

# REPRINT

## **ISLANDERS' MARRIAGE ACT (CAP. 171)**

**As in force at: 1 October 2009**

|                |                                                                                                              |
|----------------|--------------------------------------------------------------------------------------------------------------|
| <b>STATUS:</b> | <b>HISTORICAL</b>                                                                                            |
|                | This version is that in force at the date stated above. It does not include amendments made since that date. |
|                | For list of amendments see Endnotes                                                                          |

**AN ACT RELATING TO THE MARRIAGE OF ISLANDERS**



## ISLANDERS' MARRIAGE ACT (CAP. 171)

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# ISLANDERS' MARRIAGE ACT (Cap. 171)

As in force at: 1 October 2009

## 1 Short title

This Act may be cited as the *Islanders' Marriage Act*.

## 2 Interpretation

In this Act:

**“District Registrar”** means the District Officer or other person duly authorised to perform the duties of District Registrar under this Act;

**“minister of religion”** means a minister of religion, priest and other person who is registered under the *Births, Marriages and Deaths Registration Act*.

## PART I MARRIAGE

### 3 Appointment of District Registrars

Magistrates of the Districts constituted under the provisions of the *Magistrates' Courts Act* shall be the District Registrars in their respective Districts:

Provided that when there is no Magistrate in any District, the Minister shall by writing under his hand appoint some fit and proper person to perform the duties of District Registrar.

### 4 Valid marriage

No marriage between Islanders celebrated after the coming into operation of this Act, save and except a marriage celebrated in accordance with the custom of Islanders or in accordance with the provisions of the Pacific Islands Civil Marriages Order in Council 1907, shall be valid unless celebrated:

(a) before a minister of religion; or

- (b) before a District Registrar.

**5 Marriage before a minister of religion. Marriage before District Registrar**

**(1)**

- (a) Before a marriage may be celebrated by a minister of religion, written notice of the intended marriage, and of the date of such intended marriage, in the language spoken by the parties thereto, and signed by the minister in charge of the church in which such marriage is to be celebrated, shall be posted prominently on a notice board set aside for the purpose in such church. Such notice shall be posted at least three weeks before the date of such intended marriage, and shall remain on the notice board until the celebration of the marriage or until the expiration of three months from the date of the notice, whichever shall first happen.
- (b) Every minister of religion shall keep a register in which shall be recorded the names and particulars of the parties in respect of whom notice has been given, and he shall also record therein the dates on which notice was so given.
- (c) If, for any reason, the marriage be not celebrated within three months from the day on which the last notice shall have been given as required by paragraph (a) hereof, fresh notice must be given in the manner hereinbefore set out.

**(2)**

- (a) Whenever any Islanders desire to be married before a District Registrar one of the parties to the intended marriage shall sign and give to the Registrar a notice in the Form A in the First Schedule hereto.
- (b) If the party giving such notice is unable to write or is insufficiently acquainted with the English language it shall be sufficient if he places his mark or cross thereto in the presence of some literate person who shall attest the mark or cross as the case may be. This attestation shall be in the Form B in the First Schedule hereto.

- (c) On receipt of such notice, the District Registrar shall cause the particulars thereof to be entered in a book to be called the Islanders' Marriage Notice Book", which may be inspected during office hours without fee, and he shall publish such notice by causing a copy thereof to be posted up in a conspicuous place on the outer wall of his office until the marriage is celebrated.
- (3) The District Registrar may celebrate the marriage at any time after the expiration of twenty-one days and before the expiration of three months from the date of such notice:

Provided that if the marriage be not celebrated within three months of the date of such notice the notice shall be void, and fresh notice must be given before the parties can lawfully marry.

## **6 Declaration precedent to marriage**

- (1) No marriage shall be celebrated by a minister of religion or a District Registrar until each of the parties to the intended marriage shall have made and signed a declaration in Form C in the First Schedule hereto before the minister or District Registrar celebrating the marriage:

Provided that if the declarant is unable to write, he may, instead of signing the declaration, affix his mark or cross thereto.

- (2) Whenever a marriage is celebrated by a minister of religion, there shall be affixed to the declaration adhesive postage stamps to the value of twenty cents; and such declaration, duly stamped, shall be forwarded by the minister to the District Registrar when the copy of the marriage certificate is forwarded by him.

## **7 Witnesses required**

The presence of two witnesses at least shall be necessary for the due celebration of a marriage before a minister of religion or a District Registrar; and immediately upon celebration, the minister of religion or the District Registrar, as the case may be, together with the witnesses and the parties shall sign in duplicate a certificate in the Form D in the First Schedule hereto, and one copy of such certificate shall be handed to one of the parties to the marriage.

