



## ST. CHRISTOPHER AND NEVIS

### CHAPTER 12.10

# MARRIAGE (PROHIBITED DEGREES OF RELATIONSHIP) ACT

#### Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

#### MARRIAGE (PROHIBITED DEGREES OF RELATIONSHIP) ACT

Act 8 of 1934 ... in force 27th March 1934

Page

3



**CHAPTER 12.10**

**MARRIAGE (PROHIBITED DEGREES OF RELATIONSHIP) ACT**

ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation
3. Marriages not to be deemed void as civil contracts, except in certain cases
4. Saving of existing rights and interests
5. Saving

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**CHAPTER 12.10**

**MARRIAGE (PROHIBITED DEGREES OF RELATIONSHIP) ACT**

AN ACT TO PROHIBIT PERSONS FROM CONTRACTING MARRIAGES IF SUCH PERSONS FALL WITHIN THE PROHIBITED DEGREES OF RELATIONSHIPS; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

**Short title.**

1. This Act may be cited as the Marriage (Prohibited Degrees of Relationship) Act.

**Interpretation.**

2. In this Act “sister” or “brother” includes a sister or brother of the half blood.

**Marriages not to be deemed void as civil contracts, except in certain cases.**

3. No marriage contracted between a man and any of the following persons, that is to say—
  - (a) his deceased wife’s sister;
  - (b) his deceased brother’s widow;
  - (c) his deceased wife’s brother’s daughter;
  - (d) his deceased wife’s sister’s daughter;
  - (e) his father’s deceased brother’s widow;
  - (f) his mother’s deceased brother’s widow;
  - (g) his deceased wife’s father’s sister;
  - (h) his deceased wife’s mother’s sister;
  - (i) his brother’s deceased son’s widow;
  - (j) his sister’s deceased son’s widow,

within the State, or without, shall be deemed to have been or shall be void or voidable, as a civil contract, by reason only of such affinity:

Provided that in case, before the passing of this Act, any such marriage shall have been annulled, or either party thereto (after the marriage and during the life of

the other) shall have lawfully married another, it shall be deemed to have become and to be void upon and after the day upon which it was so annulled or upon which either party thereto lawfully married another as aforesaid.

**Saving of existing rights and interests.**

4. (1) No right, title, estate or interest, whether in possession or expectancy, and whether vested or contingent at the time of the passing of this Act, existing in, to, or in respect of, any dignity, title of honour, or property, and no act or thing lawfully done or omitted before the passing of this Act shall be prejudicially affected nor shall any will be deemed to have been revoked by reason of any marriage heretofore contracted as aforesaid being made valid by this Act.

(2) No claim by the Crown for duties leviable on or with reference to death, and before the passing of this Act due and payable, and no payment, commutation, composition, discharge, or settlement of account in respect of any duties leviable on or with reference to death before the passing of this Act duly made or given, shall be prejudicially affected by anything herein contained.

(3) Nothing in this Act shall affect the devolution or distribution of the real or personal estate of any intestate, not being a party to the marriage, who at the time of the passing of this Act shall be, and shall until his or her death continue to be, a lunatic, so found by inquisition.

**Saving.**

5. (1) Nothing in this Act shall remove any person bearing any relationship set out in subsections (a) to (j) of section 3, from the class of persons adultery with whom constitutes a right on the part of wives, to sue for divorce under the Divorce Act, Cap. 12.03 as amended by any subsequent enactment.

(2) Notwithstanding anything contained in this Act or the Divorce Act, Cap. 12.03 it shall not be lawful for a divorced man, or a man who has divorced his wife, to contract any marriage which, upon the decease of any person, would be authorised by this Act, but which would otherwise be void or voidable by reason of affinity, during the lifetime of that person.

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