

The Laws of Zambia

REPUBLIC OF ZAMBIA

THE MARRIAGE ACT

CHAPTER 50 OF THE LAWS OF ZAMBIA

CHAPTER 50 THE MARRIAGE ACT

THE MARRIAGE ACT

ARRANGEMENT OF SECTIONS

PART I GENERALPART I

GENERAL

Section

1. Short title
2. Interpretation
3. Marriage districts
4. Appointment of Registrar-General and Registrars
5. Licensing of places of public worship

PART II PRELIMINARIES TO MARRIAGEPART II

PRELIMINARIES TO MARRIAGE

The Laws of Zambia

6. Notice of intended marriage
7. Signature of notice
8. Forms of notice to be supplied
9. Entry in Notice Book and publication of notice
10. Issue of certificate
11. Marriage to take place within three months of date of notice
12. Issue of special licence
13. Entry of caveat
14. Procedure on entry of caveat
15. Cancellation (or otherwise) of caveat
16. Costs of proceedings

PART III CONSENT TO MARRIAGE IN CERTAIN CASES NECESSARYPART III

CONSENT TO MARRIAGE IN CERTAIN CASES NECESSARY

17. When consent to marriage is necessary
18. Signature to consent and attestation
19. Consent in case of refusal or absence of parent or guardian

PART IV SOLEMNISATION OF MARRIAGEPART IV

SOLEMNISATION OF MARRIAGE

Section

20. Solemnisation of marriage by ministers
21. Registrar's certificate or special licence to be provided to minister
22. Marriage in licensed building
23. Marriage books
24. Completion of marriage certificate
25. Attestation of marriage certificate
26. Marriage before Registrar
27. Issue of marriage certificate by Registrar
28. Marriage in building other than licensed building or Registrar's office

PART V REGISTRY AND EVIDENCE OF MARRIAGESPART V

REGISTRY AND EVIDENCE OF MARRIAGES

The Laws of Zambia

29. Registration of marriages by Registrar-General
30. Correction in Register of clerical errors
31. Certificate of marriage to be evidence
32. Invalid marriages
33. Void marriages
34. Marriage under African customary law

PART VI VALIDATION OF MARRIAGE ALREADY SOLEMNISED
PART VI
VALIDATION OF MARRIAGE ALREADY SOLEMNISED

35. Marriages already solemnised in Zambia
36. Records and evidence of such marriages
37. Costs of transmission of records, etc.

PART VII OFFENCES AND PENALTIES
PART VII
OFFENCES AND PENALTIES

38. Contracting marriage under this Act when married in African customary law or contracting marriage in African customary law when married under this Act
39. Accomplices
40. False declarations, etc.

Section

41. False pretences in connection with consent to marriage
42. Illegal performance of ceremony
43. Failure to fill up and transmit certificates
44. Personation
45. False representation

PART VIII MISCELLANEOUS
PART VIII
MISCELLANEOUS

46. Rules
47. Ministers may receive fees
48. Notice when solemnisation intended in United Kingdom
49. Validation of certain marriages

CHAPTER 50

MARRIAGE

An Act to provide for the solemnisation of marriages; to provide for the validation of marriages already solemnised; and to provide for matters incidental to or connected with the foregoing.

[1st October, 1918]

10 of 1918
27 of 1930
11 of 1937
31 of 1941
35 of 1947
12 of 1949
36 of 1950
48 of 1953
6 of 1955
48 of 1963
57 of 1964
20 of 1966
21 of 1969
13 of 1994
Government Notices
316 of 1964
493 of 1964
497 of 1964
Statutory Instrument
72 of 1964

PART I GENERALPART I

GENERAL

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

Short title

2. In this Act, unless the context otherwise requires-

Interpretation

"district" means a marriage district constituted under section *three*;

"licensed minister" means any minister appointed under subsection (2) of section *five* to solemnise marriages in Zambia;

"Registrar" means a Registrar of Marriages appointed under section *four* and any person lawfully acting as such;

"Registrar-General" includes the Registrar-General of Marriages, the Deputy Registrar-General of Marriages and any person lawfully acting as the Registrar-General of Marriages or the Deputy Registrar-General of Marriages;

The Laws of Zambia

"special licence" means a special licence granted under section *twelve*.

(As amended by No. 11 of 1937, No. 48 of 1953
and G.N. No. 316 of 1964)

3. The Minister may, by statutory notice, divide Zambia into districts for the purposes of this Act and may, by like notice, from time to time alter such districts, either by change of boundaries or by union or subdivision of districts or by the formation of new districts.

