

IN THE CENTRAL FAMILY COURT

First Avenue House
42-49 High Holborn
London

Before HIS HONOUR JUDGE ASHBY

IN THE MATTER OF

AAA, A CHILD BY HIS LITIGIATON FRIEND BBB (Applicant)

-v-

RRR (Respondent)

MR G HARLEY appeared on behalf of the Applicant
MS P LEWIS appeared on behalf of the Respondent

APPROVED JUDGMENT
18th JUNE 2025

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JUDGE ASHBY:

1. This is my judgment in AAA v RRR, ZC24D00001.
2. This case is an application for a declaration of marital status, pursuant to Section 55 of the Family Law Act 1986, in relation to the alleged marriage of the applicant's mother and the respondent.
3. The judgment is in 10 parts as follows: Initial Comments; Decision; Overview; The Issues; Position of the Parties; Key Dates and Background; The Law and Expert Evidence; Evidence of the Witnesses; Findings and Application; and Conclusions.

Initial Comments

4. I want to acknowledge at the outset that this is a case with a particularly acute emotional impact on the parties. It concerns the validity of purported marriages, something which is of great emotional significance. But that has only really come into focus because of the unexpected death of a lady, CCC, who on any measure of it was important to all concerned. I do not lose sight of the fact that the parties and witnesses have lost either a partner or spouse (depending on the findings), a mother, a sister, a daughter or a wider family member.
5. I recognise that my decision will also likely have a bearing on inheritance and immigration, albeit neither are part of the test for validity of marriage.
6. It is right and good that the parties, lawyers and a judge sit for several days in court and analyse the facts and the evidence. But when doing so I do not lose sight of the fact that cases are not simply an analysis of facts and legal arguments. There is a real impact on the lives of those involved, and this case sadly arises out of loss and grief, which no doubt is ongoing. As I have already said during the course of the hearing, I express my condolences to all of those involved for CCC's loss.

Decision

7. I do not want to keep the parties waiting for the outcome until the end of the judgment, and so I am going to tell you the decision now and then give you my reasons.
8. My decision is that there was no valid customary marriage in Nigeria, the Nigerian legal conditions not having been met.
9. In Ghana, there are two types of customary marriage, formal and informal. In relation to the formal customary marriage, my finding is that there is no valid formal customary marriage in Ghana. A rite called Fia Pemi is required and was not performed, and that is fatal. There is also no valid informal customary marriage in Ghana, the evidence being

insufficient to persuade the court of an informal marriage or that the same would be recognised in Ghana.

10. It is common ground that the Kent blessing is not a marriage and in my judgment it cannot be converted into one, and there is no jurisdiction to give directions for this to be so.

11. The outcome of all of that, unfortunately, is that there is no valid marriage.

Overview

12. This case is an application for a declaration of marital status, as I say, pursuant to Section 55 of the Family Law Act 1986. The applicant asks for a declaration that there is no valid marriage, in particular that any ceremony is a non-marriage. In the acknowledgement of service the respondent asks for the court to declare that the marriage is valid.

13. This judgment is an ex tempore judgment given at the conclusion of a final hearing listed for six days but concluded in four, given that experts were not called.

14. The applicant is AAA, a child, by his Litigation Friend BBB. He is the son of CCC. He has been represented by Mr Harley of counsel. The respondent is RRR, represented by Ms Lewis of counsel. It is the applicant's mother, CCC, and the respondent that are alleged to have been married. The respondent is not AAA's father. The litigation friend is AAA's maternal uncle and CCC's brother.

15. Sadly, CCC died on 26 August 2022. She died intestate which means that the status of the marriage is crucial to determining the inheritance. I am not determining the inheritance claim today, that is not before me.

16. The evidence and documents I have had comprise a bundle, position statements of the applicant and the respondent, a video of 15 minutes or so showing parts of the Ghanaian ceremony, and answers to questions from the expert in Nigerian law.

17. I have heard from the following witnesses: BBB, the applicant's uncle and the deceased's brother; DDD, CCC's mother; FFF, CCC's uncle and the head of the Ghanaian family, which is an important cultural role; the respondent, RRR; two of his brothers, SSS and TTT; and I also read a statement from UUU who was not giving oral evidence.

18. Further, I have read the expert evidence of the expert on Nigerian law, Abimbola Badejo, and the expert on Ghanaian law, Frederica Ahwireng-Obeng.

The Issues

19. The principal issues are as follows:

- (1) The validity of the Nigerian ceremony on 16 May 2020;
- (2) The validity of the Ghanaian ceremony on 2 May 2021 (and in any event, whether there is any informal Ghanaian marriage);

(3) The status of the blessing/renewal of vows in the UK on 15 May 2021.

20. I had understood that the blessing in the UK on 15 May 2021 at ZZZ Church in Kent was uncontroversial, insofar as it was recognised it was not a marriage. It was not until closing that I had understood, or that counsel for the applicant had understood, that there was going to be a live issue on the Kent blessing. In closing, counsel for the respondent raised that if the priest had made a mistake in believing that the parties were married in Ghana, then some kind of direction should be given so that the blessing in the UK could be recognised, that the law should essentially make provision for it.

21. There is simply no legal basis for that argument. It was not raised as an issue until closing. It was not in the position notes. It would be completely unfair for the court to determine that on closing submissions when it was never raised as an issue and the parties have not had a chance to comment on it. In any event, the argument is fatally flawed. There is no power or jurisdiction to do so. Counsel could point me to no power or jurisdiction that would allow me to do so. The court cannot direct or convert something which is not a marriage into a marriage. Put very frankly, the argument is simply, from a legal perspective, absurd. It was clearly not a marriage, the priest did not think it was, there was no registration and it does not come close to being recognised as a valid marriage under UK law. I have dealt with that issue now. I am not going to deal with it in any more detail beyond that, because it is an answer which is so plain and requires no more explanation.

Positions of the Parties

22. The applicant's position is obviously that there was not a valid marriage and in particular that any ceremony is a non-marriage and seeks a declaration.

23. The respondent's position is that the marriage is valid. It has been put forward that both the Nigerian and the Ghanaian ceremony are valid and in the alternative that there is an informal Ghanaian traditional marriage; effectively an argument that one of these must bite.

Key dates/background

24. In terms of key dates and background, we obviously do not have as much information about the relationship as we could do because, very sadly, CCC has died.

