

CAYMAN ISLANDS



MARRIAGE LAW

(2010 Revision)

Supplement No. 9 published with Gazette No. 23 of 8th November, 2010.

PUBLISHING DETAILS

Cap. 92 of the 1963 Revised Edition of the Laws consolidated with Laws 27 of 1977 (part), 9 of 1978, 10 of 1983, 23 of 1991 (part), 15 of 1994, 18 of 2006, 15 of 2008 and 27 of 2009.

Revised under the authority of the Law Revision Law (1999 Revision).

Originally enacted-

Cap. 92-1st January, 1964

Law 27 of 1977-5th December, 1977

Law 9 of 1978-22nd June, 1978

Law 10 of 1983-13th May, 1983

Law 23 of 1991-12th December, 1991

Law 15 of 1994-16th November, 1994

Law 18 of 2006-9th June, 2006

Law 15 of 2008-8th September, 2008

Law 27 of 2009-21st October, 2009.

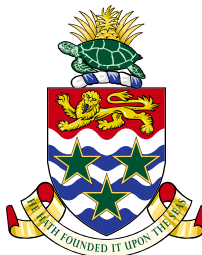
Consolidated and revised this 19th day of October, 2010.

Notes (not forming part of the Law):

1. *This revision replaces the 2009 Revision which should now be discarded.*
2. *Section 24 has been amended by Part I of the Tenth Schedule to the Children Law, 2003 [Law 4 of 2003] which latter law was not, at the time of publication of this Revision, yet in force.*



CAYMAN ISLANDS



MARRIAGE LAW

(2010 Revision)

Arrangement of Sections

Section	Page
1. Short title	5
2. Definitions.....	5
3. In what cases marriage void	5
4. Effect of non-observance of the conditions of this Law.....	6
5. Civil Registrars and Marriage Officers.....	6
6. Ministers of religion, how far entitled to be Marriage Officers.	6
7. Civil Registrar to be Marriage Officer <i>ex officio</i>	6
8. When Marriage Officer may refuse to act as such.....	6
9. Deputies to Civil Registrars, their appointments, removal powers and duties	7
10. Application for appointment as a Marriage Officer	7
11. Ministers of religion ceasing to act to notify Registrar General	7
12. Vacation of office of Marriage Officer to be notified	7
13. Temporary absence of Marriage Officer.....	8
14. Power to remove Marriage Officer	8
15. Change of residence or address and ministerial charge of Marriage Officers to be reported	9
16. Authority for marriage	9
17. Preliminaries to marriage on Civil Registrar's certificate.....	9
18. Preliminaries to marriage on a Marriage Officer's certificate.....	10
19. Notice of intended marriage under Foreign Marriage Act of the UK.....	11
20. Who may publish banns.....	12
21. Preliminaries to marriage on the Governor's licence	12
22. Special Licences.....	12
23. Stamps on marriage licences.....	13
24. Consent to marriage when required and who may give it	13

25.	Objections to a marriage, how to be made and dealt with	14
26.	Certificate or licence void after three months	15
27.	How marriage to be solemnised and conditions to be observed	15
28.	Marriage by a Civil Registrar	15
29.	As to a separate religious service	16
30.	Inquiries by Marriage Officer	16
31.	How marriages to be registered	16
32.	Marriage Officer's duties immediately after registration	16
33.	Registering marriage in the General Register Office	16
34.	Rectification of register as to marriage not properly registered	16
35.	Alteration of Register of Marriage	17
36.	Certified copies of registers exempt from stamp duty	17
37.	As to marriage <i>in articulo mortis</i>	17
38.	Rules under this Law, and by whom made, altered or revoked	18
39.	Seal of office	18
40.	Supply of books, forms, etc., to Marriage Officers	18
41.	Registrar General to see to the execution of this Law	18
42.	Registrar General responsible for documents committed to his keeping	18
43.	Index to register book	18
44.	Index may be searched	18
45.	Office copy of registers	19
46.	Marriage Officers to be Registrars of Marriage	19
47.	Their duties as such	19
48.	Duties of Civil Registrars	19
49.	Marriage facilities of British subjects	19
50.	Fees	19
51.	Expenses of carrying out this Law	20
52.	Registers, records of registers and copies, how far evidence	20
53.	Penalty on Marriage Officers not complying with this Law	20
54.	Penalty on Marriage Officers for certain neglects and defaults	20
55.	Report to be made by Registrar General to Clerks of Court	20
56.	Schedules	20
57.	Cancellation of Original Registers, Duplicate Original Registers and other entries of bigamous marriages	21
SCHEDULE-A		23
SCHEDULE-B		25
SCHEDULE-C		26
SCHEDULE-D		27
SCHEDULE-E		29
SCHEDULE-F		30
SCHEDULE-G		32
SCHEDULE-H		33
SCHEDULE-I		34
SCHEDULE-K		35
SCHEDULE-L		36
SCHEDULE-M		38
SCHEDULE-N		40



CAYMAN ISLANDS



MARRIAGE LAW

(2010 Revision)

ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the *Marriage Law (2010 Revision)*.

Definitions

2. In this Law —

“**Civil Registrar**” and “**Marriage Officer**” mean respectively Civil Registrar of Marriages and Marriage Officer under this Law;

“**General Register Office**” means the place appointed by the Governor for keeping a register of all births, marriages and deaths in the Islands; and

“**marriage**” means the union between a man and a woman as husband and wife;

“**Registrar General**” means the officer for the time being performing the duties of Governor.

In what cases marriage void

3. (1) If both the parties to a marriage knowingly and wilfully acquiesce in the solemnisation of the marriage ceremony between them —
 - (a) by or before a person not being a Marriage Officer; or
 - (b) otherwise than in the presence of two witnesses besides the Marriage Officer solemnising or witnessing and registering the marriage,



the marriage shall be void.

- (2) A marriage solemnised between persons either of whom is under the age of sixteen years shall be void.
- (3) If the parties to any marriage are within the prohibited degrees of consanguinity or affinity according to the law of England from time to time in force, the marriage shall be void.