Marriage districts

(As amended by G.N. No. 316 of 1964)

4. The Minister may from time to time appoint a Registrar-General of Marriages for Zambia and Registrars of Marriages for any marriage district; and may also from time to time appoint a Deputy Registrar-General of Marriages, an Assistant Registrar-General of Marriages and Deputy Registrars of Marriages for any marriage district. The Assistant Registrar-General of Marriages and the Deputy Registrar of Marriages for any marriage district shall, in the absence or during the illness or incapacity of the Registrar-General or of the Registrar or Registrars of any marriage district respectively, have and exercise all the powers conferred by this Act upon the Registrar-General and the Registrars respectively.

Appointment of
Registrar-General and
Registrars

(No. 27 of 1930 as amended by No. 31 of 1941, No. 48 of 1953, G.N. No. 316 of 1964 and
S.I. No. 72 of 1964)

5. (1) The Minister may, by *Gazette* notice, license any place of public worship to be a place for the solemnisation of marriages and may at any time, by like notice, cancel such licence.

Licensing of places of
public worship

(2) The Minister may, by *Gazette* notice, appoint any minister of any church or religious body to solemnise marriages in Zambia and may at any time, by like notice, cancel such appointment.

(As amended by G.N. No. 316 of 1964)

PART II PRELIMINARIES TO MARRIAGEPART II

PRELIMINARIES TO MARRIAGE

6. No marriage shall be solemnised unless notice of the intended marriage shall have been given in the prescribed form by one of the parties thereto to the Registrar of the district in which the marriage is intended to take place not less than twenty-one days before the date of solemnisation.

Notice of intended
marriage

7. If the person giving such notice is unable to write, it shall be sufficient if he place his mark or cross thereto in the presence of some literate person who shall attest the same, which attestation shall be in the prescribed form.

Signature of notice

The Laws of Zambia

8. Every Registrar shall supply forms of notice gratuitously to any persons applying for the same. Forms of notice to be supplied

9. 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 causing a copy of the same to be affixed on the outer door of the office and to be kept exposed there until he grant his certificate as hereinafter mentioned or until three months shall have elapsed. Entry in Notice Book and publication of notice

10. (1) 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 issue his certificate in the prescribed form: Issue of certificate

Provided always that he shall not issue such certificate until he has been satisfied by affidavit-

- (i) that one of the parties has been resident within the district in which the marriage is intended to be solemnised for at least fifteen days immediately preceding the granting of the certificate;
- (ii) that each of the parties to the intended marriage (not being a widower or widow) is not less than twenty-one years old or that if he or she is under that age the consent hereinafter made requisite has been obtained (which consent must be in writing and annexed to such affidavit);
- (iii) that there is not any impediment of kindred or affinity or any other lawful hindrance to the marriage;
- (iv) that neither of the parties to the intended marriage is married by African customary law to any person other than the person with whom such marriage is proposed to be contracted.

(2) Such affidavit may be sworn before the Registrar.

(3) The Registrar taking such affidavit shall explain to the person making the same what are the prohibited degrees of kindred and affinity and the penalties which may be incurred under the provisions of this Act.

(As amended by No. 48 of 1963)

11. 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 further notice must be given in accordance with section six before the parties can lawfully marry. Marriage to take place within three months of date of notice

12. (1) The Minister or an authorised officer, upon proof being made to him by affidavit that there is no lawful impediment to a proposed marriage and that any necessary consent 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, upon payment of the prescribed fee, grant a special licence in the prescribed form authorising the solemnisation of a marriage between the parties named in the special licence by a Registrar or by a licensed minister of some religious denomination or body and may further, if he shall think fit, authorise the solemnisation of a marriage at a place named in the special licence, not being a licensed place of worship or Registrar's office.

Issue of special licence

(2) In this section-

"authorised officer" means a public officer designated by the Minister as an authorised officer.

(As amended by No. 11 of 1937, G.N. No. 316 of 1964 and No. 21 of 1969)

13. 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.

Entry of caveat

14. Whenever a caveat is entered against the issue of a certificate, the Registrar shall refer the matter to the High Court, and that Court shall thereupon summon the parties to the intended marriage and the person by whom the caveat is entered 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 the decision of the High Court shall be final.

Procedure on entry of caveat

15. If the High Court decides that the certificate ought to be issued, the Judge 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 and cancellation the words "cancelled by order of the High 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 *ten*.

Cancellation (or otherwise) of caveat

16. The High Court may, in its discretion if it shall consider that a caveat has been entered in any case without reasonable or probable cause, order the person entering the caveat to pay any reasonable costs incurred by either of the parties to the intended marriage by reason of the proceedings consequent on such caveat being entered.

