

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT  
DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING**

No. R. 1123

16 November 2001

**MEDIATION IN CERTAIN DIVORCE MATTERS ACT, 1987  
AMENDMENT OF REGULATIONS**

The Minister for Justice and Constitutional Development has under section 5 of the Mediation in Certain Divorce Matters Act, 1987 (Act No. 24 of 1987), made the regulations in the Schedule.

**SCHEDULE**

**Definitions**

1. In these regulations "the Regulations" means the Mediation in Certain Divorce Matters Regulations, 1990, promulgated by Government Notice No. R. 2385 of 3 October 1990, as amended by Government Notice No. R. 2513 of 11 September 1992, Government Notice No. R. 920 of 19 May 1993 and Government Notice No. R. 1342 of 12 August 1996.

**Amendment of regulation 1 of the Regulations**

2. Regulation 1 of the Regulations is hereby amended by -

(a) the insertion of the following definition after the definition of "advisory committee":

"(iA) "Court" means a High Court contemplated in section 166 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), within its area of jurisdiction, or a divorce court established under section 10 of the Administration Amendment Act, 1929 (Act No. 9 of 1929), as the case may be;"  
and

(b) the deletion of the definitions of "Registrar of the Supreme Court" and "Supreme Court".

**Amendment of regulations 2, 3, 5, 7, 7A, 7B, 7C and 8 of the Regulations**

3. Regulations 2, 3, 5, 7, 7A, 7B, 7C and 8 of the Regulations are hereby amended by the substitution for the word "Supreme Court" of the word "Court" wherever it appears in the Regulations.

**Substitution of Annexure A to the Regulations**

4. The following Annexure is hereby substituted for Annexure A of the Regulations:

**"ANNEXURE A**

**(REGULATION 2 OF THE MEDIATION IN CERTAIN DIVORCE MATTERS REGULATIONS, 1990)**

**ARRANGEMENTS REGARDING DEPENDENT AND MINOR CHILDREN**

CASE No. .... 20.....

IN THE

HIGH COURT, .....

.....DIVORCE COURT\*

IN THE MATTER BETWEEN

.....PLAINTIFF/APPLICANT

AND

.....DEFENDANT/RESPONDENT

***PARTICULARS OF PLAINTIFF/APPLICANT:***

POSTAL ADDRESS: .....  
.....  
.....  
.....

RESIDENTIAL ADDRESS: .....  
.....  
.....  
.....  
.....

TELEPHONE NUMBER: .....

NAME AND ADDRESS OF EMPLOYER:

.....  
.....  
.....

TELEPHONE NUMBER: .....

GROSS MONTHLY INCOME: .....

EXTENT OF MONTHLY FINANCIAL COMMITMENTS:

.....  
.....  
.....  
.....

***PARTICULARS OF DEFENDANT/RESPONDENT:***

POSTAL ADDRESS: .....  
.....  
.....  
.....

RESIDENTIAL ADDRESS: .....  
.....  
.....  
.....  
.....

TELEPHONE NUMBER: .....

NAME AND ADDRESS OF EMPLOYER:

.....  
.....  
.....

TELEPHONE NUMBER: .....

GROSS MONTHLY INCOME, IF KNOWN:

.....

EXTENT OF MONTHLY FINANCIAL COMMITMENTS, IF KNOWN:

.....  
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.....  
.....

**GENERAL INFORMATION**

STATE THE FULL NAME, GENDER AND DATE OF BIRTH OF EACH MINOR OR DEPENDENT CHILD OF THE MARRIAGE:

- 1. ....
- 2. ....
- 3. ....
- 4. ....
- 5. ....
- 6. ....
- 7. ....
- 8. ....

STATE WITH WHOM THE CHILDREN ARE LIVING AT PRESENT:

.....  
.....  
.....

STATE WHERE THE CHILDREN ARE TO LIVE, FURNISH PARTICULARS OF THE ACCOMMODATION, WHAT OTHER PERSONS (NAME THEM) ARE LIVING THERE AND WHO WILL LOOK AFTER THE CHILDREN. IF IT IS PROPOSED THAT THE

CHILDREN SHOULD BE IN THE CARE OF A PERSON OTHER THAN YOURSELF, STATE WHETHER OR NOT THAT PERSON HAS AGREED TO THIS ARRANGEMENT. STATE THE RELATIONSHIP OF SUCH OTHER PERSON TO THE CHILDREN:

.....  
.....  
.....  
.....

STATE THE NAME OF THE SCHOOL OR OTHER EDUCATIONAL ESTABLISHMENT WHICH YOUR CHILDREN ARE AT PRESENT ATTENDING, OR, IF ANY OF THEM ARE ALREADY WORKING, THEIR PLACE OF EMPLOYMENT, THE NATURE OF THEIR WORK AND DETAILS OF ANY TRAINING THEY ARE RECEIVING. ATTACH COPIES OF THE MOST RECENT SCHOOL REPORTS:

.....  
.....  
.....  
.....  
.....

