

(2 February 2009 – to date)

CIVIL UNION ACT 17 OF 2006

(Gazette No. 29441, Notice No. 1208 dated 30 November 2006. Commencement date: 30 November 2006.

CIVIL UNION REGULATIONS, 2006

Published under Government Notice R1206 in Government Gazette 29439 dated 29 November 2006.

Commencement date: 30 November 2006.

and amended by:

Government Notice R1250 (Correction Notice) in Government Gazette 29450 dated 5 December 2006.

Commencement date: 5 December 2006.

First Amendment of the Civil Union Regulations, 2006 – Government Notice R1 in Government Gazette 31750 dated 2 January 2009. Commencement date: 2 February 2009.

The Minister of Home Affairs has under section 15 of the Civil Union Act, 2006, made the regulations in the Schedule.

SCHEDULE

ARRANGEMENT OF REGULATIONS

1. Definitions
2. Designation of marriage officers
3. Affidavit of identity
4. Objections to be filed
5. Documents for registration
6. Records for population registration
7. Rectification of register
8. Fees for issue of certificates
9. Short title and commencement

ANNEXURE (Forms):

Form C Civil union registration certificate

Form E - Unabridged civil union registration certificate

Form F Abridged civil union registration certificate

FORM DHA-1763 AFFIDAVIT IN ABSENCE OF IDENTITY DOCUMENT

FORM DHA-1764 DECLARATION DOCUMENT TO REGISTER CIVIL UNION

Prepared by:

FORM DHA-1766 CIVIL UNION REGISTER

FORM DHA-1744 APPLICATION FOR CIVIL UNION CERTIFICATE (DHA 130)

1. Definitions

In these Regulations, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates-

"Director-General" means the Director-General of Home Affairs;

"the Act" means the Civil Union Act, 2006 (Act No. 17 of 2006).

(Definition of "Act" amended by Government Notice R1250 (Correction Notice) in Government Gazette 29450 dated 5 December 2006.

2. Designation of marriage officers

- (1) An application to be designated as a marriage officer, made under section 5(4) of the Act, must be directed to the Director-General.
- (2) The Director-General may direct that a person who has made an application contemplated in subregulation (1) be subjected to an oral or written test, or both, to ascertain whether he or she has an adequate knowledge of the marriage laws and these Regulations.
- (3) The Director-General must maintain a list of all persons designated under section 5(4) of the Act, in which-
 - (a) the full names, postal address, religious denomination or organisation, date and limitation of designation of each person are set out; and
 - (b) all changes made as a result of revocations under section 5(6) of the Act or notifications in terms of subregulation (4)(a).
- (4)
 - (a) A religious institution, having been designated as such under section 5(2) of the Act, must immediately notify the Director-General of the change of address or religious denomination or organisation or the retirement or death of any marriage officer who belongs to it.
 - (b) A designated marriage officer must immediately notify the religious institution to which he or she belongs of any change in his or her religious denomination or organisation or address.

3. Affidavit of identity

Prepared by:

The affidavit contemplated in section 7(b) of the Act must be in a form similar to DHA-1763 in the Annexure.

(Regulation 3 substituted by regulation 2 in Government Notice R1 in Government Gazette 31750 dated 2 January 2009)

4. Objections to be filed

A marriage officer must file any objection received in terms of section 9 of the Act, together with the record of the inquiry held under section 9(2) of the Act and the decision taken in that regard.

5. Documents for registration

- (1) The documents in which the prospective civil union partners must declare their willingness to enter into a civil union with one another and which must also be signed by the marriage officer and two witnesses, contemplated in section 12(1) and (2) of the Act, must be in a form similar to DHA-1764 in the Annexure.

(Regulation 5(1) substituted by regulation 3(a) in Government Notice R1 in Government Gazette 31750 dated 2 January 2009)

- (2) The registration certificate contemplated in section 12(3) of the Act must be in a form similar to Form C in the Annexure and must be issued free of charge.

- (3) The civil union register contemplated in section 12(6) of the Act must be in a form similar to DHA-1766 in the Annexure.

(Regulation 5(3) substituted by regulation 3(b) in Government Notice R1 in Government Gazette 31750 dated 2 January 2009)

6. Records for population register

- (1) The records to be transmitted by the marriage officer to the official responsible for the population register in terms of section 12(6) of the Act, are-

- (a) the civil union register contemplated in regulation 5(3), together with a duplicate thereof;
- (b) in the absence of an identity document, the affidavit contemplated in regulation 3; and
- (c) a certified copy of the divorce order or death certificate of the former spouse or partner contemplated in section 8(4) of the Act, if applicable.