Costs of proceedings

PART III CONSENT TO MARRIAGE IN CERTAIN CASES NECESSARY PART III

CONSENT TO MARRIAGE IN CERTAIN CASES NECESSARY

17. If either party to an intended marriage, not being a widower or widow, is under twenty-one years of age, the written consent of the father, or if he be dead or of unsound mind or absent from Zambia, of the mother, or if both be dead or of unsound mind or absent from Zambia, of the guardian of such party shall be produced and shall be annexed to the affidavit required under sections *ten* and *twelve* and, save as is otherwise provided in section *nineteen*, no special licence shall be granted or certificate issued without the production of such consent.

When consent to marriage is necessary

(As amended by G.N. No. 316 of 1964)

18. (1) If the person required to sign such consent is unable to write, he shall sign such consent by placing his cross or mark thereto in the presence of one of the following persons: any Judge, District Secretary, Registrar of the High Court, Registrar of Deeds, Government Medical Officer, or minister of religion.

Signature to consent and attestation

(2) Such signature shall be attested by such person in the prescribed form.

(3) The provisions of section *two* of the Interpretation and General Provisions Act shall not apply to this section.

Cap. 2

(As amended by G.N. No. 493 of 1964)

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

Consent in case of refusal or absence of parent or guardian

(2) If there be no parent or guardian of such party residing in Zambia and capable of consenting to the marriage, then any of the following persons, that is to say, the Minister, a Judge of the High Court, or a District Secretary may consent to such marriage in writing, upon being satisfied after due inquiry that there are no reasonable grounds in the interest of either party for withholding such consent, and such consent shall be as effectual for the purposes of this Act as if the father or mother had consented.

(As amended by No. 35 of 1947 and G.N. No. 316 of 1964)

PART IV SOLEMNISATION OF MARRIAGEPART IV

SOLEMNISATION OF MARRIAGE

20. Marriages may be solemnised in any licensed place of worship by any licensed minister of the church, denomination or body to which such place of worship belongs and according to the rites and usages of marriage observed in such church, denomination or body, or with the consent of a recognised minister of the church, denomination or body to which such place of worship belongs by any licensed minister of any other church, denomination or body according to the rites and usages of marriage observed in any church, denomination or body. Every 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, and in the presence of two or more witnesses besides the officiating minister.

Solemnisation of marriage by ministers

(No. 11 of 1937 as amended by No. 48 of 1953)

21. A minister shall not solemnise any marriage if he knows of any just impediment to such marriage nor until the parties deliver to him the Registrar's certificate or the special licence, as the case may be.

Registrar's certificate or special licence to be provided to minister

(As amended by G.N. No. 316 of 1964)

22. A minister shall not solemnise any marriage except in a building which has been duly licensed by the Minister or in such place as the special licence may direct.

Marriage in licensed building

(As amended by G.N. No. 316 of 1964)

23. The Minister shall cause to be printed and delivered to the several Registrars and to the licensed ministers of licensed places of worship books of marriage certificates in duplicate in the prescribed form with counterfoils. Such books shall be kept by the several Registrars and the licensed ministers for the time being of such places of worship under lock and key and be in the custody of such Registrars and ministers respectively.

Marriage books

(As amended by No. 11 of 1937 and G.N. No. 316 of 1964)

24. Immediately after the solemnisation of any marriage by a minister, the officiating minister shall fill up in duplicate a marriage certificate with the particulars required by the said prescribed form and enter in the counterfoil the prescribed particulars.

Completion of marriage certificate

25. The certificate shall then be signed in duplicate by the officiating minister, by the parties and by two or more witnesses to the marriage. The minister having also signed his name to the counterfoil shall sever the duplicate certificate therefrom and shall deliver one certificate to the parties and shall, within seven days thereafter, transmit the other to the Registrar for the district in which the marriage takes place who shall transmit the same to the Registrar-General within seven days of the receipt thereof.

Attestation of marriage certificate

26. After the issue of a certificate under section *ten* or *fifteen*, or of a special licence, the parties may, if they think fit, contract a marriage before a Registrar in the presence of two witnesses, in his office with open doors, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, in accordance with the prescribed procedure.

Marriage before Registrar

(No. 36 of 1950 as amended by G.N. No. 316 of 1964)

27. The Registrar shall then fill up and he and the parties and witnesses shall sign the certificate of the marriage in duplicate and the Registrar shall then fill up and sign the counterfoil as hereinbefore provided in the case of a marriage by a minister and shall deliver one certificate to the parties and shall, within seven days, transmit the other to the Registrar-General.

