

Cabinet approves publication of Draft Marriage Bill

Cabinet has approved the publication of the Draft Marriage Bill of 2022 for public comment.



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The Bill gives effect to the White Paper on Marriages in South Africa which was approved by Cabinet in March 2022, said Minister in The Presidency Khumbudzo Ntshavheni on Thursday.

“The Bill empowers the Department of Home Affairs to develop a single Marriage Act for the country.

“The Bill seeks to ensure that all marriages are concluded in accordance with the principles of equality, non-discrimination and human dignity as provided for in the Constitution of the Republic of South Africa of 1996,” said the Minister.

She was briefing media on the outcomes of the Cabinet meeting held on Wednesday, 21 June 2023.



The Draft Bill allows South Africans and residents in the country of all sexual orientations, as well as religious and cultural persuasions, to conclude legal unions in line with the constitutional principles.

The Bill outlines measures to prevent unions such as child marriages and those done in the absence of the other party.

Meanwhile, Cabinet has also approved the submission of the draft Divorce Amendment Bill of 2023 to Parliament.

The Bill amends the Divorce Act (Act 70 of 1979) so as to provide for mechanisms to safeguard the welfare of minor or dependent children born of Muslim marriages.



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The amendments also aim to provide for the redistribution of assets on the dissolution of a Muslim marriage, to provide for the forfeiture of patrimonial benefits of a Muslim marriage.

“In June 2022, the Constitutional Court had found that the Divorce Act in its current form to be inconsistent with the Constitution as it excludes Muslim Marriages.

“The court found that a section of the Divorce Act is unconstitutional in that it unfairly discriminates against children of married parents and those of unmarried parents,” said the Minister.

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