

**OBJECTS AND REASONS**

This Bill will make provision for

- (a) the conduct and formalities of marriages on board ships, irrespective of where those ships may be operating;
- (b) the licensing of ship captains to function as marriage officers and marry persons on board Barbados ships;
- (c) the recognition of marriages on board Barbados ships as having taken place in Barbados; and
- (d) a regulatory framework to support obtaining a legally recognized marriage in the maritime context.

*Arrangement of Sections*

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*Certificate for the Solemnization of a Marriage in extremis*



**BARBADOS**

A Bill entitled

An Act to provide for the conduct and formalities of marriages on board ships.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

**Short title**

1. This Act may be cited as the *Merchant Shipping (Maritime Marriage) Act, 2024*.

**Interpretation**

2. In this Act,

“Barbados Maritime Transport Administration” has the same meaning as in the *Merchant Shipping Act, 2024* (Act 2024- );

“Barbados ship” means a ship registered in Barbados under the *Merchant Shipping Act, 2024* (Act 2024- );

“Barbados waters” has the meaning assigned to it in the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22);

“certificate for marriage” means a certificate issued by the Registrar under section 9;

“high seas” means all parts of the sea that are not included in the territorial sea or internal waters of a state or territory;

“master” has the meaning assigned to it in the *Merchant Shipping Act, 2024* (Act 2024- );

“Maritime Marriage Notice Book” means the book referred to in section 8(2);

“Maritime Marriage Log Book” means the book referred to in section 15(1);

“marriage officer” means the master of a Barbados ship licensed under section 4 or a second marriage officer licensed under section 5;

“Minister” means Minister responsible for marital affairs;



“prescribed form” means a form prescribed in a Marine Notice;

“Register of Maritime Marriages” means the register referred to in section 15(1);

“Registrar” means the Registrar of the Supreme Court referred to in the *Marriage Act*, Cap. 218A;

“Special Licence” means the licence issued by the Minister under section 10.

**Act binds the State**

3. This Act shall bind the State.

PART II

MARRIAGES ON BARBADOS SHIPS IN THE HIGH SEAS

**Licensing of ship masters to be principal marriage officers**

4.(1) The Minister may grant a licence in writing to

- (a) the master of a Barbados ship; or
- (b) an officer on board a Barbados ship, where such officer is second in command to the master, and is nominated in writing by the master

to be a marriage officer for the purposes of the Act.

(2) An application for the grant to a master of a licence to be a marriage officer shall

- (a) be made in writing to the Minister;
- (b) state the applicant’s full name, address and date of birth; and
- (c) contain such other particulars as may be required by the Minister.

(3) An application shall be forwarded to the Registrar of International Ships, accompanied by a certificate of the applicant's qualifications to be a master of a

Barbados ship and a letter of his appointment to serve on board a Barbados ship.

(4) The Registrar of International Ships, on being satisfied that the application contains sufficient information to enable it to be considered by the Minister, shall forward the application to the Minister with his recommendation on the application.

(5) A licence granted by the Minister under this section has effect as of the date the licence was issued and is valid for the period specified in the licence.

(6) The terms of a licence may limit it to any particular ship or ships or limit the functions for which the master is licensed.

(7) A licence granted by the Minister under this section shall be in the prescribed form.

(8) The Minister shall cause a notice of the grant of the licence to be published in the *Official Gazette* as soon as possible after the licence is granted.

(9) The Minister may at any time revoke a licence granted under this section.

(10) A marriage officer may at any time, by notice in writing to the Minister, surrender his licence.

(11) The Minister shall cause a notice to be published in the *Official Gazette* of every revocation of a licence under subsection (8) or surrender of licence under subsection (9).

#### **Licensing of second marriage officer**

5.(1) The Minister may grant to a person who is the second in command to the master of a Barbados ship a licence to be a marriage officer for the purposes of this Act.

(2) The making of an application for a licence under subsection (1) and the way the application is dealt with shall be the same as an application for a licence under sections 4(2) to (4).

(3) Sections 4(5) to (10) apply, with necessary modifications, to a licence granted under subsection (1).

