

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



REPUBLIC OF SOUTH AFRICA

**GOVERNMENT GAZETTE**

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**STAATSKOERANT**

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CAPE TOWN, 12TH APRIL, 1972.

[No. 3464.

KAAPSTAD, 12 APRIL 1972.

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 588.

12th April, 1972.

No. 588.

12 April 1972.

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

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

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

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

## 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—

- (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

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

## MARRIAGE AMENDMENT ACT, 1972.

Act No. 26, 1972

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.