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Second Session Eleventh Parliament Republic of
Trinidad and Tobago

SENATE

BILL

AN ACT to amend the Marriage Act, Chap. 45:01, the
Muslim Marriage and Divorce Act, Chap. 45:02,
the Hindu Marriage Act, Chap. 45:03, the Orisa
Marriage Act, Chap. 45:04 and the Matrimonial
Proceedings and Property Act, Chap. 45:51

THE MISCELLANEOUS PROVISIONS (MARRIAGE)
BILL, 2016

Explanatory Notes

(These notes form no part of the Bill but are intended only to indicate its general purport)

The purpose of this Bill is to amend the Marriage Act, Chap. 45:01, the Muslim Marriage and Divorce Act, Chap. 45:02, the Hindu Marriage Act, Chap. 45:03, the Orisa Marriage Act, Chap. 45:04 and the Matrimonial Proceedings and Property Act, Chap. 45:51.

This Bill would require, pursuant to section 13 of the Constitution, to be passed by a special majority of three-fifths of all the members of each House of Parliament. The Bill would further provide for the Act for which this is the Bill to have effect even though inconsistent with sections 4 and 5 of the Constitution.

The Bill contains 8 clauses.

Clause 1 would set out the short title of the Bill.

Clause 2 would provide for the Bill to come into operation on Proclamation.

Clause 3 would provide for the Act to have effect even though inconsistent with sections 4 and 5 of the Constitution.

Clause 4 would provide for the amendments to the Marriage Act, Chap. 45:01.

Clause 5 would provide for the amendments to the Muslim Marriage and Divorce Act, Chap. 45:02.

Clause 6 would provide for the amendments to the Hindu Marriage Act, Chap. 45:03.

Clause 7 would provide for the amendments to the Orisa Marriage Act, Chap. 45:04.

Clause 8 would provide for the amendments to the Matrimonial Proceedings and Property Act, Chap. 45:51.

THE MISCELLANEOUS PROVISIONS (MARRIAGE)
BILL, 2016

Arrangement of Clauses

PART I
PRELIMINARY

Clause

1. Short title
2. Commencement
3. Act inconsistent with Constitution
4. Chap. 45:01 amended
5. Chap. 45:02 amended
6. Chap. 45:03 amended
7. Chap. 45:04 amended
8. Chap. 45:51 amended

BILL

AN ACT to amend the Marriage Act, Chap. 45:01, the Muslim Marriage and Divorce Act, Chap. 45:02, the Hindu Marriage Act, Chap. 45:03, the Orisa Marriage Act, Chap. 45:04 and the Matrimonial Proceedings and Property Act, Chap. 45:51

[, 2016]

WHEREAS it is enacted by section 13(1) of the Preamble Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided by section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment	ENACTED by the Parliament of Trinidad and Tobago as follows:
Short Title	1. This Act may be cited as the Miscellaneous Provisions (Marriage) Act, 2016.
Commencement	2. This Act comes into operation on such date as is fixed by the President by Proclamation.
Act inconsistent with Constitution	3. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.
Chap. 45:01 amended	<p>4. The Marriage Act is amended—</p> <p>(a) in section 19, by deleting the words “and either that the consent of the person or persons whose consent to such marriage is required by law has been obtained, or that no such consent is required,”;</p> <p>(b) in section 19A—</p> <p>(i) in subsection (4)—</p> <p>(A) by deleting the dash and substituting the words “, there is no impediment of consanguinity or affinity or other lawful hindrance to the said marriage.”; and</p>

- (B) by deleting paragraphs (a) and (b); and
- (ii) in subsection (7), by deleting the word “The” and substituting the word “Every”;
- (c) in section 21(2)—
- (i) in paragraph (d), by deleting the semicolon and substituting a full stop; and
- (ii) by deleting paragraph (e);
- (d) by deleting the heading, “CONSENT TO MARRIAGE” immediately before section 23, and substituting the heading “AGE AT WHICH A PERSON MAY CONTRACT MARRIAGE”;
- (e) by repealing section 23 and substituting the following section:

“Age at which a person may contract marriage” 23. (1) The age at which a person is capable of contracting a marriage is eighteen years.

