



**THE REPUBLIC OF KENYA**

LAWS OF KENYA

---

**THE MARRIAGE (MUSLIM MARRIAGE) RULES**

NO. 288 OF 2017

Revised and published by the National Council for Law Reporting  
with the authority of the Attorney-General as gazetted by the Government Printer

[www.kenyalaw.org](http://www.kenyalaw.org)

---

Kenya

Marriage Act

## The Marriage (Muslim Marriage) Rules

Legal Notice 288 of 2017

Legislation as at 31 December 2022

By [Kenya Law](#) and [Laws.Africa](#). Share widely and freely.

[www.kenyalaw.org](http://www.kenyalaw.org) | [info@kenyalaw.org](mailto:info@kenyalaw.org)

FRBR URI: /akn/ke/act/ln/2017/288/eng@2022-12-31

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution NonCommercial ShareAlike 4.0 License ([CC BY-NC-SA 4.0](#)). This license enables reusers to distribute, remix, adapt, and build upon the material in any medium or format for noncommercial purposes only, and only so long as attribution is given to the creator. If you remix, adapt, or build upon the material, you must license the modified material under identical terms. CC BY-NC-SA includes the following elements:

- BY: credit must be given to the creator.
- NC: Only noncommercial uses of the work are permitted.
- SA: Adaptations must be shared under the same terms.

Share widely and freely.

The Marriage (Muslim Marriage) Rules (Legal Notice 288 of 2017)  
Contents

1. Citation ..... 1

2. Application ..... 1

3. Interpretation ..... 1

4. Registration of Muslim marriage ..... 2

5. Muslim Marriage Committee ..... 2

6. Functions of the Muslim Marriage Committee ..... 2

7. Gazettement of Muslim marriage officers ..... 2

8. Issuance of marriage Certificate books ..... 2

9. Form of marriage certificate ..... 3

10. Marriage Register ..... 3

11. Certificate copy of entry in marriage register ..... 3

12. Absence of mahr not to affect marriage ..... 3

13. Reference to and action by Court ..... 3

14. Verification of particulars of persons intending to marry ..... 3

15. Validity or invalidity of Muslim marriages ..... 4

16. Determination of the status, mutual rights and obligations of the parties ..... 4

17. Registration of marriages contracted by a Kenyan citizen abroad ..... 4

18. Marriages performed under Cap 156 (Repealed) ..... 4

19. Fees ..... 4

FIRST SCHEDULE ..... 5

SECOND SCHEDULE ..... 14

# MARRIAGE ACT

## THE MARRIAGE (MUSLIM MARRIAGE) RULES

### LEGAL NOTICE 288 OF 2017

Published in Kenya Gazette Vol. CXIX—No. 180 on 8 December 2017

Commenced on 8 December 2017

[Revised by [24th Annual Supplement \(Legal Notice 221 of 2023\)](#) on 31 December 2022]

#### 1. Citation

These Rules may be cited as the Marriage (Muslim Marriage) Rules.

#### 2. Application

These Rules shall apply only to Muslim marriages where both parties profess the Islamic faith and submit to these Rules:

Provided that marriages conducted by members from any of the respective Muslim schools of jurisprudence in these Rules are accepted to many a *kitabiyah*.

#### 3. Interpretation

In these Rules, unless the context otherwise requires—

"Act" refers to the Marriage Act (Cap. 150);

"Constitution" means the Constitution of Kenya;

"Committee" means Muslim Marriage Committee established under rule 5 of these Rules;

"Court" means the Kadhis court established under Article 169(1) of the Constitution;

"*kitabiyah*" means a Christian or Jewish woman;

"*mahr*" means a sum of money or other property given or agreed to be given to, or a right conferred upon the wife by the husband in consideration of marriage or a token of appreciation;

"*mahr al mithi*" means equivalent *mahr* paid to the bride's agemate during their own marriages;

"Muslim marriage officer" means a *Sheikh, Mufti or Imam* authorised by the Registrar to officiate over a muslim marriage;

"Muslim schools of jurisprudence" means Muslims from the Sunni, *Shia Ithna Ashen, Shia Imami Ismaili and Daudi Bohra Community (Fatimi Dawat)*;

"Muslim marriage" means a contract between a Muslim man and a woman who is lawfully eligible to be his wife and which is conducted in accordance with Islamic law;

"Registrar" means the Registrar appointed under section 50 of the Act;

"reverttee" means a person who has converted to Islam;

"*waliyy*" means a person recognised by any of the Muslim schools of jurisprudence as a guardian of the bride for purposes of contracting a Muslim marriage;

"*wakil*" means a person recognised by any of the Muslim schools of jurisprudence as a proxy of either of the parties to a marriage for purposes of contracting a Muslim marriage.

