

CHAPTER 218A

MARRIAGE

1978-40

This Act came into operation on 23rd April, 1979.

Amended by:

1979-13

1982-27

1994-22

1979-32

1983-2

1980-55

1994-11

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1979

1985

1995

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 218A

MARRIAGE 1978-40

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FIRST SCHEDULE

PROHIBITED DEGREES OF RELATIONSHIP

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CONSENT REQUIRED TO MARRIAGE OF A MINOR

**BARBADOS****MARRIAGE
1978-40**

An Act to revise and consolidate the law relating to marriage.

[Commencement: 23rd April, 1979]

**PART I
PRELIMINARY****Short title**

1. This Act may be cited as the *Marriage Act*.

Interpretation

2. For the purposes of this Act
“brother” includes a brother of the half-blood;
“church” includes chapel, meeting-house or place set aside for religious worship;
“civil marriage” means a marriage solemnised by a magistrate under section 31;

“magistrate’s certificate” means a certificate for marriage issued by a magistrate under section 24;

“marriage *in extremis*” mean a marriage solemnised under Part VII;

“marriage licence” means a marriage licence issued under section 20;

“marriage officer” means a person appointed to be a marriage officer under Part III whose appointment is still in force under that Part;

“minor” has the meaning assigned to it by the *Minors Act*, Cap. 215;

“Registrar” means the Registrar of the Supreme Court;

“religious marriage” means a marriage solemnised by a marriage officer under section 27;

“sister” includes a sister of the half-blood.

PART II

PROHIBITED AND VOID MARRIAGES

Prohibited marriages

3.(1) A marriage solemnised between a man and a woman standing to him in any of the relationships mentioned in column 1 of the *First Schedule* or between a woman and a man standing to her in any of the relationships mentioned in column 2 thereof is void.

(2) Any relationship specified in the *First Schedule* includes a relationship traced through, or to, a person who is or was an adopted child, and for that purpose the relationship between an adopted child and his adoptive parent, or each of his adoptive parents, shall be deemed to be or to have been the natural relationship of child and parent.

- (3) For the purposes of this section
- (a) a person who has at any time been adopted by another person shall be deemed to remain the adopted child of that other person, notwithstanding that any order by which the adoption was effected has been annulled, cancelled or discharged or that the adoption has for any other reason ceased to be effective; and
 - (b) a person who has been adopted on more than 1 occasion shall be deemed to be the adopted child of each person by whom he has been adopted.
- (4) The Minister may, by order, subject to affirmative resolution, amend or vary the *First Schedule*.

[1979-32]

Marriage between persons under 16 years void

4.(1) A marriage solemnised between persons either of whom is under the age of 16 years is void.

(2) Nothing in subsection (1) affects the validity of a marriage solemnised before 23rd April, 1979, and any such marriage is or becomes valid in any case where, if this Act had not been passed, it would be or would have become valid.

Void marriages in other cases

5.(1) Subject to section 34 and Part VII, a marriage between 2 persons solemnised

- (a) without due publication of banns of marriage, a marriage licence or magistrate's certificate;
- (b) on the purported authority of void banns of marriage a void marriage licence or magistrate's certificate; or
- (c) by a person who is not a marriage officer or magistrate, is void.

- (2) A marriage solemnised between two persons is void where—
- (a) either person is, at the time of the marriage, lawfully married to another person;
 - (b) the marriage is not a valid marriage under the law of the place where the marriage takes place, by reason of a failure to comply with the requirements of the law of that place with respect to the form of solemnisation of marriages; or
 - (c) the consent thereto of either person is not a real consent because—
 - (i) it was obtained by duress or fraud;
 - (ii) one person was mistaken as to the identity of the other person or as to the nature of the ceremony performed; or
 - (iii) one of the persons was mentally incapable of understanding the nature and effect of the ceremony performed.

