

Zambia

Deceased Brother's Widow's Marriage Act, 1926 Chapter 57

Legislation as at 31 December 1996

FRBR URI: /akn/zm/act/1926/6/eng@1996-12-31

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PDF created on 21 February 2024 at 14:37.

Collection last checked for updates: 31 December 1996.

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Deceased Brother's Widow's Marriage Act, 1926

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Zambia

Deceased Brother's Widow's Marriage Act, 1926

Chapter 57

Commenced on 12 October 1926

[This is the version of this document at 31 December 1996.]

An Act to amend the law relating to marriage with a deceased brother's widow; and to provide for matters incidental thereto.

1. Short title

This Act may be cited as the Deceased Brother's Widow's Marriage Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**brother**" includes a brother of the half-blood.

3. Marriage with a deceased brother's widow not to be void as a civil contract except in certain cases

No marriage heretofore or hereafter contracted between a man and his deceased brother's widow within Zambia 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—

- (i) no minister of any church, denomination or religious body shall be liable to any suit, penalty or censure, whether civil or ecclesiastical, for anything done or omitted to be done by him in the performance of the duties of his office to which suit, penalty or censure he would not have been liable if this Act had not been passed;
- (ii) Use of place of public worship.

when any minister appointed to solemnise marriages in Zambia under the provisions of subsection (2) of section five of the Marriage Act at any place of public worship within Zambia licensed as a place for the solemnisation of marriages under the provisions of subsection (1) of section five of the said Act shall refuse to perform such marriage service between any persons who, but for such refusal, would be entitled to have the same service performed in such place of public worship, such minister may permit any other minister of the church, denomination or body to which such place of worship belongs who has been appointed under the provisions of subsection (2) of section five of the said Act to solemnise marriages in Zambia, to perform such marriage service in such place of public worship;

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- (iii) Subsequent marriage after prior annulment valid

in case, before the commencement 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.

4. Saving of existing rights and interest claim by the Republic

(1) No right, title, estate or interest, whether in possession or expectancy, and whether vested or contingent at the commencement 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 commencement 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. And no claim by the Republic for duties leviable on or with reference to death, and before the commencement 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 commencement of this Act duly made or given shall be prejudicially affected by anything herein contained.

(2) Lunatic not affected

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 commencement of this Act shall be, and shall until his death continue to be, a lunatic, so found by inquisition.

[As amended by S.I. No. 72 of 1964]

5. Marriage by a man to the divorced wife of his brother or wife of his brother who has divorced his brother unlawful during lifetime of such brother

Notwithstanding anything contained in this Act or the Matrimonial Causes Act, 1857, of the United Kingdom, it shall not be lawful for a man to marry the divorced wife of his brother, or the wife of his brother who has divorced his brother during the lifetime of such brother.

6. Liability of minister to ecclesiastical censure

Nothing in this Act shall relieve a minister of any church, denomination or religious body from any ecclesiastical censure, to which he would have been liable if this Act had not been passed by reason of his having contracted or hereafter contracting a marriage with his deceased brother's widow.