.
20. Special provisions in cases where one party to intended marriage does not reside in Trinidad and Tobago.
21. Application for authorisation under section 20.
22. Facilities for marriages between Commonwealth citizens resident in the United Kingdom and Commonwealth citizens resident in Trinidad and Tobago.
23. Consent to marriage of minors.
24. Judge to dispense with consent.
25. Objections to marriage.
26. When *caveat* entered, matter to be referred to Chief Justice.
27. Removal of *caveat*.
28. Marriages before Marriage Officer.
29. Marriages before District Registrar.
30. Notices and licences void unless marriage takes place within six months.
31. Use of other than English language.

SECTION

32. Proof of certain matters not required after marriage.
33. When Marriage Officer not compellable to marry.
34. Marriage to be entered in register and duplicate sent to Registrar.
35. Searches and certified copies.
36. Void marriages.
37. Forging or altering register, notices, etc.
38. Destroying or injuring register.
39. Losing or injuring documents.
40. Issuing of certificate to person within prohibited degrees.
41. Offences by Marriage Officers and District Registrars.
42. Marriages in extremis.
43. Forfeiture of property acquired by marriage had by fraudulent means.
44. Limitation.
45. Recovery of penalties.
46. Fees payable into public funds.
47. Evidence.
48. Annual Abstract.
49. Validation.

SCHEDULES.

CHAPTER 45:01

MARRIAGE ACT

An Act relating to the Solemnisation and Registration of Marriages.

1950 Ed.
Ch. 29 No. 2.
13 of 1923.

Commence-
ment.

Short title.

Interpretation.

[5 of 1982].

[1ST JANUARY 1924]

1. This Act may be cited as the Marriage Act.
2. In this Act "Minister" means the Minister to whom responsibility for the administration of Legal Affairs is assigned."

ADMINISTRATION

Registrar of
Marriages.

3. The Registrar General shall be the Registrar of Marriages under this Act, and shall keep at his office in Port-of-Spain a general register of marriages in Trinidad and Tobago.

District
Registrar,
Port-of-Spain.

4. The Registrar of Marriages shall be, in right of his office, District Registrar of Marriages within the City of Port-of-Spain.

5. The President may appoint such persons as he thinks fit to be District Registrars of Marriages for the Boroughs of San Fernando and Arima, and every person so appointed shall hold office during the President's pleasure.

District Registrars, San Fernando and Arima.

6. The Revenue Officer in charge of a District Revenue Office of each County shall be, in right of his office, District Registrar of Marriages within the Wards comprised in such County, and such Wards shall be deemed the district of such District Registrar.

District Registrars, other Counties.

MARRIAGE OFFICERS

7. (1) The President, or any person duly authorised by him, may grant licences to such persons being ministers of any Christian religion, as the President or such authorised person may, in his discretion, think fit, to be Marriage Officers, and, without assigning any reason for so doing, cancel any such licence.

Marriage Officers.

(2) A licence under this section shall be in the form set out in Schedule A.

Schedule A.

(3) Notice of the granting or cancellation of any such licence shall be published in the *Gazette*. Every such notice shall take effect from the date of publication.

8. Any minister of religion who desires to be licensed as a Marriage Officer shall make application to the Minister. Such application shall state the dwelling-place of the applicant and the name of the religious denomination to which he belongs, and shall be accompanied by a certificate from the local head of such religious denomination to the effect that the applicant is a fit and proper person to be licensed as a Marriage Officer.

Application for licence as a Marriage Officer.

9. Any Marriage Officer, subject to the approval in writing of the local head of his religious denomination, may resign his appointment as such. Any such resignation shall be notified in the *Gazette*, and shall take effect from the date of publication.

Resignation of Marriage Officer.

10. Any Marriage Officer may act as such in any part of Trinidad and Tobago.

Marriage Officer may act in any part of Trinidad and Tobago.

11. Every District Registrar shall keep affixed in a conspicuous place in his office a list of all licensed Marriage Officers, which list shall state the dwelling-place of each Marriage Officer, and

District Registrars to keep lists of Marriage Officers.

the name or other description of the place or places of public worship (if any) at which he acts as a minister of religion.

PRELIMINARIES TO SOLEMNISATION OF MARRIAGE

Alternative procedure which may be followed as a preliminary to solemnisation of marriage.

12. Marriage may be solemnised—

- (a) under the authority of a District Registrar's certificate or District Registrars' certificates; or
- (b) under the authority of a Marriage Officer's certificate or Marriage Officers' certificates; or
- (c) under the authority of a licence from the President; or
- (d) under the provisions of section 42.

Notice to District Registrar. [51/1980].

Schedule B.

13. (1) In every case of marriage intended to be solemnised under the authority of a District Registrar's certificate or District Registrars' certificates, each of the parties shall give notice of the intended marriage, in the form set out in Schedule B (making the declaration therein contained), to the District Registrar of the district within which he or she has respectively resided for not less than seven days next preceding the date of such notice. However, when each of the parties to the intended marriage has resided for the required period in the same district, a single notice shall be sufficient.

