



**BERMUDA
1944 : 25**

MARRIAGE ACT 1944

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[3 June 1944]

[preamble and words of enactment omitted]

Interpretation

1 (1) In this Act, unless the context otherwise requires —

"Christian body" means the Church of England, the Roman Catholic Church, the Presbyterian Church, the Methodist Church, the African Methodist Episcopal Church, the Salvation Army and any other religious denomination, sect or body professing and practising the doctrines of Christianity;

"celebrate", "celebrated", "celebration" are used in relation to the performance of a marriage by means of a religious ceremony; and "contracted", "contracting", "to contract" are used in relation to the performance of marriage by means of civil (as opposed to religious) proceedings;

"Marriage Officer" has the meaning assigned to it by section 3;

"minister" means a person —

- (i) who is a clergyman, priest or minister of a Christian body; or
- (ii) who, in the case of a Christian body which by reason of its tenets has no clergyman, priest or minister, is an officer, elder or member of that Christian body,

and who is authorized by or under the rules and usages of the Christian body to which he belongs to celebrate marriages according to its rites and ceremonies.

(2) For the purpose of this Act "the Minister" shall mean the Minister with responsibility for the Registry General or such other Minister charged with responsibility for the Minister's functions under this Act.

Marriage Officers

2 *[Repealed]*

[Repealed by The Marriage Act 1944 Amendments Order 1980 effective 22 January 1977]

Meaning of "Marriage Officer"

3 (1) In this Act "Marriage Officer" means a minister who by virtue of this Act, and subject thereto, is enabled to celebrate marriages in Bermuda.

(2) A minister shall be a Marriage Officer if he holds a valid licence granted to him in that behalf by the Minister.

Licensing of ministers to be Marriage Officers; revocation of licences

4 (1) The Minister, by writing under his hand, may grant a licence to any minister to be a Marriage Officer within the meaning and for the purposes of this Act.

(2) An application for the grant to a minister of a licence to be a Marriage Officer shall be made in writing in the first instance to the Registrar General either by the minister himself or by the senior minister in Bermuda of the Christian body to which the minister belongs:

Provided that where the minister is a Chaplain to any of the naval, military or air forces of Her Majesty or of the United States of America in Bermuda, the application shall be made by the senior officer of that force in Bermuda.

(3) Every such application shall state the full name of the minister to whom it relates and shall contain a description of the Christian body to which he belongs and his status therein.

(4) The Registrar General may require additional or better particulars with respect to any such application and may refuse to take any further action upon the application until the required particulars are furnished.

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(5) When the Registrar General is satisfied that the application contains sufficient information to enable it to be considered by the Minister, he shall forward the application to the Minister with a report upon the application.

(6) The Minister may grant or refuse a licence to a minister to be a Marriage Officer or may postpone further consideration of the application until there has been provided such additional or better particulars as seem to the Minister to be necessary and where the Minister decides to refuse the application his decision shall be final and conclusive and it shall not be necessary, whatever the decision reached by the Minister for him to assign any reason for his decision.

(7) Every licence granted by the Minister under this section shall have effect as from the date thereof, and notice of the grant shall be published in the Gazette as soon as may be after the licence is granted.

(8) The Minister may at any time and without assigning any reason revoke any licence granted by him under this section.

(9) A Marriage Officer to whom a licence has been granted under this section may at any time by notice in writing to the Registrar General surrender his licence.

(10) Where a licence granted under this section has been revoked or surrendered in accordance with the foregoing paragraphs notice of such surrender or revocation shall be published in the Gazette and as from the date of publication of the notice the licence shall cease to be valid.

(11) A licence granted by the Minister under this section may be in the form set out in the First Schedule.

Saving of rights of ministers under former Act

5 [omitted]

Registrar of Marriages

6 The Registrar General shall be the Registrar of Marriages (hereinafter in this Act referred to as "the Registrar") for the purposes of this Act.

Registrar to keep list of marriage officers

7 The Registrar shall keep affixed in a conspicuous place in his office a list showing the names and addresses of all Marriage Officers in Bermuda and in the case of each Marriage Officer the designation of the Christian body to which he belongs and the place or places (if any) at which he ordinarily officiates as a minister.

Performance of marriages

8 Subject to this Act, a marriage in Bermuda may either be celebrated by a Marriage Officer or may be contracted before the Registrar,

General prerequisites of marriage

9 (1) Subject to the requirements of the Act relating to notice of marriage and the issue of certificates —

- (a) a marriage may be celebrated by a Marriage Officer under the authority of the Registrar's certificate; or
- (b) a marriage may be contracted before the Registrar under the authority of the Registrar's certificate.