- (2) After compliance with section 12(7) of the Act, the official referred to in section 12(6) of the Act must forward the documents contemplated in subregulation (1) to the Director-General for safe-keeping.

7. Rectification of register

Prepared by:

- (1) If there is clear evidence that a civil union has been solemnised, but it appears that the civil union register contemplated in regulation 5(3) has not been completed or cannot be found, the Director-General may direct that the register be completed in respect of that civil union.
- (2) If there is clear evidence that the civil union register contemplated in regulation 5(3) is incorrect in some respect, the Director-General may rectify the said register.

8. Fees for issue of certificates

- (1) The Director-General may, upon application on a form similar to DHA-1744 in the Annexure, issue-
(Words preceding paragraphs (a) to (c) of regulation 8(1) substituted regulation 4(a) in Government Notice R1 in Government Gazette 31750 dated 2 January 2009)
 - (a) an unabridged civil union registration certificate on a form similar to Form E in the Annexure, on payment of the amount of R50-00;
 - (b) an abridged civil union registration certificate on a form similar to Form F in the Annexure, on payment of the amount of R10-00; or
 - (c) a letter of confirmation of the applicant's status, based on the particulars contained in the civil union register contemplated in regulation 5(3), on payment of the amount of R40-00.
- (2) The Director-General may also, upon application on a form similar to DHA-1744 in the Annexure, issue a reproduction of the civil union register contemplated in regulation 5(3) of any supporting document attached to the register or a verification of the information contained in the register, on payment of the amount of R50-00.
(Regulation 8(2) substituted by regulation 4(b) in Government Notice R1 in Government Gazette 31750 dated 2 January 2009)
- (3) A government department that applies for a reproduction or verification contemplated in subregulation (2), shall not be required to pay the amount contemplated in that subregulation if the reproduction or verification is required for official purposes.

9. Short title and commencement

These Regulations are called the Civil Union Regulations, 2006 and come into operation on the same date as the Act comes into operation.

ANNEXURE

FORM A: ...

(Form A deleted by regulation 5(a)(i) in Government Notice R1 in Government Gazette 31750 dated 2 January 2009)

FORM B: ...

(Form B deleted by regulation 5(a)(ii) in Government Notice R1 in Government Gazette 31750 dated 2 January 2009)

FORM C
CIVIL UNION REGISTRATION CERTIFICATE
[Regulation 5(2)]

REPUBLIC OF SOUTH AFRICA

SPOUSE/PARTNER A

I.D. No.:

Surname:

First name(s) in full:

Date of birth: Day Month Year

SPOUSE/PARTNER B

I.D. No.:

Surname:

First name(s) in full:

Date of birth: Day Month Year

Date of *marriage/civil partnership

Day Month Year

*Marriage/civil partnership solemnised at (place)

.....
 Date issued

.....
 Marriage officer

*Delete whichever is not applicable

FORM D: ...

(Form D deleted by regulation 5(a)(iii) in Government Notice R1 in Government Gazette 31750 dated 2 January 2009)

FORM E
UNABRIDGED CIVIL UNION REGISTRATION CERTIFICATE
[Regulation 8(1)(a)]

REPUBLIC OF SOUTH AFRICA

Certified a true extract from the civil union register of:

SPOUSE/PARTNER A

1. I.D. No.:
2. Date of birth: Day Month Year
3. Surname immediately before civil union:
4. Surname to be assumed:
5. First name(s) in full:
5. Marital status:
7. Country of birth:

SPOUSE/PARTNER B

1. I.D. No.:
2. Date of birth: Day Month Year
3. Surname immediately before civil union:
4. Surname to be assumed:
5. First name(s) in full:
6. Marital status:
7. Country of birth:

PARTICULARS OF CIVIL UNION

1. Date of *marriage/civil partnership
Day Month Year
 2. *Marriage/civil partnership solemnised at (place)
-

DECLARATION BY MARRIAGE OFFICER

This *marriage/civil partnership was solemnised by me on this day of
20...