25. The respondent tells us:

- a. In May 2018 the parties met via Christian Connection, a Christian dating application;
- b. They met in person at Rochester Castle in June 2018;
- c. As soon as July 2018 the respondent proposed at his house in Willesden Green, there having been a cathedral function in Victoria that day;

- d. Summer 2018, the respondent first visited CCC's home;
- e. Thereafter he visited more regularly including some overnights;
- f. He introduced her to his friend Walter Ebubedike, who he says essentially sponsored him, who he lived with when he first came to the UK and whom he regarded as family but was not family. That is a relevant point because the involvement of the parties' families in marriages is culturally significant;
- g. He met CCC's brother, the litigation friend, in summer 2018 in Manchester. There was some difficulty getting there because of late trains. He says he took wine as an introduction rite. He says he told the litigation friend that he wanted to marry CCC and he said that the litigation friend, BBB, said he was happy for them both. That is something which BBB disputes. He accepts the meeting happened. He says that there was a polite gesture of wine, but says it was not part of any kind of marriage or introductory rites, and that the discussion was not one of marriage;
- h. The respondent says that he and CCC increased their time together;
- i. There was a Nigerian ceremony on 16 May 2020;
- j. He says that CCC spoke to her family about her Ghanaian wedding and this was opposed by the family. He was accused of doing it for immigration status, as an overstayer. He was called, he says, a gold digger and lots of derogatory names. He says that the family were hostile, the mother, sister, uncle, they were all opposed. He says at paragraph 15 of his statement, "Regardless of their resistance my wife and I were determined to marry and nothing was stopping it." They asked a reverend to mediate, to no avail. BBB says that the issue of marriage was something which came up in March 2021. His mother spoke to him about it and it was agreed it was objected to by the family.

26. There were further discussions that occurred thereafter and, on 2 May 2021, there was a Ghanaian ceremony which I will come on to more in a moment.

27. On 15 May 2021, there was a renewal of vows and blessing at ZZZ Church, Kent.

28. On 20 July 2021, at page 201 of the bundle, there is a message from CCC which suggested that the respondent had moved in over the weekend.

29. Sadly, on 26 August 2022, CCC died unexpectedly. That was particularly sad as she had beaten cancer and then died unexpectedly, leaving her son effectively an orphan as he had no contact with his father.

The Law and Expert Evidence

30. In terms of the burden and standard of proof, the person who alleges must prove. The burden of proof rests with them. They must prove the case on the balance of probabilities.

31. Section 55 of the Family Law Act 1986 deals with declarations as to marital status. It says:

“Subject to the following provisions of this section, any person may apply to the High Court or the family court [as in this case] for one or more of the following declarations in relation to a marriage specified in the application, that is to say:

- (a) a declaration that the marriage was at its inception, a valid marriage;
- (b) [(b) is irrelevant for these purposes];
- (c) a declaration that the marriage did not subsist on a date so specified;
- (d) [(d) and (e) are not relevant either]”

32. Subsection (2) concerns domicile and habitual residence, which I have not had to be concerned with in this case.

33. Subsection (3) says that, “where an application under subsection (1) above is made to a court by any person other than a party to the marriage to which the application relates, the court shall refuse to hear the application if it considers that the applicant does not have a sufficient interest in the determination of that application.” That has not been a live issue before me.

34. The court then has to consider, in the case of marriages abroad, the issue of *lex loci celebrationis*, that is, is a foreign marriage valid in the relevant country? Because of that, there are requirements in terms of some marriages abroad that do not sit well with modern English law, for example, the consent of a family for a bride to be able to marry. But even if inconsistent with English law they are important cultural considerations and if they would lead to the invalidity of the marriage in the foreign country then this court has to consider them. If there is any doubt about that, the case of *Dukali v Lamrani* [2012] EWHC 1748, deals with the matter. It says, “foreign marriage must be recognised in the country in which it took place and the parties must have complied with the procedures required within that jurisdiction.” It must then be capable of recognition in the UK. That is not a real substantive issue in this case, if the marriages are valid in either Nigeria or Ghana then they are recognised here. It goes on to say in that case,

“The fundamental test is whether or not the marriage in question is valid under the laws and customs of the foreign country alone.”

35. In *NM v NA* [2020] EWHC 93, Roberts J, says there are two fundamental questions:

- (1) Are the parties validly married?
- (2) Is the marriage entitled to recognition?

She further outlined that the formal validity is regulated by the domestic law of the country where the marriage is celebrated.

36. The next case considered is *Hudson v Leigh* [2009] EWHC 1306, Mr Justice Bodey. There is a non-exhaustive list for determining whether or not a questionable ceremony would be a non-marriage:

- (1) Did it purport to be lawful?
- (2) Did it bear all the hallmarks of a marriage?
- (3) Did key participants, most especially the officiating official, believe, intend and understand the ceremony was giving rise to the status of a lawful marriage?
- (4) What was the reasonable perception, understanding and belief of those in attendance as to what they were witnessing?

37. There are a number of cases on intention. I will not cover every one. Of note, *El Gamal v Al Maktoum* [2011] EWHC 3763, Bodey J again, says it was not the law that where minimal or no steps were taken to comply with the marriage acts, in that case, and the ceremony did not purport to comply with the legislation, that intention or belief could of itself create a compliant marriage. Mr Harley on behalf of the applicants says pure intention is not enough.

38. Effectively, what I need to do is consider whether the ceremony/purported marriage would be recognised as a valid marriage in the jurisdictions in which it was carried out. To assist me to do that, I have had the help of two experts, one in Nigerian law, one in Ghanaian law. I am going to deal with their evidence here under this section of law and experts, because effectively they are experts on law and so their expert opinions help to address what the legal framework is.

The Nigerian Law Expert – Abimbola Badejo

39. In terms of the Nigerian law expert, Abimbola Badejo of 5 Pump Court who is dual qualified in Nigeria, he tells me that this, uncontroversially, has to be considered in relation to the customs of the Igbo tribe under their native law and custom. He says that practices vary from community to community, but sets out what is common to any marriage under Igbo customary law. I will summarise his opinion to say effectively that there are four

crucial requirements. Each one has to be fulfilled for the marriage to be recognised under Igbo customary law and therefore Nigerian law.

40. The first is capacity. There are some old pre-independence cases that say a non-native Nigerian might lack capacity. The reasoning for that is seen in the cases that I have considered, *Savage v McFoy* [1909] and *Fonseca v Passman* [1958]. The reasoning has been really in the context of, for example, in *Savage v Macfoy*, a polygamous marriage. The context was that MacFoy was from Sierra Leone and did not have capacity because in his own country polygamy was unlawful, and the reasoning was that rules on polygamy must be strictly confined to those for whom it is intended.