(2) On the receipt of a notice of an intended marriage, the District Registrar shall forthwith enter the particulars set forth in the notice and also the date of the receipt of the notice, in a book to be called the "Marriage Notice Book," and shall place a copy of such notice in a conspicuous place in his office for a period of not less than seven days from the time of its receipt.

(3) For every entry made in the Marriage Notice Book the District Registrar shall be entitled to a fee of fifty cents, and such Marriage Notice Book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.

District Registrars to send copies of entries to Registrar.

14. (1) Every District Registrar, not being the Registrar of Marriages, shall forthwith transmit to the Registrar of Marriages a copy of every entry which is made by him as provided in section 13, and the Registrar of Marriages shall, on the receipt of such entry, file and preserve the same among the records of his office.

(2) Any District Registrar who, without reasonable cause or excuse, fails to transmit to the Registrar of Marriages a copy of

any entry in accordance with this section is liable on summary conviction to a fine of two hundred dollars.

15. At any time not more than six months nor less than seven days after the entry of notice, the District Registrar or where the Marriage Notice Book is kept by a Revenue Officer in the capacity of District Registrar, any officer authorised in that behalf in writing by the Revenue Officer, upon being requested so to do by or on behalf of the party by whom such notice was given, and in case no lawful impediment shall have been shown to the satisfaction of such District Registrar or officer, as the case may be why such certificate should not issue, and in case no *caveat* shall have been entered against the issue of such certificate in the manner hereinafter mentioned, shall issue under his hand a certificate according to the form set out in Schedule C, and every such certificate shall state the particulars set forth in the notice, and the date on which the notice was entered, and that no *caveat* has been entered against the issue of such certificate, and that the full period of seven days has elapsed since the entry of such notice; and for every such certificate the District Registrar or officer, as the case may be shall be entitled to a fee of fifty cents.

Issue of District Registrar's certificate. [35 of 1952 51/1980].

Schedule C.

16. (1) In every case of marriage intended to be solemnised under the authority of a Marriage Officer's certificate or Marriage Officers' certificates, each of the parties shall give notice of the intended marriage, in the form set out in Schedule D (making the declaration therein contained), to the Marriage Officer of the congregation to which he or she respectively belongs or is considered to be attached, or if not belonging or not considered to be attached to any congregation then to any Marriage Officer in the district in which he or she has respectively resided for not less than seven days next preceding the date of such notice. However, when each of the parties to the intended marriage belongs to the same congregation a single notice shall be sufficient.

Notice to Marriage Officer.

Schedule D.

(2) On receipt of a notice of an intended marriage, the Marriage Officer shall forthwith enter the particulars set forth in the notice, and also the date of the receipt of the notice, in a book to be kept by him and to be called the "Marriage Banns Book," and shall place a copy of such notice for a period extending over two Sundays from the date of its receipt on a notice board to be kept affixed on the outside of the principal door of the place of worship at which he acts as minister of religion.

(3) The Marriage Officer shall also, by himself or by some other person by him duly authorised, publish the banns of mar-

riage between the parties named in the notice in the place of public worship at which he acts as minister of religion. The publication shall be made in an audible manner sometime during divine service on a Sunday, and shall be as nearly as may be in the form set out in Schedule E, and shall be made for two Sundays, during morning or evening service.

Schedule E.

Marriage
Officer to send
copies of entries
to Registrar.

17. (1) Every Marriage Officer shall forthwith transmit to the Registrar of Marriages a copy of every entry which is made by him as provided in section 16, and the Registrar of Marriages shall, on the receipt of such entry, file and preserve the same among the records of his office.

(2) Any Marriage Officer who, without reasonable cause or excuse, fails to transmit to the Registrar of Marriages a copy of any entry in accordance with this section is liable on summary conviction for every such offence, to a fine of two hundred dollars.

Issue of
Marriage
Officer's
certificate.
[51/1980].

18. At any time after publication of banns is complete and before the expiration of six months from the entry of notice, the Marriage Officer, upon being requested so to do by or on behalf of the party by whom the notice was given, and in case no lawful impediment is shown to the satisfaction of such Marriage Officer why the certificate should not issue, and in case no *caveat* has been entered against the issue of such certificate in the manner hereinafter mentioned, shall issue under his hand a certificate according to the form given in Schedule F, and every such certificate shall state the particulars set forth in the notice, and the date on which the notice was entered, and that no *caveat* has been entered against the issue of such certificate, and that the banns have been published in the manner required by this Act; and for every such certificate the Marriage Officer shall be entitled to a fee of fifty cents.

Schedule F.

Procedure by
licence from the
President.
[2/1963
51/1980].

19. In the case of persons residing in Trinidad and Tobago intending that a marriage shall be solemnised between them, the President may, if he thinks fit, dispense with the giving of notice, and with the issue of the certificate of a District Registrar or a Marriage Officer, and grant his licence, which shall be in the form set out in Schedule G or to the like effect, authorising the solemnisation of marriage between the parties named in the licence. However, before any such licence is issued, one of the parties to the intended marriage shall appear personally before the Registrar of Marriages, and shall make affidavit or solemn

Schedule G.

declaration that there is not any impediment of consanguinity or affinity or other lawful hindrance to the said marriage, and either that the consent of the person or persons whose consent to such marriage is required by law has been obtained, or that no such consent is required, or that such marriage has been authorised by the Chief Justice as provided below; and for every such licence the party requiring it shall pay the sum of thirty dollars to the Registrar of Marriages.

