

## **MARRIAGE OF MOHAMMEDANS ORDINANCE, 1951 (CAP 129)**

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MARRIAGE OF MOHAMMEDANS.  
GOLD COAST  
AN ORDINANCE TO PROVIDE FOR REGISTRATION OF MARRIAGES AND DIVORCES  
AMONG MOHAMMEDANS.

Date of Commencement: 30th December, 1907

**PART 1—PRELIMINARY**

**Section 1—Short Title and Application.**

This Ordinance may be cited as the “Marriage of Mohammedans Ordinance,” and shall apply to the Gold Coast. (30 of 1935, s. 2.)

**PART 2—ESTABLISHMENT OF REGISTRARS**

**Section 2—Registrars—Register of Marriages and Divorces.**

The Commissioner of each district shall be registrar of Mohammedan marriages and divorces for that district, and shall keep a book called Mohammedan Marriage and Divorce Register (hereinafter referred to as “the register”), which shall contain such entries and shall have such counterfoil certificates attached as hereinafter mentioned.

**PART 3—LICENSING OF MOHAMMEDAN PRIESTS**

**Section 3—Licence to Priest.**

Schedule A.

It shall be lawful for the Governor to grant a licence in the form in Schedule A to any Mohammedan priest applying for the same, who in his opinion is a fit and proper person to perform the duties imposed by this Ordinance on licensed priests. It shall be lawful for the Governor at any time at his pleasure to revoke or suspend any such licence.

**Section 4—Lists of Licensed Priests.**

A list of Mohammedan priests who have been licensed under this Ordinance during the quarter ending 31st day of March, 30th day of June, 30th day of September, and 31st day of December in every year, or whose licences have been revoked or suspended during any of those quarters shall be published in the Gazette.

## **PART 4—REGISTRATION OF MARRIAGES**

### **Section 5—Mohammedan Marriages to be Registered.**

Every Mohammedan marriage celebrated in the Gold Coast after the commencement of this Ordinance shall be registered in manner provided by the next succeeding section. (Amended by 30 of 1935, s. 2.)

### **Section 6—Method of Registration of Marriages Attendance.**

- (1) The bridegroom, the bride's wali, two witnesses to the marriage, and a Mohammedan priest licensed
- (2) under section 3 shall as soon as conveniently may be, and before the expiration of a week after the celebration of the marriage, attend at the office of the District Commissioner for the purpose of registering the same.
- (3) Certificate of Marriage—Schedule B. The marriage shall be entered in the register and in duplicate certificates thereto attached in the form in the Schedule B.
- (4) Entries By Priest. The licensed priest shall first enter in the second column of the register and of the attached certificates the particulars specified in the first column thereof.
- (5) English Translation. Where the entries in the second column of the register are made in some language other than English, an English translation made by some person duly sworn to interpret the same shall then be inserted in the third column of the register and of the certificates.
- (6) Signatures. The register and certificates shall then be signed by the bridegroom, the brides' wali, and the two witnesses who have attended for the purpose.
- (6) Priest's Certificate. The licensed priest shall then sign in the register and in both the marriage certificates, a certificate that the marriage is valid according to Mohammedan law.
- (7) Interpreter's Certificate. The sworn interpreter, if any, shall then sign in the register and marriage certificates the certificate of the correctness of the English translation.
- (8) Commissioner's Signature. The register and certificates shall be completed by the signature of the District Commissioner, who shall also insert the date and place of registration.

(9) Disposal of Certificates. The certificates shall then be detached from the register, and one shall be given to the bridegroom and the other to the bride's wali.

(10) Registration Of Marriage After Expiry of Statutory Period. If the period of one week limited by subsection (1) shall have lapsed before registration of a marriage which should have been so registered as aforesaid, or if it shall prove impossible or impracticable to obtain the attendance of any person, other than a licensed priest, whose signature of the register is hereinbefore required, it shall be lawful for a Judge of a Divisional Court, on an ex parte application by the bridegroom or bride's wali, supported by an affidavit stating the reason for the delay or non-attendance, as the case may be, to issue a certificate under his hand authorising any District Commissioner to register such marriage at any time within one month from the date of such certificate, and on such registration to dispense with the signature of any person, other than a licensed priest.

