

MUSLIM MARRIAGE AND DIVORCE BILL, 2017

MEMORANDUM

The object of this Bill is to remove the anomalies in the present law relating to Muslim marriage and to provide a mechanism for the regulation and conduct of Muslim marriages and divorces in the country.

Marriage is an important transition in life and has numerous consequences attendant to it which affect the individual's life, the families of both parties to the marriage, the community as well as the nation.

The present legislative framework regulating marriage is pluralistic in nature. For instance there is the Marriage Ordinance, 1884 (Cap 127), and the Customary Marriage and Divorce Registration Act, 1985, PNDCL. 112 as amended. These two pieces of legislation regulate "Christian" marriages and customary marriages respectively.

In the case of Muslims, the Marriage of Mohammedans Ordinance, 1907 (Cap 129) regulates marriage and divorce. It makes provision for the registration of Muslim marriage and divorce in accordance with laid down procedures. The law, passed during the colonial era, has the obvious advantage of providing a means of proving Muslim marriage and divorce. However, the procedure for registration and the consequences of non-compliance with the law, lays the foundation for the insecurity of Muslim marriage and creates serious legal and social problems.

The provisions for registration in the Marriage of Mohammedans Ordinance 1907, Cap 129 are probably not known to many Muslims. In addition the existence and situation of the registers is even less common knowledge either to Muslims or to the legal profession. For instance, the law requires that Muslim marriages should be registered within one week after the celebration of the marriage, whilst in the case of divorce, the time limit for registration is one month. Any marriage contracted and any divorce effected by Muslims is deemed invalid unless it is registered. Other problems attendant with non-registration are rights of succession, rights in marriage as well as other family law rights which are likely to arise when family members seek enforcement of those rights.

Further, Muslims are faced with the challenge of Islamic law not being recognised as their personal law. In addition, it is quite clear that Cap 129 as it currently stands has limited incentives to encourage compliance. The original section 10 of Cap 129 made it possible for the estate of a Muslim who died intestate to devolve in accordance with the teachings of Islam. That section has been repealed by the Intestate Succession Act, 1985, PNDCL.111.

In the light of these problems, this Bill seeks to provide a user-friendly institutional and regulatory framework for the registration of Muslim marriage and divorce. It also seeks to establish a Muslim Marriage and Divorce Registry in each

district in the country and entrust it with the responsibility to register Muslim marriage and divorce. The Bill also seeks to make the production of an entry in the register or a certificate to that effect conclusive proof of the fact of marriage or divorce.

Clause 1 makes provision for the establishment of a registry in each district in the country for the registration of Muslim marriage and divorce. Subclause (2) deals with the marriage and divorce registers in which entries are to be made.

Clause 2 makes provision for the appointment of a Registrar of Muslim marriages and divorces for each district. The duties include supervision of registration of marriage and divorce, keeping of the register, and licensing of officiating Imams.

Clause 3 deals with licensing of places of marriage. The District Chief Executive of each district is empowered to license places of Muslim public worship or any place used for Muslim religious purposes. The *clause* spells out some of the requirements for licensing a place of marriage. Other issues dealt with under the *clause* include the revocation of a licence given to a licensed place of marriage.

Clause 4 provides for the licensing of Imams by the Registrars appointed under *clause 2* of the Act. An applicant for a licence as an officiating Imam must apply to the Registrar of Marriages for the district for the licence. A pre-requisite for the licence is that the applicant must have the requisite religious qualification and demonstrable expertise in issues of Muslim family law.

Clause 5 deals with the conditions for a licence whilst *clause 6* spells out the duties of a licensed Imam. The duties of the Imam are the announcement of the celebration of an impending marriage within the precincts of a licensed place of marriage, taking the prospective couple through the necessary rites for the formal validity of the marriage in accordance with the dictates of the Islamic school of jurisprudence to which the parties belong. Other duties include counselling of the couple and the submission of monthly returns of registered marriages to the Registrar of Marriages within the district.