(2) A marriage may be celebrated by a Marriage Officer or contracted before the Registrar, without notice of marriage or the issue of any certificate, under the authority of a special licence granted by the Minister in accordance with section 20.

(3) A marriage in extremis may be celebrated by a Marriage Officer under section 25, subject only to the fulfilment of the conditions thereby imposed.

[Section 9 subsection (1) substituted by 2002:37 s.2 effective 30 December 2002]

Notice of marriage

10 (1) One of the parties to an intended marriage shall give notice of the intended marriage in Form A set out in the Second Schedule, making the declarations therein contained.

(2) The notice required by subsection (1) shall be given to the Registrar whether the marriage is —

- (a) to be celebrated by a marriage officer; or
- (b) to be contracted before the Registrar,

on the authority of the Registrar's certificate.

(3) In this section "appropriate Marriage Officer" means a Marriage Officer who officiates as a minister at a place of worship in which, as required by section 11, the banns of marriage are to be published.

[Section 10 subsection (2) substituted by 2002:37 s.3 effective 30 December 2002]

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Publication of banns of marriage

11 (1) Where a marriage is intended to be celebrated by a Marriage Officer after the publication of banns of marriage the following provisions of this section shall have effect.

(2) *[Deleted]*

(3) After the receipt by an appropriate Marriage Officer of a certificate for marriage issued by the Registrar under section 14, any Marriage Officer or other minister or person officiating for the time being at the place of worship in which the banns are to be published may, subject as hereinafter in this section provided, publish the banns between the parties to the intended marriage:

Provided that, in the case of a person other than a Marriage Officer or other minister, such person shall be a person authorized in that behalf by the Marriage Officer in charge of the place of worship in which the banns are to be published.

(4) The banns shall be published in the place of worship in which the marriage is to be celebrated.

(5) The banns shall be published in an audible voice in the face of the congregation during the performance of public Divine Service on three Sundays preceding the celebration of the marriage, during the morning service, or, if there is no morning service, during the afternoon or evening service.

It shall be immaterial that the banns are published on one Sunday by one Marriage Officer (or minister or other person as aforesaid) and on another Sunday by another Marriage Officer or minister or other person as the case may be.

(6) The banns shall specify the Christian names and surname of each of the parties, and the condition of each of the parties (that is to say, whether bachelor or widower, spinster or widow, or divorced person), and the place of abode of each of the parties.

(7) In this section "appropriate Marriage Officer" means a Marriage Officer who officiates as a minister at a place of worship in which the banns of marriage are to be published in accordance with this section.

[Section 11 subsection (2) deleted, and (3) amended, by 2002:37 s.4 effective 30 December 2002]

Certificate of Marriage Officer

12 *[Repealed]*

[Section 12 repealed by 2002:37 s.5 effective 30 December 2002]

Marriage Notice Book; public notice

13 (1) Where a marriage is intended to be celebrated by a Marriage Officer, or contracted before the Registrar, under the authority of the Registrar's certificate, the Registrar on receiving notice of the marriage (as required by section 10) shall forthwith enter the particulars contained in the notice and the date of the receipt of the notice in a book to be called the Marriage Notice Book, and shall keep the notice posted in a conspicuous place in his office for a period of not less than fourteen days from the date of the receipt thereof.

(2) The Registrar shall also within three days of the receipt of the notice of marriage cause advertisement thereof, in Form C set out in the Second Schedule, to be published once in any two newspapers published and circulated in Bermuda.

(3) Any expenses incurred by the Registrar in the publication of advertisement of a notice of marriage, as required by subsection (2) shall be paid to the Registrar by the person who gave the notice.

Issue of Registrar's certificate

14 After the posting and advertisement of the notice of marriage as required by section 13, and at any time not later than three months or earlier than fourteen days after the receipt of the notice of marriage, the Registrar on the application of either of the parties to the intended marriage, and if no lawful impediment has been shown to his satisfaction why a certificate should not issue and if no caveat (as hereinafter in this Act provided) has been entered against the issue of a certificate or if a caveat so entered has been removed, shall issue to the applicant a certificate for marriage in Form D set out in the Second Schedule:

Provided that the Registrar shall not issue a certificate for marriage until the expenses of advertisement have been paid as required by of section 13(3).

Consent to marriage of minors

15 Where a party to an intended marriage, not being a widower or widow, is under eighteen years of age, then the consent of the person or persons mentioned in the Third Schedule shall be required to the marriage of that party but if there is no such person, or are no such persons to give consent then no consent shall be required.

