

Telephone: 256 41 707000/232095
Fax : 256 41 4233524
Email: finance@finance.go.ug
treasury@finance.go.ug
Website : www.finance.go.ug
Plot No. 2-8 Sir Apollo Kagga Road
In any correspondence on
This subject please quote No.

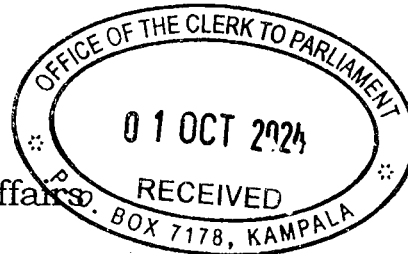


Ministry of Finance, Planning &
Economic Development,
P.O. Box, 8147
Kampala, Uganda

Ref: ISS 52/137/01

25th September, 2024

The Hon. Attorney General
Ministry of Justice and Constitutional Affairs
Kampala



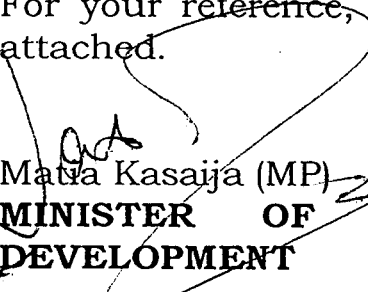
REQUEST FOR A CERTIFICATE OF FINANCIAL IMPLICATIONS FOR THE MARRIAGE BILL

We acknowledge receipt of a letter Ref: ADM/84/121/01 dated 13th September, 2024 from the Ministry of Gender, Labour, and Social Development, outlining the anticipated revenues from the implementation of the proposed Marriage Bill by Hon. Sarah Achieng Opendi.

Notwithstanding this, we note that the Bill seeks to reform, repeal, and consolidate the existing legal framework governing marriage in Uganda. However, considering the existing provisions under the Marriage Act Cap 146, it is crucial that your office reviews the proposed Bill to ensure it does not conflict with other existing legal provisions.

We kindly seek your views and guidance on the proposed Bill to support our further assessment. Your timely response will enable a comprehensive review and the issuance of the necessary Certificate of Financial Implications, allowing Hon. Sarah Achieng Opendi to present the Bill for its first reading in Parliament.

For your reference, a copy of the Private Member's Marriage Bill is attached.


Matia Kasajja (MP)
MINISTER OF FINANCE, PLANNING AND ECONOMIC DEVELOPMENT

Copy: The Rt. Hon. Speaker of Parliament
The Hon. Deputy Attorney General
The Solicitor General
The Clerk to Parliament *Noted*
Hon. Sarah Achieng Opendi (MP. Tororo District)

Mission

"To formulate sound economic policies, maximize revenue mobilization, ensure efficient allocation and accountability for public resources so as to achieve the most rapid and sustainable economic growth and development"

2233

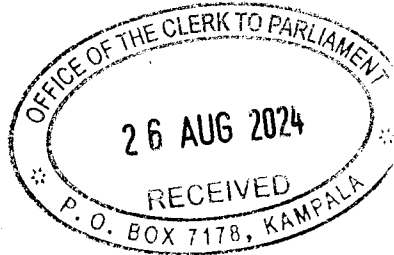


THE PARLIAMENT OF UGANDA

Parliament House, Plot Nos. 16-18, Parliament Avenue; P. O. Box 7178, Kampala-Uganda
Direct lines: +256(0)414-377150/180; General line: +256(0)414-377000, E-mail: clerk@parliament.go.ug

In any correspondence on
this subject please quote No.

23rd August, 2024



Rt. Hon. Speaker
Parliament of Uganda
KAMPALA

RE: REQUEST FOR PLACEMENT OF THE MARRIAGE BILL, 2024 ON THE ORDER PAPER FOR FIRST READING.

On the 21st day of July, 2022, Parliament granted me leave to introduce a Private Member's Bill entitled "The Marriage Bill".

On the 22nd of January 2024, the Clerk to Parliament wrote to the Minister responsible for Finance requesting for issuance of a certificate of financial implications.

The Clerk to Parliament did not receive a response to the request for issuance of a certificate of financial implications within the time prescribed under section 74 of Public Finance Management Act Cap 171 and Rule 118 of the Rules of Procedure of Parliament. The time allocated to the Minister to issue the certificate lapsed on 22nd March, 2024 and therefore a certificate was deemed to have been issued under section 74(4) of the Public Finance Management Act.

The purpose of this letter therefore is to bring the above facts to your attention and request that the Bill be placed on the order paper for first reading.

Attached is a copy of the printed Bill.

PP 
Sarah Achieng Opendi, MP

TORORO DISTRICT

C.C: Rt. Hon. Deputy Speaker

C.C: Clerk to Parliament *Noted &*

BILLS SUPPLEMENT

to The Uganda Gazette No. 53 Volume CXVII, dated 16th August, 2024

Printed by UPPC, Entebbe, by Order of the Government.

Bill No. 73

Marriage Bill

2024

THE MARRIAGE BILL, 2024

MEMORANDUM

1. Principles of the Bill

The object of the Bill is reform, repeal and consolidate the legal framework governing marriage in Uganda; to provide for recognized marriages in Uganda, registration of marriage, marital rights and obligations, conversion from one form of marriage to another form of marriage, property rights, separation and dissolution of marriage, among others.

The Bill takes stock of the several studies done on marriage and dissolution of marriage in Uganda including the Report on the Commission of Inquiry into Marriage, Divorce and Status of Women (Kalema Report) 1965, The FIDA –U Report on the draft Domestic Relations Bill, 1980, the Marriage and Divorce Bill 2009, and the Ministry of Women in Development ,Culture and Youth Report on the draft 1980 Domestic Relations Bill, (W.I.D Working paper and Tororo Report)1993, as well as the numerous consultations undertaken overtime from various stakeholders.

2. Defects in existing legislation

Courts have declared various provisions in existing legislation unconstitutional including sections of the Marriage Act under which the recognized age of marriage is twenty-one years, the superiority of

civil marriage over customary marriage and the variation in grounds for divorce between men and women under the Divorce Act. Courts have further outlawed various practices against—

(a) equality and nondiscrimination against women

The Supreme Court in *Mifumi (U) Ltd & Anor v Attorney General & Anor* (Constitutional Appeal No. 2 of 2014) [2015] UGSC 13 (6 August 2015) declared as unconstitutional the demand for the refund of bride price wherein it explained that;

“...the customary practice of the husband demanding a refund of the bride price in the event of dissolution of the marriage demeans and undermines the dignity of a woman.... Moreover, the demand of a refund violates a woman’s entitlement to equal rights with the man in marriage, during marriage and at its dissolution.

Further, a refund demand fails to honour the wife’s unique and valuable contribution to a marriage. A woman’s contribution in a marriage cannot be equated to any sum of money or property, and any refund violates a woman’s constitutional right to be an equal co-partner to the man”. The court further explained that Uganda is signatory to numerous international conventions against all forms of discrimination against persons including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in which party states agreed to “pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.”

(b) Matrimonial property rights

The court has set the grounds for entitlement to matrimonial property at dissolution of marriage in *Ambayo v Aserua* (Civil Appeal No. 100 of 2015) [2022] UGCA 272 (15 November 2022) that a spouse's entitlement to matrimonial property is dependent on the spouse's contribution to the property which may be monetary or non-monetary.

Court ruled that Marriage is not an entitlement to a fifty percent interest in matrimonial property.