Under *clause 7*, the Imam is to issue a certificate of marriage that contains certain particulars of the marriage and submit monthly returns to the Registrar.

The requirements of a valid Muslim marriage are stipulated in *clause 8*. These are attainment of the age of eighteen years in accordance with the Children's Act, 1998 (Act 560), the fact that both parties have consented to be married to each other, the marriage is entered into and celebrated in accordance with Islamic law and witnesses are present as required by Islamic law at the time of the conclusion of the marriage.

Clause 9 provides for proof of age of parties to a proposed marriage. In this instance, where parties appear before an Imam for the purpose of celebrating a marriage and the Imam suspects that either of the parties is not of age, the Imam may

refuse to officiate the marriage ceremony unless the Imam is furnished with the proof of age to contract the marriage.

Under *clause 10*, a Muslim marriage celebrated after the commencement of this Act is to have a written Muslim contract which will give the details of and principles to govern the marriage relationship.

Clause 11 deals with requirements for the celebration of Muslim marriages. A licensed Imam is not to celebrate a Muslim marriage unless the marriage has a Muslim marriage contract.

Under *clause 12*, a Muslim man who decides to contract another marriage during the subsistence of a previous marriage needs to obtain the written consent of the Muslim Family Law Arbitration and Counselling Unit attached to the licensed place of marriage.

Clause 13 states the requirements for the grant of the consent for successive marriage by the Unit which include the fact that the applicant has informed the wife or wives about the marriage, that the man is capable of treating the wives with equal justice and has the adequate resources to support the wives and children.

Clause 14 deals with the registration of marriages whilst *clause 15* deals with the application for registration.

Under *clause 16* the method of registration is provided for. The bridegroom, bride and witnesses to the marriage and a licensed Imam are to go to the registry as soon as is convenient to register the marriage. If possible the registration should be done on the day of the celebration of the marriage to save cost. The *clause* outlines the various stages of the registration from the entry in the register to the completion by the signature and the insertion of the date and place of registration.

Clause 17 deals with registration of marriages celebrated before the commencement of the Act. For these marriages, the application is to be accompanied with a statutory declaration stating the names of the parties and place of residence among others.

Clause 18 deals with searches and fees. Searches of the register are to be allowed by the Registrar. Copies of entries or extracts from entries in the register are also to be provided on request and on payment of the prescribed fee.

A certified true copy of an entry in the register issued under the hand of the Registrar is admissible in evidence as sufficient proof of the validity and the fact of registration of the marriage.

Under *clause 19*, provision is made for the dissolution of a Muslim marriage. An application for divorce is to be made to a licensed Imam attached to a licensed place of

marriage after all attempts at settlement have failed. The divorce application is then to be forwarded to the Unit attached to the place of marriage for consideration by the Unit.

The Unit is empowered to invite the parties to a meeting with a view to counselling and reconciling the parties. Where all attempts at reconciliation fail, the man is entitled to go ahead with the divorce.

Clause 20 deals with registration of divorce whilst *clause 21* deals with the method of divorce registration.

Clause 22 is on matters incidental to divorce. Despite the dissolution of a Muslim marriage, an ex-spouse of a dissolved marriage may apply for intervention of the Unit in matters of maintenance, custody, settlement or other issues related to the dissolution.

Clauses 23 to 25 deal with matters of succession. The law makes provision for a Muslim to elect to make Islamic law his or her personal law. In this event, the principles of Islamic law will apply to that person's affairs.

Clause 26 makes the provisions of the Criminal Offences Act, 1960 (Act 29) which relate to false declaration applicable to registers and certificates of marriage and divorce under this Act.

Under *clause 27*, the refusal by a person without good cause to sign a register or certificate is an offence and attracts a fine of not more than fifty penalty units.