[Section 15 amended by 2001:20 s.7(1) & Sch 2 effective 1 November 2001]

Application for consent of Judge

16 (1) If any person whose consent to a marriage is required under section 15 is absent from Bermuda or is of unsound mind, then a judge,

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on application being made as hereinafter in this section provided, may consent to the marriage.

(2) If any person whose consent to a marriage is required under section 15 refuses to give his consent, then a judge, on application being made as hereinafter in this section provided, may consent to the marriage, and the consent of a judge shall have the same effect as if it had been given by the person whose consent is refused.

(3) Any application for the consent of a judge under this section shall be made by the parties to the intended marriage and shall be by originating summons.

Caveat may be entered

17 (1) Any person whose consent to a marriage is required under this Act or who knows or claims to know of any just cause why the marriage should not take place may enter a caveat, as hereinafter in this section provided, against the issue of a certificate by the Registrar under section 14.

(2) A person desiring to enter a caveat shall do so by notice in writing under his hand, stating that he forbids the marriage and stating his full name and place of abode and the grounds on which he claims to forbid the marriage.

(3) Notice under subsection (2) shall be given to the Registrar and may be given at any time before the issue of the certificate to which it relates.

(4) Where a caveat is entered as aforesaid the Registrar shall not issue a certificate unless and until the caveat is removed as hereinafter in this Act provided.

[Section 17 subsections (1) and (4) amended, and (3) substituted, by 2002:37 s.6 effective 30 December 2002]

Duties of Registrar on entry of caveat

18 (1) On the entry of a caveat under section 17 the Registrar shall forthwith record in the Marriage Notice Book the particulars contained in the notice and the date of receipt of the notice.

(2) The Registrar shall as soon as possible refer every caveat to a judge.

[Section 18 repealed and replaced by 2002:37 s.7 effective 30 December 2002]

Powers of Judge to whom caveat referred

19 Where a caveat has been referred to a judge in accordance with section 18 the following provisions shall have effect—

- (a) if the judge is of opinion that no legal ground has been disclosed in the caveat for forbidding the marriage, he may order the caveat to be removed without requiring any of the parties to appear;
- (b) in other cases, the judge shall cause a summons to be issued to the parties to the intended marriage and the person by whom the caveat has been entered requiring such person to show cause why the certificate of the Registrar should not be issued in due course;
- (c) the judge may hear and determine every such matter in a summary way and may confirm the caveat or may order it to be removed;
- (d) if the caveat is removed, the Registrar may issue his certificate in due course and the marriage may proceed as if the caveat had not been entered, but the time that has elapsed between the entry and removal of the caveat shall not be computed in the period of three months specified in section 14;
- (e) if it appears to the judge that the caveat has been entered on insufficient grounds, the judge may award compensation and costs to the party against whose marriage the caveat was entered;
- (f) if the caveat is confirmed, the Registrar shall forthwith inform every Marriage Officer in Bermuda.

[Section 19 paras (b) and (d) amended by 2002:37 s.8 effective 30 December 2002]

Special licence

20 (1) Notwithstanding anything in the foregoing provisions of this Act, the Minister, subject as hereinafter in this section provided, may in the case of any intended marriage dispense with the giving of notice of marriage and with the issue of a certificate by the Registrar, and may grant a special licence in Form E in the Second Schedule, authorizing the celebration of the marriage by the contracting of the marriage before the Registrar.

(2) The Minister shall not grant a special licence under the foregoing subsection unless it appears to him that the intended marriage is a proper one, and that there are special or exceptional circumstances justifying the grant of a special licence, and unless an affidavit is produced to him as mentioned in subsection (3).

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- (3) (a) One of the parties to the intended marriage shall make affidavit before the Registrar to the following effect, —
- (i) that there is no impediment of consanguinity or affinity or other lawful hindrance to the intended marriage; and
 - (ii) that each of the parties is of full age, or, if either of the parties is not of full age, that the consent to the marriage required by this Act has been obtained;
- (b) upon the making of an affidavit under this subsection the Registrar shall, if satisfied that there is sufficient information for the consideration of the Minister, forward the affidavit and any other documents which in his opinion should be placed before the Minister, to the Minister together with a report thereupon.

[Section 20 subsection (1) amended by 2002:37 s.9 effective 30 December 2002]

Commonwealth citizens intending marriage; one in Bermuda and other in United Kingdom

21 (1) In the case of a marriage intended to take place in Bermuda between a Commonwealth citizen resident in Bermuda and a Commonwealth citizen resident in the United Kingdom, a certificate for marriage lawfully issued in any part of the United Kingdom to the party resident in the United Kingdom shall have the same effect as if it were a certificate for marriage issued by the Registrar under section 14.