The current licensing regime which requires permanent church premises for a church to be licensed as a marriage celebration point which is discriminatory as it applies only to Christian marriages and not to other forms of marriage which limits the celebration of Christian marriage to only those licensed places.

REMEDIES PROPOSED TO DEAL WITH THE DEFECTS

The object of the Bill is to repeal and consolidate current legal framework in order to address the gaps that have been identified therein—

1. The bill provides for;
 - (a) Christian marriages, civil marriages, customary marriages, Hindu marriages, Islamic marriages and Bahai marriages as the legally recognized marriages in Uganda;
 - (b) general conditions which will apply to marriages, i.e.;
 - (i) nature and solemnization of marriage;
 - (ii) requirements and preliminaries to marriage;
 - (iii) restrictions to marriage
 - (iv) rights in, during and at its dissolution of marriage;
 - (v) prohibition of same sex marriages;

- (vi) Constitutional age of marriage;
 - (vii) prohibited degrees of relationship for marriage;
 - (viii) registration of marriage;
 - (ix) objections to marriage;
 - (x) void and voidable marriages;
 - (xi) conversion of marriage;
 - (xii) matrimonial rights and obligations;
 - (xiii) separation and dissolution of marriage;
 - (xiv) property rights; and
 - (xv) offences relating to marriage.
2. The Bill further recognizes the distinct nature of each type of marriage as well as their divergent circumstances.

SARAH ACHIENG OPENDI
Member of Parliament; Tororo District

THE MARRIAGE BILL, 2024
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Clause

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A BILL for an Act

ENTITLED

THE MARRIAGE ACT, 2024

An act to reform and consolidate the law relating to Civil, Christian, Islamic, Hindu, and customary marriages; to regulate Bahai marriage to; provide for the types of recognized marriages in Uganda; to provide for marital rights and duties; to provide for separation and dissolution of marriage and for related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARIES

1. Commencement

This Act shall come into force on a date appointed by the Minister by statutory instrument.

2. Interpretation

In this Act, unless the context otherwise requires—

“Bahai marriage” means a voluntary union between a man and a woman contracted and celebrated in accordance with the

teachings, rites and observances of the Bahai faith;

“consortium” means the benefits a spouse is entitled to receive from his or her partner and includes the fact of a husband and wife living together, the mutual rights to sex, companionship, comfort, affection, care, and all rights and obligations commensurate with the marriage status;

“currency point” has the value assigned to it in the First Schedule;

“custom” means a rule which, having been continuously observed for a long time, has attained the force of law among a community or group, being a rule that is certain and not unreasonable or opposed to the Constitution or public policy and, in case of a rule applicable only to a family, has not been discontinued by the family;

“district” means a marriage district constituted under section 30;

“District Registrar of marriage” means a public officer designated as such under section 31, to perform functions relating to marriage under this Act;

“domicile” means a permanent home where a person stays by reason of origin, choice or dependence;

“Hindu” means a person who is a Hindu by religion in any form, including a Virashaiva, a Lingayat and a follower of the Brahmo, Prarthana or Arya Samaj, or a person who is a Buddhist of Indian origin, a Jain or a Sikh by religion.

“individual property” means the property which a spouse has individually acquired either before or during a marriage;

“irretrievable breakdown of marriage” means a situation where the petitioner proves to court that he or she can no longer live together with his or her spouse as husband or wife;

“Islamic marriage” means a voluntary union between a man and a woman contracted and celebrated in accordance with the teachings, rites and observances of the Islamic religion.

- “judicial separation” means the separation of a husband and wife by court;
- “Local Spiritual Assembly” means the local governing council of the Bahai Faith and in this Act, the authority responsible for solemnizing Bahai marriage;
- “marriage” means the voluntary union between a man and a woman, celebrated in a manner recognised under this Act;
- “marriage gift” means a gift, by whatever name known, in cash or in kind given by either party to a marriage at the time of celebration of marriage;
- “matrimonial home” means the principal residence where the spouses stay of any other residence where the spouses ordinarily reside;
- “matrimonial property” has the meaning given to it by section 45;
- “Minister” means the Minister responsible for justice;
- “mental illness” means a diagnosis of a mental health condition in terms of accepted diagnostic criteria made by a mental health practitioner or medical practitioner authorized to make such diagnosis, mental health conditions include but are not are limited to depression, bipolar, anxiety disorders, schizophrenia and addictive behavior due to alcohol or substance abuse among others;
- “monogamous marriage” means a marriage between a man and a woman neither of whom, during the subsistence of such marriage, shall be at liberty to contract any other form marriage;
- “non-monetary contribution” means the contribution made by a spouse for the acquisition or maintenance of matrimonial property other than by way of money;
- “polygamous marriage” means a marriage in which the man is married to more than one wife;

“postnuptial agreement” means an agreement made between parties to a marriage, providing for specification regarding the division of matrimonial property, in case of dissolution of marriage;

“prenuptial agreement” means an agreement made between parties to an intended marriage before contracting marriage, that establishes rights to property in the event of separation, dissolution of marriage or death of either spouse;

“potentially polygamous marriage” means a marriage between a man a woman, during the subsistence of which the man may contract another valid marriage;

“Registrar General” means an officer appointed to act as Registrar General of marriages under this Act;

“Registrar of marriage” means a celebrant a registrar of marriage appointed under section 31;

“spouse” means a husband or a wife in a marriage recognised under this Act;

PART II—NATURE, REQUIREMENTS, RESTRICTIONS AND PRELIMINARIES TO MARRIAGE

3. **Recognised marriages**

- (1) Marriages recognised under this Act—
 - (a) Bahai marriage;
 - (b) Christian marriage;
 - (c) Civil marriage;
 - (d) Hindu marriage;
 - (e) Customary marriage;
 - (f) Islamic marriage;

- (g) any other type of marriage as may be recognised by the Minister by statutory instrument; and
 - (h) a marriage conducted in accordance with the laws of another country, where the laws of the country are in conformity with the laws of Uganda.
- (2) All marriages recognized under this section have the same legal status.

NATURE OF MARRIAGE

4. Civil marriage

(1) A civil marriage shall be potentially polygamous and celebrated in a designated marriage district.

(2) Notwithstanding subsection (1), a civil marriage contracted before the coming into force of this Act, shall continue to subsist as a monogamous marriage.

(3) A civil marriage may be solemnized in the office of the District Registrar to whom a notice of marriage shall have been given or, at the place approved by the Registrar General.

(4) A District Registrar shall, at the time of celebration of marriage, require the parties to the intended marriage to make declarations as prescribed in schedule 3 of this Act.

5. Christian marriage

A Christian marriage shall be—

- (a) monogamous;
- (b) contracted between one Christian man and one Christian woman for life, to the exclusion of others;
- (c) celebrated with open doors;

- (d) with the consent of the parents to the parties; and
- (d) solemnized by a licensed registrar of marriage in a public place of worship or in a place approved by the Registrar General,

in accordance with the observed customs, rites and practices of the Church, organisation or denomination to which the public place of worship or parties to the marriage belong.

6. Customary marriage

A customary marriage shall be—

- (a) potentially polygamous;
- (b) solemnized in accordance with the customs, traditions and rites observed among any of the indigenous communities recognised under the Constitution of the Republic of Uganda; and
- (c) solemnized within the locality of the sub county where notice of marriage was issued.

7. Hindu marriage

(1) A Hindu marriage shall be solemnized in accordance with the customs and rites observed among the religious sect of one or both of the parties to the marriage.

