



LEGISLATIVE PROCEDURE ON THE APPOINTMENT OF MARRIAGE OFFICERS

Deputy Director General

Mr LT Sigama

10 November 2023



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REPUBLIC OF SOUTH AFRICA



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PURPOSE

- ❑ To share information relating to legislative procedures on the appointment of Marriage Officers.



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BACKGROUND

- ❑ On 31 October 2023, the Minister, met with heads of the churches under The Evangelical Alliance of South Africa – TEASA on their request.
- ❑ The purpose of the meeting was to address mainly two matters which were of concern to TEASA and their members:
 - ❑ Church Marriage officers who are struggling with marriage officers licenses.
 - ❑ The issue of Immigration that appears to compromise stability in South Africa, service delivery and good neighborliness with countries beyond our borders.
- ❑ Judging from the concerns raised by TEASA, Minister concluded that a workshop should be held with TEASA to address all the concerns raised under above mentioned matters.
- ❑ This presentation therefore seeks to share information relating to legislative procedure on the appointment of Marriage Officers.

MARRIAGE LEGISLATION ADMINISTERED

Three laws currently provide for the status of marriage in South Africa. These are:

- ❑ The Marriage Act, 1961 (Act No. 25 of 1961), commenced on 1 January 1962;
- ❑ The recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998), commenced on 15 November 2000 –
A marriage concluded in accordance with customary law, the customs and usages traditionally observed among the indigenous African peoples of South Africa and which form part of the culture of those peoples; and
- ❑ The Civil Union Act, 2006 (Act No. 17 of 2006), commenced on 30 November 2006
“Civil Union” means the voluntary union of two persons (any person irrespective of gender) who are both 18 years of age or older, which is solemnized and registered by way of either a marriage or a civil partnership.



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INTERNAL (DHA) OFFICERS

- **Forms Required**
- Formal Submission approved at Director
- Copy of ID of the applicant
- Designation (appointment)

RELIGIOUS MINISTERS

- **Forms Required**
- Church Constitution
- Application for designation of marriage officer from Controlling body (Church)
- Details of Marriage Officer
- ID copy of the applicant
- Address and contact number of the applicant
- Study material provided (6 months preparation period)
- Set up appointment and write exam at local office (NB. Pass mark 75%)
- Exam script sent to HO for marking.
- Feedback send to controlling body.



TRANSFER OF MARRIAGE OFFICER'S FILES

- Front offices maintains a marriage officer's file for all designated marriage officers resorting within the jurisdiction.
- The controlling body of a religious denomination/organisation is responsible for notifying the Department of Home Affairs of the change of address, retirement, resignation, suspension, expulsion or death of a marriage officer belonging to its religious denomination/organisation.
- The controlling body should submit a written notice of the change of address of marriage officer on the denomination's letter head;
- A confirmation letter thereof will be forwarded to the controlling body accordingly;
- All address changes are noted by Head Office and forwarded to the front offices by means of an instruction letter requesting the file be transferred;
- The front office must ensure that the information (change of address) is noted and that the marriage officer's file is forwarded to the new office immediately.



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The following methods are being used to communicate with marriage officers:

a) E-mail addresses

Chief Director: Back Office Status Services: Mr Patrick Williams

Cell: 0825720596

e-mail: Kgomotso.Masekela@dha.gov.za

Director: Births, Marriages and Deaths: Ms Kgomotso Masekela

Cell:0713500906

e-mail: Kgomotso.Masekela@dha.gov.za

b) **Applications should be lodged at the nearest local home affairs office .**



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METHOD OF COMMUNICATION WITH MARRIAGE OFFICERS CONT.

Via email to the below listed persons:

MARRIAGE OFFICERS ALPHABETICAL DIVISIONS

NAME	ALPHABET	EXTENSION	EMAIL
Puseletso	D I N S X J E (G)	012 402 2303/2088	Puseletso.Ramalepe@dha.gov.za
Lebogang	M O T (Q Y)	012 402 2303	Lebogang.Ledwaba@dha.gov.za
Wilna	C H Z R W (V)	012 402 2303	Wilna.Gunning@dha.gov.za
Dipou	A F K P U (B L)	012 402 2303/2088	Dipuo.Mokanyane@dha.gov.za



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❑ The development of the Marriage Bill (the “Bill”)

The objects of the Bill are to—

- rationalise the marriage laws pertaining to various types of marriages;
- prescribe the validity requirements of marriages;
- provide for the solemnisation of marriages;
- provide for the designation of marriage officers; and
- provide for the registration of marriages.



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PROGRESS MADE ON THE MARRIAGE BILL

Description of step	Timeframe
The White Paper was approved by Cabinet and it articulates the official position of government on the regulation of marriages in SA	March 2022
The draft Marriage Bill was approved by Cabinet for public consultation	June 2023
The draft Marriage Bill was gazette for public comments which ended on the 31 August 2023	7 July 2023
Stakeholder engagement and public participation	24 August 2023
Consultation with various Cabinet Clusters is underway	November 2023



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ACTIVITIES TO BE UNDERTAKEN FURTHER

Description of step	Timeframe
<p>Once Cabinet has approved introduction of the Bill into Parliament, the required letters to</p> <p>(a) the Speaker, National Assembly; and</p> <p>(b) Chairperson of the National Council of Province</p>	<p>Between January-March 2024 in line with APP commitments</p>
<p>Publish the Notice of Intention to introduce the Bill into Parliament in the <i>Government Gazette</i>.</p>	<p>Once the Bill is approved by Cabinet</p>
<p>Submit the Bill to Parliament</p>	<p>By April 2024.</p>

- ❑ Automation of Births, Marriages and Deaths registration processes will entail:
 - Self registration by denominations by creating a profile through e-channel
 - Marriage registers will be submitted electronically
 - Designation letters printed electronically



CHALLENGES AND PROPOSED SOLUTIONS

CHALLENGES

PROPOSED SOLUTIONS

Pastors not following the process of submitting applications which leads to delays

All applications must adhere to the process of submission through the controlling bodies

Incomplete applications i.e incorrect details, etc

Applicants to comply with the requirements.

No communication (i.e relocation, retirement, cancelation, etc.)

Proper communication between the controlling bodies and the Department.

High rate of prospective marriage officers found not yet competent

Thorough preparation for exam (75% pass mark)

Marriage Offices allow undesignated persons to use their designations to solemnise marriages.

Controlling bodies to strictly monitor and report such activities for cancellation/revoking of designation



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Thank you



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