PART III

MARRIAGE OFFICERS

Appointment of ministers of religion as marriage officers

- 6.(1)** Subject to subsection (3), the Minister may, by instrument in writing, appoint persons to be marriage officers for Barbados.
- (2) The Minister may, by instrument in writing, delegate the power conferred on him by subsection (1) to a public officer, but such a delegation does not prevent the Minister from exercising such power.
- (3) No person shall be appointed under this section unless he satisfies the Minister—
- (a) that he has been ordained or appointed according to the rites and usages of the religious body to which he belongs, or is, by the rules of that religious body, deemed ordained or appointed;

- (b) that he is duly recognised by the religious body to which he belongs as entitled to solemnise marriages according to its rites and usages;
 - (c) that the religious body to which he belongs is permanently established, both as to the continuity of its existence and as to its rites and ceremonies; and
 - (d) subject to subsection (4), that he is resident in Barbados or has his parish or pastoral charge in whole or in part in Barbados.
- (4) The Minister may appoint as a marriage officer for a specified period a person who, though not resident in Barbados, is in Barbados temporarily and otherwise satisfies the requirements of paragraphs (a) to (c) of subsection (3).
- (5) Notwithstanding subsection (3), where it appears to the Minister that the doctrines of a religious body referred to in paragraph (c) of that subsection do not recognise any person as authorised to solemnise marriages, the Minister may appoint a person duly designated by the governing authority of the religious body who shall, in respect of marriages performed according to the rites, usages and customs of the religious body, perform all the duties imposed by this Act on a person solemnising the marriage.
- (6) Where a person appointed pursuant to subsection (5) performs the duties referred to in that subsection, every marriage solemnised according to the rites, usages and customs of the religious body referred to in that subsection is valid.

Application for appointment as marriage officer

7. An application for appointment as a marriage officer shall be in writing in the prescribed form, shall contain the prescribed matters, and shall be addressed to the Registrar, who shall immediately transmit it to the Minister or to a person designated by the Minister.

Tenure of office of marriage officer

8.(1) A marriage officer when duly appointed holds office until it is notified in the *Official Gazette* that he ceases to be a marriage officer.

- (2) A marriage officer shall immediately notify the Registrar if he ceases to satisfy any of the requirements specified in section 6 (3).
- (3) A marriage officer may resign his office by instrument in writing addressed to the Registrar, and the Registrar shall cause a notice of the resignation to be published in the *Official Gazette*, and the resignation takes effect from the date of the publication of the notice.

Cancellation of registration and right of appeal

- 9.(1)** Where it appears to the Minister that a person appointed as a marriage officer ceases to possess the qualifications entitling him to be so appointed, or for any other cause, the Minister may revoke such appointment, and any such revocation and the reasons therefor shall be published in the *Official Gazette*.
- (2) A person whose appointment as a marriage officer is revoked under subsection (1) may appeal, by originating summons, to a Judge in chambers within 14 days after the revocation and the reasons therefor have been published pursuant to subsection (1) and the decision of the Judge shall be final.
- (3) A person whose appointment as a marriage officer is revoked under subsection (1) shall cease to perform the functions of a marriage officer until the determination of his appeal.
- (4) Any person who contravenes subsection (3) is guilty of an offence and liable on summary conviction to a fine of \$500 or imprisonment for 6 months or both.

Notice of change

- 10.** The Head, Superintendent or Supervisor of every religious body, members of which are appointed marriage officers under this Act, shall, within 7 days after such member so appointed has died or ceased to reside in Barbados or has ceased to be associated with such religious body, notify the Minister of that fact.

Register of marriage officers

11.(1) The registrar shall keep a register of marriage officers in the prescribed form.

(2) The Registrar shall cause the list of marriage officers to be published in the *Official Gazette* in the month of January of each year.

[1982-27; 1983-2]

(3) Where a marriage officer changes his postal address as last recorded in the register of marriage officers, he shall immediately notify that fact in writing to the Registrar.

(4) All appointments, revocations of appointments and changes of postal address of marriage officers shall be published in the *Official Gazette*.

Temporary absence of marriage officer from Barbados

12. A marriage officer who intends to be temporarily absent from Barbados and to whose church no other marriage officer is appointed shall notify the Registrar of his intention and shall make arrangements to the satisfaction of the Registrar for the custody of the registers provided by the Registrar under this Act.

Manner of transmitting applications etc.

13.(1) Where a marriage officer belongs to a denomination, faith or creed having a recognised Head, Superintendent or Supervisor, an application, a notification or resignation required by or under this Part to be made, given or addressed by him to the Registrar shall be forwarded through that Head, Superintendent or Supervisor, as the case may be.

(2) A Head, Superintendent or Supervisor referred to in subsection (1) shall immediately transmit to the Registrar any application, notification or resignation received by him pursuant to that subsection.