(4) Notwithstanding subsections (2) and (3), a license granted under subsection (1) may also be granted to a person who is second in command to the master of a Barbados ship for the purposes of this Act.

#### **List of marriage officers**

6. The Registrar shall maintain affixed in a conspicuous place in his office a list showing the names of all marriage officers licensed under this Act and the names of the ships on which they are serving.

#### **General marriage prerequisites**

7.(1) Subject to the requirements of this Act relating to notice of a marriage, a marriage may be contracted before a marriage officer on the high seas under the authority of a Certificate for Marriage.

(2) A marriage may be contracted before a marriage officer on the high seas without a notice of marriage or the issuance of a Certificate for Marriage under the authority of a Special Licence.

(3) A marriage in *extremis* may be contracted on the high seas before a marriage officer in accordance with section 13.

#### **Notice of marriage**

8.(1) One of the parties to an intended marriage shall give to the Registrar notice of the intended marriage in the prescribed form, including the declarations set out in that form.

(2) The Registrar, on receiving notice of an intended marriage, shall without delay enter the particulars contained in the notice and the date of the receipt of the notice in the Maritime Marriage Notice Book, and shall

(a) keep the notice posted in a conspicuous place in his office for a period of not less than 14 days from the date of its receipt; and

- (b) publish the notice on the internet.
- (3) The Registrar shall also, within 3 days of the receipt of the notice of intended marriage, publish a notice of the intended marriage in the prescribed form once in any 2 newspapers published and circulated in Barbados.
- (4) Any expenses incurred by the Registrar in the publication of the advertisement of a notice of intended marriage shall be paid to the Registrar by the person who gave the notice.

#### **Issuance of marriage certificate**

**9.** Not later than 3 months or earlier than 14 days after the receipt of the notice of intended marriage, on the application of either of the parties to the intended marriage, the Registrar shall issue to the applicant a Certificate for Marriage in the prescribed form if

- (a) the Registrar is satisfied that no lawful impediment has been shown why a Certificate for Marriage should not be issued;
- (b) no caveat has been entered against the issuance of a Certificate for Marriage or, if a caveat has been entered, it has been removed; and
- (c) the expenses of the advertisement have been paid as required by section 8(4).

#### **Special licenses**

**10.(1)** Notwithstanding sections 8 and 9, the Minister may dispense with the giving of notice of an intended marriage and with the issuance of a Certificate for Marriage by the Registrar, and may grant a Special Licence in the prescribed form, authorizing the contracting of the marriage before a marriage officer.

(2) A party to the intended marriage may apply to the Minister for a Special Licence by submitting an application to the Registrar together with the affidavit referred to in subsection (5).

(3) The Registrar shall, if satisfied that there is sufficient information for the consideration of the Minister, forward the application and all other relevant documents to the Minister together with his recommendation.

(4) The Minister shall not grant a Special Licence under subsection (1) unless

- (a) it appears that the intended marriage is a proper one;
- (b) there are special circumstances justifying the grant of a Special Licence; and
- (c) the application is accompanied by an affidavit referred to in subsection (5).

(5) A party to the intended marriage shall make an affidavit deposing to the following matters:

- (a) that there is no impediment of consanguinity or affinity or any other lawful hindrance to the intended marriage; and
- (b) that each of the parties is at least 18 years of age.

### **Lapsing of Marriage Certificate or Special License within 3 months**

**11.** Where an intended marriage does not take place within 3 months after the date of the issuance of any Certificate for Marriage or Special Licence relating to the intended marriage, the Certificate for Marriage or Special Licence is void, and the marriage shall not be contracted before a marriage officer under the authority of that Certificate for Marriage or Special Licence.