(Section amended by 18 of 1932, s. 2.)

## **PART 5—REGISTRATION OF DIVORCES**

### **Section 7—Divorces to be Registered-Definition of Divorce.**

Every Mohammedan divorce effected in the Gold Coast after the commencement of this Ordinance shall be registered in the manner provided by the next succeeding section. Throughout this Ordinance the term "divorce" means the irrevocable dissolution of a marriage.

### **Section 8—Method of Registration of Divorces-Attendance.**

(1) The man, the woman's wali, and two witnesses to the divorce having been effected, and a Mohammedan priest licensed under section 3 shall within one month of the divorce having been effected attend at the office of the Commissioner of the district for the purpose of registering the same.

#### *Certificate of Divorce-Schedule C.*

(2) The divorce shall be entered in the register and in the duplicate certificates thereto attached in the form in the Schedule C.

#### *Entries by Priest.*

(3) The licensed priest shall first enter in the second column of the register and of the attached certificates the particulars specified in the first column thereof.

*English Translation.*

(3) Where the entries in the second column of the register are made in some language other than English, an English translation made by some person duly sworn to interpret the same shall then be inserted in the third column of the register and of the certificates.

*Signatures.*

(4) The register and certificates shall then be signed by the man, the woman's wali, and two witnesses to the divorce who have attended for the purpose.

*Priest's Certificate.*

(5) The licensed priest shall then sign in the register and in both the divorce certificates a certificate that the divorce who is valid according to Mohammedan law.

*Interpreter's Certificate.*

(6) The sworn interpreter, if any, shall then sign in the register and divorce certificates the certificate of the correctness of the English translation.

*Commission's Signature.*

(7) The register and certificates shall be completed by the signature of the District Commissioner, who shall also insert the date and place of registration.

*Disposal of Certificates.*

(8) The certificates shall then be detached from the register, and one shall be given to the man and the other to the woman's wali.

*Registration of Divorce After Expiry of Statutory Period.*

(9) If the period of one month limited by subsection (1) shall have lapsed before registration of a divorce which should have been so registered as aforesaid, or if it shall prove impossible or impracticable to obtain the attendance of any person, other than a licensed priest, whose signature of the register is hereinbefore required, it shall be lawful for a Judge of a Divisional Court on an ex parte application by the man or the woman's wali, supported by an affidavit stating the reason for the delay or non-attendance, as the case may be, to issue a certificate under his hand authorising any District Commissioner to register such divorce at any time within one month from the date of such certificate, and on such registration to dispense with the signature of any person, other than a licensed priest.

(Section amended by 18 of 1932, s. 3.)

## **PART 6—EFFECT OF REGISTRATION AND PROOF**

### **Section 9—Marriages and Divorces not Valid Unless Registered.**

No marriage contracted or divorce effected in the Gold Coast after the commencement of this Ordinance by persons professing the Mohammedan faith shall be valid unless registered under this Ordinance: the proof of every marriage or divorce under this Ordinance, when such marriage or divorce shall be in issue, shall be by the production of the register in which the same is entered, or of an extract therefrom certified under the hand of the District Commissioner, or of the certificate of such marriage or divorce.

### **Section 10—Succession to be Regulated by Mohammedan Law.**

On the death of a Mohammedan whose marriage has been duly registered under this Ordinance, the succession to his or her property shall be regulated by Mohammedan law.

## **PART 7—SEARCHES AND FEES.**

### **Section 11—Searches.**

Every District Commissioner shall allow searches to be made at all reasonable times in any register in his custody, and shall upon request give certified copies of or extracts from entries in English in any register.

### **Section 12—Fees**

#### *Schedule D.*

For every licence taken out or registration effected under this Ordinance, for every search, and for every certified copy of, or extract from, any register, there shall be payable the fee prescribed therefor in the Schedule D.

## **PART 8—PENALTIES.**

### **Section 13—Application of Section 445 of Cap. 9.**

The provisions of section 445 of the Criminal Code shall be deemed to apply to registers and certificates of marriage and divorce under this Ordinance.

