



GETTING MARRIED IN SOUTH AFRICA

South Africa Marriage License Requirements

All persons getting married in South Africa are subject to the legislation of the Marriage Act, 1961 (Act 25 of 1961) which does not differentiate between South African citizens and aliens with regard to the solemnization of a marriage in the Republic of South Africa. Intending bridal couples should in all cases consult the marriage officer in South Africa who is to perform the ceremony to ensure compliance with the prescribed formalities.

Under the South African Law a marriage is prohibited under the following conditions:

- Persons who are already married. An existing marriage can only be terminated through death or by a competent court of law.
- Minors. A minor may not enter into marriage unless the marriage officer is in possession of a written consent from either the parents or guardian.
- Persons without contractual capacity. This refers to majors who are suffering from mental disorders. A person who is insane, may, however, contract a valid marriage if it can be proven that the person is lucid and in full possession of his faculties when concluding the contract.
- Prohibited degrees of relationships as indicated below:
 - o the forebear or a descendant of the husband/wife

The following are the noted general requirements for getting married in South Africa. Once again it is suggested that intending bridal couples should consult the marriage officer in South Africa who is to perform the ceremony to ensure compliance with the prescribed formalities. Prepare at least 9 weeks before your wedding date.

Requirements may vary as each locale in South Africa could have their own requirements:

- 2 valid forms of identification; one must be a photo ID
- a notarized declaration by the party concerned to the effect that the person is not aware of any lawful impediment to the proposed marriage
- There is no residency requirement for foreign nationals
- There is no blood testing requirement

ID Requirement:

You will need to provide identity documents and birth certificates or an affidavit BI-31. If you are not a resident of South Africa, you will need to show your passport.

Previous Marriages:



You will need to show proof of termination of any previous marriages. The certified copies of the final decree of divorce or your deceased spouse's death certificate are required.

Under 18:

In South Africa, if you are under 21 years of age, and have not been married before, you will need written consent of both of your parents on form BI-32. If only one of your parents is alive, or if you have a legal guardian, that person may sign the form BI-32. If your parents will not give consent for you to marry, you can request consent from a Judge of the High Court. Consent by a judge is given only if parental consent was unreasonably refused or there is sufficient evidence that getting marriage is in the best interest of the minor.

If you are a male under the age of 18, or a female under the age of 15, you will need the consent of the Minister of Home Affairs in addition to your parents' consent. If you manage to get married under the age of 21 without consent, your parents can ask to have your marriage dissolved.

Witnesses:

You need to have two witnesses at your wedding ceremony to sign the marriage register.

Cousin Marriages:

No.

Officiate:

Civil marriages can only be officiated by authorized marriage officers.

Community Property:

Yes, unless there is a valid ante nuptial contract.

More Information:

You can receive more information about getting married in South Africa by contacting an office of the South African Department of Home Affairs.

Customary Marriages:

A customary marriage in South Africa is one that is "negotiated, celebrated or concluded according to any of the systems of indigenous African customary law which exist in South Africa and that this does not include marriages concluded in accordance with Hindu, Muslim or other religious rites." Source: Home-affairs.gov.za

- Couples must be at least 18 years old.
- Minors must have parental consent to the marriage.
- Individuals who are already in a civil marriage can not enter into a customary marriage.
- Couples in customary marriages must register with a Home Affairs domestic office within 3 months of the wedding.



- They need to have a witness from each of their families.
- "Although there is no restriction on the number of customary marriages that a husband may enter into, no further customary marriage may be entered into unless an order of court regulating the future matrimonial property system of his marriages has been obtained." Source: Home-affairs.gov.za