

(28 February 1964 – 26 March 1968)

[This version applied as from 28 February 1964 to 26 March 1968, i.e. the date of commencement of the Marriage Amendment Act 11 of 1964, Gazette No. 734, No. 288. Commencement date: 28 February 1964 – to – 26 March 1968, the date before commencement of the Marriage Amendment Act 19 of 1968, Gazette No. 2023, No. 482. Commencement date: 27 March 1968]

## MARRIAGE ACT 25 of 1961

*(Gazette No. 6670, Notice No. 613 dated 21 April 1961. Commencement date: 1 January 1962 [Proc. No. 180, Gazette No. 145]*

*[Assented to 19th April, 1961]*

*(English text signed by the Governor-General.)*

### As amended by:

Marriage Amendment Act 11 of 1964 – Gazette No. 734, No. 288. Commencement date: 28 February 1964.

## ACT

**To consolidate and amend the laws relating to the solemnization of marriages and matters incidental thereto.**

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:

### 1. Definitions

In this Act, unless the context otherwise indicates

"**magistrate**" includes an additional and an assistant magistrate;

"**marriage officer**" means any person who is a marriage officer by virtue of the provisions of this Act;

"**Minister**" means the Minister of the Interior;

"**native commissioner**" includes an additional and an assistant native commissioner;

"**prescribed**" means prescribed by this Act or by regulation made under this Act:

"**prior law**" means any law repealed by this Act.

**2. Ex officio marriage officers and designation of persons in service of State as marriage officers**

- (1) Every magistrate, every special justice of the peace and every native commissioner shall by virtue of his office and so long as he holds such office, be a marriage officer for the district or other area in respect of which he holds office.
- (2) The Minister and any officer in the public service authorized thereto by him may designate any officer or employee in the public service or the diplomatic or consular service of the Union to be, by virtue of his office and so long as he holds such office a marriage officer, either generally or for any specified race or class of persons or country or area.

**3. Designation of ministers of religion and other persons attached to churches as marriage officers**

- (1) The Minister and any officer in the public service authorized thereto by him may designate any minister of religion of, or any person holding a responsible position in, any religious denomination or organization to be, so long as he is such a minister or occupies such position, a marriage officer for the purpose of solemnizing marriages according to Christian, Jewish or Mohammedan rites or the rites of any Indian religion.
- (2) A designation under sub-section (1) may further limit the authority of any such minister of religion or person to the solemnization of marriages -
  - (a) within a specified area;
  - (b) for a specified period; and
  - (c) between persons belonging to a specified race.

**4. How designation as marriage officer to be made**

Every designation of a person as a marriage officer shall be by written instrument and the date as from which it shall have effect and any limitation to which it is subject shall be specified in such instrument.

**5. Marriage officers under laws repealed by this Act**

- (1) Any person who, at the commencement of this Act, is under the provisions of any prior law authorized to solemnize any marriages as if such law had not been repealed, but shall exercise such authority in accordance with the provisions of this Act.

- (2) Any such person shall be deemed to have been designated as a marriage officer under this Act.

**6. Certain persons may in certain circumstances be deemed to have been marriage officers**

- (1) Whenever any person has acted as a marriage officer during any period or within any area in respect of which he was not a marriage officer under this Act or any prior law, and the Minister or any officer in the public service authorized thereto by the Minister is satisfied that such person did so under the *bona fide* belief that he was a marriage officer during that period or within that area, he may direct in writing that such person shall for all purposes be deemed to have been a marriage officer during such period or within such area, duly designated as such under this Act or such law, as the case may be.
- (2) Any marriage solemnized during such period or within such area by any person who is in terms of sub-section (1) to be deemed to have been duly designated as a marriage officer in respect thereof, shall, provided such marriage was in every other respect solemnized in accordance with the provisions of this Act or any prior law, as the case may be, and there was no lawful impediment thereto, be as valid and binding as it would have been if such person had been duly designated as a marriage officer in respect of such period or such area. .
- (3) Nothing in sub-section (1) contained shall be construed as relieving any person in respect of whom a direction has been issued thereunder, from the liability to prosecution for any offence committed by him.