IS IT ENVISAGED THAT THE CHILDREN, AFTER THE CONCLUSION OF THE ACTION/APPLICATION, WILL HAVE TO CHANGE SCHOOLS? IF SO, GIVE FULL DETAILS:

.....  
.....  
.....

DO ANY OF THE CHILDREN EXPERIENCE LEARNING PROBLEMS? ARE ANY OF THEM IN ANY RESPECT PHYSICALLY OR MENTALLY DISABLED? IF SO, GIVE FULL DETAILS AND ATTACH RECENT MEDICAL REPORTS:

.....  
.....  
.....  
.....  
.....

STATE WHO IS SUPPORTING THE CHILDREN AT PRESENT, OR CONTRIBUTING TO THEIR SUPPORT, AND TO WHAT EXTENT:

.....  
.....  
.....  
.....  
.....

WHAT ARRANGEMENTS HAVE BEEN MADE REGARDING RIGHTS OF ACCESS OF YOUR HUSBAND/WIFE? STATE THE DETAILS OF ANY SUCH ARRANGEMENT:

.....  
.....  
.....  
.....

SET OUT ANY FURTHER DETAILS CONCERNING YOUR MINOR OR DEPENDENT CHILDREN WHICH MAY BE RELEVANT TO THE CUSTODY OF, ACCESS TO AND FINANCIAL PROVISION FOR SUCH CHILDREN, E.G. WHETHER ANY SUCH CHILDREN HAVE BEEN CONVICTED OF ANY CRIMINAL OFFENCE OR WHETHER ANY SUCH CHILDREN HAVE BEEN SUBJECT TO ANY ORDER IN TERMS OF THE CHILD CARE ACT, 1983 (ACT No. 74 OF 1983):

.....  
.....  
.....  
.....  
.....

STATE BRIEFLY THE EXTENT TO WHICH THE ABOVE ARRANGEMENTS REGARDING YOUR MINOR OR DEPENDENT CHILDREN ARE THE RESULT OF MUTUAL AGREEMENT WITH YOUR HUSBAND/WIFE:

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.....  
.....  
.....

N

.....  
ARE YOU OR A MEMBER OF YOUR FAMILY KNOWN TO A WELFARE ORGANISATION OR AGENCY? IF SO, STATE THE NAME OF THE ORGANISATION/AGENCY AND WHERE IT OPERATES:  
.....  
.....  
.....

DATED AT ..... THIS ..... DAY OF ..... 20....

.....  
*Signed*

**OATH/AFFIRMATION**

I, .....  
HEREBY DECLARE UNDER OATH/HEREBY TRULY AFFIRM\* THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE FOREGOING STATEMENTS ARE TRUE, COMPLETE AND CORRECT.

.....  
*Signature of Deponent*

I certify that, before administering the oath/affirmation\*, I asked the deponent the following questions and wrote down his/her\* answers in his/her\* presence:

1. Do you know and understand the contents of the above declaration?  
Answer: .....

2. Do you have any objection to taking the prescribed oath?  
Answer: .....

3. Do you consider the prescribed oath to be binding on your conscience?  
Answer: .....

I certify that the deponent has acknowledged that he/she\* knows and understands the contents of this declaration which was sworn to/affirmed before\* me, and the deponent's signature/thumb

print/mark\* was placed thereon in my presence.

.....  
*Justice of the Peace/Commissioner of Oaths\**  
.....

*Full name*

.....  
*Designation (Rank) and area for which appointed*

BUSINESS ADDRESS: .....

DATE: .....

PLACE: .....

\_\_\_\_\_  
\* Delete whichever is not applicable."

**Substitution of Annexure C to the Regulations**

5. The following Annexure is hereby substituted for Annexure C of the Regulations:

**"ANNEXURE C**

**(REGULATION 2 OF THE MEDIATION IN CERTAIN DIVORCE MATTERS  
REGULATIONS, 1990)**

IN THE

HIGH COURT, .....

.....DIVORCE COURT\*

IN THE MATTER BETWEEN

.....PLAINTIFF/APPLICANT

AND

.....DEFENDANT/RESPONDENT



After having considered the following information:

N

.....  
.....  
.....

I, .....(initials and surname),  
Family Advocate at the above-mentioned High Court/Divorce Court\*, hereby apply for an order  
in terms of which I am authorised to institute an enquiry contemplated in section 4 (1) of the  
Mediation in Certain Divorce Matters Act, 1987 (Act No. 24 of 1987), into the welfare of the  
minor and/or dependent children of the above-named parties.

Dated and signed at ..... this ..... day of ..... 20....

.....

*Family Advocate*

**ORDER**

The Family Advocate at the High Court, ...../  
..... Divorce Court\* is hereby under an order of  
the Court given on ..... authorised to institute an enquiry  
contemplated in section 4 (1) of the Mediation in Certain Divorce Matters Act, 1987 (Act No.  
24 of 1987), in respect of the minor and/or dependent children of the above-named parties.

By Order of the Court

.....

*Registrar*

\* Delete whichever is not applicable."