### **Contracting of marriage before marriage officer**

**12.(1)** On the delivery to a marriage officer of a Certificate for Marriage or of a Special Licence, the parties specified in the Certificate for Marriage or

Special Licence may contract a marriage on board a Barbados ship on the high seas, subject to the following conditions:

- (a) the marriage shall be contracted in the presence of the marriage officer and of 2 or more witnesses between hours specified by the master of a Barbados ship;
  - (b) the marriage ceremony shall not take place on embarkation day or before dawn of the following day;
  - (c) on delivery of the Certificate for Marriage or Special Licence, the marriage officer shall enquire of the parties whether they wish to become man and wife, and if the parties answer in the affirmative he shall ask them: "Do you or either of you know of any lawful impediment why you should not be joined together in matrimony?";
  - (d) in response to the question posed under paragraph (c), each of the parties shall declare in the presence of the witnesses: "I do solemnly declare that I do not know of any lawful impediment why I [name of party] should not be joined in matrimony to [name of other party] here present."; and
  - (e) each of the parties shall then say to the other in the presence of the witnesses: "I call upon these persons here present to witness that I [name of party] do take you [name of other party] to be my lawful wedded wife [or husband]."
- (2) A marriage officer shall not permit a marriage to be contracted before him if he knows or has reason to believe that there is any lawful impediment to the marriage or an objection to the marriage has been recorded.
- (3) All marriages contracted in accordance with this Act on board Barbados ships on the high seas shall be as valid in law as if the same had been contracted in Barbados.

**Marriage in *extremis***

**13.(1)** Notwithstanding section 8, a marriage may be contracted before a marriage officer without giving notice of the intended marriage, without the issuance of a Certificate for Marriage, without the grant of a special licence, or more than 3 months after the date of issuance of a Certificate for Marriage or Special Licence if

- (a) the parties to the intended marriage are legally competent to marry and are at least 18 years of age;
  - (b) the marriage is contracted before a marriage officer in the presence of 2 or more witnesses; and
  - (c) either
    - (i) at least one of the parties to the intended marriage is, in the opinion of a medical practitioner, very ill or likely to die but still able to understand the material parts of the marriage contract; or
    - (ii) if there is no medical practitioner present to offer a medical opinion on the party and no time to obtain a certificate from a medical practitioner, the marriage officer hears from his observation and clearly hears the party declare before the marriage is solemnized that he or she believes that he or she will likely die before a marriage can be solemnized in accordance with sections 8 to 12; and
  - (d) the marriage ceremony does not take place on embarkation day.
- (2) A marriage contracted under this section shall not operate as a revocation of any will.

**Void marriages**

**14.(1)** Without prejudice to the effect of any other law under which a marriage is void or voidable, a marriage is null and void if

- (a) it is contracted before a person other than a marriage officer;
- (b) the parties to the marriage are within the prohibited degrees of consanguinity or affinity under section 3 of the *Marriage Act*, Cap. 218A;
- (c) at the time of the marriage, either party to the marriage is suffering from a mental disorder within the meaning of the *Mental Health Act*, Cap. 45;
- (d) at the time of the marriage, either party to the marriage is under the age of 18 years;
- (e) both parties to the marriage knowingly and wilfully acquiesce in the contracting of the marriage under a false name or names;
- (f) both parties to the marriage knowingly and wilfully acquiesce in the contracting of the marriage without any notice being given of the marriage (where such notice is required by this Act) or without the authority of a Certificate for Marriage or Special Licence;
- (g) the marriage is contracted in *extremis*, and both parties to the marriage knowingly and wilfully acquiesce in its being contracted without fulfilment of the conditions specified in section 13;
- (h) either party is already legally married to another person; or
- (i) the consent to the marriage of either person is not a legitimate consent because
  - (i) it was obtained by duress or fraud;
  - (ii) one person was mistaken as to the identity of the other person or as to the nature of the ceremony performed; or



(iii) if either party was unclear about the nature of the ceremony being performed.

(2) Subject to subsection (1), no marriage after it has been contracted is deemed to be invalid by reason of a failure to comply with any of the provisions of this Act.

### **Registration of marriages**

**15.(1)** Immediately after a marriage has taken place before a marriage officer, the marriage officer shall enter in a Maritime Marriage Log Book a statement of the marriage in the prescribed form, in duplicate, signed by the marriage officer, by the parties to the marriage and by 2 witnesses of the marriage.

(2) A marriage officer shall, within the first 10 days in every month in which a marriage was solemnized, transmit all duplicate original registers made during the preceding month by him to the Registrar, who shall register the same in accordance with the *Vital Statistics Registration Act*, Cap. 192A.

