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**CHAPTER 97.****CIVIL MARRIAGE.****An Ordinance to Provide for Civil Marriages in the Colony and Protectorate of Sierra Leone.**

9 of 1910.  
21 of 1929.  
14 of 1953.

[12TH SEPTEMBER, 1910.]

1. This Ordinance may be cited as the Civil Marriage Ordinance, and shall be read and construed as one with the Christian Marriage Ordinance (hereinafter referred to as the Principal Ordinance), and shall apply to the Colony and Protectorate.

Short title,  
construction  
and  
application.  
Cap. 95.

Interpretation.

2. In this Ordinance, unless the context otherwise requires, the expression "Registrar" means a Registrar of Marriages.

Registrars of Marriages.\*

3. For the purposes of this Ordinance the Registrar General shall be Registrar of Marriages for the Police District of Free-town and the Headquarters Judicial District while the District Commissioners in the Colony and Protectorate shall be Registrars of Marriages in their respective districts.

Notice of marriage.

4. Whenever after the commencement of this Ordinance any person, other than a native, desires to be married in the Office of a Registrar, one of the parties to the intended marriage shall sign and give to the Registrar of the district, in which the marriage is intended to take place, a notice according to the form in Schedule A hereto and shall pay the prescribed fee.

Supply of forms by Registrar.

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

Publication of notice.

6. Upon receipt of such notice the Registrar shall cause the same to be entered in a book to be called the "Marriage Notice Book," which may be inspected during office hours without fee. He shall also publish such notice by affixing, or causing to be affixed, a copy of the same on the outer door of his office, to be kept exposed there until he shall grant his certificate as hereinafter mentioned, or until three months shall have elapsed.

Issue of certificate by Registrar on proof of necessary conditions by affidavit.

7. The Registrar, at any time after the expiration of twenty-one days and before the expiration of three months from the date of the notice, upon payment of the prescribed fee, shall thereupon issue his certificate according to the form in Schedule B hereto:

Provided always that he shall not issue such certificate until one of the two parties to the intended marriage shall appear personally and make an affidavit—

(a) that one of the parties to the intended marriage has resided within the district in which the marriage is intended to be celebrated for at least fifteen days before the granting of the certificate;

(b) that each of the parties to the intended marriage (not being a widower or widow) is twenty-one years old, or that, if he or she is under that age, the consent of the person or persons, whose consent to such marriage is required by law,

\* The words "the Headquarters Judicial District while" were added by Ordinance No. 14 of 1953, which commenced on the 1st July, 1953.

has been obtained or that there is no person having authority to give such consent, as the case may be;

(c) that there is no impediment of consanguinity or affinity, or other lawful hindrance to the marriage.

8. If the marriage shall not take place within three months after the date of the notice, the notice and all proceedings consequent thereupon shall be void, and fresh notice must be given before the parties can lawfully marry.

Marriage to take place within three months after date of notice.

9. The Governor upon proof by affidavit made before the Registrar General that there is no lawful impediment to the proposed marriage, and that the necessary consent, if any, to such marriage has been obtained, may, if he shall think fit, dispense with the giving of notice and with the issue of the certificate of the Registrar and may grant his licence, which shall be according to the form in Schedule C hereto, authorising the celebration of a marriage between the parties named in such licence by a Registrar.

Grant by Governor of licence to marry.

10. 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 enter a caveat against the issue of the Registrar's certificate by writing at any time before the issue thereof the word "*Forbidden*" opposite to the entry of the notice in the Marriage Notice Book, and appending thereto his name and place of abode, and the grounds upon or by reason of which he claims to forbid the issue of the certificate, and the Registrar shall not issue his certificate until such caveat shall be removed as hereinafter is provided.

Caveat may be entered against issue of certificate.

11. Whenever a caveat is entered against the issue of a certificate, the Registrar shall refer the matter to the Chief Justice, and the Chief Justice shall thereupon summon the parties to the intended marriage and the person by whom the caveat is entered to appear before him, and shall require the person by whom the caveat is entered to show cause why the Registrar should not issue his certificate, and shall hear and determine the case in a summary way, and his decision shall be final.

