



Marriage Act
Chapter 218
Laws of the Federation of Nigeria 1990

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Marriage Act **Chapter 218** Laws of the Federation of Nigeria 1990

An Act to make provisions for the celebration of marriages.

31st December, 1914

1. This Act may be cited as the Marriage Act.
2. In this Act, unless the context otherwise requires-
"district" means a marriage district constituted under this Act;
"Principal Registrar" means the Principal Registrar of Marriages;
"registrar" means a registrar of marriages, and includes a deputy registrar when acting as a registrar.
3. The President shall, by order published in the *Federal Gazette*, divide Nigeria into districts, for the purposes of this Act, and may, from time to time, by like order, alter the 1957. districts.
4. (1) There may from time to time be appointed a fit and proper person to be the Principal Registrar of Marriages.
(2) There may likewise be appointed a fit and proper person to be the registrar of marriages for each marriage district, and may also appoint a deputy registrar of marriages for any district to act in the absence or during the illness or incapacity of the registrar.

5. Every registrar shall have an office at such place as the Minister shall direct. The office of the Principal Registrar shall be at such place, as the Minister shall direct.
6. (1) The Minister may license any place of public worship to be a place for the celebration of marriages, and may at any time cancel such licence; in either case he shall give notice thereof in the Federal Gazette.
(2) Every place of public worship licensed as a place for the celebration of marriages under any enactment repealed by this Act shall be deemed to be licensed under this Act unless and until the Minister shall cancel the licence in respect thereof.

Preliminaries to Marriage

7. Whenever any persons desire to marry, 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 as in Form A in the First Schedule.
8. If the person giving such notice is unable to write or is insufficiently acquainted with the English language, or both, then it shall be sufficient if he place his mark or cross thereto in the presence of some literate person who shall attest the same as in Form B in the First Schedule.
9. Every registrar shall supply forms of Notice gratuitous to any persons applying for the same.
10. 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 his office, and to be kept exposed there until he grants his certificate as hereinafter mentioned, or until three months shall have elapsed.
11. (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 thereupon issue his certificate as in Form C in the First Schedule:
Provided always that he shall not issue such certificate until he has been satisfied by affidavit-
 - (a) that one of the parties has been resident within the district in which the marriage is intended to be celebrated at least fifteen days preceding 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 hereinafter made requisite has been obtained in writing and is annexed to such affidavit;
 - (c) that there is not any impediment of kindred or affinity, or any other lawful hindrance to the marriage;
 - (d) that neither of the parties to the intended marriage is married by 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 a registrar, or before an administrative officer or before a recognised minister of religion.
- (3) The person 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 sections 42 and 43 of this Act, and if he wilfully fails to make such explanation, he shall be liable to imprisonment for two years.
- (4) The person taking such affidavit shall sign a declaration written thereon, that he has given the explanation required by this section to the person making such affidavit and that such person has appeared fully to understand the same.
12. 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 shall be given before the parties can lawfully marry.
13. The Minister upon proof being made to him by affidavit 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 Form D in the First Schedule, authorising the celebration of a marriage between the parties named in such licence by a registrar, or by a recognised minister of some religious denomination or body.
14. (1) 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 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.
(2) In the case of an illiterate person, such caveat shall be entered on his behalf in the marriage notice book by the registrar on the verbal notice of such person.
15. Whenever a caveat is entered against the issue of a certificate, the registrar shall refer the matter to a judge of the High Court of the State, and such judge shall thereupon summon the parties to the intended marriage, and the person by whom the caveat is entered, to appear before him in the High Court of the State, 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 subject to a right of appeal to the Court of Appeal.

16. If the judge 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 by 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 sections 11 and 12 of this Act.
17. The judge may award compensation and costs to the party injured, if it appears that a caveat was entered on insufficient grounds.

Consent to Marriage in certain cases necessary

18. If either party to an intended marriage, not being a Consent 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 Nigeria, of the mother, or if both be dead or of unsound mind or absent from Nigeria, of the guardian of such party, must be produced annexed to such affidavit as aforesaid before a licence can be granted or a certificate issued.
19. (1) If the person required to sign such consent is unable to write, or is insufficiently acquainted with the English language, or both, then he shall sign such consent by placing his mark or cross thereto in the presence of one of the following persons-
 - (a) any judge of the High Court of the State;
 - (b) administrative officer;
 - (c) justice of the peace;
 - (d) magistrate;
 - (e) registrar of marriages;
 - (f) medical officer in the service of the Government; or
 - (g) minister of religion.(2) Such signature shall be attested by such person as in the Form B in the First Schedule.
20. If there be no parent or guardian of such party residing in Nigeria and capable of consenting to the marriage, then any of the following persons may consent to such marriage, in writing, upon being satisfied after due inquiry that the marriage is a proper one-
 - (a) a Governor;
 - (b) a judge of the High Court of the State or of the Federal Capital Territory, Abuja;
 - (c) any officer of or above the grade of assistant secretary.