**7. Effect of designation of certain ministers of religion as marriage officers**

Any minister of religion who before or after the commencement of this Act was or is designated as a marriage officer while a minister of the "Nederduitse Gereformeerde Kerk in Suid-Afrika, Kaap", or of the "Nederduitse Gereformeerde Kerk van Natal", or of the "Nederduitse Gereformeerde Kerk in die Oranje-Vrystaat", or of the former "Nederduitse Hervormde of Gereformeerde Kerk van Suid-Afrika, Transvaal", or of the "Nederduitse Gereformeerde Kerk van Transvaal", shall as from the date of such designation but subject to the provisions of this Act be deemed to have been or to be a marriage officer while he remained or remains a minister of any of the said churches.

**8. Change of name of religious denominations or organization and amalgamation of religious denominations or organizations**

- (1) If a religious denomination or organization changes the name whereby it was known or amalgamates with any other religious denomination or organization, such change in name or amalgamation shall have no effect on the designation of any person as a marriage officer by virtue of his occupying any post or holding any position in any such religious denomination or organization.

- (2) If a religious denomination or organization in such circumstances as are contemplated in sub-section (1) changes the name whereby it was known or amalgamates with any other religious denomination or organization, it shall immediately advise the Minister thereof.

**9. Revocation of designation as, or authority of, marriage officer and limitation of authority of marriage officer**

- (1) The Minister or any officer in the public service authorized thereto by him may, on the ground of misconduct or for any other good cause, revoke in writing the designation of any person as a marriage officer or the authority of any other person to solemnize marriages under this Act, or in writing limit in such respect as he may deem fit the authority of any marriage officer or class of marriage officers to solemnize marriages under this Act.
- (2) Any steps taken by any officer in the public service under sub-section (1) may be set aside by the Minister.

**10. Solemnization of marriages in country outside of the Union**

- (1) Any person who is under the provisions of this Act authorized to solemnize any marriages in any country outside the Union -
- (a) may so solemnize any such marriage only if the parties thereto are both South African citizens domiciled in the Union; and
- (b) shall solemnize any such marriage in accordance with the provisions of this Act.
- (2) Any marriage so solemnized shall for all purposes be deemed to have been solemnized in the province of the Union in which the male party thereto is domiciled.

**11. Unauthorized solemnization of marriage ceremonies forbidden**

- (1) A marriage may be solemnized by a marriage officer only.
- (2) Any marriage officer who purports to solemnize a marriage which he is not authorized under this Act to solemnize or which to his knowledge is legally prohibited, and any person not being a marriage officer who purports to solemnize a marriage, shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or, in default of payment, to imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment.

- (3) Nothing in sub-section (2) contained shall apply to any marriage ceremony solemnized in accordance with the rites or formularies of any religion, if such ceremony does not purport to effect a valid marriage.

**12. Publication of banns or notice of intention to marry or issue of special marriage licence before marriage**

No marriage officer shall solemnize any marriage unless in respect thereof and in terms of the provisions of this Act or any prior law -

- (a) each of the parties in question has caused banns of marriage to be published in a congregation to which he or she belongs or where in the opinion of the minister of religion of the congregation in question or his duly authorized substitute he or she usually attends divine service; or
- (b) each of such parties has caused a notice of intention to marry to be published; or
- (c) one of such parties has caused such banns to be so published and the other has caused such notice to be published; or
- (d) a special marriage licence has been issued.