#### 4. Registration of Muslim marriage

- (1) The parties to a Muslim marriage shall after the marriage is conducted, make an application for registration of their marriage to a Muslim marriage officer or a Kadhi.
- (2) The application under subrule (1) shall be in Form MM1 set out in the First Schedule.

#### 5. Muslim Marriage Committee

For the purpose of these Rules, there shall be a Committee to be known as the Muslim Marriage Committee, which shall consist of—

- (a) the Chief Kadhi, who shall be the Chairman of the Committee; and
- (b) one representatives from each of the following—
  - (i) the Supreme Council of Kenya Muslims;
  - (ii) the Federation of the *Khoja Shia Ithna Asheri Jamaat of Africa*;
  - (iii) His Highness Prince Aga khan *Shia Imami Ismaili Council of Kenya*; and
  - (iv) the *Daudi Bohra Community (Falimi Dawat)*; and
- (c) an eminent Muslim scholar nominated by the Chief Kadhi.

#### 6. Functions of the Muslim Marriage Committee

The function of the Committee shall be to—

- (a) recommend suitable persons to the Registrar for appointment as Muslim marriage officers for purposes of these Rules; and
- (b) advise the Registrar on all such matters relating to or connected with the administration of these Rules referred to it by the Registrar.

#### 7. Gazettement of Muslim marriage officers

- (1) The Registrar shall issue a licence to conduct marriages to a Muslim marriage officer upon recommendation by the Committee.
- (2) A licence granted under subrule (1) shall be in Form MM2 set out in the First Schedule and shall be issued upon payment of the fee specified in the Second Schedule.
- (3) The Committee may at any time make a recommendation to the Registrar for the cancellation and recall of a licence to conduct marriages issued under this rule.
- (4) Before making a recommendation under subrule (3) the committee shall furnish the concerned marriage officer with reasons for its recommendation and afford him an opportunity to be heard.
- (5) A person aggrieved by the decision of the committee under subrule (4) may appeal to the Registrar within fourteen days of notification of the decision.

#### 8. Issuance of marriage Certificate books

The Registrar shall upon application by a Muslim marriage officer issue marriage certificate books necessary for officiating and registration of Muslim marriages upon payment of the fee specified in the Second Schedule.

## 9. Form of marriage certificate

The marriage certificate to be issued in respect of a Muslim marriage shall be in Form MM3 set out in the First Schedule.

## 10. Marriage Register

- (1) The Registrar shall establish and maintain a register of Muslim marriages into which shall be entered the details of the marriages in respect of which certificates are issued under these Rules.
- (2) The register referred to in subrule (1) shall be in Form MM4 set out in the First Schedule.
- (3) Every Muslim marriage officer shall, within two weeks of officiating a marriage, send a copy of the Certificate of marriage to the Registrar.
- (4) The Registrar shall, within two weeks upon receipt of the Marriage certificate from the Muslim Marriage Officer, make an entry in the marriage register.

## 11. Certificate copy of entry in marriage register

- (1) An application for a certified copy of a marriage certificate and a certified copy of the entry in the marriage register shall be made to the Registrar and shall be in Form MM5 set out in the First Schedule.
- (2) A certified copy of an entry in the marriage register shall be in Form MM6 set out in the First Schedule.

## 12. Absence of *mahr* not to affect marriage

- (1) A marriage registered under these Rules shall not be invalid by reason only that—
  - (a) no *mahr* has been agreed upon; or
  - (b) there is uncertainty or ambiguity relating to *mahr*.
- (2) In cases contemplated under subrule (1)(a) or (b), the wife shall be entitled to equal *mahr al mithi*.

## 13. Reference to and action by Court

Where—

- (a) a marriage involves a woman who has no *waliyy* in a situation where a *waliyy* is required under her respective Muslim school of jurisprudence; or
- (b) the consent to marriage by the *waliyy* of the woman to the intended marriage is denied,

the Muslim marriage officer shall refer the matter to the Court nearest to the place where the woman resides and the Court shall issue the appropriate directions.

