

NO. 95 OF 1996: DIVORCE AMENDMENT ACT, 1996.

PRESIDENT'S OFFICE

No. 1894.  
22 November 1996

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It is hereby notified that the President has assented to the following Act which is hereby published for general information:-

GENERAL EXPLANATORY NOTE:

Words in italics indicate insertions in existing enactments.

ACT

To amend the Divorce Act, 1979, so as to empower a court to refuse to grant a decree of divorce if it appears to the court that the spouses are bound by their religion to effect a divorce in accordance with their religion before a decree of divorce will have full effect; and to provide for matters connected therewith.

(English text signed by the President.)

(Assented to 12 November 1996.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

Insertion of section 5A in Act 70 of 1979

1. The Divorce Act, 1979 (Act No. 70 of 1979), is hereby amended by the insertion after section 5 of the following section:

"Refusal to grant divorce

5A. If it appears to a court in divorce proceedings that despite the granting of a decree of divorce by the court the spouses or either one of them will, by reason of the prescripts of their religion or the religion of either one of them, not be free to remarry unless the marriage is also dissolved in accordance with such prescripts or unless a barrier to the remarriage of the spouse concerned is removed, the court may refuse to grant a decree of divorce unless the court is satisfied that the spouse within whose power it is to have the marriage so dissolved or the said barrier so removed, has taken all the necessary steps to have the marriage so dissolved or the barrier to the remarriage of the other spouse removed or the court may make any other order that it finds just."

Short title

2. This Act shall be called the Divorce Amendment Act, 1996. \$