*(Section 12(a) amended by section 1(1) of Act 11 of 1964)*

*(Section 1(2) of Act 11 of 1964 states: In deciding on the validity of any marriage solemnized after the commencement of the Marriage Act, 1961, which has not before the commencement of this section been declared invalid by a competent court, section twelve of the said Act shall be construed as if sub-section (1) of this section was in force on the date on which such marriage was solemnized and had been in force at all relevant times prior to that date.)*

**13. Application for publication and acceptance of banns**

- (1) Any party who desires to cause banns of marriage to be published shall deliver or cause to be delivered to any minister of religion of the congregation in question at least two days prior to the intended publication or at any time prior to such publication which such minister of religion may in his discretion allow, a written application to publish such banns.
- (2) Such application shall -
- (a) bear the signature of each of the parties desiring to marry, duly dated by him or her; and

(b) state the full christian name and surname, age, marital status and residential address of each of the said parties.

(3) Nothing in this Act contained shall be construed as compelling any minister of religion to accept and publish banns of a marriage that would not conform to the rites, formularies, tenets, doctrines or discipline of his religious denomination or organization.

**14. How publications of banns of marriage to be made**

(1) Any minister of religion or his duly authorized substitute may publish banns of marriage of persons desiring to marry each other.

(2) Such banns of marriage shall specify the full christian name and surname, marital status and residential address of each of the said persons, and publication thereof shall, subject to the provisions of sub-section (3), be made either -

(a) in an audible manner, some time during public divine service, on three successive Sundays preceding the solemnization of the marriage, in the face of the congregation before whom such minister of religion or his duly authorized substitute officiates; or

(b) by posting the banns up for an unbroken period covering three successive Sundays preceding the solemnization of the marriage, in a conspicuous place in or in the immediate vicinity of the ordinary place of worship of the congregation in question.

(3) If according to the tenets or practices of a religious denomination or organization, the principal public divine service of such denomination or organization is held weekly on a day other than a Sunday, publication of banns in terms of paragraph (a) of sub-section (2) may be made during such a service on such day instead of on a Sunday.

**15. Certificate of publication of banns.**

(1) Any minister of religion of a congregation where banns of marriage have been published or his duly authorized representative shall, on the application of any person and on payment to him of the prescribed fee (if any), issue to such person a certificate to the effect that the said banns were published.

(2) The said certificate shall state the full christian name and surname, marital status and residential address of each party in question as well as the dates on which or period during which publication of the banns was made, and may contain such further particulars as such minister of religion may think fit.

*(Section 15(1) amended by section 2 of Act 11 of 1964)*

**16. Banns published outside the Union**

- (1) Banns of marriage published in a country outside the Union shall for the purposes of this Act be regarded as having been published in the Union, but a marriage officer shall not solemnize any marriage in pursuance thereof unless there is produced to him the prescribed proof that such banns were duly published according to the law of such country.
- (2) The provisions of section *twenty-one* shall *mutatis mutandis* apply with reference to such banns.

**17. Notice of intention to marry**

- (1) Any party who desires to cause a notice of intention to marry to be published shall apply in writing to any officer or employee in the diplomatic or consular service of the Union authorized by the Minister to publish notices of intention to marry, or to any magistrate, special justice of the peace or native commissioner to publish such notice.
- (2) Such application shall-
  - (a) bear the signature of each of the parties desiring to marry, duly dated by him or her; and
  - (b) state the full christian name and surname, age, marital status and residential address of each of the said parties.
- (3) If the person to whom such application is made is satisfied that the applicant has resided in the country outside the Union or in the district or area in respect of which he holds office, for a period of at least fourteen days immediately preceding the date of the receipt of the application, he shall publish such notice and shall do so by posting such notice up in a conspicuous place in, on or in the immediate vicinity of his office or court for an unbroken period of fifteen days.
- (4) If only one of the parties in question has so resided in such country, district or area it shall for the purposes of section *twelve* be deemed that only such party caused such notice to be published.
- (5) Every notice referred to in sub-section (3) shall state the full christian name and surname, marital status and residential address of each of the parties desiring to marry.

