

BUITENGEWONE



EXTRAORDINARY

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[No. 1380.]

DEPARTMENT OF THE PRIME MINISTER.

No. 246.]

[21st February, 1966.]

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

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No. 13 of 1966: Matrimonial Affairs Amendment Act,
1966 21

No. 13, 1966.]

ACT

To amend the Matrimonial Affairs Act, 1953, so as to provide that a married woman may be a depositor in any account in a banking institution; to extend to a father upon whom a children's court has, under section 60 (1) of the Children's Act, 1960, conferred the exclusive right to exercise any parental powers in regard to a minor, the power to appoint by testamentary disposition any person to be the sole guardian or to be vested with the sole custody of the minor; and to provide for matters incidental thereto.

(English text signed by the State President.)
(Assented to 12th February, 1966.)

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

1. Section 2 of the Matrimonial Affairs Act, 1953 (hereinafter referred to as the principal Act), is hereby amended— Amendment of section 2 of Act 37 of 1953.
 - (a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) to withdraw any deposit standing in the name of his wife in the Post Office Savings Bank of the Republic or in a building society or in any account in a banking institution as defined in section 1 of the Banks Act, 1965 (Act No. 23 of 1965), or to take possession of any moneys withdrawn by her therefrom; or”;
 - (b) by the substitution for subsection (5) of the following subsection:

“(5) (a) A married woman, whether under the marital power or not, may be a depositor in any account in a banking institution as defined in section 1 of the Banks Act, 1965, and may without the consent or assistance of her husband execute all necessary documents, give all necessary acquittances and cede, pledge, borrow against and generally deal with her deposit in such account and enjoy all the privileges and be liable to all the obligations attaching to depositors in any such account in such banking institution: Provided that a married woman who is under the marital power, may not, without the consent of her husband overdraw on a current account in which she is a depositor in such a banking institution to an amount exceeding the total amount of the deposits standing to her credit in any account in such banking institution.

(b) Save with her written consent, the husband of a married woman who has become a depositor with a banking institution in terms of paragraph (a), shall not be entitled to demand from such banking institution particulars concerning deposits she has with that banking institution.”.

2. Section 5 of the principal Act is hereby amended— Amendment of section 5 of Act 37 of 1953.
 - (a) by the substitution for subsection (3) of the following subsection:

“(3) Subject to any order of court—

(a) a parent to whom the sole guardianship or custody of a minor has been granted under subsection

- (1), or a father or a mother upon whom a children's court has under section 60 (1) of the Children's Act, 1960 (Act No. 33 of 1960), conferred the exclusive right to exercise any parental powers in regard to a minor, may by testamentary disposition appoint any person to be the sole guardian or to be vested with the sole custody of the minor, as the case may be; and
- (b) the father of a minor to whom the sole guardianship of the minor has not been granted under subsection (1) or upon whom a children's court has not conferred the exclusive right to exercise any parental powers in regard to the minor, shall not be entitled by testamentary disposition to appoint any person as the guardian of the minor in any other manner than to act jointly with the mother."; and
- (b) by the substitution for subsection (6) of the following subsection:
- "(6) If an order under section 60 of the Children's Act, 1960, is rescinded, or if an order under subsection (1) of this section granting the sole guardianship or custody of a minor to a parent, lapses or is rescinded or is varied in such a manner that the parent is no longer the sole guardian or vested with the sole custody of the minor, any disposition made under subsection (3) (a) shall lapse."

3. This Act shall be called the Matrimonial Affairs Amend- Short title.
 ment Act, 1966, and shall come into operation on a date to
 be fixed by the State President by proclamation in the *Gazette*.