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Kenya: Marriage registration and the issuance of related certificates

Introduction

The following note describes the procedures concerning marriage registration and the issuance of related certificates in the Republic of Kenya. It includes a brief description of the general administrative structure and the legislative framework behind the issuance of documentation related to marriage registration. Moreover, the note includes descriptions of marriage registration procedures and routines as well as appendixes with images of blank samples of the *Certificate of Marriage* and the *Certified Copy of Certificate of Marriage* (appendix 1 and 2, respectively).

This note is primarily based on interviews with a representative of the Registrar of Marriages Office in Nairobi in September 2019 and January 2020.

Administrative structure and legislative framework

The State Law Office and Department of Justice is the competent authority for reviewing and overseeing legal matters related to registration of companies, business names, adoptions and marriages.

The Registrar of Marriages is an entity under the State Law Office and Department of Justice with the responsibility for marriage registration and issuance of related certificates. The Registrar of Marriages is headquartered in Nairobi and oversees 11 regional offices and 23 county offices in Kenya.¹

The Registrar of Marriages operates in accordance with the *Marriage Act, 2014*, stipulating laws relating to marriage and divorce. The act was commenced on the 20 May 2014, replacing the former *Marriage Act, 2008*.²

¹ Marriage registrar, Nairobi, September 2019.

² The National Council for Law Reporting, Kenya Law, 2019.

The marriage registration process

Five kinds of marriages are legal in Kenya and can be registered by the Registrar of Marriages:

- Christian marriage
- Civil marriage
- Customary marriage (in accordance with customary rites of the communities of Kenya)
- Hindu marriage
- Islamic marriage

The minimum age for marriage is 18 years without exceptions. Before the Marriage Act, 2014, was implemented it was possible to marry younger than 18 years of age, if the legal guardian of the underage bride or groom gave his or her consent.³ It is not possible to marry by proxy for any other groups than Muslims.⁴

Clearance of registration and scheduling of the wedding

When a couple wishes to register their marriage, they will initially need a clearance of registration. This clearance is obtained by going to the registrar's office in person, presenting the following documents:

- National ID card or passport
- A passport sized facial photo

Furthermore, they will have to pay a fee of 600 Kenyan Schillings for a Notice of Marriage. The notice of their intended marriage will be displayed outside the marriage registrar's office for 21 days. During this timeframe objections to the marriage can be submitted.⁵

If no one has objected by the end of the 21 days, the couple can return to the registrar's office to carry on with the next step in pursuing the clearance of registration. Interviews with the couple will be conducted by the registrar's legal unit, during which potential issues will be considered, such as whether the marrying parties are above the legal age, if they are in a condition to make a decision of entering into a marriage as well as general marital statuses. If the legal unit finds that the interview does not qualify the couple for clearance, they will demand for a chief letter, confirming the information given by the couple, to be collected from the relevant local chief. When the legal unit is content, the marrying parties

³ Marriage registrar, Nairobi, September 2019.

⁴ Marriage registrar, Nairobi, January 2020.

⁵ Marriage registrar, Nairobi, September 2019.

will each need to sign a sworn affidavit stating their marital status and that the information given is true, leading to clearance of registration.⁶

If the wedding is to take place at the registrar's office, the couple will be given a date for the wedding, and they will have to pay the marriage registration fee of 3,300 Kenyan Schillings. The wedding date will be scheduled within three months from the initial application date of the clearance of registration.⁷

If the marriage is going to take place in a church, the couple will have to pay 800 Kenyan Schillings in order to get a *registrar certificate*, which they will need to present to the church. The *registrar certificate* will normally be issued seven days after the request has been made and it will have a clearly stated expiration date.⁸

Finally, if the wedding is going to take place elsewhere than the registrar's office or the church, a special license of the wedding venue is required, which comes at a fee of 7,200 Kenyan Schillings.⁹ If the wedding takes place at the registrar's office, the registrar is both the solemniser and registrar of the event, whereas if the wedding takes place in a religious venue the religious authority is the solemniser and the registration is done afterwards by the registrar's office.¹⁰