Every such affidavit or declaration shall be preserved by the Registrar of Marriages among the records of his office.

20. (1) In any case in which one of the parties (referred to below as the "resident party") to a marriage intended to be solemnised or contracted under this Act is resident in Trinidad and Tobago and the other party to the intended marriage (hereinafter referred to as the "non-resident party") is not so resident, the President or any person duly authorised by him may, if the President or such authorised person thinks fit and if the provisions of section 21 have been complied with, by a writing under his hand (referred to below as "the President's authority"), authorise the District Registrar to whom notice of intended marriage has been given by the resident party to issue his certificate in accordance with section 15 in respect of the non-resident party as if notice had been given to him by the non-resident party jointly with the resident party and as if the non-resident party had the residential qualification prescribed in section 13.

Special provisions in cases where one party to intended marriage does not reside in Trinidad and Tobago.

(2) The authority mentioned in subsection (1) (referred to below as "the President's authority") shall be, as nearly as may be, in the form in Schedule H.

Schedule H.

21. (1) Before the President's authority is granted the following conditions shall be complied with:

Application for authorisation under section 20.

- (a) the resident party must have given notice of the intended marriage in the manner provided by section 13 to the District Registrar of the district within which he has previously resided for not less than seven days next preceding the date of such notice;
- (b) not less than seven days but not more than five months must have elapsed since the entry of the notice referred to in paragraph (a);
- (c) the resident party must have made application to the Minister for his authority not later than five months after the entry of the notice referred to in paragraph (a);

[16 of 1962
2/1963
45 of 1979
51/1980].

(d) the resident party must have paid to the officer appointed by the President to receive the same the sum of thirty dollars for the issue of the President's authority.

(2) The application to the Minister shall state—

(a) the given names and surnames of both parties, their respective profession, occupation and place of residence;

(b) whether the parties or either of them have or has been previously married;

(c) that no impediment of kindred or alliance or other lawful cause to prevent the proposed marriage is known to the applicant;

(d) that the resident party has resided in the district in which the notice referred to in subsection (1)(a) has been given, for not less than seven days next preceding the date of the notice;

(e) where either of the parties, not being a widower or widow, is under the age of eighteen years, that the consent of the person or persons whose consent to the marriage is required under this Act has been obtained.

(3) The application referred to in subsection 1(c) shall be signed by the resident party and shall be accompanied by a statutory declaration made by him before the Registrar of Marriages in the form set out in Schedule I.

Schedule I.

Facilities for marriages between Commonwealth citizens resident in the United Kingdom and Commonwealth citizens resident in Trinidad and Tobago.

22. (1) Where a marriage is intended to be solemnised or contracted in Trinidad and Tobago between a Commonwealth citizen resident in Trinidad and Tobago and a Commonwealth citizen resident in the United Kingdom, a certificate for marriage lawfully issued in any part of the United Kingdom, as the case may be, shall have the same effect as a certificate issued by a District Registrar or a Marriage Officer in Trinidad and Tobago.

(2) Where a marriage is intended to be solemnised or contracted in the United Kingdom between a Commonwealth citizen resident in Trinidad and Tobago and a Commonwealth citizen resident in the United Kingdom, a certificate may be issued in Trinidad and Tobago by a District Registrar or a Marriage Officer in the like manner as if the marriage was to be solemnised or contracted under circumstances requiring the issue of such certificate, and as if both such Commonwealth citizens were resident in Trinidad and Tobago.

(3) For the purposes of subsection (1) of this section, the expression "certificate of marriage lawfully issued" means—

- (a) in the case of England, a certificate for marriage issued by a superintendent registrar;
- (b) in the case of Scotland, a certificate for marriage issued by a registrar or a certificate of proclamation of banns;
- (c) in the case of Northern Ireland, a certificate for marriage issued by a registrar.

CONSENT TO MARRIAGE

23. Consent to the marriage of a minor shall be obtained in accordance with the following provisions—

Consent to
marriage of
minors.
[17 of 1981].

- (a) if both the minor's parents are alive and living together, consent shall be obtained from both parents;
- (b) if the minor's parents are living apart and he is living with one parent, consent shall be obtained from the parent with whom he is living;
- (c) if the parents are living apart and the minor is not living with either, consent shall be obtained from both parents unless the consent of one parent is dispensed with by a Judge of the High Court;
- (d) if one of the parents is dead consent shall be obtained from the surviving parent and any other person who is the legal guardian of the minor;
- (e) if both parents are dead consent shall be obtained from any person who is the legal guardian of the minor.

Power of
Judge to
dispense with
consent.
[17 of 1981].

