

EXTRAORDINARY



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GOVERNMENT GAZETTE

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GOVERNMENT NOTICE

DEPARTMENT OF BANTU ADMINISTRATION AND DEVELOPMENT.

No. R. 1970. 25 October 1968.

REGULATIONS FOR THE REGISTRATION OF CUSTOMARY UNIONS.

The State President has been pleased, under and by virtue of the powers vested in him by section 22 *bis* of the Bantu Administration Act, 1927 (Act No. 38 of 1927), to make the regulations contained in the Schedule hereto, in regard to the registration of customary unions.

SCHEDULE.

Definitions.

1. In these regulations, unless inconsistent with the context—

“Act” means the Bantu Administration Act, 1927 (Act No. 38 of 1927);

“Bantu Affairs Commissioner” means the Bantu Affairs Commissioner appointed in terms of section 2 of the Act having jurisdiction, and includes an Additional or Assistant Bantu Affairs Commissioner, and in respect of any district or area for which no Bantu Affairs Commissioner has been appointed, the Magistrate or the Additional or Assistant Magistrate of such district or area;

“Bantu area” means any area referred to in section 25 (1) of the Act, read with section 21 (1) of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936);

“Bantu Authority” means a tribal or community authority established under the Bantu Authorities Act, 1951 (Act No. 68 of 1951);

“chief” means a chief appointed or recognised in terms of section 2 of the Act and includes a sub-chief or chief's deputy or any person acting in his place and, in any area not under the jurisdiction of a Bantu Authority or a chief, a headman appointed in terms of section 2 of the Act;

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GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN BANTOE-ADMINISTRASIE EN -ONTWIKKELING.

No. R. 1970. 25 Oktober 1968.

REGULASIES VIR DIE REGISTRASIE VAN GEBRUIKLIKE VERBINDINGS.

Dit het die Staatspresident behaag om, kragtens die bevoegdheid hom verleen by artikel 22 *bis* van die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), die regulasies vervat in die bygaande Bylae uit te vaardig, met betrekking tot die registrasie van gebruiklike verbindings.

BYLAE.

Woordomskrywing.

1. In hierdie regulasies, tensy onbestaanbaar met die sinsverband, beteken—

„Bantoegebied” enige gebied genoem in artikel 25 (1) van die Wet, gelees met artikel 21 (1) van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936);

„Bantoe-owerhied” ’n stam- of gemeenskapsowerheid ingestel ingevolge die Wet op Bantoe-owerhede, 1951 (Wet No. 68 van 1951);

„Bantoesakekommissaris” die Bantoesakekommissaris kragtens artikel 2 van die Wet aangestel, met regsbevoegdheid, met inbegrip van ’n Addisionele of Assistent-Bantoesakekommissaris, en ten opsigte van enige distrik of gebied waarvoor geen Bantoesakekommissaris aangestel is nie, die Landdros of Addisionele of Assistent Landdros van sodanige distrik of gebied;

„deelgenote” ten opsigte van ’n bepaalde gebruiklike verbinding die manlike en vroulike deelgenote tussen wie sodanige verbinding bestaan;

„domisilie” in die geval van ’n manlike deelgenoot wat, toe hy ’n bepaalde gebruiklike verbinding aangegaan het, inderdaad of daarop aanspraak maak dat hy op ’n plek in die Republiek wat nie ’n Bantoegebied is nie, gedomisilieer was, word vertolk as ’n verwysing na sy lidmaatskap toentertyd van ’n bepaalde stam en kan bepaal word as die Bantoegebied waarin sodanige stam gesetel is; en „gedomisilieer” het ’n ooreenstemmende betekenis;

1—2199

"Chief Bantu Affairs Commissioner" means the Chief Bantu Affairs Commissioner appointed in terms of section 2 of the Act, having jurisdiction, and includes an Assistant Chief Bantu Affairs Commissioner;

"contracting guardian" means the person duly assisting any woman to enter into a valid customary union;

"customary union" means a customary union as defined in the Act but does not include a customary union in the Province of Natal to which the provisions of the Natal Code of Bantu law are applicable;

