



**THE REPUBLIC OF KENYA**

LAWS OF KENYA

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**THE MARRIAGE (CUSTOMARY MARRIAGE) RULES**

NO. 46 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

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Kenya

Marriage Act

## The Marriage (Customary Marriage) Rules

Legal Notice 46 of 2017

Legislation as at 31 December 2022

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FRBR URI: /akn/ke/act/ln/2017/46/eng@2022-12-31

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The Marriage (Customary Marriage) Rules (Legal Notice 46 of 2017)  
Contents

1. Citation ..... 1

2. Interpretation ..... 1

3. Notice and Registrar's acknowledgement of customary marriage ..... 1

4. Application for registration of a customary marriage ..... 1

5. Issuance of Certificate of Customary Marriage ..... 1

6. Customary Marriage Register ..... 2

7. Issuance of a certified copy of an entry of a customary marriage ..... 2

8. Registration of customary marriages existing before commencement of the Marriage Act (Cap. 150) ..... 2

9. Fees ..... 2

FIRST SCHEDULE ..... 2

SECOND SCHEDULE [r. 9] ..... 15

# MARRIAGE ACT

## THE MARRIAGE (CUSTOMARY MARRIAGE) RULES

### LEGAL NOTICE 46 OF 2017

Published in Kenya Gazette Vol. CXIX—No. 44 on 7 April 2017

**Commenced on 7 April 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 (Customary Marriage) Rules.

#### 2. Interpretation

In these Rules, unless the context otherwise requires—

"Act" means the Marriage Act (Cap. 150);

"customary marriage" means a marriage contracted in accordance with the customs of the communities of one or both of the parties to the marriage;

"Register" means the Register of Customary Marriage referred to in rule 6;

"Registrar" has the meaning assigned to it under the Act.

#### 3. Notice and Registrar's acknowledgment of customary marriage

- (1) The parties to a customary marriage shall after the completion of the customary rites conferring upon them the status of husband and wife, notify the Registrar as required under section 44 of the Act by notice in Form CM 1 set out in the First Schedule.
- (2) The Registrar shall display the notice provided under subrule (1) in a conspicuous place within the premises, for a period of fourteen days, inviting any person with an objection to the proposed registration to notify the Registrar with the grounds of objection within that period.
- (3) After the expiry of the period specified under subrule (1) without any objection filed, or where any objections filed have been considered and dealt with by the Registrar, the Registrar shall issue to the parties an Acknowledgement Certificate in form CM 2 set out in the First Schedule.

#### 4. Application for registration of a customary marriage

- (1) The parties shall upon receipt of the Certificate referred to in rule 3 apply for registration of the marriage in accordance with section 55(1) of the Act.
- (2) An application for registration under subrule (1) shall be in Form CM 3 set out in the First Schedule and shall be accompanied by a copy of the Certificate of Acknowledgement issued under rule 3(3).

#### 5. Issuance of Certificate of Customary Marriage

- (1) The Registrar shall consider the application made under rule 4 and may after conducting further investigations where appropriate issue a Certificate of Customary Marriage.
- (2) The certificate of customary marriage issued under subrule (1) shall be in Form CM4 set out in the First Schedule.

## 6. Customary Marriage Register

- (1) The Registrar shall establish and maintain a Register of Customary Marriages in which shall be entered the details of all customary marriages registered under these rules.
- (2) The Register of Customary Marriage shall be in Form CM5 set out in the First Schedule.

## 7. Issuance of a certified copy of an entry of a customary marriage

- (1) A person who wishes to obtain a certified copy of an entry of a customary marriage in the Register shall submit an application in Form CM 6 set out in the First Schedule to the Registrar.
- (2) The Registrar shall, upon receipt of the requisite fee, issue to the applicant a certified copy of the entry as requested which shall be in Form CM 7 set out in the First Schedule.

## 8. Registration of customary marriages existing before commencement of the Marriage Act (Cap. 150)

- (1) The parties to a marriage contracted under customary law before the commencement of the Act shall apply to the Registrar for registration of that marriage pursuant to section 96(2) of the Act.
- (2) An application for registration under subrule (1) shall be in Form CM 8 set out in the First Schedule and shall be accompanied by a letter of confirmation from the Chief of the area where the marriage ceremony took place.
- (3) The Registrar shall, upon being satisfied that the information supplied under subrule (1) and (2) is true, issue a certificate of customary marriage in Form CM 4 set out in the First Schedule in respect of the marriage.

## 9. Fees

The fees set out in the first column of the Second Schedule shall be payable in respect of the items respectively set out in the second column.

### FIRST SCHEDULE

#### FORMS

REPUBLIC OF KENYA

MARRIAGE ACT (*Cap.* 150)

FORM CM 1

(r. 3(1))

NOTICE OF CUSTOMARY MARRIAGE



To the Registrar of Marriages for the ..... County of Kenya.

We the undersigned hereby give notice of our completion of the relevant marriage ceremonies and rites under ..... customary law completed on the day of ..... 20 ..... at ..... sub-county ..... county. We undertake to register our customary marriage within six months from the date of this notice.

