G OVERNMENT NOTICE

DEPARTMENT OF JUSTICE

No. R. 1101 1 November 2000

RECOGNITION OF CUSTOMARY MARRIAGES ACT, 1998 (ACT No.120 OF 1998) REGULATIONS

The Minister of Justice, in consultation with the Minister of Home Affairs, has under section 11 of the Recognition of Customary Marriages Act. 1998 (Act No. 120 of 1998), made the regulations in the Schedule.

SCHEDULE

Definitions

- 1. In these regulations, any word or expression to which a meaning has been assigned in the Act, bears the meaning so assigned to it and, unless the context otherwise indicates-
 - "civil marriage" means a marriage contracted in terms of the Marriage Act, 1961 (Act No. 25 of 1961);
 - "Director-General" means the Director-General: Home Affairs or any person acting by virtue of delegation or by direction of the Director-General: Home Affairs;
 - "Department" means the Department of Home Affairs;
 - "designated person" means a person designated by the Director-General for the purposes of regulation 2;

- "identity number" means an identity number allocated in terms of the Identification Act, 1997 (Act No. 68 of 1997);
- "population register" means the population register referred to in section 5 of the Identification Act, 1997 (Act No. 68 of 1997);
- "the Act" means the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998).

Registration of customary marriages

- 2.(1) An application for the registration of a customary marriage must substantially correspond with Form A of the Annexure, be duly confirmed and signed before a -
 - (a) registering officer; or
 - (b) designated person, who has been designated as such by the Director-General to perform functions in terms of these regulations.
- (2) An application referred to in subregulation (1) must be lodged with a registering officer or designated person who must issue the applicant with an acknowledgment of receipt which substantially corresponds with Form B of the Annexure.
- (3) The designated person with whom an application is lodged must without delay forward the application referred to in subregulation (1) to the nearest regional or district office of the Department.
 - (4) The registering officer -
 - (a) who is not an official of the Department must, after registration of the customary marriage without delay forward the application referred to in subregulation (1) to the nearest regional or district office of the Department for inclusion of the particulars of the customary marriage in the population register; and
 - (b) who is an official of the Department must, without delay, include or cause to be included the particulars of the customary marriage in the population register.

- (5) (a) The certificate of registration contemplated in section 4(4)(b) of the Act must substantially correspond with Form C of the Annexure.
 - (b) The Director-General may on application -
 - (i) issue a duplicate of the customary marriage certificate;
 - (ii) issue an extract from the customary marriage register; or
 - (iii) furnish a reproduction of the customary marriage register or of any supporting documentation in relation to the register.
- (6) The registering officer must, when he or she refuses to register a customary marriage as contemplated in section 4(6) of the Act -
 - (a) inform the applicant of -
 - (i) the refusal; and
 - (ii) the reasons for the refusal; and
 - (b) where the registering officer is not an official of the Department, without delay forward the application form to the nearest regional or district office of the Department.

Enquiry into existence of customary marriage

- **3.(1)** An application in terms of section 4(5) of the Act to a registering officer to enquire into the existence of a customary marriage must be in the form and contain substantially the information set out in Form A of the Annexure.
- (2) The provisions of regulation 2 must, in respect of an application contemplated in subregulation (1), apply with the necessary changes required by the context.

Consent to marriage by commissioner of child welfare

- 4. (1) An application for the consent of a commissioner of child welfare referred to in section 3(3) (b) of the Act, must substantially correspond with Form D of the Annexure.
- (2) The consent of the commissioner of child welfare must be recorded in the appropriate space provided for in Form D of the Annexure.

Determination of age of minor

- 5.(1) When the age of a person who allegedly is a minor is uncertain or in dispute, the registering officer must.
 - (a) complete the relevant parts of the forms, which must substantially correspond with Forms E and F of the Annexure, and hand the completed forms to the person whose age must be determined;
 - (b) in order to assess his or her age, refer the said person for an examination to a medical doctor who is in the service of the State, who must complete the relevant part of the form which corresponds with Form F of the Annexure; and
 - (c) refer the said person, after he or she had been examined by the said medical doctor, to the magistrate's court of the district in which the application for the registration of the customary marriage is lodged.
 - (2) The person whose age must be determined must -
 - (a) furnish to the magistrate's court the completed forms, which correspond with Forms E and F of the Annexure; and
 - (b) appear before a magistrate who wil 1 determine his or her age.
 - (3) (a) A magistrate may determine the age of the person by his or her appearance or from any written or oral information which is available and thereafter issue the certificate, contemplated in section 5(2) of the Act, on a form which substantial] y corresponds with Form G of the Annexure.
 - (b) The certificate referred to in paragraph (a) must be submitted to the registering officer concerned as soon as possible.

