



MARRIAGE BILL



SOUTH AFRICA'S NEW MARRIAGE BILL (2025)

Marriage is one of the most significant personal decisions a person can make. Beyond its emotional and social importance, marriage is also a legally binding contract with far-reaching consequences for property ownership, estate planning and individual rights should the relationship come to an end.

South Africa is currently reforming its marriage laws through the proposed **Marriage Bill (B43-2023)**, which aims to replace the existing fragmented legal framework, with a single, modern statute applicable to all marriages. This development represents a substantial shift in how marriages are recognised and regulated under South African law.

WHY ARE SOUTH AFRICA'S MARRIAGE LAWS BEING REFORMED?

At present, marriages in South Africa are governed by multiple statutes, depending on the type of union. These include:

- Civil Marriages
- Civil Unions
- Customary Marriages
- Religious Marriages (Some of which have historically relied on court recognition for full legal protections.)

This piecemeal approach has resulted in confusion and in some cases, unequal treatment particularly for spouses in religious marriages that were not clearly regulated by legislation.

The marriage bill seeks to address these shortcomings by:

- Introducing a single, consolidated marriage law
- Ensuring equal recognition and protection for all spouses
- Closing legal gaps that have left certain individuals vulnerable
- Strengthening safeguards relating to age, consent and registration
- Providing clearer protections in polygamous marriages.

POINTS COVERED AROUND THE NEW MARRIAGE BILL IN SOUTH AFRICA

- South Africa's new marriage bill.
- What it means for you and your family?
- Why is the marriage laws being reformed?
- Shortcomings that will be addressed.
- Key changes proposed by the marriage bill.
- Why these changes matter?
- Practical steps you can take now!



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by Donné Nortje



Is the Marriage Bill already law?

No. The Marriage Bill has not yet been enacted.

It is still progressing through Parliament and will only become law once it has been passed, signed by the President, and formally brought into operation through a proclamation in the Government Gazette. Until then, the existing marriage laws remain fully in force.

Key changes proposed by the Marriage Bill:

1

Minimum Marriage Age: 18 years with No Exception

The Bill sets 18 years as the absolute minimum age for marriage. This removes previous provisions that allowed minors to marry with parental or judicial consent.

2

Consent & Mental Capacity

A valid marriage will require the free & informed consent of both parties. Each party must also have the mental capacity to understand the legal consequences of entering into a marriage.

3

Clear Legal Recognition of Religious Marriages

Religious marriages will be formally recognised under the unified legislative framework, ensuring equal legal protection for spouses regardless of the form of marriage chosen.



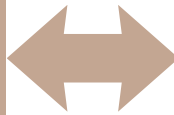
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Key changes proposed by the Marriage Bill:

4

Stricter Regulation of Polygamous Marriages

The Bill introduces additional safeguards aimed at protecting vulnerable parties and preventing disputes.



These include;

- Enhanced protection for existing spouses
- Formal consent requirements
- Clearer regulation of property arrangements

5

Matrimonial Property Systems

Couples will continue to choose whether their marriage is **in-community-of-property** or **out-of-community-of-property** (with antenuptial contracts).

This choice has significant implications for asset ownership, debt liability and division of property upon divorce.

6

Marriage Registration & Marriage Officers

The proper registration of a marriage becomes even more critical under the proposed law. Failure to register may lead to legal uncertainty.

The Bill regulates who may act as a marriage officer, subject to formal designation and compliance requirements.

7

Offences & Protective Measures

The Bill introduces provisions aimed at preventing unlawful and forced marriages, along with penalties for individuals who facilitate marriages that do not comply with legal requirements.

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WHAT DO THE NEW CHANGES MEAN FOR YOU?

PLANNING ON GETTING MARRIED?

While current laws still apply, this is an ideal time to carefully consider your matrimonial property system and ensure that all documentation, particularly antenuptial contracts are properly drafted and registered.

YOU ARE ALREADY MARRIED?

Your marriage remains valid however, it is advisable to confirm that it was correctly registered and that your marriage certificate and related documentation is safely stored.

IF YOU ARE IN A POLYGAMOUS MARRIAGE?

Once the Bill comes into effect, additional formal requirements regarding consent and property arrangements are likely to apply.

WHY THESE CHANGES MATTER?

MARRIAGE LAW HAS A DIRECT IMPACT ON:

1. Ownership and division of property
2. Liability of debts
3. Inheritance rights
4. Pension and benefit claims
5. Maintenance obligations
6. Divorce outcomes

A CLEAR AND UNIFIED LEGAL FRAMEWORK PROMOTES CERTAINTY, FAIRNESS AND STRONGER PROTECTION FOR INDIVIDUALS AND FAMILIES.

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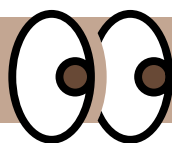


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STEPS TO TAKE NOW!



- 1 Ensure you have a copy of your marriage certificate
- 2 Confirm that your marriage was properly registered
- 3 Locate your antenuptial contract if applicable
- 4 Review your will and nominate beneficiaries
- 5 Seek legal advice if you are uncertain about your matrimonial property system or marital status



LOOKING AHEAD

- A** The proposed Marriage Bill marks an important step towards greater consistency and fairness in South Africa's marriage laws
- B** If you are unsure how these changes may affect you or your family, our team is available to provide guidance and assist you in understanding your rights and obligations.