**8 Place and time of marriage before a minister of religion**

A marriage by a minister of religion shall be celebrated in the church in which notice of the intended marriage was given, and shall be celebrated between the hours of 6 o'clock in the forenoon and 6.30 o'clock in the afternoon.

**9 Place, time and form of marriage before a Registrar**

A marriage before a District Registrar shall be celebrated in his office, with open doors, between the hours of 10 o'clock in the forenoon and 4 o'clock in the afternoon, and in the following manner:

The District Registrar, having satisfied himself that the formalities precedent to marriage prescribed by this Act have been complied with, shall, either directly or through an interpreter, address the parties thus:

“Do I understand that you A.B. and you C.D., have come here for the purpose of being made man and wife?”

If the parties answer in the affirmative, he shall proceed as follows:

“Know ye that by the public taking of each other as man and wife in my presence, and in the presence of the persons now here, and by the subsequent attestation thereof by signing your names to that effect, you become legally married to each other, although no other rite of a civil or religious nature shall take place, and that this marriage cannot be dissolved during your lifetime except by a valid judgment of divorce; and if either of you before the death of the other shall contract another marriage while this remains undissolved, you will be thereby guilty of bigamy, and liable to punishment for that offence.” Each of the parties shall then say to the other, “I call upon all persons here present to witness that I, A.B., do take thee, C.D., to be my lawful wife (or husband).”

**10 Age of parties and consents**

- (1) No marriage shall be celebrated under this Act unless it has been established to the satisfaction of the minister of religion or District Registrar that each of the parties has attained the age of fifteen years.

- (2) Any Islander knowing himself or herself to be under the age of fifteen years who contracts a marriage before a minister of religion or District Registrar, and any minister of religion or District Registrar who knowingly celebrates the marriage of an Islander under the age of fifteen years, shall be guilty of an offence, and shall be liable to a fine of one hundred penalty units or to imprisonment for six months.
- (3) No Islander (not being a widower or widow) under the age of eighteen years may be married without the written consent of the father, or if he be dead or of unsound mind or absent from the district, of the mother, or if both be dead or of unsound mind or absent from the district, of the guardian of such Islander:

Provided, however, that where such Islander has no father, mother, or guardian, a Judge or Magistrate may, if satisfied after due inquiry that the application to marry is a proper one, give such consent.

- (4) If the person required to sign such consent is unable to write or is insufficiently acquainted with the English language, or both, he shall sign such consent by placing his mark or cross thereto, in the presence of a Judge, Magistrate, District Registrar or minister of religion and such signature shall be attested by such person in the Form B in the First Schedule hereto.

## **11      Objection to marriage**

- (1) When two Islanders desire to contract a marriage before a minister of religion or District Registrar and notice of such intended marriage has been given, any person whose consent to a marriage is required, or who may know of any just cause why the marriage should not take place, may give notice, either orally or in writing, to the minister of religion or the District Registrar, as the case may be, stating the reasons why he objects to such marriage being celebrated.
- (2) On receipt of such notice, the minister of religion or District Registrar shall cause the word “forbidden” to be entered in the register or Islanders’ marriage notice book as the case may be, and shall make full inquiry as to the genuineness or otherwise of the objection to the marriage.
- (3) If the minister of religion or District Registrar is satisfied that no objection exists he shall cancel the word “forbidden” and make and

sign an entry in the register or Islanders' marriage notice book to the effect that after investigation the objection was not sustained, and the marriage may then be celebrated as if no objection thereto had been made.

- (4) If, on investigation, the objection is found to be a valid one an entry to that effect, duly signed, shall be made in the register or Islanders marriage notice book, and the marriage shall not be celebrated.
- (5) Any person who, without sufficient and proper cause, wilfully gives notice of objection to a marriage shall be guilty of an offence, and shall be liable to a fine of twenty penalty units, and in default of payment, to imprisonment for two months.

## **12      Penalty for celebrating marriage without being authorised**

Any person who, not being duly authorised thereto by law, celebrates any marriage shall be guilty of an offence, and shall be liable to a fine of one hundred penalty units, and in default of payment to imprisonment for six months.

## **13      Evidence of marriage**

Every marriage certificate duly filed, and every copy of a certificate of marriage purporting to be signed and certified as a true copy by a District Registrar, and every entry in any District Marriage Register or a copy thereof signed and certified as aforesaid shall be admissible in any Court as evidence of the marriage to which it relates.

## **14      Bigamy**

Any Islander, other than an Islander married in accordance with the custom of Islanders whose marriage has not been registered under section 18 of this Act, who being married under this Act shall marry any other person, whether under this Act or under the Pacific Islands Civil Marriages Order in Council 1907, or by the custom of Islanders, commits bigamy and shall be liable to imprisonment for five years.

