



BRITISH INDIAN OCEAN TERRITORY

**REVISED ORDINANCES OF THE
BRITISH INDIAN OCEAN TERRITORY**

THE MARRIAGE ORDINANCE 1984

CHAPTER A.3

Revised Edition

Showing the law as at 1 September 2020

Published by Authority

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This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Ordinance 2015 and contains a consolidation of the following laws:

The Marriage Ordinance 1984 - Ordinance No.4 of 1984

As amended by:

Ordinance No.2 of 1989

Ordinance No.5 of 1998

Ordinance No.3 of 2008

Ordinance No.3 of 2016

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TERRITORY**

THE MARRIAGE ORDINANCE 1984

CHAPTER A.3

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TERRITORY**

THE MARRIAGE ORDINANCE 1984

CHAPTER A.3

An Ordinance relating to the solemnisation and registration of Marriages.

PART I

GENERAL

Citation.

1. This Ordinance may be cited as the Marriage Ordinance 1984, ROBIOT c.A.3.

Repealed.

2. *Repealed.*

Valid marriages.

3. Every marriage –
 - (a) solemnised in the Territory prior to 1st June 1984; or
 - (b) solemnised in the Territory by a marriage officer after 1st June 1984, in accordance with its provisions,

shall be valid:

Provided that nothing in this section shall render valid any marriage solemnised prior to 1st June 1984 where either of the parties was incapable of marrying or where the parties were incapable of marrying each other.

Law relating to capacity to marry, etc.

4. The law of England, as for the time being in force in England, relating to –
 - (a) the capacity of a person to marry;
 - (b) the capacity of persons to marry each other;

(c) the requirement for the prior consent of a person to be given to the marriage of another person; and

(d) the legal effect, in the case of any purported marriage, of the absence of such capacity or such consent,

shall be the law relating to those matters in force in the Territory.

Repealed.

5. *Repealed.*

Repealed.

6. *Repealed.*

Marriage officers.

7. (1) The Commissioner's Representative shall be *ex officio* a marriage officer.

(2) The Commissioner may appoint additional marriage officers.

Place of solemnisation.

8. (1) A marriage may be solemnised in the office of the Commissioner's Representative or, at the request of the parties, in any other place which the marriage officer performing the ceremony considers suitable.

(2) A marriage may be solemnised at any time:

Provided that a marriage officer shall not be bound to solemnise a marriage before 8 a.m. or after 6 p.m.

Religious ceremonies.

9. Nothing in this Ordinance shall prevent the solemnisation of a marriage in the Territory by a religious ceremony after it has been solemnised under this Ordinance.

Declaration of intended marriage.

10. One of the parties to the intended marriage shall make and sign before a marriage officer or Police Officer a solemn declaration as in Schedule 3 to this Ordinance.

Notice of marriage to be publicly posted.

11. The Commissioner's Representative shall, upon receiving or taking any such declaration, post it in a conspicuous place in his office. Such declaration

shall constitute a notice of an intended marriage and shall be open for inspection, without fee, by any person during office hours. The marriage shall not be solemnised until at least twenty-four hours have elapsed since the posting of the notice.

Forbidding marriage.

12. Any person whose consent to a marriage is required may forbid solemnisation by writing under the notice of marriage the word “forbidden” and signing his name, and serving upon the marriage officer a notice in writing signed by or on behalf of such person stating the grounds of objection, and no marriage shall in such cases be solemnised without the consent of the Commissioner’s Representative under section 6.

Caveat.

13. (1) Any person may enter a caveat with the Commissioner’s Representative against the solemnisation of the marriage. Any caveat shall be signed by or on behalf of the person entering the same and shall state the ground of objection. The marriage shall not be solemnised until the caveat shall be withdrawn by the person who entered it, or the Commissioner’s Representative shall have given his decision in writing that the objection is invalid.

(2) Any person who shall enter a caveat on grounds which the Commissioner’s Representative shall declare to be frivolous shall be guilty of an offence and shall be liable to a fine of £2,000.