Issue of marriage certificate by Registrar

28. Whenever a special licence authorises the solemnisation of a marriage at a place other than a licensed place of worship or the office of a Registrar, the minister or Registrar solemnising such marriage shall observe strictly all the formalities hereinbefore provided as to marriage in a licensed place of worship or Registrar's office, as the case may be. The minister who has solemnised any such marriage shall deliver one certificate to the parties as in section *twenty-five* provided and shall, within seven days thereafter, forward to the Registrar for the district in which such marriage has been solemnised the other certificate of marriage and also a copy of the special licence pursuant to which the marriage has been solemnised. Within seven days of the receipt of such certificate and such copy, the Registrar shall forward them to the Registrar-General.

Marriage in building other than licensed building or Registrar's office

(As amended by G.N. No. 316 of 1964)

PART V REGISTRY AND EVIDENCE OF MARRIAGESPART V

REGISTRY AND EVIDENCE OF MARRIAGES

29. (1) The Registrar-General shall file in his office all certificates of marriage which shall be transmitted to him, and shall forthwith register in a book to be kept in his office for such purpose and to be called the "Marriage Register Book" in the prescribed form particulars of every certificate of 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.

Registration of marriages by Registrar-General

(2) Upon payment of the prescribed fees, the Registrar-General shall at all reasonable times allow searches to be made in the Marriage Register Book and shall give certified copies therefrom.

(3) Every Registrar and the licensed minister for the time being of every licensed place of worship shall, at all reasonable times upon payment of the prescribed fee, allow searches to be made in the counterfoils of his marriage certificate books.

(As amended by No. 11 of 1937)

30. The Registrar-General may correct any clerical error in any certificate of marriage filed in his office and in the Marriage Register Book upon production to him of the certificate delivered to the parties, and shall authenticate every such correction by his signature and the date of such correction.

Correction in Register of clerical errors

The Laws of Zambia

31. Every certificate of marriage which shall have been filed in the office of the Registrar-General, or a copy thereof purporting to be signed and certified as a true copy by the Registrar-General for the time being, and every entry in a Marriage Register Book or copy thereof certified as aforesaid, shall be admissible as evidence of the marriage to which it relates in any court of justice or before any person now or hereafter having by law or consent of parties authority to hear, receive and examine evidence.

Certificate of marriage
to be evidence

32. (1) No marriage in Zambia shall be valid-

Invalid marriages

- (a) which if solemnised in England would, under the law relating to prohibited degrees of marriage for the time being in force in England, be null and void on the ground of kindred or affinity;
- (b) where either of the parties thereto at the time of the celebration of such marriage is married by African customary law to any person other than the person with whom such marriage is had.

(2) A marriage shall be null and void if both parties knowingly and wilfully acquiesce in its solemnisation-

- (a) in any place other than the office of a Registrar or a licensed place of worship or a place authorised by the special licence; or
- (b) under a false name or names; or
- (c) without the Registrar's certificate of notice or special licence having been duly issued; or
- (d) by a person not being a licensed minister of some religious denomination or body or a Registrar.

*(As amended by No. 11 of 1937, No. 48 of 1963
and G.N. No. 316 of 1964)*

33. (1) A marriage between persons either of whom is under the age of sixteen years shall be void:

Void marriages

Provided that this section shall not apply when a Judge of the High Court has, on application being made, and on being satisfied that in the particular circumstances of the case it is not contrary to the public interest, given his consent to the marriage.

(2) Nothing in this section shall affect any marriage already solemnised or contracted before the 20th May, 1949.

Exemption of existing
marriages

(No. 12 of 1949 as amended by No. 6 of 1955)

34. Any person who is married under this Act or whose marriage is declared by this Act to be valid, shall be incapable during the continuance of such marriage of contracting a valid marriage under any African customary law, but, save as aforesaid, nothing in this Act contained shall affect the validity of any marriage contracted under or in accordance with any African customary law, or in any manner apply to marriages so contracted.