"domicile" in the case of any male partner who, at the time when he contracted a particular customary union, was or claims to have been domiciled at any place within the Republic which is not a Bantu area, shall be construed as a reference to his membership at that time of a particular tribe and may be determined as the Bantu area in which such tribe is located; and

"domiciled" has a corresponding meaning;

"lobolo" includes the term "*bogadi*" and any other equivalent therefor used in any Bantu language and means in relation to any customary union any stock, money or other property the passing of all or some part of which is essential to the validity of such union in accordance with the Bantu law and custom applicable;

"male partner" includes any person who may in accordance with the Bantu law and custom applicable enter into a customary union with a female partner on behalf of any deceased male Bantu;

"partners" in relation to a particular customary union means the male and female partners between whom such union exists;

"registrar" means a registrar of customary unions holding office or appointed as such in terms of regulation 2;

"Secretary" means the Secretary for Bantu Administration and Development and includes any other officer in the Public Service acting under his authority.

Registrars of Customary Unions.

2. (1) Every Bantu Affairs Commissioner shall, in respect of any Bantu area under his jurisdiction, but subject to the provisions of subregulation (2), be *ex officio* registrar for the purpose of the registration in terms of these regulations of the customary union of any Bantu male who was at the time of such union domiciled in such Bantu area.

(2) The Secretary may on the recommendation of any Bantu Authority appoint one or more office bearers or employees of such Authority as registrars in respect of the area under its jurisdiction whereupon the Bantu Affairs Commissioner concerned shall cease to be the registrar in respect of such area: Provided that the Secretary shall, before making any such appointment, satisfy himself that the person concerned is conversant with these regulations and the Bantu law and customs applicable in the area concerned with regard to the essentials of a customary union and of the annulment or dissolution, whether in accordance with such Bantu law and customs or in any other manner, of such a union.

(3) The Secretary may at the request of the Bantu Authority concerned, or in his discretion, at any time terminate any appointment made by him in terms of subregulation (2), or suspend the appointee pending such investigation or enquiry or the furnishing of such information as he may direct the Bantu Affairs Commissioner or any other person to conduct or to supply.

"gebruiklike verbinding" "n gebruiklike verbinding soos omskryf in die Wet maar sluit nie in 'n gebruiklike verbinding in die provinsie Natal wat onderhewig is aan die bepalings van die Natalse Wetboek van Bantoreg nie;

"Hoofbantoesakekommissaris" die Hoofbantoesakekommissaris kragtens artikel 2 van die Wet aangestel, met regsbevoegdheid en ook 'n assistent-Hoofbantoesakekommissaris;

"kaptein" 'n kaptein wat kragtens artikel 2 van die Wet aangestel of erken is, en ook enige onderkaptein of kaptein se plaasvervanger of enige persoon wat namens hom waarneem en, in enige gebied nie aan die jurisdiksie van 'n Bantoeowerheid of kaptein onderhewig nie, ook 'n hoofman kragtens artikel 2 van die Wet aangestel;

"kontrakterende voog" die persoon wat enige vrouspersoon bystaan by die aangaan van 'n regsgeldige gebruiklike verbinding;

"lobolo" sluit die uitdrukking "*bogadi*" in asook enige ander ekwivalent wat daarvoor in enige Bantoetaal gebruik word en beteken met betrekking tot enige gebruiklike verbinding enige vee, geld of ander goedere, die oorgang van die geheel of van 'n gedeelte waarvan 'n vereiste is vir die regsgeldigheid van sodanige verbinding ingevolge die toepaslike Bantoreg en -gewoonte;

"manlike deelgenoot" ook enige persoon wat ingevolge die toepaslike Bantoreg en -gewoonte 'n gebruiklike verbinding met 'n vroulike deelgenoot namens 'n oorlede manlike Bantoe kan aangaan;

"registrateur" 'n registrateur van gebruiklike verbindingen wat sy hoedanigheid as sulks ampshalwe beklee of daarin aangestel is kragtens regulasie 2;

"Sekretaris" die Sekretaris van Bantoe-administrasie en -ontwikkeling en ook enige ander beamppte in die Staatsdiens wat op sy gesag optree;

"Wet" die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927).