(2) A marriage shall not be solemnised by a Marriage Officer or District Registrar if either of the parties to the marriage is under eighteen years of age.

(3) Where a marriage is contracted by proxy, the parties on whose behalf the proxy is contracting shall be in compliance with subsection (1).

(4) Nothing in subsection (1) affects the validity of a marriage solemnised before the commencement of the Miscellaneous Provisions

(Marriage) Act, 2016, and any such marriage is valid or becomes valid in any case where, if the Act had not come into force, it would be, or would have become valid.”;

- (f) by repealing section 24;
- (g) in section 25—
 - (i) by deleting the words “whose consent to a marriage is hereby required, or”; and
 - (ii) by deleting the words “the marriage” where they first occur, and substituting the words “a marriage”;
- (h) in section 28, by deleting the words “six o’clock in the afternoon” and substituting the words “nine o’clock in the evening”;
- (i) in section 32, by deleting the word “is” and substituting the words “was, at the time of marriage,”;
- (j) in section 34(2), by deleting all the words after the words “this section” and substituting the words “commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months”;
- (k) in section 35—
 - (i) by renumbering the section as section 35(1); and
 - (ii) by deleting all the words after the words “entries or statements.” and substituting the following sub-sections:
 - “ (2) However, before allowing any search or furnishing any certified copy, the Registrar, District Registrar or Marriage

Officer, as the case may be, shall be entitled to demand the fees as set out in Schedule JA.

Schedule JA

(3) The Minister may by Order amend Schedule JA.”;

(l) in section 36—

- (i) by deleting the words “null and” wherever they occur; and
- (ii) by inserting after subsection (2), the following subsections:

“ (3) Subject to subsection (4), if any party to a marriage is under eighteen years of age at the time of the solemnizing of the marriage, the marriage shall be void.

(4) Nothing in subsection (3) affects the validity of a marriage solemnized before the commencement of the Miscellaneous Provisions (Marriage) Act, 2016, and any such marriage is valid or becomes valid in any case where, if that Act had not come into force, it would be, or would have become valid.”;

(m) in section 37, by deleting all the words after the words “Registrar General,” and substituting the words “commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.”;

(n) in section 38—

- (i) by deleting the words “injures” and “injured” and substituting the words “damages” and “damaged”, respectively;

- (ii) by deleting all the words after the words “respectively,” and substituting the words “commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.”; and
 - (iii) in the marginal note by deleting the word “injuring” and substituting the word “damaging”;
- (o) in section 39—
- (i) by deleting—
 - (A) the words “register book or certified copy thereof or of” and substituting the words “register or book, or”; and
 - (B) the words “injures” and “injured” and substituting the words “damages” and “damaged”, respectively;
 - (ii) by deleting all the words after the words “keeping,” and substituting the words “commits an offence and is liable on summary conviction to a fine of forty thousand dollars and to imprisonment for five years”;
 - (iii) by renumbering section 39 as section 39(1);
 - (iv) by inserting after section 39(1) as renumbered, the following subsection:
 - “ (2) Any person having the custody of any certified copies of any register or book or any part thereof, who carelessly loses or damages the same or

carelessly allows the same to be damaged whilst in his keeping, commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for two years.”; and

- (v) in the marginal note, by deleting the words “injuring document” and substituting the words “damaging register, book or certified copy”;
- (p) in section 40, by deleting all the words after the word “1962” and substituting the words “commits an offence and is liable on conviction on indictment to a fine of forty thousand dollars and to imprisonment for five years.”;
- (q) in section 41, by deleting all the words after the words “above,” and substituting the words “commits an offence and is liable on conviction on indictment to a fine of forty thousand dollars and to imprisonment for five years.”;
- (r) by inserting after section 41 the following new sections:

“False
Declaration

41A. Any person who knowingly and wilfully makes any false declaration or signs or marks any false application, notice or certificate, required by this Act, for the purpose of the registration of any marriage, and any person who wilfully makes, or causes to be made, for the purpose of being inserted in any register of marriages any false statement

with regard to any of the particulars required by this Act to be known and registered, commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.