Marriage under African customary law

(No. 48 of 1963)

PART VI VALIDATION OF MARRIAGES ALREADY SOLEMNISED PART VI

VALIDATION OF MARRIAGES ALREADY SOLEMNISED

35. Every marriage solemnised in the portion of Zambia formerly known as North-Eastern Rhodesia before the 1st February, 1903, and every marriage solemnised in the portion of Zambia formerly known as Barotseland-North-Western Rhodesia before the 16th July, 1906, by any minister of any religious denomination or body, according to the rites in use by such religious denomination or body, shall be and shall be deemed to have been from the time of the solemnisation thereof, a legal and valid marriage:

Marriages already solemnised in Zambia

Provided that nothing herein contained shall legalise any marriage which has, before the commencement of this Act, been declared invalid by any competent court, nor any marriage, either party to which had at the time of its solemnisation a lawful wife or husband living, nor any marriage which was void by reason of kindred or affinity or fraud or incapacity to contract marriage, nor any marriage otherwise invalid, either party to which shall, before the commencement of this Act and in the lifetime of the other party thereto, have intermarried with any other person.

36. Every minister of religion or other person in Zambia who has in his custody or control any register, record or paper purporting to be such of marriage solemnised before the 1st February, 1903, in the portion of Zambia formerly known as North-Eastern Rhodesia, and before the 16th July, 1906, in the portion of Zambia formerly known as Barotseland' North-Western Rhodesia, shall forthwith deliver or transmit to the Registrar-General the said register or official record or a copy thereof, unless a copy has already been transmitted pursuant to the provisions of the North-Eastern Rhodesia Marriage Regulations, 1903, or Proclamation No. 15 of 1906 omitting if desired any matter of a private nature with a certificate appended thereto in the following form:

Records and evidence of such marriages

I, A.B., (here describe place of abode and position) do certify that the annexed written pages contain the true record (excepting matters of a confidential nature) of the marriages heretofore solemnised in (here name church).

Dated the day of 19

(Signed A.B.)

37. The Minister may defray out of the general revenues of the Republic all proper expenses connected with the transmission or delivery of the said registers or which may otherwise become necessary to be incurred in carrying out the provisions of this Act.

Costs transmission of records, etc.

(As amended by G.N. No. 316 of 1964 and S.I. No. 72 of 1964)

PART VII OFFENCES AND PENALTIESPART VII

OFFENCES AND PENALTIES

38. Any person who-

- (a) contracts a marriage under this Act, being at the time married in accordance with African customary law to any person other than the person with whom such marriage is contracted;
- (b) having contracted a marriage under this Act, during the continuance of such marriage contracts a marriage in accordance with African customary law;

Contracting marriage under this Act when married in African customary law or contracting marriage in African customary law when married under this Act

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years:

Provided that this section shall not extend to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time.

(No. 48 of 1963)

39. Whoever being unmarried goes through the ceremony of marriage with a person whom he or she knows to be married to another person shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding five years.

Accomplices

40. Whoever in any affidavit, declaration, licence, document or statement by law, to be made or issued for the purposes of a marriage, swears, declares, enters, certifies or states any material matter which is false shall, if he does so without having taken reasonable means to ascertain the truth or falsity of such matter, be liable on conviction to imprisonment with or without hard labour for one year or shall, if he does so knowing that such matter is false, be liable on conviction to imprisonment with or without hard labour for a period not exceeding five years.

False declarations, etc.

41. Whoever endeavours to prevent a marriage by falsely pretending that his consent thereto is required by law, or that any person whose consent is so required does not consent, or that there is any legal impediment to the performing of such marriage, shall, if he does so knowing that such pretence is false or without having reason to believe that it is true, be liable on conviction to imprisonment with or without hard labour for a period not exceeding two years.

False pretences in connection with consent to marriage

The Laws of Zambia

42. Whoever performs the ceremony of marriage knowing that he is not duly qualified so to do, or that any of the matters required by law for the validity of such marriage has not happened or been performed, so that the marriage is void or unlawful on any ground, shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding five years.

Illegal performance of ceremony

43. Whoever, being under a duty to fill up the certificate of a marriage celebrated by him or the counterfoil thereof or to transmit the same to the Registrar, wilfully fails to perform such duty shall be liable on conviction to a fine not exceeding one thousand and five hundred penalty units or, alternatively or in default of payment of such fine or in addition thereto, to imprisonment with or without hard labour for a period not exceeding two years.

Failure to fill up and transmit certificates

(As amended by Act No. 13 of 1994)

44. Whoever personates any other person in marriage, or marries under a false name or description with intent to deceive the other party to the marriage, shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding five years.

Personation

45. Whoever goes through the ceremony of marriage, or any ceremony which he or she represents to be a ceremony of marriage, knowing that the marriage is void on any ground and that the other person believes it to be valid, shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding five years.