Exemption from the 21-days' notice through special license

It is possible to get dispensation from the normal 21-days' notice period by applying for a special license. In this case, the couple will have to provide documentation as to why they should be exempted from the 21-days' notice, for example due to medical reasons, work related reasons or perhaps because they will be going abroad for a holiday. The documentation includes travel documents (actual tickets), visas (as proof of legal stay abroad) or contact details of persons who can confirm the information.¹¹

Marriage including foreign national(s)

When a marriage registration includes one or two foreign national(s), additional documentation is required:

- Original birth certificates
- Certificate of no impediment to marriage (documenting that the holder is not already married)
- Documentation of divorce (if relevant)
- Certificate of death (if widowed)

⁶ Marriage registrar, Nairobi, September 2019.

⁷ Marriage registrar, Nairobi, September 2019.

⁸ Marriage registrar, Nairobi, September 2019.

⁹ Marriage registrar, Nairobi, September 2019.

¹⁰ Marriage registrar, Nairobi, January 2020.

¹¹ Marriage registrar, Nairobi, September 2019.

- Proof of legal stay in Kenya

For foreigners it is possible to pre-send the required documentation for a faster process upon arrival in Kenya. This could for example be relevant in cases of holiday-marriages.¹²

The wedding and issuance of the certificate of marriage

At the actual marriage, registration of a civil marriage, the wedding and registration will take place in the marriage registrar's office. The couple can invite several guests to join the event if they please. The registrar, the bride, the groom and two witnesses will sign the certificate of marriage. If the wedding takes place in a church, the priest will sign instead of the registrar. The registrar, the bride and the groom will each receive a certificate of marriage.¹³ The certificate of marriage is issued on the same day as the solemnisation of the marriage.¹⁴

The Registrar of Marriages Office in Nairobi will scan the certificate of marriage and place it in their hard-copy archive. They keep the full "package" of marriage; the 21-days' notice with passport sized pictures of the marrying parties attached, the affidavit that each of the parties has signed, the registrar's certificate (form MA3) and the certificate of marriage.¹⁵

If local branches outside of Nairobi register a wedding, they will issue the certificate of marriage and collect them in physical marriage books. The marriage books from around the country will be brought back to the Registrar of Marriages Office in Nairobi to be archived when the books are full. In Nairobi, they verify that each individual marriage form is accounted for before giving the local registrar a new book containing the blank forms.¹⁶

Tactical and technical features of the certificate of marriage

Form number, serial number and reference number

The document encloses a form number in the top left corner "FORM MA1" as well as a serial number in the top right corner. The serial number of the certificate of marriage is individual and corresponds to the page in the marriage book, where the form was attached before issuance. Above the signatures of the registrar, the couple and the two witnesses, a reference number is stated, i.e. the number of the registrar's certificate/special license (please refer to appendix 1).¹⁷

¹² Marriage registrar, Nairobi, September 2019.

¹³ Marriage registrar, Nairobi, September 2019.

¹⁴ Marriage registrar, Nairobi, January 2020.

¹⁵ Marriage registrar, Nairobi, September 2019.

¹⁶ Marriage registrar, Nairobi, September 2019.

¹⁷ Marriage registrar, Nairobi, September 2019.

Muslim marriage certificates have a different layout. The Danish National ID Centre has seen a specimen with “FORM MM3” written in the top left corner.

Paper colour

The document is on white paper, except for the Hindu certificate of marriage, which is on yellow paper.¹⁸

Signatures

Seven persons at the registrar’s office in Nairobi can sign a certificate of marriage.¹⁹

Lost certificate of marriages

It is not possible to have a new or a duplicate of the certificate of marriage if it for example is lost. Instead, it is possible to get a certified copy of certificate of marriage.²⁰

Correction of errors in the certificate of marriage

When the marriage is registered for the first time the couple is asked to verify the information that has been registered in order to prevent errors in the issued document. In case of errors, the owner can pinpoint them and the registrar’s office will correct them. The owner must provide documentation to support his or her claim, such as a document containing the correct information before the certificate of marriage will be amended.²¹

