



GUYANA

BILL No. 12 of 1985

MARRIAGE (AMENDMENT) BILL 1985

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.

A BILL

Intituled

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

Enacted by the Parliament of Guyana :—

A.D. 1985

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

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 sections
2 and 26 of
the Principal
Act.

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

Amendment
of section
22 of the
Principal
Act.

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

“(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.”.

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

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”.

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

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 Section 27 of the Principal Act is hereby repealed and the following section substituted therefor —

“Notice to
be placed
in registered
building.”
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 :

- (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.”.

Amendment
of section
32 of the
Principal
Act.

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
34 of the
Principal
Act.

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

- (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”;

(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).

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

Amendment of subheading before section 35 of the Principal Act.

"BANS OR NOTICE OF MARRIAGE".

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

Insertion of new section 35A in the Principal Act.

"Publication 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 Act 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.”.

Amendment of section 36 of the Principal Act, including the marginal note thereto.

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”;
- (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.”.

Amendment of section 37 of the Principal Act.

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 sections 38 and 39 of the Principal Act, including the marginal notes thereto.

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

Repeal of section 54 of the Principal Act.

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

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

Amendment
of section
55 of the
Principal
Act.

- (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.

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

Amendment
of section
56 of the
Principal
Act.

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

Insertion of
new Part
VIA in the
Principal
Act.

“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.”.

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

Repeal and
re-enact-
ment of
section 74
of the Prin-
cipal Act.

“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.”.

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

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

- (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.”.

Amendment of First Schedule to the Principal Act.

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 Second Schedule to the Principal Act.

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

Repeal and Savings. Cap. 98:02

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.

(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. Cap. 98:02

(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). Cap. 98:02

EXPLANATORY MEMORANDUM

This Bill seeks to provide as far as practicable for a single regime relating to all marriages solemnised in Guyana subject to any variations in ritual or ceremony of a religious nature.

Clause 4 seeks to provide for non-Christian buildings of worship to be treated as registered buildings in which notices of marriage may be published.

Clauses 6 and 10 seek to provide a procedure, similar to the procedure relating to publication of banns, in relation to non-Christian marriages.

Clause 17 seeks to provide for any member of a non-Christian religion to be appointed a marriage officer.

Clause 22 seeks to repeal the provisions of the Indian Labour Act relating to marriage and divorce save for certain transitional purposes.

Jeffrey R. Thomas,
Minister of Home Affairs.