False representation

PART VIII MISCELLANEOUSPART VIII

MISCELLANEOUS

46. The Minister may, from time to time by statutory instrument, make, alter, amend or repeal such rules as may be necessary for the proper carrying out of the provisions of this Act and more especially may prescribe-

Rules

- (a) the place or places at which shall be situate the offices of the Registrar-General and of the several Registrars;
- (b) the form and manner of giving any notice required by this Act and the particulars to be furnished;
- (c) the form of any attestation required by this Act;
- (d) the form of any certificate, licence, register or other document required for the purposes of this Act;
- (e) the conditions under which registers or other documents may be inspected;
- (f) the fees to be paid under the provisions of this Act in respect of anything required or permitted to be done or any document required to be executed and provision for their remission or reduction on account of the poverty of the parties or for other good reason;
- (g) the procedure to be followed when a marriage is contracted before a Registrar.

(As amended by No. 36 of 1950 and G.N. No. 316 of 1964)

47. Nothing herein contained shall preclude a minister from receiving the fees ordinarily paid to a minister of his denomination for the solemnisation of marriage.

Ministers may receive fees

48. Where a marriage is intended to be solemnised or contracted in the United Kingdom between a British subject resident in England, Scotland or Ireland and a British subject resident in Zambia, the latter may give notice of the intended marriage to the Registrar of the marriage district in which he resides and a certificate for marriage may be issued by such Registrar in like manner as if the marriage was to be solemnised or contracted in Zambia under circumstances requiring and authorising the issue of such a certificate by him.

Notice when solemnisation intended in United Kingdom

49. Any marriage solemnised before the 23rd July, 1937, by a recognised minister, according to the rites and usages of marriage observed in the church, denomination or body to which he belongs, in any licensed place of worship not of the same church, denomination or body as that to which the minister belongs, shall be, and shall be deemed always to have been, as valid as if the minister belonged to the church, denomination or body of such place of worship, and had solemnised the marriage according to the rites or usages of marriage observed in such last mentioned church, denomination or body.

Validation of certain marriages

(No. 11 of 1937)

SUBSIDIARY LEGISLATION

SECTION 3-MARRIAGE DISTRICTS (DIVISION) ORDER

Order by the Prime Minister

The Laws of Zambia

- | | |
|---|---|
| <p>1. This Order may be cited as the Marriage Districts (Division) Order.</p> | <p>Title</p> |
| <p>2. The Republic is hereby divided for the purposes of the Act into districts the names and boundaries of which shall be identical with the names and boundaries of the administrative districts of the Republic as set out in the Second Schedule to the Provinces and Districts (Division) Order,</p> | <p>Districts for purposes of Act
Cap. 286</p> |

SECTION 46-THE MARRIAGE (PROCEDURE) RULES

Government Notice
45 of 1951

Rules by the Minister

- | | |
|---|---|
| <p>1. These Rules may be cited as the Marriage (Procedure) Rules.</p> | <p>Title</p> |
| <p>2. Marriages contracted before a Registrar by virtue of the provisions of section <i>twenty-six</i> of the Act shall be in accordance with the procedure set out in the Schedule.</p> | <p>Marriages contracted before Registrar</p> |
| <p>3. Prior to the celebration of the marriage, the Registrar shall inspect the certificate of licence and shall point out to the parties that the place in which they are met has been duly sanctioned for the celebration of marriages according to law. He shall insist upon the seemly behaviour of the parties and witnesses as befitting the importance of the occasion.</p> | <p>Preliminaries to celebration of marriage</p> |
| <p>4. The Registrar shall himself recite the declaration and the form of contracting words, in order that the parties may repeat them, and he shall insist upon the parties repeating the words in a serious and proper manner and with as distinct an enunciation of the words as possible. The full import of the declaratory and contracting words and the penalty for any falsity therein shall be clearly explained to the parties by the Registrar whenever the parties appear to be either ignorant or careless in that respect.</p> | <p>Procedure</p> |
| <p>5. In the case of deaf and dumb persons, they shall be requested to bring with them an interpreter who understands the language of the deaf and dumb; otherwise the words of declaration and contract shall be written out and signed by the parties in token of their assent.</p> | <p>Special cases</p> |
| <p>6. The Registrar shall not allow any religious service whatever to be used at the celebration of a marriage in his office. For the purposes of this rule the giving and receiving of a ring shall not be deemed to constitute a religious ceremony.</p> | <p>No religious service to be used</p> |

SCHEDULE

(Rule 2)

The Laws of Zambia
PROCEDURE FOR MARRIAGES CONTRACTED BEFORE A REGISTRAR

Each of the parties must, in the presence of the Registrar and the witnesses, declare as follows:

"I do solemnly declare that I know not of any lawful impediment why I (*naming himself or herself*) may not be joined in matrimony to (*naming the other party*)."