Clause 28 provides for Regulations. *Clause 29* is the interpretation *clause*. The *clause* provides a definition for words such as "idda" and "talaq". *Clause 30* is the repeal and saving *clause*. The *clause* repeals the Marriage of Mohammedan's Ordinance, 1907, (Cap 129) and saves notices, orders, directions or any act lawfully made or done under the repealed enactment.

GLORIA AFUA AKUFFO (MISS)
ATTORNEY-GENERAL AND
MINISTER FOR JUSTICE

Date:

MUSLIM MARRIAGE AND DIVORCE BILL, 2017

Arrangement of sections

Establishment of Muslim marriage and divorce registry

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SCHEDULE

**A
BILL
ENTITLED**

MUSLIM MARRIAGE AND DIVORCE ACT, 2017

AN ACT to provide mechanisms for the registration and regulation of Muslim marriage and divorce and to provide for related matters.

ENACTED by the President and Parliament:

Establishment of Muslim marriage registry

Establishment of Registry

1. (1) There shall be established within each district in the country a registry for the registration of Muslim marriage and divorce to be called the Muslim Marriage and Divorce Registry.

(2) There shall be kept in each Registry a Muslim marriage and divorce register in which entries of marriage and divorce shall be made.

(3) The counterfoil certificates shall be attached to the entries made in the register.

Appointment of a Registrar

2. (1) The District Chief Executive of each district shall appoint a Registrar of Muslim Marriages and Divorces with the prior approval of the District Assembly.

(2) The Registrar is responsible for

(a) supervising the registration of marriage and divorce;

(b) keeping the Muslim marriage and divorce register;

(c) licensing of officiating Imams in accordance with this Act; and

(d) ensuring that monthly returns of registered marriage and divorce from licensed marriage officers are entered in the marriage register.

Licensing places of marriage

3. (1) The District Chief Executive of each district may license a mosque, a place of Muslim public worship or any place used for Muslim religious purposes as a licensed place of marriage.

(2) A mosque or a place used for religious purposes shall not be licensed for the celebration of Muslim marriages unless it

- (a) has been registered as a place for Muslim public worship or for Muslim religious purposes;
- (b) is open to Muslims for the purposes of prayer, religious worship or activities of the religion of Islam;
- (c) is safe and does not pose any danger to life;
- (d) has at least one officiating or licensed Imam connected to it; and
- (e) has a Muslim Family Law Arbitration or Counseling Unit or is affiliated to one and may receive services from the Unit.

(3) The District Chief Executive may revoke a licence given to a licensed place of marriage at any time after giving at least a month's prior notice to the officiating Imam or the body in charge of the licensed place.

(4) The District Chief Executive shall revoke the licence of a place of marriage, if the licensed place is unable to meet any of the conditions stated in subsection (2).

(5) The form and content of the licence that may be granted to a place of marriage is provided in Form A of the Schedule.

Licensing of officiating Imams

4. (1) The Registrar may grant a licence to an Imam who applies for a licence to enable the Imam celebrate Muslim marriages.

(2) An applicant for a Muslim marriage licence shall not be granted the licence unless the applicant

- (a) has the requisite religious qualification and has demonstrable expertise in issues of Muslim family law, and

(b) undertakes to abide by the requirements and duties imposed on licensed Imams by this Act.

(3) The form and content of the licence that may be granted to a licensed officiating Imam is provided in Form B of the Schedule.

(4) The District Chief Executive may at any time revoke or suspend the licence of an officiating Imam.

Conditions for licence

5. (1) A person who applies to be licensed as an officiating Imam shall have the requisite religious qualifications

(a) and provide credible evidence of the religious qualifications attained, or

(b) provide certification in writing from the national head of the Muslim grouping or School of Islamic jurisprudence to which the applicant belongs that the applicant has the requisite religious qualification.

(2) The form and content of the certificate provided by the national head of a Muslim grouping or the School of Islamic jurisprudence is indicated in Form of the Schedule.