24. In case any person whose consent is required by law to any marriage, is absent from Trinidad and Tobago, or is unable or refuses to give such consent, or is of unsound mind or in any other case where the court sees fit the persons desirous of contracting such marriage may apply by Petition to a Judge of the High Court who may proceed upon the Petition in a summary way, and, in case the marriage proposed shall upon examination appear to him to be proper, the Judge shall judicially declare by order in writing that such marriage may be solemnized and the order shall, for the purposes of this Act, be deemed equivalent to such consent as aforesaid.

CAVEATS

Objections to
marriage.
[2/1963
51/1980].

25. Any person whose consent to a marriage is hereby required, or who may know of any just cause why the marriage should not take place, may, on payment of three dollars enter a *caveat* against the issue of a District Registrar's or Marriage Officer's certificate in the following manner:

- (a) if the marriage is intended to be solemnised under the authority of a District Registrar's certificate, the person shall, at any time before the issue of the certificate, write the word "Forbidden" opposite to the entry of the notice in the Marriage Notice Book, and append thereto his name and place of abode, and the grounds upon which he claims to forbid the marriage;
- (b) if the marriage is intended to be solemnised under the authority of a Marriage Officer's certificate, the person shall give notice in writing

to the person publishing the banns that he forbids the marriage, and append to such notice his name and place of abode, and the grounds upon which he claims to forbid the marriage. The person publishing the banns, if he is not the Marriage Officer, shall forthwith forward such notice to the Marriage Officer and the Marriage Officer shall record in the Marriage Banns Book the fact and date of the receipt of the notice forbidding the marriage.

No District Registrar or Marriage Officer shall issue his certificate until such *caveat* has been removed in the manner provided below.

26. (1) Whenever *caveat* is entered against the issue of a District Registrar's or Marriage Officer's certificate, the District Registrar or Marriage Officer, as the case may be, shall forthwith refer the matter to the Chief Justice.

When *caveat* entered, matter to be referred to Chief Justice.

(2) If the Chief Justice is of opinion that no legal ground has been disclosed in the *caveat* for forbidding the issue of the certificate, he may remove the *caveat* in the manner hereinafter provided without requiring any of the parties to appear.

(3) In other cases, the Chief Justice shall summon the parties to the intended marriage and the person by whom the *caveat* has been entered, and shall require such last named person to show cause why the District Registrar or Marriage Officer, as the case may be, should not in due course issue his certificate.

(4) Every such matter shall be heard and determined in a summary manner, and the Chief Justice may award compensation and costs to the party against whom the *caveat* was entered, if it appears that the *caveat* was entered on insufficient grounds.

27. (1) If the Chief Justice decides that the certificate ought to issue, he shall remove the *caveat* by a declaration under his hand that the intended marriage is proper and may be solemnised; and a certified copy of such declaration shall be forwarded to the District Registrar or Marriage Officer, as the case may be, by whom the *caveat* was referred.

Removal of
caveat.

(2) On the removal of the *caveat*, the District Registrar or Marriage Officer, as the case may be, may issue his certificate in due course, and the marriage may proceed as if the *caveat* had not been entered, but the time which has lapsed between the entering and removal of the *caveat* shall not be computed in the period of six months specified in sections 15 and 18.

SOLEMNISATION OF MARRIAGE

28. On the delivery of the certificate of a District Registrar, or in case the parties have given notice to the District Registrars of different districts then on the delivery of the certificate of each such District Registrar, or on the delivery of the certificate of a Marriage Officer, or in case the parties have given notice to different Marriage Officers then on the delivery of the certificate of each such Marriage Officer, or on the delivery of a licence from the President, to any Marriage Officer, the Marriage Officer may solemnise a marriage between the parties named in the certificate or certificates or licence, as the case may be. However, such marriage shall be solemnised with open doors between the hours of six o'clock in the forenoon and six o'clock in the afternoon of the same day, and in the presence of two or more credible witnesses beside the said Marriage Officer.

Marriages
before Marriage
Officer.

29. On the delivery of the certificate of a District Registrar, or in case the parties shall have given notice to the District Registrars of different districts then on the delivery of the certificate of each such District Registrar, or on the delivery of the certificate of a Marriage Officer, or in case the parties have given notice to different Marriage Officers then on the delivery of the certificate of each such Marriage Officer, or on the delivery of a licence from the President, to any District Registrar, the parties named in the certificate or certificates or licence, as the case may be, may, if they see fit, contract marriage at the office of the District Registrar with open doors and in the presence of the District Registrar and two or more credible witnesses, and between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of the same day.

Marriages
before District
Registrar.
[2/1963
51/1980].

Each of the parties shall, in some part of the ceremony, and in the presence of the District Registrar and witnesses, make the following declaration:

“I do solemnly declare that I know not of any lawful impediment why I, *A. B.*, should not be joined in matrimony to *C. D.* here present”; and each of the parties shall say to the other, “I call upon these persons here present to witness that I, *A. B.*, do take thee *C. D.*, to be my lawful wedded wife (or husband).” Such District Registrar is entitled for every marriage so contracted in his presence to receive from the parties a sum of ten dollars.

Notices and licences void unless marriage takes place within six months.