Effect of non-observance of the conditions of this Law

4. Except as aforesaid, and except as in section 37 provided with respect to marriages under that section, no marriage otherwise lawful which has been actually solemnised shall be declared void on the ground that any of the conditions by this Law directed to be observed have not been duly observed.

Civil Registrars and Marriage Officers

5. (1) The Governor shall, from time to time, appoint and remove at pleasure such persons as he thinks fit to be Civil Registrars of Marriages, and such ministers of religion as may be entitled to appointment under this Law to be called Marriage Officers.
(2) Appointments and removals of, and any resignation or vacation of office by Civil Registrars and Marriage Officers shall be gazetted, and shall take effect from the date of publication.

Ministers of religion, how far entitled to be Marriage Officers.

6. Ministers of religious denominations whether acting for one congregation or having the local superintendence of several congregations, shall be entitled to be appointed Marriage Officers for the Islands, but the Governor may refuse to appoint any such minister if he thinks him unfit.

Civil Registrar to be Marriage Officer *ex officio*

7. A Civil Registrar shall be *ex-officio* a Marriage Officer, and shall have a known office to be approved by the Registrar General, but shall not act as a Marriage Officer otherwise than subject to section 28.

When Marriage Officer may refuse to act as such

8. No minister of religion who is a Marriage Officer shall be required to act as a Marriage Officer with respect to any marriage which is contrary to the rules of the religious denomination to which he belongs.



Deputies to Civil Registrars, their appointments, removal powers and duties

9. (1) A Civil Registrar shall, subject to the approval of the Governor, appoint by writing under his hand a fit person to act as his deputy in case of his illness or absence.
- (2) Such deputy shall hold his office during the pleasure of the Civil Registrar by whom he is appointed, but shall be removable from his office by the Governor.
- (3) Such deputy while so acting shall have all the powers and duties and be subject to all the penalties herein declared concerning Civil Registrars.
- (4) A Civil Registrar shall be civilly responsible for the acts and omissions of his deputy.
- (5) In the event of the incapacity or absence of the deputy, the Governor in Cabinet shall appoint a fit person to act as Civil Registrar until the person thus holding the appointment of Civil Registrar resumes the duties of his office or until a new appointment to the office of Civil Registrar is duly made.
- (6) If a Civil Registrar dies or otherwise ceases to hold his office, his deputy shall act as Civil Registrar in his place until the appointment of another Civil Registrar is made by the Governor.

Application for appointment as a Marriage Officer

10. (1) All applications by ministers of religion for appointment as Marriage Officers shall be made in writing to the Registrar General.
- (2) Every minister of religion acting as such for a congregation, or having the local superintendence of several congregations, who applies to be appointed a Marriage Officer, shall state in his application the name or other description of the place of public worship in which he so acts, or of the places of public worship of the congregations over which he has such local superintendence.

Ministers of religion ceasing to act to notify Registrar General

11. (1) Every Marriage Officer who is a minister of religion acting for a congregation or having the local superintendence of several congregations shall, if he ceases so to act or to have such superintendence, forthwith notify the fact to the Registrar General.
- (2) It shall be lawful for any Marriage Officer to resign his appointment as such, and such resignation shall be gazetted, and shall take effect from the date of publication.

Vacation of office of Marriage Officer to be notified

12. A Marriage Officer when duly appointed shall retain his office unless and until it is notified by Government Notice that he has ceased to be a Marriage Officer.



Temporary absence of Marriage Officer

- 13.** (1) Subject to this section, any Marriage Officer intending temporary absence from the Islands shall notify the Registrar General of such intention, and shall make such arrangements for the custody of the Marriage Register Books supplied to him as shall be satisfactory to the Registrar General.
- (2) Where any Marriage Officer intends to leave the Islands for a time, and the care of his place of worship and the conduct of the services therein are entrusted to any person not being a minister of religion, it shall be lawful for the Governor, on the recommendation of the Marriage Officer intending to leave as aforesaid or on the recommendation of the responsible governing body of such place of worship to appoint such person to act as a Marriage Officer during the absence of the Marriage Officer in question, or until some other minister of religion shall have been appointed in his stead.
- (3) In such a case, such first mentioned Marriage Officer shall hand over the Marriage Register Books supplied to him to the person appointed to act as a Marriage Officer during his absence, and the latter, on the return of the Marriage Officer first mentioned, or on the arrival of some minister of religion to take his place, shall cease to be a Marriage Officer, and shall re-deliver the said Marriage Register Books, or other books supplied to him in lieu thereof, to the minister of religion for whom he has been acting or to his successor.
- (4) Any person appointed to act as a Marriage Officer under subsection (3) shall, for the time during which he is appointed to act, have all the rights and powers, and be subject to all the obligations of a Marriage Officer.

Power to remove Marriage Officer

- 14.** Where the Governor in Cabinet is satisfied that any Marriage Officer has ceased to act for a congregation or to have the local superintendence of several congregations, or has left the Islands without notifying the Registrar General and making arrangements for the custody of the marriage records in his possession as required by section 13, the Governor may remove such person as a Marriage Officer and upon notification of such removal being made by Government Notice, the powers and authorities of such person as a Marriage Officer shall absolutely cease and be determined.



Change of residence or address and ministerial charge of Marriage Officers to be reported

- 15.** Whenever any Marriage Officer ceases to reside in the district, changes his postal address as last recorded on the list of Marriage Officers at the General Register Office or takes the active charge of or superintendence of any place or places of worship in respect of which he is not recorded at the General Register Office he shall forthwith report in writing to the Registrar General such change of residence, postal address or ministerial charge, and in default thereof he shall be liable to be removed from the list of Marriage Officers.

Authority for marriage

- 16.** Marriage may be solemnised under the authority —
- (a) of a Civil Registrar's certificate or Civil Registrars' certificates;
 - (b) of a Marriage Officer's certificate or Marriage Officers' certificates;
 - (c) of a licence from the Governor; or
 - (d) of a special licence from the Governor,
- and without any such authority in the cases specially provided for in section 37.