Duties of a licensed Imam

6. A licensed Imam shall discharge the following duties:

(a) announce the celebration of an impending marriage within the precincts of a licensed place of marriage;

(b) ensure that the parties to the marriage comply with the essential and formal conditions of a valid Muslim marriage;

(c) take the prospective spouse through the necessary rites for the formal validity of the marriage in accordance with the dictates of the Islamic school of jurisprudence to which the parties belong;

(d) ensure that a Muslim marriage is covered by a written Muslim marriage contract before the marriage is formally concluded;

(e) record the full names of

(i) the bridegroom,

- (ii) the bride,
 - (iii) the bride's wali, if any, and
 - (iv) the parents of the bride and bride groom;
- (f) record the
- (i) addresses,
 - (ii) ages,
 - (iii) occupation, and
 - (iv) the status prior to the marriage
- of the bride and bridegroom; and
- (g) counsel the prospective spouses for a reasonable period of time before the celebration of their marriage;

Certificate of marriage

7. (1) A licensed Imam shall issue a certificate to the parties to marriage containing
- (a) the full names of the parties to the marriage,
 - (b) place of residence,
 - (c) place of marriage,
 - (d) names of guardians,
 - (e) names of at least two witnesses present at the ceremony,
 - (f) a statement to the effect that the marriage complied with both the essential and formal conditions of a valid Muslim marriage, and
 - (g) the name and signature of the officiating Imam;
- (2) The licensed Imam shall submit monthly returns of registered marriages to the Registrar of Marriages within the district.

Requirements for validity of a Muslim marriage

8. A Muslim marriage entered into after the commencement of this Act is valid if
- (a) the prospective spouses
 - (i) have both attained the age of eighteen years, and
 - (ii) have both consented to be married to each other;
 - (b) the marriage is entered into and celebrated in accordance with the Islamic law; and
 - (c) witnesses are present as required by Islamic law at the time of the conclusion of the marriage.

Proof of age of parties to proposed marriage

9. An officiating Imam who reasonably suspects that either of the parties appearing before him for the purpose of celebrating a marriage are below eighteen years shall refuse to officiate the marriage ceremony unless the Imam is furnished with satisfactory proof by the party that the party in question is eighteen years of age.

Muslim marriage contract

10. (1) Each Muslim marriage celebrated after the commencement of this Act shall have a written Muslim marriage contract.

(2) A Muslim marriage contract shall provide the details of, and the principles to govern the marriage relationship, including but not limited to:

- (a) the names of the parties to the marriage;
- (b) the status of the parties, whether the bridegroom is a bachelor, married or a widower and whether the bride is a spinster or a widow;
- (c) the place of residence of the parties and their guardians;
- (d) the amount of dowry and whether it is fully paid or not;
- (e) the rights and duties of the bridegroom;
- (f) the rights and duties of the bride;

- (g) the conditions, if any, for the exercise of the rights of the bridegroom and the bride;
- (h) the duties of the bridegroom and the bride towards any children of the marriage;
- (i) whether the bride will be entitled to any compensation after the dissolution of the marriage;
- (j) whether or not Islamic law should apply to the devolution of the estate of the prospective spouses in the event of intestacy.

(3) For purposes of this section "rights of the bridegroom and the bride" means

Requirements for the celebration of Muslim Marriages

11. (1) A licensed Imam shall not celebrate a Muslim marriage unless the marriage has a written Muslim marriage contract.

(2) A licensed Imam who celebrates a Muslim marriage that does not have a written Muslim marriage contract commits an offence and is liable on summary conviction to a fine of not more than two hundred and fifty penalty units.

(3) A licensed Imam who is convicted of the offence of celebrating a Muslim marriage without a written Muslim marriage contract shall have the licence issued to that Imam revoked by the Registrar.

