

SCHEDULE 1

LAWS AMENDED

(Section 23)

Item no	No. and year of law	Title	Extent of amendment
1.	Act No. 24 of 1936	Insolvency Act	<p>The substitution for subsection 21(13) of the following subsection:</p> <p>(13) In this section the word "spouse" means not only a wife or husband in the legal sense, but also a wife or husband by virtue of a marriage according to any law or custom, and also a woman living with a man as his wife or a man living with a woman as her husband, although not married to one another, and includes <u>any person married in terms of the Marriage Act, ... (Act No. ... of 20...)</u>;</p>
2.	Act No. 40 of 1949	Transfer Duty Act	<p>The substitution in subsection 1(1) for the definition of "spouse" of the following definition:</p> <p>"spouse" means any person—</p> <p>(a) in a marriage or customary union recognised in terms of the laws of the Republic;</p> <p>(b) in a union recognised as a marriage in accordance with the tenets of any religion; or</p> <p><u>(c) a marriage entered into in terms of the Marriage Act, 20... (Act No. ...of 20...);</u> or</p> <p>(d) in a same-sex or heterosexual union which the Commissioner is satisfied is intended to be permanent: Provided that a marriage or union contemplated in paragraphs (b) or (c) shall, in the absence of proof to the contrary, be deemed to be a marriage or union in community of property.</p>

3.	Act No. 45 of 1955	Estate Duty Act	<p>The substitution in subsection 1(1) for the definition of "spouse" of the following definition:</p> <p>"spouse" in relation to any person, means the partner or <u>partners</u> of such person—</p> <ul style="list-style-type: none"> (a) in a marriage or customary union recognised in terms of the laws of the Republic; (b) in a union recognised as a marriage in accordance with the tenets of any religion; or (c) in a same-sex or heterosexual union which the Commissioner is satisfied is intended to be permanent; or (d) a partner in marriage concluded in terms of the Marriage Act, 20... (Act No. ...of 20...);_ Provided that a marriage or union contemplated in paragraph (b) or (c) shall, in the absence of proof to the contrary, be deemed to be a marriage or union in community of property.
4.	Act No. 24 of 1956	Pension Funds Act	<p>The substitution in subsection 1(1) for the definition of "spouse" of the following definition:</p> <p>"spouse" means a person who is the permanent life partner, spouse or civil union partner of a member in accordance with the Marriage Act, 1961 (Act No. 25 of 1961), the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998), the Civil Union Act, 2006 (Act No. 17 of 2006), the tenets of a religion; or a <u>partner in a marriage in terms of the Marriage Act, (Act No. ... of 20 ...);</u></p>
5.	Act No. 58 of 1962	Income Tax Act	<p>The substitution in subsection 1(1) for the definition of "spouse" of the following definition:</p>

			<p>"spouse", in relation to any person, means a person who is the partner of such person—</p> <p>(a) in a marriage or customary union recognised in terms of the laws of the Republic;</p> <p>(b) in a union recognised as a marriage in accordance with the tenets of any religion; or</p> <p>(c) in a same-sex or heterosexual union which is intended to be permanent;</p> <p>(d) <u>in a marriage entered into in terms of the Marriage Act, 20... (Act No. ... of 20...);</u> and "married", "husband" or "wife" shall be construed accordingly: Provided that a marriage or union contemplated in paragraph (b) or (c) shall, in the absence of proof to the contrary, be deemed to be a relationship or marriage <u>in</u> community of property;</p>
6.	Act No. 84 of 1976	Military Pensions Act	<p>The substitution in subsection 1(1) for the definition of "spouse" of the following definition:</p> <p>"spouse", in relation to any member, means—</p> <p>(a) a husband or wife in terms of the Marriage Act, 1961 (Act No. 25 of 1961), the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998), the Civil Union Act, 2006 (Act No. 17 of 2006), <u>or the Marriage Act, 20... (Act No. ...of 20...);</u></p> <p>(b) a life partner (including a same sex life partner);</p> <p>(c) a husband or wife according to the tenets of any religion <u>or belief</u> of the member at the date of the member's death;</p> <p>(d) a person who is the natural parent of a child under the age of 18 years who is regularly maintained by the member; or</p>

