

South Africa

Civil Union Act, 2006

Civil Union Regulations, 2006

Government Notice R1206 of 2006

Legislation as at 5 December 2006

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Civil Union Regulations, 2006
Contents

1. Definitions 1

2. Designation of marriage officers 1

3. Affidavit of identity 1

4. Objections to be filed 2

5. Documents for registration 2

6. Records for population register 2

7. Rectification of register 2

8. Fees for issue of certificates 2

9. Short title and commencement 3

Annexure 3

South Africa
Civil Union Act, 2006
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Government Notice R1206 of 2006

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[Amended by Civil Union Regulations: Correction (Government Notice R1250 of 2006) on 5 December 2006]

The Minister of Home Affairs has under section 15 of the Civil Union Act, 2006, made the regulations in the Schedule.

1. Definitions

In these Regulations, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates—

“**Director-General**” means the Director-General of Home Affairs;

“**the Act**” means the Civil Union Act, 2006 (Act No. 17 of 2006).

[definition of "the Act" amended by Government Notice R1250 of 2006]

2. Designation of marriage officers

- (1) An application to be designated as a marriage officer, made under section 5(4) of the Act, must be directed to the Director-General.
- (2) The Director-General may direct that a person who has made an application contemplated in subregulation (1) be subjected to an oral or written test, or both, to ascertain whether he or she has an adequate knowledge of the marriage laws and these Regulations.
- (3) The Director-General must maintain a list of all persons designated under section 5(4) of the Act, in which—
 - (a) the full names, postal address, religious denomination or organisation, date and limitation of designation of each person are set out; and
 - (b) all changes made as a result of revocations under section 5(6) of the Act or notifications in terms of subregulation (4)(a).
- (4)
 - (a) A religious institution, having been designated as such under section 5(2) of the Act, must immediately notify the Director-General of the change of address or religious denomination or organisation or the retirement or death of any marriage officer who belongs to it.
 - (b) A designated marriage officer must immediately notify the religious institution to which he or she belongs of any change in his or her religious denomination or organisation or address.

3. Affidavit of identity

The affidavit contemplated in section 7(b) of the Act must be in a form similar to Form A in the Annexure.

4. Objections to be filed

A marriage officer must file any objection received in terms of section 9 of the Act, together with the record of the inquiry held under section 9(2) of the Act and the decision taken in that regard.

5. Documents for registration

- (1) The document in which the prospective civil union partners must declare their willingness to enter into a civil union with one another and which must also be signed by the marriage officer and two witnesses, contemplated in section 12(1) and (2) of the Act, must be in a form similar to Form B in the Annexure.
- (2) The registration certificate contemplated in section 12(3) of the Act must be in a form similar to Form C in the Annexure and must be issued free of charge.
- (3) The civil union register contemplated in section 12(6) of the Act must be in a form similar to Form D in the Annexure.

6. Records for population register

- (1) The records to be transmitted by the marriage officer to the official responsible for the population register in terms of section 12(6) of the Act, are—
 - (a) the civil union register contemplated in regulation 5(3), together with a duplicate thereof;
 - (b) in the absence of an identity document, the affidavit contemplated in regulation 3; and
 - (c) a certified copy of the divorce order or death certificate of the former spouse or partner contemplated in section 8(4) of the Act, if applicable.
- (2) After compliance with section 12(7) of the Act, the official referred to in section 12(6) of the Act must forward the documents contemplated in subregulation (1) to the Director-General for safe-keeping.

7. Rectification of register

- (1) If there is clear evidence that a civil union has been solemnised, but it appears that the civil union register contemplated in regulation 5(3) has not been completed or cannot be found, the Director-General may direct that the register be completed in respect of that civil union.
- (2) If there is clear evidence that the civil union register contemplated in regulation 5(3) is incorrect in some respect, the Director-General may rectify the said register.

8. Fees for issue of certificates

- (1) The Director-General may, upon application, issue—
 - (a) an unabridged civil union registration certificate on a form similar to Form E in the Annexure, on payment of the amount of R50-00;
 - (b) an abridged civil union registration certificate on a form similar to Form F in the Annexure, on payment of the amount of R10-00; or
 - (c) a letter of confirmation of the applicant's status, based on the particulars contained in the civil union register contemplated in regulation 5(3), on payment of the amount of R40-00.
- (2) The Director-General may also, upon application, issue a reproduction of the civil union register contemplated in regulation 5(3) or of any supporting document attached to the register or a verification of the information contained in the register, on payment of the amount of R50-00.

- (3) A government department that applies for a reproduction or verification contemplated in subregulation (2), shall not be required to pay the amount contemplated in that subregulation if the reproduction or verification is required for official purposes.

9. Short title and commencement

These Regulations are called the Civil Union Regulations, 2006 and come into operation on the same date as the Act comes into operation.

Annexure

Forms A - F

[Editorial note: The forms have not been reproduced.]