(2) Where the customary rites and ceremonies include the Saptapadi, that is, the taking of seven steps by the bridegroom and the bride jointly before the sacred fire, the marriage becomes complete and binding when the seventh step has been taken.

(3) Where the marriage is solemnised in the form of Anand Karaj, that is, the going round the Granth Sahib by the bride and bridegroom together, the marriage becomes complete and binding as soon as the fourth round has been completed.

(4) The parties to the intended marriage are not within the prohibited degrees of relationship as provided for under part B of the fifth schedule to this Act.

8. Nature of Bahai marriage

(1) A Bahai marriage shall be solemnized in accordance with the customs and rites observed among the members of the Bahai faith.

(2) Notwithstanding subsection (1), a marriage shall be celebrated upon the parties reciting a specifically revealed verse namely—

“We will all verily abide by the will of God.”

9. Islamic marriage

An Islamic marriage—

- (a) is potentially polygamous; and
- (b) shall be celebrated upon fulfillment of the conditions specified in the fourth schedule to this Act;

SOLEMNIZATION OF MARRIAGE *Requirements for valid Marriage*

10. Notice of intention to marry

(1) Parties to an intended marriage shall give a notice of intention to marry, at least twenty one days before their intended date of marriage, to a registrar of marriage.

(2) A notice of intention to marry under subsection (1) shall include the details set out in schedule 2 to this Act.

(3) Notwithstanding subsection (1), the Registrar General may upon proof being given to him or her, that there is no lawful impediment to a proposed marriage, dispense with the requirement of giving notice of intention to marry and, authorise the solemnization of marriage between parties.

11. Publication of notice of intention to marry

A registrar of marriage shall, upon receipt of a notice under section 10, cause the notice to be published in a manner specified by the Minister in Regulations.

12. Marriage to take place within three months of lapse of notice

(1) A marriage shall be celebrated within three months, of the lapse of the twenty-one days' notice published by the registrar of marriage under section 11 of this Act.

(2) Notwithstanding (1), a party to an intended marriage, may upon payment of a prescribed fee, apply to the registrar of marriage for extension of time within which to celebrate marriage.

(3) Where the marriage does not take place within the period allowed under subsections (1) and (2), any subsequent proceedings of celebration of marriage shall be void, and fresh notice under section 10 shall be given before the parties can lawfully contract a marriage.

13. Time of celebration of marriage

(1) A marriage shall be celebrated between the hours of nine o'clock in the morning and five o'clock in the afternoon.

(2) Subsection (1) shall not apply to celebration of a customary marriage where the solemnization of marriage occurs beyond the hour of five o'clock in the afternoon.

14. Age of marriage

A person below the age of eighteen years shall not have capacity to contract a marriage.

15. Consent and premarital counseling

- (1) A marriage shall not be celebrated, in Uganda without—
- (a) the voluntary consent of both parties to the intended marriage; and

- (b) both parties to the intended marriage undergoing premarital counseling as recognized under the specific type of marriage which the parties intend to contract.

(2) The Minister shall, through regulations prescribe premarital counseling guidelines.

16. Presence of parties at contraction of marriage

(1) A party to an intended marriage shall be physically present at the time of contraction of marriage.

(2) Notwithstanding subsection (1), a party to a marriage may with leave of the Registrar General and through a prescribed digital platform, be virtually present at the time of contraction of marriage.

(3) The Minister shall by statutory instrument prescribe eligibility guidelines for virtual presence of parties to a marriage.

17. Mental capacity to contract marriage

(1) A party, shall at the time of contracting marriage, have the mental capacity to contract marriage.

(2) For purposes of subsection (1), “mental capacity” means the independent and informed cognitive ability to understand the nature and effects of one’s decisions and actions.

18. Place of celebration of marriage

A marriage shall be celebrated in an open place, by a licensed registrar of marriages, in accordance with the rites, customs, and practices of a specific type of religion, custom or belief under which the marriage is being contracted.

19. Celebration of marriage by licensed registrar of marriage

Subject to section 32, a marriage shall be celebrated by a registrar of marriages licenced under this Act.

20. Duty of registrar of marriage to attend marriage ceremony

It shall be the duty of a registrar of marriage to whom a notice of intention of marriage was given, to attend and celebrate or oversee the celebration of a marriage in accordance with the rites, customs, beliefs and practices of a religion, custom or belief under which the marriage is being contracted.

21. Marriage in Ugandan Embassies, High commissions or Consulates

(1) A marriage may be contracted in a Ugandan embassy, high commission or consulate in any country which shall be designated by the Minister.

(2) The Minister shall designate a Foreign Service Officer as registrar of marriages in a Ugandan embassy, high commission or consulate for purposes of celebration of marriage under this section.

(3) The celebration of a marriage under subsection (1) shall be subject to the following conditions—

- (a) at least one of the parties to the marriage is a citizen of Uganda;
- (b) each party has capacity to contract a valid marriage according to the provisions of this Act;
- (c) notice of the proposed marriage has been given in accordance with this Act and that no notice of objection to the proposed marriage has been received; and
- (d) there is no impediment to the marriage.

(4) The procedure for contracting a marriage in a Ugandan Embassy, High Commission or consulate shall be similar to that of contracting a civil marriage under this Act.

(5) A marriage celebrated under this section shall be a valid marriage under this Act and reference in this Act or any other law to a marriage contracted in Uganda shall, unless the context otherwise requires, include a marriage contracted in accordance with this section.

22. Certificate of no impediment

(1) The Registrar General may, upon application, and payment of a prescribed fee, issue a certificate of no impediment to marry to an applicant who intends to marry outside Uganda.

(2) The certificate issued under subsection (1) shall be prima facie evidence that the party whose details are contained therein is not legally married under the laws of Uganda.

OBJECTIONS TO MARRIAGE

23. Objection to marriage

A person who knows of any impediment to an intended marriage may raise an objection to the registrar of marriage or Registrar General—

- (a) upon publication of the notice of intention of marriage but before contraction of marriage; or
- (b) at the time of contraction of marriage.

24. Objection by person outside Uganda

Where a person who knows of any reasonable ground why a marriage should not take place resides outside Uganda, he or she may send his or her objection, signed and authenticated in accordance with the law of his or her country of residence, to the marriage celebrant concerned or the Registrar General, whichever would be best placed to ensure receipt of the objection.

25. Grounds for objection to marriage

A person may make an objection to a marriage where—

- (a) either party is under the age of eighteen years;

- (b) the parties are within the prohibited degrees of relationship, whether natural, legal or by marriage;
- (c) either party is suffering from a mental illness, rendering the party incapable of forming rational judgment as to the effect of the marriage upon his or her interests, at the time of celebration of marriage;
- (d) either party is in a subsisting monogamous marriage;
- (d) the consent of either party to the intended marriage was obtained by force, misrepresentation or fraud; or
- (e) the intended marriage is in contravention of any of the provisions of this Act.

26. Procedure on notice of objection

(1) Where an objection is made in accordance with this Act, the registrar of marriage shall be the first point of instance in handling the issues raised in the objection.

(2) Where a party is dissatisfied with the decision of the registrar of marriage, the party may apply to a magistrate's court for review of the marriage registrars' decision.

Restrictions to marriage

27. Prohibited degrees of relationship

A person shall not be a party to a marriage where the parties are within the prohibited degrees of relationship, whether natural, legal, or by clan as set out in Schedule 5 to this Act.

28. Prohibition of same sex marriage

Marriage between persons of the same sex is prohibited.

