Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Verkoopprys • Selling price (AVB uitgesluit/GST excluded) Plaaslik **45c** Local Buitelands 60c Other countries Posvry • Post free

Vol. 255

KAAPSTAD, 10 SEPTEMBER 1986 CAPE TOWN, 10 SEPTEMBER 1986

No. 10426

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1864.

10 September 1986

No. 1864.

10 September 1986

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

91 van 1986: Wysigingswet op Huweliksgoedere, 1986. for general information:—

No. 91 of 1986: Matrimonial Property Amendment Act.

It is hereby notified that the State President has assented to the following Act which is hereby published

No. 91 of 1986: Matrimonial Property Amendment Act, 1986.

MATRIMONIAL PROPERTY AMENDMENT ACT. 1986

Act No. 91, 1986

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.

To amend the Matrimonial Property Act, 1984, so as to empower the Minister of Justice to extend the periods within which spouses to certain marriages may cause certain provisions of that Act to apply to their marriages; and to provide for incidental matters.

> (Afrikaans text signed by the State President.) (Assented to 3 September 1986.)

RE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:-

1. Section 21 of the Matrimonial Property Act, 1984 (here- Amendment of inafter referred to as the principal Act), is hereby amended—

(a) by the substitution for paragraph (a) of subsection (2)

of the following paragraph:

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"(a) Notwithstanding anything to the contrary in any law or the common law contained, but subject to the provisions of paragraphs (b) and (c), the spouses to a marriage out of community of property entered into before the commencement of this Act in terms of an antenuptial contract by which community of property and community of profit and loss are excluded, may cause the provisions of Chapter I to apply in respect of their marriage by the execution and registration in a registry within two years after that commencement or such longer period, but not less than six months, determined by the Minister by notice in the Gazette, of a notarial contract to that effect."; and

(b) by the substitution for paragraph (c) of subsection (2) of the following paragraph:

"(c) For the purpose of proof of the net value of the respective estates of the spouses on the date on which the provisions of Chapter I so apply, they 25 may declare that value either in the notarial contract concerned or [at any time within one year after the commencement of this Act] in a statement as contemplated in section 6, and in the last-mentioned case the provisions of the said section 6 ap-30 ply mutatis mutandis in respect of that statement.

2. Section 25 of the principal Act is hereby amended by the Amendment of substitution for subsection (2) of the following subsection:

(2) Notwithstanding anything to the contrary in any law or the common law contained, the spouses to a marriage, other than a marriage contemplated in subsection (1), entered into before the commencement of this Act may-

section 21 of Act 88 of 1984.

section 25 of Act 88 of 1984.

MATRIMONIAL PROPERTY AMENDMENT ACT, 1986

Act No. 91, 1986

(a) if they are married in community of property, cause the provisions of Chapters II and III to apply to their marriage;

(b) if they are married out of community of property and the marital power of the husband was not excluded in terms of the antenuptial contract concerned, cause the provisions of Chapter II to apply to their marriage, by the execution and the registration in a registry within two years after the said commencement or such longer period, but not less than six months, determined by the Minister by notice in the Gazette, of a notarial contract to that effect, and in such a case those provisions apply from the date on which the contract concerned was so registered."

3. This Act shall be called the Matrimonial Property Amend-Short title. 15 ment Act, 1986.