Preliminaries to marriage on Civil Registrar's certificate

- 17.** In every case of persons residing in the Islands intending that a marriage shall be solemnised between them under the authority of a Civil Registrar's certificate, each of such persons shall on or about the same date give notice of the intended marriage to the Civil Registrar of the district in which he or she has resided for a period of not less than fifteen clear days before the giving of such notice, in the form as nearly as may be set forth in Schedule A:

Provided that when both of such persons reside within the same district a single notice shall suffice:

And provided also that where one of the persons intending marriage is not residing in the Islands a single notice by the other person shall suffice.

- (2) On the receipt of a notice of an intended marriage, the Civil Registrar, being satisfied that the notice is conformable to the requirements of this Law, shall forthwith enter the particulars set forth in the notice in a book to be called the Marriage Notice Book, and shall on the same day put up in a conspicuous and accessible place on the door or outer wall of his office, a public notice of the intended marriage in the form as nearly as may be set forth in Schedule B, and shall keep the same so put up for seven consecutive days thereafter.
- (3) The Marriage Notice Book shall be open at all reasonable times to any person desiring to inspect it.

- (4) The Civil Registrar having complied with the requirements of this Law shall, on the expiration of seven clear days after the receipt of the notice of an intended marriage, in the event of no objection to the marriage being in force as hereinafter mentioned, grant upon request to the person who gave the notice, or to any person authorised by the person who gave the notice, a certificate of the due publication thereof, in this Law referred to as the Civil Registrar's certificate, as nearly as may be in one of the forms set forth in Schedule C, and shall therein set forth whether any objection has been offered to such intended marriage.

Preliminaries to marriage on a Marriage Officer's certificate.

- 18.** (1) In every case of persons residing in the Islands intending that a marriage shall be solemnised between them under the authority of a Marriage Officer's certificate or certificates of banns, each of such persons shall, on or about the same date, give notice in writing, in the form as nearly as may be set forth in Schedule D, to the minister (being a Marriage Officer) of the congregation to which he or she belongs or is considered to be attached, or, if not belonging or not considered to be attached to any congregation, then to any minister (being a Marriage Officer) having the ministerial charge of a place of worship in the district in which he or she resides:

Provided that when both of such persons belong to the same congregation a single notice shall suffice:

And provided also that where one of the persons intending marriage is not residing in the Islands a single notice by the other person shall suffice.

- (2) On the receipt of a notice of an intended marriage the minister (being a Marriage Officer), being satisfied that the notice is conformable to the requirements of this Law, shall (subject to his right of refusal under section 8), by himself or some other person by him duly authorised, publish the banns of marriage between the parties named therein, conformably to the notice in the place of public worship in which he ministers.
- (3) The publication shall be made in an audible manner some time during public divine service on a Sunday, or in the case of persons professing the Jewish religion, Seventh-Day Adventists and others of like religious persuasion, on a Saturday, in the face of the congregation, and shall be in the words as nearly as may be in Schedule E, and shall be made during the morning service if there is service in the morning, or if there is no morning service then during the evening service:

Provided that, in addition to such publication of banns during divine service, the minister (being a Marriage Officer) shall enter the particulars set forth in the said notice on paper, as nearly as may be in the form set forth in Schedule K, and shall affix the same on the outside of the principal door of the place of public worship at which the banns of the marriage are required to be



published, in the manner already provided, and thereafter, when such notice shall have been kept affixed as aforesaid for a period of seven clear days, the required publication of the said banns shall be deemed to be complete.

- (4) The minister (being a Marriage Officer) having complied with the requirements of this Law shall, after the publication is complete, in the event of no objection to the marriage being in force, as hereinafter mentioned, grant upon request to the person who gave the notice, or to any person authorised by the person who gave the notice, a certificate of the due publication of banns, in this Law referred to as the Marriage Officer's certificate, as nearly as may be in one of the forms set forth in Schedule F, and shall therein set forth whether any objection has been offered to such intended marriage.

Notice of intended marriage under Foreign Marriage Act of the UK

- 19.** (1) When a marriage is intended to be solemnised in any foreign country or place under the Foreign Marriage Act, 1892 of the United Kingdom, and one of the parties has had his or her usual place of abode in the Islands for a period of not less than seven days (or such other period as may hereafter be fixed by any Order in Council made in exercise of the powers conferred by the said Act) immediately preceding the notice hereinafter mentioned, such person shall give notice, in the prescribed form, of the intended marriage —
- (a) to a Civil Registrar of Marriages in the district in which he or she has had his or her usual place of abode as aforesaid; or
 - (b) to the minister (being a Marriage Officer), of the congregation to which he or she belongs, or is considered to be attached, or, if not considered to be attached to any congregation, then to any minister (being a Marriage Officer) having the ministerial charge of a place of worship in the district in which he or she has held his or her usual place of abode as aforesaid.
- (2) A notice given to a Civil Registrar of Marriages shall be deemed to be and shall be dealt with as a notice under section 17.
- (3) A notice given to a minister (being a Marriage Officer) under this section, shall be deemed to be and shall be dealt with as a notice under section 18.
- (4) Every Civil Registrar of Marriages and every minister (being a Marriage Officer) shall, on the notice having been published as provided, in the case of notices under sections 17 and 18, and unless he is aware of any impediment or objection which should obstruct the solemnisation of the marriage, grant to the person who gave the notice under this section, or to any person authorised by the person who gave the notice, a certificate in the prescribed form, of the due giving and publication of the notice.
- (5) The Governor in Cabinet shall prescribe such forms as he may think fit for carrying out this section, and until such forms are prescribed, the forms set out in the Schedules shall be used, with such variations as may be necessary.

Who may publish banns

20. No minister of religion who is not a Marriage Officer or is not expressly authorised by a Marriage Officer, shall publish any banns of marriage.