Custody of records of customary marriages

- 6. The Director-General must be the custodian of all -
 - (a) documents relating to the registration of customary marriages required to be furnished under the Actor any other law; and
 - (b) records regarding the registration of any customary marriage preserved, prior to the commencement of the Act, in terms of Acts repealed by the Act.

Reproduction of documents

7. The Director-General may reproduce any document or record referred to in regulation on microfilm, in accordance with the code of practice of the South African Bureau of Standards for the processing, testing and storage of silver gelatine microfilm for archive purposes.

Verification, supplementation and rectification of particulars

- 8. (1) The Director-General may -
 - (a) require the person who has furnished any particulars in terms of these regulations to furnish the Director-General with proof of the correctness of such particulars; and
 - (b) investigate or cause to be investigated any matter in respect of which particulars are to be included in the population register.
- (2) The Director-General may, if any particulars in respect of any document submitted or preserved in terms of these regulations or included in the population register are not correctly reflected, supplement and correct such particulars after consultation with the person concerned.
- (3) Any person who is in possession of a certificate or other document purporting to be issued in terms of these regulations, which does not correctly reflect the particulars in any document referred to in subregulation (2) or in the population register, or the guardian of such person shall, if the person or his or her guardian has been requested to do so, hand over or send by registered post such certificate or document to the Director-General within 30 days from the date of such request.

Offences and penalties

- 9. Any person who -
 - (a) without reasonable cause fails to furnish any notice, information, statement or certificate required by these regulations;
 - (b) having the custody of any document or record mentioned in these

regulations or a reproduction [hereof, loses, damages or destroys it or allows it to be damaged or destroyed; or

(c) charges or receives fees for any act performed or to be performed in accordance with the provisions of these regulations which are higher than the fees payable in terms of these regulations for such act, or where no fees are payable in terms of these regulations for such act,

shall be guilty of an offence and on conviction be liable to a fine or to imprisonment for a period not exceeding one year.

Fees

10.(1) The following fees are payable to the Department:

- (a) Duplicate customary marriage certificate: R6, 00
- (b) Search and reproduction of customary
 marriage register or of any supporting
 documentation in relation to the register:
 Provided that if needed for official
 purposes by a Government institution it is
 free of charge:

 R35, 00

(c) Furnishing of an extract from the customary marriage register: R35, 00

(2) A fee of R1O is payable by the spouses to a designated person in respect of an application for registration of a customary marriage lodged with the designated person.

Commencement

11. These regulations come into operation on 15 November 2000.

ANNEXURE

FORM A

APPLICATION FOR REGISTRATION/ENQUIRY INTO EXISTENCE OF CUSTOMARY MARRIAGE

(Regulation 2)

*Delete whichever is notapplicable

A. PARTICULARS OF HUSBAND	
Identity number: aaaaaaaaaaaa	
Surname: 000000000000000000000000000000000000	
Forenames in full:	100
🗆 ounonoaona aao Daoonoonnaa D	
Date of birth: DIDCID	
Marital status: 🗆 🗆 🗆 🗆 🗆	
Name of husband's father: 000000000000000000000000000000000000	
Name of husband's mother: aDann OaDn QnDna Uaan DU	
Name of traditional leader: 0000000000000000000	
B. DECLARATION BY HUSBAND	
I, the undersigned, hereby declare that:	
(1) I consented to the customary marriage between myse	elf and the woman whose
particulars are set out hereunder.	
(2) The marriage was contracted in accordance with the la	aws and customs of the
traditional	l community.
(3) I was not a partner in a civil marriage when I contracted the aforesaid	
customary marriage.	
	. 11
1 10 110 1110 1110 1110 1120 1120 1120	as married by customary
law to the following woman/women, namely:	
Full names L	Date of marriage
	unn 0000
	0000 0 0

