

CHRISTIAN OR CIVIL MARRIAGE

MARRIAGE ACT 1884-1985 (CAP 127)

By the end of this presentation participants should be able to

1. Define Christian or Civil marriage and Customary Marriage
2. Know the procedures in registering marriage under the ordinance
3. Know the three authorities for solemnization of marriage under the part three of the act
4. Procedures for Church Gazetting and Gazetting of Ministers

CUSTOMARY MARRIAGE

- A Customary Marriage is contracted when a man and a woman agree to marry each other and the requisite formalities are observed in accordance with customary law.
- Customary Marriages are potentially polygamous.
- The man has the right to add up another woman.
- The registration of customary law marriage is governed by customary marriage Act 1985 of the PNDC Law 112

CHRISTIAN OR CIVIL MARRIAGE

MARRIAGES ACT (CAP 127)

- ◆ It must be noted that unlike Islamic Marriage or Customary marriage, Christian or civil marriage is monogamous.
- ◆ Lord Penzance define marriage as understood in Christendom as voluntary union for life of one man and woman to the exclusion of all others

ORDINANCE MARRIAGE PROCEDURES

- Section 41 of the marriage act (cap 127) makes provisions for three different authorities for solemnization of marriage under part three of the act.
- Marriage by a Marriage Officer's certificate

- Marriage by a registrar of marriages certificate and
- Marriage by Special License obtained from the Registrar –General.

Marriage under Marriage officers Certificate

- A Marriage Officer is an officer of a religious body authorized to perform a marriage ceremony in a church or premises licensed for that purpose.
- Marriage under marriage officers certificate such a minister should have been gazetted by the state.
- Where a Minister who is not gazetted by the state officiates any marriage under the Act, the position of the law is that such a marriage is null and void.
- Not every minister of a religious body qualifies to officiate marriage under marriage officers certificate.
- Before any Minister qualifies to officiate marriage under marriage officers certificate such a minister should have been gazette by the state.
- The second requirement of the law is that the venue where the marriage would be celebrated should have been licensed for that purpose.

Banns Publication

- ◆ Parties to the intended marriage are required to give written notice to the marriage officer at least four days before the publication of banns.
- ◆ If both parties attend the same church then one notice is sufficient .The parties will fill form F of notice for banns.
- ◆ Otherwise notice must be published in both churches attended by the parties. Each party will fill form E of the Notice for banns.
- ◆ The Churches can use Forms E or F and Forms I or J for the notice of banns and license respectively.
- ◆ The notice of banns should be pasted on the Church's notice board.
- ◆ One of the parties must have resided in the district where the marriage is to be performed at least fifteen (15) days before the grant of the notice.
- ◆ Publication of banns shall be made in the face of the congregation in an audible manner both in English and Vernacular.
- ◆ This should be done during public divine service on a Sunday morning, afternoon or evening if that may be the case, on three Sundays.
- ◆ The Marriage should be solemnized within three months (90) days of the last publication of banns, such marriage and all proceedings consequent thereon shall be void.

Solemnization of Marriage

- Marriages may be celebrated in any licensed place of worship by any recognized minister of the church.
- According to the rites and usages of marriage observed in such church with open doors between the hours of eight(8) O'clock in the morning and six (6) O'clock in the evening.
- It should be in the presence of two or more witnesses besides the officiating minister.
- A minister from the branch of a denomination can go to another branch of the same denomination to officiate marriage
- A minister of one denomination cannot go to another denomination to officiate marriage.
- The oath and the signing of the marriage certificate should be done between 8 am and 6pm.
- No minister shall celebrate any marriage if he knows of any just cause or impediment to such marriage
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- No minister shall celebrate any marriage until the parties deliver to him either a registrar's certificate, marriage officers certificate or the principal registrar's certificate (special license)
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- The minister shall serve the duplicate certificate and deliver one to the parties and transmit the other within seven days to the registrar of marriages for the district who shall file the same in his office.

Marriage by a Registrar of Marriages Certificate

- A registrar of Marriages is an officer appointed by government to perform marriage under the Marriages Act in the District, Municipal, Metropolitan or city council's offices.
- Any persons desire to marry under the authority of a registrar's certificate, one of the parties to the intended marriage is required to give notice in writing to the registrar of their intention to marry within three months.
- Upon receipt of the notice, the registrar is then required to enter it in the marriage notice book, publish a copy of the notice to be affixed on the outer door of his office or on a notice board, outside his office

Registrar's Certificate

- ◆ The registrar shall at any time after twenty-one(21) days and within three months of the motion upon payment of the prescribed fees issue the Marriage certificate .
- ◆ Marriages celebrated at the District, Municipal, or Metropolitan Assemblies cannot be celebrated on holidays.
- ◆ The Celebration of the marriage should be between 8am and 4pm on week days only.

Marriage by Special License

- ◆ The principal Registrar of marriages is the Registrar-General.
- ◆ Special license may only be granted where parties to intended marriage can prove to the Principal Registrar of marriages why they cannot go through the procedure of giving 21 day notice or publication of banns.

Caveat

- During the publication of the banns and before the marriage is solemnized any person who has an objection to the solemnization of the marriage or any person who knows of a just cause why the marriage should not take place may enter a caveat against the issue of a registrar's or marriage officer's certificate.
- A registrar or marriage officer shall not issue the certificate or license until the caveat is removed.
- The caveat should be in writing. Caveat should be referred to the court.
- On the removal of the caveat, the registrar or marriage officer may issue the certificate in due course.

Guidelines for Gazetting of a Church

- A written application shall be submitted to the Municipal Assembly through the Registrar of marriages in the District, Municipal or Metropolitan Assembly.
- A copy of the certificate of incorporation obtained from Registrar General's department shall be attached to the application.
- A team of officers from the Assembly shall inspect the premises and then issue a letter to the applicant upon satisfying all the requirements to be submitted to Ghana Publishing for the Gazetting.

Guidelines for the appointment of Marriage Officers

- The application shall be submitted to the registrar of marriages (the Registrar-General)
- State the qualification and date of ordination or consecration of the priest or pastor.
- The application from the orthodox churches shall be signed by the Bishop of the relevant diocese or the chairperson.
- Application from churches under the Pentecostal council of Ghana shall be submitted under the signature of the Head of the council or the secretary of the council.