Solemnisation of marriage.

14. (1) Subject to the provisions of subsection (2), a marriage shall be solemnised in the presence of two witnesses and according to such form and ceremony as the parties thereto, with the concurrence of the marriage officer, may see fit to adopt.

(2) Each of the parties to the marriage shall, in some part of the ceremony and in the presence of the marriage officer and the witnesses make the following declaration –

“I do solemnly declare that I know not of any lawful impediment why, I, AB, may not be joined in matrimony to CD” and each therein shall say to the other—
“I, AB, do take thee, CD, to be my lawful wedded wife (or husband)”.

Register of marriages.

15. The Commissioner’s Representative shall maintain a Register of Marriages, which may be in the form of a loose-leaf book, containing the originals of all marriage certificates. Such certificates shall be numbered consecutively. The Register shall be kept in a secure fireproof place.

Signature of Marriage certificate.

16. The person solemnising a marriage, the parties thereto and the two witnesses of such marriage shall sign in duplicate a certificate as in Schedule 4 to this Ordinance. One copy of such certificate shall be entered in the Register of Marriages and one copy shall be given to one of the parties to the marriage.

Proof of marriage.

17. A copy of a marriage certificate certified by a marriage officer to be a true copy shall be *prima facie* evidence in all proceedings of the fact of such marriage having been duly solemnised.

Wrongful celebration.

18. Any person who shall wilfully and knowingly solemnise any marriage contrary to the provisions of this Ordinance or where the provisions of this Ordinance have not been complied with shall be guilty of an offence and be liable to a fine of £5,000 or to imprisonment for two years.

False declaration.

19. Any person who for the purpose of procuring a marriage knowingly and wilfully makes a false oath or makes or signs a false declaration shall be guilty of an offence and shall be liable to a fine of £5,000 or to imprisonment for seven years.

Fees.

20. The fees set out in Schedule 5 to this Ordinance shall be paid for the services therein specified.

SCHEDULE 1

(Repealed)

SCHEDULE 2

(Repealed)

SCHEDULE 3



BRITISH INDIAN OCEAN TERRITORY

NOTICE OF MARRIAGE

SCHEDULE 3 (Sections 10 and 11) Marriage Ordinance 1984

No.	Names and surnames	“Under” or “above” the age of 18	Condition: Bachelor, Spinster, Widower or Widow	Rank or Profession	Residence	Fathers’ names and surnames in full	Consents (if any). (If either party be under the age of 18 the person or persons entitled to consent must write here “I consent” and sign his/their name(s).)

I do solemnly and sincerely declare that I believe these particulars to be true in every respect and that there is no impediment or lawful objection by reason of any kindred, relationship, or alliance or any former marriage or want of consent or any other lawful cause to the marriage of the parties above named.

Signed and declared to before me by

.....Signature.....

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

at.....

Signature.....Marriage Officer or Police Officer.

I certify that the above declaration was duly received by me on the.....day

of.....20.....

Signature.....Commissioner’s Representative.

SCHEDULE 4



**BRITISH INDIAN OCEAN TERRITORY
MARRIAGE CERTIFICATE**

(Schedule 4, section 16 of the Marriage Ordinance 1984)

No.	When married	Names and Surnames in full	"Under" or "above" the age of 18	Condition: Bachelor, Spinster, Widower or Widow	Rank or Profession and Country	Fathers' Names and Surnames in full	Fathers' Rank or Profession	Where married

This Marriage was solemnised between us

In the presence of us

..... Witness

..... Witness

.....
.....

Married by me:

Signature

Title

Two copies of this Certificate shall be signed by all the parties: One shall be given to one of the parties to the marriage and one entered in the Register of Marriages.

SCHEDULE 5
(Section 20)

Fees

Declaration and notice of intended marriage.	£21.00
Marriage officer's fee for solemnisation of marriage.	£53.00
Certified copy of marriage certificate.	
(at time of marriage)	No fee
(issued later)	£20.00