			(e) a person with whom the member lived together as a husband, wife or life partner for a period of at least five years immediately before the commencement of the member's military services within the meaning of section 2 (3);
7.	Act No. 70 of 1979	Divorce Act	The insertion in subsection 1(1) after the definition of "rules" of the following definition: "Spouse" means any person married in terms of the Marriage Act, 1961 (Act No. 25 of 1961), the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998), the Civil Union Act, 2006 (Act No. 17 of 2006), or the Marriage Act, 20... (Act No. ...of 20...);
8.	Act No. 88 of 1984	Matrimonial Property Act	The insertion in section 1 after the definition of " separate property " of the following definition: "Spouse" means any person married in terms of the Marriage Act, 1961 (Act No. 25 of 1961), the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998), the Civil Union Act, 2006 (Act No. 17 of 2006), or the Marriage Act, 20... (Act No. ...of 20...);
9.	Act No. 81 of 1987	Intestate Succession Act	The insertion in section 1 of the following subsection: (8) "Spouse" means a person married in terms of the Marriage Act, 1961 (Act No. 25 of 1961), the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998), the Civil Union Act, 2006 (Act No. 17 of 2006), or the Marriage Act, 20... (Act No. ...of 20...);
10.	Act No. 27 of 1990	Maintenance of Surviving Spouses Act	The substitution in section 1 for the definition of " survivor " of the following definition:

			<p>"survivor" means the surviving spouse in a marriage dissolved by death, and includes a spouse of a customary marriage which was dissolved by a civil marriage contracted by her husband in the customary marriage to another woman on or after 1 January 1929 (the date of commencement of sections 22 and 23 of the Black Administration Act, 1927 (Act No. 38 of 1927)), but before 2 December 1988 (the date of commencement of the Marriage and Matrimonial Property Law Amendment Act, 1988 (Act No. 3 of 1988)) or <u>Marriage Act, 1961 (Act No. 25 of 1961), the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998), the Civil Union Act, 2006 (Act No. 17 of 2006), or the Marriage Act, 20... (Act No. ...of 20...);</u></p>
11.	Act No. 51 of 1992	Births and Deaths Registration Act	<p>The substitution in subsection 1(1) for the definition of "marriage" of the following definition:</p> <p>"marriage" means—</p> <p>(a) a marriage concluded in terms of—</p> <p>(i) the Marriage Act, 1961 (Act No. 25 of 1961);</p> <p>(ii) the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998);</p> <p>(b) a civil union concluded in terms of the Civil Union Act, 2006 (Act No. 17 of 2006);</p> <p>(c) a marriage concluded in terms of the laws of a foreign country; or</p> <p><u>(d) any marriage entered into in terms of the Marriage Act, 20... (Act No. ...of 20...);</u></p>
12.	Act No. 88 of 1995	South African Citizenship Act	<p>The substitution in section 1 for the definition of "marriage" of the following definition:</p> <p>"marriage" means—</p> <p>(a) a marriage concluded in terms of—</p> <p>(i) the Marriage Act, 1961 (Act No. 25 of 1961);</p>

			<p>(ii) the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998);</p> <p>(b) a civil union concluded in terms of the Civil Union Act, 2006 (Act No. 17 of 2006);</p> <p>(c) a marriage concluded in terms of the laws of a foreign country; or</p> <p><u>(d) any marriage entered into in terms of the Marriage Act, 20... (Act No. ...of 20...);</u></p>
13.	Proclamation No. 21 of 1996	Government Employees Pension Law	<p>The substitution for the definition of "spouse" in Schedule 1 of the Rules of the Government Employees Pension Fund of the following definition:</p> <p>"spouse", shall mean the following for the purpose of eligibility to benefits: A person who is—</p> <ul style="list-style-type: none"> - a lawful husband or wife in terms of the Marriage Act, 1961 (Act No. 25 of 1961); - a life partner (including same sex life partner); or - a husband or wife in terms of the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998) or the tenets of any religion; - <u>a husband or wife in terms of the Civil Union Act, 2006 (Act No. 17 of 2006); or</u> - <u>a husband or wife in terms of the Marriage Act, 20... (Act No. .. of 20...);</u> of the member or pensioner at the date of the member's or pensioner's death: Provided that a member or pensioner— <ul style="list-style-type: none"> (a) should register with the Fund his or her spouse; (b) should register with the Fund all spouses in terms of the Recognition of Customary Marriages Act, 1998