Preliminaries to marriage on the Governor's licence

21. (1) In any case of persons residing in the Islands intending that a marriage shall be solemnised between them, the Governor may, on application by or on behalf of either of the parties, if he thinks fit, upon proof being made to his satisfaction that there is no impediment of kindred or alliance or other lawful hindrance to the intended marriage, and, where consent is required, that the consent of the persons authorised to give such consent has been obtained, grant a licence for such marriage, as nearly as may be in the form set forth in Schedule G.
- (2) For the purposes of such proof, the Governor may prescribe any form of declaration according to Schedule I that he thinks fit to be made before any persons that he may appoint, and declarations so prescribed shall be deemed to be declarations required by law for the purposes of a marriage.
- (3) Every such Governor's marriage licence shall bear a stamp of the value of ten dollars.

Special Licences

22. (1) In any case of persons both of whom are not residing in the Islands intending that a marriage be solemnised between them under this Law, an application signed by both of such persons may be made to the Governor for the grant of a special licence for such marriage.
- (2) The application referred to in subsection (1) shall state —
- (a) the full names of both such persons, their occupations, their permanent addresses and their addresses at the time of making the application where such addresses are not their permanent addresses;
 - (b) whether the marriage is to be solemnised or celebrated by the Civil Registrar or a Marriage Officer, and if by a Marriage Officer, the place where and the Marriage Officer by whom the marriage is to be solemnised;
 - (c) whether they or either of them have or has been previously married;
 - (d) that there is no impediment of kindred or alliance or other lawful hindrance to the intended marriage;
 - (e) that both of them have disembarked in the Islands and have complied with Part VI of the *Immigration Law (2010 Revision)* in respect of their entry and disembarkation in the Islands; and



- (f) where consent is required, that the consent of the person authorised to give such consent has been obtained.
- (3) The application shall be accompanied by —
 - (a) an application fee of fifty dollars, which shall be non-refundable; and
 - (b) a licence fee of one hundred and fifty dollars, which shall be refunded if the application is refused.
- (4) The Governor may require proof being made to his satisfaction of all or any of the matters mentioned in an application under subsection (1), and for the purposes of such proof he may prescribe any form of declaration according to Schedule I that he thinks fit to be made before any person that he may appoint, and declarations so prescribed shall be deemed to be declarations required by law for the purposes of a marriage.
- (5) Upon such proof being made to his satisfaction, the Governor may, if he thinks fit, grant a special licence, as nearly as may be in the form set forth in Schedule G, for such marriage.

Stamps on marriage licences

- 23.** Before the issue of any marriage licence, the person issuing it shall secure that such licence be stamped with revenue stamps to the value of twenty-five cents, and shall himself cancel the stamps before he delivers the licence.

Consent to marriage when required and who may give it

- 24.** (1) Persons who have reached the age of eighteen years and widowers or widows may marry without the consent of others.
- (2) Where a person under the age of eighteen years not being a widower or widow intends to marry, the father, or if the father is dead the lawful guardian or guardians, or if there is no such guardian the mother, if unmarried, of such person shall have authority to consent to the marriage of such person, and such consent is hereby required unless there is no person authorised to give it resident in the Islands.
- (3) If the parent or guardian whose consent is necessary is *non compos mentis*, or unreasonably withholds consent to the marriage of any person, either party to the intended marriage may refer the matter to a Judge of the Grand Court who shall decide upon the same in a summary way, and if the proposed marriage appears upon examination to be proper, the Judge shall certify the same, and his certificate shall be as good and effectual as if the necessary consent had been given.
- (4) Where either of the parties to a marriage is under eighteen years of age, not being a widower or widow, and is married under this Law without the consent of the person having authority to consent, it shall be lawful for the Grand Court, on an information by the Clerk of the Court, to declare a forfeiture of



all interest in any property acquired by such marriage by the other party thereto, and to secure the same for the benefit of the party so under eighteen years of age, and of the issue of the marriage.

Objections to a marriage, how to be made and dealt with

- 25.** (1) Any person may notify his objection to an intended marriage by giving notice of objection to the Civil Registrar or Marriage Officer publishing the notice of banns.
- (2) A Civil Registrar or Marriage Officer shall disregard all objections to an intended marriage not appearing on the face of the notice, unless —
- (a) they are stated prior to the issuing of the certificate of publication:
 - (b) they are stated in writing by the person making the same; and
 - (c) the person making the same appears personally to lodge the same with the Civil Registrar or Marriage Officer, and in his presence makes and subscribes a declaration as nearly as may be in the form set forth in Schedule H, which the Civil Registrar or Marriage Officer shall endorse on the written statement of objection.
- (3) With regard to objections timely and duly made, the following shall apply —
- (a) Where the objection does not set forth a legal impediment to a marriage between the parties intending to solemnise marriage, or a refusal of consent on the part of any person whose consent is required to such marriage, the Civil Registrar or Marriage Officer shall suspend the issue of his certificate pending decision upon the objection, and shall consider the objection and make such enquiry thereabout as he sees fit, and himself decide thereupon.
 - (b) Where the objection sets forth a legal impediment to a marriage between the parties, or a refusal of consent on the part of any person whose consent is required to such marriage, the Civil Registrar or Marriage Officer shall refer the matter to a Judge of the Grand Court (who shall decide upon the same in as summary a way and as expeditiously as the circumstances of the case will permit), and shall suspend the issue of his certificate until he receives a certified copy of the Judge's decision to the effect that the parties are not, in respect of the said objection, disqualified from contracting such marriage, or where the objection is in the nature of a refusal of consent that such refusal is unreasonable and ought not to interfere with such marriage.
- (4) If it appears to the Judge that the objection, in case of an objection to a marriage, was frivolous and vexatious, he may condemn the party making it to pay, in addition to costs and all civil damages to which he may be liable, a fine not exceeding forty dollars, to be enforced in the same way as a judgement of the Grand Court.



Certificate or licence void after three months

- 26.** Whenever a marriage does not take place within three months of the date of the Civil Registrar's certificate, the Marriage Officer's certificate or a Governor's licence or special licence, the certificate or licence, as the case may be, shall be void, and no person shall proceed to solemnise the marriage until new notice has been given and certificate issued or a new licence has been granted.