## **PART II                    REGISTRATION OF MARRIAGES**

### **15                    Registration of marriage before minister**

- (1) Whenever after the commencement of this Act a marriage is celebrated by a minister of religion he shall, within one month thereafter or by the first opportunity, whichever shall be the later, transmit the second copy of the certificate referred to in section 7 to the District Registrar of the District in which the marriage was celebrated.
- (2) On the receipt of such certificate the District Registrar shall enter the particulars thereof in a book to be kept for the purpose to be called "The District Marriage Register", which book shall be in the Form E in the First Schedule hereto, and he shall file the certificate.

### **16                    Penalty for failure to forward certificate for registration**

Any minister of religion who fails to forward the certificate of marriage to the District Registrar within the time prescribed by the immediately preceding section shall be guilty of an offence, and shall be liable to a fine of fifty penalty units.

### **17                    Registration of marriage before a District Registrar**

Whenever a marriage is celebrated by a District Registrar he shall, after entering the particulars thereof in the District Marriage Register, file the second copy of the certificate referred to in section 7.

### **18                    Voluntary registration of marriages in accordance with custom**

- (1) Any Islanders who have contracted a marriage in accordance with the custom of Islanders may apply to the District Registrar of the District in which they reside to have the marriage registered under this Act.
- (2) Each of the parties to such marriage shall make a declaration before the District Registrar in the Form F in the First Schedule hereto.
- (3) On the completion of such declaration the District Registrar shall register the marriage in the District Marriage Register.

**19           Effect of voluntary registration**

- (1) When any marriage is registered in accordance with section 18, each party to the marriage shall for the purposes of the law of divorce be in the same position as though such marriage had been celebrated under the provisions of this Act.
- (2) If during the continuance of such marriage either party thereto shall contract another marriage, whether under this Act or under the Pacific Islands Civil Marriages Order in Council 1907 or according to the custom of Islanders, such party shall be guilty of bigamy and liable to punishment therefor.

**20           Central Register**

Every District Registrar shall, at the end of every quarter, forward to the Minister a return giving particulars of all marriages registered by him during the quarter, and on receipt of such return the Minister shall cause such particulars to be entered in a Central Register.

**21           Search of Marriage Registers**

The District Registrar shall, at all times during office hours, allow searches to be made in the District Marriage Register, and upon payment of the prescribed fee shall give certified copies therefrom.

**PART III           GENERAL**

**22           Penalty for false declaration**

Any person who makes a false declaration for any of the purposes of this Act shall be guilty of an offence and shall be liable to a fine of one hundred penalty units or to imprisonment for six months.

**23           Fees**

The Minister may prescribe the fees to be paid under this Act:

Provided that the fees contained in the Second Schedule hereto shall be the prescribed fees until altered, amended, revoked or added to by the Minister.

## **24 Rules**

The Minister may make such rules as may be necessary for carrying out the purposes of this Act

## FIRST SCHEDULE

## SOLOMON ISLANDS

## ISLANDERS' MARRIAGE ACT

## FORM A

(Section 5 (2) (a))

To the District Registrar at

I hereby give you notice that a marriage is intended to be celebrated within three months of the date hereof between me, the undersigned, and the other party herein named.

| Name | Condition. | Occupation,<br>Rank or<br>Profession. | Age | Dwelling or<br>place of<br>abode | Consent, if<br>any, and by<br>whom<br>given |
|------|------------|---------------------------------------|-----|----------------------------------|---------------------------------------------|
|      |            |                                       |     |                                  |                                             |

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

(Signature)

SOLOMON ISLANDS

ISLANDERS' MARRIAGE ACT

FORM B

(Section 5 (2) (b))

*Form of Attestation*

Signed by the said \_\_\_\_\_, at \_\_\_\_\_ on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, this notice [or consent  
as the case may be] having been first read over to him (her) (and  
truly interpreted to him (her)) in the \_\_\_\_\_ language by  
\_\_\_\_\_. He (She) seemed to understand the nature and purport thereof  
and made his (her) mark thereto, in my presence.

*Signed*

SOLOMON ISLANDS

ISLANDERS' MARRIAGE ACT

FORM C

(Section 6 (1))

I, A.B., of \_\_\_\_\_, do solemnly and sincerely declare that I  
believe there is no impediment or lawful objection by reason of any  
kindred or relationship, any former marriage, or want of consent of  
parents or guardians, or any other lawful cause, to my being  
married to C.D. of \_\_\_\_\_, daughter of E.F. of \_\_\_\_\_

*(Signature (or mark) of A.B.)*

And I, C.D., do solemnly and sincerely declare that I believe there is

no impediment or lawful objection by any such reason or other lawful cause, as aforesaid, to my being married to the said A.B.