30. Whenever a marriage has not taken place within six months after the entry of notice thereof or after the granting of a licence from the President under section 19, the notice or licence, as the case may be, and all other proceedings shall thereupon be utterly void, and no Marriage Officer shall proceed to solemnise the marriage, nor shall the marriage be contracted before a District Registrar, until new notice has been given and entry made and certificate issued or a new licence has been granted in the manner aforesaid.

Use of other than English language.

31. Where any party to a marriage commonly uses any other language than English, then the forms and declarations hereby required to be used in the ceremony shall be made in such other language, so always that the words used shall express the true intent and meaning of such forms and declarations.

Proof of certain matters not required after marriage.

32. After any marriage has been solemnised or contracted in the manner provided in this Act it shall not be necessary in support of the marriage to give any proof of the actual dwelling or of the period of dwelling of either of the parties in the district mentioned in a notice of marriage previous to the giving of the notice, nor of the consent of any person whose consent thereunto is required by law, nor shall any evidence be given to prove the contrary.

When Marriage Officer not compellable to marry.

33. (1) No Marriage Officer shall be compellable to accept notice of marriage from, or to enter or publish the banns of, or to issue a Marriage Officer's certificate to, or to solemnise marriage between, persons either of whom is not a member of his own communion, nor otherwise than according to the rules or custom of such communion, nor unless he is satisfied by the declaration of the parties or otherwise that the proposed marriage is consistent with such rules or custom.

(2) No minister of the Christian religion shall be compelled to publish the banns of marriage or to solemnise the marriage of any person whose former marriage has been dissolved by a judicial decree, where the other party to the former marriage is still living, nor shall any such minister be compelled to permit the use of any church or chapel under his control for publishing any such banns or solemnising the marriage of any such person, nor shall any such minister be liable to any suit, proceeding or penalty for refusing to publish any such banns or for refusing to solemnise any such marriage or for refusing to permit the use of any such church or chapel for any such purposes aforesaid.

(3) No minister of the Christian religion is liable to any suits, proceedings or penalties for publishing any such banns or solemnising the marriage of any such person as mentioned above or for permitting the use of any such church or chapel for any of those purposes. However, nothing in this section shall relieve any such minister from any ecclesiastical proceeding or censure to which by reason of his publishing any such banns or solemnising any such marriage or permitting the use of any such church or chapel for any of the purposes mentioned above he is or from time to time hereafter may be liable according to the doctrine, practice, usage or rules of any such religion.

REGISTRATION OF MARRIAGE

34. (1) Immediately after the solemnisation or contracting of any marriage, the officiating Marriage Officer or the District Registrar, as the case may be, shall enter in a book to be called the "Marriage Register Book" a statement of the said marriage in the form set out in Schedule J, which entry shall be signed by the Marriage Officer or District Registrar, as the case may be, and by the parties to the marriage and by two credible witnesses of the said marriage, and every such Marriage Officer and every District Registrar (not being the Registrar of Marriages) shall forthwith transmit to the Registrar of Marriages a duplicate of such statement similarly signed, and all such duplicate statements shall be filed by the Registrar of Marriages and preserved among the records of his office.

Marriage to be entered in register and duplicate sent to Registrar.

Schedule J.

(2) Any Marriage Officer or District Registrar who, without reasonable cause or excuse, fails to transmit to the Registrar of Marriages any statement in accordance with the provisions of this section is liable on summary conviction to a fine of four hundred dollars.

Searches and certified copies. [2/1963].

35. Any person may at all reasonable times search the entries in any Marriage Register Book or any file of statements kept by the Registrar or any District Registrar or any Marriage Officer, and have true copies, certified under the hand of the Registrar, District Registrar, or Marriage Officer, of any of the entries or statements. However, before allowing any search or furnishing any certified copy, the Registrar, District Registrar, or Marriage Officer, as the case may be, shall be entitled to demand the following fees:

For every search	\$1.00
For every certified copy as aforesaid	\$1.00

VOID MARRIAGES

Void marriages.

36. (1) If any person knowingly and wilfully intermarries under the provisions of this Act, without due notice given in accordance with section 13 or section 16 or without a certificate under sections 15 or 18 having been duly issued, or without a licence issued under this Act, the marriage of such persons shall be null and void.

(2) If any persons to any marriage are within the prohibited degrees of consanguinity or affinity according to the law of England in force on 30th August 1962 the marriage of such persons shall be null and void.

OFFENCES

Forging or altering register book, notice, etc.

Making false entries, giving false certificates.

Forging seal.

37. Every person who knowingly and wilfully forges or alters or falsely makes or procures 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 Act, or any certified copy thereof respectively, or wilfully inserts or causes to be inserted in any register book or certified copy thereof any false entry or marriage, or wilfully gives any false certificate, or certifies any writing to be a copy or extract of any register book, knowing the same to be false in any part thereof, or forges or counterfeits the seal of the Registrar General, is liable on conviction on indictment to imprisonment for seven years.

38. Every person who unlawfully and maliciously destroys or injures or causes to be destroyed or injured, any register book or any notice, licence, certificate, entry, or statement mentioned in this Act, or any certified copy thereof respectively, is liable on conviction on indictment to imprisonment for three years.