(3) In the case of a marriage contracted in *extremis* under section 13(1)(g)

(a) the requirement as to the signing of the statement and the duplicate by the parties to the marriage shall be waived so far as regards any party unable to sign;

(b) there shall be endorsed on the statement and on the duplicate a certificate in the prescribed form, signed by the marriage officer and by any party to the marriage able to sign and by 2 witnesses of the marriage;

(c) the Registrar shall insert the words "in *extremis*" in the entry to be made in the Register of Maritime Marriages; and

(d) the relevant form set out in the *Schedule* shall be used by both parties.

(4) Any marriage officer who, without reasonable cause, fails to comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine of \$3 000.

### **Search of Register and obtaining copies of particulars**

**16.** Any person may at any reasonable time search the entries in the Register of Maritime Marriages and may have true copies, certified by the Registrar, of all particulars recorded in any such entry.

### **Registrar may require information**

**17.(1)** The Registrar may, for the purpose of completing or rectifying the registration of a marriage, require any person who is required by this Act to give a notice or statement relating to the marriage, or who may reasonably be expected to have knowledge of the facts relating to the marriage, to make any written declaration or to give any information within his knowledge relating to the marriage.

(2) The Registrar may require any such declaration or information to be made or given on oath.

### **Alterations and amendments**

**18.(1)** No alteration in the Register of Maritime Marriages shall be made except as authorized by this section.

(2) A clerical error that is discovered in the Register may be corrected by the Registrar or by any person authorized by him to do so and, where a correction is made, a note to that effect shall be inserted in the Register and signed by the Registrar.

(3) Where a person applies for the correction of an error of fact or substance, the Registrar, if satisfied as to the truth of the correction, and upon payment of the prescribed fee, may make the correction in the manner set out in subsection (6).

(4) An application under subsection (3) shall be accompanied by a sworn declaration in writing setting forth the nature of the error and the facts of the case, made and signed by

- (a) a person required to make a statement under this Act relating to the marriage to which the application relates; or
- (b) 2 persons having knowledge of the truth of the case.

(5) Any error of form or substance in the Register may be corrected by the Registrar if he is satisfied as to the truth of the correction.

(6) A correction of fact or substance shall be made by an entry in the Register without any alteration in the original entry, and a note to that effect shall be inserted in the Register and signed by the Registrar.

### PART III

#### MARRIAGE OF BARBADIAN CITIZENS ON FOREIGN SHIPS

##### **Definitions**

**19.** For the purposes of this Part,

“diplomatic or consular officer” means an ambassador, envoy, minister, high commissioner, charged’ affairs or other diplomatic representative, or a counsellor or secretary of an embassy, legation or high commission;

“foreign ship” means a ship registered in a country other than Barbados;

“marriage officer” means

- (a) the master of a foreign ship who is licensed as a marriage officer;
- (b) the second in command of a foreign ship who is licensed as a second or marriage officer; or
- (c) a diplomatic or consular officer appointed by the Government of Barbados to be a marriage officer for a foreign country;

- (d) a captain who is an appointed Justice of the Peace or a minister of religion, or otherwise authorized by statute to perform marriages at sea, and has documentation to that effect; or
- (e) officially recognized officiant, including a notary public;

“official house” in relation to a marriage officer, means the prescribed place on a ship where the marriage officer may conduct a marriage.

### **Solemnization of marriages on foreign ships**

**20.** A maritime marriage between parties one of whom is a citizen of Barbados may be solemnized before a marriage officer on a foreign ship irrespective of where that ship may be, if at the time of the marriage

- (a) neither party to the intended marriage is legally married to another person;
- (b) both parties are of sound mind;
- (c) both parties are at least 18 years of age; and
- (d) the parties are not within the degrees of prohibited relationship.

### **Compliance with laws of the foreign country**

**21.(1)** A marriage referred to in section 20 shall comply with the laws of the foreign country.

(2) The marriage officer of a foreign ship may, for reasons to be recorded in writing, refuse to solemnize a marriage under this Act if

- (a) the intended marriage is prohibited by a law in force in the foreign country where it is to be solemnized; or
- (b) in his opinion, the solemnization of the marriage would be inconsistent with international law or the comity of nations.