	□ 000 □ ID □ 0
	□ oon □ n □ o
	□ 000 □□ □ n
	□ 000 □ 0 □ ID
	☐ unn ☐ 0 ☐ 0
	0000 O ID O 0
(5) The above particulars are to the best of my knowledge a	and belief true, complete
and correct.	
Signature of declarant:	
Date: OUD OO O	
Contactaddress: IUUUUDU OUUCICICICID IIIIIIIIIIIIIIIIIIIIIIIIIIII	
☐ UDUUUUOUOU UUUDUOUU POstal COde: ☐☐☐☐	
The above declaration was duly confirmed and signed before	e me.
Signature: *Registering officer/* Designated person:	
Initials, surname and appointment number of designated person:	
4	
Date: ODOOOOO	
Take note:	
[f a husbandenters into a second or consecutive marri	age after 15 November
2000, the written contract which will regulate the future	re matrimonial property
system Of his marriage, together with the order of cou	rt which approved such
contract, must be annexed to this form. A further custom	
registered if the aforementioned contract or order of co	urt is not attached.
C. PARTICULARS OF WIFE	
dentity number: DDDDDDDDDDDDCI D	
Surname: 🗆 UOOUUODUOU RUUUUDOUOOODOn Uu	

Forenames in full: 00000000000000000000000000000000000	
000000000000000000000000000000000000000	
Date of birth: DDD D O DD	
Marital status: □ UUOUUUDU	
Name of wife's father:	
Name ofwife's mother: adadadadadadadadadadadadadadadadadadad	
Name of traditional leader: מפטים משמים ממום משמים משמ	
D. DECLARATION BY WIFE	
I, the undersigned, hereby declare that:	
(1) Iconsented tothe customary marriage between myself and the man whose	
particulars are set out above.	
(2) I was not a partner in a civil or customary marriage when I contracted the	
aforesaid customary marriage.	
(3) The above particulars are to the best of my knowledge and belief true,	
complete and correct.	
Signature of declarant:	
Date: OO OO OO	
Contact address: uouffouddqoduoduououoorddudooouuuuuu	
000000000000000000000000000000000000000	
oooooooooooooo Postal code: aaaa	
The above declaration was duly confirmed and signed before me.	
Signature: *Registering officer/*Designated person:	
Initials, surname and appointment number of designated person:	
Date: □ 000 □ n □□	
Take note:	
In terms of section 26(1) of the Births and Deaths Registration Act, 1992 (Act	
No. 51 of 1992), a women after her marriage may-	
(a) assume her husband's surname;	

(b) resume a surname which she bore at any prior time:	
(c) join her maiden surname or a previous married surname with that of her	
husband; or	
(d) retain her maiden name.	
Please indicate in writing the surname which you wish to be recorded in the	
population register:000000000000000000000000000000000000	
000000000000000000000000000000000000000	
E. PARTICULARS OF CUSTOMARY MARRIAGE AND LOBOLO AGREEMENT	
Date of celebration of customary marriage: \\ \textsize	
Place of customary marriage: 000000000000000000000000000000000000	
Particulars of lobolo agreement:	
F. DECLARATION BY TRADITIONAL LEADER OR HIS/HER DELEGATE	
(WHERE POSSIBLE)	
The customary marriage mentioned in paragraph E was legally contracted in	
accordance with the laws and customs of the	
traditional community and the particulars under A, C, and E are to the best of my	
knowledge and belief true and correct.	
Signature: *Traditional leader/* Delegate:	

Surname:

UUOUoDUOa OQOODnnnDOOOQOO nDun UnOUOOUUUOOOU Date: unuaoanoo Dnonnanuo uu onanaununn Dn DDoono Dagaaaaaaaaaaaaaaaa Postal code: Telephone No: loclclnclnclclclclclncl G. DECLARATION BY REPRESENTATIVES We, the undersigned, hereby declare that -- we were presentat the above marriage; -the information in paragraphs A, C, and E is to the best of our knowledge and belief true and correct; -the required consent to the marriage was given; and - the marriage was legally contracted in accordance with the laws and customs of thetraditional community. Signature of representative of husband: Identity number: accord ana accord Relationship to husband: Signature of representative of wife: Forenames in full: InonuoooonOOoOunaonoOounuOnaOaoaouuoun Identity number: DDDDDDD DUUU DDDD Áddress:

