



**GUYANA**

ACT No. 13 of 1985

**MARRIAGE (AMENDMENT) ACT 1985**

I assent.

*H. D. Hoyte*  
**H. D. HOYTE,**  
President.

1985—10—30

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title.
2. Amendment of sections 2 and 26 of the Principal Act.
3. Amendment of section 5 of the Principal Act.

4. Amendment of section 22 of the Principal Act.
5. Amendment of sections 24, 25(4), 28, 40, 42, 59, 61, 65(1), 66 and 72(b) of the Principal Act.
6. Repeal and re-enactment of section 27 of the Principal Act.
7. Amendment of section 32 of the Principal Act.
8. Amendment of section 34 of the Principal Act.
9. Amendment of subheading before section 35 of the Principal Act.
10. Insertion of new section 35A in the Principal Act.
11. Amendment of section 36 of the Principal Act, including the marginal note thereto.
12. Amendment of section 37 of the Principal Act.
13. Amendment of sections 38 and 39 of the Principal Act, including the marginal notes thereto.
14. Repeal of section 54 of the Principal Act.
15. Amendment of section 55 of the Principal Act.
16. Amendment of section 56 of the Principal Act.
17. Insertion of new Part VIA in the Principal Act.
18. Repeal and re-enactment of section 74 of the Principal Act.
19. Repeal and re-enactment of section 76 of the Principal Act.
20. Amendment of First Schedule to the Principal Act.
21. Amendment of Second Schedule to the Principal Act.
22. Repeal and savings.

AN ACT to amend the Marriage Act and to repeal certain provisions of the Indian Labour Act.

A.D. 1985 Enacted by the Parliament of Guyana :—

Short title.  
Cap. 45:01 1. This Act, which amends the Marriage Act, may be cited as the Marriage (Amendment) Act 1985.

Amendment  
of sections  
2 and 26 of  
the Principal  
Act. 2. The definition of the expression "registered building" in section 2, and section 26, of the Principal Act are hereby amended by the insertion after the word "banns", wherever it occurs, of the words "or notice".

Amendment  
of section  
5 of the  
Principal  
Act. 3. Section 5 of the Principal Act is hereby amended by the deletion of subsection (2).

4. Section 22 of the Principal Act is hereby amended by the insertion, after subsection (3), of the following subsection as subsection (4) —

Amendment  
of section  
22 of the  
Principal  
Act.

“(4) The foregoing provisions of this section shall apply in relation to any other religion subject to any reference to publication of banns being construed as a reference to publication of notice of marriage.”.

5. Sections 24, 25(4), 28, 40, 42, 59, 61, 65(1), 66 and 72(b) of the Principal Act are hereby amended by the insertion after the word “banns”, wherever it occurs, of the words “or notice of marriage”.

Amendment  
of sections  
24, 25(4),  
28, 40, 42,  
59, 61, 65(1),  
66 and 72(b)  
of the Prin-  
cipal Act.

6. Section 27 of the Principal Act is hereby repealed and the following section substituted therefor —

Repeal and  
re-enact-  
ment of sec-  
tion 27 of  
the Prin-  
cipal Act.

27. In some conspicuous place at the main entrance, or one of the main entrances, of every registered building, a notice shall be placed in these words :

“Notice to  
be placed  
in registered  
building.”

- (a) “Banns may be published in this building,” where the building is used exclusively as a place of Christian worship; or
- (b) “Notice of marriage may be published in this building,” where the building is used exclusively as a place of Hindu or Islamic worship.”.

7. Section 32(2) of the Principal Act is hereby amended by the substitution for the words “been above” of the word “reached”.

Amendment  
of section  
32 of the  
Principal  
Act.

8. Section 34 of the Principal Act is hereby amended in the following respects —

Amendment  
of section  
34 of the  
Principal  
Act.

- (a) in subsection (1),
  - (i) by the deletion of the words “as provided in subsection (2) and”;
  - (ii) by the insertion after the word “banns”, occurring before the proviso, of the words “or notice of marriage”;

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(iii) by the substitution in the proviso for the words "of that marriage have" of the words "or notice of that marriage has";

(b) by the deletion of subsection (2).

Amendment of subheading before section 35 of the Principal Act. 9. The subheading before section 35 of the Principal Act is hereby amended by the substitution therefor of the following subheading —

**"BANNS OR NOTICE OF MARRIAGE".**

Insertion of new section 35A in the Principal Act. 10. The Principal Act is hereby amended by the insertion, after section 35, of the following section as section 35A —

"Publica-  
tion of  
notice of  
marriage.

35A. (1) Any person being of the Hindu or Islamic religion if appointed as a marriage officer may himself, or by someone officiating under his control, publish notice of marriage between persons wishing to be joined together in holy matrimony.

(2) The publication shall be made in an audible manner some time during religious service on any day of the week, in the face of the congregation before whom and in the registered building in which the marriage officer officiates and in the marriage district in which dwell both of the parties to be married, and shall contain the forename and surname and place of abode of each of the parties, and shall be published on three separate occasions within a period not exceeding three months preceding the solemnisation of the marriage, each publication being separated from the other by a period of not less than seven days :

Provided that for a period of sixty days after the commencement of this section notice of marriage may be published in any building used for worship where the marriage officer officiates notwithstanding that the building is not registered under this Act.

(3) The provisions of section 35(3) and (4) shall, as they apply in relation to the publication of banns of Christian marriage, apply *mutatis mutandis* in relation to the publication of notice of Hindu or Islamic marriage.