How marriage to be solemnised and conditions to be observed

- 27.** After the issue of a Civil Registrar's certificate or Civil Registrars' certificates, or a Marriage Officer's certificate or Marriage Officers' certificates or a Civil Registrar's certificate in the case of one of the parties and of a Marriage Officer's certificate in the case of the other party, or a licence or special licence from the Governor, the marriage may be solemnised between the parties described in the certificate, licence or special licence, according to such form and ceremony as the parties may see fit to adopt:

Provided that every such marriage shall be solemnised in the presence of a Marriage Officer and of two witnesses between the hours of six a.m. and eight p.m. with open doors:

And provided also that the certificate or certificates, or if the marriage is by licence or special licence, the licence or special licence shall be first delivered to the Marriage Officer by or before whom the marriage is solemnised:

And provided also that in some part of the ceremony or immediately before the ceremony, and in the presence of such Marriage Officer and witnesses, each of the parties shall declare —

I do solemnly declare that I know not of any lawful impediment why I, A.B. may not be joined in matrimony to C.D.

And each of the parties shall say to the other —

I call upon these persons here present to witness that I, A.B., do take (or have now taken) thee, C.D., to be my lawful wife (or husband):

Provided also that there be no lawful impediment to the marriage of such parties.

Marriage by a Civil Registrar

- 28.** If the parties so desire they may, after certificate, licence or special licence duly granted, contract and solemnise marriage in the presence of a Civil Registrar and of two witnesses, with open doors, and between the hours of six a.m. and eight p.m., making the declaration and using the form of words provided in section 27 but, in such case, no religious service shall be used.

As to a separate religious service

29. (1) If the parties to a marriage contracted before the Civil Registrar or a Marriage Officer desire that there shall be separately performed any religious service of marriage between them, they may present themselves to any acknowledged minister of religion, and such minister upon the production of a certified copy of the Register of Marriage as contracted before a Civil Registrar or a Marriage Officer may, if he thinks fit, perform such religious service.
- (2) Nothing in the reading or celebration of such service shall supersede or invalidate any marriage previously contracted before the Marriage Officer, nor shall such ceremony be registered under this Law as a marriage.

Inquiries by Marriage Officer

30. The Marriage Officer by or before whom a marriage is solemnised shall ask the parties to be married the particulars required to be registered touching the marriage.

How marriages to be registered

31. (1) Immediately after the solemnisation of a marriage the Marriage Officer before whom it is solemnised shall register it in duplicate, that is to say in a Marriage Register Book to be kept by him for the purpose, and also in a duplicate form attached to the Marriage Register Book as a counterfoil, and the entry of such marriage both in the Marriage Register Book and the duplicate shall be signed by the Marriage Officer, by the parties married and by two witnesses.
- (2) The Register shall contain the particulars and be in the form indicated in Schedule L.

Marriage Officer's duties immediately after registration

32. Immediately after registration the Marriage Officer shall separate the duplicate register from the Marriage Register Book and forthwith deliver or cause to be delivered such duplicate register to the Registrar General, and shall deliver a certified copy of the register to one of the parties to the marriage, without fee.

Registering marriage in the General Register Office

33. The duplicate register transmitted by the Marriage Officer to the Registrar General shall be filed and safely preserved by him in the General Register Office.

Rectification of register as to marriage not properly registered

34. (1) Where a marriage is solemnised under this Law, which, without fault of the parties thereto, has been omitted to be registered, or where the register of a marriage has been lost or destroyed, it shall be lawful for either of the parties, or in case of his or her death the issue or other lawful representative of such party, to apply to the Magistrate for an order to have such marriage correctly registered.



- (2) The Magistrate shall require notice of such application to be given to such persons as he thinks expedient.
- (3) If the Magistrate is satisfied, after hearing such evidence as may be adduced, that such marriage has been proved, he shall make an order to that effect, and shall certify the same to the Registrar General, who shall thereupon cause the marriage to be specially registered (in duplicate) in accordance with the terms of the order, in books to be kept for the purpose in the General Register Office, with a note of such order and the date thereof.

Alteration of Register of Marriage

- 35.** (1) No alteration in any Register of Marriages shall be made except as authorised by this Law.
- (2) Any clerical error which may from time to time be discovered in any such Register of Marriages may be corrected by the Registrar General or any person authorised in that behalf by him, subject to the prescribed rules.
 - (3) An error of fact or substance in any Marriage Register may be corrected by entry in the margin in red ink (without any alteration in the original entry) by the Registrar General upon production to him by either of the parties to the marriage, or in case of his or her death by the issue or other lawful representative of such party, of a statutory declaration setting forth the nature of the error and the true facts of the case.

Certified copies of registers exempt from stamp duty.

- 36.** Certified copies of Registers under this Law and under sections 63 and 64 of the *Births and Deaths Registration Law (2007 Revision)* relating to Civil Status Records, shall be exempt from all stamp duty.

As to marriage *in articulo mortis*

- 37.** (1) It shall be lawful for a Marriage Officer to solemnise a marriage without any certificate of notice or banns in the following special case, that is to say, where the marriage is between two persons one of whom is *in articulo mortis*.
- (2) No such marriage shall be solemnised unless both parties are able to signify their consent thereto in the presence of two witnesses.
 - (3) No such marriage shall be solemnised where either of the parties is under eighteen years of age not being a widower or widow, unless the person whose consent is required is present and gives his or her consent verbally.
 - (4) A marriage so solemnised shall be specially registered.
 - (5) The register shall contain the particulars and be in the form indicated in Schedule M.

- (6) No marriage solemnised under this section shall be valid unless the foregoing conditions are observed.

Rules under this Law, and by whom made, altered or revoked

38. The Governor in Cabinet may, from time to time, make and when made revoke, add to and alter, rules for the carrying out of the registration provisions of this Law, and for the direction of Officers connected with registration in the performance of duties under this Law.

Seal of office

39. There shall be provided a seal or stamp of the General Register Office with which all certified copies issuing out of the office as in this Law provided shall be sealed or stamped.

Supply of books, forms, etc., to Marriage Officers

40. (1) There shall be supplied to the proper officers all books, registers and forms required for the execution of this Law.
- (2) All books so supplied to be kept for entries shall be of durable materials and shall have the pages and places for entry respectively numbered progressively.
- (3) Forms of notice of marriage shall be supplied by the Registrar General to the several Civil Registrars and Marriage Officers, who shall account for all forms so issued to them.