PART IV
PRELIMINARIES FOR MARRIAGE

Authority for solemnising religious marriages

14.(1) Subject to subsection (2) no religious marriage, other than a marriage *in extremis*, may be solemnised under Part VI unless there is produced to the marriage officer solemnising it

- (a) a certificate of the due publication of valid banns of marriage; or
- (b) a valid marriage licence,

issued under this Part.

(2) Where a marriage is solemnised by a marriage officer in a church in which banns of that marriage have, within the immediately preceding 3 months, been duly published, it is not necessary to produce a certificate of the publication of banns in that church.

Authority for solemnising civil marriages

15. No civil marriage, other than a marriage *in extremis*, may be solemnised under Part VI unless there is produced to the magistrate solemnising it

- (a) a valid marriage licence; or
- (b) a valid magistrates's certificate.

Publication of banns

16.(1) When a marriage is to be solemnised under the authority of published banns, the marriage officer or other person officiating under his control shall openly and in an audible voice during religious service on 3 consecutive Sundays

within a period not exceeding 3 months proclaim the intention of such persons to marry, and where

- (a) the persons intending to marry are in the habit of attending religious worship at a particular church, at that church; or
 - (b) the parties are in the habit of attending religious worship in more than 1 church, in each such church.
- (2) The banns shall be published according to the denomination, faith or creed of the church in which they are published.
- (3) Where the usage of any denomination, faith or creed substitutes any day other than Sunday as the usual and principal day of the week for the celebration of religious service, the banns shall be published on that other day as provided in subsection (1).

Notice to be given to marriage officer before publication of banns

17. Banns of marriage of persons intending to marry shall not be published unless, at least 2 days before the time required for the first publication of the banns, there is delivered to the marriage officer a notice in writing in the prescribed form stating in relation to such persons

- (a) their true names, surnames, ages and places of residence; and
- (b) whether either of them, and, if only one, which of them, has previously been married,

and the notice shall further contain a statement signed by both of those persons that they know of no lawful impediment to their marriage with each other.

Void banns

18.(1) Banns of marriage, whether published before or after 23rd of April, 1979, are void if 3 months have elapsed since the last publication thereof without the marriage to which they relate having been solemnised.

(2) Where banns of marriage become void under subsection (1), the persons intending to marry may not be married by banns unless fresh banns of marriage are published in accordance with section 17.

Certificate of publication of banns

19.(1) The marriage officer officiating at a church in which banns of marriage have been published in accordance with section 17 shall, unless the banns are void, issue on payment of the prescribed fee at the request of the persons to whose intended marriage they relate, or either of them, a certificate in the prescribed form of the due publication of such banns.

(2) The Registrar shall provide for the use of every marriage officer a register in the prescribed form, and banns of marriage shall be published from that register, and after publication shall be signed by the officiating marriage officer or by some person under his direction.

(3) Marriage registers provided by the Registrar under this Act are the property of the Crown.

Issue of marriage licences

20.(1) Marriage licences shall be issued by the Minister or other person authorised by the Minister by instrument in writing to issue marriage licences.

(2) An application for a marriage licence shall be made in writing to the Minister in the prescribed form and shall state

- (a) the names and surnames of the persons intending to marry, the age, and profession or occupation of each of them and whether they are respectively single, widowed or divorced;
- (b) *[Repealed by 1994-11.]*
- (c) the place where, and the marriage officer or magistrate, as the case may be, by whom, the marriage is to be solemnised,

and the application shall further contain a statement by the persons intending to marry that they know of no lawful impediment to their marriage with each other.

(3) When either of the persons intending to marry is a minor a licence shall not be issued until the consent to the marriage required by section 26 has been first obtained.

(4) An application under subsection (2) shall be signed by both persons intending to marry and shall be accompanied by such evidence of the statements contained therein as the Minister requires.

(5) Before a marriage licence is issued for the marriage of any person who is not known to the Minister or the person authorised by the Minister pursuant to subsection (1), the person issuing the licence shall call upon the applicant to make an affidavit to be sworn before him in the prescribed form.

(6) A marriage licence shall be in the prescribed form, signed by the person issuing it and addressed to the marriage officer or magistrate by whom the marriage is to be solemnised.

(7) The prescribed fee shall be paid for the issue of a marriage licence.

21. *[Repealed by 1994-11.]*

Void licences

22. A marriage licence is void if 3 months have elapsed since its issue without the marriage to which it relates having been solemnised and the persons intending to marry may not be married by licence until a fresh marriage licence is issued in accordance with section 20.