41. Ultimately the idea that a non-native Nigerian would not have capacity has been the subject of much academic criticism. Effectively the conclusion of the expert is that, particularly in dealing with someone from Ghana, because of the similarities between the legal positions in Ghana and Nigeria, that matters would be decided differently today. His ultimate conclusion is that capacity would not be a bar in this case. I say his ultimate conclusion, although it is a matter for the court to determine these matters, not simply defer to the experts. But I also have to consider what challenge there might have been of the experts, which I will come on to further later. In any event I accepted, I should say, that he accurately sets out the four requirements. There was very little convincing evidence to the contrary.

42. Consent was the second requirement. The consent of the spouses is important, but the consent of the family was also important. In *Okpanum v Okpanum* it was highlighted that in Igbo law marriage is an agreement between two families. Consent may be given by the head of the family, the father or person in loco parentis. The academic view is that a groom's father does not any longer need to consent in modern times.

43. Paragraph 14 of the report set out that, "the consent of a bride's parents or family is a significant part of a customary marriage. Under Igbo native law and custom an adult woman has no right to marry without first obtaining the consent of her parents or guardian to such a marriage." As I say, it does not fit entirely comfortably with modern English law, but it nonetheless has to be considered.

44. Paragraph 15 says that this is significant because, "without consent the bride price cannot be given as the marriage symbol or bride price cannot be given to the bride herself, nor to anyone other than her father or person in loco parentis to her. Also, without consent there can be no formal giving away of the bride. Once consent is given a day is fixed between the two families to meet at the residence of the girl's father..." I add, it has been a

common theme throughout the expert evidence that marriage rights are conducted according to those customs of the wife or bride.

45. Paragraph 16 sets out that consent is signified by the drinking of wine.

46. In the conclusion section of the report, paragraph 54, the expert specifically says the bride's consent is not enough. He states, at paragraph 55, that the consent of the head of the bride's family must be obtained.

47. The third requirement is the marriage symbol, which is the dowry or the bride price, that also, the expert says, is essential. Something symbolic must be given by the man or his family to the family of the bride. It is described as a condition precedent. It must be given to the father of the bride or male representative, paragraph 19. Paragraph 20 sets out that without it the marriage is void.

48. At paragraph 21 the expert states that no marriage can take place unless the bride price is agreed. It is not essential that it is paid in full but there must be at least part payment before a valid marriage can be performed, paragraph 22. If the bride's family is not aware then no bride price can be paid.

49. The fourth requirement is in relation to the ceremony. There has to be a formal handing over of the bride that completes the marriage. Handover would usually be at the bride's home. In *Ikedionwu v Okafar* it states that a valid Igbo marriage is not contracted until the formal handover of the bride takes place. Paragraph 58 sets out that this is culturally a union of families, not just the individuals, and that the handover requires the attendance of representatives from both families. In this case, there was nobody there from the bride's family.

50. All of the above requirements are required for a valid marriage, paragraph 25 of the report. As I say, no member of CCC's family was present.

51. The respondent disagrees that it is customary for the ceremony to occur in the bride's own place and says that it can happen in the groom's place. The expert disagrees with that at paragraph 35.

52. A registration process occurs, no validity checks are undertaken.

53. The expert says that this court is not prevented by Nigerian law from investigating circumstances and concluding that a marriage is not valid. In answers to questions, he says the marriage can be by proxy, but the essential elements remain. Consent of the bride's family is a crucial issue. If by proxy, both families will still be present and any authorised members of the family can represent the parties to the marriage.

The Ghanaian Law Expert – Frederica Ahwireng-Obeng

54. The Ghanaian law expert is a Senior Lecturer at the Ghana School of Law and a Family Law Expert.

55. In relation to Ghanaian law, *Yaotey v Quaye* also highlights, similarly, that customary marriage is a union of a man's family and a woman's family. The consent of both families must be obtained. Family consent is described as a condition precedent, *Djarbeng v Tagoe*. There is reference to a highly regarded academic, Dr Dankwa. He says that customary marriage is void without payment or waiver of the bride price.

56. In the Korubo tribe, from which the bride hails, there are approximately eight stages, the expert says. The final stage is the Fia Pemi, where the union is blessed. The spirits of the ancestors are invoked through the pouring of libation to request their blessing. The expert's report says this must be completed in order to create a valid marriage.

57. There are, however, under Ghanaian law, two types of customary marriage, formal and informal. The Fia Pemi is a requirement of the formal customary marriage. In terms of informal customary marriage, the courts in Ghana have ruled more recently that it is unfair for a court to insist on family consent in relation to informal marriage. No ceremony is required for the creation of a valid informal customary law marriage and a valid marriage may be created informally subject to certain conditions, page 239 of the bundle.

58. *Yaotey v Quaye* says marriage can be created formally or informally. The experts says, "The court referred to situations where there is no formal ceremony or the presentation of drinks or the payment of a dowry, but the man's family and the woman's family acknowledge the man and the woman as husband and wife." It says in such a case it would be unfair not to regard the parties as husband and wife, but refers to there being evidence that, in that case, "the woman took care of the deceased by cooking for him, doing his laundry and having his child. When the man passed away, the woman performed the necessary rites in her capacity as a widow," at the funeral.

59. At page 240 of the bundle the expert said, "the courts have stated time and again that the agreement between a man and a woman to live as husband and wife and in actual fact living as husband and wife, is the only factor which may be used to determine whether there existed/exists a marriage between a man and a woman. The emphasis here is actually living as husband and wife."

60. A number of cases are then set out thereafter, which I am not going to go through in full, but I have considered them. Page 240, the case of *Re Dickson*:

"I hold that it has never been and it is no essential requirement that a Fanti marrying a non-Fanti woman should of necessity go

with a relative of his or be present at the marriage ceremony before his marriage to the non-Fanti would be valid.”

That is a case where there was a long period of time and taking care of the deceased, again they were taking care of children. The individuals were treated as wives by the deceased’s family (that involved polygamous marriages).

61. Ultimately, this distinction between formal and informal is covered in *Essilfie v Quarcoo*. The two types are explained as follows:

“There is the ordinary form of customary marriage, where the necessary ceremonies of payment of drinks, customary fees and dowry are given by the man’s family to the woman’s family...[in relation to informal marriage it says]...there is the second type where although the customary rites have not been performed, the parties have consented to live in the eyes of the world as man and wife and their families have consented that they should do so and the parties actually lived as man and wife in the eyes of the whole world.”

62. In that case they had lived together for more than five years, had children together and the marital status was acknowledged by the husband’s family.