**Declaration by parties and witnesses**

**22.** Before a marriage is solemnized under section 20, the parties and 2 witnesses shall, in the presence of the marriage officer, sign a declaration in the prescribed form specified and countersigned by the marriage officer.

**Place and form of solemnization**

**23.(1)** A marriage before a marriage officer under section 20 shall be solemnized at the official house of the marriage officer between the hours prescribed by the ship master and in the presence of at least 2 witnesses.

(2) A marriage may be solemnized in any form that the parties may choose to adopt, provided that it shall not be complete and binding on the parties unless each party declares to the other in the presence of the Marriage Officer and the 2 witnesses, and in a language understood by the parties, that “I, (name of party) take (name of other party), to be my lawful wife (or husband)”.

(3) Where the declaration referred to in subsection (2) is made in any language that is not understood by the marriage officer or by any of the witnesses, either of the parties or another person shall interpret the declaration in a language that the marriage officer or witness understands.

**Certificate of marriage**

**24.(1)** Whenever a marriage is solemnized under this Act, the marriage officer shall enter a certificate of the marriage, in the prescribed form and signed by the parties to the marriage and the 2 witnesses, in a Marriage Certificate Book to be kept by him for that purpose.

(2) A certificate entered in the Marriage Certificate Book by the marriage officer is deemed to be conclusive evidence of the fact that a marriage under this Act has been solemnized, and that all formalities respecting the residence of the parties to the marriage and the signatures of witnesses have been complied with.

**Validity of foreign marriages in Barbados**

25. A marriage solemnized under section 20 is good and valid in law.

**New notice when marriage not solemnized within 3 months**

26. If a marriage under section 20 is not solemnized within 3 months after

- (a) the date on which notice of it has been given to the marriage officer as required under section 27;
- (b) where the record of a case has been transmitted to the Government of Barbados under section 38(2), the date of decision of the Government of Barbados in the case; or
- (c) where an appeal has been preferred to the Government of Barbados under section 39, the date of decision of the Government of Barbados in the appeal,

the notice and all other proceedings arising from it is deemed to have lapsed, and no marriage officer shall solemnize the marriage until a new notice has been given in accordance with section 27.

**Notice of intended marriage**

27. When a marriage is intended to be solemnized under this Act, the parties to the marriage shall give notice of it in writing, in the prescribed form, to the marriage officer of a ship registered in the place in which at least one of the parties to the marriage has resided and on which the marriage is intended to take place for a period of not less than 30 days immediately preceding the date on which the notice is given, and the notice shall state that the party has so resided.

**Marriage Notice Book**

28.(1) The marriage officer shall keep all notices given under section 27 with the records of his office, and without delay enter a copy of every such notice in a Marriage Notice Book prescribed for that purpose.

(2) A Marriage Notice Book shall be open for inspection by any person at all reasonable times, without fee.

**Publication of notice**

**29.** Where a notice under section 27 is given to a marriage officer, he shall publish it

- (a) in his own office, by affixing a copy of it in a conspicuous place and on the internet; and
- (b) in Barbados and in the country or countries in which the parties are ordinarily resident, in the prescribed manner.

**Objection to marriage**

**30.(1)** Any person may, within 30 days from the date of publication of a notice under section 29, object to the marriage on the ground that it would contravene one or more of the conditions specified in section 20.

(2) An objection under subsection (1) shall be in writing and signed by the person making it, or by any person duly authorized to sign on his behalf, and shall state the ground for the objection.

(3) The Marriage Officer shall record the nature of any such objection in his Marriage Notice Book.

**Solemnization of marriage where no objection made**

**31.** If no objection to an intended marriage is made within the period specified in section 30, the marriage may be solemnized on the expiry of that period.

**Procedure on receipt of objection**

**32.(1)** If an objection to an intended marriage is made under section 30, the marriage officer shall not solemnize the marriage until he has inquired into the

matter of the objection and is satisfied that it should not prevent the solemnization of the marriage or until the objection is withdrawn by the person making it.

(2) Where a marriage officer, after making an inquiry, entertains a doubt in respect of an objection, he shall transmit the record, together with any such statement respecting the matter as he thinks fit, to the Minister responsible for Marital Affairs.

