



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 672

Cape Town
Kaapstad

1 June 2021

No. 44646

THE PRESIDENCY

No. 319

1 June 2021

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

Act No. 1 of 2021: Recognition of Customary Marriages Amendment Act, 2021

DIE PRESIDENSIE

No. 319

1 Junie 2021

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

Wet No. 1 van 2021: Wysigingswet op Erkenning van Gebruiklike Huwelike, 2021

ISSN 1682-5845



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 26 May 2021)

ACT

To amend the Recognition of Customary Marriages Act, 1998, so as to further regulate the proprietary consequences of customary marriages entered into before the commencement of the said Act; and to provide for matters connected therewith.

PARLIAMENT of the Republic of South Africa enacts, as follows:—

Amendment of section 1 of Act 120 of 1998, as amended by section 19 of Act 42 of 2001 and section 10 of Act 31 of 2008

1. Section 1 of the Recognition of Customary Marriages Act, 1998 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of “traditional leader” of the following definition:

“**“traditional leader”** means any person who, in terms of customary law of the traditional community concerned, holds a traditional leadership position and is recognised in terms of the applicable legislation providing for such recognition.”.

Amendment of section 7 of Act 120 of 1998

2. Section 7 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) (a) The proprietary consequences of a customary marriage in which a person is a spouse in more than one customary marriage, and which was entered into before the commencement of this Act, **[continue to be governed by customary law]** are that the spouses in such a marriage have joint and equal—

- (i) ownership and other rights; and
- (ii) rights of management and control, over marital property.

(b) The rights contemplated in paragraph (a) must be exercised—

- (i) in respect of all house property, by the husband and wife of the house concerned, jointly and in the best interests of the family unit constituted by the house concerned; and
- (ii) in respect of all family property, by the husband and all the wives, jointly and in the best interests of the whole family constituted by the various houses.