63. Sarbah, an academic whose position has been endorsed by a later case of *Gorleku*, says,

“Marriage rests entirely on the voluntary consent of man and woman to live together as a man and wife...evidenced by their living together as husband and wife. All other ceremonies and expenses attending the marriage are superfluous.”

In *Gorleku*, it was said that, “the recognition of family consent as an essential of a customary law marriage is therefore of no moment and modern courts must accept this as a fact.”

64. In conclusion, where the expert ends up is that there are these two types of customary marriage, formal and informal. In terms of formal, in the Korubo tribe the Fia Pemi is what completes the creation of the formal marriage and there is no formal marriage without it. In relation to informal marriage, it is said in the conclusion that courts are cautious to avoid unscrupulous claims to the assets. So there is a lot of emphasis on actually living together as husband and wife. The expert says, “flimsy evidence,” such as living together for a period less than five years, not being acknowledged by each other’s family, lack of children, will lead a court to hold that there is or was not a marriage. Strong evidence is required, in effect.

65. In all of the cases which the expert has considered in relation to informal marriage, there was the agreement of the parties, they had lived together for over five years, there was an acknowledgement by the families, they were known to the other person’s family, they were permitted to perform customary rites at the funeral and/or were responsible for the

funeral. The expert says that in the absence of the majority of these factors, the courts will conclude that there was no marriage and that the relationship was or is that of concubinage, or effectively cohabitation in more familiar terms.

66. In terms of registration, it is not compulsory. It does not validate the marriage in any event. The registrar has no power to declare it valid or invalid. “Mere registration”, the expert’s report says, “will not render an otherwise invalid marriage valid. Conversely, non-registration will not render an otherwise valid marriage invalid.” It goes on to say that Ghanaian courts will recognise the English court’s declaration.

67. So that is a summary of the legal position as set out by the experts.

68. The other legal consideration I remind myself of is that it is common for witnesses to lie and that they do so for many reasons: shame, misplaced loyalty, panic, fear, distress. The fact that a witness has lied about some things does not mean they have lied about all things. Inconsistencies and discrepancies occur for numerous reasons not simply because a person has lied; memory and recollection can come into play. Repeatedly telling the story and delay can come into play. In any event, the court has to consider the relevance of any lies and consider what turns on it. The court has to consider the probative weight to be attached in light of the totality of the evidence.

Evidence of the witnesses and the evidence more generally

Video of the ceremony in Ghana

69. I will start with the video of the Ghanaian ceremony. Because the ceremony occurred in Ghana, the crucial parts were videoed and I have seen the video. The video shows CCC’s mother, her uncle, FFF (the head of the family) and other family members from CCC’s side, the respondent’s two brothers and a family friend. A number of significant events occur in that video.

70. It shows the families coming together. There is reference to the spirits of the ancestors. There is sharing of drink, which is obviously significant in light of what the expert says about sharing of drink. But also, FFF declaring that the Fia Pemi has not been completed. He specifically says it has not been done. Not only that, he refers to the written list of customary rites (which I have at page 127 of the bundle) which appears in the video to be a common document of reference for those present. He identifies number 19 by number as well as explanation. Number 19 is the Fia Pemi, and he says it has not been done and he explains why. He says it is because of the distance. He says that if they do that, if they conduct the Fia Pemi, then the wife’s family would effectively have given CCC to the husband’s family

for all purposes including burial, and that they do not want to do that because of the distance. He was very clear, however, that it was only number 19 that was outstanding.

71. That is consistent, frankly, with the evidence of everyone who gave evidence on that issue: the Fia Pemi was not done. DDD, CCC's mother said that, FFF said that, the respondent's brothers said that in oral evidence (even though the brothers did not say it in their statements). It obviously has not been done. I will come on to it more in my analysis and conclusions, but effectively, considering that and the expert evidence together, the Fia Pemi is not done. It must be done for a valid formal marriage, according to the expert's view which I accept, and therefore there is no formal customary marriage.

BBB (Applicant's Litigation Friend)

72. The evidence from the litigation friend, BBB. He says that it is only after CCC died that the respondent claimed they were legally married in Nigeria. He says that that was a sham marriage for immigration purposes. He accepts they were in a relationship but does not accept they were married. He says the Ghanaian ceremony was not complete.

73. As I say, it seemed common ground that the ceremony in Kent was not a legal marriage, albeit BBB was initially under the impression that that is what it was to be. There is a distinction, I should add, that has come out in evidence between a 'marriage' and a 'wedding' in African culture, and particularly in Ghanaian culture. There was reference to the concept of there being a marriage but then there would often be a religious wedding ceremony afterwards. The lack of subsequent wedding does not invalidate the marriage. But there was reference to these two distinct items and I make that point in terms of terminology. BBB said it was common that customary marriages were done in Ghana and followed up with formal church wedding ceremonies.

74. He says he met the respondent in 2018. I have already explained that he says that there was this polite gesture, as he puts it, of the respondent bringing a bottle of wine. He says that during this meeting at no stage did CCC introduce the respondent as her boyfriend or express an intention to marry him. He says he and CCC spoke afterwards. He was asked by counsel if it became apparent there was something going on. He said he had warned her to be careful given they had met online. He said it did not come up again until his mother told him CCC wanted to marry the respondent, which was March 2021.

75. He was asked if he thought it was a genuine relationship in 2021 and he said he thought it was. He said he thought the wedding in Nigeria was a scam. But when asked by counsel about why someone would go through a marriage ceremony in Nigeria, and could it be

because they were in love, he said he did not deny that they were in love. He accepted they were in a relationship so there must have been something, is what he said.

76. He says in Ghanaian cultural marriage, there is a joining of the families; it is as much a joining of the families as the parties to the marriage. He says that because of that, a Nigerian wedding would be really quite unlikely if the wife's family were not present.

77. He says the next time he met the Respondent was at the blessing in Kent on 15 May 2021. He had said, I observed, that he was close to CCC. But it would seem that at that time he was not as close as he suggested and that the relationship and his warning about the respondent had caused something of a rift between him and his sister. He says at paragraph 15 of his statement, page 178, "my expression of concern led to a breakdown in communication," so I have to be cautious about his insight into their relationship in those circumstances.

78. He says that given the messages in July 2021, the respondent only moved in after the blessing in Kent (page 201). He points out the inconsistency in the blessing in Kent being referred to as both a blessing and renewal of vows. He said as a devout Christian it would not be acceptable to move in before then. He had initially thought that it was going to actually be a wedding. The absence of a register being signed raised suspicions. He says that even a blessing has to be recorded in the church records, page 191, and this did not occur. That was not something they discovered until they spoke to the parish priest which again raised his concerns. That is at page 193, the document from the parish priest.