(3) The Minister, after making such further inquiry into the matter, shall give his decision on it in writing to the marriage officer, who shall act in conformity with that decision.

#### PART IV

#### REGISTRATION OF FOREIGN MARRIAGES

##### **Registration of foreign marriages**

**33.(1)** A marriage officer may, upon payment of the prescribed fee, register a marriage between parties one of whom is a citizen of Barbados that was solemnized on a ship in a foreign country if

- (a) the marriage officer is satisfied that the marriage was duly solemnized in accordance with the law of that country; and
- (b) a party to the marriage informs the marriage officer in writing that he or she desires the marriage to be registered under this section.

(2) No marriage shall be registered under this section unless at the time of registration it satisfies the conditions referred to in section 20.

(3) A marriage officer may, for reasons recorded in writing, refuse to register a marriage under this section on the ground that in his opinion the marriage is inconsistent with international law or the comity of nations.



- (4) Where a marriage officer refuses to register a marriage under this section, the party applying for registration may appeal to the Minister in the prescribed manner within a period of 30 days from the date of the refusal.
- (5) On receipt of the decision of the Barbados Government on such an appeal, the marriage officer shall act in conformity with the decision.
- (6) A marriage officer shall register a marriage under this section by entering a certificate of the marriage signed by the parties to the marriage and by 2 witnesses, in the prescribed form and in the prescribed manner in the Marriage Certificate Book.
- (7) A marriage registered under this section shall, as of the date of registration, be deemed to have been solemnized under this Act.

#### **Recognition of foreign maritime marriages**

**34.** If the Barbados Government is satisfied that the law for the solemnization of marriages in force in a foreign country in whose waters a marriage occurred on board a ship contains provisions similar to, or compatible with those contained in the Act, it may, by notification in the *Official Gazette*, declare that marriage solemnized under the law in force in that foreign country shall be recognized by courts in Barbados as valid.

#### **Certification of documents of foreign maritime marriages**

- 35.(1)** Where
- (a) a marriage between parties of whom at least one is a citizen of Barbados is solemnized in accordance with the law of a foreign country on a ship in that country specified by the Minister by notification in the *Official Gazette*; and

- (b) a party to the marriage who is such a citizen produces to a marriage officer in the country in which the marriage was solemnized
  - (i) a copy of the entry in respect of the marriage in the marriage register of that country certified by the appropriate authority in that country to be a true copy of that entry; and
  - (ii) if the copy of that entry is not in the English language, a notarized translation into English of that copy; and
- (c) the marriage officer is satisfied that the copy of the entry in the marriage register is a true copy and that any translation is a true translation,

the marriage officer, upon the payment of the prescribed fee, shall certify upon the copy that he is satisfied that it is a true copy of the entry in the marriage register and upon the translation that he is satisfied that the translation is a true translation of the copy and shall issue the copy and the translation to that party.

(2) A document relating to a marriage in a foreign country issued under subsection (1) shall be admitted in evidence in any proceedings as if it were a certificate duly issued by the appropriate authority of that country.

#### **Certified copies to be evidence**

**36.** A certified copy purporting to be signed by a marriage officer of an entry of a marriage in the Marriage Certificate Book shall be received in evidence without production or proof of the original.

#### **Correction of errors**

**37.(1)** A marriage officer who discovers an error in the form or substance of an entry in the Marriage Certificate Book may, within one month after the discovery of the error, in the presence of the persons married or, in case of their death or absence, in the presence of 2 other witnesses, correct the error by an entry in the margin, without any alteration of the original entry, and add to it the date of the correction.

(2) Every correction made under this section shall be attested to by the witnesses in whose presence it was made.

**Act not to affect validity of marriages outside it**

**38.** Nothing in this Act shall in any way affect the validity of a marriage solemnized in a foreign country otherwise than under this Act.

**Marriages on board foreign ships in Barbados waters**

**39.(1)** The provisions applicable to marriages of Barbados citizens on board ships in the waters of a foreign country apply to marriages on board foreign ships in Barbados waters, irrespective of nationality of the parties to the marriage, except where expressly provided otherwise in regulations made under this Act.