Multiple marriages

Consent for second and subsequent marriages

12. A Muslim man who decides to contract another marriage during the subsistence of a current marriage or marriages must first obtain the written consent of the Unit attached to a licensed place of marriage.

Requirements for the grant of consent for successive marriage

13. (1) In applying for the consent under section 12, the applicant must demonstrate that

- (a) the applicant has informed the wife or wives about the marriage;
- (b) the applicant is capable of treating the wives with equal justice;

- (c) the applicant has the resources to adequately support the wives; and
- (d) the children of the marriage, if any, have been and will be adequately provided for.

(2) A Unit shall not give its consent for a Muslim man to take another wife if it is of the view that doing so will be improper according to Islamic principles and will jeopardise or harm the interests of the existing wife and children of the marriage.

(3) In deciding whether to give consent for a Muslim man to take another wife the Unit may obtain whatever information is necessary to assist in the process of giving or denying consent to the applicant.

(4) The form and content of the consent that may be granted to a licensed officiating Imam by the Unit is provided in Form of the Schedule.

(5) An applicant who is dissatisfied with the decision of the Unit may appeal to the District Court.

Registration of marriages and divorces

Registration of marriages

14. (1) Each Muslim marriage contracted under Islamic law before or after the commencement of this Act may be registered.

(2) The Registrar of Marriages, the officers of the Muslim Marriages and Divorces Registry and a licensed Imam are the only persons qualified to register a Muslim marriage.

(3) A Muslim marriage contracted after the commencement of this Act shall not be registered unless it has a Muslim marriage contract.

Application for registration

15. (1) Either party to the marriage or both parties may apply to [a licensed Imam or] the Registrar of Marriages of the district in which the parties reside for the registration of the marriage in the register.

(2) A licensed Imam shall issue a certificate of marriage for the registration of a marriage on request after ensuring that the essential and formal requirements for the validity of a Muslim marriage have been complied with.

(3) The licensed Imam who issues a certificate under section 7 shall forward the particulars of the marriage to the Registrar of Marriages of the district in which the

Imam acts as Imam for the marriage to be entered in the register within three months after the date of the issue.

✱ [(4) The application for the registration of a Muslim marriage shall be made within one month after the celebration of the marriage.]

[(5) The application for the registration of a Muslim marriage shall be made on the same day of the celebration of the marriage if possible.]

(6) Each application for registration of a marriage celebrated after the commencement of this Act shall be accompanied with a form containing the particulars required by section 7.

(7) The Registrar shall make the form accessible to an applicant on payment of a prescribed fee.

(8) The Registrar shall issue the parties concerned or the licensed Imam with a certified true copy of a marriage entry in the register in the form specified in Form C of the Schedule after payment of a registration fee.

Method of marriage registration

16. (1) The bridegroom, the bride and two witnesses for each party to the marriage and a licensed Imam shall go to register the marriage in the marriage registry established in the district if possible, [on the day of celebration of the marriage] or as soon as conveniently and before the expiration of a week or [one month] after the celebration of the marriage.

(2) The marriage shall be entered in the register and in the duplicate certificate in Form C set out in the Schedule.

(3) The licensed Imam shall enter the particulars specified in the first column in the second column of the register and enter the particulars in the attached certificate.

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

(5) The register and the certificates shall then be signed by the bridegroom, the bride and two witnesses for each party who have attended for that purpose.

(6) The licensed Imam shall then sign in the register and in both marriage certificates, a certificate that the marriage is valid in accordance with Islamic law.

(7) The sworn interpreter shall then sign in the register and the marriage certificates, the certificate of the correctness of the English translation.

(8) The register and the certificates shall be completed by the signature of the Registrar who shall insert the date and place of registration.

(9) The certificates shall then be detached from the register and one shall be given to the bridegroom and the other to the bride.

