

CHAPTER 43.

MARRIAGE.

16 of 1949.
10 of 1950.

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW AS
TO MARRIAGE.

[31st December, 1949.]

Short title.

1. This Ordinance may be cited as the Marriage Ordinance.

Interpreta-
tion.

2. In this Ordinance unless the context otherwise requires:

Chapter 56.

“Registrar-General” means the person holding that office under the Registration Ordinance.

“Minor” or “Infant” means a person under the age of 21 years who is not a widow or widower.

“Minister” means a Minister registered to celebrate marriages under this Ordinance.

“Court” means:

(a) the Judge in chambers;

(b) a court of summary jurisdiction otherwise than in open court.

Valid
marriages.

3. Every marriage

(1) which by the law of England would be valid;

(2) celebrated in the Colony in accordance with the law prior to the passing of this Ordinance;

(3) celebrated by a minister or registrar in conformity with the provisions of this Ordinance,

shall be good and valid to all intents and purposes:

Provided that nothing herein contained shall render valid any marriage between parties who at the time of marriage would, by the law of England, be incapable of intermarrying.

Appoint-
ment of
Registrars.

4. The Governor may appoint registrars for the purposes of this Ordinance.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

5. Every minister of religion ordinarily officiating as such in the Colony shall be deemed to be a minister registered for celebrating marriages and any minister of religion, or the head of any religious denomination in the Colony may apply to the Colonial Secretary to be registered as a minister for celebrating marriages. The Governor may grant a certificate of registration under the Public Seal to any person so applying: Registered ministers.

Provided that the Governor may refuse any such application and may remove the name of any person from the register.

6. (1) Christ Church Cathedral, the Roman Catholic Church and the Nonconformist Tabernacle shall be deemed to be places registered for celebrating marriages. Places registered for celebration of marriages.

(2) The Governor may grant a certificate of registration under the Public Seal in respect of any other building commonly used for religious purposes.

7. (1) A minister may at any time within three months after a declaration made under section 8 and after the banns have been published on three consecutive Sundays, or the Registrar-General has issued his licence as in Form 2 in the First Schedule hereto, or the Governor has issued a special licence, solemnise a marriage between the parties named in such declaration and in accordance with the provisions of this Ordinance: When and where a marriage may be solemnised.
By minister.

Provided that—

- (a) a marriage by banns shall be solemnised in a place registered for celebrating marriages;
- (b) a marriage by licence other than the Governor's special licence shall be solemnised in a place registered for celebrating marriages, or in the house of a justice.

(2) A registrar may, at any time within three months from the date of the issue of the licence by the Registrar-General, solemnise a marriage in his office between the parties named in such licence. By Registrar.

8. One of the parties to the intended marriage shall make and sign before a registrar or a justice a solemn declaration as in Form 1 in the First Schedule hereto, before any licence is granted. Declaration of intended marriage.

Notice of marriage to be publicly posted.

9. The Registrar-General shall, upon receiving or taking any such declaration, post the same in his office for twenty-one days, and such declaration shall constitute a notice of an intended marriage, and shall be open, without fee, during office hours, for inspection by any person.

Marriage licence.

10. The Registrar-General may, not less than twenty-one days nor more than three months after the said posting of the notice of marriage, issue a marriage licence in the Form 2 in the First Schedule hereto and he shall upon issue of such licence file a notice of marriage in his office.

Consents required to marriage of minors.

11. The Registrar-General shall not enter any notice of marriage when either party is a minor without the consent of the person or persons mentioned in the Second Schedule hereto:

Provided that—

(1) if the Registrar-General or a minister is satisfied that the consent of any person whose consent is so required cannot be obtained by reason of absence or inaccessibility, or by reason of his being under any disability, he may dispense with the necessity for the consent of that person if there is any other person whose consent is so required, or a Court may on application being made consent to the marriage, and the consent of the Court so given shall have the same effect as if it had been given by the person whose consent cannot be so obtained.

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

Conditions as to marriage.

12. No person shall, except as provided in section 13, solemnise any marriage

- (1) until a marriage licence has been issued or the banns published as provided in section 7 hereof;
- (2) after the expiration of three months from the date of the marriage licence or publication of the banns;
- (3) save in a place registered for the celebration of marriages or in the office of the registrar, or in the

house of a justice, or in such place as any special licence shall specify;

- (4) save in the presence of two witnesses who shall sign the certificate of marriage;
- (5) in any building with closed doors or before 9 o'clock in the morning or after 4.30 in the afternoon.

13. (1) A marriage by the Governor's special licence may be celebrated by a minister or a registrar at any time and in any place therein stated. Governor's special licence.

(2) The Governor's special licence may be issued at any time after the declaration prescribed in section 8.