.....
Signature of marriage officer

.....
Religious denomination or organisation (if
applicable)

(OFFICIAL DATE STAMP)

Day

--	--

Month

--	--

Year

--	--	--	--

.....
Signature of Director-General: Home Affairs

This certificate is issued without erasures or alterations

*Delete whichever is not applicable

FORM F
ABRIDGED CIVIL UNION REGISTRATION CERTIFICATE
[Regulation 8(1)(b)]

REPUBLIC OF SOUTH AFRICA

Certified a true extract from the civil union register of:

SPOUSE/PARTNER A

I.D. No.:

Surname:

First name(s) in full:

Date of birth: Day Month Year

SPOUSE/PARTNER B

I.D. No.:

Surname:

First name(s) in full:

Date of birth: Day Month Year

Date of *marriage/civil partnership:

Day Month Year

*Marriage/civil partnership solemnised at (place)

(OFFICIAL DATE STAMP)

Day Month Year

.....
Signature of Director-General: Home Affairs

*Delete whichever is not applicable

FORM DHA-1763

AFFIDAVIT IN ABSENCE OF IDENTITY DOCUMENT

(Form DHA-1763 inserted by regulation 5(b)(i) in Government Notice R1 in Government Gazette 31750 dated 2 January 2009) - see below

FORM DHA-1764

DECLARATION DOCUMENT TO REGISTER CIVIL UNION

(Form DHA-1764 inserted by regulation 5(b)(ii) in Government Notice R1 in Government Gazette 31750 dated 2 January 2009) - see below

FORM DHA-1766


CIVIL UNION REGISTER


(Form DHA-1766 inserted by regulation 5(b)(iii) in Government Notice R1 in Government Gazette 31750 dated 2 January 2009) - see below


FORM DHA-1744

APPLICATION FOR CIVIL UNION CERTIFICATE

(Form DHA-1744 inserted by regulation 5(b)(iv) in Government Notice R1 in Government Gazette 31750 dated 2 January 2009 – but the form itself was published as Form DHA-130 in Government Notice R2 in Government Gazette 31750 dated 2 January 2009) - see below

		REPUBLIC OF SOUTH AFRICA DEPARTMENT OF HOME AFFAIRS	DHA-1764
DECLARATION FOR REGISTRATION OF CIVIL UNION Civil Union Act, 2006 (Act No 17 of 2006) Regulation 5 (1)			
To be completed in full and submitted at the Department of Home Affairs' office. The form to be completed in black ink with BLOCK LETTERS. Please mark with <input checked="" type="checkbox"/> the CORRECT box, where required. Applications that are incomplete or not legible shall not be accepted.			
A. PARTICULARS OF SPOUSE / PARTNER A			
ID number (Passport No. if foreigner)			Date of birth
Surname			
Forenames in full			
Place of birth: City/Town			Marital status
Country of birth			Gender
Residential Address			
Street			
Village / Town			
Province			Code
B. PARTICULARS OF SPOUSE / PARTNER B			
ID number (Passport No. if foreigner)			Date of birth
Surname			
Forenames in full			
Place of birth: City/Town			Marital status
Country of birth			Gender
Residential Address			
Street			
Village / Town			
Province			Code
C. DECLARATION BY CIVIL UNION PARTNERS			
I hereby declare that I am willing to enter into a civil union with the person whose particulars are provided in section B of this document.		I hereby declare that I am willing to enter into a Civil Union with the person whose particulars are provided in section A of this document.	
Signature of Spouse / Partner A		Signature of Spouse / Partner B	
Date <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		Date <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
D. CERTIFICATE BY MARRIAGE OFFICER AND TWO WITNESSES			
I, the undersigned marriage officer, hereby certify that the two civil union partners whose particulars are mentioned above, declared in my presence and in the presence of the two witnesses whose particulars are mentioned below, that they are willing to enter into the civil union with one another.			
PARTICULARS OF MARRIAGE OFFICER			
ID number			Designation / Persal no.
Surname			
Full name			
Telephone no.			Cell phone no.
Signature of marriage officer		Date <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
I, the undersigned witness, hereby certify that the two civil union partners whose particulars are mentioned above, declared in my presence and in the presence of the marriage officer whose particulars are mentioned above, that they are willing to enter into the civil union with one another.			
PARTICULARS OF WITNESS A			
ID number			
Surname			
Full name			
Telephone no.			Cell phone no.
Signature of Witness A		Date <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
I, the undersigned witness, hereby certify that the two civil union partners whose particulars are mentioned above, declared in my presence and in the presence of the marriage officer whose particulars are mentioned above, that they are willing to enter into the civil union with one another.			
PARTICULARS OF WITNESS B			
ID number			
Surname			
Full name			
Telephone no.			Cell phone no.
Signature of witness B		Date <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	