(2) In the case of a marriage intended to take place in the United Kingdom between a Commonwealth citizen resident in Bermuda and a Commonwealth citizen resident in the United Kingdom a certificate may be issued to the party resident in Bermuda by the Registrar under section 14, in the same manner as if the marriage were to be celebrated or contracted in Bermuda and both the parties were resident in Bermuda.

(3) For the purposes of subsection (1), "a certificate for marriage lawfully issued" means —

- (a) in the case of England or Wales, a certificate for marriage issued by a Superintendent Registrar;
- (b) in the case of Scotland, a certificate for marriage issued by a Registrar or a certificate of proclamation of banns;
- (c) in the case of Northern Ireland, a certificate for marriage issued by a Registrar.

[Section 21 amended by 2002:37 s.10 effective 30 December 2002]

Certificate or special licence lapses within 3 months

22 Where an intended marriage does not take place with three months after the date of the issue of any certificate or special licence relating to the intended marriage, the certificate or special licence and all proceedings taken in respect thereof shall be void, and the marriage shall not be celebrated by a Marriage Officer or contracted before the Registrar under the authority of that certificate or special licence.

Celebration of marriage by Marriage Officer

23 (1) On the delivery to him of —

(a) *[deleted]*

(b) a certificate issued in the United Kingdom (as mentioned in section 21), such certificate being valid as aforesaid; or

(c) a certificate for marriage issued by the Registrar, such certificate being valid as aforesaid; or

(d) a special licence granted by the Minister, such special licence being valid as aforesaid,

any Marriage Officer, subject to the observance of the succeeding provisions of this section, may celebrate a marriage in any place in Bermuda between the parties specified in the certificate, certificates, or special licence.

(2) The marriage shall be celebrated in the presence of two or more credible witnesses in addition to the officiating Marriage Officer.

(3) The marriage shall not be celebrated in a place to which access is prevented by locked or barred doors or otherwise.

(4) Unless the marriage ceremony includes an exhortation to the parties to the marriage that if either of them knows any impediment why they should not lawfully be married he or she shall then confess it, or to the like effect, each of the parties shall during the course of the celebration and in the presence of the witnesses make the following declaration: "I do solemnly declare that I do not know of any lawful impediment why I [A.B.] should not be joined in matrimony to [C.D.] here present;" and unless the ceremony includes an assent by the intended husband that he takes the intended wife to be his wedded wife, and an assent by the intended wife that she takes the intended husband to be her wedded husband, each of the parties shall during the course of the celebration say to the other in the presence of the witnesses: "I call upon these persons here present to witness that I [A.B.] do take thee [C.D.] to be my lawful wedded wife [*or husband*]".

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(5) A Marriage Officer shall not celebrate any marriage if he knows or has reason to believe that there is any lawful impediment to the marriage.

[Section 23 subsection (1) para (a) deleted, and (b) amended, by 2002:37 s.11 effective 30 December 2002]

Contracting of marriage before Registrar

24 (1) On the delivery to the Registrar of a certificate for marriage issued by the Registrar or of a special licence granted by the Minister, the certificate or special licence being valid within section 22, the parties specified in the certificate or special licence may contract marriage at the office of the Registrar, subject to the observance of the following provisions —

- (a) the marriage shall be contracted in the presence of the Registrar and of two or more credible witnesses between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of the same day;
- (b) the Registrar on the delivery to him of the certificate or special licence as aforesaid shall enquire of the parties whether they are desirous of becoming man and wife, and if and when the parties answer in the affirmative he shall address them as follows: "Do you or either of you know of any lawful impediment why you should not be joined together in matrimony?" Each of the parties shall then declare in the presence of the witnesses "I do solemnly declare that I do not know of any lawful impediment why I [A.B.] should not be joined in matrimony to [C.D.] here present." And each of the parties shall say to the other in the presence of the witnesses "I call upon these persons here present to Witness that I [A.B.] do take thee [C.D.] to be my lawful wedded wife [*or husband*]."

(2) The Registrar shall not permit any marriage to be contracted before him if he knows or has reason to believe that there is any lawful impediment to the marriage.

Marriage in extremis

25 (1) Notwithstanding anything in this Act, if the conditions specified in subsection (2) are fulfilled, it shall be lawful for a Marriage Officer to celebrate a marriage between any persons without notice given of the intended marriage, or (if notice has been given) without the issue of any certificate, or without the grant of a special licence, or after the expiration of three months from the date of the issue of a certificate or special licence.