## 14. Verification of particulars of persons intending to marry

- (1) Upon a request to officiate a marriage, the marriage officer shall confirm the following particulars in respect of parties intending to register their marriage—
  - (a) the age of the bride and bridegroom;
  - (b) the consent of the bride and bridegroom;
  - (c) the consent of the *waliyy* of the bride, provided that such consent shall not override the consent of the bride and bridegroom;

- (d) the consent of the bride or groom as the case may be, in writing in case of marriage through a *wakil*;
  - (e) the identity of the parties and the *waliyy*; and
  - (f) certificate and affidavit of confession where the bride or bridegroom are revertees.
- (2) At least one of the parties to the marriage shall be present at the wedding.

#### **15. Validity or invalidity of Muslim marriages**

Nothing contained in these Rules shall be construed to render valid or invalid, by reason only of registration or non-registration, any Muslim marriage which is otherwise invalid or valid, as the case may be, according to the law governing the respective Muslim school of jurisprudence to which parties to such marriage belong.

#### **16. Determination of the status, mutual rights and obligations of the parties**

In all matters relating to any Muslim marriage, the status and the mutual rights and obligations of the parties shall be determined according to the law governing the respective Muslim school of jurisprudence to which the parties belong.

#### **17. Registration of marriages contracted by a Kenyan citizen abroad**

Where a Kenyan citizen has contracted a valid Muslim marriage outside Kenya, not being a marriage registered under section 57 of the Act, the person shall upon return to Kenya appear before the nearest Court to have the marriage registered under these Rules.

#### **18. Marriages performed under Cap 156 (Repealed)**

All Muslim marriages registered under the Mohammedan Marriages and Divorce Registration Act (Repealed) shall be deemed to be registered under these Rules.

#### **19. Fees**

The fees payable under these Rules shall be as set out in the Second Schedule.

**FIRST SCHEDULE**

**FORMS**

**FORM MM1**

(r. 4(2))





REPUBLIC OF KENYA

MARRIAGE ACT (Cap. 150)

## APPLICATION FOR REGISTRATION OF MUSLIM MARRIAGE

## طلب لتسجيل الزواج الإسلامي

Date: ..... التاريخ

I, .....of P.O.Box .....

apply for registration of marriage and to be issued with a Muslim marriage certificate. أنا  
أطلب إصدار شهادة الزواج الإسلامي

Name of Husband ..... اسم الزوج

Nationality ..... الجنسية

ID. No./ Passport ..... رقم البطاقة الشخصية / الجواز

Email address ..... البريد الإلكتروني

Phone No ..... رقم الهاتف

Name of Wife ..... اسم الزوجة

Nationality ..... الجنسية

Wife waliy's Name ..... اسم وليّ الزوجة

Relationship of Waliyy with the wife ..... قرابة الوليّ بالزوجة

County and place where marriage was officiated ..... المحاضرة ومكان انعقاد الزواج

Mahr agreed ..... مهر المتفق عليه

Mahr given ..... المهر المبسّط

Date of marriage ..... تاريخ الزواج ..... Hijri .....

Witnesses: أسماء الشهود

1. Name .....I.D No .....

2. Name .....I.D No .....

Name of Muslim Marriage Officer who officiated the marriage .. **إسم المأذون الشرعي الذي عقد النكاح**

.....

Oath

I, .....and .....  
take oath that the averments herein are true and correct to the best of knowledge and that the marriage was conducted and fulfilled all requirements of marriage under Islamic Sharia.

**موقّعون أدناه نشهد بأن البيانات أعلاه صحيحة وأنه تمّ عقد النكاح طبقاً لجميع نحر ال  
أركان النكاح بحسب الشرعية الإسلامية.**

**Husband** **توقيغ الزوجة Wife** **توقيع الزوج**

Signature .....Signature: .....

FOR OFFICIAL USE ONLY

The application is granted/ not granted [ Reasons]

.....

Name of Muslim Marriage Officer .....

Signature .....

Date .....

.....

FORM MM2

(r. 7(2))



REPUBLIC OF KENYA

MARRIAGE ACT (Cap. 150)

LICENCE TO CONDUCT MARRIAGES

IN EXERCISE of the powers conferred on me by section 52 of the Marriage Act (Cap. 150), 1 hereby license the Muslim Marriage Officer named in the Schedule hereto to celebrate marriages under the provisions of these Rules and the Act.

SCHEDULE

Name of marriage officer .....

Dated the ..... 20.....

Registrar of Marriages

\_\_\_\_\_

FORM MM3

(r. 9)



Serial  
No.