Solemnising
the marriage
of a person
under
eighteen
years of age

41B. (1) A person who knowingly and wilfully solemnises the marriage of a person who is under eighteen years of age commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.

(2) A person who is convicted under subsection (1) shall cease to be eligible to hold a licence or to solemnise any marriage.

(3) The Registrar General shall publish a notice of the names of persons who are no longer entitled to hold a licence in the *Gazette*.

(4) A notice published under subsection (3) shall take effect on publication.”;

(s) in section 43—

(i) in the marginal note, by deleting the word “had” and substituting the word “procured”;

(ii) in subsection (1)—

(A) by deleting the word “had” the first time it occurs and substituting the word “procured”;

- (B) by deleting the word “has” and substituting the word “had”; and
 - (C) by inserting after the words “such marriage”, where they first occur, the words “as required by law at the time of the marriage,”;
- (t) in section 52, by deleting all the words after the word “Parliament” and substituting a full stop;
- (u) by inserting after section 52 the following section:
- “Savings 52. The repeal of any provision of this Act by the Miscellaneous Provisions (Marriage) Act, 2016 shall not affect any document made or any thing whatsoever done under the provision so repealed, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue to have effect.”;
- (v) in Schedule B—
- (i) in Form 1—
 - (A) by deleting all the words from the words “*And I” to the words “is necessary].”, inclusive; and
 - (B) by deleting the words “*To form part of the declaration when the party is under eighteen years of age and is not a widower or widow, otherwise to be deleted”; and

(ii) in Form 2—

(A) by deleting all the words from the words “*And we” to the words “is necessary].”, inclusive; and

(B) by deleting the words “*To form part of the declaration when the party is under eighteen years of age and is not a widower or widow, otherwise to be deleted.”;

(w) in Schedule C, by deleting the column in the table with the heading “Consent, if any, by whom given”; and

(x) in Schedule D—

(i) in Form 1—

(A) by deleting all the words from the words “*And I” to the word “is necessary].”, inclusive; and

(B) by deleting the words “*To form part of the declaration when the party is under eighteen years of age and is not a widower or widow, otherwise to be deleted.”; and

(ii) in Form 2—

(A) by deleting all the words from the words “*And we” to the words “is necessary].”, inclusive; and

(B) by deleting the words “*To form part of the declaration when the party is under eighteen years of age and is not a widower or widow, otherwise to be deleted”;

- (y) in Schedules B, Forms 1 and 2; C; D, Forms 1 and 2 and F,—
- (i) by deleting the words “Condition” and “Conditions” and substituting the words “Marital Status”;
 - (ii) by deleting the words “Calling” and “Profession” and substituting the words “Profession/Occupation”;
 - (iii) by deleting the words “Dwelling place” and substituting the words “Home address”;
- (z) in Schedules B, Forms 1 and 2, and C, by inserting after the words “Length of residence” the words “at this address”;
- (aa) in Schedule J, by deleting the word “CIVIL” and substituting the following words: “CIVIL ()/CHRISTIAN ()”; and
- (bb) by inserting after Schedule J the following Schedule:

“SCHEDULE JA

[Section 35(2)]

SCHEDULE OF FEES

For every search for a particular entry...	\$12.50
For every certified copy as aforesaid	\$12.50
For a general search not directed to any particular entry			\$30.00”.

5. The Muslim Marriage and Divorce Act is Chap. 45:02 amended—amended

- (a) by deleting the words “marriage officer” wherever they occur in the Act and substituting the words “Marriage Officer”;
- (b) in section 7, by inserting after subsection (1), the following subsection:

“ (1A) A marriage shall be solemnised with open doors between the hours of six o’clock in the forenoon and nine o’clock in the evening of the same day, and in the presence of two or more credible witnesses and the Marriage Officer.”;

(c) by repealing section 8 and substituting the following section:

8. (1) The age at which a person, being a member of the Muslim community, is capable of contracting a marriage is eighteen years.