**Section 14—Penalty for not Signing Register or Certificate.**

Every person required thereto by section 6 or section 8 of this Ordinance who without good cause refuses to sign a register or certificate shall be guilty of an offence and shall be liable to a fine not exceeding five pounds.

**PART 9—REGULATIONS**

**Section 15—Regulations.**

The Governor in Council may from time to time make, revoke, or alter regulations for further or better carrying into effect any of the purposes of this Ordinance, and such regulations shall on publication in the Gazette have the same effect as if enacted in this Ordinance.

**SCHEDULES**

**SCHEDULE A.  
(Section 3.)**

**LICENCE TO MOHAMMEDAN PRIEST.  
MARRIAGE OF MOHAMMEDANS ORDINANCE.**

**Priest's Licence.**

This is to certify that I have this day licensed ....., a Mohammedan priest, residing at ....., to perform the duties imposed by the Marriage of Mohammedans Ordinance on Mohammedan priests licensed under that Ordinance. Given under my hand this ..... day of ....., 19.....

Governor.  
Fee paid, £1.

**SCHEDULE B.  
(Section 6(2).)**

**(Amended by 18 of 1932, s. 4.)**

**Marriage Certificate**

**MARRIAGE OF MOHAMMEDANS ORDINANCE. ENTRY OF MARRIAGE**

No.....

Entry by Priest      English translation.

Date of marriage.....

Name and residence of bridegroom's parents.....

Name and residence of brideNames and residence of bride's  
parents.....

Name in full of licensed priests certifying to validity of  
marriage.....

Name in full and residence of bride's wali and witnesses signing  
certificate.....

Amount of dower.....

Whether any portion of the dower was paid at once, and if so, what  
amount.....

Signature of parties:—

.....Bridegroom.

.....Bride's Wali.

.....Witness.

.....Witness.

I hereby certify that the above marriage is valid according to Mohammedan law, and  
that the above entries are correct.

.....Licensed Priest.

I have certify that the above English translation of the entries made by the above-  
named ..... is correct.

.....Sworn Interpreter.

Dated at ..... this.....day of ....., 19.....

District Commissioner.

Signature of parties:—

.....Bridegroom.

.....Bride's Wali.

..... Witness.

..... Witness.



I hereby certify that the above marriage is valid according to Mohammedan law, and that the above entries are correct.

.....Licensed Priest.

I have certify that the above English translation of the entries made by the above-named ..... Is correct.

.....Sworn Interpreter.

Dated at ..... this ..... day of ....., 19.....  
District Commissioner.

**SCHEDULE C.  
(Section 8 (2).)  
CERTIFICATE OF DIVORCE.  
Divorce Certificate**

MARRIAGE OF MOHAMMEDANS ORDINANCE. CERTIFICATE OF MARRIAGE  
No.....

Entry by Priest      English translation

Date of divorce    ..    ..

Name and residence of man ..

Name and residence of man's parents .. .. ..

Name of woman .. ..

Names and residence of woman's parents .. ..

Name in full of licensed priest signing certificate .. ..

Names in full and residence of woman's wali and witnesses to divorce signing certificate ..

Signature of parties:—

..... Man.

.....Woman's Wali.

.....Witness to divorce.

.....Witness to divorce.

I hereby certify that the above divorce is valid according to Mohammedan law, and that the above entries are correct.

.....Licensed Priest.

I have certify that the above English translation of the entries made by the above-named ..... is correct.

.....Sworn Interpreter.

Dated at this day of , 19 .  
District Commissioner.

Signature of parties:—

..... Man.

..... Woman's Wali.

..... Witness to divorce.

..... Witness to divorce.

I hereby certify that the above divorce is valid according to Mohammedan law, and that the above entries are correct.....Licensed Priest.

I have certify that the above English translation of the entries made by the above-named ..... is correct.

.....Sworn Interpreter.

Dated at this day of , 19 .

District Commissioner.

**SCHEDULE D  
(Section 12)  
FEES**

	s.	d.	Fees.
For every priest's licence .. ..	1	0	0
For registration of a marriage or divorce .. ..	0	5	0
For inspection of register, per hour .. ..	0	1	0
For Certified copy of an entry (English only) ..	0	2	6