**18. Certificate of publication of notice of intention to marry**

- (1) Any person who has in terms of section *seventeen* published a notice of intention to marry shall on the application of any person and on payment to him of the prescribed fee (if any), issue to such person a certificate to the effect that the said notice was so published. .

- (2) The said certificate shall state the full christian name and surname, marital status and residential address of each party in question as well as the period during which the said notice was published.

**19. Special marriage licence**

- (1) Parties desiring to marry without the publication of banns or notice of intention to marry may personally apply to an officer or employee in the diplomatic or consular service of the Union authorized by the Minister to issue special marriage licences or to a magistrate or native commissioner for a special licence to marry without the publication of banns or notice of intention to marry.
- (2) Any such person to whom such application is made shall require each such party to furnish him with his or her full christian name and surname and may put to each of them such questions as he may deem necessary to determine whether any lawful impediment exists to the proposed marriage.
- (3) If the person to whom such application is made is not satisfied that the proposed marriage may be legally solemnized, he shall, in order to determine whether there is any lawful impediment to the said marriage, interrogate each of the said parties and institute such other inquiries as he may deem necessary.
- (4) For the purpose of such interrogation the said person shall administer an oath to each such party or require him or her to make an affirmation.
- (5) If the person to whom such application is made is satisfied, whether or not after any such interrogation and inquiries. that there is no lawful impediment to the proposed marriage, he shall upon completion by each of the said parties of the prescribed affidavit or solemn declaration to the effect that there is no lawful impediment to the proposed marriage and upon payment of the prescribed fee (if any), issue such a special marriage licence in the prescribed form to them.
- (6) If the said person is not so satisfied he shall refuse to issue such licence.

**20. By which marriage officer marriage may be solemnized**

If in terms of this Act or a prior law banns of marriage or notice of intention to marry has been published or a special marriage licence has been issued, any marriage officer having the necessary authority may solemnize the marriage in question provided, if he did not make every such publication or issue such licence, he is satisfied that the necessary publication of banns or notice of intention to marry was made or, as the case may be, there is produced to him such licence.

**21. Period of validity of banns, notice of intention to marry and special marriage licence**



- (1) Unless a marriage is solemnized in pursuance of banns of marriage or notice of intention to marry published, or a special marriage licence issued under the provisions of this Act or a prior law within three months of the last day of publication of such banns or notice or the date of issue of such licence, such banns or notice or licence, as the case may be, shall lapse and no marriage shall be solemnized in pursuance thereof.
- (2) No person shall be entitled to a refund of any fee paid in respect of a certificate or licence which has lapsed by virtue of the provisions of sub-section (1).

**22. Irregularities in publication of banns or notice of intention to marry or in the issue of special marriage licence**

If in the case of any marriage solemnized before or after the commencement of this Act the provisions of this Act or, as the case may be, any prior 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, have not been strictly complied with owing to -

- (a) an error committed in good faith by either of the parties to such marriage in interpreting those provisions; or
- (b) any error, omission or oversight of any person who made any such publication or issued a special marriage licence,

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 prior law, that marriage shall, provided there was no other lawful impediment thereto, be as valid and binding as it would have been if the said provisions had been strictly complied with.

**23. Objections to marriage**

- (1) Any person desiring to raise any objection to any proposed marriage shall lodge such objection in writing with-
  - (a) the person who makes publication of the banns of such marriage or the notice of intention to marry in question; or
  - (b) the person who issues a special marriage licence in respect of such proposed marriage; or
  - (c) the marriage officer who is to solemnize such marriage.

- (2) If any person who makes such publication or issues such licence receives any such objection, such objection shall be stated by him in any relevant certificate or licence issued by him in terms of section *fifteen, eighteen or nineteen*.
- (3) If any such objection is brought to the notice of the marriage officer who is to solemnize such marriage he shall inquire into the grounds of the objection and if he is satisfied that there is no lawful impediment to the proposed marriage, he may solemnize the marriage in accordance with the provisions of this Act.
- (4) If he is not so satisfied he shall refuse to solemnize the marriage.

