



Registration of Marriages

This Registration of Marriages booklet is a guide to help you know and better understand how you register and legalize your marriage. This booklet will inform you of the documents you need and the procedure you need to follow to ensure that your marriage is recognized within the confines of the law.

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Definition of Marriage

Marriage is the voluntary union of a man and a woman whether in a monogamous or polygamous union and registered in accordance with the Marriage Act. Parties to a marriage must have attained eighteen years of age, have equal rights and obligations at the time of the marriage, during the marriage and at the dissolution of the marriage.



Types of Marriages

A marriage may be registered if it is celebrated as a customary, civil or religious marriage.

a) Customary Marriages

They are celebrated in accordance with the customs of the communities of one or both of the parties to the intended marriage. There has to be some form of payment such as money, token or dowry to validate such a marriage.

Upon satisfactory completion of the relevant steps required to confer status of such a marriage, parties notify the registrar of marriage for registration. Since customary marriages are potentially polygamous, all marriages between a man and each of his spouses must be registered separately for the purpose of issuing a marriage certificate.

b) Civil Marriages

They are celebrated by the Registrar of marriages. They are essentially monogamous i. e. a person cannot marry more than one wife. Persons looking to marry must give the registrar notice of their intention to marry. A person with an objection can file it with the registrar of marriages at the Attorney General's chambers in the different counties.

c) Christian Marriages

These marriages apply to those who follow the Christian faith. They are presided over by a licensed church minister who then forwards the certificate to the registrar for registration.

d) Hindu Marriages

Apply to persons who profess the Hindu faith. The marriages may be officiated by the registrar of marriages or by an authorized person in accordance with the Hindu religious rituals of the party to the marriage. The person records details of the marriage and delivers the record to the registrar for registration.

e) Marriage under Islamic Law

These marriages apply to persons who profess the Islamic faith and are officiated by a Kadhi, Sheikh or Imam authorized by the registrar of marriages. The person records details of the marriage then issues a certificate of marriage. He then delivers the record and forwards the certificate for registration.



Witnesses to Marriage

A marriage conducted under the Marriage Act must be witnessed by two competent witnesses who must satisfy the following:

- Have attained the age of eighteen years
- Be mentally stable
- Not intoxicated and understand what the parties are doing
- Be able to understand the language used during the ceremony
- Must not be who conducts the marriage ceremony

Duration of Marriage

A marriage registered under the Act subsists until it is determined by:

- The death of a spouse
- Court declares the presumption of the death of a spouse
- Annulment or divorce



Customary Marriage Rules

Registration of customary marriages in Kenya is governed by the Marriage (Customary Marriage) Rules, 2017, under the Marriage Act. These rules were effected by Gazette Notice Number 5345 issued on the 9th June 2017. The notice required that all customary marriages be registered from 1st of August 2017.

Requirements for Registration

For one to conduct a successful customary marriage registration in Kenya, you need the following documentation:

- Each party must bring one passport photo.
- Each party must have a birth certificate or documentation declaring their respective ages.
- Each applicant must have identification documents.
- Each of the parties must present a certificate or letter of identification from a chief.

Steps for Registration



**STEP
01**

Both individuals take part in customary rites depending on their communities.

Notify the Registrar of Marriages within 90-day period of their intention to register their union by filling in a form at a fee.

**STEP
02**



**STEP
03**

The registrar puts up a fourteen-day notice inviting objections from parties that may be disputing the union.

In the event of objections, claims are received, heard and determined.

**STEP
04**



**STEP
05**

If no objections raised have been handled, the Registrar will then issue the parties with an acknowledgment.

The two individuals must then apply for registration of their marriage with a copy of the acknowledgement certificate from the registrar at a fee.

**STEP
06**



**STEP
07**

When the registrar is satisfied with the application and having done the relevant investigations, he/she issues a marriage certificate.



Dissolution of Marriages

This is the act or process of terminating a legal marriage. Marriage can come to an end based on the following grounds:

- Adultery
- Cruelty
- Desertion
- Exceptional depravity
- Irretrievable breakdown of the marriage
- Any valid ground under the customary law of the petitioner
- Conversion to a different religion under Hindu



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