29. Subsisting marriage

A person, shall not contract marriage while the person is still in a subsisting monogamous marriage.

PART III—REGISTRATION OF MARRIAGE

30. Marriage Districts

The Minister shall, by statutory instrument, divide Uganda into marriage districts for purposes of this Act and may alter, amalgamate or sub-divide the districts as he or she may deem fit.

31. District Registrar of marriage

A Chief Administrative Officer shall be the district registrar of marriages for all types of marriage celebrated in the district and the Chief Administrative Officer shall handle any other matters as may be prescribed by law in relation to marriage celebrated in the district.

32. Registrars of marriage

(1) A celebrant of marriage in a place of worship shall be the registrar of marriage in respect of marriage solemnized in that place of worship.

(2) A Sub-county chief, shall be the registrar of marriage in respect of a customary marriage celebrated in his or her sub-county.

(3) A town clerk shall be the registrar of marriage in respect of a marriage celebrated in a city or a municipality.

(4) A Local Spiritual Assembly of the Bahai faith shall be the registrar of marriage in respect of marriages celebrated under the Bahai faith.

(5) An Imam shall be the registrar of marriage in respect of marriages celebrated under the Islamic faith.

(6) A Hindu Priest shall be the registrar of marriage in respect of marriages celebrated under the Hindu faith.

(7) A district registrar shall be the registrar of marriage in respect of civil marriages celebrated in a district.

(8) Any other registrar of marriage as the Minister may by statutory instrument determine.

(9) A registrar of marriage may nominate a person, knowledgeable in the custom, practice or rites of a particular type of marriage to officiate at a marriage ceremony.

33. Marriage certificate

(1) A registrar of marriage shall upon celebration of marriage, fill in quintuplicate the marriage certificate specified in the second Schedule to this Act and enter in the counterfoil, the serial number of the marriage, the names of the parties and the names of the witnesses.

(2) The marriage certificate shall be signed in quintuplicate by the marriage registrar, the parties to the marriage and at least two witnesses to the marriage.

(3) The registrar of marriage shall, upon receipt of proof of payment of a fee of three currency points, issue one copy of the certificate of marriage to the parties to the marriage, retain one copy and transmit one copy to the district registrar.

34. Submission of Marriage Particulars

(1) A registrar of marriage shall submit to the district registrar, all particulars of marriages he or she has celebrated.

(2) The submissions in subsection (1) shall be made every three months.

(3) The district registrar shall, within ten days of receipt of the submissions in subsection (2), transmit the submissions to the Registrar General for entry into the national marriage register.

35. District Marriage Register

(1) A district registrar shall register all particulars of certificates of marriage filled in his or her office in a district marriage register.

(2) Every entry made under subsection (1) shall be—

- (a) made in chronological order; and
- (b) signed by the District Registrar.

(3) The District Marriage Register shall be open for inspection by the public during office hours on payment of the prescribed fee.

(4) The District Marriage Register shall be in the form prescribed by the Minister in regulations.

36. Establishment of National Marriage Register

(1) There is established a National Marriage Register, which may be maintained as an electronic database or in any other form.

(2) The Registrar General shall register all the information received under section 34 in the National Marriage register.

(3) The Registrar General shall update the information contained in the register on a continuous basis.

(4) A person whose details have been entered in the National Marriage Register, may at any given time, notify the Registrar General of any change or error in the information recorded about that person in the register.

37. Access to National Marriage Register

(1) The National Identification and Registration Authority established under the Registration of Persons Act shall upon payment of a prescribed fee, grant electronic access to a person into the National Marriage Register or furnish the person with a certified copy of any entry into the register under the hand of an authorized personnel of the Bureau.

(2) A certified copy of any entry into the register granted under subsection (1) shall be prima facie evidence of the facts contained in the copy.

38. Non registration not to invalidate marriage

The non-registration of a marriage celebrated under this Act shall not invalidate a marriage which would otherwise be valid.

CONVERSION OF MARRIAGE

39. Conversion of marriage

(1) A marriage contracted under this Act may be converted—

- (a) from monogamous to potentially polygamous; or
- (b) from potentially polygamous to monogamous, if the husband has only one wife,

by a declaration made by the husband and the wife, that they each, of their own free will, agree to the conversion.

(2) A declaration under subsection (1) shall be made in the presence of a magistrate, or a registrar of marriage and shall be recorded in writing, signed by the husband and the wife and witnessed by the person before whom it is made, at the time of its making.

(3) A magistrate or registrar of marriage before whom a declaration is made under this section shall forthwith transmit a copy of the declaration to the District Registrar of marriage.

(4) A marriage shall not be converted from monogamous to potentially polygamous or from potentially polygamous to monogamous otherwise than by a declaration made under this section.

(5) The Minister shall, through regulations prescribe any other conditions for conversion of marriage.

VOID AND VOIDABLE MARRIAGES

40. Void marriage

(1) A marriage shall be null and void where at the time of contraction of marriage—

- (a) either party was under the age of eighteen years;
- (b) the parties are within the prohibited degrees of relationship, whether natural or legal or by marriage;
- (c) either party was suffering from a mental illness which affected the party's ability to consent to the marriage;
- (d) the celebration of the marriage is contrary to the rites, customs and beliefs of a particular type of marriage under this Act;
- (e) the consent of either party to the marriage was obtained by duress, fraud or misrepresentation;
- (f) a party suffers from permanent impotence or vaginismus and the fact is not known to the other party at the time of contracting the marriage;
- (g) the marriage was contracted in contravention of any of the provisions of this Act; and
- (h) either party has not fulfilled an essential marriage requirement in accordance with the practice of a particular type of marriage.

(2) An aggrieved party may petition the court for a declaration that his or her marriage is void.

41. Voidable marriage

(1) A marriage is voidable where one of the parties to the marriage—

- (a) is unable to consummate the marriage within six months of celebration of marriage;
- (b) willfully refuses to consummate the marriage within a period of three months from the time of celebration of the marriage; or

- (c) conceals a material fact which would otherwise vitiate the other party's consent to the marriage;

(2) The aggrieved party may, at his or her option, apply to a competent court on any of the grounds in subsection (1), to nullify the marriage.

42. Voidable marriage valid until annulled

A voidable marriage is, for all purposes, a valid marriage until it is annulled by a decree of a competent court at the instance of the innocent party.

PART IV—MATRIMONIAL RIGHTS AND OBLIGATIONS

43. Consortium in marriage

(1) Parties to a marriage shall be entitled to equal rights to consortium during the subsistence of the marriage.

(2) A wife shall be entitled to either retain her maiden name or to use both her maiden name and her husband's surname, during the subsistence of the marriage.

(3) A wife shall not be entitled to the continued use of her husband's surname upon dissolution of marriage, unless both parties mutually agree to the wife's continued use of the name.

(4) Parties to a marriage shall jointly exercise responsibility towards the upbringing, nurturing and maintenance of children of a marriage.

44. Presumption of parentage

(1) There shall be a rebuttable presumption that a child born during the subsistence of a marriage is the biological child of the parties to the marriage.

(2) A person shall not subject a child born during the subsistence of a marriage to Deoxyribonucleic Acid (DNA) testing without an order of court.

(3) The order in subsection (2) shall only be granted to either party to a marriage, his or her legal representative or a duly authorised next of kin.

