



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

Verkoopprijs • 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

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

No. 91 van 1986: Wysigingswet op Huweliksgoedere, 1986.

No. 1864.

10 September 1986

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

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

Wet No. 91, 1986

WYSIGINGSWET OP HUWELIKSGOEDERE, 1986

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Huweliksgoedere, 1984, ten einde die Minister van Justisie te magtig om die tydperke waarbinne gades by sekere huwelike sekere bepalings van daardie Wet ten opsigte van hul huwelike kan laat geld, te verleng; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 3 September 1986.)

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

Wysiging van
artikel 21 van
Wet 88 van 1984.

1. Artikel 21 van die Wet op Huweliksgoedere, 1984 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

“(a) Ondanks andersluidende bepalings van die een of ander wet of die gemene reg, maar behoudens die bepalings van paragrafe (b) en (c), kan die gades by 'n huwelik buite gemeenskap van goed wat voor 10 die inwerkingtreding van hierdie Wet gesluit is ingevolge huweliksvoorwaardes waardeur gemeenskap van goed en gemeenskap van wins en verlies uitgesluit is, die bepalings van Hoofstuk I ten opsigte van hul huwelik laat geld deur die verlyding 15 en registrasie in 'n registrasiekantoor binne twee jaar na daardie inwerkingtreding of sodanige langer tydperk, maar nie minder as ses maande nie, wat die Minister by kennisgewing in die *Staatskoerant* bepaal, van 'n notariële kontrak met daardie 20 strekking.”; en

(b) deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

“(c) Vir die doel van die bewys van die netto waarde van die gades se onderskeie boedels op die datum 25 waarop die bepalings van Hoofstuk I aldus geld, kan hulle daardie waarde verklaar of in die betrokke notariële kontrak of **[te eniger tyd binne een jaar na die inwerkingtreding van hierdie Wet]** in 'n opgawe soos beoog in artikel 6, en in laasgenoemde geval is die bepalings van genoemde artikel 6 *mutatis mutandis* ten opsigte van die opgawe van toepassing.”.

Wysiging van
artikel 25 van
Wet 88 van 1984.

2. Artikel 25 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: 35

“(2) Ondanks andersluidende bepalings van die een of ander wet of die gemene reg, kan die gades by 'n huwelik, uitgesonderd 'n huwelik bedoel in subartikel (1), wat voor die inwerkingtreding van hierdie Wet gesluit is—

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.

ACT

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.)*

BE 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 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of
section 21 of
Act 88 of 1984.

5 (a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

10 “(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

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

25 “(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 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 apply *mutatis mutandis* in respect of that statement.”.

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

Amendment of
section 25 of
Act 88 of 1984.

35 “(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—

Wet No. 91, 1986

WYSIGINGSWET OP HUWELIKSGOEDERE, 1986

- (a) indien hulle in gemeenskap van goed getroud is, die bepalings van Hoofstukke II en III ten opsigte van hul huwelik laat geld;
- (b) indien hulle buite gemeenskap van goed getroud is en die maritale mag van die man nie ingevolge die betrokke huweliksvoorwaardes uitgesluit is nie, die bepalings van Hoofstuk II ten opsigte van hul huwelik laat geld,

deur die verlyding en registrasie in 'n registrasiekantoor binne twee jaar na genoemde inwerkingtreding of sodanige langer tydperk, maar nie minder as ses maande nie, wat die Minister by kennisgewing in die *Staatskoerant* bepaal, van 'n notariële kontrak met daardie strekking, en in so 'n geval geld dié bepalings vanaf die datum waarop die betrokke kontrak aldus geregistreer is.”.

Kort titel.

3. Hierdie Wet heet die Wysigingswet op Huweliksgoedere, 1986.

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;
- 5 (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,
- 10 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.