**24. Marriage of minors**

- (1) No marriage officer shall solemnize a marriage between parties of whom one or both are minors unless the consent to the party or parties which is legally required for the purpose of contracting the marriage has been granted and furnished to him in writing.
- (2) For the purposes of sub-section (1) a minor does not include a person who is under the age of twenty-one years and previously contracted a valid marriage which has been dissolved by death or divorce.

**25. When consent of parents or guardian of minor cannot be obtained**

- (1) If a commissioner of child welfare as defined in section *one* of the Children's Act, 1960 (Act No. 33 of 1960), is after proper inquiry satisfied that a minor who is resident in the district or area in respect of which he holds office has no parent or guardian or is for any good reason unable to obtain the consent of his parents or guardian to enter into a marriage such commissioner of child welfare may in his discretion grant written consent to such minor to marry a specified person, but such commissioner of child welfare shall not grant his consent if the minor is such a pupil or child as is mentioned in paragraph (a) of sub-section (1) of section *fifty-nine* of the said Act or if one or other parent of the minor whose consent is required by law or his guardian refuses to grant consent to the marriage.
- (2) A commissioner of child welfare shall, before granting his consent to a marriage under sub-section (1), enquire whether it is in the interests of the minor in question that the parties to the proposed marriage should enter into an antenuptial contract, and if he is satisfied that such is the case he shall not grant his consent to the proposed marriage before such contract has been entered into, and shall assist the said minor in the execution of the said contract.
- (3) A contract so entered into shall be deemed to have been entered into with the assistance of the parent or guardian of the said minor.

- (4) If the parent, guardian or commissioner of child welfare in question refuses to consent to a marriage of a minor, such consent may on application be granted by a judge of the Supreme Court of South Africa: Provided that such a judge shall not grant such consent unless he is of the opinion that such refusal of consent by the parent, guardian or commissioner of child welfare is without adequate reason and contrary to the interests of such minor.

**26. Prohibition of marriage of persons under certain age**

- (1) No boy under the age of eighteen years and no girl under the age of sixteen years shall be capable of contracting a valid marriage except with the written permission of the Minister, which he may grant in any particular case in which he considers such marriage desirable: Provided that such permission shall not relieve the parties to the proposed marriage from the obligation to comply with all other requirements prescribed by law: Provided further that such permission shall not be necessary if by reason of any such other requirement the consent of a judge or court having jurisdiction in the matter is necessary and has been granted.
- (2) If any person referred to in sub-section (1) who was not capable of contracting a valid marriage without the written permission of the Minister in terms of this Act or a prior law, contracted a marriage without such permission and the Minister considers such marriage to be desirable and in the interests of the parties in question, he may, provided such marriage was in every other respect solemnized in accordance with the provisions of this Act or, as the case may be, any prior law, and there was no other lawful impediment thereto, direct in writing that it shall for all purposes be a valid marriage.
- (3) If the Minister so directs it shall be deemed that he granted written permission to such marriage prior to the solemnization thereof.

**27. Proof of age of parties to proposed marriage**

If parties appear before a marriage officer for the purpose of contracting a marriage with each other and such marriage officer reasonably suspects that either of them is of an age which debars him or her from contracting a valid marriage without the consent or permission of some other person, he may refuse to solemnize a marriage between them unless he is furnished with such consent or permission in writing or with satisfactory proof showing that the party in question is entitled to contract a marriage without such consent or permission.

**28. Marriage between person and relatives of his or her deceased or divorced spouse**

Any legal provision to the contrary notwithstanding it shall be lawful for -

- (a) any widower to marry the sister of his deceased wife or any female related to him through his deceased wife in any more remote degree of affinity than the sister of his deceased wife, other than an ancestor or descendant of such deceased wife;
- (b) any widow to marry the brother of her deceased husband or any male related to her through her deceased husband in any more remote degree of affinity than the brother of her deceased husband, other than an ancestor or descendant of such deceased husband;
- (c) any man to marry the sister of a person from whom he has been divorced or any female related to him through the said person in any more remote degree of affinity than the sister of such person, other than an ancestor or descendant of such person; and
- (d) any woman to marry the brother of a person from whom she has been divorced or any male related to her through the said person in any more remote degree of affinity than the brother of such person, other than an ancestor or descendant of such person.

