



ZOMBA DISTRICT COUNCIL

LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL) (REGISTRATION OF CUSTOMARY MARRIAGE) BYLAWS, 2018

NOVEMBER, 2018

LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL) (REGISTRATION OF
CUSTOMARY MARRIAGE) BYLAWS, 2018

ARRANGEMENT OF BYLAWS

BYLAW

PART I —PRELIMINARY

1. Citation
2. Interpretation
3. Application

PART II — GENERAL PROVISIONS

4. Registration of customary marriage
5. Declaration of Marriage
6. Certification by Registering Officer
7. Issue of marriage certificate
8. Replacement of marriage certificate
9. Offence and Penalties

FIRST SCHEDULE— MARRIAGE CERTIFICATE

SECOND SCHEDULE— MARRIAGE REGISTER

THIRD SCHEDULE--- FEES

GOVERNMENT NOTICE NO...

LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL) (REGISTRATION OF
CUSTOMARY MARRIAGE) BYLAWS, 2018

IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the Zomba District Council has made the following By-laws -

Citation	1. These By-laws may be cited as the Local Government (Zomba District Council) (Registration of Customary Marriages) By-laws, 2016.
----------	---

Interpretati
on

2. In these By-laws unless the context otherwise requires-

“Council” means Zomba District Council;

"Customary marriage" means a marriage contracted in accordance with customary laws;

“Marriage certificate” means a certificate issued to a married couple under by-law 6;

“Register” means a book containing registration of customary marriages as set out in the Second Schedule to these By-laws;

"Registering officer" means the District Commissioner of the Council or any person appointed by the Council to register customary marriages.

Registration of customary marriage

3. - (1) The parties to a customary marriage contracted within the area of jurisdiction of the Council may voluntarily apply for the registration of their marriage to a Registering Officer.

(2) Upon receiving such application, the registering officer shall-

(a) enter in the marriage certificate, the form of which is set out in the First Schedule hereto,

the details which may be required to be entered in the certificate; and

- (b) enter in the marriage register, the details which may be required to be entered in the register:

Provided that the Registering Officer shall not enter the necessary details unless he has satisfied himself that all customary requirements prior to such a marriage have been complied with.

Declaration of marriage

4. The parties to a customary marriage shall, in the presence of witness or relative and the Registering Officer declare and sign or mark on the declaration form set out in the marriage certificate and the witness or relative, as the case may be, shall certify that the signatures or marks on the declaration form were made in his presence and were in order.

Certification by Registering Officer

5. The Registering Officer shall certify in the marriage certificate that the entries made by the parties and witness or relative were made in his presence and he shall insert the date on which the registering was made.

Issue of marriage certificate

6. The Registering Officer shall cause a copy of the completed marriage certificate to be handed to the parties to the marriage.

Replacement of marriage certificate

7. - (1) Parties to a marriage registered in accordance with these By-laws may, jointly or severally, in the event of the original certificate being lost, apply to the Registering Officer for a replacement of the marriage certificate.

(2) Where an application for a replacement of a marriage certificate is made in accordance with the provisions of paragraph (1) the applicants shall be required to pay to the Council appropriate fees set out in the Third Schedule and such fees shall be paid at the time the application is being made.

Penalty

8. Any person who knowingly makes a false statement or declaration for the purposes of effecting registration of a customary marriage shall be guilty of an offence and on conviction shall be liable to a fine of K2,000.00 and in the case of a continuing offence, to a further fine of K200.00 for each day during which the offence continues after commission thereof or to six months imprisonment or to both such fine and imprisonment.

FIRST SCHEDULE
MARRIAGE CERTIFICATE

Entry Number:.....

Place of Registration:.....

DECLARATION

We, the persons whose names, addresses, and signatures or marks appear below, declare that we were married at the place and on the date shown below:

Name of

Husband:.....

Signature or

marks:.....

Village:.....

Traditional

Authority:.....District:.....

Name of -

Wife:.....

Signature of

marks:.....

Village:.....

Traditional

Authority:.....District:.....

Place of

Marriage:.....

Date of

Marriage:.....

No. of cattle and/or other consideration paid:.....

I certify that the signatures or marks made above were entered in this
Marriage Certificate in the presence of –

Name of witness (or relative):.....Village:.....

Traditional

Authority:.....District:.....

Signature or mark of witness (or relative):.....

I certify that these entries were made in this Marriage Certificate on the
day of,20.....in my presence.

Signature:.....

Registering Officer

SECOND SCHEDULE

MARRIAGE REGISTER

(by law 3)

A. Name of

Husband:.....

Traditional

Authority.....

Village:.....

District:.....

Name of Witness (or relative):.....ID No.....

B. Name of

wife:.....

Traditional

Authority:.....

Village:.....

District:.....

.

Name of Witness (or relative):.....ID No.

C. Registration fee:

Mk.....

D. Date Marriage Certificate issued:.....this.....

day of.....,2018.

THIRD SCHEDULE (by-law 7)

FEES	K t
1. For the issue of customary marriage certificate	500.00
2. For replacement of customary marriage certificate	450.00

Made by the Zomba District Council on theday of, 2018.

District Commissioner

Approved by the Minister of Local Government and Rural Development on
the day of 2018.

HON. KONDWANI NANKHUMWA

Minister of Local Government and Rural Development

(FILE NO.)