PART 1: PARTIES' DETAILS

<i>Name</i>	<i>Marital status at time of marriage</i>	<i>Occupation</i>	<i>Age</i>	<i>Residence and Address</i>	<i>Contacts</i>
Husband					
Wife					

PART 2: PARENTS' DETAILS

<i>Husband's Parents</i>		
<i>Name</i>	<i>Occupation</i>	<i>Residence &amp; Address</i>
Father		
Mother		
<i>Wife's Parents</i>		
<i>Name</i>	<i>Occupation</i>	<i>Residence &amp; Address</i>

Father			
Mother			

PART 2 - PARTIES' DECLARATION

1. That our customary marriage was contracted in accordance with the ..... Customary law and we hereby declare that the customary rites necessary to confer upon us the status of husband and wife have been completed.
2. That we were above eighteen years of age at the time of marriage.
3. That our marriage ceremonies were witnessed by the witnesses listed at Part 3 below.
4. That neither of us was a partner in a Civil, Christian, Hindu or Islamic marriage when we contracted the aforesaid customary marriage.
5. That we both freely consented to our marriage and subsequent registration.
6. That there is no impediment caused by relationship consanguinity or affinity and we know of no other legal or customary impediment to our marriage.
7. That prior to the date of this marriage ..... (Husband) was in an existing customary marriage as follows:-

<i>S/No.</i>	<i>Date of marriage</i>	<i>Name of spouse</i>	<i>System of Marriage</i>
1.			
2.			
3.			
4.			

Husband's signature.....

Wife's signature .....

Date.....

Date.....

PART 3 - WITNESS DECLARATION

We hereby declare that on the ..... day of ..... 20 ..... we witnessed and played key cultural roles in the celebration of this marriage.

We wish to confirm that the information provided by the parties above is to the best of our knowledge and belief true and correct.

Name: ..... ID No. .... Age: .....

Signature .....

Name: ..... ID No. .... Age: .....

Signature .....

Notes

- 1. Any person, who supplies false information to a Registrar or uses, gives or sends any certificate, document or declaration required for this marriage notice which is false or forged in any way is liable to prosecution.
- 2. Marital status can either be bachelor, spinster, widow, and widower, divorced or married under customary law.
- 3. Witnesses shall provide copies of their identity cards.

REPUBLIC OF KENYA

MARRIAGE ACT (Cap. 150)

\_\_\_\_\_

FORM CM 2

(r. 3(3))

ACKNOWLEDGEMENT CERTIFICATE

I, ....., Registrar of Marriages for ..... County do hereby confirm that an application for registration of the customary marriage between the parties below has been received:

<i>Parties to the Marriage</i>	<i>Status</i>	<i>Occupation</i>	<i>Age</i>	<i>Residence &amp; Address</i>
Husband				

Wife			
------	--	--	--

Witnessed under my hand this ..... day of ..... 20.....

*Registrar of Marriages.*

NOTE – This certificate shall be void unless the marriage registration and issuance of a marriage certificate is done on or before .....

This document is not a customary marriage certificate. The certificate shall be issued at the registration of the customary marriage.

REPUBLIC OF KENYA

MARRIAGE ACT (*Cap. 150*)

FORM CM 3

(r. 4(2))

APPLICATION FOR REGISTRATION OF CUSTOMARY MARRIAGE

*(To be filed after 14 days from the date of Notice)*

We ..... and .....

of P. O. Box ..... make oath and state as follows -

1. That on the ..... day of ..... 20 ....., at ..... sub-county ..... county the relevant customary rites to confer upon us the status of husband and wife were completed under the ..... customary law.

2. That at the time of the marriage ..... (husband) was a ..... and the said ..... (wife) was a ..... (Indicate name of party and status)

3. That neither of us is under the age of eighteen years.

4. That we both freely consented to our marriage and subsequent registration.

5. That none of us was a partner in a Civil, Christian, Hindu or Islamic marriage when we contracted the aforesaid customary marriage.

6. we declare that there is no impediment caused by relationship, consanguinity or affinity, and we know of no other legal or customary impediment to our marriage.

Sworn at ..... this ..... day of ....., 20 .....

Before me .....

Registrar

\_\_\_\_\_  
(Signature of Husband)

\_\_\_\_\_  
(Signature of Wife)

REPUBLIC OF KENYA

MARRIAGE ACT (Cap. 150)

FORM CM 4

(rr. 5(2), r. 8(3))

CERTIFICATE OF CUSTOMARY MARRIAGE

Serial No.

Marriage solemnised under..... customary law in the..... Sub county.....County

Date of marriage	Registration Entry No:	
Husband's Name	Age.	Marital status.

Residence at time of marriage			County.	Sub-county.
Occupation.				
Parents Names				
Father's name.		Mother's name.		
Occupation.		Occupation		
Residence.		Residence.		
Wife's name	Age.	Marital status.		
Residence at time of marriage			County.	Sub-county.
Occupation.				
Parents Names				
Father's name.		Mother's name.		
Occupation.		Occupation		
Residence.		Residence.		

Registered in the: ..... by Acknowledgement Certificate

No.....

By.....

