

THE MARRIAGE ACT

(No. 4 of 2014)

IN EXERCISE of the powers conferred by sections 56 (3) and 94 of the Marriage Act, 2014, the Attorney-General makes the following Rules:—

THE MARRIAGE (HINDU MARRIAGE) RULES, 2017

1. These Rules may be cited as the Marriage (Hindu Marriage) Rules, 2017. Citation.

2. In these Rules, unless the context otherwise requires — Interpretation

“Act” means the Marriage Act, 2014;

“Council” means the Hindu Council of Kenya or any other body designated and recognized as such by the Hindu Community in Kenya;

“Hindu” has the meaning assigned to it under the Act;

“Hindu marriage” means a marriage contracted in accordance with the tenets of the Hindu faith;

“marriage officer” means a person appointed under section 52 of the Act, upon recommendation by the Council for purposes of these regulations.

3. (1) Where a man and a woman who adhere to the Hindu faith intend to marry under Part VI of the Act, they shall give to the Registrar a written notice of not less than twenty-one days and not more than three months, of their intention to marry.

Notice and
Registrars
certificate.

(2) The notice referred to in paragraph (1) shall be in Form MH1 as set out in the First Schedule.

(3) The parties to a proposed Hindu marriage shall swear an affidavit in form MH2 set out in the First Schedule before the Registrar confirming that there is no legal impediment to the intended marriage.

(4) The Registrar shall at any time after the expiration of twenty-one days and before the expiration of three months from the date of the notice in sub-rule (1), issue the applicant with a certificate in the form set out in Form MH3 set out in the First Schedule.

4. (1) Parties to a marriage may apply to the Registrar for a special licence in Form MH4 set out in the First Schedule.

Special Licence.

(2) The Registrar may, after considering the application under sub-rule (1), dispense with the notice required under regulation 3 and issue a special licence where—

- (a) any of the parties to the marriage is a foreign national;
- (b) both the parties to the marriage are foreign nationals;
- (c) the marriage is intended to be solemnised outside a licensed venue; or
- (d) the parties are unable for just cause to give the twenty-one day notice to the registrar of their intention to marry.

(3) A special licence shall be in Form MH5 set out in the First Schedule

5. (1) A Hindu marriage shall be conducted by a minister of faith licensed for that purpose by the Registrar under section 52(3) of the Act.

Licensing of
Hindu marriage
officers.

(2) A person shall be eligible for a licence under sub-rule (1) if the person—

- (a) is literate and demonstrates an understanding of the Hindu marriage process; and
- (b) is recommended by the Council by notice in writing to the Registrar.

(3) The Council shall forward the identification documents of the Ministers of faith in respect of whom a recommendation is made under sub-rule (2)(b).

(4) A licence under this Regulation shall be in Form MH6 set out in the First Schedule.

6. (1) There shall be issued in respect of every Hindu marriage a certificate in Form MH7 set out in the First Schedule

Registration of
Hindu marriages.

(2) The Registrar shall supply the Hindu Marriage certificates upon application by the Council for use for purposes of these Regulations.

7. (1) The Registrar shall establish and maintain a Register of Hindu Marriages into which shall be entered the details of the marriages contracted under these Regulations.

Marriage registers.

(2) The Registrar shall enter the details of each marriage certificate issued under section 56 (1) of the Act into the register referred to in subrule (1) in Form MH8 set out in the First Schedule.

8. (1) An application for a certified copy of a marriage certificate and a certified copy of the entry in the marriage register shall be in Form MH9 set out in the First Schedule.

Certified copy of marriage certificate and marriage register.

(2) A certified copy of a certificate of marriage shall be in Form MH10 set out in the First Schedule.

(3) A certified copy of an entry in the register shall be in Form MH11 set out in the First Schedule.

9. (1) Parties to a marriage contracted under the Hindu Marriage and Divorce Act (repealed) shall apply to the Registrar for the registration of that marriage in accordance with section 96(2) of the Act.

Registration of marriages performed under Cap 157 (Repealed).

(2) An application for registration under subregulation (1) shall be in Form MH12 set out in the First Schedule and shall be accompanied by—

- (a) a forwarding letter from the Hindu Council;
- (b) a certified copy of the marriage certificate or other documents certified by the Council evidencing the marriage; and
- (c) copies of identification documents.

(3) The Registrar shall, where satisfied with the application, issue the applicants with a certificate of marriage in accordance with these Regulations.

10. The fees for the items specified in the first column of the Second Schedule shall be as set out in the second column of the Second Schedule.

Fees.

REPUBLIC OF KENYA
MARRIAGE ACT, 2014

(r. 3(2))

FORM MH1

NOTICE OF MARRIAGE

Passport size
photo of groom

Passport size
photo of bride

To the Registrar of Marriages for the County of Kenya.

We hereby give notice that a marriage is intended to be entered into within three months from that date hereof between us the undersigned on the day of 20.....at in Kenya.

PART 1: PARTIES' DETAILS

Name	Condition	Occupation	Age	Residence & Address	Contacts
Bridegroom					
Bride					

PART 2: PARENTS' DETAILS

Groom's Parents		
Name	Occupation	Residence & Address
Father		
Mother		
Bride's Parents		
Name	Occupation	Residence & Address
Father		
Mother		

PART 3: PARTIES' DECLARATION

We solemnly declare that there is no impediment caused by relationship consanguinity or affinity and we know of no other legal impediment to the proposed marriage.

Bridegroom's signature.....

Bride's signature

Date.....

Date.....

Notes—

Any person who supplies false information to a Registrar or uses, gives or sends any certificate, document or declaration required for this marriage notice which is false or forged in any way is liable to prosecution.

Status can either be bachelor, spinster, widow, widower, divorced or married under customary law.

REPUBLIC OF KENYA
MARRIAGE ACT, 2014

(r. 3(3))

FORM MH2

AFFIDAVIT

I

of P. O. Box.....

make oath and state as follows—

7. That a marriage is to be solemnised between me and

.....
at

8. That I am aand the said

.....
is a(Indicate
marital condition)

9. That I have, for fifteen days immediately preceding this date, been resident at
..... in the county of

10. That neither I nor the said
is under the age of eighteen years.

11. That I solemnly declare that there is no impediment caused by relationship
consanguinity or affinity and we know of no other legal impediment to the
proposed marriage.

Sworn at this day of, 20.....

Before me

Registrar

(Signature of deponent)