Validation of Marriages Act, 1902
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Validation of Marriages Act, 1902

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Validation of Marriages Act, 1902

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 Britanic 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.)