*(Signature (or mark) of C.D.)*

Declared by both the parties above named at  
this                      day of                      , 19                      , before me.

*(Signature of Minister of Religion or District Registrar)*

SOLOMON ISLANDS  
ISLANDERS' MARRIAGE ACT

FORM D

(Section 7)

*Certificate of Marriage*

|                 | Date when married | Names and surnames | Age | Condition | Rank or Profession | Residence at time of marriage | Father's Name and Surname | Occupation or rank of Father |
|-----------------|-------------------|--------------------|-----|-----------|--------------------|-------------------------------|---------------------------|------------------------------|
| Name of Husband |                   |                    |     |           |                    |                               |                           |                              |
| Name of Wife    |                   |                    |     |           |                    |                               |                           |                              |

Married at \_\_\_\_\_ by me, due notice having been given  
in accordance with the Islanders' Marriage Act

*District Registrar*

*Minister of Religion*

This marriage \_\_\_\_\_ In the  
was celebrated \_\_\_\_\_ presence  
between us \_\_\_\_\_ of us

*Witnesses*

SOLOMON ISLANDS

ISLANDERS' MARRIAGE ACT

FORM E

(Section 15 (2))

*District Marriage Register*

| When<br>married | Names<br>and<br>Surnames | How<br>married | Age | Condition | Residence | Father's<br>Name and<br>Occupation |
|-----------------|--------------------------|----------------|-----|-----------|-----------|------------------------------------|
|                 |                          |                |     |           |           |                                    |
|                 |                          |                |     |           |           |                                    |

Entered this                      day of                      , 19                      , at the District  
Registry Office at                      .

*District Registrar*

## SOLOMON ISLANDS

### ISLANDERS' MARRIAGE ACT

#### FORM F

(Section 18 (2))

*Declaration by Person Married in accordance with Custom of  
Islanders.*

I,                      of                      do solemnly  
and sincerely declare that I was married to                      of  
                    on the                      day of                      19..., at  
in accordance with custom of Islanders.

I do further solemnly and sincerely declare that                      is  
the only person to whom I am married by custom of Islanders or  
otherwise, and I do lastly declare that I do not intend to marry any  
other person during the lifetime of the said                      unless  
the marriage is dissolved by a valid judgment of a competent Court.

Declared by the said                      this  
day of                      19                      , before me.

*District Registrar*

## SECOND SCHEDULE

### FEES

(Section 23)

|                                                          | \$   |
|----------------------------------------------------------|------|
| Filing Notice of Marriage with District Registrar        | 2.00 |
| On issue of certified copy of Certificate                | 2.00 |
| Certifying any extract from a District Marriage Register | 2.00 |

## ENDNOTES

### 1

#### KEY

|                       |                               |
|-----------------------|-------------------------------|
| amd = amended         | Pt = Part                     |
| Ch = Chapter          | rem = remainder               |
| Div = Division        | renum = renumbered            |
| exp = expires/expired | rep = repealed                |
| GN = Gazette Notice   | Sch = Schedule                |
| hdg = heading         | Sdiv = Subdivision            |
| ins = inserted        | SIG = Solomon Islands Gazette |
| lt = long title       | st = short title              |
| LN = Legal Notice     | sub = substituted             |
| nc = not commenced    |                               |

#### NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 171 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act from that date to 1 October 2009.

### 2

#### LIST OF LEGISLATION

##### ***Islanders' Marriage Act (Cap. 171)***

|                                 |                                       |
|---------------------------------|---------------------------------------|
| <i>Constituent legislation:</i> | 4 of 1945 (Commenced 31 October 1945) |
|                                 | 5 of 1945                             |
|                                 | 5 of 1946                             |
|                                 | 6 of 1946                             |
|                                 | 6 of 1967                             |
|                                 | 8 of 1967                             |
|                                 | 4 of 1968                             |
|                                 | 8 of 1974                             |
|                                 | LN 69 of 1975                         |
|                                 | LN 46A of 1978                        |
|                                 | LN 88 of 1978                         |

##### ***Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)***

|             |                |
|-------------|----------------|
| Assent date | 29 July 2009   |
| Gazetted    | 1 October 2009 |
| Commenced   | 1 October 2009 |

### 3

#### LIST OF AMENDMENTS

s 10                      amd by Act No. 14 of 2009

|      |                           |
|------|---------------------------|
| s 11 | amd by Act No. 14 of 2009 |
| s 12 | amd by Act No. 14 of 2009 |
| s 16 | amd by Act No. 14 of 2009 |
| s 22 | amd by Act No. 14 of 2009 |