

## IMPORTANT ANNOUNCEMENT

### **DEADLINE SET FOR REGISTRATION OF UNREGISTERED CUSTOMARY MARRIAGES: 31 AUGUST 2026**

The Minister of Home Affairs has announced that all unregistered customary marriages must be officially registered by **31 August 2026**. This deadline applies to marriages conducted under African Customary Law, both before and after the Recognition of Customary Marriages Act was enacted in 1998. Registration is crucial for providing legal recognition and documentation, such as a marriage certificate, for these unions.

#### **Background**

The Recognition of Customary Marriages Act was introduced to legally recognize marriages based on African Customary Law and address historical gender inequalities. While marriages entered into after the Act are legally valid if they meet specific criteria, such as both parties being over 18 and consenting, many customary marriages remain unregistered.

#### **New Registration Deadline**

The deadline extension provides couples who have not yet registered their customary marriages a final opportunity to do so. Registration must be completed by 31 August 2026. Couples can register at Department of Home Affairs offices or through a traditional leader where no Home Affairs office is available.

#### **Registration Process**

To register a customary marriage, both spouses must attend in person, along with at least one witness from each family. The following documents must be presented:

- Identity documents of both spouses
- The lobola agreement (if applicable)
- The registration form (BI-1699)
- A valid reason for not registering earlier
- Payment of the prescribed fee

Once registered, the marriage will be officially recognized, and the couple will receive a marriage certificate.

## **Legal Implications and Awareness**

Customary marriages are automatically considered to be in community of property, meaning assets and debts are shared. If a couple wishes to have separate estates, they must enter into an Antenuptial Agreement before the marriage celebrations. Additionally, if a man already married under Customary Law wishes to marry again, he must obtain a court order to govern his future matrimonial property system.

## **Moving Forward**

The extended registration deadline aims to raise awareness and ensure that all customary marriages are legally recognized. While failure to register does not invalidate the marriage, legal recognition helps protect property rights and inheritance. Couples seeking legal advice or assistance with antenuptial agreements are encouraged to consult legal professionals.