Registrateurs van Gebruiklike Verbindings.

2. (1) Elke Bantoesakekommissaris is, ten opsigte van enige Bantoegebied onder sy jurisdiksie, maar behoudens die bepalings van subregulasie (2), ampshalwe registrateur vir die doeleindes van die registrasie ingevolge hierdie regulasies van die gebruiklike verbinding van enige manlike Bantoe wat toe hy sodanige verbinding aangegaan het in sodanige Bantoegebied gedomisileer was.

(2) Die Sekretaris kan op aanbeveling van enige Bantoe-owerheid een of meer ampsdraers of werknemers van sodanige owerheid as registrateurs aanstel vir die gebied onder sodanige owerheid se jurisdiksie en daarna hou die Bantoesakekommissaris op om registrateur vir sodanige gebied te wees: Met dien verstande dat die Sekretaris, alvorens hy sodanige aanstelling doen, homself daarvan vergewis dat die betrokke persoon vertrouwd is met hierdie regulasies en die Bantoreg en -gewoonte wat in die betrokke gebied van toepassing is, en wat betref die vereistes vir 'n gebruiklike verbinding en die nietigverklaring of ontbinding, hetsy ingevolge sodanige Bantoreg en -gewoonte of op enige ander manier, van enige sodanige verbinding.

(3) Die Sekretaris kan op versoek van die betrokke Bantoe-owerheid, of na goeddunke, te eniger tyd enige aanstelling deur hom ingevolge subregulasie (2) gedoen, beëindig, of die benoemde skors in afwagting van sodanige ondersoek of navraag of die verskaffing van sodanige inligting as wat hy die Bantoesakekommissaris of enige ander persoon kan gelas om te hou of te verskaf.

3. (1) Every registrar shall, under the direction and control of the Secretary, maintain the registers and records and perform the duties and exercise the functions prescribed for registrars in or by virtue of these regulations.

(2) The Secretary may from time to time issue to registrars such instructions, not inconsistent with these regulations, as he may, in his opinion, deem necessary for the more effective carrying out of anything herein contained.

Application for Registration of Customary Union.

4. (1) Every application for the registration of a customary union shall be by declaration substantially in the form prescribed in Parts B, C and D of Annexure 1, duly confirmed and signed before a Bantu Affairs Commissioner or registrar by, respectively, the male and female partners in such union and the contracting guardian of such female partner, or his heir.

(2) Any Bantu Affairs Commissioner or registrar before whom any partner or guardian or heir referred to in subregulation (1) appears to confirm any declaration referred to therein, may refuse to attest any such declaration if it is incomplete in any material respect, or in the case of a declaration made by a person other than the male partner concerned, if he does not have before him the duly attested declaration made by such male partner.

(3) Every Bantu Affairs Commissioner or registrar before whom any declaration referred to in subregulation (1) has been attested shall, if the customary union to which such declaration relates is to be registered by some other registrar, transmit such declaration, together with any other documents in his possession which are relevant to to such registration, to such other registrar or to such other person as may be indicated by such other registrar.

(4) Any Bantu Affairs Commissioner or registrar may at any stage prior to the registration of a customary union obtain from any declarant a signed statement, endorsed on the reverse of his declaration, and confirmed by him before such Bantu Affairs Commissioner or registrar, in order to establish whether such customary union was in fact entered into in accordance with the essential requirements of the Bantu law and custom applicable.

Objections to Registration.

5. (1) Any person who desires to object to the registration of a customary union on the ground that it no longer subsists, or is invalid, or has been dissolved, annulled or previously registered may, prior to the registration thereof in terms of regulation 6, lodge a written objection to such registration with the registrar concerned, who may make or cause to be made such further inquiries, or call for such further information including evidence on oath or affirmation, or the production of any document by any declarant or other person, as he may deem necessary, to decide the existence of any fact relevant to anything contained in such written objection or in any declaration relating to such registration.

(2) The registrar shall endorse his finding, as regards any objection raised prior to registration, on the written notice of objection which shall be bound, together with the documents, and in the register, referred to in regulation 6 (1) or (2), as the case may be.

