

## THE MARRIAGES (VALIDATION) DECREE 1971



### Decree No. 46

[11th August 1971]

Commence-  
ment.

WHEREAS by reason of administrative changes in the country and, in the case of the three Eastern States, as a result of the civil war, doubts have arisen as to the validity of certain marriages purportedly celebrated under the Marriage Act and it is expedient and necessary to resolve such doubts:

NOW THEREFORE THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1. Subject to this Decree, all marriages purporting to have been celebrated under the Marriage Act between 1st January 1954 and the coming into operation of this Decree in that part of Nigeria which on the date first mentioned formed part of Western Nigeria and which would have been valid if celebrated—

Validation  
of marriages  
celebrated  
in Western  
Nigeria.

Cap. 115.

- (a) in duly designated marriage districts;
- (b) before duly appointed registrars of marriages; and
- (c) in duly appointed marriage offices,

shall be and be deemed always to have been valid in law as if they had been celebrated with the due observance of the requirements of the law.

2. Subject to this Decree, all marriages purporting to have been celebrated under the Marriage Act between 1st January 1961 and the coming into operation of this Decree in that part of Nigeria which on the date first mentioned formed part of Northern Nigeria shall be and be deemed always as valid as they would be if—

Validation  
of marriages  
celebrated  
in Northern  
Nigeria.

(a) the certificate of notice of the marriage or the grant of the licence to marry, as the case may be, issued or granted under section 11 or 13 respectively of the Marriage Act in respect of each marriage was issued or granted by the proper person having authority to issue such certificate or grant such licence, and

(b) in the relevant cases, the public officer who celebrated the marriage was the proper registrar of marriages to celebrate it; and

(c) the office or the place of public worship, as the case may be, in which the marriage was celebrated was the place in which it could legally be celebrated.

Validation of marriages celebrated in East-Central, Rivers and South-Eastern States.  
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3. Subject to this Decree, all marriages purporting to have been celebrated under the Marriage Act between 30th May 1967 and the coming into operation of this Decree in the East-Central, Rivers and South-Eastern States and which would have been valid if celebrated—

- (a) in duly designated marriage districts ;
- (b) before duly appointed registrars of marriages ; and
- (c) in duly appointed marriage offices,

shall be and be deemed always to have been valid in law as if they had been celebrated with the due observance of the requirements of the law.

Certificates etc. to be evidence.

4. The certificates in respect of marriages to which this Decree relates and entries thereof in any marriage register book or copies of such certificates or entries shall be received in all courts as evidence of such marriages to the same extent as similar certificates, entries or copies in the case of marriages duly celebrated under the Marriage Act are by law receivable in evidence.

Savings.

5. Nothing in this Decree shall—

- (a) apply to any moslem marriage or customary law marriage,
- (b) render valid any marriage if before the coming into operation of this Decree—
  - (i) the marriage has been declared invalid by any court of competent jurisdiction, or
  - (ii) either of the parties to the marriage has during the life of the other, lawfully married any other person, or
- (c) affect any right dependent before the coming into operation of this Decree on the validity or invalidity of the marriage.

Citation, extent and repeal.

6.—(1) This Decree may be cited as the Marriages (Validation) Decree 1971 and shall apply throughout the Federation.

(2) This Decree shall be deemed to have come into operation on 11th August 1971.

(3) The following enactments, that is to say,—

- (a) the Marriages in Western Nigeria (Validation) Act 1962, and
  - (b) the Marriages in Northern Nigeria (Validation) Act 1965—
- are hereby repealed.

1962 No. 32.

1965 No. 6.

MADE at Lagos this 26th day of August 1971.

GENERAL Y. GOWON,  
Head of the Federal Military Government,  
Commander-in-Chief of the Armed Forces,  
Federal Republic of Nigeria

EXPLANATORY NOTE

*(This note does not form part of the above Decree but is intended to explain its purpose)*

By reason of the administrative changes in the country several marriages were celebrated in districts and offices not properly constituted under the Marriage Act and by officers not duly appointed registrar of marriages under that Act. The Decree validates such marriages.

The Decree also validates marriages purportedly celebrated in the three Eastern States during the civil war.