

REPUBLIC OF SOUTH AFRICA

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# RECOGNITION OF CUSTOMARY MARRIAGES AMENDMENT BILL

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*(As proposed by the Select Committee on Security and Justice  
(National Council of Provinces))*

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(MINISTER OF JUSTICE AND CORRECTIONAL SERVICES)

**[B 12B—2019]**

ISBN 978-1-4850-0695-4

No. of copies printed .....400



(c) Each spouse retains exclusive rights over his or her personal property.

(d) For purposes of this subsection, “marital property”, “house property”, “family property” and “personal property” have the meaning ascribed to them in customary law.”; and

(b) by the substitution for subsection (2) of the following subsection:

“(2) A customary marriage [**entered into after the commencement of this Act**] in which a spouse is not a partner in any other existing customary marriage, is a marriage in community of property and of profit and loss between the spouses, unless such consequences are specifically excluded by the spouses in an antenuptial contract which regulates the matrimonial property system of their marriage.”.

### Transitional provisions

3. (1) The provisions of section 2 of this Act do not invalidate—

(a) the winding up of a deceased estate that was finalised; or

(b) the transfer of marital property that was effected, before the commencement of this Act.

(2) The provisions of subsection (1) do not apply to the transfer of marital property where, at the time of such transfer, the person to whom the marital property was to be transferred, was aware that the marital property in question was subject to a legal challenge.

### Short title

4. This Act is called the Recognition of Customary Marriages Amendment Act, 2020.