(10) A Justice of the High Court, may issue a personally signed certificate to dispense with the signature of any person other than a licensed Imam on an *ex-parte* application by the bridegroom or the bride

(a) where the period specified in subsection (1) has lapsed before the registration of a marriage which should have been registered, or

(b) where it has been impossible or impracticable to obtain the attendance of a person, other than a licensed Imam, whose signature of the register is required.

(11) The *ex-parte* application shall be supported by an affidavit stating the reason for the delay or non-attendance.

Registration of marriages celebrated before the commencement of this Act

17. (1) Where parties to a marriage celebrated before the commencement of this Act apply to register the marriage, the application shall be accompanied with a statutory declaration stating

(a) the names of the parties,

(b) their places of residence, and

(c) that the conditions essential to the validity of the marriage in accordance with Islamic law have been complied with.

(2) On receipt of the application, the Registrar shall register the marriage.

(3) The notice of registration shall be displayed on the notice board at the registry for a period of twenty-one days.

Searches and fees

18. (1) The Registrar shall allow searches to be made of the register at any reasonable time and shall furnish a certified true copy of or extracts from any entry in the register on request and on payment of the prescribed fee.

(2) The fees, under this section are as provided in Form E in the Schedule.

(3) A certified true copy of any entry in the register issued under the hand of the Registrar shall be admissible in evidence as sufficient proof of the validity and the fact of registration of the marriage.

Dissolution of Muslim marriage

19. (1) Either party may, after exhausting settlement efforts at a family arbitration apply to a licensed Imam attached to a licensed place of marriage for the dissolution of a Muslim marriage.

(2) The licensed Imam shall forward the divorce application to the Unit of the licensed place of marriage which shall consider the reasons for the application.

(3) The Unit shall consider the divorce application.

(4) A Muslim man who decides to divorce his wife by talaq shall notify the Imam of the nearest licensed place of marriage of the intention and the reasons for the decision.

(5) A licensed Imam to whom a notice of talaq divorce is given shall forward the notice to the Unit.

(6) The Unit shall invite the parties to a meeting to reconsider the reasons for the divorce with a view to counselling and reconciling the parties.

(7) Where attempts at reconciliation fail, the man may pronounce a talaq without limiting any findings by the Unit that the reasons for the exercise of a talaq divorce are unfounded.

Registration of divorce

20. (1) When a marriage is dissolved, the licensed Imam attached to the Unit shall register the fact of divorce and issue a certificate to that effect to the parties.

(2) The Registrar shall issue a certified true copy of the entry in the register to the parties concerned or the licensed Imam who presided over the divorce after payment of a prescribed fee.

- (3) The certified true copy of the entry shall be in form D of the Schedule.
- (4) The certificate of divorce shall only be issued after the expiration of the [three month] idda period.
- (5) The certificate shall contain the following particulars:
 - (a) the names of parties;
 - (b) the date of marriage;
 - (c) the place of marriage;
 - (d) the date of dissolution of marriage;
 - (e) the place of dissolution of marriage;
 - (f) a statement to the effect that the requirements for a valid Muslim divorce have been complied with; and
 - (g) the signature of the licensed Imam who attended to the dissolution of the marriage.
- (6) A licensed Imam shall send monthly returns of divorces registered by the Imam to the Registrar for entry in the register.
- (7) Either party to a divorce may apply in writing to the Registrar for the registration of the divorce.

Method of divorce registration

21. (1) The man, the woman and two witnesses of each of them to the divorce and a licensed Imam, shall go to the office of the Registrar of Marriages for the purpose of registering the divorce within one month after divorce.
- (2) The divorce shall be entered in the register and in the duplicate certificates in Form D of the Schedule.
- (3) The licensed Imam shall first enter the particulars specified in the first column in the second column of the register and of the attached certificates.
- (4) Where the entries in the second column of the register are made in a language other than English, the English translation made by a person duly sworn to interpret that language shall then be inserted in the third column of the register and of the certificates.

(5) The register and the certificates shall then be signed by the man, the woman and the two witnesses of each of them to the divorce who have attended for that purpose.

