

# Getting Married

## Who can get married?

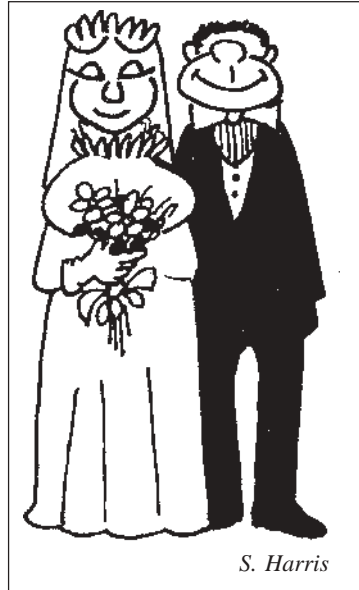
Both parties to a marriage must be single (i.e. unmarried, widowed or divorced) and adult (18 years or older).

If either party is under 18 the consent of her/his parents or guardians must be obtained. If consent is refused an application can be made to the Chief Justice for leave to marry.

## Who cannot get married?

Marriages between certain persons are forbidden and any such marriage celebrated will be void (i.e. without any legal effect). **A marriage will be void if:**

- (a) either party is **already married** to someone else and therefore is not single;
- (b) either party is **under 16**
- (c) both parties are of the **same sex**;
- (d) the parties are certain kinds of **blood relations**, e.g. parent & child; grandparent & grandchild; brother & sister of the whole or half blood; niece & uncle; nephew and aunt;
- (e) the parties are certain kinds of **relations by marriage**, e.g. a woman & her step-son or son-in-law or a man and his step-daughter or daughter-in-law;
- (f) either party **doesn't understand that she/he is getting married**;
- (g) one of the parties goes through the ceremony under **threats** or is **mistaken** as to the identity of the other party or as to the nature of the ceremony or is drunk; or
- (h) any of the formalities haven't been compiled with.



## Formalities before marriage

**Before a wedding can take place banns must have been published or a Minister's licence or superintendent registrar's certificate obtained.** (Note however, that a marriage officer (see below) without banns, a licence or certificate can perform a marriage if one of the parties is at the point of death.)

1. **Banns** must be published in a **church** registered for that purpose in the marriage district in which the parties live on 3 **Sundays** during a period of not more than 3 months before the wedding. Publication must be by a minister of the Christian religion who is marriage officer (see below) or someone acting under the minister's control.

If the parties live in different marriage districts banns must be published in each district.

At least 2 days before the time required for first publication the parties must give the minister a written notice containing required information.

2. A **Minister's licence** (called a **marriage licence**) must be applied for at least 2 days before it is required. The application is by **petition to the Minister of Home Affairs** containing the required information. All relevant documents (i.e. birth certificates to prove age; death certificates and/or decrees absolute to prove single status) must be produced and a fee paid. If an **objection** is made to the marriage the Minister will decide the issue.

3. A **Superintendent registrar's certificate** is obtained upon **notice** given to the superintendent registrar of the marriage district in which the parties lived for the past 7 days or more. If the parties live in different districts they must each give a separate notice. The notice must contain the required information and all relevant documents must be produced (see above). The particulars are entered in the **Marriage Notice Book** that may be inspected by anyone at any reasonable time. The superintendent registrar must clearly pub-

lish a notice of the marriage outside her/his office. Once the notice has been up for 21 days the superintendent registrar will issue a certificate to any party who gave notice to her/him upon payment of the required fee.

If anyone makes an objection to the marriage within the 21-day period the superintendent registrar will refer the objection to a judge of the High court who will decide the issue. In the meantime no certificate will be issued.

**The publication of banns, Minister's licence and a superintendent registrars' certificate becomes void if the marriage doesn't take place within 3 months of last publication/issue.**

Banns will have to be published all over again or a new licence or certificate obtained before the marriage can take place.

### **The Ceremony**

A superintendent registrar or a marriage officer may perform a marriage. The Minister of Home Affairs appoints marriage officers. They may be ministers of the Christian religion or persons of the Hindu or Islamic religions.

A wedding must take place between 6 a.m. and 9 p.m. if performed by a marriage officer and between 8 a.m. and 4 p.m. if performed by a superintendent registrar.

The wedding can take the form the parties choose but there must be 2 or more witnesses apart from the marriage officer or superintendent registrar and the consent of each party to take the other as husband or wife must be clearly stated in the presence of the witnesses and the marriage officer or superintendent registrar.

If the wedding takes place in a superintendent registrar's office no religious ceremony can be performed but the parties can have a religious ceremony afterwards.

### **Registration of Marriages**

As soon as a marriage has taken place it must be registered in the **marriage register book** kept by the marriage officer or superintendent registrar who performed the ceremony. The entry contains details of the parties and the marriage.

A duplicate original entry is also made on a separate sheet of paper. This will later be sent to the Registrar General of Births & Deaths. Both parties must sign both originals.

A certified copy of the entry is given to the parties. This is called the marriage certificate and is used as evidence of the marriage, e.g. in divorce proceedings. Further certified copies can be obtained from either the Registrar General or the marriage officer or superintendent registrar who has custody of the marriage register book containing the original entry. The parties' names, date and place of marriage must be given.

### **Change of Name and Title**

Although a woman has traditionally taken her husband's surname on marriage, there is no legal requirement that she do so. She is perfectly free to keep her own name if she wants. If she decides to take her husband's surname she can keep it after the marriage ends, whether on death or divorce.

Instead of being called "Miss" before marriage and "Mrs." After, more and more married and unmarried women are adopting the title "Ms."

### **Citizenship**

A foreigner that marries a Guyanese citizen can apply to be registered as a citizen of Guyana immediately after the marriage.

### **Termination**

A marriage is terminated by:

- (a) Death of a spouse
- (b) A grant of Decree Absolute by the High Court, see Section 5

Divorce for more information.

A voidable marriage, or one that has no legal effect e.g. if it is not consummated by the parties or one or both of the parties lacked the capacity to marry, has to be annulled.

A **voidable** marriage is valid unless and until a decree of nullity is made. A marriage will be voidable if, for example, either party is incapable of consummating it (i.e. completing it by sexual intercourse) or wilfully refuses to consummate it.