

**CUSTOMARY MARRIAGE AND DIVORCE
(REGISTRATION) LAW, 1985**

In pursuance of the Provisional National Defence Council (Establishment) Proclamation, 1981 this Law is hereby made:

PART I—REGISTRATION OF CUSTOMARY MARRIAGE

1. On the commencement of this Law any marriage contracted under customary law before or after such commencement shall be registered in accordance with the following provisions. Registration of customary marriage.

2. (1) Where a marriage has been contracted under customary law, either party to the marriage or both parties shall apply in writing to the Registrar of Marriages (referred to in this Law as "the Registrar") of the District in which the marriage was contracted for the registration of the marriage in the register of marriages in this Law referred to as the "register". Application for registration for customary marriage.

(2) The application for the registration of the marriage shall be made within three months of the marriage, except that an application for the registration of a marriage contracted before the commencement of this Law shall be made within three months of such commencement.

(3) The form of the register shall be as set out in the First Schedule to this Law.

3. (1) The application for registration of the marriage shall be accompanied by a statutory declaration stating the following:— Statutory Declaration.

- (a) names of the parties to the marriage;
- (b) the places of residence of the parties at the time of the marriage;
- (c) that the conditions essential to the validity of the marriage in accordance with the applicable customary law have been complied with.

(2) The statutory declaration shall be supported by the parents of the spouses or persons standing in loco parentis to the spouses except where there are no such persons living at the time of application for registration.

4. (1) The Registrar, shall upon receipt of an application for the registration of a marriage, register the marriage and shall by notice in the form set out in the Second Schedule to this Law notify the public of the registration of the marriage. Registrar to register customary marriage.

(2) The notice shall be displayed on a public notice board in the office of the Registrar within twenty-eight days of the application for registration.

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Objection to registration of customary marriage.

5. (1) Any person who knows of any cause why the Registrar should not have registered the marriage, or objects to the validity of the marriage under the applicable customary law, may at any time after the publication of the notice by the Registrar under section 4 of this Law, file the grounds of his objection in the District Court in the District in which the marriage was registered.

(2) Copies of the grounds of objection shall be served on the parties affected by the objection.

(3) If upon the hearing of the grounds of objection the District Court is satisfied that there are no legal grounds for the objection the Court shall dismiss the objection.

(4) If the District Court, upon hearing the grounds of the objection, is satisfied that there are legal grounds for the objection the Court shall make an order empowering the Registrar to expunge any entries made in the register in respect of the registration of the marriage to which the objection was made.

PART II—REGISTRATION OF CUSTOMARY DIVORCE

Registration of customary divorce.

6. (1) The dissolution of any marriage registered under this Law shall be recorded by the Registrar of the District in the register of divorces (referred to in this Law as the "register") which shall be in the form set out in the Third Schedule to this Law.

(2) The provisions of subsection (1) of this section shall not apply to any marriage dissolved under section 41 of the Matrimonial Causes Act, 1971 (Act 367).

Registrar to be notified of divorce.

7. (1) Where a marriage registered under this Law has been dissolved in accordance with the applicable customary law the parties to the marriage shall within three months of the dissolution notify the Registrar of the District in which the marriage was registered that the marriage has been dissolved.

(2) The parties in notifying the Registrar shall make a statutory declaration stating that the marriage has been dissolved in accordance with the applicable customary law.

(3) The statutory declaration shall be supported by the parents of the spouses or persons standing in loco parentis living at the time of application.

(4) The Registrar may, upon receipt of such notification record in the register the dissolution of the marriage and may by notice in the form set out in the Second Schedule to this Law notify the public of the registration of the dissolution of the marriage.

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(5) The notice shall be displayed on a public notice board in the office of the Registrar within twenty-eight days of the receipt of such notification.

8. (1) Any person who knows of any cause why the Registrar should not have registered the dissolution of the marriage, or objects to the validity of the dissolution of the marriage under the applicable customary law, may at any time after the publication of the notice under section 7 of this Law file the grounds of his objection in the District Court in the District in which the dissolution of the marriage in question was registered. Objection.

(2) Copies of the grounds of objection shall be served on the parties affected by the objection.

(3) If upon the hearing of the grounds of objection the District Court is satisfied that there are no legal grounds for the objection the Court shall dismiss the objection.

(4) If the District Court upon hearing the grounds of objection is satisfied that there are legal grounds for the objection the Court shall make an order empowering the Registrar to expunge any entries made in the register in respect of the dissolution of the marriage.

