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GOVERNMENT NOTICE

GOEWERMENTSKENNISGEWING

DEPARTMENT OF THE INTERIOR

DEPARTEMENT VAN BINNELANDSE SAKE

No. R. 1779

8 October 1971

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8 Oktober 1971

REGULATIONS IN TERMS OF THE MARRIAGE ACT, 1961 (ACT 25 OF 1961)

REGULASIES KRAGTENS DIE HUWELIKSWET, 1961 (WET 25 VAN 1961)

The Minister of the Interior has, in terms of section 38 of the Marriage Act, 1961 (Act 25 of 1961), in consultation with the Minister of Finance, made the following regulations in substitution for the regulations contained in Government Notice R. 1308 of 29 December 1961, in so far as they are applicable to a person who is not a Bantu as defined in the Population Registration Act, 1950 (Act 30 of 1950), or is not a native (excluding a Nama) as defined in section 25 of the Native Administration Proclamation, 1928 (Proclamation 15 of 1928), of South-West Africa:

Die Minister van Binnelandse Sake het kragtens artikel 38 van die Huwelikswet, 1961 (Wet 25 van 1961), in oorleg met die Minister van Finansies, die volgende regulasies gemaak ter vervanging van die regulasies vervat in Goewermentskennisgewing R. 1308 van 29 Desember 1961, vir sover hulle van toepassing is op 'n persoon wat nie 'n Bantoe is nie, soos omskryf in die Bevolkingsregistrasiewet, 1950 (Wet 30 van 1950), of wat nie 'n naturel (uitgesonderd 'n Nama) is nie, soos omskryf in artikel 25 van die Naturelle-administrasie Proklamasie, 1928 (Proklamasie 15 van 1928), van Suidwes-Afrika:

1. These regulations shall come into operation on 1 February 1972.

1. Hierdie regulasies tree in werking op 1 Februarie 1972.

2. Any expression to which a meaning has been assigned in the Act, has that meaning wherever it appears in these regulations, and unless the context otherwise indicates—

2. Enige uitdrukking waaraan 'n betekenis in die Wet toegeskryf word, het sodanige betekenis waar hy ook al in hierdie regulasies voorkom, en tensy uit die samehang anders blyk, beteken—

(a) "controlling body" means the central body or person administering the affairs of a religious denomination or organisation;

(a) "beheerliggaam", die sentrale liggaam of persoon wat die sake van 'n godsdienstige denominasie of organisasie bestuur;

(b) "the Act" means the Marriage Act, 1961 (Act 25 of 1961);

(b) "die huwelikswette", die Huwelikswet, 1961 (Wet 25 van 1961), die Wet op Verbod van Gemengde Huwelike, 1949 (Wet 55 van 1949), en die Wet op die Registrasie van Geboortes, Huwelike en Sterfgevallen, 1963 (Wet 81 van 1963);

(c) "the marriage laws" means the Marriage Act, 1961 (Act 25 of 1961), the Prohibition of Mixed Marriages Act, 1949 (Act 55 of 1949), and the Births, Marriages and Deaths Registration Act, 1963 (Act 81 of 1963); and

(c) "die Wet", die Huwelikswet, 1961 (Wet 25 van 1961); en

(d) "the Secretary" means the Secretary for the Interior.

(d) "die Sekretaris", die Sekretaris van Binnelandse Sake.

3. (1) All applications for the designation of a person as a marriage officer in terms of section 3 of the Act shall be lodged with the Secretary.

(2) Such applications shall be made, in writing, by the controlling body of the religious denomination or organisation to which such person belongs.

4. The Secretary may direct that any marriage officer or any person in respect of whom application is made in terms of regulation 3 be subjected to an oral or written test, or both, for the purpose of ascertaining whether such marriage officer or person has an adequate knowledge of the marriage laws and these regulations.

5. The Secretary shall—

(a) maintain a list of persons designated in terms of section 3 of the Act in which is stated in respect of each such person his full names, postal address, religious denomination or organisation, date of designation and any limitation in his designation; and

(b) in such list note any change of address or change of name of denomination or organisation, of which he has been advised, and delete the name and other particulars of any person who has for any reason whatever ceased to be a marriage officer.

6. (1) The controlling body mentioned in regulation 3 shall notify the Secretary immediately of the change of address, retirement or death of any marriage officer who belongs to its religious denomination or organisation and of the name of any marriage officer who has for any reason ceased to be a minister of religion of, or a person holding a responsible position in, such religious denomination or organisation.

(2) Any person designated a marriage officer in terms of section 3 of the Act shall without delay notify the controlling body of his religious denomination or organisation of any change of address.