PROPERTY RIGHTS

45. Types of matrimonial property

Matrimonial property shall include—

- (a) the matrimonial home;
- (b) household property in the matrimonial home;
- (c) any other property either immovable or movable acquired before or during the subsistence of a marriage, deemed to be matrimonial property by express agreement of the parties to the marriage;
- (d) property which was individual property but which a spouse has made a contribution towards, except where the property relates to the sale of family land; and
- (e) seed funding provided by a spouse for the establishment of a business.

46. Matrimonial property to be owned in common

Matrimonial property, as defined in section 45, shall be owned in common by the spouses.

47. Prenuptial and postnuptial agreements

(1) Two persons in contemplation of a marriage may, before or during the subsistence of a marriage, execute a prenuptial or postnuptial agreement to provide for ownership of property—

- (a) Individually acquired before or during marriage;
- (b) jointly acquired during marriage; or
- (c) the distribution of matrimonial property.

(2) The agreement in subsection (1) may make provision for the settlement of any differences that may arise regarding property acquisition, development and ownership by the persons before or during marriage.

(3) The agreement in subsection (1) shall be witnessed by not less than two people chosen by the persons contemplating marriage.

48. Capacity to acquire individual property

(1) A spouse in any form of marriage recognized under this Act shall have the capacity to acquire his or her own individual property during the subsistence of the marriage.

(2) Individually owned property shall not be taken into account for the purpose of the distribution of matrimonial property under this Act, unless there is an agreement to the contrary.

(3) Subsection (2) shall not apply where a spouse proves that he or she made a contribution to the acquisition, development or maintenance of the individually owned property.

- (4) Individual property shall include—
 - (a) independently acquired property and the proceeds and profits from that property;
 - (b) property acquired before marriage or property acquired by bequest, inheritance or gift from a person other than the spouse;
 - (c) property that was acquired by gift or inheritance from a third party after the date of the marriage;

- (d) income from property referred to in paragraph (c) where the giver or testator has expressly stated that it is to be excluded from the spouse's matrimonial property;
- (e) damages for personal injuries, nervous shock, mental distress or loss of guidance, care and companionship, or the part of a settlement that represents those damages;
- (f) proceeds or right to proceeds of an insurance policy payable on the death of the insured person;
- (g) property which the spouses by agreement regard as individual property;
- (h) trust property; and
- (i) any other property that a spouse can prove is individual property.

49. Equal access

(1) Spouses shall be entitled to equal access to matrimonial property.

(2) Equal access includes the right to use, occupy, benefit from, enter the property and to dispose of the property unless there is an agreement between the spouses to the contrary.

50. Property acquired before marriage

Notwithstanding section 45, the interest of a person in any property acquired before a marriage shall not be affected by the marriage.

51. Liability incurred before marriage

(1) Liability incurred by a spouse before marriage relating to property shall after the marriage remain the liability of the spouse who incurred it.

(2) Where the property in subsection (1) becomes matrimonial property, the liability may be shared by the spouses.

52. Contribution to property acquired before and during marriage

(1) Where a spouse acquires property before or during the marriage and the property does not fall within matrimonial property as defined in section 45, but his or her spouse makes a contribution towards the improvement of that property, be it monetary or in kind, the spouse without the interest shall acquire a beneficial interest equivalent to the contribution she or he made.

(2) The property referred to in subsection (1), excludes ancestral property.

53. Transactions related to the matrimonial property

(1) A transaction shall not be entered into in respect of any matrimonial property except with the prior written consent of either spouse to the marriage.

(2) Consent referred to in subsection (1) shall not be unreasonably withheld.

(3) Subject to subsection (2), where a spouse enters into a transaction that relates to the matrimonial home without the consent of the other spouse, that transaction shall be set aside by the court on application by the other spouse.

(4) When a transfer of the matrimonial property is ordered by the court and a spouse ordered to make the transfer or conveyance is either unable or unwilling to do so, the court may order for the transfer or conveyance on behalf of that spouse.

(5) The court may—

(a) by order, restrain a spouse or a third party from permitting the disposition of matrimonial property; or

(b) rescind a disposition of the property made with the intention of defeating the financial provision of a spouse, except to a purchaser for value in good faith.

(6) The court may make an order to preserve or maintain matrimonial property while a case relating to the property is pending before the court.

54. Spousal gift

Where a spouse gifts property to the other spouse during the subsistence of a marriage, there is a rebuttable presumption that the property belongs to the receiving spouse.

55. Debt of spouse incurred during marriage

Where during the subsistence of a marriage, a debt is incurred for the necessities of life for the immediate family;

- (a) with the consent of the other spouse, the debt shall become a family liability to be borne by both spouses equally; or
- (b) without the consent of the other spouse, the debt shall be borne by the spouse who incurred the debt, unless agreed otherwise by the spouses.

56. Presumptions as to property acquired during marriage

Where, during the subsistence of a marriage, any property is acquired in the names of the spouses jointly, there shall be a rebuttable presumption that the beneficial interests of the spouses are equal.

57. Court to set aside prenuptial and postnuptial agreement

Where a party to an agreement alleges that a prenuptial or postnuptial agreement was entered into under—

- (a) duress;
- (b) undue influence;
- (c) fraud;
- (d) misrepresentation;
- (e) illegality;
- (f) mistake; or

(g) any other factors that would vitiate a contract the court may set aside the agreement and make another order for the distribution of the matrimonial property.

58. Court's powers to divide matrimonial property

(1) Where a decree absolute has been granted dissolving a marriage, the court may proceed to divide any matrimonial property between the parties to the dissolved marriage, subject to any pre or post nuptial agreements the parties may have made relating to division of property.

(2) The court may, instead of dividing the matrimonial property between the parties, require one party to compensate the other party for the value of that party's interest in the matrimonial property.

59. Distribution of property

(1) Where a marriage is in the process of being dissolved, the court that determines the property rights of the spouses may make an order as to the distribution of property acquired during the marriage without regard to the reasons for the breakdown of the marriage.

(2) In distributing matrimonial property, the court shall take into account the following—

- (a) the length of marriage;
- (b) age of spouses;
- (c) the best interest of a child of the spouses if any;
- (d) the contribution of each spouse to the acquisition, maintenance or improvement of the property including the contribution of a spouse towards the upkeep or maintenance of the property in cash or kind;
- (e) domestic work and management of the home;

- (f) the contribution of the immediate family or any contribution to the maintenance of the matrimonial home or which facilitates the acquisition of the property or matrimonial home by a spouse;
- (g) the economic circumstances of each spouse at the time of the distribution of the property, including the desirability to award the matrimonial home to a particular spouse or the right of a spouse who has custody of a child to live in the matrimonial home for a reasonable period of time;
- (h) the need to make reasonable provision for other spouses and their children as regards matrimonial property where the marriage is polygamous;
- (i) whether there is an agreement related to the ownership and distribution of the property in the best interest of the vulnerable spouse;
- (j) financial misconduct or the wasting of assets; and
- (k) any other fact which, in the opinion of the court, requires consideration.

(3) For the purpose of this section, a monetary contribution shall not be presumed to be of greater value than a non-monetary contribution.

(4) The non-monetary contribution shall not be proved in monetary terms.

60. Property settlement

(1) In proceedings related to property, the court may make an order to alter the interest of either spouse in the property including an order—

- (a) for settlement of property in substitution for an interest in the property; and

(b) requiring either or both spouses to make, for the benefit of either or both spouses, settlement or transfer of property determined by the court.

(3) Where the court makes an order under subsection (1), it shall have regard to—

(a) the effect of the proposed order on the earning capacity of either spouse; and

(b) any other order that has been made under this Act in respect of a spouse.