REPUBLIC OF KENYA

MARRIAGE ACT, (Cap. 150)

MUSLIM MARRIAGE CERTIFICATE

## شهادة الزواج الإسلامي

Marriage Entry No.			رقم التمسجيل
Date of Marriage			تاريخ الزواج
Husband's Name			إسم الزوج
Age			عمر الزوج
Marital Status			الحالة الزوجية للزوج
Occupation			وظيفة الزوج
Residence محل إقامة الزوج	County الإقليم	Sub-County المحافظة	
Wife's Name			إسم الزوجة
Age			عمر الزوجة
Marital Status			الحالة الزوجية للزوجة
Occupation			وظيفة الزوجة
Residence وظيفة الزوجة	County الإقليم	Sub-County محافظة	
Wife's Waliyy and relationship			إسم ولي الزوجة والقرابة
Agreed Mahr			المهر المتفق عليه
Paid Mahr and Deferred Mahr			المهر المسلم والمهر المؤجل
Particulars of gifts			تفاصيل الهدايا
Place of Marriage			المكان الذي عقد فيه الزواج
County of Marriage			مكان عقد الزواج
Husband's Signature or His Attorney			توقيع الزوج أو وكيله
Wife / Guardian's Signature			توقيع الزوجة أو وليها
Name of 1 <sup>st</sup> Witness,			إسم الشاهد الأول ورقم

Identity Card No. and Signature			بطاقته الشخصيه وتوقيعه
Name of 2nd Witness, Identity Card No. and Signature			إسم الشاهد الثاني ورقم بطاقته الشخصيه وتوقيعه
Name and signature of Muslim Marriage Officer			إسم المأذون الشرعي الذي عقد النكاح
Date of Issuance			تاريخ إصدار عقد النكاح

FORM MM4

(r. 10(2))



Serial No.
---------------

REPUBLIC OF KENYA

THE MARRIAGE ACT

(Cap. 150)

REGISTER OF MUSLIM MARRIAGE

Marriage Certificate issued at ..... in ..... sub-county, ..... county in the Republic of Kenya.

Date of Marriage Ceremony:	Serial No. of the Marriage Certificate:	
Date of Issuance of Marriage Certificate:		
Husband's name:	Age:	Marital Status:

Occupation:		
Residence at time of marriage:	County:	Sub-county:
Wife's name:	Age:	Marital Status:
Occupation:		
Residence at time of marriage:	County:	Sub-county:
Certificate Issued to ..... By ..... (in the presence of) ..... ..... .....		

Entered this ..... day of ..... 20 ..... at..... the County

Registry of Marriage at .....

.....

REGISTRAR

\_\_\_\_\_

FORM MM5

(r. 11(1))



REPUBLIC OF KENYA

## THE MARRIAGE ACT

(Cap. 150)

## APPLICATION FOR CERTIFIED COPY OF REGISTER OF MUSLIM MARRIAGE

## General Search Form

(Please complete this Form in BLOCK LETTERS)

Details of Applicant	Name	
	Phone No.	
	Address.	
Full Name of Husband		
Full Name of Wife		
Date of Issuance of Marriage Certificate		
Place of Issuance of Marriage Certificate		
Officiated By: (Kadhi or Muslim Marriage Officer)		
Name and Address of Registry Office/Place of Issuance Of Marriage Certificate		
Entry Number of Certificate or Register		
Other Particulars which would help to trace the Entry:		
COMMENTS.		



REPUBLIC OF KENYA

THE MARRIAGE ACT

(Cap. 150)

CERTIFIED COPY OF REGISTER OF MUSLIM MARRIAGE

Marriage Certificate issued at ..... in ..... sub-county, ..... county in the Republic of Kenya.

Date of Marriage Ceremony:	Serial No. of the Marriage Certificate:	
Date of Issuance of Marriage Certificate:	Age:	Marital Status:
Occupation:		
Residence at time of marriage:	County:	Sub-county:
Wife's name:	Age:	Marital Status:
Occupation:		
Residence at time of marriage:	County:	Sub-county:
Certificate Issued to ..... By ..... (in the presence of) .....		
.....		
.....		

Entered this ..... day of ..... 20 ..... at..... the County Registry of Marriage at .....

.....

REGISTRAR



Certified to be a true copy of an entry of marriage in the Muslim Marriage Register.

Given under the seal of the Registrar on the .....day of ..... 20 .....

NOTES

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

Typed by .....

Checked by .....

**SECOND SCHEDULE**

**FEES**



REPUBLIC OF KENYA

THE MARRIAGE ACT (*Cap. 150*)

<i>Item</i>	<i>KSh</i>
1. Application for marriage form	600
2. Issuance of marriage certificate	500
3. Issuance of a certified copy of register of marriage	600
4. Search of marriage register	500
5. Amendment of marriage record	200
6. Issuance of a marriage license	2,000