79. He also said ZZZ Church was not her parish church; YYY was, where she served on the finance committee. He says people at that church had no knowledge of the marriage or alleged marriage. He says there was no knowledge of the Nigerian ceremony and the Ghanaian one was incomplete, he has checked the phone and emails of CCC and she had not told anyone about the Nigerian wedding. It was only after he asked for a marriage certificate that he became aware of the Nigerian wedding.

80. He accepts he cannot speak to the relationship between the respondent and AAA as he was not in the house with them.

81. BBB has a number of concerns about the Nigerian marriage certificate in particular. This is at page 83 and is a draft. I do not have a copy of the final copy. His concerns were as follows:

- a. Inaccuracies. "EEE" was put as the name of the father who was giving consent. He says it is concerning that the respondent did not know the correct surname, as the surname recorded is AAA's father's name. It says CCC was

unemployed. The postcode was wrong. He says the form refers to CCC's father having consented even though he died in 2015 (the document being dated 2020).

- b. Text messages. He says the text messages were in effect CCC and the respondent conspiring on immigration status, which he was surprised about. The messages are of 23 May 2020. On page 107 it shows the date and the discussion about surnames, occupation, postcode being wrong, the name of the father being wrong, and there is a reference to calling someone called Som to try and sort it out, page 113. This was a few days after the Nigerian ceremony on 16 May 2020. He says these text messages show that someone was creating or editing the documents.
- c. He says the email addresses on the certificate from Ikeja local government are Yahoo and Gmail accounts rather than government accounts, which it should be, and that that is highly suspicious and indicative of a fake document.
- d. Page 85 is a letter from Ikeja local government stating the document is not authentic. That letter says it is not signed (but copies on page 82 are). It says the customary court does not issue marriage certificates, only dissolution of customary marriages. The letter refers to being unable to trace or search the documents in their records.
- e. His next concern is that the father is listed as a witness, the respondent's father, even though deceased at the time. Albeit I accept the respondent's evidence that where someone stands in for the father the father's name is still recorded there. In addition, it says that the sister was listed as another witness despite the respondent previously saying they only had brothers, page 199.
- f. He says the context is that bribery is common in Nigeria.
- g. He also referred to the respondent previously entering the UK under false pretences. That was not put to him in evidence, the last point.

82. He sets out the key features of customary marriage. He says the families would need to come together and that cannot have happened in the Nigerian ceremony. A dowry would have been required. He says it is inconceivable that they would be married without family knowledge – perhaps more relevant to the Nigerian ceremony – and that there is a necessity to follow the customs of the wife's family. He is obviously not an expert in Ghanaian marriage law.

83. He accepted he or his family prepared the funeral brochure which referred to the respondent as CCC's "husband", page 161. He says the respondent has made no effort to contact AAA.

DDD, CCC's Mother

84. CCC's mother, DDD, gave evidence from Ghana via video where she was in a care home, I believe. She is hard of hearing. She had to have everything repeated to her by her nurse. This was a process agreed with counsel. The nurse needed regular reminding to repeat everything, but I am satisfied that the relevant questions were repeated and that it was, in the circumstances, a fair way of trying to get the best evidence from her.

85. She disagreed with the proposed marriage when she was told about it, March 2021, she says. She said CCC contacted the family head. There was a compromise reached, so essentially there was agreement subject to conditions. Effectively they had to complete all the steps of the customary marriage, including the Fia Pemi, which they were required to turn up to in person to show commitment; that was the condition imposed.

86. She referred to a number of conditions in her evidence, but in effect they were all constituent parts of the Fia Pemi. She described the Fia Pemi as the heart of the marriage, consistent with the expert evidence. While she referred to some other elements not being completed, I did not accept that evidence and I thought she was mistaken about that, because in the video the uncle is quite clearly highlighting only one absent element: the Fia Pemi.

87. She said she knew nothing about the Nigerian wedding. Had she known, she said she would never have agreed to the Ghanaian ceremony. She says that had they been customarily married then the respondent would have had a different role in the funeral.

88. At paragraph 26 of her statement (page 217) she says, "it is a grave abomination to marry someone's daughter without the knowledge and consent of her family. Such an act violates deep rooted customs and social norms. Had we known [about the Nigerian marriage that is], they would not have been welcome at our family home." Taking that to be a reference to the respondent's brothers in context.

89. She repeated that in oral evidence. Had she known about the Nigerian ceremony, she said, "If I had known they would not have stepped on my doorstep. I would have reported it to the council. It is an abomination. This is enough to trigger tribal war in Ghana...[you] cannot take someone's daughter without their consent." It is unheard of to have a marriage on the husband's side or at the husband's location, she said.

90. In essence, I have taken from the evidence that really what she is saying is that in deep rooted cultural norms, it would be the equivalent of one tribe marching into another tribe,

taking one of their daughters without the consent of the family and marrying them, and that that is just a cultural abomination.

91. She said she had no idea who GGG was, who is allegedly the person who gave consent for CCC's Nigerian wedding. She said in any event, a paternal uncle could not consent. She referred to the principle of maternal inheritance. She said it has to be the maternal family. In any event she had been married to her late husband for 46 years, she knew his family and they did not consent. She said there is no such person as GGG who was referred to in the messages as the person CCC says gave consent for the Nigerian wedding.

FFF, CCC's Uncle, head of the family

92. The uncle FFF, head of the family, said that when he was told that the parties to the ceremony were not going to attend (around April), he told them he could not do the Fia Pemi. He said it would have to take place when they were available. It would need personal attendance. He said the marriage would not be valid otherwise, which is consistent with the video that I have seen.

93. In his witness statement (page 209), paragraph 18, he says, "The family head's approval is crucial for the marriage to be recognised by both families involved. Customarily, a marriage cannot proceed without the consent of the family head." On the video, as I say, he is clearly saying the Fia Pemi is not done. But he did tell me that he would have been happy to have done the Fia Pemi had they attended in person. Effectively, CCC's family wanted to be satisfied that there was an element of commitment and that this was going to be a relationship which was going to stand the test of time, and that there needed to be some commitment to help persuade them of that.

94. It was suggested to him that effectively they could have just married in the UK, which of course they could have done, but he says, and he was very firm about this, that the Ghanaian family would simply not have accepted that as a wedding, as a marriage, as a true marriage. Even a legitimate UK marriage, he says, the family simply would not recognise; they would not consider CCC to have been married, hence the importance of going through the Ghanaian ceremony.

