

THE BILL:

In terms of this Bill provision is made for **same-sex couples of 18 years or older** to provide for the solemnisation of **civil unions**, **by way of either a marriage or civil partnership**; the legal consequences of civil unions; and to provide for matters incidental thereto.

A marriage officer must inquire from the parties appearing before him or her whether their civil union should be known as a marriage or a civil partnership and must thereupon proceed by solemnising the civil union in accordance with the provisions of this section.

No marriage officer may solemnise a civil union unless—

(a) each of the parties in question produces to the marriage officer his or her identity document issued under the provisions of the Identification Act;

(b) each of such parties furnishes to the marriage officer the prescribed affidavit; or

(c) one of such parties produces his or her identity document referred to in paragraph (a) to the marriage officer and the other furnishes to the marriage officer the affidavit referred to in paragraph (b).

Requirements for solemnisation and registration of civil union

(1) A person may only be a spouse or partner in one marriage or civil partnership, as the case may be, at any given time.

(2) A person in a civil union may not conclude a marriage under the Marriage Act or the Customary Marriages Act.

(3) A person who is married under the Marriage Act or the Customary Marriages Act may not register a civil union.

(4) A prospective civil union partner who has **previously been married** under the Marriage Act or Customary Marriages Act or registered as a spouse in a marriage or a partner in a civil partnership under this Act, **must present a certified copy of the divorce order, or death certificate of the former spouse or partner, as the case may be**, to the marriage officer as proof that the previous marriage or civil union has been terminated.

(5) The marriage officer may not proceed with the solemnisation and registration of the civil union unless in possession of the relevant documentation referred to in subsection (4).

(6) A civil union may only be registered by prospective civil union partners who would, apart from the fact that they are of the same sex, not be prohibited by law from concluding a marriage under the Marriage Act or Customary Marriages Act.