Muslim Marriage

CHAPTER 96.
MUSLIM MARRIAGE.

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CHAPTER 96.

MUSLIM MARRIAGE.

An Act to Define the Law Relating to Muslim Marriages in Sierra Leone and to Provide Facilities for giving proof of such Marriages.

[3RD AUGUST, 1905.]

1. This Act may be cited as the Muslim Marriage Act.

2. Every marriage entered into and subsisting between persons professing the Muslim faith and domiciled in Sierra Leone which is valid according to Muslim law (hereinafter called a Muslim marriage) shall be valid for all civil purposes.

3. Proof according to Muslim law of the existence, past or present, of a Muslim marriage, or of the dissolution of a Muslim marriage, shall be received in evidence by all the Courts in Sierra Leone and by any person having, by law or consent of parties, authority to hear and examine witnesses.

Section 1 of Act No. 10 of 1988 amended the Act by repealing the word “Mohammedan” and replacing it with the word “Muslim. “Ordinance” substituted by “Act” by sec. 7 of Act No.29 of 1972, “colony” replaced with “Sierra Leone” by sec. 7 of Act No.29 of 1972
4. This Act shall apply to Muslim marriages entered into before as well as after the date when it comes into operation:

Provided always that nothing in this Act contained shall be deemed to affect any rights, title, obligation, or liability already vested, acquired, accrued, or incurred, or any remedy or proceedings in respect thereof.

5. Muslim marriages and final divorces may be registered, and for this purpose it shall be lawful for the President to appoint persons to be Registrars for any district or place as he from time to time shall think fit. Such Registrars shall be selected from among the Muslim community of such district or place.

6. (1) The Registrar when requested so to do shall enter in a book a record in English and Arabic of any Muslim marriage or final divorce, if satisfied that such marriage or final divorce is in accordance with Muslim law and that all requisite formalities according to Muslim law have been complied with.

(2) The Registrar shall send a certified copy in English and Arabic within one week of the making thereof to the Registrar General, who shall file the same in his office.

(3) A certified copy in English of any entry which has been filed as aforesaid shall be received by all the Courts of Sierra Leone and by any person having authority by law or consent of parties to hear or examine witnesses, as prima facie evidence that the marriage is a Muslim marriage.

(4) The Registrar General may at any time call upon a Registrar to produce his books for inspection.

7. The President may, by notice in the Gazette, from time to time fix the fees to be paid for registration and certified copies of entries in the registers, and the fees to be allowed to the Registrars and to a Tribal Authority for performing any duty under this Act.

8. All Registrars appointed and all the registration carried out by virtue of this Act shall be subject to the law in force in Sierra Leone relating to Registrars and registration, so far as the same is applicable and not inconsistent with any provision of this Act.
Muslim Marriage

Cap. 96]
Devolution of property in case of intestacy.

Administrator
And Registrar
General to consult with
Tribal Authority

As amended
by section 2 of Act No.10 of 1988

President
May make
Orders.
9. (1) If any party to a Muslim marriage and being at the date of his death a Muslim, or if any person being unmarried and being at such date a Muslim, shall die intestate, the estate real and personal of such intestate shall be distributed in accordance with Muslim law.

(2) The following persons shall be entitled to take out letters of administration in the order named, viz.-

(a) The eldest son of the intestate, if of full age according to Muslim law;

(b) The eldest brother of the intestate, if of full age according to Muslim law;

(c) The official Administrator:

Provided always, that a creditor, not being a Muslim, may apply to the Court for letters of administration and, notwithstanding that letters of administration have already been granted to another person, the application of such creditor shall be granted, and the letters of administration already granted shall be cancelled, unless the previous grantee shall pay the debt, or prove to the satisfaction of the Court that nothing is owing from the estate of the intestate to the applicant.

(3) Save as regards distribution or any other matter expressly provided for in this section, the estates of the intestates to which this section applies shall be administered in accordance with the law of Sierra Leone.

10. Every Muslim, whether married under the provision or of this Act or however married, if of the age of not less than 21 years, may make a will in accordance with any enactment for the time being in force in Sierra Leone regulating the making of will.

11. The President may by order from time to time make provision for the better carrying out of the provisions of this Act.