- (2) The conditions referred to in subsection (1) are as follows—
- (a) the parties to the intended marriage must be legally competent to marry and must be of full age;
 - (b) the marriage must be celebrated in the presence of two or more credible witnesses in addition to the Marriage Officer and one of the witnesses must be a medical practitioner;
 - (c) one at least of the parties to the intended marriage must in the opinion of the medical practitioner be in a dying state but able to understand the material parts of the ceremony; and
 - (d) section 23(4) must be observed.

(3) A marriage celebrated under this section shall not operate as a revocation of any will.

Marriage of divorced person; right of Marriage Officer to refuse to officiate

26 (1) No Marriage Officer shall be compellable to officiate in respect of the marriage of a person whose former marriage has been dissolved by judicial decree and whose former husband or wife is still living, or to permit the use of any place of worship under his control for the publication of the banns or the celebration of the marriage of any such person.

(2) In this section "to officiate" in respect of a marriage means to publish the banns thereof or to celebrate that marriage.

[Section 26 subsection (2) substituted by 2002:37 s.12 effective 30 December 2002]

Other circumstances in which Marriage Officer may refuse to officiate

- 27 (1) No Marriage Officer shall be compellable —
- (a) to officiate in respect of a marriage between persons neither of whom is a member of the Christian body to which the Marriage Officer belongs or a Christian body in communion with that Christian body; or
 - (b) to celebrate a marriage otherwise than in accordance with the rules and usages of the Christian body to which he belongs; or

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(c) to permit the use of any place of worship under his control for the publication of the banns or for the celebration of such a marriage as is referred to in paragraph (a) or for the celebration of a marriage in the manner referred to in paragraph (b).

(2) *[omitted]* *[spent]*

(3) In this section the expression "to officiate", in respect of any marriage, has the same meaning as in the last foregoing section.

Void marriages

28 (1) Without prejudice to the effect of any other provision of law under which a marriage is void or voidable, a marriage shall be null and void —

(a) unless it is either celebrated by a Marriage Officer or contracted before the Registrar:

Provided that if a marriage is celebrated by a minister who is not a Marriage Officer, the marriage shall not be void unless both parties to the marriage knowingly and wilfully acquiesce in the marriage being so celebrated;

(b) if the parties to the marriage are within the prohibited degrees of consanguinity or affinity according to the law for the time being in force in England;¹

(c) if at the time of the marriage either party to the marriage is suffering from mental disorder within the meaning of the Mental Health Act 1968 *[title 11 item 36]*;

(d) if at the time of the marriage either party to the marriage is under the age of sixteen years;

(e) if both parties to the marriage knowingly and wilfully acquiesce in the celebration or contracting of the marriage under a false name or names;

(f) if both parties to the marriage (not being a marriage in extremis) knowingly and wilfully acquiesce in the celebration or contracting of the marriage without any notice given of the marriage (where such notice is required by this Act) or without the authority, as the case may be —

(i) *[repealed]*

¹ See the Act of Parliament of the United Kingdom entitled the Marriage Act, 1949, and the Marriage (Enabling) Act, 1960.

- (ii) of a certificate issued by the Registrar under section 14; or
 - (iii) of a special licence granted by the Minister under section 20;
- (g) if the marriage is celebrated as a marriage in extremis, and both parties thereto knowingly and wilfully acquiesce in its being so celebrated without fulfilment of the conditions specified by section 25.

(2) Save as provided in subsection (1) no marriage after it has been celebrated or contracted shall be deemed to be invalid by reason of a failure to comply with any of the provisions of this Act.

[Section 28 subsection (1)(f)(i) repealed by 2002:37 s.13 effective 30 December 2002]

Registration of marriages

29 (1) The Registrar shall keep at his office a book to be called the General Register of Marriages in which all marriages in Bermuda shall be recorded as hereinafter in this section provided.

(2) Immediately after the celebration of a marriage by a Marriage Officer, the Marriage Officer shall enter in a book to be called the Marriage Register Book a statement of the marriage in Form F set out in the Fourth Schedule, which statement shall be signed by the Marriage Officer, and by the parties to the marriage and by two credible witnesses of the marriage, and the Marriage Officer shall as soon as may be transmit to the Registrar a duplicate of such statement similarly signed, and such duplicate statement shall be filed by the Registrar and preserved among the records of his office, and the Registrar shall enter a true copy thereof in the General Register of Marriages:

Provided that in the case of the celebration of a marriage in extremis under section 25 —

- (a) the requirement as to the signing of the statement and the duplicate thereof by the parties to the marriage shall be waived so far as regards any party unable to sign;
- (b) there shall be endorsed on the statement and on the duplicate thereof a certificate in Form G set out in the Fourth Schedule which certificate shall be signed by the Marriage Officer and by any party to the marriage able to sign and by two credible witnesses of the marriage one of whom shall be the medical practitioner referred to in the said section 25;

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(c) the Registrar shall insert the words "in extremis" in the entry to be made in the General Register of Marriages.