Celebration of Marriage

21. Marriage may be celebrated in any licensed place of worship by any recognised minister of the Church, denomination or body to which such place of worship belongs, and according to the rites or usages of marriage observed in such church, denomination or body:

Provided that the marriage be celebrated with open doors between the hours of eight 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.
22. A minister shall not celebrate 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 licence issued under section 13 of this Act.
23. A minister shall not celebrate any marriage except in a building which has been duly licensed by the Minister, or in such place as the licence issued under section 13 of this Act, may direct.
24. The Principal Registrar shall cause to be printed and delivered to the several registrars, and to the recognised ministers of licensed places of worship, books of marriage certificates in duplicate and with counterfoils as in the Form E in the First Schedule. Such books shall be kept by the several registrars and the recognised ministers for the time being of such places of worship, under lock and key, and be in custody of such registrars and ministers respectively, who shall, so soon as all the certificates in any such books shall have been used, send the said book with the counterfoils duly filled in to the Principal Registrar.
25. Immediately after the celebration of any marriage by a minister, the officiating minister shall fill up in duplicate a marriage certificate with the particulars required by the said Form E, and state also and enter in the counterfoil the number of the certificate, the date of the marriage, names of the parties, and the names of the witnesses.

26. 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, he shall sever the duplicate certificate therefrom, and he shall deliver one certificate to the parties, and shall within seven days thereafter transmit the other to the registrar of marriages for the district in which the marriage takes place, who shall file the same in his office.
27. After the issue of a certificate under section 11, or of a licence under section 13 of this Act, 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 ten o'clock in the forenoon and four o'clock in the afternoon, and in the following manner-
- The registrar, after production to him of the certificate or licence, shall, either directly or through an interpreter, address the parties thus-
- Do I understand that you, A.B., and you, C.D., come here for the purpose of becoming man and wife?
- If the parties answer 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 remain undissolved you will be thereby guilty of bigamy, and liable to punishment 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).
28. 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 prescribed in the case of a marriage by a minister, and shall deliver one certificate to the parties and shall file the other in his office.
29. Whenever the licence issued under section 13 of this Act authorises the celebration of marriage at a place other than a licensed place of worship, or the office of a registrar of marriages, the registrar of the district in which such marriage is intended to take place, upon the production of such licence, shall deliver to the person producing the same a blank certificate of marriage in duplicate, and the minister or registrar celebrating such marriage shall fill up such certificate, and observe strictly all the formalities hereinbefore prescribed as to marriages in a licensed place of worship, or registrar's office, as the case may be.

Registry and Evidence of Marriages

30. (1) Every registrar shall forthwith register in a book to be kept in his office for such purpose, and to be called the Marriage Register Book, every certificate of marriage which shall be filed in his office according to the Form F in the First Schedule; and every such entry shall be made in the order of date from the beginning to the end of the book, and every entry so made shall be dated on the day on which it is so entered, and shall be signed by the registrar, and such book shall be indexed in such manner as is best suited for easy reference thereto.
- (2) The registrar shall at all reasonable times allow searches to be made in the marriage register book, and shall give certified copies therefrom upon payment of the prescribed fee.
- (3) Within ten days after the last day of each month, every registrar shall send to the Principal Registrar a certified copy of all entries made by him during the preceding month in the marriage register book of his district, and the Principal Registrar shall file the same in his office.
31. Any registrar, when authorised by the Principal Registrar, may correct any clerical error in any certificate of marriage filed in his office, 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.
32. Every certificate of marriage which shall have been filed in the office of the registrar of any district, or a copy thereof, purporting to be signed and certified as a true copy by the registrar of such district 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 having by law of consent of parties authority to hear, receive, and examine evidence.

Invalid Marriages

33. (1) No marriage in Nigeria shall be valid where either of the parties thereto at the time of the celebration of such marriage is married under 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 willfully acquiesce in its celebration
- (a) in any place other than the office of a registrar of marriages or a licensed place of worship (except where authorised by the licence issued under section 13 of this Act). or
- (b) under a false name or names; or

- (c) without a registrar's certificate of notice or licence issued under section 13 of this Act duly issued, or
 - (d) by a person not being a recognised minister of some religious denomination or body or a registrar of marriages.
- (3) But no marriage shall, after celebration, be deemed invalid by reason that any provision of this Act other than the foregoing has not been complied with.

34. All marriages celebrated under this Act shall be good and valid in law to all intents and purposes.

35. 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 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 customary law, or in any manner apply to marriages so contracted.