Civil marriage without licence

23.(1) Where persons intending to marry desire the marriage to be solemnised by a magistrate without a marriage licence, each of them shall give notice, in the prescribed form, to that magistrate.

- (2) A notice under subsection (1) shall state
- (a) the names and surnames of the persons intending to marry, their respective places of residence, and the profession or occupation of each of them; and
 - (b) whether either of them has been previously married.
- (3) A magistrate to whom a notice under subsection (1) is given shall immediately enter in the Register provided by the Registrar for the purpose, referred to in this Part as the “Marriage Notice Book”, a true copy of the notice.

[1994-11]

Issue of magistrate’s certificate

24. Upon completion of the ceremony of marriage the magistrate shall, on payment of the prescribed fee, issue a certificate of marriage in the prescribed form.

[1994-11]

Void magistrate’s certificate

25. A magistrate’s certificate is void if 3 months have elapsed since its issue without the marriage to which it relates having been solemnised, and before the parties can be married by magistrate’s certificate a fresh notice shall be given under section 23 as if no steps had previously been taken for the issue of such certificate.

PART V
PROVISIONS RELATING TO MINORS

Minors

26.(1) Where one of the persons intending to marry is a minor, banns of marriage shall not be published nor shall a marriage licence or magistrate's certificate be issued under this Part until the consent of the person specified in the *Second Schedule* is obtained.

(2) The consent referred to in subsection (1) is not required in respect of a person who is a widow, widower or divorced.

(3) If a consent to a marriage required by subsection (1) cannot be obtained because a person who may give it

- (a) is *non compos mentis* or otherwise incapable of so doing;
- (b) is out of Barbados, or cannot be found in Barbados, or is otherwise not available; or
- (c) unreasonably refuses to do so,

a Judge may, in his discretion, on application being made to him by originating summons by either person intending to marry, make an order dispensing with the consent required by subsection (1).

(4) An application may be made under subsection (3) without the intervention of a next friend.

PART VI
SOLEMNISATION OF MARRIAGES

Religious marriages

27.(1) Subject to subsection (2), a religious marriage, other than a marriage *in extremis*, shall be solemnised

- (a) between the hours of 6.00 a.m. and 9.30 p.m.;
- (b) by a marriage officer in the presence of at least 2 witnesses, other than the marriage officer; and
- (c) according to the rules, forms, usages and ceremonies of the denomination, faith or creed to which the marriage officer belongs.

(2) During the ceremony the consent of each party to the marriage to accept the other as his wife or her husband, as the case may be, shall be clearly expressed in the presence of the marriage officer and the witnesses.

(3) Immediately after a religious marriage is solemnised, the marriage officer shall make an entry thereof in the prescribed form

- (a) in a properly bound register; and
- (b) on a separate piece of paper, in this Act referred to as a “duplicate original register”,

provided by the Registrar and kept by the marriage officer for the purpose, and each entry shall state that the marriage was solemnised by banns or by marriage licence, as the case may be, and shall be signed by the marriage officer and by the persons married and be attested by the witnesses.

(4) Nothing in this section shall be construed as imposing on a marriage officer any obligation to solemnise a marriage before 9.00 a.m. or after 6.00 p.m.

Power of marriage officer to refuse to act

- 28.** A marriage officer may refuse to solemnise
- (a) a marriage which is contrary to, or desired to be solemnised otherwise than is prescribed by, the rules, forms, usages and ceremonies of the denomination, faith or creed to which he belongs; or
 - (b) a marriage between persons which is forbidden by the rules, forms, usages and ceremonies of the denomination, faith or creed to which he belongs.
- 29.** *[Repealed by 1994-22.]*

Marriage certificate

- 30.** Any person who solemnises a marriage shall, at the time of the marriage, if required by either of the parties thereto, issue to such person a certificate of the marriage in the prescribed form and on payment of the prescribed fee.