(2) Where the master or his second in command is not licensed to officiate marriages in accordance with this Act, an intended couple wishing to have a marriage ceremony on board ship shall leave the ship, have their marriage formalized in a magistrate court in Barbados or by a duly appointed marriage officer, and then rejoin the ship for the ceremony.

(3) A marriage ceremony in a Barbados seaport shall take place in accordance with any specific requirements of the port, as specified in a Marine Notice issued by the port authority.

**Marriage not to contravene the laws of Barbados**

**40.(1)** A marriage referred to in section 39 shall be conducted in accordance with the laws of Barbados.

(2) The marriage officer of a foreign ship may, for reasons to be recorded in writing, refuse to solemnize a marriage under this Act if

- (a) the intended marriage is prohibited by any law in force in Barbados;
- (b) in his opinion, the solemnization of the marriage would be inconsistent with international law or the comity of nations.

PART V

OFFENCES

**Offences**

- 41.(1)** A person commits an offence if the person
- (a) knowingly and wilfully authorizes or conducts the contracting of a marriage on a ship and is not a licensed marriage officer or otherwise authorized in law to perform a marriage; or
  - (b) authorizes or conducts the contracting of a marriage, knowing that the marriage is void on any ground or knowing that it is an irregular marriage.
- (2) A person who is a party to a marriage commits an offence if the person knows that the marriage is void on any ground and that the other party to the marriage believes it to be valid.
- (3) A person commits an offence if the person
- (a) impersonates another person in marriage or marries under a false name or description, with intent to deceive the other party to the marriage;
  - (b) in any declaration, notice, statement, certificate, entry, licence or document required by this Act to be made, given or issued for the purposes of a marriage, declares, states or certifies any material matter that he knows to be false; or
  - (c) aids in the commission of any offence under this section.
- (4) A person who commits an offence under any of subsections (1) to (3) is liable on conviction on indictment to imprisonment for 4 years.
- (5) Without prejudice to the effect of subsections (2) or (3)(a), a person
- (a) who is a party to a marriage knowing that it is void on any ground or knowing that it is an irregular marriage;

(b) who marries under a false name or description; or

(c) who aids another person to do so,

is guilty of an offence and liable on conviction on indictment to imprisonment for 2 years or to a fine of \$20 000, or to both.

(6) Without prejudice to subsection (3)(b), any person who in any declaration, notice, statement, certificate, entry, licence or document required by this Act to be made, given or issued for the purposes of a marriage, declares, states or certifies a material matter that is false without having reasonable grounds for believing it to be true is guilty of an offence and liable on conviction on indictment to imprisonment for one year or a fine of \$10 000, or to both.

(7) Any person who attempts to prevent a marriage by a pretence that

(a) his assent to it is required by law;

(b) a person whose consent is so required does not consent; or

(c) there is a legal impediment to the marriage,

if he does so knowing that the pretence is false or has no reason to believe that it is true, is guilty of an offence and liable on conviction on indictment to imprisonment for 2 years or a fine of \$20 000, or to both.

(8) For the purpose of this section,

“irregular marriage” means a marriage, other than a void marriage or a marriage in *extremis*, that is contracted

(a) without any notice required by this Act having been given of the marriage;

(b) without the authority of a Certificate for Marriage or a Special Licence;

(c) after the expiration of 3 months from the date of the issuance of a Certificate for Marriage or the grant of a Special Licence;

(d) before the removal of a caveat entered against the issuance of a Certificate for Marriage; or

- (e) without consent to the marriage of either party to the marriage.
- (9) A prosecution under this section shall not be instituted without the written consent of the Director of Public Prosecutions.

## PART VI

### MISCELLANEOUS

#### **Register as evidence of marriage**

**42.** Every entry in the Register of Maritime Marriages, and every copy of any such entry purporting to be certified as a true copy by the Registrar, shall be received in all courts and in all proceedings as evidence of the marriage to which the entry relates.

#### **Use of foreign language**

**43.** Where a party to a marriage does not speak English, the statements and declarations required by this Act to be used in contracting the marriage shall, so far as they affect or are to be used by him or her, be made in the language that he or she commonly uses.