95. He said a Nigerian wedding without the wife's family knowing would be a taboo. It would be something that would be criminal and also referred to the issue of it causing tribal war. He said the persons involved would be arrested and questioned in Ghana if that had happened. I think it is fair to say, I just observe at this point, it was that issue which caused the most consternation from both of the senior witnesses from the wife's family, that is, DDD

and FFF. The idea of having a ceremony in the husband's location/home without the wife's family knowing caused them considerable indignation.

RRR, the Respondent

96. In terms of the respondent's evidence, he says CCC's relationship with her brother was not as close as the brother says. He says her brother did not visit when CCC was sick, when she sadly was struggling with cancer, but only visited around AAA's first Holy Communion on 18 June 22.

97. He says CCC had a passport with his surname on it, which I have seen. He refers to the tribute in the funeral brochure (p161), but I also note this uses her previous surname.

98. He says they were in a relationship. He says the relationship developed. The position of CCC's family was as set out in paragraphs 13, 14, 15 and 16 of his statement. He says, "That the family were now opposing our marriage. They also accused me of trying to use her to get paper [sic] in the UK as I was an overstayer then...they called me a gold digger...there was no derogatory name under the sun I was not called to discourage my wife with going ahead with marrying me...the entire family stopped taking my calls...her family is resisting our marriage...Regardless of their resistance my wife and I were determined to marry and nothing was stopping it."

99. They tried to get a Ghanaian priest to mediate. He says, "he tried relentlessly but the family were adamant, selfish and greedy. This delayed our plans until 2020." He also said orally the family opposed him due to illiteracy and immigration issues.

100. In relation to the Nigerian ceremony, he says it is customary to conduct it in the groom's home if agreed; I did not accept that. He said CCC was discussing it with one of her uncles, but he was not privy to the conversation. It was not in his language. That is the GGG reference. He said CCC said that they could go ahead. He said in oral evidence that her family knew. He said that discussions about a certificate followed and says that the embassy had authenticated the certificate as authentic.

101. In relation to the Ghanaian ceremony, in his evidence, this is, "When the family realised that we were not prepared to capitulate to their intimidation and harassments [sic], and that I was genuinely in love with her they became double minded." The introduction of the family friend was referred to. Then there is reference to this so-called second customary marriage. He says the family handed over dowries, paragraph 32, page 118. He says the overall cost of the ceremony was £5,000.

102. In relation to the Kent blessing, he says that they were directed to the registry by the parish priest and told that because there was a customary marriage they could not marry again, so they had a blessing.

103. He says in their relationship they did quickly move to the idea of marriage. They had met in June 2018. There was a meeting, he says, in summer 2018 to ask the brother for marriage. He says he met her an uncountable number of times in that very short period of time. He was an overstayer at the time, it is accepted.

104. In relation to AAA (CCC's child), he was asked about AAA in cross-examination. This, Mr Harley says, is an important point, because he says it goes to the evidence of the level of involvement and whether they were truly together, as in living together as husband and wife. He reminds me that there is, in traditional African marriage, a joining of the families, and so he says this is an important point. When the respondent was asked about AAA in cross-examination, he did not know how old he was. That is a mistake I suspect every parent has made at some point in time. He said he was 10, but he is 12 this year. Sometimes time just passes by and people know the date of birth of their child but they just get the age wrong. Ms Lewis said he would not be the first father to do that, and that is right. However, that was not the extent of the evidence. It was not just a, "Oh, hang on, he is ... no, he is not 10, no, he is 12," kind of situation. He got the date wrong, the month wrong, and the year wrong, and that is quite unusual. He could not recall the year of birth for quite some time in the witness box and even after that time gave the wrong year, and that was even after having been told his actual age.

105. He said he had sent gifts (cards with a gift card) four times since the death of CCC. That was not in the witness statement with that level of specificity.

106. He disagreed with the expert about Nigerian law. He said orally that as long as a family friend gave consent, it is OK. I found that evidence difficult to accept. He says you can effectively shop around, this is my paraphrasing of his evidence or the effect of his evidence, that effectively you can shop around with family members for consent. That is the effect of his evidence, and I have difficulty with that because it cuts across the whole cultural system of having a head of family, which is clearly culturally significant.

107. In relation to the Nigerian marriage certificate mistakes, he clearly told me that GGG gave consent beforehand, before the Nigerian ceremony on 16 May 2020. Yet it is still her father's name on the certificate, even though he died in 2015. His explanation initially was that was CCC's mistake – I think that is probably unlikely, a person is likely to know when their father died, or that they are not living. He then said the mistake was a mixture of her

and his people. His evidence was very inconsistent on who made the mistakes on the form, initially saying CCC, and then saying that the information she gave was right and it was a mix-up with his people. The evidence was unconvincing.

108. He was asked about the back and forth with the immigration solicitor to get the form amended. At the end of day 2 of the hearing he said the advisor was Somedina who was an immigration advisor who he was contacting, that he had been talking to him for years, but that the man was not a friend. On day 3, he said it was Somawina which is the actual name of the immigration advisor on the solicitor's letters. He was asked why he gave two different answers in relation to that question and he had no compelling answer to that.

109. In relation to this consent of GGG, I thought this evidence was – I appreciate this is a comment on the evidence but I am just summarising – highly irregular. He apparently gave consent beforehand. But the form (page 83) was completed after the ceremony and yet did not name him. CCC then suggested putting him on afterwards in the text messages. The respondent was asked, if the name only came up afterwards, how GGG could have agreed the bride price. He did not really have an adequate answer for that, other than he said the bride price was simply a token. He ultimately did admit that the bride price was not negotiated and considered. He disagreed with the expert report in relation to the bride price requirements set out in paragraphs 19 and 22 of the report.

110. He did not really have any effective answer as to why the form at page 83 would contain Yahoo and Gmail email accounts rather than official government accounts. He was asked how the form was issued on 22 May, which is the date on it, when the text message shows mistakes being corrected on 23 May. He said the date you register it is the date. I found this unsatisfactory.

111. There were no witnesses from CCC's family. He admitted there was no coming together of the families therefore.

112. He did not really have any adequate explanation for page 85, the letter from the Nigerian local government saying the Nigerian marriage certificate was not genuine.

113. He was asked by me about who the wedding guests were that we can see at page 126 (at the Nigerian ceremony). He initially said, and I checked it with him, that he did not know who the woman in green was, and that was an answer given twice. Later he said it was his sister, and then clarified it was his half-sister. I have to say I found that evidence suspicious and unsatisfactory and it had the hallmarks of an answer that was changed once the respondent realised of course that the sister had been listed as a witness on the certificate at page 83.