Registrar General to see to the execution of this Law

41. The Registrar General shall superintend, control and direct all officers entrusted with registration duties under this Law, and shall make all necessary provision for the execution of this Law.

Registrar General responsible for documents committed to his keeping

42. The Registrar General shall have the custody and shall be responsible for the safe keeping of all registers of marriage and documents relating thereto as may have been committed to his keeping by any Law or are so committed under this Law.

Index to register book

43. The Registrar General shall cause to be made and kept in the General Register Office an Index of the Registers of Marriage filed in the office.

Index may be searched

44. The Registrar General shall allow all persons, within hours to be prescribed by rules, to search the Index of Marriage Registers in the General Register Office.



Office copy of registers

45. The Registrar General shall give a copy, sealed and stamped with the seal of the General Register Office, of any marriage register in the General Register Office, to any person requiring it and on payment of the appointed fee.

Marriage Officers to be Registrars of Marriage

46. All Marriage Officers shall be Registrars of Marriage for the purpose of registering marriages solemnised or witnessed by them under this Law.

Their duties as such

47. Every Marriage Officer as a Registrar of Marriage shall keep safely the Marriage Register Book supplied to him for the purposes of this Law until every place of entry therein is filled, or until he ceases to be a Marriage Officer, and shall then return it to the Registrar General.

Duties of Civil Registrars

48. Every Civil Registrar —

- (a) shall have an office to be approved by the Registrar General and shall keep safely in his office the Marriage Register Book entrusted to him as Civil Registrar;
- (b) shall make such periodical returns to the Registrar General relating to the duties performed by him in relation to this Law as may be required by rules to be made under this Law;
- (c) shall perform such other duties in relation to the execution of this Law as may be assigned to him by rules to be made under this Law.

Marriage facilities of British subjects

49. 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 the Islands, a certificate by a Civil Registrar of the due publication of the notice of an intended marriage or a certificate by a Marriage Officer of the due publication of banns may be granted in the like manner as if the marriage was to be solemnised or contracted under the circumstances requiring the grant of such a certificate under section 17 or 18, and as if both such British subjects were resident in the Islands.

Fees

50. (1) The fees specified in Schedule N shall be payable under this Law, and shall in all cases be demandable and payable before the performance of the duty or the doing of the act to which they relate.

- (2) Fees received by or on behalf of the Registrar General in the General Register Office under this Law shall be accounted for and paid by him into the Treasury.

Expenses of carrying out this Law

51. The expenses of carrying this Law into execution shall, where not otherwise provided for, be paid out of General Revenue.

Registers, records of registers and copies, how far evidence

52. Every original Register in a Marriage Register Book, and every Duplicate Original Register, and every Record of Registers kept in the General Register Office, and every copy thereof or of any entry therein stamped with the seal of the General Register Office, shall, respectively, be good evidence of the facts therein recorded in pursuance of this Law, in all proceedings and before all Courts.

Penalty on Marriage Officers not complying with this Law

53. Every officer under this Law who makes default, and every person who has held and has ceased to hold any office under this Law, who, while holding or on ceasing to hold such office has made default in strictly complying with this Law, whether by omission or commission, shall be guilty of an offence and liable on summary conviction to a fine of twenty dollars.

Penalty on Marriage Officers for certain neglects and defaults

54. Every Marriage Officer who neglects or refuses to forward to the Registrar General the duplicate register of any marriage solemnised by or before him as required by section 32, or fails to deliver or cause to be delivered any original Marriage Register Book when filled in or on his ceasing to be a Marriage Officer as mentioned by section 48, or any Marriage Register Book which is required for inspection at the General Register Office and has been requisitioned for by the Registrar General, or loses or injures or allows to be injured, whilst in his keeping, any Marriage Register Book or Marriage Register shall forfeit and pay a sum not exceeding forty dollars for any such offence.

Report to be made by Registrar General to Clerks of Court

55. The Registrar General in the event of any failure in the transmission of Registers, or copies of Registers, as in this Law required by Marriage Officers, or in the transmission of any return required to be sent to the General Register Office under rule or rules made under this Law, shall report the default of such Marriage Officer specially to the Clerk of the Court.

Schedules

56. The Schedules and all directions therein contained or specified, or thereto appended, shall be of the same force and effect as if the same were enacted in this Law.



Cancellation of Original Registers, Duplicate Original Registers and other entries of bigamous marriages

- 57.** (1) Whenever any person is convicted in the Islands of the crime of bigamy, the Clerk of the Court shall transmit to the Registrar General a certificate under his hand certifying the conviction for bigamy of the person named in such certificate.
- (2) On receipt of such certificate the Registrar General shall, if the person convicted went through the form of bigamous marriage in the Islands, cancel or cause to be cancelled every Original Register and Duplicate Original Register of such marriage and shall cancel or cause to be cancelled every Record of Registers relating to such marriage kept in the General Register Office, and thereupon section 52 shall, in respect only of such Original Register, Duplicate Original Register, copy thereof or entry therein, cease to be of any effect whatsoever.

SCHEDULE-A

Form No. 1. (Applicable to the case of parties residing in the same District and giving a single Notice)

NOTICE OF MARRIAGE

To The Civil Registrar Of The District Of

WE,* give you notice that a Marriage is intended to be had between us, the parties herein named and described, that is to say:-

Name and Surname	Condition	Calling	Age	District and Dwelling Place	Length of Residence	Father's Name and Surname

And we solemnly declare that we have for fifteen clear days immediately preceding the date of this Notice had our usual place of abode and residence within the above mentioned District of _____, and that we believe there is no impediment of kindred or alliance, or other lawful hindrance to the said Marriage.

In witness whereof we have hereunto set and subscribed our hands this

day of _____ 20 .

Subscribed and declared by the above named in the presence of us the undersigned, householders in the abovementioned District, who declare that we believe the statements contained in this Notice to be true.

Witness.