#### **Oaths**

- 44.** For the purposes of this Act,
- (a) the Registrar is authorized to administer any oath;
  - (b) a declaration may be sworn in Barbados before, and subscribed by, a Justice of the Peace, a Commissioner for taking affidavits in the Supreme Court; or any person authorized to administer oaths in Barbados;
  - (c) where a declaration is sworn or an oath is made outside Barbados, it may be sworn before, and subscribed by, a magistrate, notary public or other person or authority authorized to administer oaths.

**Electronic recording of information**

**45.** The information contained in any register, book or other document required to be kept by the Registrar may be recorded and kept in electronic form or such other form as he thinks fit, so long as it is possible to inspect the information and to produce a copy of it in legible form.

**Fees**

**46.(1)** There shall be payable to the Registrar such fees as may be prescribed by the Minister in relation to the performance by the Registrar of any function under this Act or any matter incidental to the performance of any such function.

(2) There shall be payable to the Minister such fees as may be prescribed by him in relation to the performance by him of any function under this Act or any matter incidental to the performance of any such function.

**Licensing of foreign ship captains as marriage officers**

**47.(1)** A captain or the second in command of a foreign ship may apply to the Ministry of Home Affairs for a license issued pursuant to sections 4 or 5.

(2) The license may be used to conduct marriages aboard the foreign ship anywhere in Barbados waters.

**Varying, suspension or revocation of license**

**48.** The Minister may vary, suspend or revoke any license issued pursuant to this Act.

**License terms and conditions**

**49.** A license issued under this Act may be accompanied by such terms and conditions as may be specified by the Minister.

**Marriage ceremonies on yachts**

**50.** The provisions in this Act applicable to marriages on board ships, apply *mutatis mutandis* to marriages on board yachts.

**Marriage ceremonies on vessels registered under the Shipping (Domestic Vessels) Act**

**51.** Except where expressly provided otherwise by statutory instrument, the provisions in this Act apply *mutatis mutandis* to marriages on board vessels registered under the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22).

**Application of Act to marriages involving seafarers**

**52.** Except where expressly provided otherwise by statutory instrument, the provisions in this Act apply to marriages in which one or both of the parties are seafarers on board a Barbados ship or seafarers on board a foreign ship in Barbados waters.

**Rules**

**53.** The Minister may make rules for carrying into effect the provisions of this Act.

**Power to make regulations**

**54.** The Minister may make regulations generally to give effect to this Act.



**SCHEDULE**

*(Section 15(3)(d))*



*Merchant Shipping (Maritime Marriage) Act, 2024*  
(Act 2024- )

FORM S

Part A

*Certificate for the Solemnization of a Marriage in extremis*

I, \_\_\_\_\_ Registered Medical Practitioner having  
been in attendance on \_\_\_\_\_ of \_\_\_\_\_ in the parish of \_\_\_\_\_  
hereby certify that the said \_\_\_\_\_ is very ill and likely to die.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
*Registered Medical Practitioner*

*Schedule - (Concl'd)*



*Merchant Shipping (Maritime Marriage) Act, 2024*  
(Act 2024- )

Part B

*Certificate for the Solemnization of a Marriage in extremis*

I, \_\_\_\_\_, Marriage Officer/Magistrate being of the opinion that it is impossible to obtain a medical certificate from the medical practitioner who has been in attendance on, \_\_\_\_\_\*/\_\_\_\_\_ there having been no medical practitioner in attendance on, \_\_\_\_\_\* from my own observation being of the opinion that \_\_\_\_\_ of \_\_\_\_\_ in the parish of \_\_\_\_\_ is very ill and likely to die, and he/she having declared that he/she believes that he/she is at the point of death do solemnize a marriage between the said \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_ in the parish of \_\_\_\_\_.

\_\_\_\_\_  
*Marriage Officer/Magistrate for District ( )*

\*Delete where inappropriate.

Read three times and passed the House of Assembly this  
day of \_\_\_\_\_, 2024.

**Speaker**

Read three times and passed the Senate this \_\_\_\_\_ day of  
, 2024.

**President**