Destroying or injuring register book, etc.

39. Any person having the custody of any register book or certified copy thereof or of any part thereof, who carelessly loses or injures the same or carelessly allows the same to be injured whilst in his keeping, is liable to a fine of two thousand dollars.

Losing or injuring document.

40. Every District Registrar or Marriage Officer who knowingly and wilfully issues any certificate for the marriage of any persons being within the prohibited degrees of consanguinity or affinity according to the law of England in force on 30th August 1962 is liable on conviction on indictment to imprisonment for three years.

Issuing of certificate to person within prohibited degrees.

41. Any minister of religion who knowingly and wilfully solemnises any marriage without being licensed as a Marriage Officer under the provisions of this Act, and any Marriage Officer or District Registrar who solemnises any marriage or allows any marriage to be contracted in his presence before the issue of a certificate or granting of a licence from the President, or after the expiration of six months from the entry of notice or granting of such licence, or who knowingly and wilfully issues any certificate of marriage except within the period allowed by this Act for issuing the same, or any certificate against the issue of which a *caveat* has been entered until such *caveat* has been duly removed in the manner provided above, is liable on conviction on indictment to imprisonment for three years.

Offences by Marriage Officers and District Registrars.

MARRIAGE IN EXTREMIS

42. (1) Notwithstanding anything contained in this Act, any Marriage Officer may perform the ceremony of marriage between persons, without notice being given of the intended marriage of such persons, or without a certificate duly issued, or before the issue of such certificate, or after the expiration of six months from the entry of notice of such marriage, if both the parties between whom the ceremony of marriage is performed are, at the time of the performance thereof, legally competent to contract marriage and are of full age, and also that one at least of them, to the best

Marriages in extremis.

of the knowledge and belief of the Marriage Officer and of the other persons signing the certificate hereinafter required shall be, at the time of the performance of such ceremony, in a dying state, and that such dying person is a member of the religious communion or denomination to which such Marriage Officer belongs.

(2) Immediately after the solemnisation of any such marriage, the officiating Marriage Officer shall transmit to the Registrar of Marriages a certificate of the said marriage in the form set out in Schedule K, signed by the Marriage Officer and by two credible witnesses present at the said marriage. Such statement shall be filed by the Registrar in a register to be specially kept for the purpose.

Schedule K.

(3) Subject to the observance of the foregoing conditions, a marriage solemnised under this section shall be good and effectual in law.

(4) No marriage solemnised under this section shall operate as a revocation of any will.

MISCELLANEOUS

Forfeiture of property acquired by marriage had by fraudulent means.

43. (1) If any valid marriage is had under this Act by means of any wilfully false notice, oath or declaration made by either party to the marriage as to any matter as to which a notice, oath or declaration is herein required, it shall be lawful for the Attorney General, by information on the relation of a parent or guardian of a minor whose consent has not been given to such marriage, and who shall be responsible for any costs incurred in such suit, such parent or guardian previously making oath as required below, to sue for a forfeiture of all estate or interest in any property accruing to the offending party by such marriage.

(2) The High Court shall have power in such suit to declare such forfeiture and thereupon direct that all such estate and interest, or any such part thereof as the Court thinks fit, shall be secured, in such manner as to the Court shall seem fit, for the benefit of the innocent party, and the issue of the marriage or any of them, or if both parties to the marriage are, in the judgment of the Court, guilty of any such offence as aforesaid then for the benefit of the issue of the marriage, subject to such provisions for the offending parties by way of maintenance or otherwise as the said Court thinks reasonable.

(3) No such suit shall be instituted unless it has been first made out to the satisfaction of the Attorney General by the oath of some person whose consent was required by law to the said marriage that the circumstances of the case are such as to authorise the institution of such proceedings, and that the consent required by law for such marriage had not been obtained, and that the person making such oath had not discovered that the said marriage had been contracted more than six months before making such oath.

44. No prosecution for any indictable offence under this Act shall be commenced after the expiration of three years after the offence has been committed, nor without the written consent of the Director of Public Prosecutions.

Limitation.
[172/1961
136/1976].

45. All pecuniary penalties under this Act recoverable on summary conviction, may be recovered on complaint in the name of any person authorised in that behalf by writing under the hand of the Director of Public Prosecutions at any time not more than twelve months after such offence has been committed.

Recovery of
penalties.
[172/1961
136/1972].

46. All fees received by the Registrar or District Registrars or the Minister under this Act shall be paid into public funds.

Fees payable
into public
funds.
[16 of 1962].

47. All certified copies of entries purporting to be sealed or stamped with the seal of the Registrar General shall be received as evidence of the marriages to which the same relate without any further or other proof of such entry and no certified copy purporting to be given in the office of the Registrar of Marriages shall be of any force or effect which is not sealed or stamped as aforesaid.

Evidence.

48. The Registrar General shall send, once in every year, to the President a general abstract of the number of marriages registered during the twelve months ending on the last day of December then immediately preceding, in such form as the President from time to time shall require; and every such annual general abstract shall be laid before Parliament at its next meeting after the receipt thereof.