And each of the parties must also say to the other:

"I call upon these persons here present to witness that I (*naming himself or herself*) do take thee (*naming the other party*) to be my lawful wedded (*wife or husband*)."

SECTION 46-THE MARRIAGE (FORMS AND FEES) RULES

Rules by the Minister

Government Notices
73 of 1918
95 of 1918
144 of 1926
216 of 1945
189 of 1949
199 of 1953
316 of 1964
497 of 1964
Statutory Instruments
72 of 1964
282 of 1967
77 of 1982
180 of 1987
63 of 1994
Act No.
13 of 1994

- | | |
|--|------------------------------------|
| <p>1. These Rules may be cited as the Marriage (Forms and Fees) Rules.

<p style="text-align: right;">(No. 189 of 1949)</p></p> | <p>Title</p> |
| <p>2. Every notice of an intended marriage given pursuant to the provisions of section six of the Act shall be in Form 1 in the First Schedule.</p> | <p>Notice of intended marriage</p> |
| <p>3. Every attestation to a signature under the provisions of the Act shall be in Form 2 in the First Schedule.</p> | <p>Attestation</p> |
| <p>4. Every certificate issued by a Registrar under the provisions of section ten of the Act shall be in Form 3 in the First Schedule.</p> | <p>Certificate</p> |
| <p>5. Every special licence granted under the provisions of section twelve of the Act shall be in Form 4 in the First Schedule.

<p style="text-align: right;">(As amended by No. 316 of 1964)</p></p> | <p>Licence</p> |
| <p>6. Every marriage certificate shall be in either Form 5 or 6 in the First Schedule.

<p style="text-align: right;">(As amended by No. 199 of 1953)</p></p> | <p>Marriage certificate</p> |

The Laws of Zambia

7. The marriage register book shall be in Form 7 in the First Schedule. Marriage register

8. The affidavit for the satisfaction of the Registrar under the provisions of section 10 of the Act shall be in Form 8 in the First Schedule. Affidavit

(No. 189 of 1949)

9. (1) The fees specified in the Second Schedule shall be paid for the several matters to which they are applicable: Prescribed fees

Provided that the Minister or an authorised officer, on account of the poverty of the parties or for any other reason he deems adequate, may reduce the amount of any such fees or remit them altogether, or, if they have been paid, direct the refund of the whole or any part thereof.

(2) For the purposes of this rule, "authorised officer" means-

- (a) the Registrar-General;
- (b) any Resident Secretary;
- (c) the Permanent Secretary, Ministry of Local Government.

(As amended by No. 144 of 1926, No. 316 of 1964
and No. 282 of 1967)

FIRST SCHEDULE

PRESCRIBED FORMS

NOTICE OF MARRIAGE

To the Registrar of Marriage for the District of Zambia.

I hereby give you notice that a marriage is intended to be had within three months from the date hereof between me, the undersigned, and the other party herein named.

Names and Surnames	Condition	Occupation, Rank or Profession	Age	Dwelling or Place of Abode	Consent (if any) and by whom given

Witness my hand this day of 19

.....(Signature)

FORM OF ATTESTATION

Signed by the said at on the day of.....
19 this Notice (or Consent) having been first read over to him (her) [or read over and truly interpreted to him (her) in
thelanguage] by

He (she) seemed to understand the same and made his (her) mark thereto in my presence.

..... (Signature)

REGISTRAR'S CERTIFICATE

I,....., Registrar of Marriages for the District of Zambia, do hereby certify that on the.....day of 19, Notice was duly entered in the Marriage Notice Book of this District, of the marriage intended between the parties herein named and described, such Notice being delivered under the hand of one of the parties, that is to say:

Name	Condition	Occupation Rank or Profession	Age	Consent	Dwelling	Length of Residence

Date of Notice entered 19.....
 Date of Certificate given 19.....
 No Caveat has been entered against the issue of this Certificate (or a Caveat was entered against the issue of this Certificate on the day of 19....., but it has been cancelled).
 Witness my hand this day of 19.....

..... (Signature)
Registrar of Marriages
District

Note.-This Certificate will be void unless the marriage is solemnised on or before the day of 19

..... (Signature)

REPUBLIC OF ZAMBIA
SPECIAL LICENCE

WHEREAS desire to intermarry, and sufficient cause has been shown to me why the preliminaries required by the Marriage Act should be dispensed with;

NOW THEREFORE, in pursuance of the said Act, I do dispense with the giving of Notice and the issue of the Certificate thereby prescribed, and do hereby authorise any Registrar of Marriages or minister appointed to solemnise marriages under section 5 of the said Act to solemnise a marriage between the said at within days from the date hereof.