 REPUBLIC OF SOUTH AFRICA DEPARTMENT OF HOME AFFAIRS CIVIL UNION REGISTER Civil Union Act, 2006 (Act No 17 of 2006) Regulation 5(3)		DHA-1766 Bar-Code Serial number																		
To be completed in full and submitted at the Department of Home Affairs' office. The form to be completed in black ink with BLOCK LETTERS. Please mark with <input checked="" type="checkbox"/> the CORRECT box, where required. Applications that are not legible shall not be accepted.																				
SPOUSE / PARTNER A		SPOUSE / PARTNER B																		
ID size photo	ID size photo	ID size photo																		
A. PARTICULARS OF SPOUSE / PARTNER A ID no. (Passport no. if foreigner) <input type="text"/> Date of birth <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Nationality <input type="text"/> Surname <input type="text"/> First names in full <input type="text"/> Previous surname <input type="text"/> Marital status (prior to this marriage) <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widower Place of birth (City/Town) <input type="text"/> Country of birth <input type="text"/> Residential Street <input type="text"/> address <input type="text"/> Town/Village <input type="text"/> Province <input type="text"/> Code <input type="text"/> Telephone no. <input type="text"/>		B. PARTICULARS OF SPOUSE / PARTNER B ID no. <input type="text"/> Date of birth <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Nationality <input type="text"/> Surname <input type="text"/> First names in full <input type="text"/> Previous surname <input type="text"/> Marital status (prior to this marriage) <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widower Place of birth (City/Town) <input type="text"/> Country of birth <input type="text"/> Residential Street <input type="text"/> address <input type="text"/> Town/Village <input type="text"/> Province <input type="text"/> Code <input type="text"/> Telephone no. <input type="text"/>																		
C. PARTICULARS OF CIVIL UNION Date of Civil Union Marriage/Partnership <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Place of marriage (City/Town) <input type="text"/> Marriage Surname <input type="text"/> Designation/Personal no. <input type="text"/> officer First names <input type="text"/> ID no. <input type="text"/> Telephone number <input type="text"/> Denomination/ Home Affairs/Ex Officio Marriage Officer <input type="text"/>																				
Surname to be assumed <input type="text"/> Spouse / Partner A <input type="text"/> Spouse / Partner B <input type="text"/>																				
Signature of Spouse / Partner A <input type="text"/> Residential address after marriage <input type="text"/> Street <input type="text"/> Town <input type="text"/> Province <input type="text"/> Postal code <input type="text"/>		Signature of Spouse / Partner B <input type="text"/> Residential address after marriage <input type="text"/> Street <input type="text"/> Town <input type="text"/> Province <input type="text"/> Postal code <input type="text"/>																		
D. PARTICULARS OF WITNESSES WITNESS 1 Identity No. <input type="text"/> Surname <input type="text"/> First names <input type="text"/> Telephone no. <input type="text"/> Date <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		WITNESS 2 Identity No. <input type="text"/> Surname <input type="text"/> First names <input type="text"/> Telephone no. <input type="text"/> Date <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>																		
Signature of witness <input type="text"/>		Signature of witness <input type="text"/>																		
E. CERTIFICATE BY MARRIAGE OFFICER I hereby declare that at the time of the solemnisation of this civil union, I was empowered under the Act to solemnise the civil union. I also declare that I solemnised the civil union as mentioned in section C of this register in the presence of the witnesses whose particulars are mentioned above in section D of this register.																				
Signature of marriage officer <input type="text"/>		Date <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>																		
FOR OFFICE USE ONLY DHA OFFICIAL RECEIVING THE MARRIAGE REGISTER Surname <input type="text"/> First names <input type="text"/> Date received <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Identity No. <input type="text"/> Personal No. <input type="text"/> Official's signature <input type="text"/>																				
DOCUMENTS SUBMITTED: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>Partner A</th> <th>Partner B</th> </tr> </thead> <tbody> <tr> <td>Copy of ID documents</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Copy of overseas passport(s)</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Declaration for the purpose of marriage (DHA1763)</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Death Certificate</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Decree of divorce</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>				Partner A	Partner B	Copy of ID documents	<input type="checkbox"/>	<input type="checkbox"/>	Copy of overseas passport(s)	<input type="checkbox"/>	<input type="checkbox"/>	Declaration for the purpose of marriage (DHA1763)	<input type="checkbox"/>	<input type="checkbox"/>	Death Certificate	<input type="checkbox"/>	<input type="checkbox"/>	Decree of divorce	<input type="checkbox"/>	<input type="checkbox"/>
	Partner A	Partner B																		
Copy of ID documents	<input type="checkbox"/>	<input type="checkbox"/>																		
Copy of overseas passport(s)	<input type="checkbox"/>	<input type="checkbox"/>																		
Declaration for the purpose of marriage (DHA1763)	<input type="checkbox"/>	<input type="checkbox"/>																		
Death Certificate	<input type="checkbox"/>	<input type="checkbox"/>																		
Decree of divorce	<input type="checkbox"/>	<input type="checkbox"/>																		