3. (1) Elke registrateur hou onder lasgewing en beheer van die Sekretaris die registers en rekords in stand en voer die pligte en oefen die bevoegdheids uit wat vir registrateurs by of ingevolge hierdie regulasies bepaal word.

(2) Die Sekretaris kan van tyd tot tyd aan registrateurs sodanige opdragte uitreik wat nie onbestaanbaar met hierdie regulasies is nie as wat hy na goeddunke noodsaaklik ag vir die meer doeltreffende uitvoering van enigiets hierin vervat.

Aansoek om Registrasie van Gebruiklike Verbinding.

4. (1) Elke aansoek om registrasie van 'n gebruiklike verbinding word gedoen by wyse van 'n deklarasie wesenlik in die vorm in Dele B, C en D van Aanhangsel 1, behoorlik bevestig en onderteken voor 'n Bantoesake-kommissaris of registrateur deur, onderskeidelik, die manlike en vroulike deelgenote in sodanige verbinding en die kontrakterende voog van sodanige vroulike deelgenoot of sy erfgenaam.

(2) Enige Bantoesakekommissaris of registrateur voor wie enige deelgenoot of voog of erfgenaam vermeld in subregulasie (1) verskyn om enige deklarasie daarin vermeld te bevestig kan weier om enige sodanige verklaring te attesteer indien dit in enige tersaaklike opsig onvolledig is of, in die geval van 'n deklarasie deur 'n ander persoon as die betrokke manlike deelgenoot, indien die behoorlik geattesteerde deklarasie van sodanig manlike deelgenoot nie ook aan hom voorgelê word nie.

(3) Elke Bantoesakekommissaris of registrateur wat enige deklarasie in subregulasie (1) vermeld geattesteer het, as die gebruiklike verbinding waarmee sodanige verklaring in verband staan deur 'n ander registrateur geregistreer moet word, moet sodanige verklaring tesame met enige ander stukke in sy besit wat betrekking het op sodanige registrasie deurstuur aan sodanige ander registrateur of aan sodanige ander persoon as wat deur sodanige ander registrateur aangedui is.

(4) Enige Bantoesakekommissaris of registrateur kan te eniger tyd voor die registrasie van 'n gebruiklike verbinding van enige deklarant 'n ondertekende verklaring verkry wat agterop sy deklarasie geëndosseer en deur hom voor sodanige Bantoesakekommissaris of registrateur bevestig is, ten einde vas te stel of sodanige gebruiklike verbinding inderdaad ooreenkomstig die noodsaaklike vereistes van die toepaslike Bantoereg en -gewoonte aangegaan is.

Besware teen Registrasie.

5. (1) Enige persoon wat teen die registrasie van 'n gebruiklike verbinding wil beswaar maak op grond daarvan dat dit nie meer bestaan nie, of ongeldig is of ontbind, nietig verklaar of voorheen geregistreer was kan alvorens dit kragtens regulasie 6 geregistreer word, skriftelik beswaar teen sodanige registrasie by die betrokke registrateur aanteken, wat sodanige verdere navraag kan doen of laat doen, of om sodanige verdere inligting met inbegrip van getuienis onder eed of affirmasie, of die oorlegging van enige dokument deur die deklarant of 'n ander persoon kan vra, as wat hy dienstig mag ag ten einde die bestaan van enige feit tersaaklik by enigiets vervat in sodanige skriftelike beswaar of in enige deklarasie met betrekking tot sodanige registrasie vas te stel.

(2) Die registrateur teken sy bevinding ten opsigte van enige beswaar wat voor registrasie geopper is aan op die skriftelike kennisgewing van beswaar wat saam met die dokumente ingebind word in die register waarna in regulasie 6 (1) of (2), al na gelang van die geval, verwys word.

Disposal of Applications.