61. Presumption of marriage for maintenance of children and property rights

(1) The court shall, upon application by either a man or a woman, presume a marriage under this Act, for purposes of determination of maintenance of children and property rights accruing to the parties from a relationship.

(2) A court, in determining the property rights of parties under subsection (1), shall have regard to—

(a) the nature and extent of their common residence;

(b) whether there was sexual relationship between the parties;

(c) the degree of financial dependence or interdependence and any agreement or arrangement for financial support between the parties;

(d) the mode of ownership, use and acquisition of property;

(e) the existence and number of children of the relationship; and

(f) the reputation and public view of the relationship.

(3) The court, in determining the rights of a child under subsection (1), shall follow the principle of the best interest of a child under the Children Act.

(5) For the avoidance of doubt, the relationship under this part shall not be categorized as a marriage under this Act.

PART V—MATRIMONIAL PROCEEDINGS

Jurisdiction of court

62. Jurisdiction in matrimonial proceedings

(1) A registrar of marriage or an institution which traditionally facilitates marriage and is not inconsistent with this Act or any written law shall be the first point of reference in matrimonial proceedings.

(2) Subject to subsection (1), the powers exercised by the institutions in matrimonial causes shall be limited to seeking reconciliation of the parties to the marriage.

(3) Subsection (1) shall not prejudice either party's right to seek redress from court in matrimonial proceedings.

63. Recognition of extraterritorial dissolution of marriage

Where a person has obtained a dissolution of marriage, otherwise than by decree of a court in Uganda, in any foreign country, the divorce shall be recognised as effective for all purposes of the law of Uganda, if—

- (a) it was effective according to the law of the country of domicile of each of the parties at the time of the dissolution of marriage; or
- (b) it has been recognised as effective in a declaratory decree of a court of competent jurisdiction in the country of domicile of the parties or either of them.

64. Recognition of decrees of foreign courts

Where a court of competent jurisdiction in any foreign country has passed a decree in any matrimonial proceeding, whether arising out of a marriage contracted in Uganda or elsewhere, such decree shall be recognised as effective for all purposes of the law of Uganda—

- (a) if the petitioning party was domiciled in that country or had been resident there for at least two years prior to the filing of the petition; or
- (b) being a decree of annulment or divorce, it has been recognized as effective in a declaratory decree of a court of competent jurisdiction in the country of domicile of the parties or either of them.

65. Matrimonial causes proceedings to be in open court

Proceedings in a matrimonial cause shall be held in open court, except where where the court considers that the parties to the proceedings or their children if any may be unduly prejudiced, the court may hold the proceedings in camera.

SEPARATION IN MARRIAGE**66. Separation of parties to marriage**

- (1) Separation of parties to a marriage may either be—
 - (a) by mutual consent, where the parties enter into an agreement to suspend their marriage, and the agreement is witnessed by at least one representative of each party; or
 - (b) by judicial separation, where a party petitions court for separation.
- (2) Separation in marriage may occur at any time during the subsistence of a marriage.

(3) The agreement in subsection (1) (a), shall be registered with the Registration of Persons Authority established under the Registration of Persons Act and deposited with the district marriage registrar.

(4) “Mutual separation” under this section means the agreement by the spouses to live separately as husband and wife whether they live under the same roof or not.

67. Effect of separation

A decree of judicial separation or separation agreement shall relieve the parties of the duty to render each other consortium, except that the duty to maintain the spouse shall continue unless otherwise provided under the decree of separation.

68. Power of court to set aside, reverse or vary a separation agreement or decree of judicial separation

(1) A court shall set aside, vary the terms or reverse a separation agreement or a decree of judicial separation on the application of either or both spouses to a marriage if the spouses have consented to either action by court.

(2) A court may vary the terms of the decree of separation on the application of both spouses or either spouse where there has been any material change in the circumstances of either or both the spouses.

(3) A court may rescind a decree of separation on the application of either spouse where the court is satisfied that the decree was obtained as a result of misrepresentation or mistake of fact.

(4) A party may at any time present a petition praying for the reversal of the decree on the ground that it was obtained in his or her absence and that where desertion was the ground of the decree there was reasonable excuse for the alleged desertion.

69. No division of matrimonial property on separation

(1) There shall be no division of matrimonial property upon separation of the spouses, except that court may order the sharing of any income that may accrue from the property.

(2) Property that is individually acquired by either spouse during the period of separation shall remain the property of the spouse who acquired it unless the parties agree to jointly own it.

DISSOLUTION OF MARRIAGE

70. Right to petition for dissolution marriage

Parties to a marriage shall have equal rights to petition for dissolution of the marriage.

71. Modes of dissolution of marriage

A petition for dissolution of marriage may be made to court by—

- (a) either party to the marriage; or
- (b) both parties upon mutual consent.

72. Contents of a petition for dissolution of marriage

A petition for dissolution of marriage shall contain the following particulars—

- (a) form of marriage;
- (b) the names of the parties to the marriage;
- (c) the age of the petitioner;
- (d) the name, age and sex of the child, if any, of the marriage;
- (e) particulars of the facts giving the court jurisdiction;
- (f) where applicable, particulars of any previous efforts to resolve the dispute, and that there is no hope of reconciliation;

- (g) a statement of the evidence to be relied on to establish the irretrievable breakdown of the marriage where applicable;
- (h) the terms of any related agreement made between the parties;
- (i) the orders being prayed for; and
- (j) a verification sworn by the petitioner before a Commissioner for Oaths that what is stated in the petition is correct.

73. Dissolution of marriage by mutual consent

(1) Parties to a marriage celebrated under this Act may jointly petition court for a decree of dissolution of marriage, by mutual consent on grounds that—

- (a) the parties have mutually agreed to dissolve the marriage; and
- (b) the parties have mutually separated for at least one year immediately preceding the date of presentation of the petition.

(2) Court may grant a decree for dissolution of marriage by mutual consent under subsection (1) where—

- (a) the petition is made, at least one year after the separation in subsection 1(b);
- (b) the parties jointly present the petition;
- (c) both parties consent to the dissolution of marriage in writing; and
- (d) both parties or their legal representatives are present in person at the hearing of the petition.

(3) Upon satisfaction of court that the averments made in the petition are true, the court shall grant a decree nisi of dissolution of marriage.

(4) Either party to the petition may at any time before the grant of the decree absolute of dissolution of marriage may apply to court for withdrawal of the petition.

(5) The court may, on application of either party, nullify the decree of dissolution of marriage under subsection (1) on the ground that his or her consent was obtained by—

- (a) coercion;
- (b) fraud;
- (c) undue influence; or
- (d) misrepresentation.

74. Irretrievable breakdown of marriage to be sole ground for dissolution of marriage for sole petitioner

A petition for dissolution of marriage brought by either party to a marriage, shall be on the sole ground that the marriage has irretrievably broken down.

75. Evidence of breakdown of marriage

The court shall, in deciding whether or not a marriage has irretrievably broken down, have regard to all relevant facts regarding the conduct and circumstances of the parties.

76. Separation not a bar to dissolution of marriage

A grant of a decree of judicial separation shall not bar a person from presenting a petition for dissolution of marriage.

77. Grant of decree nisi and decree absolute

(1) Where court is satisfied that a marriage has irretrievably broken down or the parties to the marriage have mutually agreed to dissolve the marriage, the court shall grant, a decree nisi for the dissolution of marriage.

(2) A decree nisi for dissolution of marriage shall not be made absolute until after the expiration of six months from the date of the decree nisi.

