



THE UNITING
PRESBYTERIAN
CHURCH
IN SOUTHERN
AFRICA

10th November 2011

TO : **ALL MINISTERS OF THE UPCSA**

RE : **MARRIAGE REGISTRATIONS IN SA AND
DOCUMENTS REQUIRED**

Dear Colleagues,

Greetings in the precious name of Jesus Christ our Lord and Saviour. I hope that you are keeping well in the grace and love of God?

I wish to bring to your notice again that there is a new Marriage Registration Form that has been issued by the Department of Home Affairs which requires a lot more details. I am told that when we take in our old books we would then be issued with the new ones. However, I have not been able to establish whether the books need to be completed first before they are taken in. I was told that the latter is the case but it seems that different local Home Affairs Departments have varying practices on this. It is thus recommended that you attempt to connect with your local department to see how it works there.

There are three (3) important matters that Ministers who are Marriage Officers need to be aware of:

1. The **Documents** that are needed to complete a marriage registration (Please see the attached document to help you with this)
2. When ministers move out of the bounds of the local department of Home Affairs at which they previously lodged marriage document, the following process must be followed:
 - (a) inform your local Home Affairs office of your impending move and ask them to transfer your files to the office of the department in the area to which you are proceeding, and
 - (b) *inform the Central Office* and we would then inform the **Pretoria Office of Home Affairs** of your move and request the transfer of your files from the one Regional office to the next one in whose bounds you would now reside.
3. Before handing any marriage registers to the new office you need **to be sure that your files have been transferred to the new office** or the marriage will remain unregistered awaiting your files to be transferred, as some of our ministers have recently discovered.

I hope that this information helps you for now. I will provide you with further details, should I have any luck with the Department of Home Affairs.

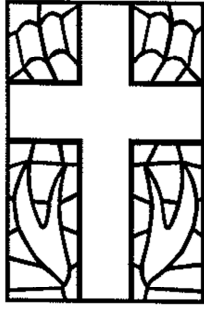
May God continue to bless you in all love, peace and joy!

Yours in Christ

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ESSENTIAL INFORMATION REGARDING MARRIAGES CONDUCTED

IN THE REPUBLIC OF SOUTH AFRICA (AS AT 1 JUNE 2011)

1. **ACCEPTABLE VENUES:**

Please be clear: As stated on Department of Home Affairs' signage and correspondence to Marriage Officers, marriages may be conducted only in a Private Dwelling or regular places of Worship or a Magistrate's Court. In each case the doors to the street need to be open.

You will need to be sure that the venue for the legal ceremony is one of those three above. In case of "Chapels" etc on wine farms etc some sign needs to be displayed that it is a place of regular worship. Failing this the Call for Objections to the Marriage, the Vows, and the signing of the Register would have to be done before or after the ceremony in one of the 3 places mentioned.

2. **DOCUMENTS REQUIRED TO BE GIVEN TO THE MARRIAGE OFFICER:**

a. For All Couples:

- i. RSA Identity Document or foreign Passports of Bride and Groom. **These must be physically seen in original form by the Marriage Officer and then copies of the same handed to him.**
- ii. Three ID type photos of the Bride.
- iii. Three ID type photos of the Groom.
- iv. Photocopies of R.S.A. IDs or foreign Passports of two witnesses who will sign the Marriage Register at the ceremony.
- v. The Bride and Groom will have their fingerprints (left thumb only) taken for the day at the ceremony (!!) and these will be applied to the three copies of the Register in the Marriage Officer's bound Register.

b. If the couple (or one of them) is a non RSA citizen then:

- i. A B1-31 Affidavit supplied by the Marriage Officer needs to be completed.
- ii. The non-RSA citizen (or both if applicable) must supply an official letter – **on State letterhead from the country of their citizenship** – stating that "There is no legal impediment" to this person getting married. This letter must be in English.
- iii. A photocopy of the person's Visa and Entry Permit stamp for South Africa showing their status on the country (e.g. visitor) and for how long is their residency valid.

c. If either (or both) of the couple have been previously married:

- i. A copy of former spouse's Death Certificate, or
- ii. A copy (in English) of the front piece of their Final Divorce Decree or Judgment stating in what court, in what province and Country and what Case Number is given to the divorce. Also clearly visible must be the date of the Final Decree.

3. DOCUMENTS ISSUED TO OR AVAILABLE TO ALL COUPLES ON BEING MARRIED IN RSA

- a. The couple will be issued with one copy of a handwritten Marriage CERTIFICATE and one copy (the 1st of 2 duplicate copies) of a handwritten Marriage Register. These are given without charge, a free service from the Department of Home Affairs.
- b. However, the handwritten REGISTER is known as a shortened or Abridged Register and neither it nor the CERTIFICATE is recognised by several governments, e.g. The United Kingdom, United States of America, and Australia.
- c. Couples wishing their Marriage to be recognised outside of RSA need to obtain (at a cost – currently R70.00) from the Department of Home Affairs an “UNABRIDGED MARRIAGE REGISTER”. They will need the handwritten duplicate Register referred to in paragraph A. above.
- d. In spite of signage at (some) Department offices that the issuing of the Unabridged should take less than 6 weeks, there is no guarantee and the Marriage Officer is no longer involved nor has any influence on the process. This is a matter between the Couple and the Department of Home Affairs.
- e. Unfortunately, the Department is inconsistent and capricious – they returned one Register to me for writing “W. Cape” and not Western Cape – and any “fault” they determine means the Marriage Registration is delayed and service varies from office to office.

4. MARRIAGE CONTRACTS FOR RSA: South African Law recognises 3 ways in which a couple can be married:

- a. In Community of Property. Should no Ante Nuptial Contract be drawn up before the marriage (see “b” below) the marriage will automatically be recorded as being “In Community of Property”. This means all assets and liabilities will be shared on a 50/50 basis.
- b. By Ante Nuptial Contract. This has to be drawn up by a lawyer before the date of marriage and in essence separates assets and liabilities during and at the dissolution of the marriage whether by divorce or death.
- c. With or without The Accrual System. This can be applied to either of the above and secures that what assets are accrued to the couple after marriage will be divided on a 50/50 basis at the dissolution of the marriage whether by divorce or death. For the Accrual system to apply the couple has to register this by contract with a lawyer prior to the Marriage.