“Age at which a person may contract marriage

(2) A marriage shall not be solemnised by a Marriage Officer if either of the parties to the marriage is under eighteen years of age.

(3) Where a marriage is contracted by proxy, the parties on whose behalf the proxy is contracting shall be in compliance with subsection (1).

(4) Nothing in subsection (1) affects the validity of a marriage solemnised before the commencement of the Miscellaneous Provisions (Marriage) Act, 2016, and any such marriage is valid or becomes valid in any case where, if the Act had not come into force, it would be, or would have become valid.”;

(d) by repealing section 9;

(e) in section 10—

(i) by deleting the marginal note and substituting the following marginal note:

“Prohibitions *re* intermarrying and marriages within prohibited degrees”;

(ii) by renumbering the section as section 10(1); and

(iii) by inserting after section 10(1) as renumbered, the following subsection:

“ (2) A Marriage Officer who knowingly and wilfully issues any certificate for the marriage of any persons being within the prohibited degrees of consanguinity or affinity according to Islamic law related to marriage commits an offence and is liable on conviction on indictment to a fine of forty thousand dollars and to imprisonment for five years.”;

(f) in section 11—

(i) in subsection (3), by deleting the words “and that the consent of any person required by this Act to consent to the marriage has been obtained”; and

(ii) in subsection (4), by deleting all the words after the word “fee” and substituting the words “commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months.”;

(g) by inserting after section 24 the following section:

“Offences
by
unlicensed
Marriage
Officer 24A. A person who, without being duly licensed as a Marriage Officer—

(a) knowingly and wilfully solemnises any marriage purporting to be a Marriage Officer under this Act; or

- (b) knowingly and wilfully makes or signs any certificate or signs any declaration required by this Act to be made or signed by a Marriage Officer,

commits an offence and is liable on conviction on indictment to a fine of forty thousand dollars and to imprisonment for five years.”;

- (h) in section 25, by deleting all of the words after the word “registered” and substituting the words “, commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.”;
- (i) in section 26, by deleting all the words after the words “Registrar General,” and substituting the words “commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.”;
- (j) in section 27—
 - (i) by deleting the words “injures” and “injured” and substituting the words “damages” and “damaged”, respectively;
 - (ii) by deleting all the words after the words “respectively,” and substituting the words “commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.”; and
 - (iii) in the marginal note, by deleting the word “injuring” and substituting the word “damaging”;

(k) by inserting after section 27 the following sections:

“Losing or
damaging
register book
or certified
copy

27A. (1) Any person having the custody of any register or book, or any part thereof, who carelessly loses or damages the same or carelessly allows the same to be damaged or lost whilst in his keeping, commits an offence and is liable on summary conviction to a fine of forty thousand dollars and to imprisonment for five years.

(2) Any person having the custody of any certified copies of any register or book, or any part thereof, who carelessly loses or damages the same or carelessly allows the same to be damaged whilst in his keeping, commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for two years.

Solemnising
the marriage
of a person
under
eighteen
years of age

27B. (1) A person who knowingly and wilfully solemnises the marriage of a person who is under eighteen years of age commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.

(2) A person who is convicted under subsection (1) shall cease to be eligible to hold a licence or to solemnise any marriage.

(3) The Registrar General shall publish a notice of the names of persons who are no longer entitled to hold a licence in the *Gazette*.

(4) A notice published under subsection (3) shall take effect on publication.”;

(l) in section 30, by repealing subsection (2) and substituting the following subsections:

“ (2) Regulations made under subsection (1) shall be laid before Parliament.

(2A) Regulations made under this section may provide that a breach thereof shall constitute a summary offence punishable by a fine not exceeding three thousand dollars and to imprisonment not exceeding six months.”; and

(m) by inserting after section 30, the following section:

“Savings

31. The repeal of any provision of this Act by the Miscellaneous Provisions (Marriage) Act, 2016 shall not affect any document made or any thing whatsoever done under the provision so repealed, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue to have effect.”.