14. Any person whose consent to a marriage by licence is required as hereinbefore provided may forbid the issue of a licence by writing upon the notice of marriage the word "forbidden" and signing his name, and serving upon the Registrar-General a notice in writing signed by or on behalf of such person stating the grounds of objection, and no licence shall in such case be issued without an order of the Court. Forbidding marriages.

15. (1) Any person may enter a caveat with the Registrar-General against the grant of a certificate or licence for the marriage of any person therein named. Any caveat shall be signed by or on behalf of the person entering the same and shall state the ground of objection. No licence or certificate shall be issued until the caveat shall be withdrawn by the person who entered the same or it shall be determined by the Judge. Caveats.

(2) Any person who shall enter a caveat on grounds which the Judge shall declare to be frivolous shall be liable for the costs of the proceedings and for damages recoverable by the party against whose marriage the caveat was entered.

16. In every case of solemnisation of marriage each of the parties shall, in some part of the ceremony and in the presence of the officiating minister or registrar and of the witnesses make the following declaration: Form of words at marriage.

"I do solemnly declare that I know not of any lawful impediment why I, A.B., may not be joined in matrimony to C.D."

and say to each other

"I, A.B., do take thee, C.D., to be my wedded wife (or husband)".

Certificates.

17. The person celebrating a marriage, the parties thereto and the two witnesses of such marriage shall sign in triplicate a certificate as in Form 3 in the First Schedule hereto, and one copy of such certificate shall be forthwith transmitted to the Registrar-General in Stanley, one copy shall be given to the husband and one shall be recorded in a book by the person celebrating the marriage.

The certificates shall be numbered consecutively, and all certificates referring to one marriage shall have the same number.

Marriages to be registered.

18. The Registrar-General shall forthwith enter every certificate of marriage in the marriage register book, and certify the accuracy of the entry and file and index the certificate of marriage.

Proof of marriage.

19. A copy of the certificate of any marriage registered by a minister or a registrar under his hand shall be *prima facie* evidence in all proceedings of the fact of such marriage having been duly celebrated.

Wrongful celebration.

20. Any person who shall wilfully and knowingly celebrate any marriage contrary to the provisions of this Ordinance or where the provisions of this Ordinance have not been complied with shall be guilty of a misdemeanour and be liable to a fine not exceeding £500, or to imprisonment not exceeding two years or to both such fine and imprisonment.

False declaration.

21. Any person who for the purpose of procuring a marriage or a certificate or licence for marriage knowingly and wilfully makes a false oath or makes or signs a false declaration notice or certificate required under this Ordinance is guilty of a misdemeanour and is liable on conviction on indictment to penal servitude for a term not exceeding seven years or to imprisonment for a term not exceeding two years or to a fine or to penal servitude or imprisonment and fine or on summary conviction to a fine not exceeding £50.

22. A party to a marriage intended to be solemnised under the Foreign Marriage Acts, 1892 to 1947, who has had his usual place of abode in the Colony or its Dependencies for a period of not less than one week immediately preceding such intended marriage or such other period as may be determined by His Majesty in Council shall give notice thereof to the Registrar-General in Form 1 in the Fourth Schedule hereto.

Marriages
under the
Foreign
Marriage
Acts, 1892 to
1947.

Notice.

23. The Registrar-General shall post up a true copy of such notice in some conspicuous place in his office and shall keep the same so posted up during fourteen consecutive days before the marriage.

Posting of
notice.

24. The Registrar-General shall unless he is aware of any impediment or objection to the solemnisation of the marriage give a certificate in Form 2 in the Fourth Schedule hereto that such notice has been given and posted up as aforesaid.

Certificate of
notice.

25. The fees set out in the Third Schedule hereto shall be paid for the services therein specified.

Fees.

FIRST SCHEDULE.
Form 1.
Notice of Marriage.

No.	Christian and Surnames in full.	"Under" or "above" the age of 21.	Condition: <i>Bachelor, Spinster, Widower or Widow</i>	Rank or Profession.	Residence.	Father's Christian and Surnames in full. <i>(If either party be under the age of 21, the father or guardian must write here "I Consent" and sign his name.)</i>	Father's Profession.

I do solemnly and sincerely declare that I believe the foregoing particulars to be true in every respect and that there is no impediment or lawful objection by reason of any kindred, relationship, or alliance or any former marriage or want of consent or any other lawful cause to the marriage of the parties above named.

Signed and declared to before me by..... Signature.....
this.....day of19, at

Signature.....Registrar or J.P.

I certify that the above declaration was duly received by me on the.....day of.....19

Signature.....Registrar-General.

N.B.—If Marriage is to be in Camp or by Special Licence say where.

