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Home Affairs, Department of

Government Notice

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GOVERNMENT NOTICE

DEPARTMENT OF HOME AFFAIRS

No. R. 1206

29 November 2006

CIVIL UNION ACT, 2006 (ACT NO. 16 OF 2006)

CIVIL UNION REGULATIONS

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

Regulation No.	Heading
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
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ANNEXURE

Form A	-	Affidavit in absence of identity document
Form B	-	Declaration document to register civil union
Form C	-	Civil union registration certificate
Form D	-	Civil union register
Form E	-	Unabridged civil union registration certificate
Form F	-	Abridged civil union registration certificate

Definitions

1. 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. 16 of 2006).

Designation of marriage officers

2. (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.

Affidavit of identity

3. The affidavit contemplated in section 7(b) of the Act must be in a form similar to Form A in the Annexure.

Objections to be filed

4. 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.

Documents for registration

5. (1) The document 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 Form B in the Annexure.

(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 Form D in the Annexure.

Records for population register

6. (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.

Rectification of register

7. (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.

Fees for issue of certificates

8. (1) The Director-General may, upon application, issue—
- (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, issue a reproduction of the civil union register contemplated in regulation 5(3) or 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.

(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.

Short title and commencement

9. 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
AFFIDAVIT IN ABSENCE OF IDENTITY DOCUMENT
[Regulation 3]**

PRINT CLEARLY USING BLACK INK

A. Particulars of applicant

1. Surname at birth:
2. Surname to be assumed:
3. First name(s) in full:
4. Date of birth:
5. Country of birth:
6. Marital status (e.g. bachelor, spinster, widower, widow or divorcee, as the case may be):
7. Sex:
8. Permanent residential address:
.....
.....
9. If not a South African citizen, residential status in Republic (quote Immigration Permit or Temporary Residence Permit No. and date of issue):

B. Particulars of prospective civil union partner

1. Surname at birth:
2. Surname to be assumed:
3. First name(s) in full:
4. Date of birth:

I *declare under oath/solemnly declare that the particulars given above are to the best of my knowledge and belief true and correct and that there is no lawful impediment to our prospective civil union.

.....
Signature

.....
Date

*Delete whichever is not applicable

C. Declaration

I certify that before administering the prescribed oath/solemn declaration I asked the deponent the following questions and wrote down *his/her answers in *his/her presence:

- (1) Do you know and understand the contents of the above declaration?
Answer:
- (2) Do you have any objection to taking to prescribed oath?
Answer:
- (3) Do you consider the prescribed *oath/solemn declaration to be binding on your conscience?
Answer:

I certify that the deponent has acknowledged that *he/she knows and understands the contents of the above declaration which was *sworn to/affirmed before me and that the deponent's *signature/thumbprint/mark was placed thereon in my presence.

I also certify that the contents of paragraph A9 were properly explained to the deponent who acknowledged that he or she understands the implications thereof.

.....
Signature of Commissioner of Oaths

DETAILS OF COMMISSIONER OF OATHS

Full name(s):

Business address:
.....
.....

Designation (Rank):

Date:

*Delete whichever is not applicable

**FORM B
DECLARATION DOCUMENT FOR REGISTRATION OF CIVIL UNION
[Regulation 5(1)]**

1. DECLARATION BY CIVIL UNION PARTNERS

I,
[full name(s) and surname of spouse/partner A]

ID No:

And

I,
[full name(s) and surname of spouse/partner B]

ID No.:

hereby declare that we are willing to enter into a *marriage/civil partnership with one another, by signing this document in the presence of the two witnesses who signed below.

.....
Signature of spouse/partner A Date

.....
Signature of spouse/partner B Date

2. CERTIFICATE BY MARRIAGE OFFICER

I, hereby certify that
[full name(s) and surname of marriage officer]

I, in the presence of the two witnesses who signed below, have declared that

.....
[full name(s) and surname of spouse/partner A]

ID No.:

And

.....
[full name(s) and surname of spouse/partner B]

ID No.:

here present, have been lawfully joined in a *marriage/civil partnership.

Signature of witnesses: Date:
..... Date:

Signature of marriage officer: Date:

*Delete whichever is not applicable

**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
CIVIL UNION REGISTER
[Regulation 5(3)]**

REPUBLIC OF SOUTH AFRICA

ID-size
photo of
spouse/
partner A

ID-size
photo of
spouse/
partner B

A. PARTICULARS 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:
6. Country of birth: 7. Marital Status:
8. Contact details: 9. Thumbprint:

Left thumbprint of
spouse/partner A

B. PARTICULARS OF 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. Country of birth: 7. Marital status:
8. Contact details: 9. Thumbprint:

Left thumbprint of
spouse/partner B

C. PARTICULARS OF CIVIL UNION

1. Date of *marriage/civil partnership:

Day Month Year

2. *Marriage/civil partnership solemnised at (a) (city/town)
(b) (Province)

3. Permanent residential address of partners after *marriage/civil partnership:
.....
.....

4. Remarks:
.....

D. DECLARATIONS

DECLARATION BY CIVIL UNION PARTNERS

1. This *marriage/civil partnership between us was solemnised in the presence of the undersigned witnesses:

.....
Signature or thumbprint of spouse/partner A

.....
Signature or thumbprint of spouse/partner B

2. Witnesses:

Witness 1:..... [full name(s) and surname]
..... (ID No.)
..... (Date)
..... (Contact details)
..... (Signature)

Witness 2:..... [full name(s) and surname]
..... (ID No.)
..... (Date)
..... (Contact details)
..... (Signature)

DECLARATION BY MARRIAGE OFFICER

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

.....
Signature of marriage officer

.....
Date

PARTICULARS OF MARRIAGE OFFICER

Full name(s) and surname:

Designation No. (in the case of marriage officer designated under section 5 of the Act):

Address:

Business address of religious denomination or organisation:

Office stamp (religious denomination or organisation / marriage officer appointed under section 2 of Marriage Act)
--

E. FOR COMPLETION BY CIVIL UNION PARTNERS

Please indicate the surname under which you wish to be recorded in the population register:

Surname of spouse/partner A:

Surname of spouse/partner B:

F. CERTIFICATE BY MARRIAGE OFFICER

I hereby declare that at the time of the solemnisation of this *marriage/civil partnership I was empowered under the Act to solemnise *marriage/civil partnership.

.....
 Signature of marriage officer

.....
 Date

*Delete whichever is not applicable

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