This marriage was solemnized between { ..... } in the presence of { ..... }

Note: A customary marriage is polygamous or potentially polygamous.

REPUBLIC OF KENYA

MARRIAGE ACT (*Cap. 150*)

(r. 6(2))

REGISTER OF CUSTOMARY MARRIAGES

<p><i>Serial No.</i></p>
--------------------------

Marriage solemnised under..... customary law in the..... Sub county.....County in the Republic of Kenya.

Date of Registration marriage	Marriage register entry no:	
Husband's name:	Age.	Marital condition:
Residence at 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 condition:
Occupation:		
Wife's father's name:	Occupation:	Residence:
Wife's mother's name:	Occupation:	Residence:

Registered in the: .....	By Acknowledgement		
Certificate No.....			
By.....			
This marriage was registered between	{ ..... ..... ..... ..... }	in the presence of	{ ..... ..... ..... ..... }

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

.....

REGISTRAR

REPUBLIC OF KENYA

MARRIAGE ACT (*Cap. 150*)

APPLICATION FOR CERTIFIED COPY OF ENTRY IN REGISTER OF CUSTOMARY MARRIAGE

FORM CM 6

(r. 7(2))

*Application for a Certified Copy*

*(Please complete this form in BLOCK LETTERS)*

APPLICATION  <i>(tick as appropriate)</i>	Certified copy of certificate of marriage	
	Certified copy of entry in register	

Details of Applicant	Name:	
	Phone No:	
	Address:	
Full Name of Husband		
Full Name of Wife		
Date of Registration:		
Place of Registration:		
REGISTERED BY: (Registrar)		
Name and Address of Registry Office		
Entry Number Of CERTIFICATE OR REGISTER		
Other Particulars Which Would Help To Trace The Entry		
Comments		

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REPUBLIC OF KENYA

MARRIAGE ACT (*Cap.* 150)

<p><i>Serial No.</i></p>
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FORM CM 7

(r. 7(2))

CERTIFIED COPY OF ENTRY IN REGISTER OF CUSTOMARY MARRIAGES

Marriage solemnised under..... customary law in the..... Sub county.....County in the Republic of Kenya.

Date of Registration marriage	Marriage register entry no:	
Husband's name:	Age.	Marital condition:
Residence at 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 condition:
Occupation:		
Wife's father's name:	Occupation:	Residence:
Wife's mother's name:	Occupation:	Residence:

Registered in the: .....		By Acknowledgement	
Certificate No.....			
By.....			
This marriage	{	.....	}
was		.....	
registered		.....	
between		.....	
		in the presence of	}
		.....	
		.....	
		.....	

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

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 .....

\_\_\_\_\_

REPUBLIC OF KENYA

MARRIAGE ACT (*Cap.* 150)

FORM CM 8

(r. 8(2))

APPLICATION FOR REGISTRATION OF CUSTOMARY MARRIAGE  
CONTRACTED BEFORE THE ENACTMENT OF THE MARRIAGE ACT (*Cap.* 150)

To the Registrar of Marriages for the ..... County of Kenya

A. PARTICULARS OF HUSBAND	
Name	
Age	

Marital status	
Occupation	
Father's name	
Mothers name	
Existing/previous spouses	

**B. DECLARATION BY HUSBAND**

I, the undersigned, hereby declare that:

(1) I freely consented to the customary marriage between myself and the woman whose particulars are set out hereunder.

(2) The marriage was contracted in accordance with the laws and customs of the ..... community.

(3) I was not a partner in any Civil, Christian, Hindu or Islamic marriage when I contracted the aforesaid customary marriage.

(4) At the time of the aforesaid customary marriage I was married under customary law to the following namely:

<i>S/No.</i>	<i>Date of marriage</i>	<i>Name of spouse</i>	<i>System of Marriage</i>
1.			
2.			
3.			
4.			

**C. DECLARATION BY WIFE**

I, the undersigned, hereby declare that:

(1) I freely consented to the customary marriage between myself and the man whose particulars are set above.

(2) The marriage was contracted in accordance with the laws and customs of the ..... community.

C. DECLARATION BY WITNESSES

We, the undersigned, hereby declare that-

- (a) we were present at the above marriage ceremony.
- (b) the information provided by the parties is to the best of our knowledge and belief true and correct.
- (c) the marriage was legally contracted in accordance with the laws and customs of the ..... community.

HUSBAND'S WITNESS:

Name: ..... ID No. .... Sign: .....

WIFE'S WITNESS

Name: ..... ID No. .... Sign: .....

\* Witness should provide copies of their identity cards.

**SECOND SCHEDULE [r. 9]**

**FEES**

<i>S/ No.</i>	<i>item</i>	<i>KSh.</i>
1.	Issuance of notice of customary marriage form	600
2.	Issuance of an Acknowledgement Certificate	600
3.	Commissioning of an application for registration of a customary marriage form	200
4.	Registration and issuance of a customary marriage certificate	2500
5.	Issuance of a search form for a customary marriage	500
6.	Issuance of a certified copy of an entry of a customary marriage	600

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7.	Registration of customary marriage contracted before 20th May, 2014	3,900
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