6. (1) The Hindu Marriage Act is amended—

Chap. 45:03
amended

(a) by inserting after section 9, the following section:

“Marriage
before
Marriage
Officer

9A. A marriage shall be solemnised with open doors between the hours of six o'clock in the forenoon and nine o'clock in the evening of the same day, and in the presence of two or more credible witnesses and the Marriage Officer.”;

(b) by repealing section 11 and substituting the following section:

“Age at
which a
person
may con-
tract
marriage

11. (1) The age at which a person, being a member of the Hindu faith or religion, is capable of contracting a marriage is eighteen years of age.

(2) A marriage shall not be solemnised by a Marriage Officer if either of the parties to the marriage is under eighteen years of age.

(3) Where a marriage is contracted by proxy, the parties on whose behalf the proxy is contracting shall be in compliance with subsection (1).

(4) Nothing in subsection (1) affects the validity of a marriage solemnised before the commencement of the Miscellaneous Provisions (Marriage) Act, 2016, and any such marriage is valid or becomes valid in any case where, if the Act had not come into force, it would be or would have become valid.”;

(c) in section 12—

- (i) by deleting the marginal note and substituting the following marginal note:

“Prohibitions *re* intermarrying and marriages within prohibited degrees”;

- (ii) by renumbering section 12 as section 12(1);

- (iii) by inserting after section 12(1) as renumbered, the following subsection:

“ (2) A Marriage Officer who knowingly and wilfully issues a certificate for the marriage of any persons being within the prohibited degrees of consanguinity or affinity according to the Hindu law relating to marriage, commits an offence and is liable on conviction on indictment to a fine of forty thousand dollars and to imprisonment for five years.”;

(d) in section 13—

- (i) in subsection (3), by deleting the words “and that the consent of every person required by this Act to consent to the marriage has been obtained”;

- (ii) in subsection (4)—

(A) by deleting the words “solemnised,” the second time it occurs, and substituting the words “solemnised and”; and

(B) by deleting the words “and that the consent of every person required by this Act has been obtained,”; and

(iii) in subsection (5)—

(A) in paragraph (a), by inserting after the semicolon the word “or”;

(B) in paragraph (b), by deleting the words “; or” and substituting a comma; and

(C) by deleting paragraph (c) and the concluding words and substituting the following concluding words, “commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months.”;

(e) in section 20, by deleting all the words occurring after the words “registered,” and substituting the words “commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.”;

(f) in section 21, by deleting all the words occurring after the words “Registrar General,” and substituting the words “commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.”;

- (g) in section 22—
- (i) by deleting the words “injures” and “injured” and substituting the words “damages” and “damaged”, respectively;
 - (ii) by deleting all the words occurring after the words “respectively,” and substituting the words “commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.”; and
 - (iii) in the marginal note, by deleting the word “injuring” and substituting the word “damaging”;
- (h) by inserting after section 22, the following section:

“Losing or
damaging
register book
or certified
copy

22A. (1) Any person having the custody of any register or book, or any part thereof, who carelessly loses or damages the same or carelessly allows the same to be damaged or lost whilst in his keeping, commits an offence and is liable on summary conviction to a fine of forty thousand dollars and to imprisonment for five years.

(2) Any person having the custody of any certified copies of any register or book, or any part thereof, who carelessly loses or damages the same or carelessly allows the same to be damaged whilst in his keeping, commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for two years.”;

(i) in section 23—

(i) in paragraph (a), by deleting the words “or wilfully” and substituting the words “and wilfully”; and

(ii) by deleting the concluding words and substituting the words “commits an offence and is liable on summary conviction to a fine of forty thousand dollars and to imprisonment for five years.”;

(j) by inserting after section 23, the following section:

“Solemnising the marriage of a person under eighteen years of age 23A. (1) A person who knowingly and wilfully solemnises the marriage of a person who is under eighteen years of age commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.

