

eSwatini

Validation of Marriages Act, 1902

Act 26 of 1902

Legislation as at 1 December 1998

FRBR URI: /akn/sz/act/1902/26/eng@1998-12-01

There may have been updates since this file was created.

PDF created on 21 February 2024 at 17:28.

Collection last checked for updates: 1 December 1998.

[Check for updates](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.laws.africa
info@laws.africa

There is no copyright on the legislative content of this document.
This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Validation of Marriages Act, 1902

Contents

1. Short title	1
2. Interpretation	1
3. Marriages after 1/9/1900	1
4. Marriages solemnized by officers appointed by military governors	1
5. Marriages of coloured persons	1
6. Marriages solemnised by military chaplains	2
7. Marriages between coloured persons prior to 1897	2
8. Marriages between coloured persons between 11/10/1899 and 15/10/1904	2
9. Marriages solemnised pursuant to special licence not signed by district officer	2
10. Validation of certain marriages	2
11. Unauthorized marriage officers	3
12. Late registration	3

eSwatini

Validation of Marriages Act, 1902

Act 26 of 1902

Commenced on 10 November 1871

[This is the version of this document at 1 December 1998.]

An Act to validate certain marriages.

1. Short title

This Act may be cited as the Validation of Marriages Act, 1902.

2. Interpretation

In this Act—

“**district registrar**”, “**register**” and “**registrar**” have the same meanings as in the Births, Marriages and Deaths Registration Act, No.;

“**Law**” means [Law No. 32/1871](#) of the Republic.

“**Republic**” means the late South African Republic or the Zuid Afrikaansche Republiek;

3. Marriages after 1/9/1900

All marriages solemnised under the Law after the first day of September, 1900, by persons appointed as landdrosts by the government of the Republic or by the commandant-general or the assistant commandants-general of the burgher forces of the Republic, and all marriages solemnised by minister of the Gospel authorised to solemnise marriages on certificates given after the said date by persons appointed as landdrosts, certifying that the provisions of the law had been complied with, shall be as valid to all intents and purposes as if such persons had been at the date of such marriages, or at the date when such certificates were given, lawfully vested with all powers and jurisdiction conferred on landdrosts by the law.

4. Marriages solemnized by officers appointed by military governors

All marriages solemnised under the Law by persons appointed by the military governors of Pretoria and Johannesburg as magistrates, district commissioners or marriage officers before or after such appointment, and all marriages solemnised by ministers of religion authorised to solemnise marriages, either by the Government of the Republic or by any Government Notice published in the *Gazette* since the ninth day of June, 1900, on the certificates of persons appointed as aforesaid, certifying that the provisions of the law have been complied with, shall be as valid to all intents and purposes as if such persons had been at the date of such marriages lawfully vested with all powers and jurisdiction conferred on landdrosts by the Law.

5. Marriages of coloured persons

All marriages solemnised under [Law No. 3 of 1897](#) of the Republic between coloured persons, by such magistrates or district commissioners appointed by the said military governors to solemnise marriages under the said law, and all marriages solemnised by ministers of religion duly authorised for that purpose either by the government of the Republic or under any Government Notice published in the *Gazette* since the ninth day of June, 1900, on the certificates of the persons appointed as aforesaid and given under the said law, shall be as valid to all intents and purposes as if the said persons so appointed were at the date of

such marriages lawfully vested with the powers and jurisdiction conferred by the said [Law No. 3 of 1897](#) on the person mentioned in the section 2 of the said Law.

6. Marriages solemnised by military chaplains

All marriages solemnised in the Transvaal or in Swaziland under Law by any chaplain to His Britannic Majesty's forces between the first day of September, 1900, and the thirty-first day of March, 1901, shall be as valid, to all intents and purposes, as if such chaplain had been at the several dates of such marriages a lawfully appointed marriage officer authorised to solemnise marriages under the said Law, without the production of the certificate required thereby.

7. Marriages between coloured persons prior to 1897

All marriages between coloured persons solemnised by a minister of religion authorised to solemnise marriages, before the coming into operation of [Law No. 3 of 1897](#) of the Republic, shall be as valid to all intents and purposes as if such marriages had been duly solemnised after the coming into operation of the said Law in the manner prescribed therein:

Provided that neither of the parties shall after such marriage have lawfully intermarried with any other person; and

Provided further that the said marriages were registered with the marriage officers appointed under article 2 of [Law No. 3 of 1897](#).

8. Marriages between coloured persons between 11/10/1899 and 15/10/1904

All marriages between coloured persons solemnised by a minister of religion between the eleventh day of October, 1899, and the fifteenth day of October, 1904, within Swaziland shall be as valid to all intents and purposes as if such marriages had been duly solemnised by marriage officers or ministers of religion duly authorised to solemnise marriages under articles 2 and 6 of [Law No. 3 of 1897](#):

Provided that neither of the parties after such marriage have lawfully intermarried with any other person; and,

Provided further that the said marriages were registered with the marriage officers appointed in Swaziland under article 2 of [Law No. 3 of 1897](#).

9. Marriages solemnised pursuant to special licence not signed by district officer

All marriages solemnised prior to July 31st, 1964—

- (a) by an officer or person authorised by section 3 of the law, and
- (b) on production and exhibition of a special licence obtained for the purpose but signed by an assistant district commissioner, a cadet, a district commissioner or a magistrate or by a marriage officer who is also a public officer,

shall be as valid, to all intents and purposes, as if the special licence had been signed in accordance with section 4 of the Law.

10. Validation of certain marriages

All marriages solemnised prior to the thirty-first day of July, 1964, by a minister of religion not duly authorised to solemnise such marriages, particulars of which have been entered in a marriage register kept by the registrar, or by a district registrar, shall be as valid, to all intents and purposes, as if such a minister of religion had been at the several dates of such marriages, a person authorised to solemnise marriages.

11. Unauthorized marriage officers

- (1) Where, to the thirty-first day of July, 1964, a person solemnised a marriage, particulars of which have been entered in an original marriage register, but have not been entered in a marriage register kept by the registrar, or by a district registrar, and which marriage such a person was not duly authorised to solemnise the Deputy Prime Minister may, if satisfied that the person did so in the *bona fide* belief that he was so authorised direct, by notice published in the *Gazette*, that the person shall be deemed to have been, during such period as shall be prescribed in that notice, a person so authorised.
- (2) All marriages solemnised by a person specified in, and during the period prescribed by, a notice published under subsection (1) shall be as valid, to all intents and purposes, as if that person had been, at the several dates of the marriages, a person authorised to solemnise marriages.

12. Late registration

The registrar shall take such steps as he considers necessary to ensure that all marriages validated by section 11 are entered in the marriage register kept by him and, where appropriate, in the marriage registers kept by district registrars.

[This Act was amended and consolidated by P.47/1964 and L.18/1966.]