

## CHAPTER FIRST

### CONDITIONS NECESSARY FOR CONTRACTING MARRIAGE

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81. A marriage solemnized between persons either of whom is under the age of 16 years is null and void. (*Substituted by Act 34 of 1956*)

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82. There is no marriage when there is no consent.

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83. Impotency, natural or accidental, existing at the time of the marriage, renders it null; but only if such impotency be apparent and manifest.

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This nullity cannot be claimed by any one but the party who has contracted with the impotent person, nor at any time after 3 years from the marriage.

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84. A second marriage cannot be contracted before the dissolution of the first.

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85. Where the marriage of a minor, not being a widower or a widow, is intended to be solemnized the consent of the person or persons specified hereunder is required:—

#### *I. Where the Minor is Legitimate*

Circumstances.	Person or Persons whose consent is required.
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Where both parents are  
1. living:

(a) If parents are living together.	Both parents, but in case of disagreement, the consent of the father suffices.
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(b) If parents are divorced or separated by order of any Court or by agreement.	The parent to whom the custody of the minor is committed by order of the Court or by the agreement, or, if the custody of the minor is so committed to one parent during part of
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the year and to the other parent during the rest of the year, both parents.

- (c) If one parent has been deserted by the other. The parent who has been deserted.
  - (d) If both parents have been deprived of custody of minor by order of any Court. The person to whose custody the minor is committed by order of the Court.
2. Where one parent is dead:
- (a) If there is no other tutor. The surviving parent.
  - (b) If a tutor has been appointed by the Court or by the deceased parent. The surviving parent and the tutor if acting jointly, or the surviving parent or the tutor if the parent or tutor is the sole guardian of the person of the minor.
3. Where both parents are dead. The tutors or tutor appointed by the deceased parents or by the Court.

## II. *Where the Minor is Illegitimate.*

- Circumstances. Person whose consent is required.
- If the mother of the minor is alive. The mother, or if she has by order of any Court been deprived of the custody of the minor, the person to whom the custody of the minor has been committed by order of the Court.

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86-88. *(Repealed by Act 34 of 1956)*

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89. When any person whose consent is necessary to a marriage is absent, of unsound mind, or otherwise incapable of consenting or refuses consent, the Judge may on petition give valid consent.

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90. In the direct line, marriage is prohibited between ascendants and descendants and between persons connected by alliance, whether the connection be legitimate or natural.

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91. In the collateral line, marriage is prohibited between brother and sister, legitimate or natural, and, subject to the provisions of article 91A, between those connected in the same degree by alliance, whether the connection be legitimate or natural.

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91A.

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(1) Notwithstanding anything contained in article 91 or in any other law, no marriage heretofore or hereafter contracted between a man and his deceased wife's sister, within Saint Lucia or without, shall be deemed to have been or shall be void or voidable, as a civil contract, by reason only of such affinity.

2.

Provided that in case, before the coming into force of this article, 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.

3.

(2) No right, title, estate or interest, in, to, or in respect of any property, whether in possession or expectancy and whether vested or contingent at the time of the coming into force of this article, and no act or thing lawfully done or omitted before the coming into force of this article 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 article. *(Inserted by Act 3 of 1912)*

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92. Marriage is also prohibited between uncle and niece, aunt and nephew, and between persons connected in the same degree by marriage.

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93. A marriage solemnized in contravention of articles 90, 91, 92, is null.