000000000000000000000000000000000000000	100000000000000
□ UiJCIUCIDOG'OCIUUIJIJOCICIO	CI Postal code: 🗆 🗆 🗆
The above declaration was duly confirmed	and signed before me:
Signature: *Registering officer/* Designate	d person:
Initials, surname and appointment number of designat	ed person:
Date: DDDDDD a	
H. CONSENT TO MARRIAGE: MINORS	AT TIME OF MARRIAGE
(Completion compulsory in respect of marri	iages concluded after 15 November 2000)
1. We, the undersigned, consented to the m	arriage above:
Signature: Father of minor husband	Signature: Mother of minor husband
Date: 🗆 🗆 🗆 ICI 🗆 🗆	Date: DDDDDDD U
Signature: Legal guardian of minor husband	d
Surname: 000000000000000000000000000000000000	000000000000000000000000000000000000000
Forenames in full: annnnnunnn n	ananuoonn nanannnnnnonnnn
Identity number: □□□□□□□ oon □ n □	
Date: 0000 O 00	
Signature: Father of minor wife	Signature: Mother of minor wife
Date: □ ICIUO □ a □ ICI	Date: □ ODD □□□ ci
Signature: Legal guardian of minor wife	
Surname: 000000000000000000000000000000000000	200000000000000000000000000000000000000
Forenames in full: DDDDDDDDDDDDDDDD	000000000000000000000000000000000000000
Identity number: □□□□□□□ oon □ O □	
Date: 🗆 🗆 🗆 n 🗆 n	
2. □ Consent by commissioner of child wel	fare: Attached
3. □ Consent by Minister or his/her delegat	e: Attached
4. □ Remarks: Registering officer:	

I. DECLARATION BY REGISTERING OFFICER	
*Registration approved/not approved for the following reasons:	
4	
Signature: Registering officer	
Initials and surname:	
Rank: 000000000000000000000000000000000000	
Persal number: DDDDDDD	
Date: DDDDDD n	
OFFICE STAMP	

FORM B

ACKNOWLEDGEMENT OF RECEIPT OF APPLICATION FOR REGISTRATION OF CUSTOMARY MARRIAGE

(Regulation 2(2))

.4n application for the registration of the customary marriage between the parties below	
has been received:	
HUSBAND:	
Identity number: □ 00DDD □ oon □ o □	
Surname: 000000000000000000000000000000000000	
Forenames in full: 00000000000000000000000000000000000	
Date of birth: □ OUCI □ O □□	
WIFE:	
Identity number: □ DO ODD □□□□□□□□□□□□□□□□□□□□□□□□□□□□□	
Surname: 000000000000000000000000000000000000	
Forenames in full: UaQa Da DDDn DDa DUn DDDnnnDDu DOnua DDDnnn	
Date of birth: unn unn o	
Date of customary marriage: non no o	
Place of customary marriage: □ aUQQDDnnn Daa DnDa UDDa DDnn DUna DD	
Designated person/Registering officer	
OFFICE STAMP	
This decomposit is not a system over many many as southfloods. At the resistant are of the	
This document is not a customary marriage certificate. At the registration of the	
customary marriage a certificate will be issued to the parties to the customary .	
marriage	

FORM C

CUSTOMARY MARRIAGE CERTIFICATE

(Regulation 2(5)(a))

HUSBAND:	
Identity number: □□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□	
Surname: 000000000000000000000000000000000000	
Forenames in full: 00000000000000000000000000000000000	
Date of birth: aaaa aa	
WIFE:	
Identity number: aaaaaa oon aaa	
Surname: 000000000000000000000000000000000000	
Forenamesinfull: Dadadadadadadadadadadadadadadada	
Date of birth: DDDD U DD	
Date of customary marriage: \square \square \square \square \square \square \square	
Place of customary marriage: and	
Registering officer	
OFFICIAL DATE STAMP	

FORM D

APPLICATION FOR THE CONSENT OF A COMMISSIONER OF CHILD WELFARE

(Regulation 4)