78. Cross-petition

Where a petition has been filed for dissolution of marriage under section 70, and the respondent has grounds for dissolution of marriage against the petitioner, the respondent shall have a right to file a cross petition.

79. Right of appeal

A party that is dissatisfied with the decision of court may appeal against the decision.

80. Competence of husband and wife as witness in matrimonial proceedings

In a matrimonial proceeding, a husband or wife of a party to the suit, shall be a competent and compellable witness.

81. Court to set aside order

Where the court is satisfied on an application made by a person affected by an order, that the order in a marriage cause was obtained by fraud, duress, undue influence or misrepresentation, the giving of false evidence or the suppression of evidence, the court may set aside the order and make another order.

82. Orders relating to children on dissolution of marriage

The court shall be guided by the provisions of the Children Act and in particular, the welfare principle, when making orders relating to maintenance and custody of children on dissolution of marriage.

83. Maintenance to cease on re-marriage

Where, at dissolution of marriage, court orders for payment of maintenance to a spouse, the payment of maintenance shall cease upon the remarriage of that spouse.

84. Power of court to vary maintenance order

The court may vary or rescind any subsisting order of maintenance on the application of the party in whose favor or against whom the order was made on being satisfied that the order was based on;

- (a) misrepresentation;
- (b) mistake of fact; or
- (c) any material change in the circumstances of the parties.

85. Remarriage of parties

When the time limit for appealing against a decree of dissolution of marriage or nullity of marriage has expired and no appeal has been presented or when, in the result of any such appeal, a marriage is declared to be dissolved or annulled, the parties to the marriage may marry again as if the prior marriage had been dissolved by death.

86. Registration of dissolved marriages

(1) A magistrate under whose jurisdiction a dissolution of marriage is conducted, shall transmit monthly returns of all dissolutions of marriage to a high court under whose territorial jurisdiction it lies.

(2) A registrar of the high court, shall transmit the returns in subsection (1) as well the returns of dissolutions of marriages under the high court to the Registrar General for registration.

PART VI—MISCELLANEOUS

OFFENCES AND PENALTIES

87. Demand for return of marriage Gift

(1) Where a marriage gift has been given by a party to a marriage under this Act, it is an offence to demand for the return of the gift.

(2) A person who demands for the return of a marriage gift is liable, upon conviction to a fine not exceeding five hundred currency points or imprisonment not exceeding three years or both.

(3) A court may award damages to an aggrieved party under subsection (1).

88. Jactitation of marriage

A person who falsely claims or asserts that he or she is married to a particular person commits an offence known as jactitation of marriage and is liable on conviction to a fine not exceeding five hundred currency points or imprisonment not exceeding three years or both.

89. Holding out as though married

(1) A person who holds out as a husband or wife under this Act, commits an offence and is liable on conviction to a fine not exceeding five hundred currency points or imprisonment not exceeding three years or both.

(2) Holding out under this part means living together as husband and wife, acquiring or owing property jointly, bearing children together, and taking on the man's surname by the woman.

90. Breach of Promise to marry

(1) A person who breaches a promise to marry is on conviction, liable to pay damages for the breach.

(2) A party may petition court for the return of a gift given in contemplation of marriage which, has not been contracted solely due to the other party's breach of promise to marry.

(3) Damages awarded in an action for breach of a promise to marry shall not be in excess of loss actually suffered as a result of any expenditure incurred based on the promise.

(3) Notwithstanding subsection (1), no award shall be granted for specific performance of a promise to marry.

(4) Notwithstanding the provisions of any other law regulating limitation of actions for the time being in force, no suit shall be brought for damages for the breach of a promise to marry more than one year after the date of knowledge of the breach of the promise to marry.

(5) In this part, "promise to marry" means a contract mutually entered into by a man and a woman capable of contracting marriage that they will at a promised time, marry each other, and premised on which, either party based his or her actions or omissions towards the other party.

(6) Notwithstanding subsection (6), a promise to marry may be expressly proved or implied from the conduct of both parties.

91. Making false statements

A person, who knowingly, or negligently makes a false oral or written statement, for purposes of fulfilling a requirement under this Act, commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or imprisonment not exceeding five years or both.

92. Contracting marriage with married person

A person who knowingly undergoes a ceremony of marriage, with another person in a subsisting monogamous marriage, commits an offence and is liable on conviction to a fine not exceeding five hundred currency points or imprisonment not exceeding five years or both.

93. Making false declarations for marriage

A person who, in any declaration, certificate, licence, document or statement required by law to be made or issued for the purposes of a marriage, declares, enters, certifies or states any material matter which is false, without having taken reasonable means to ascertain the truth or falsity of that matter, commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or imprisonment not exceeding five years or both.

94. False pretence as impediment to marriage

A person who falsely, or through pretence, impedes the celebration of a marriage by doing or claiming that—

- (a) his or her consent to the marriage is required by law;
- (b) a person whose consent is required has not consented; or
- (c) there is any legal impediment to the celebration of the marriage

commits an offence and is liable on conviction to a fine not exceeding five hundred currency points or imprisonment not exceeding five years or both.

95. Unlawfully performing marriage ceremony

A person who performs or witnesses a ceremony of marriage as a registrar of marriage knowing that;

- (a) he or she is not duly qualified to do so; or
- (b) any matter required by law for the validity of the marriage has not been complied with,

rendering the marriage void or voidable, commits an offence and is liable on conviction, to a fine not exceeding one hundred and twenty currency points or imprisonment for a term not exceeding five years or both.

96. When marriage may not be solemnized

(1) A person designated as a marriage celebrant shall not solemnize a marriage if he or she knows of any lawful impediment to the marriage.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding five hundred currency points or imprisonment not exceeding five years or both.

97. Neglect of duty to transmit certificate of marriage

A person who, being under a duty to complete a certificate of marriage celebrated by him or her or its counterfoil, or to transmit the certificate to the registrar, or Registrar General, willfully fails to perform that duty, commits an offence and is liable on conviction to a fine not exceeding two hundred currency points or imprisonment not exceeding five years, or both.

98. Impersonation in marriage

A person who impersonates another for the celebration, in the course of marriage, or marries under a false name or description with intent to deceive the other party to the marriage, commits an offence and is liable on conviction to a fine not exceeding five hundred currency points or imprisonment for a term not exceeding five years or both.

99. Fictitious marriage

A person who, knowingly undergoes a void ceremony of marriage, commits an offence and is liable on conviction, to a fine not exceeding five hundred currency points or imprisonment not exceeding five years or both.

100. Performing, aiding or abetting void marriage

A person who aids, abets or performs a void marriage, commits an offence and is liable on conviction to a fine not exceeding five hundred currency points or imprisonment not exceeding ten years, or both.

101. Marriage involving a child

- (1) A person who—
 - (a) conducts, presides over or witnesses a purported marriage involving a child;
 - (b) purportedly marries a child in a formal or informal ceremony of marriage, with or without the consent of a parent or guardian of the child;
 - (c) knowingly attends or participates in the preparation of a purported marriage involving a child; or
 - (d) involves a child in formal or informal marital rites or initiation practices;

commits an offence and is liable, on conviction, to imprisonment for ten years.

(2) In this section, “marriage involving a child” means the union, whether formal or informal, between a child and another person for the purpose of living as husband or wife.

102. Violation of decree of judicial separation or separation agreement

(1) Where a party violates a decree of judicial separation or a separation agreement, the party commits an offence and is liable on conviction, to a fine not exceeding five hundred and twenty currency points or imprisonment not exceeding five years or both.

