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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 588. 12th April, 1972.

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

No. 26 of 1972: Marriage Amendment Act, 1972.

No. 588. 12 April 1972.

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

No. 26 van 1972: Wysigingswet op Huwelike, 1972.

Wet No. 26, 1972

WYSIGINGSWET OP HUWELIKE, 1972.

WET

Tot wysiging van die Huwelikswet, 1961, om sekere huwelike te wettig.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 30 Maart 1972.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Vervanging van artikel 22 van Wet 25 van 1961, soos vervang deur artikel 3 van Wet 19 van 1968 en gewysig deur artikel 7 van Wet 51 van 1970.

1. Artikel 22 van die Huwelikswet, 1961 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

„Onreëlmatighede by afkondiging van gebooe of publikasie van kennisgewing van voorneme om te trou of by uitreiking van spesiale huweliks-lisensies.

22. Indien in die geval van 'n huwelik voltrek vóór die inwerkingtreding van die Wysigingswet op Huwelike, 1970, die bepalings van die een of ander wet met betrekking tot die afkondiging van gebooe of die publikasie van kennisgewing van voorneme om te trou of met betrekking tot die uitreiking van spesiale huwelikslisensies, of die toepaslike bepalings van 'n wet van 'n land buite die Unie met betrekking tot die afkondiging van gebooe of die publikasie van kennisgewing van voorneme om te trou, nie stiptelik nagekom is nie, maar dié huwelik in elke ander opsig voltrek is ooreenkomstig die bepalings van hierdie Wet of, na gelang van die geval, 'n vorige wet, is dié huwelik, mits daar regtens geen ander beletsel daarteen was nie en mits dié huwelik nie deur 'n bevoegde hof ontbind of nietig verklaar is nie en mits voorts geen van die partye by dié huwelik na dié huwelik en tydens die lewe van die ander party reeds 'n ander wettig getrou het nie, net so geldig en bindend as wat dit sou gewees het indien genoemde bepalings stiptelik nagekom is.”

Wysiging van artikel 30 van Wet 25 van 1961, soos vervang deur artikel 10 van Wet 51 van 1970.

2. Artikel 30 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

„(3) Indien die bepalings van hierdie artikel of 'n vorige wet met betrekking tot die vrae wat afsonderlik aan elkeen van die partye gestel moet word of tot die verklaring waarby 'n huwelik as voltrek verklaar moet word of tot die vereiste dat die partye mekaar die regterhand moet gee, nie stiptelik nagekom is nie weens—

- (a) 'n fout, versuim of oorsig te goeder trou begaan deur die huweliksbevestiger; of
- (b) 'n fout, versuim of oorsig deur die partye te goeder trou begaan of weens die liggaamlike ongeskiktheid van een of albei van die partye,

maar dié huwelik in elke ander opsig voltrek is ooreenkomstig die bepalings van hierdie Wet of, na gelang van die geval, 'n vorige wet, is dié huwelik, mits daar regtens

MARRIAGE AMENDMENT ACT, 1972.

Act No. 26, 1972

ACT**To amend the Marriage Act, 1961, so as to validate certain marriages.***(English text signed by the State President.)
(Assented to 30th March, 1972.)***BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. The following section is hereby substituted for section 22 of the Marriage Act, 1961 (hereinafter referred to as the principal Act):

“Irregularities in publication of banns or notice of intention to marry or in the issue of special marriage licences.

22. If in the case of any marriage solemnized before the commencement of the Marriage Amendment Act, 1970, the provisions of any law relating to the publication of banns or notice of intention to marry or to the issue of special marriage licences, or the applicable provisions of any law of a country outside the Union relating to the publication of banns or the publication of notice of intention to marry were not strictly complied with but such marriage was in every other respect solemnized in accordance with the provisions of this Act or, as the case may be, a former law, that marriage shall, provided there was no other lawful impediment thereto and provided such marriage has not been dissolved or declared invalid by a competent court, and provided further that neither of the parties to such marriage has after such marriage and during the life of the other, already lawfully married another, be as valid and binding as it would have been if the said provisions had been strictly complied with.”.

Substitution of section 22 of Act 25 of 1961, as substituted by section 3 of Act 19 of 1968 and amended by section 7 of Act 51 of 1970.

2. Section 30 of the principal Act is hereby amended by the addition of the following subsection:

“(3) If the provisions of this section or any former law relating to the questions to be put to each of the parties separately or to the declaration whereby the marriage shall be declared to be solemnized or to the requirement that the parties shall give each other the right hand, have not been strictly complied with owing to—

Amendment of section 30 of Act 25 of 1961, as substituted by section 10 of Act 51 of 1970.

- (a) an error, omission or oversight committed in good faith by the marriage officer; or
- (b) an error, omission or oversight committed in good faith by the parties or owing to the physical disability of one or both of the parties,

but such marriage has in every other respect been solemnized in accordance with the provisions of this Act or, as the case may be, a former law, that marriage shall, provided there was no other lawful impediment thereto and provided further that such marriage, if it was solemnized

Wet No. 26, 1972

WYSIGINGSWET OP HUWELIKE, 1972.

geen ander beletsel daarteen was nie en mits voorts, indien dié huwelik voor die inwerkingtreding van die Wysigingswet op Huwelike, 1970 (Wet No. 51 van 1970), voltrek is, dié huwelik nie deur 'n bevoegde hof ontbind of nietig verklaar is nie en geen van die partye by dié huwelik na dié huwelik en tydens die lewe van die ander party reeds 'n ander wettig getrou het nie, net so geldig en bindend as wat dit sou gewees het indien genoemde bepaling stiptelik nagekom is.”.

Kort titel.

3. Hierdie Wet heet die Wysigingswet op Huwelike, 1972.

MARRIAGE AMENDMENT ACT, 1972.

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before the commencement of the Marriage Amendment Act, 1970 (Act No. 51 of 1970), has not been dissolved or declared invalid by a competent court and neither of the parties to such marriage has after such marriage and during the life of the other, already lawfully married another, be as valid and binding as it would have been if the said provisions had been strictly complied with.”.

3. This Act shall be called the Marriage Amendment Act, Short title. 1972.

