



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

Marriage Act 25 of 1961
section 38

**Regulations under the Marriage
Act, 1961 (Act 25 of 1961)**

Government Notice 213 of 1987

(OG 5480)

came into force on 1 January 1988 (GN 213/2018)

GN 213/2018 repeals the regulations in RSA GN R.1779/1971 and
the regulations in RSA GN R.115/1972 as amended by RSA GN R.71/1974.

ARRANGEMENT OF REGULATIONS

[The individual regulations do not have headings.]

ANNEXURE 1: Certificate of Marriage Officer

ANNEXURE 2: Declaration for the purpose of a marriage

ANNEXURE 3: Consent to the marriage of a minor

**ANNEXURE 4: Application for the consent of a Commissioner of Child Welfare in terms
of section 25 of the Marriage Act, 1961**

1. In these regulations, unless the context otherwise indicates, words and phrases shall have the meaning assigned thereto in the Act, and -

“controlling body” shall mean the controlling body or person administering the affairs of a religious denomination or organisation;

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“the Act” shall mean the Marriage Act, 1961 (Act 25 of 1961);

“marriage laws” shall mean the Marriage Act, 1961 (Act 25 of 1961), and the Births, Marriages and Deaths Registration Act, 1963 (Act 81 of 1963);

“Secretary” shall mean the Secretary for Civic Affairs and Manpower.

2. (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.

3. The Secretary may direct that any marriage officer, or any person in respect of whom application is made in terms of regulations 2, 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.

4. The Secretary shall -

- (a) maintain a list of persons designated in terms of section 3 of the Act, in which shall be recorded 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 whatsoever ceased to be a marriage officer.

5. (1) The controlling body shall notify the Secretary immediately of the change of address, retirement or death of any marriage officer who belongs to its religious denomination or organization 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 as 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.

6. (1) Any marriage officer shall, in respect of every marriage solemnized by him, forward the following documents, where applicable, to the Secretary, together with the register referred to in section 40 of the Births, Marriages and Deaths Registration Act, 1963 (Act 81 of 1963), namely -

- (a) the certificate referred to in regulation 8;
- (b) the affidavit referred to in regulation 9; and
- (c) the written consent or permission of the parents, guardian, Cabinet or any officer in the Government Service authorized thereto by it, Commissioner of Child Welfare or judge of the Supreme Court of South West Africa, as the case may be.

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(2) The Secretary shall keep all the documents referred to in subregulation (1), which have been received by him, with the register concerned.

7. The Secretary shall -

- (a) attach any direction in terms of section 6 of the Act to the register referred to in regulation 6, of every marriage solemnized 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 such marriage officer, in writing, to make an endorsement of the direction on the duplicate of the register concerned of every such marriage; and
- (b) attach any direction in terms of section 26(2) of the Act to the register and instruct the marriage officer concerned, in writing, to make an endorsement of the direction on the duplicate of the register of the marriage concerned.

8. The certificate to be completed by a marriage officer in terms of section 6(5) of the Act, shall be so completed on the form as prescribed in Annexure 1.

9. Any affidavit for the purposes of section 12 of the Act shall be made on the form as prescribed in Annexure 2.

10. The consent by any parent or guardian to the marriage of a minor shall be furnished on the form as prescribed in Annexure 3.

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

[capitalisation as in *Official Gazette*]

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 therefore on the form as prescribed in Annexure 4.

(2) On receipt of such application the Commissioner of Child Welfare 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 of Child Welfare shall keep such application and report received by him, and keep a record of any enquiries, his decision in the matter and his reasons for such decision.

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ANNEXURE 1

South West Africa

Department of Civic Affairs and Manpower

CERTIFICATE OF MARRIAGE OFFICER

(Section 6 of Act 25 of 1961)

All marriage officers shall complete this certificate:

I hereby declare that at the time of the solemnization of this marriage I was empowered in terms of provisions of the Marriage Act, 1961, or any prior law, to solemnize this marriage.

.....

Signature

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ANNEXURE 2

SOUTH WEST AFRICA

DEPARTMENT OF CIVIC AFFAIRS AND MANPOWER

DECLARATION FOR THE PURPOSE OF A MARRIAGE

N.B. - PRINT CLEARLY

PARTICULARS OF APPLICANT	
1. Surname (present legitimate surname in the case of a woman)	
2. Maiden name	
3. Forenames	
4. Date of birth: Year <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Month <input type="text"/> <input type="text"/> Day <input type="text"/> <input type="text"/>	5. Sex
6. Marital status: State bachelor, spinster, widower or divorcee	
7. Country of birth	
8. Postal Address	

EGGENOTE – PARTICULARS OF PROSPECTIVE *HUSBAND/WIFE	
9. Surname (present legitimate surname in the case of a woman)	
10. Maiden name	
11. Forenames	
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 Cabinet/ a competent court, as the case may be.	
..... Signature 19 Date
* Delete whichever is not applicable	
** Delete the whole of the item if applicant is a major	

I certify that before administering the prescribed oath/affirmation I asked the deponent the following questions and wrote down his/her answers in his/her presence:									
(1) Do you know and understand the contents of this declaration?	<table border="1"> <tr> <th>Yes</th> <th>No</th> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	Yes	No						
Yes	No								
(2) Do you have any objection to taking the prescribed oath?									
(3) Do you consider the prescribed oath to be binding on your conscience?									
I certify that the deponent has acknowledged that he/she knows and understands the contents of this declaration which was sworn to/affirmed before me and that the deponent's signature/thumbprint/mark was placed thereon in my present at									
.....									
on this day of 19.....									
Signed								
Commissioner of Oaths	Designation (Rank)								
.....								
Forenames and surname	Area								

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ANNEXURE 3

SOUTH WEST AFRICA

DEPARTMENT OF CIVIC AFFAIRS AND MANPOWER

CONSENT TO THE MARRIAGE OF A MINOR

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

Surname of minor

Forenames of minor

Identity Number Year Date of birth: Month Day

Hereby consent o *his/her marriage to

Surname

Forenames

Identity Number Year Date of birth: Month Day

	Father/guardian	mother
Surname
Forename
Identity Number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Signature
Date

Remarks:

.....

.....

.....

.....

* Delete whichever is not applicable