Such marriage may be solemnised by a Registrar of Marriages or by a minister appointed to solemnise marriages as above mentioned between the hours of 8 o'clock in the forenoon and 6 o'clock in the afternoon.

Given under my hand at this day of 19.....

.....
Minister of Local Government/Authorised Officer
(As amended by No. 316 of 1964)

REPUBLIC OF ZAMBIA

Marriage celebrated in the at in Zambia.

CERTIFICATE OF MARRIAGE

Under the provisions of the Marriage Act.

	No.	When Married	Names and Surname	Full Age or Minor	Condition	Rank or Profession	Residence at time of Marriage	Father's Name and surname	Occupation, Rank or Profession of Father
No. Date 19									

Name of Husband

Name of Wife

Witnesses

Married at by (Signature)

Minister (or Registrar)

This marriage was celebrated between us

{ }
{ }

in the presence of us

{ }
{ }

Witnesses

(As amended by S.I. No. 72 of 1964)

REPUBLIC OF ZAMBIA

Marriage celebrated in theat in Zambia.

CERTIFICATE OF MARRIAGE

Under the provisions of the Marriage Act.

No.	Date	Full Names	Full Age or Minor	Con- dition	Rank or Pro- fession	Residnce at time of Marriage	Father's Full Name	Occupatio Rank or Professor of Father

Witnesses (*Full names*)
Married at by

(Signature)

Minister (or Registrar)

This marriage was celebrated between us:

(Signatures) { in the presence of us } Witnesses
(Signatures)

(As amended by S.I. No. 72 of 1964)

MARRIAGE REGISTER

When and where Married	Names and Surnames	Whether Full Age or Minor	Condition	Occupation	Residence	Father's Name and Occupation

Entered this day of 19....

.....(Signature)

Registrar-General

AFFIDAVIT

(Section 10 (1))

I make oath and say:

1. That I have been a resident of District within Zambia since

Witness my hand this day of 19.....

.....(Signature)

Registrar of Marriages

.....District

NOTE.-This Certificate will be void unless the marriage is solemnised on or before the day of 19

.....(Signature)

2. That I myself am not less than twenty-one years old. Or That I being under the age of twenty-one years the written consent of my lawful guardian has been obtained and is attached hereto marked "A". Or That I being under the age of twenty-one years am a widower (widow).

3. That is not less than twenty-one years old. Or That being under the age of twenty-one years the consent in writing of the lawful guardian of the said.....has been obtained and is attached hereto marked "B". Or That being under the age of twenty-one years is a widower (widow).

4. That we are not related to one another within the prohibited degrees of kindred or affinity.

5. That both myself and are above the age of sixteen years. Or That being below the age of sixteen years the consent to the marriage of a Judge of the High Court has been obtained in accordance with section 33 of the Marriage Act and is attached hereto marked "C".

6. That my attention has been drawn to section 33 of the Marriage Act as endorsed hereon.

7. That there is no other lawful hindrance to our intended marriage.

(Deponent's Signature)

Sworn before me at this day of 19.....

.....
Registrar

NOTE 1. Insert name of intended spouse in paragraphs 3 and 5.

NOTE 2. Should either or both of the parties to an intended marriage be under 21 years of age and not be a widower or widow the consent in writing of the father must be obtained-if alive, of sound mind and within Zambia-and attached to this affidavit. If the father be dead or be of unsound mind or not be within Zambia, then the mother; if she be dead, etc., then the guardian; or if no guardian is resident and capable, then the Minister of Local Government, a Judge of the High Court, or a District Secretary.

NOTE 3. See section 33 of the Marriage Act printed on the back of this form.
(No. 189 of 1949 as amended by No. 316 of 1964 and S.I. No. 72 of 1964)

THE MARRIAGE ACT

The Laws of Zambia

33. (1) A marriage between persons either of whom is under the age of sixteen years shall be void:

Provided that this section shall not apply when a Judge of the High Court has, on application being made, and on being satisfied that in the particular circumstances of the case it is not contrary to the public interest, given his consent to the marriage.

(2) Nothing in this section shall affect any marriage already solemnised or contracted before the 20th May, 1949.

SECOND SCHEDULE

(Rule 9)

PRESCRIBED FEES

	<i>Fee Units</i>
Special Licence	30
Search fees	20
Alteration of Register	2
Affidavit in support of an application for a Registrar's certificate	2
Marriage Certificate	1

(As amended by Act No. 13 of 1994)