Annual
abstract.

49. No marriage solemnised or contracted under this Act, other than a marriage heretofore adjudged to be void by a court of competent jurisdiction, shall be, or be deemed to have been, invalid by reason only that a licence issued under section 20 prior to 12th August 1943, was issued less than two clear days after application therefor had been made or that a District Registrar's

Validation.

certificate was issued in compliance with such licence less than seven days after the time of entry of notice of marriage given to such District Registrar under section 13 by one of the parties to the marriage.

Section 7.

SCHEDULE A

LICENCE TO BE A MARRIAGE OFFICER

A. B. being a Minister of Religion of (a) residing at and officiating at (b) (c) is hereby licensed as a Marriage Officer for the purposes of the Marriage Act.

President

- (a) State religious denomination.
 - (b) State place of public worship in which applicant acts as minister (if any).
 - (c) State city, borough, town, or ward where place of worship is situated.
-

SCHEDULE B

Section 13.

FORM 1

(Applicable to the case of parties residing in different districts or giving separate notices.)

NOTICE TO DISTRICT REGISTRAR

To the District Registrar of the district of

I.....[here insert the name of the person giving notice]..... give you notice that a Marriage is intended to be had between me and the other party herein named and described, that is to say—

Name and Surname	Condition	Calling	Age	Dwelling-place	Length of residence

And I give this notice with the assent of the other party herein named and described. And I solemnly declare that I have for seven days, immediately preceding the date of this notice, had my usual place of abode within the above-mentioned district ofand that I believe there is no impediment of kindred or alliance or other lawful hindrance to the said Marriage.

*And I solemnly declare that I have the consent of all whose consent is necessary for my marriage, namely:—[Here state names and authority of all whose consent is necessary.]

In witness whereof I have hereunto set and subscribed my hand this.....day of, 19.....

Signature

*To form part of the declaration when the party is under eighteen years of age and is not a widower or widow, otherwise to be deleted.

FORM 2

(Applicable to the case of parties residing in the same district and giving a single notice.)

NOTICE TO DISTRICT REGISTRAR

To the District Registrar of the district of

We[here insert the names of the persons giving notice] give you notice that a Marriage is intended to be had between us, the parties herein named and described, that is to say—

Name and Surname	Conditions	Calling	Age	Dwelling-place	Length of residence

And we solemnly declare that we have for seven days immediately preceding the date of this notice had our usual place of abode and residence within the above mentioned district of, and that we believe there is no impediment of kindred or alliance or other lawful hindrance to the said Marriage.

*And we solemnly declare that we each have the consent of all whose consent is necessary for our marriage, namely:—[Here state names and authority of all whose consent is necessary.]

In witness whereof we have hereunto set and subscribed our hands thisday of, 19

Signatures

*To form part of the declaration when either of the parties is under eighteen years of age and not a widower or widow, otherwise to be deleted.

SCHEDULE C

Section 15.

REGISTRAR'S CERTIFICATE

IDistrict Registrar of Marriages for.....do hereby certify that on theday of, 19...., notice was duly entered in the Marriage Notice Book of the said District, of the marriage intended between the parties hereunder named and described.

Name and Surname (if any) at full length	Condition	Profession	Age	Dwelling-place	Length of Residence	Consent, if any, by whom given

Date of Notice enteredday of, 19....

Date of Certificate givenday of, 19....

No *caveat* has been entered against the issue of this certificate

or [as the case may be]

A *caveat* was entered against the issue of this certificate on theday of, 19...., but was removed on theday of, 19...., by the Chief Justice.

Witness my hand thisday of, 19....

Signed

Registrar for District of.....

N.B.—This certificate will be void unless the marriage is solemnised on or before theday of, 19...., next.

Section 16.

SCHEDULE D

FORM 1

(Applicable to the case of parties belonging to different congregations or giving separate notices.)

NOTICE FOR BANNES

To Minister of Church [or Chapel] in the District of and a Marriage Officer.

I [here insert the name of the person giving notice] being a member of the congregation of the said Church [or Chapel] give you notice that a Marriage is intended between me and the other party herein named and described, and that I desire you to publish the banns of such Marriage on two Sundays beginning with Sunday the day of, 19, next.

Name and Surname	Condition	Calling	Age	Dwelling-place

And I give this notice with the assent of the other party herein named and described.
And I solemnly declare that I believe there is no impediment of kindred or alliance or other lawful hindrance to the said Marriage.

*And I solemnly declare that I have the consent of all whose consent is necessary for my marriage, namely:—[Here state names and authority of all whose consent is necessary.]

In witness where I have hereunto set and subscribed my hand this day of, 19

Signature

*To form part of the declaration when the party is under eighteen years of age and is not a widower or widow, otherwise to be deleted.

FORM 2

(Applicable to the case of parties belonging to the same congregation and giving a single notice.)

NOTICE FOR BANNS

To.....Minister of.....Church [or Chapel] in.....the District of.....and a Marriage Officer.