114. In relation to the Ghanaian ceremony he agreed the Fia Pemi did not happen and that they needed to attend in person. He disagreed with the expert about the validity of the marriage absent the Fia Pemi. Yesterday, in evidence for the first time, I was told by him that the Fia Pemi required someone from the father's side, a relative in the USA (not GGG) to conduct the Fia Pemi. That has never been a feature of this case, it has never been mentioned before; that also gives me pause for how much weight I can put on the respondent's evidence.

115. The respondent also told me for the first time in evidence yesterday that FFF had told them that the marriage was valid anyway. That has never been a feature of this case. It has never been something that has been put forward. It was not put to FFF and no doubt had it been something in counsel's knowledge, it would have been. The respondent was asked about this and his explanation was simply that he forgot. That was extremely difficult to accept and I did not accept it. This case has been ongoing for some time. The whole point of the case is the validity of the marriages. If FFF had said that the marriage was valid anyway, notwithstanding Fia Pemi not being done, he would have said so. That is the most likely course of events. He would have said before now: "FFF did say that the Fia Pemi had not been done but this marriage was valid anyway." It would not be left to his evidence at the final hearing, I do not think.

SSS and TTT, the Respondent's brothers

116. Both brothers gave evidence. In terms of SSS, one has to observe that the oral evidence started quite disturbingly because we could hear that a child was being beaten in the background by unconnected parties. There is no inference drawn in relation to SSS in relation to that, of course, suffice to note that it was disturbing, but has no bearing ultimately on the determination.

117. SSS comments in his witness statement only on the Ghanaian ceremony, which in and of itself is odd (given he was said to be present at the Nigerian ceremony too). He says that the respondent sent the Ghanaian marriage list to him. He went to CCC's mother's home. Clearly he did; I've seen the video. He says he took dowries. He says, paragraph 19, all rites were completed. That is obviously wrong because the Fia Pemi was not and that was really very obvious in the video. He accepted that in oral evidence, but had no adequate explanation for why that was not covered in his statement and why his statement was positively misleading on the point.

118. The other brother, TTT, adopted SSS's statement. It has exactly the same problems. He equally did not correct paragraph 19, which again was concerning and gave rise to

considerable caution as to how reliable the brothers' statements were or how much weight I could put on the brothers' statements.

Findings and Application

119. Moving on to my consequential findings and the application of it to the law.

The Nigerian ceremony

120. In relation to the Nigerian ceremony, consent of the bride's family is required. Without consent the bride price cannot be agreed. I accept that. So far as I am asked to prefer the respondent's evidence to that of the expert in relation to the Nigerian ceremony requirements, I do not. I have a report from an expert setting out the Nigerian law requirements in relation to the Igbo law and customs. He has remained firm even after being questioned about it in relation to any variations and the respondent is not an expert in the matter. It was a straightforward decision to prefer the considered and thorough report of the expert.

121. I accept that such a ceremony would ordinarily occur at the home of the bride's family and that marriage traditions would ordinarily occur in accordance with the traditions of the bride's family and that is a culturally significant issue.

122. I was left with considerable misgivings about the legitimacy of the marriage certificate such that I simply could not accept it was genuine. The draft marriage certificate had so many mistakes: there was the reference to the father who has long since died (and in any event his name being wrongly recorded as CCC's ex husband's surname), CCC's occupation being wrong, CCC's name being wrong and the postcode being wrong. Further, the evidence in relation to the consent of the uncle was extremely unlikely to be true. The dates are a giveaway; he is apparently giving consent after the event, which is not regular.

123. I accepted DDD's evidence that there was no such person as GGG. I weighed up the evidence of the various witnesses. I did not find DDD's evidence to be perfect. I have already mentioned her reference to other requirements in relation to the elements of the Ghanaian ceremony not performed and that she said there were some other things not brought, but they were really not determinative. However, there were so many flaws and inconsistencies in the evidence of the respondent and his brothers and when I weighed them up together I thought DDD was the more likely witness to be right.

124. Further, the evidence is that even in March 2021 there was overwhelming opposition from the bride's family to the marriage to the point where even in the respondent's statement he says: well, regardless, we were going to get married anyway and it did not matter what the family said. I have already outlined the evidence in his statement about the opposition from

the family, the level of opposition was striking. So there clearly was no consent from CCC's family to the Nigerian wedding.

125. I do not accept that BBB could have consented (or did), nor do I accept that GGG did or could have consented. Nor do I accept, for completeness, that there was any kind of unknown uncle in America that could have consented; that evidence came out very late and was unsatisfactory (as I have already said).

126. I also weighed up BBB's evidence. I have already commented on some of the shortfalls in relation to it, in relation to how much he knew about the relationship at the time. I also did not think his evidence, in places, was entirely satisfactory. For example, concerning the initial meeting, he said he did not even really suspect that the respondent would be a boyfriend even though the respondent was travelling two hours up to see him. It did not even cross his mind, he said. I thought it was probably quite unlikely that it would not even cross his mind that there might be something more going on. That was inconsistent anyway with the telephone call that then occurred afterwards. But I do accept the consistent evidence that the family were opposed, and that is the consistent evidence of them all. Even as BBB says, that opposition did, in and of itself, cause something of a rift.

127. In those circumstances there was no agreement of the bride price. The respondent accepts that. The expert says there can be no marriage unless that takes place. It does not have to be paid in full, I accept, but the respondent accepted there was no agreement on that. That in and of itself is fatal.

128. In terms of the ceremony there would have to be representatives of the bride's family there to hand over. I accept the expert's evidence. There were no representatives of the bride's family present.

129. So on all three of those, there is a failure to fulfil the requirements. The husband accepted through counsel that there was a failure to meet the Nigerian requirements but says the marriage is valid in any event. Conceptually that is a difficult submission.

130. So there was not the consent of the family which was required; there was not the bride price agreed which was required; there was not a handing over at the ceremony which was required. Counsel accepts the formal requirements are not met, nevertheless says I should treat it as valid. She says that I should accept the respondent's evidence that those things are not actually required, that their wishes are sufficient. I am afraid it just flies in the face of the evidence to accept that. Effectively, to accept that submission, I would have to say I accept that the expert accurately sets out all of the requirements for an Igbo wedding and diligently

does so, but I should just close my eyes to it and disregard it all without any real evidential or legal foundation to do so.

