NATIONAL ASSEMBLY

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO. 801**

**DATE OF PUBLICATION: FRIDAY, 08 MAY 2020**

**INTERNAL QUESTION PAPER 14 – 2020**

**801. Mr M G E Hendricks (Al Jama-ah) to ask the Minister of Home Affairs:**

What prevents the Government from (a) affording legal recognition to Muslim marriages by using the same procedure that provides for the recognition of African customary marriages through the registration process at his department, while permitting for the Nikah certificate to be issued by an officiating Imam in the same way as the lobola certificate is issued by an African customary official such as an Induna, and (b) attributing the status of married on death certificates of such Muslims in instances of a de facto marriage(-s) having been in existence as opposed to the current not married status attributed to all Muslims who were exclusively married according to Muslim rites, particularly in instances of Muslims who succumb due to Covid-19 related deaths but also deaths resulting from other causes? NW1004E

**REPLY:**

Customary marriages are regulated by the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998) which provides for requirements for a valid customary marriage and registration thereof. In this regard, there is no power vested on Government to extend the provision of the Act to other types of marriages, as doing so will be acting ultra vires. A marriage entered into in terms of Muslim rites is thus far not recognised in the South Africa. In this regard, the Department has embarked on discussions throughout the Republic regarding the development of a policy on marriages in order to find possible means to deal with all types of marriages and enact legislation that addresses some of the types of marriages or practices that may not be recognised as marriages. This process will culminate in a legislative process to address certain issues relating to different types of marriages.

**END**

**Remarks: Reply:** Approved / Not Approved

**Mr J W McKay Dr PA Motsoaledi, MP**

**A/Director-General Minister of Home Affairs**

**Date: Date:**