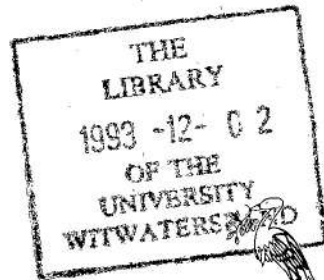
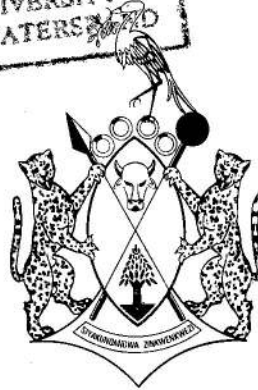


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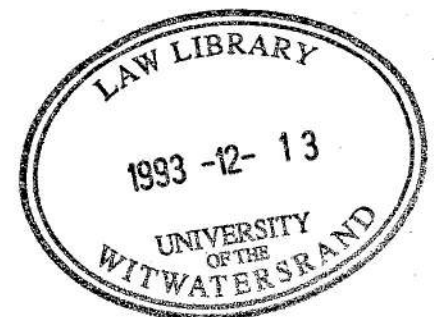
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DEPARTMENT OF THE COUNCIL OF STATE

GOVERNMENT NOTICE No. 92 OF 1993

It is hereby notified that the Chairman of the Council of State has assented to the following decree which is hereby published for general information:-

DIVORCE AMENDMENT DECREE, 1993
(Decree No. 25 of 1993)



COUNCIL OF STATE — REPUBLIC OF CISKEI

DIVORCE AMENDMENT DECREE, 1993

DECREE

To amend the Divorce Act, 1979.

[English text signed by the Chairman of the Council of State. Assented to on 1 November 1993.]

BE IT DECREED by the Council of State of the Republic of Ciskei, as follows:-

1. Substitution of section 2 of Act 70 of 1979. — The following section is hereby substituted for section 2 of the Divorce Act, 1979 (hereinafter referred to as the principal Act):

"2. Jurisdiction. — (1) A court shall have jurisdiction in a divorce action if the parties are or either of the parties is -

- (a) domiciled in the area of jurisdiction of the court on the date on which the action is instituted, or
- (b) ordinarily resident in the area of jurisdiction of the court on the said date and have or has been ordinarily resident in the Republic for a period of not less than one year immediately prior to that date.

(2) A court which has jurisdiction in terms of subsection (1) shall also have jurisdiction in respect of a claim in reconvention or a counter-application in the divorce action concerned.

(3) A court which has jurisdiction in terms of this section in a case where the parties are or either of the parties is not domiciled in the Republic shall determine any issue in accordance with the law which would have been applicable had the parties been domiciled in the area of jurisdiction of the court concerned on the date on which the divorce action was instituted.

(4) The provisions of this Act shall not derogate from the jurisdiction which a court has in terms of any other law or the common law."

2. Amendment of section 7 of Act 70 of 1979, as amended by section 5 of Act 19 of 1988. — Section 7 of the principal Act is hereby amended by the addition of the following subsection:

"(9) When a court grants a decree of divorce in respect of a marriage the patrimonial consequences of which are according to the rules of private international law governed by the law of a foreign state, the court shall have the same power as a competent court of the foreign state concerned would have had at that time to order that assets be transferred from one spouse to the other spouse."

3. Substitution of section 13 of Act 70 of 1979, as amended by section 7 of Act 19 of 1988. — The following section is hereby substituted for section 13 of the principal Act:

"13. Recognition of certain foreign divorce orders. — The validity of a divorce order or an order for the annulment of a marriage or for judicial separation granted in a court of a foreign country or territory shall be recognized by a court in the Republic if, on the date on which the order was granted, either party to the marriage -

- (a) was domiciled in the country or territory concerned, whether according to the law of the Republic of Ciskei or according to the law of that country or territory;
- (b) was ordinarily resident in that country or territory; or
- (c) was a national of that country or territory."

4. Short title and commencement. — This decree shall be called the Divorce Amendment Decree, 1993 and shall come into operation on a date to be fixed by the Head of State by proclamation in the *Gazette*.