131. In any event the evidence of the Nigerian ceremony in relation to the inconsistencies is relevant. It is highly unconvincing. I will not go back through the concerns set out in the evidence but they all, in my mind, raised concerns. The inaccuracies, the death of the father, the text message, the dates of the text messages, the email addresses being obviously wrong, the letter on page 85 saying that it was not authentic, the sister being listed as a witness and the evidence about that having shifted in cross-examination questioning. All of those things are problematic and give me considerable pause for thought. When I weigh that all together I think the most likely explanation is that that document did not reflect what anyone realistically considered to be a genuine marriage, and I do not accept that is an authentic document. Not only are there all of those concerns but it just cuts across so many cultural norms, it just cannot be the case.

132. That has given me pause in relation to how I consider the respondent's evidence on other matters, because if there are all of those concerns about the inconsistencies in the evidence and provision of documents, which are not on balance probably genuine, then I have to have considerable caution about the rest of the evidence presented when it goes to the same point, validity of marriage. It is not a case of saying, "Well, they lied about one thing so they must be lying about all things," but there is very unsatisfactory evidence on an issue that goes to the core of this case and so there is a crossover.

The Ghanaian ceremony

133. In relation to the Ghanaian ceremony I will not spend any great amount of time on the formal customary marriage. There is no Fia Pemi. That is the beginning and the end of it. The video is highly significant evidence. The evidence of the brothers lacked credibility on the point. The idea that FFF actually said it was valid I have already commented on; I do not accept that. It was a late addition to the evidence. It sits against all of the other evidence. I did not accept that evidence. I preferred the consistent evidence about the Fia Pemi from the applicant's witnesses. No legal basis been pointed to me to realistically show that there could, in those circumstances, be a formal customary marriage.

134. The expert's report has not been challenged. *TUI v Griffiths* is relevant, that where you have a single joint expert, in this case, who has been instructed, if you disagree with their evidence you have to make some kind of challenge on it. That is procedural and natural justice. You cannot sit back and then just criticise it in closing submissions. You ask questions. That might be enough of a challenge. There might not be the need to be called. It

might be enough to challenge them via questions, says the Supreme Court in *TUI v Griffiths*. It might be that they need to be called if there is a serious dispute. Ms Lewis says, 'Well, it is not that there is a serious dispute, we just say it is valid' or in relation to those other points I will come on to in a moment, but it is in effect a challenge. You cannot sit back and say, 'We have this single joint expert on this point, or the only expert on this point, and we say notwithstanding what they say about the Fia Pemi it is still a valid marriage.' It is just not open to a party to do that. So says the Supreme Court, which is obviously binding on me.

135. In any event I preferred the expert's careful and considered opinion to the position of the respondent, which was no more than the respondent's own opinion.

136. In terms of the informal customary marriage, I have been through the provisions in the expert's report which, as I say, are unchallenged in effect. On the face of it there is an apparent tension between the comments about this resting entirely on the voluntary consent of man and woman to live together as man and wife and them actually doing so, and then reference to these other factors. It seems to me that these other factors are the types of things that the court considers in determining whether they actually were consenting to live together as man and wife and did so. But those are the types of factors, I find, that the Ghanaian courts will consider in considering whether to find that they were in effect living together as man and wife. It is not that all of them need to be present; that is not the evidence of the expert.

137. The expert tells me that the courts are cautious in holding that there was an informal marriage, they do not want unscrupulous persons laying claim to assets as spouses when the relationship was one of 'concubinage'. That will be a consideration when it comes to any issues of recognition in Ghana and therefore whether this marriage is valid, particularly in the circumstances of the findings I have just made about the Nigerian marriage, or so-called marriage. All of the cases referred to have common elements: living together for a significant period of time, being acknowledged by the family, having children together and in the absence of the majority of those factors the court will conclude that there was no marriage and that the relationship was or is that of concubinage.

138. In this case, I accept the evidence that they moved in together in July 2021, so about a year. I accept also that it may well be the case that somebody has a genuine informal marriage that does not last the five years because of very sad circumstances like death.

139. In terms of whether it is acknowledged by the families I bear in mind that consent is not required, but whether it is acknowledged by the families is a factor in considering informal marriage. The mother, DDD, and the uncle specifically say that they wanted to see

commitment of the Fia Pemi before acknowledging the marriage. I note that consent is not required, but clearly, certainly from the mother and uncle's perspective, they were not acknowledging a marriage.

140. I note the funeral brochure. There is contradictory evidence in relation to the funeral brochure with the reference to husband and wife, but also to CCC's previous surname rather than the respondent's surname, which would be culturally traditional for a wife to take. It would be culturally traditional for somebody to take the husband's name. I note as well the significant outrage at the idea of a Nigerian wedding first and even to the point of reference to tribal war over it. An informal marriage was not, on balance, something that was acknowledged by the wife's family.

141. In terms of customary rites at the funeral, CCC's mother says that that is not what happened. That was unchallenged evidence. The respondent did do a tribute but DDD says (and I accept) it would have been different had they been recognised as customarily married.

142. Other factors I take account of: of course, they did move in together in July 2021 and I take account of the fact that there was an element of strong religious faith in relation to marriage and moving in together. I take account of the fact that their ceremonies would indicate a level of commitment. I take account of the fact that even BBB accepts that they were in love, but I am afraid that does not equate to a valid marriage. I thought the respondent's evidence about his involvement with AAA was telling and the information that could be offered about his date of birth, for example.

143. The other factors I consider: the marriage certificate, the details are wrong and the context of immigration overstaying. I note that registration is not determinative. When I consider those factors together and in particular the factors raised by the expert, I do not think it is likely that this would be recognised in the Ghanaian courts as an informal customary marriage. I do not think that is consistent with what the expert's report says which I accept. I accept that the expert is careful to leave the ultimate determination to me which is the appropriate thing to do.

The Kent ceremony

144. Briefly, in relation to the Kent ceremony, that cannot be a valid marriage. As I mentioned earlier, nobody thought it was; the priest did not think it was. There was no registration, although BBB thought he was initially going to a marriage, it clearly was not a marriage and it is simply legal nonsense to suggest that I can give any kind of direction to say that the Kent ceremony should be recognised now as marriage.

Conclusion

145. In conclusion then, that leaves me in a position where I find on the balance of probabilities that there simply was no valid marriage. I do accept that will be extremely upsetting for RRR, but, properly analysed, that is the legal effect of those findings and the application of them to the law.

Postscript: this judgment is citable

146. With the approval of MacDonald J. (Family Presiding Judge for London, South Eastern Circuit), I certify that this judgment may be cited in accordance with the *Practice Direction on the Citation of Authorities* [2001] WLR 1001 and Guidance given by the President of the Family Division dated 24 February 2025 under the heading *Citation of Authorities: Judgments of Circuit Judges and District Judges*.