**29. Time and place for and presence of parties and witnesses at solemnization of marriage**

- (1) A marriage officer may solemnize a marriage at any time of any day of the week but shall not be obliged to solemnize a marriage at any other time than between the hours of eight in the morning and four in the afternoon.
- (2) A marriage officer shall solemnize any marriage in a church or other building used for religious service, or in a public office or private dwelling-house, with open doors and in the presence of the parties themselves and at least two competent witnesses.
- (3) No person shall under the provisions of this Act be capable of contracting a valid marriage through any other person acting as his representative.

**30. Marriage formula**

In solemnizing any marriage the marriage officer, if he is a minister of religion or a person holding a responsible position in a religious denomination or organization, may follow the rites usually observed by his religious denomination or organization, but if he is any other marriage officer he shall put the following questions to each of the parties separately, each of whom shall reply thereto in the affirmative:

“Do you, A.B., declare that as far as you know there is no lawful impediment to your proposed marriage with C.D. here present, and that you call all here present to witness that you take C.D. as your lawful wife (or husband)?”

and thereupon the parties shall give each other the right hand and the said marriage officer shall declare the marriage solemnized in the following words:

"I declare that A.B. and C.D. here present have been lawfully married."

**31. Certain marriage officers may refuse to solemnize certain marriages**

Nothing in this Act contained shall be construed so as to compel a marriage officer who is a minister of religion or a person holding a responsible position in a religious denomination or organization to solemnize a marriage which would not conform to the rites, formularies, tenets, doctrines or discipline of his religious denomination or organization.

**32. Fees payable to the marriage officers**

(1) No marriage officer may demand or receive any fee, gift or reward, for or by reason of anything done by him as marriage officer in terms of this Act: Provided that a minister of religion or a person holding a responsible position in a religious denomination or organization may, for or by reason of any such thing done by him, receive

(a) such fees or payments as were immediately prior to the commencement of this Act ordinarily paid to any such minister of religion or person in terms of the rules and regulations of his religious denomination or organization, for or by reason of any such thing done by him in terms of a prior law; or

(b) such fee as may be prescribed.

(2) Any marriage officer who contravenes the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or, in default of payment, to imprisonment for a period not exceeding six months.

**33. Blessing of a marriage**

After a marriage has been solemnized by a marriage officer, a minister of religion or a person holding a responsible position in a religious denomination or organization may bless such marriage according to the rites of his religious denomination or organization.

**34. Religious rules and regulations**

Nothing in this Act contained shall prevent -

(a) the making by any religious denomination or organization of such rules or regulations in connection with the religious blessing of marriages as may be in conformity with the

religious views of such denomination or organization or the exercise of church discipline in any such case; or

(b) the acceptance by any person of any fee charged by such religious denomination or organization for the blessing of any marriage,

provided the exercise of such authority is not in conflict with the civil rights and duties of any person.

**35. Penalties for solemnizing marriage contrary to the provisions of this Act**

Any marriage officer who knowingly solemnizes a marriage in contravention of the provisions of this Act shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or, in default of payment, to imprisonment for a period not exceeding six months.

**36. Penalties for false representations or statements**

Any person who makes for any of the purposes of this Act, any false representation or false statement knowing it to be false, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

**37. Offences committed outside the Union**

If any person contravenes any provision of this Act in any country outside the Union the Minister of Justice shall determine which court in the Union shall try such person for the offence committed thereby, and such court shall thereupon be competent so to try such person, and for all purposes incidental to or consequential on the trial of such person, the offence shall be deemed to have been committed within the area of jurisdiction of such court.

