



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 624.

27 Maart 1981.

No. 624.

27 March 1981.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 45 van 1981: Huwelikswysigingswet, 1981.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 45 of 1981: Marriage Amendment Act, 1981.

Act No. 45, 1981

MARRIAGE AMENDMENT ACT, 1981

**GENERAL EXPLANATORY NOTE:**

**[** Words in bold type in square brackets indicate omissions from existing enactments.

       Words underlined with solid line indicate insertions in existing enactments.

**ACT**

To amend the Marriage Act, 1961, so as to grant to the Minister and certain officers the power to direct that a person who acted as marriage officer in respect of the marriage of persons who believed that such person was in fact a marriage officer, shall for the purposes of the Act be deemed to have been duly designated as a marriage officer; to extend the power to grant permission to certain persons to contract marriages; and to compel a marriage officer who solemnizes a marriage to complete a certificate on the prescribed form; and to provide for matters connected therewith.

(*Afrikaans text signed by the State President.*)  
(*Assented to 3 March 1981.*)

**BE IT ENACTED** by the State President and the House of Assembly of the Republic of South Africa, as follows:—

Substitution of  
section 6 of  
Act 25 of 1961.

1. The following section is hereby substituted for section 6 of the Marriage Act, 1961:

“Certain persons may in certain circumstances be deemed to have been marriage officers. 6. (1) Whenever any person has acted as a marriage officer during any period or within any area in respect of which he was not a marriage officer under this Act or any prior law, and the Minister or any officer in the public service authorized thereto by the Minister is satisfied that such person did so under the *bona fide* belief that he was a marriage officer during that period or within that area, he may direct in writing that such person shall for all purposes be deemed to have been a marriage officer during such period or within such area, duly designated as such under this Act or such law, as the case may be. 5 10 15

(2) Whenever any person acted as a marriage officer in respect of any marriage while he was not a marriage officer and both parties to that marriage *bona fide* believed that such person was in fact a marriage officer, the Minister or any officer in the public service authorized thereto by him may, after having conducted such inquiry as he may deem fit, in writing direct that such person shall for all purposes be deemed to have been duly designated as a marriage officer in respect of that marriage. 20 25

[(2)] (3) Any marriage solemnized [during such period or within such area] by any person who is in terms of [subsection (1)] this section to be deemed to have been duly designated as a marriage officer [in 30

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respect thereof] shall, provided such marriage was in every other respect solemnized in accordance with the provisions of this Act or any prior law, as the case may be, and there was no lawful impediment thereto, be as valid and binding as it would have been if such person had been duly designated as a marriage officer [in respect of such period or such area].

[(3)] (4) Nothing in [subsection (1)] this section contained shall be construed as relieving any person in respect of whom a direction has been issued thereunder, from the liability to prosecution for any offence committed by him.

(5) Any person who acts as a marriage officer in respect of any marriage, shall complete a certificate on the prescribed form in which he shall state that at the time of the solemnization of the marriage he was in terms of this Act or any prior law entitled to solemnize that marriage."

Substitution of section 26 of Act 25 of 1961, as amended by section 9 of Act 51 of 1970.

2. The following section is hereby substituted for section 26 of the Marriage Act, 1961:

"Prohibition of marriage of persons under certain ages.

26. (1) No boy under the age of 18 years and no girl under the age of 15 years shall be capable of contracting a valid marriage except with the written permission of the Minister or any officer in the public service authorized thereto by him, which he may grant in any particular case in which he considers such marriage desirable: Provided that such permission shall not relieve the parties to the proposed marriage from the obligation to comply with all other requirements prescribed by law: Provided further that such permission shall not be necessary if by reason of any such other requirement the consent of a judge or court having jurisdiction in the matter is necessary and has been granted.

(2) If any person referred to in subsection (1) who was not capable of contracting a valid marriage without the written permission of the Minister or any officer in the public service authorized thereto by him, in terms of this Act or a prior law, contracted a marriage without such permission and the Minister or such officer, as the case may be, considers such marriage to be desirable and in the interests of the parties in question, he may, provided such marriage was in every other respect solemnized in accordance with the provisions of this Act, or, as the case may be, any prior law, and there was no other lawful impediment thereto, direct in writing that it shall for all purposes be a valid marriage.

(3) If the Minister or any officer in the public service authorized thereto by him so directs it shall be deemed that he granted written permission to such marriage prior to the solemnization thereof."

Short title and commencement.

3. This Act shall be called the Marriage Amendment Act, 1981, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.