Magistrate to solemnise marriage within his district

- 31.(1)** A magistrate may between the hours of 6.00 a.m. and 9.30 p.m.
- (a) on the receipt of a valid marriage licence addressed to him; or
 - (b) on the production of a valid magistrate's certificate,
- and on payment of the prescribed fee, solemnise within his district the marriage of persons named therein at his office or any private place within his district in the presence of at least two witnesses.
- (2) The magistrate shall put to each of the persons intending to marry the following questions—
- “ Are you A.B. (C.D.) of the age of sixteen years or over?”

and each of those persons in the presence of the magistrate and the witnesses shall make the following declaration—

“ I A.B. do solemnly declare that I know of no lawful impediment why I should not be married to C.D.”

and shall in such presence say to the other—

“ I A.B. call upon the persons here present to witness that I do take you C.D. to be my lawful wedded wife (or husband)”;

and thereupon the persons shall be deemed to be lawfully married.

(3) Immediately after a civil marriage is solemnised the magistrate shall make an entry thereof in the prescribed form—

(a) in a properly bound register; and

(b) in a duplicate original register,

provided by the Registrar and kept by the magistrate for the purpose, and each entry shall state that the marriage was solemnised under the authority of a marriage licence or magistrate’s certificate and shall be signed by the magistrate and by the persons married and be attested by the witnesses.

(4) Nothing in this section shall be construed as imposing on a magistrate any obligation to solemnise a marriage before 9.00 a.m. or after 6.00 p.m.

Addition of religious ceremony to civil marriage

32.(1) Subject to subsection (2), where a civil marriage is solemnised between persons who desire to add to that marriage the religious ceremony used by the denomination, faith or creed to which either of them belongs, they may present themselves to a marriage officer of that denomination, faith or creed, who, upon production of a copy of the entry of their civil marriage made in the register under section 31 (3), may perform that ceremony.

(2) Nothing in a ceremony performed under subsection (1) supersedes or invalidates the civil marriage previously solemnised, and the marriage officer

may not enter the fact of the performance of that ceremony in a register kept by him under section 27 (3).

Protection of persons solemnising marriage in good faith

33. No person who solemnises or purports to solemnise a marriage is subject to any action or liability by reason of there having been any legal impediment to the marriage unless at the time he performed the ceremony he was aware of the impediment.

Marriages solemnised in good faith

34. Notwithstanding section 5, if the parties to a marriage solemnised in good faith and intended to be in compliance with this Act are not under a legal disqualification to contract such marriage and after such solemnisation have lived together and cohabited as man and wife, such marriage shall be deemed a valid marriage, notwithstanding that the person who solemnised the marriage was not authorised to solemnise marriages, and notwithstanding the absence of, or any irregularity or insufficiency in, the publication of banns, or the issue of a marriage licence or magistrate's certificate under Part IV.

PART VII

MARRIAGES IN EXTREMIS

Marriage *in extremis*

35.(1) Subject to this section, a marriage officer or magistrate may solemnise a marriage without due publication of banns or a marriage licence or magistrate's certificate issued under Part IV in any place in Barbados and at any time where the marriage is between two persons one of whom he believes—

- (a) from the certificate of a medical practitioner, if a medical practitioner has been in attendance on that person; or

- (b) from his own observation, if no medical practitioner has been in attendance on that person or it appears to him impossible to obtain in time the certificate of a medical practitioner who has been in attendance on that person,

to be very ill and likely to die, and that person declares before the marriage is solemnised that he believes that he is at the point of death.

(2) A marriage shall not be solemnised under subsection (1) unless both of the persons intending to marry signify their consent thereto in the presence of at least two witnesses.

(3) Immediately after a marriage is solemnised under subsection (1), the marriage officer or magistrate solemnising it shall make an entry thereof in the prescribed form in a properly bound register and in a duplicate original register provided by the Registrar and kept by the marriage officer or magistrate, as the case may be, for the purpose, and such marriage officer or magistrate shall attach to the duplicate original register the certificate of the opinion of the medical practitioner or of his own opinion, as the case may be, that the person who is ill was likely to die.

(4) A marriage solemnised under subsection (1) is void if any provision of this section is not complied with.

(5) A certificate to be given by a medical practitioner, marriage officer or magistrate for the purposes of this section shall be in the prescribed form and the fee to be paid to a medical practitioner for such a certificate shall be such as may be prescribed.

PART VIII
MISCELLANEOUS

Numbering and returns of entries in marriage registers

36.(1) Entries made in a register under Part VI or VII and every duplicate original register in respect of each year shall be numbered progressively to the end of the year, the first entry to be distinguished by the number “1”.

(2) Within the first 10 days of every month a marriage officer or magistrate shall transmit all duplicate original registers made during the preceding month by him under Parts VI and VII to the Registrar who shall register the same in accordance with the *Vital Statistics Registration Act, Cap. 192A*.