**38. Regulations**

(1) The Governor-General may make regulations as to-

(a) the form and content of certificates, notices, affidavits and declarations for the purposes of this Act;

(b) the fees payable for any certificate issued or any other act performed in terms of this Act,

and, generally, as to any matter which by this Act is required or permitted to be prescribed or which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved or that the provisions of this Act may be effectively administered.

- (2) Such regulations may prescribe penalties for a contravention thereof, not exceeding, in the case of a fine, fifty rand or, in the case of imprisonment, a period of three months.

**39. Repeal of laws and savings**

- (1) Subject to the provisions of sub-sections (2) to (5) inclusive, the laws specified in the Schedule are hereby repealed to the extent set out in the fourth column thereof, except in so far as they apply in the territory of South-West Africa.
- (2) Anything done under any provision of a law repealed by sub-section (1) shall be deemed to have been done under the corresponding provision of this Act (if any).
- (3) Any marriage which is validated by or is valid in terms of any law repealed by sub-section (1) shall not be effected by such repeal.
- (4) Any provision of a law repealed by sub-section (1) which applies only in respect of non-white persons or a particular class of non-white persons shall, notwithstanding the provisions of this Act, but subject to the provisions of sub-section (5), continue to apply in respect of any Native and any Asiatic in respect of whom it is applicable.
- (5) The Governor-General may by proclamation in the *Gazette* declare that any provision of a law referred to in subsection (4) shall cease to apply in respect of the persons in question or any class of the persons in question, and as from the date specified in such proclamation, such provision shall cease so to apply.

**40. Short title and commencement.**

This Act shall be called the Marriage Act, 1961, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

**SCHEDULE  
LAWS REPEALED**

<b>Province or Union</b>	<b>No. and Year of Law</b>	<b>Title or Subject matter</b>	<b>Extent of repeal</b>
Cape of Good Hope	Marriage Order in Council, 7 <sup>th</sup> September, 1838	Amendment of Marriage Laws.	The whole
	Order in Council, 20 <sup>th</sup> February 1839	Construction of Marriage Order in Council, 7 <sup>th</sup> September, 1838, in certain respects.	The whole
	Order in Council, 3 <sup>rd</sup> April, 1840	Amendment Marriage Order in Council, 7 <sup>th</sup> September, 1838.	The whole

	Ordinance No. 4 of 1848	Ordinance for rendering legal certain Marriages supposed to be invalid.	The whole
	Act No. 13 of 1857	Act for Removing all Doubts regarding the Validity of the Marriages of certain Military Settlers.	The whole
	Act No. 16 of 1860	"Marriage Act, 1860"	The whole
	Act No. 9 of 1882	"The Marriage Licence Act, 1882"	The whole
	Act No. 40 of 1892	"The Marriage Law Amendment Act , 1892"	The whole
	Act No. 11 of 1906	"The Marriage Law Amendment Act , 1906"	The whole
Natal	Ordinance No.17 of 1846	"Ordinance to amend the Law regarding marriages within the District of Natal"	The whole
	Law No. 2 of 1876	"To provide for the signing of Marriage Licences"	The whole
	Law No. 19 of 1881	:To provide for the appointment of Marriage Officers for the Solemnization of Marriages of persons professing the Jewish faith, and of persons professing the Mohammedan faith".	The whole
	Law No. 46 of 1887	"To regulate the Marriage of Natives by Christian Rites".	The whole, subject to the provisions of sun-section (4) of section <i>thirty-nine</i> of this Act.
	Law No. 7 of 1889	"The Marriage Licence Law, 1889".	The whole
	Law No. 25 of 1891	"Indian Immigration Law, 1894".	Sections <i>sixty-five</i> to <i>seventy-two</i> inclusive, <i>seventy-five</i> and <i>eightly-one</i> , subject to the provisions of sub-section (4) of section <i>thirty-nine</i> of this Act.
	Act No. 45 of 1898	"To repeal and re-enact with certain amendments, Act No. 15 of 1897, entitled 'Act for removing a certain Restriction upon Marriage within the Colony of Natal'".	The whole
	Act No. 44 of 1903	"To amend the Law relating to Marriages of Natives by Christian Rites".	The whole, subject to the provisions of



