**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1217**

**DATE OF QUESTION: 26 APRIL 2018**

**DATE OF SUBMISSION: 14 MAY 2018**

**1217. Ms D Carter (Cope) to ask Minister of Justice and Correctional Services:**

Whether marriage officers employed by the Department of Justice solemnise same-sex marriages in terms of the Civil Union Act, Act 17 of 2006; if so, what is the total number of officers who have been exempted in terms of section 6 of the specified Act from solemnising same-sex marriages?

**REPLY**:

I wish to inform the Honourable Member that the Department of Justice and Constitutional Development does not employ marriage officers.

In terms of the applicable legislation (The Marriage Act and the Civil Union Act), every magistrate shall by virtue of his or her office be a marriage officer for the district or area for which he or she holds office. Magistrates are therefore ex officio marriage officers. Magistrates solemnise same- sex marriages as and when required to do so. All judicial officers are in terms of section 174(8) of the Constitution of the Republic of South Africa, 1996, required to take an oath or affirm that they will uphold and protect the Constitution. I am not aware of any magistrate requesting an ‘exemption’.

In terms of section 6 of the Civil Union Act the responsible Minister for marriage officers to lodge and objection on the grounds of conscience, religion and belief to solemnising a civil union between persons of the same sex is the Minister of Home Affairs. I would therefore suggest that the Honourable Member approach the Minister of Home Affairs in this regard.