(2) An aggrieved party shall not, if discovered that he or she participated the violation, be entitled to redress.

103. Celebration of void marriage

Subject to section 43, a person who—

- (a) knowingly contracts a marriage with another person within his or her prohibited degrees of relation;

- (b) purports to contract marriage while suffering from a mental illness affecting the party's ability to consent to the marriage;
- (c) celebrates marriage, contrary to the rites, customs and beliefs of a particular type of marriage under this Act;
- (d) fraudulently obtains a person's consent to marriage;
- (e) contracts marriage while suffering from permanent impotence or vaginismus without the knowledge of his or her spouse; or
- (f) has not fulfilled any of the essential requirements of marriage in accordance with the practice of a particular type of marriage,

commits an offence and is liable on conviction, to a fine not exceeding five hundred and twenty currency points or imprisonment not exceeding five years, or both.

General

104. Regulations

(1) The Minister shall, by statutory instrument make regulations for the better carrying into effect of the provisions of this Act.

(2) Subject to subsection (1), the Minister may, with the approval of Cabinet grant recognition to the solemnization of marriage and institutions of matrimonial causes, including petitions for separation or dissolution of marriage by any religious denomination other than those provided for in this Act.

(3) Without prejudice to the general effect of subsection (1), regulations made under this section may provide for—

- (a) forms to be used under this Act;
- (b) matters for which fees shall be paid; and

- (c) fees to be paid to the registrars for the several matters to which they apply.

105. Minister's power to amend Schedule

The Minister may, by statutory instrument, in consultation with the Minister responsible for finance and the approval of Cabinet, amend the First Schedule to this Act.

106. Repeals and savings

- (1) The following enactments are repealed—
 - (a) Customary Marriage (Registration) Act, (Cap. 248)
 - (b) Divorce Act, (Cap.249)
 - (c) Hindu Marriage and Divorce Act, (Cap. 250)
 - (d) Marriage Act, (Cap. 251)
 - (e) Marriage of Africans Act, (Cap. 253)
 - (f) The Marriage and Divorce of Mohammedans Act, (Cap. 252)
- (2) Nothing in this Act shall affect any marriage, dissolution of marriage or other act or order made under any of the Acts repealed by subsection (1).

SCHEDULES

SCHEDULE 1

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings

SCHEDULE 2

CERTIFICATE OF MARRIAGE

No.	Certificate of Marriage-Uganda Marriage celebrated in district in Uganda
Date of marriage	
Name of Husband	
Name of Wife	
Married at	
Married by (or before) me	
Registrar of marriage	
This marriage was celebrated between us.....	
In the presence of us as witness	<hr/> <hr/>

PART B

Notice of Intention to marry

SS.10

THE REPUBLIC OF UGANDA

**NOTICE OF INTENTION TO MARRY
THE MARRIAGE ACT**

To the registrar of marriages for _____
_____ district of Uganda.

I give you notice that a marriage is intended to be celebrated within three months from the date of this notice between me, and the other party named in the notice.

<i>Name</i>	<i>Condition</i>	<i>Occupation or profession</i>	<i>Age</i>	<i>Place of residence</i>
Bridegroom	Bachelor, widower or married in portentously polygamous marriage			
Bride	Spinster or widow			

Signed this _____ day of _____, 20 ____.

Signature

SCHEDULE 3

SS.4

Marriage declarations

A. Civil marriage

“I solemnly declare that I do not know of any lawful impediment why I, AB, may not enter into marriage with CD.”

Each of the parties shall then say to each other—

“I call upon all persons here present to witness that I, AB take you, CD, to be my lawful wife/husband.”

SCHEDULE 4**Ss 9****Conditions for marriage****B. Specific conditions for celebration of an Islamic marriage**

An Islamic marriage shall be solemnized where there is—

- (1) Consent of both parties obtained in accordance with the teachings of Islam.
- (2) Presence of a guardian “wali” at the time of celebration of marriage, “Nikah”.
- (3) Payment of bride’s gift “Mahr” at the time of celebration of marriage.
- (4) Presence of at least two witnesses.
- (5) Presence of an Imam at the time of celebration of marriage.

SCHEDULE 5

ss.27

A. Prohibited Degrees of Relationship

- mother - father
- mother’s daughter - father’s son
- daughter - son
- father’s mother - father’s father
- mother’s mother - mother’s father
- son’s daughter - son’s son daughter’s daughter
- daughter’s son sister
- brother
- wife’s mother - husband’s father
- husband’s son
- father’s sister - father’s brother
- mother’s sister - mother’s brother
- brother’s daughter - brother’s son
- sister’s daughter - sister’s son
- father’s brother’s daughter - father’s brother’s son mother’s
- sister’s daughter - mother’s sister’s son son’s wife
- daughter’s husband
- father’s wife - mother’s husband

The relationships prescribed in this Schedule apply whether they occur naturally or legally, or by marriage.

B. Prohibited degrees of relationship for Hindu marriage

1) A Hindu marriage shall not be solemnized where the parties are within the following prohibited degrees of relationship, unless the custom governing each of them permits the contraction of a marriage between them.

2) Persons are within the prohibited degrees of relationship where—

- (a) one is a lineal ancestor of the other;
- (b) one was the wife or husband of a lineal ancestor or descendant of the other;
- (c) one was the wife of the father's or mother's brother or of the grandfather's or grandmother's brother of the other;
- (d) one was the husband of the father's or mother's sister or of the grandfather's or grandmother's sister of the other;
- (e) they are brother and sister, uncle and niece, aunt and nephew or children of brother and sister or of brothers or sisters; or
- (f) they have a common ancestor not more than two generations distant if ancestry is traced through the mother of the descendant or four generations distant if ancestry is traced through the father of the descendant.

3) The relationships referred to in subsection (2) include those of the half blood and of uterine blood as well as those of the full blood and the illegitimate child and adopted child of any person shall be deemed to be respectively the legitimate child and the child of the marriage of that person.

SCHEDULE 6

ss.39

Section _____

THE REPUBLIC OF UGANDA

NOTICE OF CONVERSION OF MARRIAGE

To the registrar of marriages for the _____ district of Uganda. I give _____ you notice that I, and _____, being married to each other under _____ marriage, intend to convert from this marriage to _____ form of marriage within _____ district

<i>Name</i>	<i>Occupation or profession</i>	<i>Age</i>	<i>Place of Residence</i>
(Man)			
(Woman)			

Dated this _____ day of _____ 20_____

Signature

(Man) _____

(Woman) _____

CERTIFICATE OF CONVERSION OF MARRIAGE

Section 39

<i>Uganda No.</i>	<i>Certificate of conversion of marriage-Uganda</i>	<i>Signature</i>
Date of conversion of marriage	_____ marriage converted into _____ in the office of the registrar at _____ district in Uganda	
Name of husband		
Name of Wife		
Witness		
Witness		

_____ marriage converted into _____ marriage, before me.

Registrar

Cross References

1. Constitution of the Republic of Uganda, 1995
2. Customary Marriage (Registration) Act, (Cap 143)
3. Children Act, (Cap. 62)
4. Civil Procedure Act, (Cap. 282)
5. Divorce Act, (Cap.144)
6. Hindu Marriage and Divorce Act, (Cap. 145)
7. Marriage Act, (Cap. 146)
8. The Marriage and Divorce of Mohammedans Act, (Cap. 147)
9. Magistrate's Court Act, (Cap. 19)
10. The Registration of Persons Act, Cap 332