(6) The licensed Imam shall then sign in the register and in both the divorce certificates, a certificate that the divorce is valid according to Islamic law.

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

(8) The register and the certificates shall be completed by the signature of the Registrar who shall insert the date and place of registration.

(9) The certificates shall then be detached from the register and one shall be given to the man and the other to the woman.

(10) A Justice of the High Court may, on an *ex-parte* application by the man or the woman, issue a certificate signed personally by the Justice authorising the Registrar to register the divorce at any time within one month after the date of the certificate and on the registration to dispense with the signature of a person, other than a licensed Imam

(a) where a period of one month limited by subsection (1) has elapsed before the registration of a divorce which should have been registered, or

(b) where it has been impossible or impracticable to obtain attendance of a person other than a licensed Imam whose signature of the register is required.

(11) The *ex-parte* application shall be supported by an affidavit stating the reason for the delay or non-attendance.

Matters incidental to divorce

22. Despite the dissolution of a marriage, any ex-spouse of a dissolved marriage may apply to the Unit to intervene in matters of maintenance, custody, settlement or any other issue related to the dissolution of the marriage.

Succession and miscellaneous matters

Succession in the case of registered marriages

23. On the death of a Muslim whose marriage has been duly registered under this Act, the succession to the person's property shall, be regulated by Islamic Law unless there is evidence to the contrary if

- (a) the person died intestate, and
- (b) considering the circumstances of the marriage, the deceased if male and other male members of the family fully observed their responsibilities in accordance with Islamic law towards the female members of the family.

Succession in the case of unregistered marriages

24. (1) Where a Muslim dies without registering his or her marriage, the administrators of the estate shall register the marriage in the manner specified under section 15.

(2) Any Muslim whose marriage is registered posthumously shall have the succession to that person's property regulated by Islamic law unless the deceased before death had indicated an unequivocal intention that that person's estate should not devolve according to Islamic law.

Succession in the case of unmarried Muslims

25. Where a Muslim dies unmarried with or without children, succession to the person's estate shall be regulated by Islamic law unless there are any indications by the deceased to the contrary,

Application of Act 29

26. The provisions of the Criminal Offences Act, 1960 (Act 29) relating to false declaration shall apply to registers and certificates of marriage and divorce under this Act.

Penalty for not signing register or certificate

27. A person required by section 16 or 21 who without good cause refuses to sign a register or certificate commits an offence and is liable to a fine of not more than fifty penalty units.

Regulations

28. The Minister may, by legislative instrument make Regulations to prescribe

- (a) the fees to be paid
 - (i) for issue of a licence,
 - (ii) for registration of marriage or divorce,

- (iii) for inspection of the register, and
- (iv) a certified copy of an entry in the register
- (b) for replacement of the Schedule by Legislative Instrument, and
- (c) generally for the effective implementation of this Act.

Interpretation

29. In this Act, unless the context otherwise requires:

“district” means the area of authority of a District Assembly;

“district chief executive” means the district chief executive of the district in which the marriage is celebrated or the divorce is registered;

“divorce” means the irrevocable dissolution of a marriage registered under this Act;

“dowry” means property or money brought by a bride to her husband when they marry;

“functions” includes powers and duties;

“idda” means the mandatory three month period that a divorced Muslim woman is required to stay in the matrimonial home after the dissolution of the marriage;

“Islamic principles” means.....;

“Minister” means Minister responsible for Justice;

“place of marriage” includes a mosque, place of Muslim public marriage or any place used for Muslim religious purposes;

“prescribed” means determined by Regulations;

“Registrar” means the person appointed under section 2 of this Act;

“register” means the Muslim marriage and divorce register kept under this Act;

“spinster” means a woman who is not married;

“spouse” means a husband or a wife;

"talaq" means the right of Muslim male to pronounce unilateral divorce;

"Unit" means the Muslim Family Arbitration and Counselling Unit;

"wali" means.....;

Repeal and saving

30. (1) Part Two of the Marriages Act, 1884 to 1985, the Marriage of Mohammedan's Ordinance, 1907, (Cap 129) is hereby repealed.