(2) A person who is convicted under subsection (1) shall cease to be eligible to hold a licence or to solemnise any marriage.

(3) The Registrar General shall publish a notice of the names of persons who are no longer entitled to hold a licence in the *Gazette*.

(4) A notice published under subsection (3) shall take effect on publication.”;

(k) in section 26, by inserting after subsection (1), the following subsections:

“ (1A) Regulations made under subsection (1) shall be laid before Parliament.

(1B) Regulations made under this section may provide that a breach thereof shall constitute a summary offence punishable by a fine not exceeding three thousand dollars and to imprisonment not exceeding six months.”; and

(l) by inserting after section 27, the following section:

“Savings 28. The repeal of any provision of this Act by the Miscellaneous Provisions (Marriage) Act, 2016 shall not affect any document made or any thing whatsoever done under the provision so repealed, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under the Act, shall continue to have effect.”.

(2) The Hindu Marriage Regulations are amended in Part III, in Form B—

(a) in the column “Counterfoil”—

(i) by deleting the words “Consent to marriage was given by... in writing/in person*”; and

(ii) by deleting the words “*Delete if not applicable. †To be filled in by Marriage Officer when notified by Registrar.”; and

(b) in the column “Certificate”—

(i) by deleting the words “(and that the consent of ... to the said marriage was given in writing/in person).*”; and

(ii) by deleting the words “*Delete if not applicable.”.

7. The Orisa Marriage Act is amended—

Chap. 45:04
amended

(a) by repealing section 9 and substituting the following section:

“Age at which a person may contract marriage” 9. (1) The age at which a person, being a member of the Orisa faith or religion, is capable of contracting a marriage is eighteen years.

(2) A marriage shall not be solemnised by a Marriage Officer if either of the parties to the marriage is under eighteen years of age.

(3) Where a marriage is contracted by proxy, the parties on whose behalf the proxy is contracting shall be in compliance with subsection (1).

(4) Nothing in subsection (1) affects the validity of a marriage solemnised before the commencement of the Miscellaneous Provisions (Marriage) Act, 2016, and any

such marriage is valid or becomes valid in any case where, if the Act had not come into force, it would be or would have become valid.”;

(b) in section 13(1)—

(i) by deleting the words “whose consent to a marriage is hereby required, or”; and

(ii) by deleting the words “the marriage” and substituting the words “a marriage”;

(c) in section 16(2), by deleting the words “six o’clock in the afternoon” and substituting the words “nine o’clock in the evening”;

(d) in section 20—

(i) by deleting the words “that any proof” and substituting the words “to give any proof”;

(ii) by deleting the word “is” and substituting the words “was, at the time of the marriage,”; and

(iii) by deleting all the words occurring after the word “law” and substituting the words “, nor shall any evidence be given to prove the contrary.”;

(e) in section 22(6)—

(i) in paragraph (a), by inserting after the semicolon the word “or”;

(ii) in paragraph (b), by deleting the semicolon and substituting a comma; and

(iii) by deleting paragraph (c) and the concluding words and substituting the following concluding words “commits an offence and is liable on

summary conviction to a fine of five thousand dollars and to imprisonment for six months.”;

- (f) in section 27, by deleting all the words occurring after the words “registered,” and substituting the words “commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.”;
- (g) in section 28, by deleting all the words occurring after the word “Registrar” and substituting the words “commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.”;
- (h) in section 29, by deleting all the words after the word “thereof” and substituting the words “respectively, commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.”;
- (i) in section 30—
 - (i) by deleting—
 - (A) the words “register book or certified copy thereof or of” and substituting the words “register or book, or”; and
 - (B) all the words after the words “keeping,” and substituting the words “commits an offence and is liable on summary conviction to a fine of forty thousand dollars and to imprisonment for five years.”;