(4) Where notice of marriage has been published in accordance with the foregoing provisions, the marriage may be solemnised either in the building where the publication was made or at the place of marriage stated in the notice referred to in section 36.”.

11. In the Principal Act —

(a) the marginal note to section 36 is hereby amended by the substitution for the words “minister before publication of banns” of the words “marriage officer before publication of banns or notice of marriage”;

Amendment  
of section  
36 of the  
Principal  
Act, includ-  
ing the  
marginal  
note thereto.

(b) section 36 is hereby amended by —

(i) the insertion after the word “banns”, wherever it occurs, of the words “or notice of marriage”;

(ii) the substitution for the words “Christian and other names” of the word “forenames”; and

(iii) the addition at the end of the section of the words, “In addition, in the case of a marriage which is proposed to be solemnised in accordance with Hindu or Islamic rites, the said statement shall specify the place where the parties propose to have their marriage solemnised.”.

12. Section 37 of the Principal Act is hereby amended by the insertion after the word “minister” of the words “or marriage officer” and after the word “banns”, wherever it occurs, of the words “or notice of marriage”.

Amendment  
of section  
37 of the  
Principal  
Act.

13. In the Principal Act —

(a) sections 38 and 39, including the marginal notes thereto, are amended by the insertion after the word “banns”, wherever it occurs, of the words “or notice of marriage”;

Amendment  
of sections  
38 and 39 of  
the Princi-  
pal Act, in-  
cluding the  
marginal  
notes there-  
to.

(b) sections 38 and 39 are hereby amended by the insertion after the word “minister” of the words “or marriage officer”.

14. Section 54 of the Principal Act is hereby repealed.

Repeal of  
section 54  
of the Prin-  
cipal Act.

Amendment of section 55 of the Principal Act. 15. Section 55 of the Principal Act is hereby amended as follows

- (a) in paragraph (a), by the substitution for the semi-colon at the end thereof of a colon and the addition of the following proviso —

“Provided that the provisions of this paragraph shall not apply to marriages contracted by persons professing the Hindu or Islamic religion;”;

- (b) in paragraph (b), by the deletion of the proviso at the end thereof.

Amendment of section 56 of the Principal Act. 16. Section 56 of the Principal Act is hereby amended by the insertion after the word “minister” of the words “or marriage officer”.

Insertion of new Part VIA in the Principal Act. 17. The Principal Act is hereby amended by the insertion, after Part VI, of the following Part as Part VIA —

#### “PART VIA

#### MARRIAGES OF PERSONS BELONGING TO OTHER RELIGIONS

Marriages of persons belonging to other religions. 64A. (1) Notwithstanding anything contained in section 4, the Minister may appoint any fit and proper person from among persons belonging to any religion other than the Christian, Hindu or Islamic religion to be a marriage officer for Guyana.

(2) The provisions of this Act in so far as they relate to marriage officers of the Hindu or Islamic religion and marriages solemnised by them, shall apply *mutatis mutandis* to, and in relation to, a marriage officer appointed under subsection (1) and any marriage solemnised by him.”.

Repeal and re-enactment of section 74 of the Principal Act. 18. Section 74 of the Principal Act is hereby repealed and the following section substituted therefor —

“Fees. 74. Nothing in this Act shall affect the right of any marriage officer to receive for any duty performed by him under this Act the fees heretofore customarily paid to marriage officers of the same denomination or religion for the performance of that duty.”.

19. Section 76 of the Principal Act is hereby repealed and the following section substituted therefor —

“Power to make regulations.

76. The Minister may make regulations generally for the purpose of giving effect to the provisions of this Act and in particular, but without prejudice to the generality of the foregoing, for the purpose of —

Repeal and re-enactment of section 76 of the Principal Act.

- (a) providing for the publication of banns or notice of marriage between Amerindians, any banns or notice of marriage published in accordance with regulations so made being in all respects valid :

Provided that nothing in this paragraph shall affect the right of Amerindians to have their banns or notice of marriage published in accordance with the general provisions of this Act; and

- (b) securing as far as practicable that, subject to differences in religious rituals or ceremony, all marriages in Guyana shall be placed on the same basis.”.

20. The First Schedule to the Principal Act is hereby amended in the following respects —

- (a) in Form A, third column, by the substitution for the word “Denomination” of the words “Denomination or Religion”.
- (b) in Forms D and E, eighth column, by the insertion after the word “banns” of the words “or notice of marriage”.

Amendment of First Schedule to the Principal Act.

21. The Second Schedule to the Principal Act is hereby amended by the insertion after the word “BANNNS” in the heading of the words “OR NOTICE OF MARRIAGE”.

Amendment of Second Schedule to the Principal Act.

22. (1) The provisions of the Indian Labour Act, in so far as they relate to marriage and divorce, shall be repealed with effect from such date as the Minister may by order specify and with effect from that date section 57 of the Principal Act shall also be repealed.

Repeal and savings. Cap. 98:02

(2) Notwithstanding the provisions of this Act, where prior to the date to be specified by order under subsection (1),

any steps have been taken by any persons under the Indian Labour Act to be married or divorced thereunder such steps may be continued so as to enable the parties to be married or divorced under that Act and the provisions of that Act in so far as they relate to marriage and divorce shall apply to and in relation to the marriage or divorce, as the case may be, as if this Act had not been enacted.

(3) For the purposes of section 77 of the Principal Act the provisions of the Indian Labour Act in so far as they relate to marriage shall continue to apply notwithstanding any order made under subsection (1).

*Passed by the National Assembly on 1985—10—25.*

  
F. A. Narain,

Clerk of the National Assembly.