A. PARTICULARS OF APPLICANT:
Identity Number: □ DOOn CI □ ICIDD □ O □
Surname: DDDUUODUaDODDOD ODn OOUOUODODDOnn OoDnonnn Dn
Forenames in full: 00000000000000000000000000000000000
Date of birth: DDDDDDD
Marital status: 🗆 UUUDOUUUOO OOOOUODOa OUDOOUOOUUDOOOODa U
000000000000000000000000000000000000000
nnnnnnnnnnnnnnnnnnnnnnnnnnnnnnnnnnnnnn
Contact address: DDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDD
B. PARTICULARS OF PROSPECTIVE HUSBAND/WIFE:
Identity number: DDDDD DDDD D o n
Surname: 000000000000000000000000000000000000
Forenames in full: 00000000000000000000000000000000000
Date of birth: 🗆 🗆 🗅 o 🗆 🗅
Contact address: aaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaa
000000000000000000000000000000000000000
naaaaaaaaaaaaaaaaaa Postal code: a ODD
C. REASONS WHY CONSENT OF PARENT/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.	
Date: □ ICIOCI □ ICI □ ID	
Signature of applicant:	
Consent granted in terms of section 3(3)(b) of the Recognition of Customary Marriages	
Act, 1998 (Act No. 120 of 1998), read with section 25 of the Marriage Act, 1961 (Act	
No. 25of 1961).	
Commissioner of Child Welfare	
OFFICIAL DATE STAMP	

FORM E

REQUEST FOR DETERMINATION OF AGE OF MINOR FOR PURPOSES OF SECTION 5 OF THE RECOGNITION OF CUSTOMARY MARRIAGES ACT, 1998 (ACT No. 120 OF 1998)

(Regulation 5)

* Delete whichever is not applicable
To the magistrate:
You are hereby requested to determine the age of the following person:
Forename(s) and surname:
Sex: *Male/* Female.
Alleged age:
Address:
anna, man, man, man, man, man, man, man,
,,,,,,,,,,,,,,,,,,,,,
Telephone number:
Remarks by registering officer:
The medical assessment of age by the medical doctor and the following documents are attached:
(e.g. sworn statements relating to the age
of the above-mentioned person)

Signed at
Signature of registering officer
Forename(s) and sumameof registering officer:
······································
Address of registering officer:

unuungaanandaunuunga
Telephone number:

FORM F

ASSESSMENT OF AGE BY MEDICAL DOCTOR FOR PURPOSES OF SECTION 5 OF THE RECOGNITION OF CUSTOMARY MARRIAGES ACT, 1998 (ACT No. 120 OF 1998)

(Regulation 5)

		(inegulation 3)		
*Delete whichever is not applicable				
To do	ctor:			
		,,,,		
*********		······································		
Α.	. You are hereby requested to-			
	<i>(i)</i>	assess the age of the undermentioned person; and		
	(ii)	hand this form, completed by you, to the said person for submission to the		
		Magistrate's Court		
B. Particulars of person:				
Forename(s) and surname:				
Sex: *Male/* Female.				

Telephone number:				
Remarks by registering officer:				

Signed at this	lay of
•••	Signature of registering officer
Forename(s) and surname of registering officer:	
Address of registering officer	
Address of registering officer:	
«•••••••••••••	
T.l.ak	
Telephone number:	
	<u> </u>
C. MEDICAL ASSESSMENT OF AGE BY DOCTOR	<u> </u>
To the Magistrate:	
Ref. No:	
I,,,	(name and surname),
a modical dector evenings the above mentioned name	
a medical doctor, examined the above-mentioned perso	n and recorded the following
information:	n and recorded the following
information:	
information: HEIGHT:	
information: HEIGHT: WEIGHT:	
information: HEIGHT:	

AXILLARY:
FACIAL:
GENITALS:
OPINION: On the grounds of the above-examination, and *his/her general appearance,
*his/her age is assessed at being between -
years. Most probable age:
years.
REMARKS:
Signed at this day of day of
Signature of doctor

FORM G

CERTIFICATE REGARDING THE AGE OF A PERSON FOR THE PURPOSES OF SECTION 5 OF THE RECOGNITION OF CUSTOMARY MARRIAGES ACT, 1998 (ACT No. 120 OF 1998)

(Regulation 5(4))

In the Magistrate's Court for the district of					
Held at					
To: The registering officer					
It is hereby certified that the age of					
(the full names and surname of person whose age is to be determined) was determined to be					
years.					
Signed at					
	Signature and full names of magistrate				
Official stamp					

NOTE

This document is not an official birth certificate