(3) Any Marriage Officer who, without reasonable cause or excuse, fails within seven days after the celebration of any marriage to transmit to the Registrar a duplicate statement in accordance with this section commits an offence against this Act:

Punishment on summary conviction: a fine of \$1,680.

(4) Immediately after the contracting of a marriage before the Registrar a statement of the marriage in Form F set out in the Fourth Schedule shall be entered by the Registrar in the General Register of Marriages, which statement shall be signed by the Registrar and by the parties to the marriage and by two credible witnesses of the said marriage.

Any person may search registers and obtain copies of particulars other than racial colour or origin

30 Any person at all reasonable times may search the entries in any Marriage Register Book or the General Register of Marriages and may have true copies certified under the hand of the Marriage Officer in charge of the Marriage Register Book or under the hand and seal of the Registrar, as the case may be, of all particulars recorded in any such entry except such particulars as relate to the racial colour or origin of any of the persons to whom such entry relates.

Registrar may require information

31 (1) The Registrar may, for the purpose of completing or rectifying the registration of any marriage, require any person who is required by this Act or was required by any Act repealed by this Act to give any notice or statement relating to the marriage, or who may reasonably be expected to have knowledge of the true facts relating to the marriage, to make any written declaration or to give any information within his knowledge relating to the marriage and to attend at his office for the purpose of making the declaration or giving the information.

(2) If the Registrar thinks fit he may require any such declaration or information to be made or given on oath and he is hereby authorized to administer an oath for that purpose.

Alterations and amendments

32 (1) No alteration in the General Register of Marriages or in any district register delivered to the Registrar as required by this Act shall be made except as authorized by this section.

(2) Any clerical error which may from time to time be discovered in any register mentioned in subsection (1) may be corrected

by the Registrar or by any person authorized by him in that behalf; and where any such correction is made a note to that effect shall be inserted in the margin of the register and shall be signed by the Registrar.

(3) Any error of fact or substance in any register may be corrected by the Registrar in cases where he is satisfied as to the truth of the correction. The correction shall be made by entry in the margin in red ink (without any alteration in the original entry) and a note to that effect shall be inserted in the margin and shall be signed by the Registrar.

(4) Where a person applies for the correction of an error of fact or substance, the Registrar, if satisfied as to the truth of the correction, and upon payment of the prescribed fee, may make the correction in the manner set out in subsection (3) upon production to him by the applicant of a sworn declaration in writing setting forth the nature of the error and the true facts of the case, and made and signed by a person required to make any statement under the provisions of this Act relating to the marriage to which the application relates or by any two credible persons having knowledge of the truth of the case. Such declaration shall be sworn before and subscribed by a Justice of the Peace or a Commissioner for taking affidavits in the Supreme Court.

Offences

33 (1) Any person —

- (a) who knowingly and wilfully celebrates or professes to celebrate any marriage without being a Marriage Officer, or, not being the Registrar, knowingly and wilfully authorizes or conducts or professes to authorize or conduct the contracting of any marriage before him; or
- (b) who, being a Marriage Officer, or the Registrar, celebrates any marriage, or (as the case may be) authorizes or conducts the contracting of any marriage, knowing that the marriage is void on any ground, or knowing that it is an irregular marriage (as hereinafter in this section defined), or accepts notice, or publishes or permits the publication of banns, or issues a certificate, in respect of any intended marriage, knowing that the marriage would be void or irregular as aforesaid;
- (c) who is a party to a marriage, knowing that the marriage is void on any ground and that the other party thereto believes it to be valid; or

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- (d) who personates any other person in marriage or marries under a false name or description, with intent to deceive the other party to the marriage; or
- (e) who, in any declaration, notice, statement, certificate, entry, licence or document required by any of the provisions of this Act to be made, given or issued for the purposes of a marriage, declares, states, certifies or enters any material matter or thing which he knows to be false; or
- (f) who attempts or aids or abets the commission of any such offence as aforesaid,

commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for 4 years.

(2) Without prejudice to the effect of subsection (1)(c) or (d), any person—

- (a) who is a party to a marriage knowing that it is void on any ground or knowing that it is an irregular marriage; or
- (b) who marries under a false name or description; or
- (c) who attempts or aids or abets the commission of any such offence as aforesaid,

commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for two years, or a fine of \$16,800 or both such imprisonment and fine.