When caveat entered question to be referred to Court.

12. If the Chief Justice decides that the certificate ought to be issued he shall remove the caveat by cancelling the word "*Forbidden*" in the Marriage Notice Book in ink, and writing in such Marriage Notice Book immediately below such entry

Removal of caveat.

and cancellation the words “*cancelled by order of the Supreme Court,*” and signing his name thereto. The Registrar shall then issue his certificate and the marriage may proceed as if the caveat had not been entered, but the time that has elapsed between the entering and the removal of the caveat shall not be computed in the period of three months specified in section 7 hereof.

Compensation and costs.

13. The Chief Justice may award compensation and costs to the party injured, if it has appeared that a caveat was entered on insufficient grounds.

Marriage in a Registrar's office.

14. After the issue of the certificate by a Registrar under section 7 hereof or after the granting of a licence under section 9 hereof, the parties may, if they think fit, contract a marriage before such Registrar or the Registrar named in the licence, as the case may be, in the presence of two witnesses in his Office with open doors on any day within three months of the date of the issuing of the certificate or of the date of the licence and between the hours of nine in the forenoon and three in the afternoon and in the following manner—

Form to be observed.

The Registrar shall address the parties thus—

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

Upon being answered in the affirmative he shall proceed thus—

“Know ye that by the public taking of each other as man and wife in my presence and in the presence of the persons now here, and by the subsequent attestation thereof by signing your names to that effect, you become legally married to each other although no other rite of a civil or religious nature shall take place, and that this marriage cannot be dissolved during your lifetime except by a valid judgment of divorce, and if either of you before the death of the other shall contract another marriage while this remains undissolved, you will be thereby guilty of bigamy, and liable to the punishment inflicted for that offence.”

Each of the parties shall then say to the other—

“I call upon all persons here present to witness that I, A.B., do take thee, C.D., to be my lawful wife (*or husband*).”

Marriage when invalid.

15. No marriage celebrated before a Registrar shall be valid—

(a) unless the parties thereto have obtained a certificate of the Registrar or licence of the Governor;

(b) if there exists any such impediment thereto as is mentioned in sub-sections (1) and (3) of section 7 of the Principal Ordinance;

(c) if celebrated under a false name or false names with the knowledge of both parties; or

(d) unless celebrated in the presence of at least two witnesses.

Save as aforesaid, every marriage celebrated under the provisions of this Ordinance shall be valid until it be lawfully dissolved.

16. (1) There shall be kept in the office of the Registrar a book to be called the "Marriage Register Book." Such book shall be according to the form of Schedule D hereto or such form as shall be prescribed from time to time by the Governor and shall be a numbered counterfoil book. Immediately after the celebration of a marriage, the Registrar shall register consecutively in such book the prescribed particulars relating to such marriage, and shall also register the same on the counterfoil. The register and the counterfoil shall be signed by the Registrar, the parties and the two witnesses. Registration.

(2) For the purpose of making the entries aforesaid it shall be lawful for the Registrar to ask of the parties information as to the prescribed particulars, and the parties are hereby required to supply the Registrar with the required information. The Registrar, other than the Registrar General, shall forward the counterfoil aforesaid duly filled in and signed as aforesaid to the Registrar General. The counterfoil aforesaid shall be forwarded as aforesaid with all reasonable despatch, and if sent by post shall be registered free of cost.

17. No Registrar who shall discover any error to have been committed in the form or substance of any entry of marriage shall be therefor liable to any of the penalties imposed by the General Registration Ordinance, or any Ordinance amending the same, if within one month next after the discovery of such error he shall correct in the presence, if possible, of the parties married, the erroneous entry in the Marriage Register Book according to the truth of the case by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereunto the day of the month and year when such correction shall be made, and shall send to the Correction of  
accidental  
errors in  
register.  
Cap. 225.