Witness.

* Insert the names of the persons giving notice.

Form No. 2. (Applicable to the case of parties residing in different Districts, or giving separate Notices)



NOTICE OF MARRIAGE

To The Civil Registrar Of The District Of

I,*, _____, give you notice that a Marriage is intended to be had between me and the other party herein named and described (that is to say):

Name and Surname	Condition	Calling	Age	District and Dwelling Place	Length of Residence	Father's Name and Surname

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

And I solemnly declare that I have for fifteen clear days immediately preceding the date of this Notice had my usual place of abode within the abovementioned District of _____ and that I believe there is no impediment of kindred or alliance, or other lawful hindrance to the said Marriage.

In witness whereof I have hereunto set and subscribed my hand this _____ day
of 20__.

Subscribed and declared by the above named in the presence of us the undersigned, householders in the abovementioned District, who declare that we believe the statements contained in this Notice to be true.

Witness.

Witness.

*Insert the names of the person giving notice.



SCHEDULE-B*Civil Registrar's Office, District of***PUBLIC NOTICE**

NOTICE has this day been received, at this Office, of Marriage as intended to be solemnised between the following persons (that is to say):

Name and Surname	Condition	Calling	Place of Residence

All objections to a Certificate being granted authorising the celebration of this Marriage must be lodged with the Civil Registrar in writing within seven days from this date by the Objector, who must appear personally to declare to the truth thereof.

Civil Registrar of the District of .

Date of Notice.

SCHEDULE-C

CIVIL REGISTRAR'S CERTIFICATE

Form No. 1 (*Applicable to the case of parties residing in different Districts*)

I, _____, Civil Registrar for the district of _____, hereby certify that on the _____ day of _____, 20____, * _____ duly gave notice to me of the intended marriage to * and that all the requirements of Law in respect of such notice, so far as the said is concerned, have been complied with and no objections stated (or written objections lodged with me).

Certified by me the said _____, this _____ day of _____, 20____.

Civil Registrar for the district of _____

CIVIL REGISTRAR'S CERTIFICATE

Form No. 2 (*Applicable to the case of parties residing in the same District*)

I, _____, Civil Registrar for the district of _____, hereby certify that on the _____ day of _____, 20____, * _____ and* _____ on the _____ day of _____, 20____, * _____

duly gave notice to me of their intended marriage, and that all the requirements of Law in respect of such notices have been complied with, and no objections stated (or written objections lodged with me).

Certified by me the said _____, this _____ day of _____, 20____.

Civil Registrar for the district of _____

* Give name, surname, condition, calling and place of residence.



SCHEDULE-D

Form No. 1. (Applicable to the case of parties giving a separate Notice)

NOTICE FOR BANNS

To A. B. Of In The District Of
A Marriage Officer of the Cayman Islands

I, _____ hereby give you notice that a Marriage is intended between me and the other party herein named and described, and that I desire you to publish the Banns of such Marriage in the manner required by Law.

Name and Surname	Condition	Calling	Age	District and Dwelling-place

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

And we solemnly declare that I believe there is no impediment of kindred or alliance or other lawful hindrance to the said Marriage. In witness whereof I have hereunto set and subscribed my hand this day of , 20 .

Subscribed and declared by the abovenamed in the presence of us the undersigned, householders in the abovementioned District, who declare that we believe the statements contained in this Notice to be true.

Witness.

Witness.

Form No. 2. (Applicable to the case of parties giving a single Notice)

NOTICE FOR BANNES

To A. B. of In The District Of
A Marriage Officer of the Cayman Islands

We, _____ hereby give you notice that a Marriage is intended between us, the parties herein named and described, and that we desire you to publish the Banns of such Marriage in the manner required by Law.



Name and Surname	Condition	Calling	Age	District and Dwelling-place

And we solemnly declare that we believe there is no impediment of kindred or alliance or other lawful hindrance to the said Marriage.

In witness whereof we have hereunto set and subscribed our hands this
day of , 20 .

Subscribed and declared by the abovenamed in the presence of us the undersigned, householders in the abovementioned District, who declare that we believe the statements contained in this Notice to be true.

Witness.

Witness.



SCHEDULE-E**FORM OF WORDS TO BE USED IN THE PUBLICATION OF BANNS**

I publish the banns of marriage between A.B., of *(here state the district as stated in the notice)*, and C.D., of *(here state the district as stated in the notice)*.

If any of you know cause or just impediment why these two persons should not be joined together in holy matrimony ye are to declare it.



SCHEDULE-F**MARRIAGE OFFICER'S CERTIFICATE**

Form No. 1 (*Applicable to the case of parties belonging to different Congregations, or residing in different Districts*)

I, _____, of _____ in the district of _____, a Marriage Officer for the Cayman Islands, hereby certify that on the _____ day of _____, 20____, * _____ duly gave notice to me of h _____ desire to have the banns of h _____ intended marriage with* _____ published and that all the requirements of Law in respect of such notice and publication, so far as the said _____ is concerned, have been complied with and no objections stated (*or written objections lodged with me*).

Certified by me the said _____, this _____ day of _____, 20____. _____ of _____, in the district of _____, a Marriage Officer of the Cayman Islands.



MARRIAGE OFFICER'S CERTIFICATE

Form No. 2 (*Applicable to the case of parties belonging to the same Congregation, or residing in the same District*)

I, _____, of _____, in
the district of _____, a Marriage Officer for the Cayman
Islands, hereby certify that on the _____ day of _____, 20____, *
and on the _____ day of _____, 20____, * _____ duly gave
notice to me of their desire to have the banns of a marriage intended between them
published and that all the requirements of Law in respect of such notices and publication
have been complied with, and no objections stated (*or* written objections lodged with
me).

Certified by me the said _____, this _____ day of _____
_____, 20____.
_____ of _____, in the district of _____, a Marriage
Officer of the Cayman Islands.