			<p>(Act No. 120 of 1998) or the tenets of any religion;</p> <p>(c) who has (a) spouse(s) in terms of the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998) the Marriages Act, 1961 (Act No. 25 of 1961); the <u>Civil Union Act, 2006 (Act No. 17 of 2006)</u>, the <u>Marriage Act, 20... (Act No... of 20...)</u>, or the tenets of any religion may not register a life partner with the Fund:</p> <p>Provided further that registration of a person as a spouse will be <i>prima facie</i> proof of being a spouse:</p> <p>Provided further that a person who is not registered as a spouse may provide proof to the satisfaction of the Board that he or she is a spouse.</p>
14.	Act No. 69 of 1996	Special Pensions Act	<p>The substitution in subsection 31(1)(xx) for the definition of "spouse" of the following definition;</p> <p>(xx) "spouse" means an <i>applicant</i> who, at the date on which another person died or disappeared, was the partner of that person in a marriage relationship;</p> <p>(2) In the application of the definition of—</p> <p>(a) "spouse" mentioned in <u>subsection 31(1)(xx)</u> "marriage relationship" means—</p> <p>(i) a marriage;</p> <p>(ii) a union contracted in accordance with customary law or which is recognised as marriage in accordance</p>

			<p>with the tenets of any religion;</p> <p>(iii) a continuous cohabitation in a homosexual or heterosexual partnership for a period of at least 5 years;</p> <p>(iv) <u>a marriage entered into in terms of the Marriage Act, 20... (Act No... of 20...)</u>;</p>
15.	Act No. 99 of 1996	Demobilisation Act	<p>The substitution in section 1 for the definition of "dependant" of the following definition:</p> <p>"dependant", for the purposes of section 7, includes—</p> <p>(a) Any person in respect of whom the deceased was legally liable for maintenance at the time of his or her death;</p> <p>(b) any child of the deceased born after his or her death;</p> <p>(c) any surviving spouse of the deceased by virtue of a marriage or a union contracted in accordance with customary law or which is recognised as a marriage in accordance with the tenets of a religion or belief;</p>
16.	Act No. 99 of 1998	Maintenance Act	<p>The insertion in subsection 1(1) after the definition of "regulation" of the following definition:</p> <p>"Spouse" means in relation to any person, a person married in terms of the Marriage Act, 1961 (Act No. 25 of 1961), the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998), the Civil Union Act, 2006 (Act No. 17 of 2006), or the <u>Marriage Act, 20... (Act No. ... of 20...)</u>;</p>
17.	Act No. 130 of 1998	Refugees Act	<p>The substitution in section 1 for the definition of "marriage" of the following definition:</p> <p>"marriage" means—</p> <p>(a) either a marriage or a civil partnership concluded in</p>

			<p>terms of the Civil Union Act, 2006 (Act No. 17 of 2006);</p> <p>(b) a marriage concluded in terms of—</p> <p>(i) the Marriage Act, 1961 (Act No. 25 of 1961);</p> <p>(ii) the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998);</p> <p>(iii) <u>a marriage concluded in terms of the Marriage Act, ... (Act No. ... of ...)</u>;</p> <p><u>or</u></p> <p>(c) a marriage concluded in terms of the laws of a foreign country;</p>
18.	Act No. 13 of 2002	Immigration Act	<p>The substitution in subsection 1(1) for the definition of "marriage" of the following definition:</p> <p>"marriage" means—</p> <p>(a) either a marriage or a civil partnership concluded in terms of the Civil Union Act, 2006 (Act No. 17 of 2006);</p> <p>(b) a marriage concluded in terms of—</p> <p>(i) the Marriage Act, 1961 (Act No. 25 of 1961);</p> <p>(ii) the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998);</p> <p>(iii) <u>a marriage concluded in terms of the Marriage Act, ... (Act No. ... of ...)</u>; <u>or</u></p> <p>(c) a marriage entered into in terms of the laws of a foreign country;</p>
19.	Act No. 38 of 2005	Children's Act	<p>The substitution in subsection 1(1) for the definition of "marriage" of the following definition:</p> <p>"marriage" means a marriage—</p> <p>(a) recognised in terms of South African law or customary law; or</p> <p>(b) entered into in accordance with a system of religious</p>

			law subject to specified procedures; (c) <u>concluded in terms of the Marriage Act, ... (Act No. ... of ...)</u> and any reference to a husband, wife, widower, widow, divorced person, married person or spouse must be construed accordingly.
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Schedule 2
LAWS REPEALED
(Section 24)

Item	No and year of Act	Short title	Extent of repeal
1.	Act No. 25 of 1961	Marriage Act	The whole
2.	Act No. 21 of 1978	Transkei Marriage Act	The whole
3.	Act No. 15 of 1980	Bophuthatswana Marriage Act	The whole
4.	Act No. 24 of 1988	Ciskei Marriage Act	The whole
5.	Act No. 120 of 1998	Recognition of Customary Marriages Act	The whole
6.	Act No. 17 of 2006	Civil Union Act	The whole