

REPUBLIC OF SOUTH AFRICA

**MARRIAGE ACT, EXTENSION
BILL**

(As introduced)

(MINISTER OF HOME AFFAIRS)

[B 38—97]

REPUBLIEK VAN SUID-AFRIKA

**WETSONTWERP OP
UITBREIDING VAN DIE
HUWELIKSWET**

(Soos ingedien)

(MINISTER VAN BINNELANDSE SAKE)

[W 38—97]

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BILL

**To extend the operation of the Marriage Act, 1961, to the whole of South Africa;
and to make provision for matters connected therewith.**

—

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows—

Extension of operation of Marriage Act to whole of South Africa

1. (1) The operation of the provisions of the Marriage Act, 1961 (Act No. 25 of 1961), is hereby extended to the whole of South Africa.

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(2) The provisions of subsection (1) shall be deemed to have come into operation on 27 April 1994.

Short title

2. This Act shall be called the Marriage Act, Extension Act 1997.

**MEMORANDUM ON THE OBJECTS OF THE MARRIAGE ACT,
EXTENSION BILL, 1997**

In terms of Schedule 6 of the Constitution, 1996, the Marriage Act, 1961, at present only applies in the former Republic of South Africa as it existed immediately prior to 27 April 1994.

Persons in the former TBVC states who wish to marry in terms of the provisions of that Act, consequently have to travel, often at great expense and inconvenience, to offices in the former Republic to have their marriages solemnised there.

Since 27 April 1994 a number of marriage officers have been appointed in the former TBVC states and marriages have been solemnised in those areas in terms of the Marriage Act, 1961. Those appointments and marriages are technically invalid, because the said Act does not apply in the areas where the marriages have been solemnised.

The object of this Bill is to extend the operation of the Marriage Act, 1961, to the whole of the Republic of South Africa, and with retrospective operation. The retrospectivity will have the result of validating the said marriages.

In the opinion of the Department and the State Law Adviser the Bill should be dealt with in terms of section 75 of the Constitution.