

DISSOLUTION OF MARRIAGES ON PRESUMPTION OF DEATH ACT 23 OF 1979

[ASSENTED TO 16 MARCH 1979]

[DATE OF COMMENCEMENT: 29 MARCH 1979]

(Afrikaans text signed by the State President)

as amended by

Inquests Amendment Act 8 of 1991

ACT

To provide for the dissolution of marriages of persons presumed to be dead.

1 Court may declare certain marriages to be dissolved

Any provincial or local division of the Supreme Court of South Africa making an order that the death of any married person shall be presumed, may, when making that order or at any time thereafter, on the application of such person's spouse, make an order that the marriage in question shall be deemed to have been dissolved by death as from a date determined by the court, whereupon that marriage shall for all purposes be deemed to have been dissolved by death as from the date so determined.

2 Effect of certain findings on marriages

Whenever an inquest has been held in accordance with the provisions of the Inquests Act, 1959 (Act 58 of 1959), in respect of the death of any married person, and any finding in respect of that death has the same effect in terms of section 18 (2) or (2A) of that Act, as if it were an order granted by the relevant reviewing court or judge or by the relevant provincial or local division of the Supreme Court of South Africa, as the case may be, that the death of the person concerned shall be presumed in accordance with such finding, the marriage in question shall for all purposes be deemed to have been dissolved by death as from the date of death of the said person as recorded in terms of section 16 (2) (c) of that Act in that finding.

[S. 2 substituted by s. 9 of Act 8 of 1991.]

3 Short title

This Act shall be called the Dissolution of Marriages on Presumption of Death Act, 1979.