7. (1) Any marriage officer shall, in respect of every marriage solemnised by him between parties of whom the male is not a Bantu, forward the following documents, where applicable, to the Secretary, together with the register and duplicate of the register as mentioned in section 40 of the Births, Marriages and Deaths Registration Act, 1963 (Act 81 of 1963):

(a) Any affidavit for the purposes of section 12 of the Act.

(b) Any written consent of the parents, guardian, Minister, Commissioner of Child Welfare or judge of the Supreme Court of South Africa, as the case may be.

(c) Any certificate or document for the purpose of a marriage obtained in terms of the Administration of Estates Act, 1965 (Act 66 of 1965), and any affidavit made by a party to a marriage concerning the estate of a deceased spouse of such party.

(d) Any licence in terms of Act 46 of 1887 (Natal) (Act to regulate the Marriage of Natives by Christian Rites).

(2) The Secretary shall keep all the documents mentioned in subregulation (1) which have been received by him with the relevant register.

3. (1) Alle aansoeke om die benoeming van 'n persoon as huweliksbevestigter kragtens artikel 3 van die Wet moet aan die Sekretaris gerig word.

(2) Sodanige aansoeke moet skriftelik gedoen word deur die beheerliggaam van die godsdienstige denominasie of organisasie waaraan sodanige persoon behoort.

4. Die Sekretaris kan gelas dat enige huweliksbevestigter, of enige persoon ten opsigte van wie aansoek gedoen is kragtens regulasie 3, 'n mondelinge of skriftelike toets, of albei, aflê sodat vasgestel kan word of sodanige huweliksbevestigter of persoon oor voldoende kennis van die huwelikswette en hierdie regulasies beskik.

5. Die Sekretaris moet—

(a) 'n lys hou van persone wat kragtens artikel 3 van die Wet benoem is, waarin ten opsigte van elke sodanige persoon sy volle name, posadres, godsdienstige denominasie of organisasie, datum van benoeming en enige beperking in sy benoeming, aangeteken is; en

(b) in sodanige lys enige verandering van adres of verandering van naam van godsdienstige denominasie of organisasie, waarvan hy in kennis gestel is, aanteken en die name en ander besonderhede van enigen wat weens enige rede opgehou het om 'n huweliksbevestigter te wees, skrap.

6. (i) Die beheerliggaam gemeld in regulasie 3 moet die Sekretaris onverwyld in kennis stel van die verandering van adres, aftrede of dood van enige huweliksbevestigter wat tot sy godsdienstige denominasie of organisasie behoort en van die naam van enige huweliksbevestigter wat om enige rede opgehou het om 'n leraar te wees van, of om iemand te wees wat 'n verantwoordelike posisie beklee in, sodanige godsdienstige denominasie of organisasie.

(2) Iemand wat kragtens artikel 3 van die Wet as huweliksbevestigter benoem is, moet die beheerliggaam van sy godsdienstige denominasie of organisasie onverwyld in kennis stel van enige verandering van sy adres.

7. (1) Waar toepaslik moet 'n huweliksbevestigter ten opsigte van elke huwelik wat hy bevestig tussen partye waarvan die man nie 'n Bantoe is nie, die volgende dokumente saam met die register en duplikaat van die register genoem in artikel 40 van die Wet op die Registrasie van Geboortes, Huwelike en Sterfgevallen, 1963 (Wet 81 van 1963), aan die Sekretaris stuur:

(a) Enige beëdigde verklaring vir die toepassing van artikel 12 van die Wet.

(b) Enige skriftelike toestemming van die ouers, voog, Minister, Kommissaris van Kindersorg of regter van die Hooggeregshof van Suid-Afrika, na gelang van die geval.

(c) Enige sertifikaat of dokument vir die doeleindes van 'n huwelik verkry kragtens die Boedelwet, 1965 (Wet 66 van 1965), en enige beëdigde verklaring deur 'n party by 'n huwelik aangaande die boedel van 'n afgestorwe eggenoot of eggenote van sodanige party.

(d) Enige lisensie kragtens Wet 46 van 1887 (Natal) ("Act to regulate the Marriage of Natives by Christian Rites").

(2) Die Sekretaris moet al die dokumente gemeld in subregulasie (1) wat hy ontvang, saam met die betrokke register bewaar.

8. The Secretary shall—

(a) keep any direction in terms of section 6 of the Act, attach a copy thereof to the register and the duplicate of the register of every marriage solemnised by the marriage officer concerned during the period or within the area in respect of which he was in fact not a marriage officer and instruct that marriage officer, in writing, to make an endorsement of the direction on the triplicate of the register of every such marriage; and

(b) attach any direction in terms of section 26 (2) of the Act to the register and a copy thereof to the duplicate of the register of the relevant marriage.