(3) Without prejudice to the effect of paragraph (e) of subsection (1), any person who in any declaration, notice, statement, certificate, entry, licence or document required by any of the provisions of this Act to be made, given or issued for the purposes of a marriage, declares, states, certifies or enters any material matter or thing which is false shall if he does so without having reasonable grounds for believing such matter or thing to be true,

commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for one year, or a fine \$8,400 or both such imprisonment and fine.

(4) Any person who attempts to prevent a marriage by pretence that his assent 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 marriage shall, if he does so knowing that the pretence is false, or having no reason to believe that it is true,

commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for two years, or a fine \$16,800 or both such imprisonment and fine.

(5) For the purpose of this section "irregular marriage" means a marriage (not being a void marriage or a marriage in extremis) celebrated or contracted —

(a) without any notice given of the marriage where such notice is required by this Act; or

(b) without the authority, as the case may be —

(i) *[repealed]*

(ii) of a certificate issued by the Registrar within the period prescribed by section 14; or

(iii) of a special licence granted by the Minister under section 20;

(c) after the expiration of three months from the date of the issue of any such certificate as is mentioned in the last foregoing paragraph or from the date of the grant of a special licence;

(d) before the removal of a caveat entered against the issue of a certificate; or

(e) without consent to the marriage as required by this Act.

(6) A prosecution under this section shall not be instituted without the written consent of the Director of Public Prosecutions.

[Section 33 subsection (6) amended by 1999:8 s.2 & Sch 1 effective 1 April 1999; subsection (5)(b)(i) repealed by 2002:37 s.14 effective 30 December 2002]

Evidence of marriage by means of Registers

34 Every entry in the General Register of Marriages or in any general register of marriages kept by the Registrar General under any repealed Act, or in any Marriage Register Book (whether kept under this Act or any repealed Act), and every copy of any such entry purporting to be certified as a true copy under the hand and seal of the Registrar or (as the case may be) under the hand of the Marriage Officer having charge of the Marriage Register Book, shall be received in all courts and in all proceedings whatsoever as evidence of the marriage to which the entry relates.

MARRIAGE ACT 1944

Annual report

35 The Registrar shall within ninety days after the expiration of every calendar year, compile for publication in such form and manner as the Minister may approve, a summary of the marriages celebrated or contracted during that year.

Use of foreign language

36 Where any party to a marriage is not conversant with the English language, then the statements and declarations required by this Act to be used in the celebration or contracting of the marriage shall, so far as they affect or are to be used by him or her, be made in the language which he or she commonly uses.

Commencement

37 [omitted]

[This Act was brought into operation on 27 November 1944 by notice published in Gazette No. 48 of 1944]

SCHEDULES

FIRST SCHEDULE

Licence to be a Marriage Officer

I, [blank] being the Minister with responsibility for the Minister's functions under the Marriage Act 1944 do hereby license [blank] a Minister of Religion of [Christian body] residing at [blank] and usually officiating at [blank] to be a Marriage Officer for the purposes of the Marriage Act 1944.

Given under my hand

the [blank] day of [blank] 19 [blank]

Minister of [blank]

SECOND SCHEDULE

Forms Relating to Marriage

FORM A

Notice of Intended Marriage

To¹ [blank] officiating at [blank]

To the Registrar General

I, [blank]², firstly hereunder named and described hereby give you notice that a marriage is intended between me and the person secondly hereunder named and described, that is to say:

- (1) Name and Surname
Condition³
Occupation
Age
Dwelling place
Place of intended marriage
- (2) Name and Surname
Condition³
Occupation
Age
Dwelling place
Place of intended marriage

¹ Name of Marriage Officer if notice is given to a Marriage Officer.

² Full name of person giving notice.

³ Whether single, widower, widow or divorced.

MARRIAGE ACT 1944

I give this notice with the assent of the other party herein named and described.

And I solemnly declare that I believe there is no impediment of consanguinity or affinity or other lawful hindrance to the said marriage.

And I solemnly declare that the consent has been obtained of all whose consent is necessary to the said marriage, namely:⁴

In witness whereof I have hereunto set and subscribed my hand this [blank] day of [blank] 19 [blank].

(Signature)

⁴ If applicable state names and authority of person or persons whose consent is necessary; strike out if not applicable.

FORM B

Certificate of Marriage Officer that
Banns have been Published

[Deleted by 2002:37 Sch para 15]

FORM C

Notice of Intended Marriage

The persons named and described hereunder have given notice to me of their intended marriage, namely—

[blank]¹ of [blank]² and [blank]³ of [blank]²

Any person knowing any just cause or impediment why this marriage should not be allowed should enter *caveat* forthwith in the office of the Registrar General.

