

CHAPTER 33

CUSTOMARY MARRIAGES (SPECIAL PROVISIONS) LAW

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CHAPTER 33

CUSTOMARY MARRIAGES (SPECIAL PROVISIONS) LAW

A law to regulate the age of marriage and dowry payable in customary marriages.

27th August 199

1. This Law may be cited as Customary Marriages (Special Provisions) Law.
2. In this Law—

Short title

“court” means the High Court, a Magistrate’ Court and a Customary Court.

Definition

“Dowry” means any gift or payment, in money, natural produce, brass rods, cowries or in any other kind of property whatsoever to a parent or guardian of a female person on account of a marriage of that person which is intended or has taken place;

“incidental expenses of a marriage” means customary gifts or payments, other than dowry, made or incurred, on account of a marriage, before, at the time of, or after that marriage;

“marriage means a marriage under customary law, that is to say, any marriage other than a marriage contracted under the Marriage Act;

“Value” means the market value in the locality in which the marriage is intended to take place or has taken place.

3. (1) A marriage, or promise or offer of marriage between or in respect of person either of whom is under the age of sixteen shall be void:

Provided that, in any proceedings against any person charged under sections 200,203,204, or 255 of the Criminal Code, it shall be sufficient defence to prove that at the time when the offence is alleged to have been committed he had reasonable cause to believe that the girl in respect of whom it is alleged to have been committed was his wife.

(2) Nothing in this Law shall affect any marriage contracted before the passing of this Law and any such marriage shall be or become valid in any case where, if' this Law had not been passed, it would be or become valid

4. Notwithstanding any custom or practice —

(a). where no incidental expenses of a marriage are paid by the husband or intended husband or on his behalf dowry shall not exceed in amount or value the sum of sixty naira;

(b). when incidental expenses of a marriage are paid by the husband or intended husband or on his behalf dowry shall not exceed in amount or value the sum of fifty naira and the incidental expenses aforesaid shall not exceed in amount or value the sum of ten naira

5. (1) Where there is intended a marriage, or a marriage takes place, which under section 3, would be or is void, any person who on account of the marriage —

(a). asks, receives or obtain, or agree or attempts to receive or obtain, any property or benefit of any kind for himself or any other person, or

(b). gives, confers or procures, or promises or offer* to give or confer, or to procure or attempt to procure, upon, or for, any person, any property or benefit of any kind, is guilty of an offence.

(2)It shall be no defence for in person charged under this section that he did not know or did not have reason to believe that the marriage would be void unless he proves that, before he did one or other of the thing prohibited by paragraph (a) or (b) of subsection (I), he took reasonable steps to verity the ages of the persons to the marriage.

(3). For the purpose of proof of the age of any person in connection with a prosecution under this law, the opinion on oath of a duly qualified medical practitioner as to that age shall be sufficient and shall not be questioned in any court.

6. Any person who —

(a). asks, receives, or obtains, or agrees or attempts to receive or obtain, for himself or any other person, any dowry in excess of the maximum prescribed in section 4; or

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(b). gives, or pay, or promises or offer to gives or pay to any person my dowry in excess of the maximum prescribed in section 4; or

(c). incurs, or promises or offers to incur attempts to incur any incidental expenses of a marriage in excess of the maximum prescribed in section 4;

shall be guilty of an offense

7. (1) No court shall —

(a). entertain or continue any suit or proceeding; or

(b). pass any decree or order: or

(c). execute wholly or partially any decree or order;

if the claim involved in such a suit or proceeding or if the passing of the decree or order or if such execution would be in any way contrary to be provisions of this Law.

(2) No court shall, in adjudicating any matter or executing any decree or order, recognize any marriage or promise or offer of marriage, which is avoided by this Law.

8. Any person who is guilty of any offence under the provisions of this law shall be liable upon conviction to a fine not exceeding two hundred naira or to a term of imprisonment not exceeding six months.

Court shall
keep within
it jurisdiction

Penalty