9. An affidavit for the purposes of section 12 of the Act shall be made on Form B-I 31 in the Annexure.

10. Any consent by a parent or guardian to the marriage of a minor shall be given on Form B-I 32 in the Annexure.

11. Any marriage officer who receives a written objection in terms of section 23 of the Act shall file such objection and shall keep a record of his inquiry and of his decision in the matter.

12. (1) Any minor who desires the consent of a Commissioner of Child Welfare in terms of section 25 of the Act shall make application on Form B-I 34 in the Annexure.

(2) On receipt of such application the Commissioner may, in addition to any inquiry which he may deem necessary, obtain and take into consideration a report by a probation officer on either or both of the parties.

(3) The Commissioner shall keep a record of any application received by him, reports obtained, enquiries made, his directions and decision in the matter and his reasons for the latter.

8. Die Sekretaris moet—

(a) enige lasgewing kragtens artikel 6 van die Wet bewaar, 'n afskrif daarvan heg aan die register en duplikaat van die register van elke huwelik wat deur die betrokke huweliksbevestiger voltrek is gedurende die tydperk of in die gebied ten opsigte waarvan hy nie inderdaad 'n huweliksbevestiger was nie en dié huweliksbevestiger skriftelik opdrag gee om 'n aantekening van die lasgewing op die triplikaat van die register van elke sodanige huwelik te maak; en

(b) enige lasgewing kragtens artikel 26 (2) van die Wet aan die register en 'n afskrif daarvan aan die duplikaat van die register van die betrokke huwelik heg.

9. 'n Beëdigde verklaring vir die toepassing van artikel 12 van die Wet moet gedoen word op Vorm B-I 31 in die Bylae.

10. Enige toestemming van 'n ouer of 'n voog tot die huwelik van 'n minderjarige moet verstrek word op Vorm B-I 32 in die Bylae.

11. Enige huweliksbevestiger wat 'n skriftelike beswaar ontvang kragtens artikel 23 van die Wet moet sodanige beswaar bewaar en moet aantekeninge hou van sy ondersoek en sy beslissing in die saak.

12. (1) Enige minderjarige, wat die toestemming van 'n Kommissaris van Kindersorg kragtens artikel 25 van die Wet verlang, moet daarom aansoek doen op Vorm B-I 34 in die Bylae.

(2) Na ontvangs van sodanige aansoek kan die Kommissaris benewens enige ondersoek wat hy nodig ag, 'n verslag van 'n proefbeampte oor die een of die ander persoon, of albei, verkry en in aanmerking neem.

(3) Die Kommissaris moet enige aansoek en verslag wat hy ontvang, bewaar en aantekeninge hou van enige navrae, sy besluit in die saak en sy redes vir laasgenoemde.

Form B-I 31

ANNEXURE

DECLARATION FOR THE PURPOSE OF A MARRIAGE

(N.B. —Print clearly)

PARTICULARS OF APPLICANT

1. Identity Number.....
2. Surname (present legitimate surname in the case of a woman).....
3. Maiden name.....
4. First names in full.....
5. Date of birth.....
6. Country of birth.....
7. Marital status: State bachelor, spinster, widower, widow or divorcee, as the case may be.
.....
8. Population group.....
9. Sex.....
10. Permanent residential address.....

PARTICULARS OF PROSPECTIVE *HUSBAND/WIFE

- 11. Identity Number.....
- 12. Surname (present legitimate surname in the case of a woman).....
- 13. Maiden name.....
- 14. First names in full.....

I *declare under oath/solemnly declare that the particulars given above are to the best of my knowledge and belief true and correct and—

- (i) that we are not within the prohibited degrees of relationship;
- (ii) that there is no lawful impediment to our marriage; and
- † (iii) that I have the written consent of *my parents/guardian/Commissioner of Child Welfare/the Minister of the Interior/a competent court, as the case may be.

.....19..... *Signature*

* Delete whichever is not applicable.
† Delete the whole of the item if applicant is a major.

The deponent has acknowledged that he/she knows and understands the contents of this affidavit which was sworn to/affirmed and signed before me at on this the..... day of.....19.....

Signature (Commissioner of Oaths)

Capacity

(Full names in block letters)

(Area for which appointed)

Form B-I 32

CONSENT TO THE MARRIAGE OF A MINOR

*We/I the *parent(s)/guardian of

Full name of minor

Identity Number

Date of birth.....,

hereby consent to *his/her marriage to

Full name

Identity Number

Date of birth

Signature of *father/guardian..... date.....19.....

Full name of *father/guardian.....

Identity Number of *father/guardian

*Signature of mother date.....19.....

*Full name of mother

*Identity Number of mother

Remarks.....

* Delete whichever is not applicable.

APPLICATION FOR THE CONSENT OF A COMMISSIONER OF CHILD WELFARE IN TERMS OF SECTION 25 OF THE MARRIAGE ACT, 1961

A. PARTICULARS OF APPLICANT

- 1. Identity Number
- 2. Surname
- 3. First names in full
- 4. Date of birth
- 5. Permanent residential address.....