			sub-section (4) of section <i>thirty-nine</i> of this Act.
Orange Free State	Law No. 22 of 1898	“Over Assistent Landdrosten”	The whole
	Law No. 26 of 1899	“De Huwelijkswet”	The whole
	Ordinance No. 27 of 1902	“Validation of Marriages Ordinance, 1902”.	The whole
	Ordinance No. 31 of 1903	“Marriage (Prohibited Degrees) Ordinance, 1903”.	The whole
Transvaal	Law No. 3 of 1871	“Huwelijks Ordannantie”	The whole
	Volksraad Resolution, 15 <sup>th</sup> May 1883, Art. 74	Legalization of certain Marriages.	The whole
	Volksraad Resolution, 7 <sup>th</sup> May, 1885, Art. 53	Legalization of certain Marriages.	The whole
	First Volksraad Resolution, 10 <sup>th</sup> December, 1896, Art. 2286	“Recht tot huwelijksbevestiging door de Hollandsche Consuls en Consulaire ambtenaren in de Z.A.R.”.	The whole
	Law No. 3 of 1897	“Regelende de huwelijken van Kleurlingen binnen de Zuid-Afrikaansche Republiek”.	The whole, subject to the provisions of sub0section (4) of section <i>thirty-nine</i> of this Act.
	Proclamation No. 6 of 1900	Native Marriages by Christian Rites.	The whole, subject to the provisions of sub-section (4) of section <i>thirty-nine</i> of this Act.
	Proclamation No. 2 of 1901	Amendment of Marriage Laws as to officer granting special licences.	The whole
	Proclamation No. 25 of 1902	Amending Law No. 3 of 1897.	The whole
Proclamation No. 31 of 1902	“Legalization of Marriages Proclamation, 1902”.	The whole	

	Ordinance No. 26 of 1902	"Legalization of Marriages Ordinance 1902".	The whole
	Ordinance No. 29 of 1903	Legalization of Marriages of Coloured Persons Ordinance, 1903.	The whole
	Ordinance No. 39 of 1904	Marriage Law Amendment Ordinance 1904.	The whole
	Ordinance No. 33 of 1905	The Legalization of Marriages Ordinance 1905.	The whole
	Act No. 13 of 1909	Marriage Law Amendment Act 1909	The whole
	Act No.13 of 1909	Marriage Law Amendment Act, 1909	The whole
Union	Act No.20 of 1913	Marriage Laws Amendment Act, 1913	The whole
	Act No.43 of 1916	Marriage Officers Act, 1916	The whole
	Act No. 11 of 1920	Natal and Transvaal Marriage Law Amendment Act, 1920.	The whole
	Act No. 17 of 1921	Marriage Law Amendment Act, 1921	The whole
	Act No. 41 of 1927	Orange Free State Marriage Law Amendment Act, 1927.	The whole
	Act No. 7 of 1934	Births, Marriages and Deaths Registration Amendment Act, 1934	Section <i>ten</i> and <i>eleven</i> .
	Act No. 8 of 1935	Marriage Law Amendment Act, 1935	The whole
	Act No. 21 of 1943	Native Administration (Amendment) Act, 1943	Section <i>twelve</i> .
	Act No. 13 of 1945	Publication of Banns Amendment Act, 1945	The whole
	Act No. 32 of 1952	General Law Amendment Act, 1952	Section <i>seven</i>
	Act No. 25 of 1954	Marriage Officers Amendment Act, 1954	The whole
	Act No. 68 of 1957	General Law Amendment Act, 1957	Section <i>eight</i>