Dated this [blank] day of [blank] 19 [blank]

Registrar General

¹ Man's name in full.

² Dwelling place and condition (whether single, widower, widow or divorced).

³ Woman's name in full.

MARRIAGE ACT 1944

FORM D

Registrar's Certificate for Marriage

I, [blank], Registrar General, do hereby certify that on the [blank] day of [blank] 19 [blank] notice was duly entered in the Marriage Notice Book in this Registry of the intended marriage between the parties hereunder named and described, namely—

Names and Surnames
Condition
Occupation
Age
Dwelling place
Consent, if any, by whom given

Notice of the intending marriage has been duly advertised.

No *caveat* has been entered against the issue of this certificate.

A *caveat* was entered against the issue of this certificate on the [blank] day of [blank] 19 [blank], but was removed by a Judge on the [blank] day of [blank] 19 [blank].

Witness my hand this [blank] day of [blank] 19 [blank].

Registrar General.

N.B. This certificate will be void unless the marriage takes place on or before the [blank] day of [blank] 19 [blank].

FORM E

Special Licence

To¹

These are to license the [celebration by you²][contracting before you²] of a marriage between [blank]³ and [blank]³ in accordance with the provisions of the Marriage Act 1944, you knowing no lawful impediment to the marriage.

Given under my hand

this [blank] day of [blank] 19 [blank].

Minister of [blank]

N.B. This licence will be void unless the marriage takes place on or before the [blank] day of [blank] 19 [blank].

[Second Schedule amended by 2002:37 effective 30 December 2002]

¹ Name of Marriage Officer, or Registrar General, as the case may be.

² Words not applicable to be struck out.

³ Full names, condition and place of abode of parties.

MARRIAGE ACT 1944

THIRD SCHEDULE

Consents Required to the Marriage of a Minor

I BORN INSIDE MARRIAGE

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 a court or by agreement;	The parent to whom custody of the minor is committed by order of the court or by the agreement, or, if the minor 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.
2 Where one parent is dead.	The surviving parent.
3 Where both parents are dead.	The lawfully appointed guardian or guardians of the minor.

II BORN OUTSIDE MARRIAGE

Circumstances	Person or Persons whose consent is required
1 If the mother of the minor is living.	The mother.
2 If the mother of the minor is dead.	The lawfully appointed guardian or guardians of the minor.

III WHERE CUSTODY OF THE MINOR HAS BEEN COMMITTED BY ORDER OF A COURT TO A PERSON OR PERSONS OTHER THAN THE PERSON OR PERSONS WHOSE CONSENT IS REQUIRED AS ABOVE

Circumstances	Person or Persons whose consent is required
In any case where the custody of the minor has been committed by order of the court to a person or persons other than the person or persons whose consent is required under I or II.	The person or persons to whom the custody of the minor has been committed by order of the court.

[Third Schedule headings amended by 2002:36 Sch para 15 effective 19 January 2004]

FOURTH SCHEDULE

Forms Relating to Registration of Marriage

FORM F

Particulars of Marriage to be Entered in Marriage Register Books and General Register of Marriages

No.
When Married

MARRIAGE ACT 1944

Name and Surname
Condition
Age
Rank, Profession or Occupation
Residence at Time of Marriage
Father's Name and Surname
After Banns, Registrar's Certificate or Special Licence
Consent by whom given

Married at [blank] in [blank] Parish after [blank], by me/before me

A.B.,
Marriage Officer
Registrar General

This Marriage was celebrated/contracted between us [blank] in the presence of us [blank]

FORM G

Certificate as to Marriage *in Extremis*

We the undersigned parties witnesses and Marriage Officer do hereby certify that, to the best of our knowledge and belief, both parties to the marriage (the particulars of which appear hereon) are legally competent to intermarry and are of full age, and I [blank] medical practitioner, do hereby certify that, to the best of my knowledge and belief, the said [blank]¹ is/are in a dying state but able to understand the material parts of the ceremony.

)
)
)
)
) Signatures.
)
)
)

¹ Insert full names of party or parties in dying state.

Laws of Bermuda

[Amended by:

1945 : 10	1968 : 156
1947 : 10	1968 : 295
1951 : 67	1978 : 1
1952 : 11	1979 : 30
1960 : 170	1999 : 8
1961 : 1	2001 : 20
1966 : 84	2002 : 36
1967 : 189	2002 : 37]
1968 : 48	