		REPUBLIC OF SOUTH AFRICA DEPARTMENT OF HOME AFFAIRS	DHA-130
APPLICATION FOR CIVIL UNION CERTIFICATE MARRIAGE ACT, 1961 (ACT NO. 25 OF 1961) Regulation 5B(2)(a),(b) and (c)			
To be filled in full and submitted at the Department of Home Affairs' Office or to a South African Embassy or Consulate. The form to be filled in black ink with BLOCK LETTERS . Please mark with <input checked="" type="checkbox"/> the CORRECT box, where required. Applications that are not legible will not be accepted.			
Please select below which certificate is required:			
Unabridged Certificate <input type="checkbox"/> Abridged Certificate <input type="checkbox"/>	Certified copy of Marriage Register (vault copy) <input type="checkbox"/> Handwritten abridged certificate <input type="checkbox"/>	Letter of confirmation of Applicant's status <input type="checkbox"/>	
Please provide reasons for applying for this certificate:			
1. PARTICULARS OF HUSBAND			
Identity number <input type="text"/> Date of birth <input type="text"/>	<input type="text"/>	Birth entry number <input type="text"/>	
Surname <input type="text"/> Previous/Maiden surname <input type="text"/> Forenames <input type="text"/>	<input type="text"/>	<input type="text"/>	
2. PARTICULARS OF WIFE			
Identity number <input type="text"/> Date of birth <input type="text"/>	<input type="text"/>	Birth entry number <input type="text"/>	
Surname <input type="text"/> Previous/Maiden surname <input type="text"/> Forenames <input type="text"/>	<input type="text"/>	<input type="text"/>	
3. PARTICULARS OF MARRIAGE			
Type of marriage <input type="checkbox"/> Marriage <input type="checkbox"/> Civil Partnership <input type="checkbox"/> (tick <input checked="" type="checkbox"/> the correct box)			
Date of marriage <input type="text"/>	<input type="text"/>		
Marriage officer: Surname <input type="text"/> Forenames <input type="text"/> Designation number <input type="text"/>	Name of Church or Home Affairs office <input type="text"/>		
Place of marriage: Town <input type="text"/>	<input type="text"/>		
Province <input type="text"/>	Country of marriage <input type="text"/>		
4. PARTICULARS OF APPLICANT			
Identity number <input type="text"/> Surname <input type="text"/> Forenames in full <input type="text"/>	<input type="text"/>		
Residential address: Street <input type="text"/> Town/Village <input type="text"/> Province <input type="text"/>	Postal code <input type="text"/>		
Telephone No., incl. area code <input type="text"/>	Cell phone no. <input type="text"/>		
Relationship to the married couple: <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Legal Representative (please provide Power of Attorney) <input type="checkbox"/> Other, please specify <input type="text"/>	<input type="text"/>		
Signature of Applicant: _____	Date: <input type="text"/>		
5. FOR OFFICIAL USE ONLY			
APPLICATION RECEIVED BY:		DOCUMENTS SUBMITTED: PLEASE TICK <input checked="" type="checkbox"/>	
Surname <input type="text"/> Forenames in full <input type="text"/> Persal No. <input type="text"/> Date <input type="text"/>	<input type="checkbox"/> Original ID document of applicant was presented <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Payment received, if applicable		
Signature _____	Office stamp - OFFICE OF ORIGIN		