PART III—MISCELLANEOUS

9. Upon the registration of any marriage or the dissolution of any marriage the Registrar shall issue to the parties concerned a certified true copy of the entry in the register upon payment of a registration fee prescribed under this Law. Certified copies of entries in register.

10. The grounds of any objection filed in the District Court under section 5 or 8 of this Law shall be heard in chambers. Objections to be heard in chambers.

11. The Registrar shall at all reasonable times allow searches to be made of the register and shall furnish on request and upon payment of a fee prescribed under this Law a certified true copy of any entry in the register. Searches.

12. Any clerical error in a register may, if discovered at the time of making the entry, be corrected by the Registrar and no other entry shall be corrected nor any alteration made in the register except on the application by the person by whom the information is furnished to the Registrar. Correction of errors in register.

13. In any proceedings a true copy of the entry in the register certified under the hand of the Registrar shall be admissible in evidence as sufficient proof of the registration of the marriage or the dissolution of the marriage. Certified true copies of entries admissible as evidence.

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Offences.

14. Any person who—

- (a) applies to the Registrar for the registration of any customary law marriage or dissolution thereof which he knows has not been lawfully contracted or dissolved under the applicable customary law;
- (b) without reasonable cause, proof of which shall be on him, fails or refuses to register any customary law marriage or dissolution thereof under this Law;
- (c) knowingly makes any false entry in the register or a certified copy thereof; or
- (d) with intent to defraud alters any entry in the register or certified copy thereof,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding ₦10,000.00 or to imprisonment not exceeding three years or both.

Application of Intestate Succession Law, 1985.

15. The provisions of the Intestate Succession Law, 1985 (P.N.D.C.L. 111) shall apply to any spouse of a customary law marriage registered under this Law.

Regulations.

16. The Provisional National Defence Council Secretary responsible for Justice may by legislative instrument make regulations generally to give full effect to the provisions of this Law and to prescribe such fee or fees as he may deem fit.

Interpretation.

17. In this Law,

“District” means the area of authority of a District Council established under any enactment for the time being in force;

“Registrar” means the Registrar of Marriages appointed by a District Council for the purposes of registering marriages and dissolution of marriages under this Law.

Existing Bye-laws to cease to have effect.

18. On the commencement of this Law the Bye-laws of any District Council relating to the registration of customary marriages and divorces shall on such commencement cease to have effect and shall be deemed to have been cancelled by this Law.

Commencement.

19. This Law shall be deemed to have come into force on the same day as the Intestate Succession Law, 1985 (P.N.D.C.L. 111).

FIRST SCHEDULE

FORM OF REGISTER OF CUSTOMARY MARRIAGES

PART A—PARTICULARS OF HUSBAND

Name of Husband	Age of Husband	Date and Place of Marriage	Place of Residence of Husband	Other Existing Marriage	Signature or Thumb-print of Husband	Name and Signature or Thumb-print of Witnesses	No. of Receipt	Signature of Registrar	Remarks

PART B—PARTICULARS OF WIFE

Name of Wife	Age of wife	Date and Place of Marriage	Place of Residence of Wife	Condition—(Spinster or Divorcee)	Signature or Thumb-print of Wife	Name and Signature or Thumb-print of Witnesses	No. of Receipt	Signature of Registrar	Remarks

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SECOND SCHEDULE

**NOTICE OF REGISTRATION OF CUSTOMARY MARRIAGE OR DISSOLUTION
OF CUSTOMARY MARRIAGE**

NOTICE is hereby given that the marriage* or dissolution of the marriage* between the parties mentioned below was registered in the Register of Marriages and Divorces in accordance with the provisions of the Customary Marriage and Divorce (Registration) Law, 19..... on the.....day of.....19.....

Name of Parties to the Marriage	Place(s) of Residence of Parties	Place of Marriage or Dissolution of Marriage	Date of Marriage or Dissolution of Marriage

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

Registrar of Marriages.....

*Delete where not applicable.

THIRD SCHEDULE

FORM OF REGISTER OF DIVORCE

Name of Divorcee	Date of Marriage	Place of Residence of Divorcee	Date of Dissolution of Marriage	Signature of Divorcee	No. of Receipt	Signature of Registrar

*CUSTOMARY MARRIAGE AND DIVORCE
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Made this 14th day of June, 1985.

FLT.-LT. JERRY JOHN RAWLINGS
Chairman of the Provisional National Defence Council

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