- (ii) by renumbering section 30 as section 30(1);
- (iii) by inserting after section 30(1) as renumbered, the following new subsection:
 - “ (2) Any person having the custody of any certified copies of any register or book or any part thereof, who carelessly loses or damages the same or carelessly allows the same to be damaged whilst in his keeping, commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for two years.”; and
- (iv) in the marginal note, by deleting the word “document” and substituting the words “register, book or certified copy”;
- (j) in section 31, by deleting all the words after the word “Tobago” and substituting the words “commits an offence and is liable on conviction on indictment to a fine of forty thousand dollars and to imprisonment for five years.”;
- (k) in section 32—
 - (i) in paragraph (a), by deleting the words “or wilfully” and substituting the words “and wilfully”; and
 - (ii) by deleting the concluding words and substituting the concluding words “commits an offence and is liable on

summary conviction to a fine of forty thousand dollars and to imprisonment for five years.”;

(l) by inserting after section 32, the following new sections:

“Solemnising the marriage of a person under eighteen years of age 32A. (1) A person who knowingly and wilfully solemnises the marriage of a person who is under eighteen years of age commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.

(2) A person who is convicted under subsection (1) shall cease to be eligible to hold a licence or to solemnise any marriage.

(3) The Registrar General shall publish a notice of the names of persons who are no longer entitled to hold a licence in the *Gazette*.

(4) A notice published under subsection (3) shall take effect on publication.”;

(m) in section 36—

(i) by renumbering section 36 as section 36(1); and

(ii) by inserting after subsection (1) as renumbered, the following subsections:

“ (2) Regulations made under subsection (1) shall be laid before Parliament.

(3) Regulations made under this section may provide that a breach thereof shall constitute a summary offence punishable by a fine not exceeding three thousand dollars and to imprisonment not exceeding six months.”;

(n) by inserting after section 38 the following section:

“Savings 39. The repeal of any provision of this Act by the Miscellaneous Provisions (Marriage) Act, 2016 shall not affect any document made or any thing whatsoever done under the provision so repealed, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue to have effect.”; and

(o) in the Schedule—

(i) in Form C—

(A) by deleting all the words from the words “*And I” to the words “is necessary].”, inclusive; and

(B) by deleting the words “*To form part of the declaration when the party is under eighteen years of age and is not a widower or widow, otherwise to be deleted.”;

(ii) in Form D—

(A) by deleting all the words

from the words “*And we” to the words “is necessary].”, inclusive; and

(B) by deleting the words “*To form part of the declaration when either of the parties is under eighteen years of age and is not a widower or widow, otherwise to be deleted.”;

(iii) in Form E, by deleting the column in the table with the heading “Consent, if any, by whom given”; and

(iv) in Form F—

(A) in the column “Counterfoil”—

(AA) by deleting the words “Consent to marriage was given by..... in writing/in person*”; and

(AB) by deleting the words “*Delete if not applicable. To be filled in by Marriage Officer when notified by Registrar.”;

(B) by deleting the words “(and that the consent to the said marriage was given in writing/in person).*”; and

(C) by deleting the words “*Delete if not applicable.”.

Chap. 45:51
amended

8. The Matrimonial Proceedings and Property Act is amended in section 13(1)(a)—

- (a) by inserting after the words “Hindu Marriage Act” the words “, the Orisa Marriage Act”; and
- (b) in the marginal note, by inserting after the words “Chap. 45:02” the words “Chap. 45:04”.

Passed in the Senate this day of , 2016.

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate that is to say, by the votes of Senators.

Clerk of the Senate

I confirm the above.

President of the Senate

Passed in the House of Representatives this day
of , 2016.

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House that is to say, by the votes of members of the House.

Clerk of the House

I confirm the above.

Speaker

No. 1 of 2016

SECOND SESSION
ELEVENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Marriage Act, Chap. 45:01, the Muslim Marriage and Divorce Act, Chap. 45:02, the Hindu Marriage Act, Chap. 45:03, the Orisa Marriage Act, Chap. 45:04 and the Matrimonial Proceedings and Property Act, Chap. 45:51

Received and read the

First time

Second time

Third time