* Give name, surname, condition, calling and place of residence



SCHEDULE-G

GOVERNOR'S LICENCE OR SPECIAL LICENCE

To any Marriage Officer of the Cayman Islands

These are to licence and permit you to solemnise a marriage between A.B. (*here give name, surname, condition, calling and place of residence of A.B.*) and C.D. (*here give name, surname, condition, calling and place of residence of C.D.*) according to the provisions of the *Marriage Law*, you knowing no lawful cause or impediment to the contrary.

Given under my hand at _____, this _____ day
of _____, 20 ____.

(Signed)

This licence or special licence will be void if the marriage is not solemnised within three months from the date hereof.



FORM OF DECLARATION

SCHEDULE-I

FORM OF DECLARATION. (For Governor's Licence or Special Licence)

Prescribed under the Marriage Law (2010 Revision), section 21 or 22 appointed to be made before a Justice of the Peace

Name in full	Condition	Calling	Ages	Dwelling-places and Districts

I, (a) _____ hereby solemnly and sincerely declare that a Marriage has been agreed upon between the abovenamed (b) _____ and that the above statement as to their respective names, conditions, callings, ages and dwelling-places, is in every particular just and true, and that I believe there is no impediment of kindred or alliance or other lawful hindrance to such Marriage.

(c)[And I further declare that (d) _____ the (e) _____ of the said (f) _____ (g) (consents to such Marriage and such consent in writing duly signed by (h) _____ is hereunto annexed;) and further, that (i) _____ the Father of the said Minor is dead, and the said Minor has no Guardian and (k) _____ said Mother is now unmarried.]

(l)[And I further declare that the said Minor has no Father, lawful Guardian or unmarried Mother resident in the Islands.]

Declared before me at _____ this day of _____ 20 .
J.P.

(a) Insert name, dwelling-place and description of declarant. (b) Insert names of the parties. (c) The declarations in brackets are only to be used in cases of Minors not previously married, in which case so much only of the latter declarations as are applicable should be used. If both parties are Minors, similar declarations should be made in respect of each. (d) Insert the name, dwelling-place and description of the party entitled to give consent, or if such party is the declarant then the words "I am".	(e) Insert the character in which he or she consents. (f) Insert the Minor's name. (g) If declarant is the party entitled to consent, substitute for the words in brackets the words "and consent to such Marriage". (h) Insert "him" or "her" according to fact. (i) Insert name of Minor's Father. (k) Insert "his" or "her". (l) If there is no person competent to give consent this form should be used in lieu of (c).
--	---



SCHEDULE-K*District of***PUBLIC NOTICE**

Notice has this day been received by me of marriage as intended to be solemnised between the following persons (that is to say):

Name and Surname	Condition	Calling	Place of Residence

All objections to a Certificate of due publication of Banns being granted authorising the celebration of this Marriage must be lodged with me in writing within* days from this date by the Objector, who must appear personally to declare to the truth thereof.

A.B. *a Marriage*
Officer of the Cayman Islands

Date of Notice

* Fill in number of days to allow for a period of seven clear days from date of the posting of this notice.



SCHEDULE-L

MARRIAGE REGISTER

No.	When Married	Name and Surname	Condition	Calling	Age	District and Residence at the time of Marriage	Father's Name and Surname

Married at _____, in the District of _____
 by (or before) me _____, a Marriage Officer of the Cayman Islands.

This Marriage ----- in the -----
 was celebrated ----- presence -----
 between us----- of us -----



MARRIAGE (DUPLICATE) REGISTER

No.	When Married	Name and Surname	Condition	Calling	Age	District and Residence at the time of Marriage	Father's Name and Surname

Married at _____, in the District of _____
 by (or before) me _____, a Marriage Officer of the Cayman Islands.

This Marriage ----- in the -----
 was celebrated ----- presence -----
 between us ----- of us -----



SCHEDULE-M**MARRIAGE REGISTER (MARRIAGE IN ARTICULO MORTIS)**

No.	When Married	Name and Surname	Condition	Calling	Age	District and Residence at the time of Marriage	Father's Name and Surname

Married at _____, in the District of _____
by (or before) me _____, a Marriage Officer of the Cayman Islands.

This Marriage ----- in the -----
was solemnised ----- presence -----
between us ----- of us -----

I hereby certify that immediately before the solemnisation of this Marriage, the said _____ solemnly declared to me in the presence of the Witnesses who have above attested this Marriage that _____ he believed _____ self to be at the point of death.

Marriage Officer

This -----day of-----20 .

MARRIAGE (DUPLICATE) REGISTER (MARRIAGE IN ARTICULO MORTIS)

No.	When Married	Name and Surname	Condition	Calling	Age	District and Residence at the time of Marriage	Father's Name and Surname

Married at _____, in the District of _____



by (*or before*) me _____, a Marriage Officer of the Cayman Islands.

This Marriage _____ in the _____
was solemnised _____ presence _____
between us _____ of us _____

I hereby certify that immediately before the solemnisation of this Marriage, the said _____ solemnly declared to me in the presence of the Witnesses who have above attested this Marriage that _____ he believed _____ self to be at the point of death.

Marriage Officer

This _____day of _____20 .

SCHEDULE-N

MARRIAGE FEES AND REGISTER FEES

section 50

Item	Particulars	Fee
<i>To a Marriage Officer</i>		
1.	For receiving a notice for banns	\$5.00
2.	For receiving an objection (payable by the person objecting)	\$10.00
3.	For witnessing or solemnising a marriage (payable by one of the parties to the marriage)	\$40.00
<i>To a Civil Registrar</i>		
4.	For receiving a notice of marriage	\$5.00
5.	For receiving an objection (payable by the person objecting)	\$10.00
6.	For witnessing a marriage (payable by one of the parties to the marriage)	\$40.00
<i>To the Registrar General</i>		
7.	For a search in the General Registry Office, for each hour or part of an hour (payable by the person requiring the search)	\$5.00
8.	For a certified copy of an entry of a Register of marriage (payable by the person requiring the copy)	\$15.00
9.	For the correction of an error of fact or substance in a marriage register (payable by the person requiring the correction)	\$25.00



**Publication in consolidated and revised form authorised by the Governor in Cabinet
this 19th day of October, 2010.**

Kim Bullings
Clerk of Cabinet

