General Notices • Algemene Kennisgewings

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NOTICE 1875 OF 2023

PUBLICATION OF EXPLANATORY SUMMARY OF THE DIVORCE AMENDMENT BILL, 2023

1. Notice is hereby given in terms of Rule 276(1)(b) of the Rules of the National Assembly that the Minister of Justice and Correctional Services intends to introduce the Divorce Amendment Bill, 2023 (the Bill), in the National Assembly shortly.

2. The explanatory summary of the Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly.

3.1 The Bill seeks to amend the Divorce Act, 1979 (Act No. 70 of 1979) to extend its application to Muslim marriages in order to give recognition to Muslim marriages as valid marriages for the purpose of regulating the consequences of dissolution of a Muslim marriage in terms of the Divorce Act.

3.2 The Bill arises from the Constitutional Court judgment in *Women's Legal Centre Trust v President of the Republic of South Africa and Others* [2022] ZACC 23, which recognised the need for and the importance of protecting Muslim women and children of Muslim marriages. The Constitutional Court held that the Divorce Act was unconstitutional as it failed to recognise Muslim marriages which have not been registered as civil marriages, as valid marriages. The Constitutional Court ordered the President and Cabinet, together with Parliament, to remedy the defects in the Divorce Act by 28 June 2024.

4. A copy of the Bill can be found on the websites of the Parliamentary Monitoring Group at http://www.pmg.org.za and the Department of Justice and Constitutional Development at www.justice.gov.za and, after introduction, may also be obtained from the Government Printers: Cape Town (Telephone number: (021) 465-7531).

ALGEMENE KENNISGEWING 1875 VAN 2023

PUBLIKASIE VAN VERDUIDELIKENDE OPSOMMING VAN DIE WYSIGINGSWETSONTWERP OP EGSKEIDING, 2023

1. Kragtens Reël 276(1)(b) van die Reëls van die Nasionale Vergadering word hiermee kennis gegee dat die Minister van Justisie en Korrektiewe Dienste beoog om die Wysigingswetsontwerp op Egskeiding (die Wetsontwerp), eersdaags in die Nasionale Vergadering in te dien.

2. Die verduidelikende opsomming van die Wetsontwerp word hierby ooreenkomstig Reël 276(1)(c) van die Reëls van die Nasionale Vergadering gepubliseer.

3.1 Die Wetsontwerp poog om die Wet op Egskeiding, 1979 (Wet No. 70 van 1979) te wysig om die toepassing daarvan na Moslem-huwelike uit te brei ten einde erkenning te gee aan Moslem-huwelike as geldige huwelike met die doel om die gevolge van ontbinding van 'n Moslem-huwelik ingevolge die Wet op Egskeidingte reguleer.

3.2 Die wetsontwerp spruit voort uit die uitspraak van die Konstitusionele Hof in *Women's Legal Centre Trust v President of the Republic of South Africa and Others* [2022] ZACC 23, wat die behoefte aan en die belangrikheid van die beskerming van Moslemvroue en -kinders van Moslem-huwelike erken het. Die Konstitusionele Hof het bevind dat die Wet op Egskeiding ongrondwetlik was, aangesien dit versuim het om Moslem-huwelike wat nie as siviele huwelike geregistreer is nie, as geldige huwelike te erken. Die Konstitusionele Hof het die President en Kabinet, saam met die Parlement, beveel om die gebreke in die Wet op Egskeiding teen 28 Junie 2024 reg te stel.

4. ’n Afskrif van die Wetsontwerp kan op die webtuistes van die Parlementêre Moniteringsgroep by http://www.pmg.org.za en die Departement van Justisie en Staatkundige Ontwikkeling by www.justice.gov.za gevind word en, na indiening, ook verkry word van die Staatsdrukkers: Kaapstad (Telefoonnommer: (021) 465-7531).

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