37. Any person who knowingly and wilfully solemnises a marriage —

(a) other than a marriage *in extremis*

(i) at a time other than the appropriate time specified in this Act,

(ii) without due publication of banns, or a marriage licence or magistrate’s certificate issued under Part IV,

(iii) more than 3 months after the last publication of banns or the issue of a marriage licence or magistrate’s certificate; or

(b) by falsely pretending to be a marriage officer or a magistrate,

is guilty of an offence and liable on summary conviction to a fine of \$1 000 or imprisonment for 12 months or both.

False statements

38. Any person who knowingly makes any false statement in any document required under this Act is guilty of an offence and liable on summary conviction to a fine of \$1 000 or imprisonment for 12 months or both.

Assisting at a marriage solemnised contrary to section 35

39. Any person who knowingly and wilfully aids, promotes or assists at a marriage solemnised in contravention of section 35 is guilty of an offence and liable on summary conviction to a fine of \$1 000 or imprisonment for 12 months or both.

Person omitting or refusing to enter particulars in register

40. Any person who refuses or without reasonable cause omits to enter in a register any particulars relating to a marriage or intended marriage which he is by this Act or any other law required so to enter is guilty of an offence and liable on summary conviction to a fine of \$500 or imprisonment for 6 months or both.

Contravention of section 10, 11 (3) or 13

41. Any person who, without reasonable excuse, contravenes section 10, 11 (3) or 13 (1) or (2) is guilty of an offence and liable on summary conviction to a fine of \$50, and in the case of a continuing offence to a fine of \$10 for each day during which it continues after a conviction is first obtained.

Limitation of prosecution

42. Notwithstanding section 115 of the *Magistrates Jurisdiction and Procedure Act*, Cap. 116, a prosecution for an offence under this Act may be commenced at any time within 2 years from the date of the commission of the offence.

Breach of promise of marriage

43.(1) No action shall be brought in respect of any breach of promise to marry or seduction or any damage resulting therefrom.

(2) Subsection (1) does not apply to actions started before the commencement of this Act.

Gifts in contemplation of marriage

44. Where one party to a marriage makes a gift to the other party in contemplation of marriage and the marriage fails to take place, the question as to whether the failure was caused by or was the fault of the donor shall not be considered in determining the right of the donor to recover the gift.

Regulations

45. The Minister may make regulations

- (a) prescribing the forms to be used for any of the purposes of this Act, and requiring any matter therein to be verified by affidavit;
- (b) prescribing the fees to be paid for any of the purposes of this Act;
- (c) prescribing anything that is required by this Act to be prescribed; and
- (d) generally for giving effect to the provisions of this Act.

Saving

46. Notwithstanding any enactment to the contrary, where a marriage was solemnised before 1st January, 1975, and one or both parties to the marriage were minors, the marriage shall be deemed for all purposes to be a valid marriage; and anything done in pursuance of such marriage shall be deemed to have been lawfully and validly done.

FIRST SCHEDULE*(s.3(1))**PROHIBITED DEGREES OF RELATIONSHIP*

<i>Column 1</i>	<i>Column 2</i>
Mother	Father
Daughter	Son
Father's mother	Father's father
Mother's mother	Mother's father
Son's daughter	Son's son
Daughter's daughter	Daughter's son
Sister	Brother
Father's sister	Father's brother
Mother's sister	Mother's brother
Brother's daughter	Brother's son
Sister's daughter	Sister's son

SECOND SCHEDULE

(s.26)

CONSENT REQUIRED TO MARRIAGE OF A MINOR

1. Where both parents are alive—
 - (a) if the parents are living together; Either parent;
 - (b) if the parents are divorced or living apart; The parent having legal or actual custody, or, where legal custody is given to each parent for part of the year, either parent;
 - (c) if both parents have been deprived of custody by order of a court. The person to whose custody the minor is committed by order of the court.

2. Where one parent is dead —
 - (a) if there is no other guardian; The surviving parent;
 - (b) if a guardian has been appointed by the deceased parent. The surviving parent or the guardian appointed by the deceased parent.

3. Where both parents are dead or are *non compos mentis*. A lawfully appointed guardian or an acknowledged guardian who has brought up, or who for at least three years immediately preceding the intended marriage has supported, the minor.