Form 2.

Marriage Licence.

I hereby certify that the persons named and described below have given notice of their intended marriage and made the declaration required by law and that I know of no lawful objection to the proposed marriage: These are therefore to license any registered minister of religion or any Registrar to marry the said persons according to the provisions of the Marriage Ordinance, on any day before the.....day of.....19.....

Christian and Surnames in full.	"Under" or "above" the age of 21.	Condition: Bachelor, Spinster, Widower or Widow.	Rank or Profession.	Residence	Father's Christian and Surnames in full.	Father's Profession.

Date.....

.....
Registrar-General.

FALKLAND ISLANDS.
in the Registrar-General's Office.
Marriage Certificate.

Form. 3.

No.	When married.	Christian and Surnames in full.	"Under" or "above" the age of 21.	Condition. Bachelor, Spinster, Widower or Widow.	Rank or Profession and Country.	Father's Christian and Surnames in full.	Father's Rank or Profession.	Where Married.

This Marriage was solemnised between us

..... } *In the presence of us* { *Witness.*
 } *Witness.*

Married by me

Signature.....

Title.....

Three copies of this Certificate shall be signed by all the parties: One shall be given to the Bridegroom, one sent to the Registrar-General, and one entered in the book kept by the person solemnising the Marriage.

SECOND SCHEDULE.**Consents required to the Marriage of an Infant.****1. WHERE THE INFANT IS LEGITIMATE.**

CIRCUMSTANCES.	PERSON OR PERSONS WHOSE CONSENT IS REQUIRED.
1. Where both parents are living	
(a) if parents living together:	Both parents.
(b) if parents are divorced or separated by order of court or by agreement:	The parent to whom the custody of the infant is committed by order of any court or by the agreement, or, if the custody of the infant is so committed to one parent during part of the year and to the other parent during the rest of the year, both parents.
(c) if one parent has been deserted by the other;	The parent who has been deserted.
(d) if both parents deprived of custody of infant by order of court:	The person to whose custody the infant is committed by order of the court.
2. Where one parent is dead:	
(a) if there is no other guardian:	The surviving parent.
(b) if a guardian has been appointed by the deceased parent:	The surviving parent and the guardian if acting jointly, or the surviving parent or the guardian if the parent or the guardian is the sole guardian of the infant.
3. Where both parents are dead:	The guardians or guardian appointed by the deceased parents or by the court.

2. WHERE THE INFANT IS ILLEGITIMATE.

CIRCUMSTANCES.	PERSON WHOSE CONSENT IS REQUIRED.
If the mother of the infant is alive:	The mother, or if she has by order of the court been deprived of the custody of the infant, the person to whom the custody of the infant has been committed by order of the court.
If the mother of the infant is dead:	The guardian appointed by the mother.

THIRD SCHEDULE.

Table of Fees.

TO WHOM PAYABLE.		FOR WHAT DUTY.	AMOUNT.		
			£	s	d
The Governor	Special Licence	3	0	0
The Minister	Marriage by Governor's licence	2	0	0
The Clerk	The same	10	0	
The Minister	Marriage after banns or on Registrar-General's licence	10	0	
The Clerk	The same	5	0	
The Minister	Publication of banns of marriage	2	6	
"	"	Who performs a marriage elsewhere than in Stanley for travelling expenses for every mile beyond Stanley	3	6	
The Treasury	Entry of notice of marriage	2	6	
"	"	Registrar-General's licence	5	0	
"	"	Entering caveat	5	0	
"	"	Marriage by Registrar	10	0	
"	"	Notice under Foreign Marriage Act	1	0	
"	"	Certificate under Foreign Marriage Act..	2	0	
The Minister	Copy certified by Minister of entry in registry kept by Minister	2	6	

FOURTH SCHEDULE.

Form 1.

To the Registrar-General, Falkland Islands.

I hereby give you notice that a marriage is intended to be solemnised within three months from the date hereof between the parties named and described.

Name and Surname.	Condition.	Rank or Profession.	Age.	Residence.	Church or building where marriage to be solemnised.
A.B.					
C.D.					

Witness my hand at
day of

19

, Falkland Islands this

(Signed) A.B.
or
C.D.

Form 2.

I, _____ Registrar-General, Falkland Islands,
hereby certify that on the _____ notice of marriage between
the parties hereinafter described was given under the hand of
one of the said parties.

Name and Surname.	Condition.	Rank or Profession.	Age.	Residence.	Church or building where marriage to be solemnised.
A.B.					
C.D.					

Date of notice.

Date of certificate.

The issue of this certificate has not been forbidden by any person authorised to forbid the issue thereof.

Witness my hand this _____ day of _____ 19 .

Registrar-General.

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