B. PARTICULARS OF PROSPECTIVE HUSBAND/WIFE

- 6. Identity Number
- 7. Surname
- 8. First names in full
- 9. Date of birth
- 10. Marital status: State bachelor, spinster, widower, widow or divorcee.....
- 11. Permanent residential address.....

C. REASON WHY THE CONSENT OF THE PARENT(S)/GUARDIAN CANNOT BE OBTAINED

.....

.....

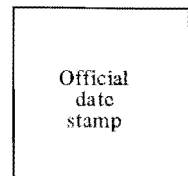
.....

I hereby certify that the particulars given above are true and correct and apply for consent to marry the person mentioned under B above.

.....19..... *Signature of applicant*

Consent granted in terms of section 25 of Act 25 of 1961.

.....
Commissioner of Child Welfare



BYLAE

VERKLARING VIR DOELEINDES VAN 'N HUWELIK

(L.W.—Vul duidelik in in drukskrif)

BESONDERHEDE VAN APPLIKANT

1. Identiteitsnommer.....
2. Van (huidige wettige van in die geval van 'n vrou).....
3. Nooiensvan.....
4. Volle voorname.....
5. Geboortedatum.....
6. Land van geboorte.....
7. Huwelikstaat: Meld jonkman, jongedogter, wewenaar, weduwee of geskeide, na gelang van die geval.....
8. Bevolkingsgroep.....
9. Geslag.....
10. Permanente woonadres.....

BESONDERHEDE VAN AANSTAANDE *EGGENOOT/EGGENOTE

11. Identiteitsnommer.....
12. Van (huidige wettige van in die geval van 'n vrou).....
13. Nooiensvan.....
14. Volle voorname.....

Ek *verklaar onder eed/verklaar plegtig dat die besonderhede hierbo verstrek na my beste wete en oortuiging waar en juis is en—

- (i) dat ons nie binne die verbode grade van verwantskap aan mekaar verwant is nie;
- (ii) dat daar regtens geen beletsel teen ons voorgenome huwelik is nie; en
- †(iii) dat ek die skriftelike toestemming het van *my ouers/voog/Kommissaris van Kindersorg/die Minister van Binnelandse Sake/'n bevoegde hof, na gelang van die geval.

.....19..... *Handtekening*

* Skrap wat nie van toepassing is nie.

† Skrap die hele item indien die applikant meerderjarig is.

Die verklaarder erken dat hy/sy weet en begryp wat in hierdie verklaring staan. Die verklaring is beëdig/bevestig en geteken voor my te..... op hede die.....dag van.....19.....

Handtekening
(Kommissaris van Ede)

Hoedanigheid

(Volle naam in drukskrif)

(Gebied waarvoor aangestel)

TOESTEMMING TOT DIE HUWELIK VAN 'N MINDERJARIGE

*Ons/Ek die *ouer(s)/voog van

Volle naam van minderjarige.....

Identiteitsnommer

Geboortedatum.....

verleen hierby toestemming tot *sy/haar huwelik met

Volle naam.....

Identiteitsnommer

Geboortedatum.....

Handtekening van *vader/voog.....datum.....19.....

Volle naam van *vader/voog.....

Identiteitsnommer van *vader/voog

*Handtekening van moeder.....datum.....19.....

*Volle naam van moeder.....

*Identiteitsnommer van moeder

Opmerkings.....

* Skrap wat nie van toepassing is nie.

AANSOEK OM DIE TOESTEMMING VAN 'N KOMMISSARIS VAN KINDERSORG KRAGTENS
ARTIKEL 25 VAN DIE HUWELIKSWET, 1961

A. BESONDERHEDE VAN APPLIKANT

1. Identiteitsnommer

2. Van.....

3. Volle voorname

4. Geboortedatum

5. Permanente woonadres

B. BESONDERHEDE VAN AANSTAANDE EGGENOOT/EGGENOTE

6. Identiteitsnommer

7. Van.....

8. Volle voorname.....

9. Geboortedatum.....

10. Huwelikstaat: Meld jonkman, jongedogter, wewenaar, weduwee of geskeide.....

11. Permanente woonadres.....

C. REDE WAAROM DIE OUER(S)/VOOG SE TOESTEMMING NIE VERKRY KAN WORD NIE

Ek sertifiseer hierby dat die besonderhede hierbo verstrek waar en juis is en doen aansoek om toestemming om te trou met die persoon gemeld by B hierbo.

19.....

Handtekening van applikant

Toestemming verleen kragtens artikel 25 van Wet 25 van 1961.

Amptelike
kantoor-
datum-
stempel

Kommissaris van Kindersorg

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