We [here insert the names of the persons giving notice], being members of the congregation of the said Church [or Chapel] give you notice that a Marriage is intended between us, the parties herein named and described, and that we desire you to publish the bans of such Marriage in your Church [or Chapel] on two Sundays beginning with Sunday the day of, 19, next.

Name and Surname	Condition	Calling	Age	Dwelling-place

And we solemnly declare that we believe there is no impediment of kindred or alliance or other lawful hindrance to the said Marriage.

*And we solemnly declare that we each have the consent of all whose consent is necessary for our marriage, namely:—[Here state names and authority of all whose consent is necessary.]

In witness whereof we have hereunto set and subscribed our hands thisday of, 19

Signatures

*To form part of the declaration when either of the parties is under eighteen years of age and not a widower or widow, otherwise to be deleted.

Section 16.

SCHEDULE E

FORM OF WORDS TO BE USED IN THE PUBLICATION OF BANNS

I publish the Banns of Marriage between *A. B.* of [*here state the parish as stated in the notice*] and *C. D.* of [*here state the parish as stated in the notice*].

If any of you know any cause or just impediment why these two persons should not be joined together in holy matrimony ye are to declare it.

This is the first [*or second, as the case may be*] time of asking.

Section 18.

SCHEDULE F

MARRIAGE OFFICER'S CERTIFICATE

I Minister of Church [*or Chapel*] in the District of and a Marriage Officer do hereby certify that on the day of, 19 , notice was duly entered in the Marriage Banns Book of the said Church [*or Chapel*] of the marriage intended between the parties hereunder named and described.

Name and Surname	Condition	Calling	Age	Dwelling-place

Date of notice entered day of, 19

Date of certificate given day of, 19

No *caveat* has been entered against the issue of this certificate
or [as the case may be]

A *caveat* was entered against the issue of this certificate on the day of, 19, but was removed on the day of, 19, by the Chief Justice.

The Banns of Marriage have been published in the manner required by the Marriage Act.

Witness my hand this day of, 19

Signed

Minister of Church [*or Chapel*]
in the District of and a
Marriage Officer.

N.B.—This certificate will be void unless the marriage is solemnised on or before the day of, 19, next.

SCHEDULE G

Section 19.

PRESIDENT'S LICENCE

To any District Registrar or Marriage Officer.

These are to Licence and Permit you to solomnise a marriage between A.B. [here give name, surname, condition, calling, and place of residence of A.B.] and C.D. [here give name, surname, condition, calling, and place of residence of C.D.] according to the provisions of the Marriage Act, you knowing no lawful impediment to the contrary.

Given under my hand at this day of, 19

Signed

N.B.—This Licence will be void unless the marriage is solemnised on or before the day of, 19, next.

SCHEDULE H

Section 20.

PRESIDENT'S AUTHORITY

To the District Registrar of district.

Whereas A.B. [here insert names, surname, profession, occupation and place of residence of A.B.] has given notice to the District Registrar of district of his or her intended marriage with C.D. [here insert names, surname, profession, occupation and place of residence of C.D.], and whereas the said C.D. has not given notice of his or her intended marriage because he or she was not resident in Trinidad and Tobago, and whereas a period of not less than seven days and not more than five months has elapsed since the giving of notice as aforesaid, and whereas application has been made to the Minister by the said A.B. for the grant of the President's authority under section 19 of the Marriage Act.

I hereby authorise the District Registrar of district to issue his certificate under section 14 in respect of the said C.D. as if he or she had duly given notice under section 12 jointly with the said A.B. and as if the said C.D. had resided in the district during the seven days immediately preceding the giving of such notice.

Given under my hand at this day of, 19

Signed

President

SCHEDULE I

Section 21.

I, do solemnly and sincerely declare that the statements made in my application hereto attached and marked A are true and correct.

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Act, and I am aware that if there is any statement in this declaration which is false in fact which I know or believe to be false or do not believe to be true I am liable to fine and imprisonment.

Declared before me this day of, 19

Registrar of Marriages

Section 34.

SCHEDULE J

MARRIAGE REGISTER BOOK

No.	When Married	Names and Surnames of Parties	Ages	Condition	Calling	Residence at time of Marriage	Place of Marriage	Signature of Parties	Signature of District Registrar or Marriage Officer and of the witnesses

Signed

Section 42.

SCHEDULE K

MARRIAGE IN EXTREMIS

I, the undersigned Marriage Officer of (1) and we, the undersigned of (2) and of (2) being of the age of eighteen years and upwards do hereby certify that on the day of, 19, the Ceremony of Marriage was performed by me the said in the presence of us the said and between of (3) and of (4) and that both the said and at the time of the performance of such ceremony were legally competent to contract marriage, and were of full age, and that the said (5) was a member of the same religious communion or denomination to which the said (6) belongs, that is to say, the (7); and that at the time of the performance of such ceremony, the said (8) was, to the best of our knowledge and belief, in a dying state.

Signatures

- (1) Residence.
- (2) Residence and Profession.
- (3) State whether bachelor or widower.
- (4) State whether spinster or widow.
- (5) Name of party in dying state.
- (6) Name of Marriage Officer.
- (7) Religious communion or denomination.
- (8) Name of party in dying state.