(2) Despite the repeal of Cap 129, the notices, orders, directions, appointments, marriages or any other act lawfully made or done under the repealed enactment and in force immediately before the commencement of this Act shall be considered to have been made or done under this Act and shall continue to have effect until reviewed, cancelled or terminated.

SCHEDULE
Section 3 (5)
FORM A

| Name of place or Mosque | Location | Ownership of Place or Building | Nature of Activities undertaken | Number of followers or Worshippers | Name of officiating Imam | Name of counselling Unit | Name and Signature of Applicant |
|-------------------------|----------|--------------------------------|---------------------------------|------------------------------------|--------------------------|--------------------------|---------------------------------|
| | | | | | | | |

FORM B
(Section 4 (3))
Licence to Imam

Officiating Imam's Licence

This is to certify that I have this day licensed an Imam, residing at..... to discharge the duties imposed by the Muslim Marriage Act on Imams licensed under this Act.

Dated thisday of, 20.....

Fees paid.....

.....

Signature

FORM C

Certificate of Marriage

Marriage Certificate

Muslim Marriage Act

Muslim Marriage Act

Entry of Marriage

Certificate of Marriage

No.....

No.....

Entry by Imam

English
Translation

Entry by Imam

English
Translation

Date of marriage.....

Date of marriage.....

Name and residence of
Bridegroom.....

Name and residence of
Bridegroom.....

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

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

Name and residence of Bride
.....

Name and residence of Bride
.....

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

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

Entry by
Imam

English
translation

Entry by
Imam

English
translation

Name in full of
Licensed Imam
certifying to
validity of
Marriage.....

Name in full
of licensed Imam
certifying to
validity of
Marriage.....

Name in full and
residence of witnesses
signing certificate.....

Name in full and
residence of witnesses
signing certificate.....

Amount of dower.....

Amount of dower.....

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

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

Signatures of parties

.....Bridegroom

.....Bride

.....Witness

.....Witness

Signatures of parties

.....Bridegroom

.....Bride

.....Witness

.....Witness

I hereby certify that the above
Marriage is valid according to
Muslim law and that the above
entries are correct.

.....
Licensed Imam

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

.....
Sworn Interpreter

Dated at
this.....
day of

.....
Registrar

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

.....
Licensed Imam

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

.....
Sworn Interpreter

Dated at
this
day of

.....
Registrar

FORM D
(Section 21 (2))
Certificate of Divorce

Divorce certificate
Muslim Marriage Act

Muslim Marriage Act

Entry of Divorce

Certificate of Divorce

No.....

No.....

Entry by
Imam

English
translation

Entry by
Imam

English
translation

Date of divorce.....

Date of divorce.....

Name and residence
of man.....

Name and residence
of man.....

Name and residence of man's
parents

Name and residence of man's
parents

Name of woman

.....

Name of woman

.....

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

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

Name in full of licensed Imam signing
certificate

Name in full of licensed Imam signing
certificate

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

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

Signatures of parties

Signatures of parties

.....Man

.....Man

.....Woman

.....Woman

.....Witness to divorce

.....Witness to divorce

.....Witness to divorce

.....Witness to divorce

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

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

.....
Licensed Imam

.....
Licensed Imam

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

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

.....
Sworn Interpreter

.....
Sworn Interpreter

Dated atthis
day of

Dated atthis.....
day of

.....
Registrar

.....
Registrar

FORM E
(Section 18 (2))
Fees

| | GH¢ |
|---|-------|
| For every Imam's licence | 50.00 |
| For registration of marriage or divorce..... | 20.00 |
| For inspection of register, per hour | 5.00 |
| For certified copy of an entry (English only) | 10.00 |