Certified copy of certificate of marriage

If the certificate of marriage is lost, a certified copy of certificate of marriage can be issued from the Marriage Registrar’s Office in Nairobi (please refer to appendix 2). It is not possible to get a new or a duplicate of the certificate of marriage.²²

Currently, the certified copy of certificate of marriage is on white paper. Earlier, it was on yellow paper. The certified copy of certificate of marriage will bear a seal and it is possible to have it verified at the registrar’s office. It will only be valid for one year from the date of issue. It will take seven days to issue.²³

¹⁸ Marriage registrar, Nairobi, September 2019.

¹⁹ Marriage registrar, Nairobi, September 2019.

²⁰ Marriage registrar Nairobi, September 2019.

²¹ Marriage registrar, Nairobi, January 2020.

²² Marriage registrar, Nairobi, September 2019.

²³ Marriage registrar, Nairobi, September 2019.

References

Written source

The National Council for Law Reporting, Kenya Law (2019): The Marriage Act, 2014, No. 4 of 2014 (http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/TheMarriage_Act2014.pdf), retrieved 22 April 2022.

Oral sources

Marriage registrar (September 2019): Interviewed in Nairobi, Kenya.

Marriage registrar (January 2020): Interviewed in Nairobi, Kenya.

Appendix 1

Blank sample of the certificate of marriage (as of 2014):

FORM MA1 ¹

REPUBLIC OF KENYA
THE MARRIAGE ACT, 2014
CERTIFICATE OF MARRIAGE

r. 3(2) N^o 117 ²

Marriage solemnised at in Sub-county County in the Republic of Kenya.

Date of marriage:	Marriage Entry No:	
Bridegroom's name:	Age:	Marital status:
Residence at the time of marriage:	County:	Sub-county:
Occupation:		
Father's name:	Mother's name:	
Occupation:	Occupation:	
Residence:	Residence:	
Bride's name:	Age:	Marital status:
Residence at the time of marriage:	County:	Sub-county:
Occupation:		
Father's name:	Mother's name:	
Occupation:	Occupation:	
Residence:	Residence:	

Married in the By Registrar's Certificate/Special License No. ³

This marriage was solemnized between { } (in the presence of) { }

GPK (L) 648-1m-11/2014

- 1) Form number
- 2) Serial number (individual and corresponds to the page in the marriage book, where the form was placed before issuance)
- 3) The number of the Registrar's Certificate/Special License (also known as the reference number)

The document paper is white, except for the paper used for the Hindu certificate of marriage, which is yellow.

Appendix 2

Blank sample of the certified copy of certificate of marriage (as of 2014):

FORM MA12 ¹

REPUBLIC OF KENYA
THE MARRIAGE ACT, 2014

CERTIFIED COPY OF CERTIFICATE OF MARRIAGE

r. 9(2)

Nº 014 ²

Marriage solemnised at in Sub-county, County in the Republic of Kenya.

Date of marriage:	Entry no:	
Husband's name:	Age:	Marital status:
Residence at the time of marriage:	County:	Sub-county:
Occupation:		
Husband's father's name:	Occupation:	Residence:
Husband's mother's name:	Occupation:	Residence:
Wife's name:	Age:	Marital status:
Residence at the time of marriage		
Occupation:		
Wife's father's name:	Occupation:	Residence:
Wife's mother's name:	Occupation:	Residence:

Married in the By Registrar's Certificate/Special License No: ³

This marriage was solemnized between { } by (in the presence of) { }

Certified to be a true copy of a certificate of marriage.
Given under the seal of the Registrar on the day of 20.....

Notes—Any person who (1) falsifies any of the particulars of the certificate, or (2) uses a falsified certificate as true copy knowing it to be false, is liable to prosecution.

Typed by
Checked by

GNK 01333—1a—4/2014

- 1) Form number
- 2) Serial number (individual and corresponds to the page in the marriage book, where the form was placed before issuance)
- 3) The number of the registrar's certificate/special license (also known as the reference number)

The document paper is white. Previously, it was yellow.