Fees

36. The fees specified in the Second Schedule shall be paid for the several matters to which they are applicable.
37. The Minister may, when he is satisfied of the poverty of the parties, reduce the amount of the said fees, or remit them altogether, and, if they have been paid into the Consolidated Revenue Fund or other appropriate Fund as the case may be, order their refund.
38. This Act shall not preclude a minister from receiving the fees ordinarily paid to a minister of his denomination for the celebration of marriage.

Offences and Penalties

39. Whoever, being unmarried, goes through the ceremony of marriage under this Act with a person whom he or she knows to be married to another person, shall be liable to imprisonment for five years.
40. Whoever in any affidavit, declaration, certificate, licence, document, or statement by law to be made or issued for the purposes of a marriage, declares, enters, certifies or marriage, 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 to imprisonment for one year, or shall, if he does so knowing that such matter is false, be liable to imprisonment for five years.
41. Whoever endeavours to prevent a marriage by pretence 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 to imprisonment for two years.
42. Whoever performs or witnesses as a marriage officer the ceremony of marriage, knowing that he is not duly qualified so to do, or that any of the matters required by law for ceremony. 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 to imprisonment for five years.
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 of marriages, wilfully fails to perform such duty, shall be liable to imprisonment for two years.
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 to imprisonment for five years.
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 to imprisonment for five years.
46. Whoever contracts a marriage under the provisions of this Act, or any modification or re-enactment thereof, being at the time married in accordance with customary law to any person other than the person with whom such marriage is contracted, shall be liable to imprisonment for five years.
47. Whoever, having contracted marriage under this Act, or any modification or re-enactment thereof, or under any enactment repealed by this Act, during the continuance of such marriage contracts a marriage in accordance with customary law, shall be liable to imprisonment for five years.
48. Whoever, knowing that the written consent required by this Act has not been obtained, shall marry or assist or procure any other person to marry a minor under the age of twenty-one years, not being a widow or widower, shall be liable to imprisonment for two years.

Foreign Marriages

49. Subject to sections 50 to 53, a marriage between parties one of whom is a citizen of Nigeria, if it is contracted in a country outside Nigeria before a marriage officer in his office, shall be as valid in law as if it had been contracted in Nigeria before a registrar in the registrar's office.
50. For the purposes of this Act, every Nigerian diplomatic or consular officer of the rank of Secretary or above shall be regarded as a marriage officer in the country to which he is accredited.
51. The office used by a marriage officer for the performance of his diplomatic or consular duties shall be regarded as the marriage officer's office for the purposes of this Act.
52. Subject to the modifications specified in section 53 this Act shall apply in relation to a marriage contracted before a marriage officer as nearly as may be as it applies in relation to a marriage contracted before a registrar.
53. The modifications referred to in section 52 of this Act are as follows-
- (a) references to the registrar's district shall be construed as references to the country to which the marriage officer is accredited;
 - (b) the affidavit mentioned in section 11(2) of this Act shall be sworn before the marriage officer;
 - (c) section 13 of this Act shall not apply;
 - (d) sections 15 to 17 of this Act shall not apply and, if a caveat is entered under section 14 of this Act in respect of an intended marriage of which notice has been given, the notice and all proceedings consequent thereon shall be void and any fee paid shall be refunded to the payer (without prejudice to the right to give a fresh notice or enter a fresh caveat);
 - (e) the marriage officer, if he is satisfied that the consent of any person required by section 1~ of this Act cannot be obtained because of that person's absence, inaccessibility or disability, may (without prejudice to that person's right to enter a caveat under section 14 of this Act) dispense with the necessity of obtaining the consent of that person or a consent under section 20 of this Act so however that the marriage officer shall not have power to dispense with the consent required by section 18 of this Act if he is satisfied that the marriage is being sought to be celebrated outside Nigeria solely because that consent could not be obtained in Nigeria.
 - (f) in section 30(3) of this Act the words "three months" and "each calendar year" shall be substituted for the words "ten days" and "each month" respectively;
 - (g) in section 33(1) of this Act the words "in Nigeria" shall be disregarded;
 - (h) any fee chargeable shall be converted to the local currency at the official rate of exchange;
 - (i) power to reduce, remit or refund fees under section 38 of this Act shall be vested in the marriage officer."

Forms

54. The forms contained in the First Schedule may be used in the cases to which they are applicable, with such alterations as may be necessary.

Repeals

55. The Marriage Ordinance,* the Marriage Proclamation and the Foreign Marriage Ordinance, 1913,t are hereby repealed:
Provided, however, that the said enactments shall continue to apply to every marriage contracted thereunder or validated thereby as if this Act had not been made.
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