6. (1) Upon receipt of a duly completed application for the registration of a customary union the registrar shall, after considering the relevant declarations and any objection which may have been lodged with him in terms of regulation 5 (1), if he is satisfied—

(a) that the male partner is a Bantu who was at the time he contracted such union domiciled in a Bantu area in respect of which such registrar was appointed or holds office;

(b) that such union subsists, and was validly entered into, and has not been annulled or dissolved or previously registered;

(c) that no good cause has been shown for refusing such application;

effect registration of such customary union by completing a form substantially in the form prescribed in Part A of Annexure 1, which together with the declarations constituting such application shall be marked with the serial number allotted to such customary union, and be forthwith bound by such registrar in a register to be termed the register of customary unions.

(2) Whenever the registrar refuses an application for the registration of a customary union he shall—

(a) complete, date and sign a refusal notice in duplicate, substantially in the form prescribed in Annexure 2, setting out the reasons for such refusal;

(b) hand or transmit the duplicate thereof to the person claiming to be the male partner, named therein;

(c) forthwith mark the original with the folio number allotted thereto by him, and bind it, with the relative declarations, in a register maintained by him for the purpose and termed the register of refusal notices.

Order of Court for the Registration of a Customary Union.

7. (1) Whenever on the application by any one or more of the parties to a customary union the court of the Bantu Affairs Commissioner having jurisdiction in the Bantu area of domicile of the male partner in such union authorises and directs the registration of such union, notwithstanding anything in these regulations contained, the presiding officer shall cause an order substantially in the form prescribed in Part A of Annexure 3, together with the relative annexures referred to therein to be transmitted to the registrar concerned who shall mark the relevant documents with the serial number allotted to such union, complete Part B of the said order and bind such documents in his register of customary unions whereupon such union shall for all purpose be deemed to have been duly registered.

(2) For the purposes of the application of regulation 10 (1) any customary union referred to in any order made in terms of this regulation shall be deemed to have been registered at the time such order was applied for.

(3) The presiding officer shall cause details of every application referred to in subregulation (1) which is dismissed or refused by him, together with the reason for such dismissal or refusal to be notified to the registrar concerned who shall register such notification as if it were a refusal notice referred to in regulation 6 (2).

Besikking oor Aansoeke.

6. (1) By ontvangs deur die registrateur van 'n behoorlik voltooide aansoek om registrasie van 'n gebruklike verbinding en nadat hy die betrokke deklarasies en enige besware wat ingevolge regulasie 5 (1) by hom ingedien is oorweeg het, en as hy homself daarvan vergewis het—

(a) dat die manlike deelgenoot 'n Bantoe is wat, toe hy sodanige verbinding aangegaan het gedomisileer was in 'n Bantoegebied ten opsigte waarvan sodanige registrateur aangestel is of amptshalwe sy hoedanigheid as sulks beklee;

(b) dat sodanige verbinding bestaan, wetlik aangegaan is, en nie nietig verklaar of ontbind of voorheen geregistreer is nie;

(c) dat geen afdoende gronde vir die weiering van sodanige aansoek aangevoer is nie;

registreer hy sodanige gebruklike verbinding deur 'n vorm wesenlik in die vorm voorgeskryf in Deel A van Aanhangel 1 te voltooi wat tesame met die deklarasies waaruit sodanige aansoek bestaan en waarop die volgnommer wat aan sodanige gebruklike verbinding toegewys word aangeteken is en onverwyld deur sodanige registrateur in 'n register wat die register van gebruklike verbindings heet, ingebind word.

(2) Wanneer ookal die registrateur 'n aansoek om registrasie van 'n gebruklike verbinding van die hand wys—

(a) voltooi, dateer en onderteken hy 'n weieringskennisgewing wesenlik in die vorm voorgeskryf in Aanhangel 2, waarin die redes vir sodanige weiering uiteengesit word;

(b) oorhandig of stuur hy die duplikaat daarvan aan die persoon daarin genoem wat daarop aanspraak maak dat hy die manlike deelgenoot is;

(c) teken onverwyld die folio nommer deur hom daaraan toegesê op die oorspronklike aan, en bind dit in, tesame met die betrokke deklarasies, in 'n register deur hom vir daardie doel in stand gehou en wat die register van weieringskennisgewings heet.

Hofbevel vir Registrasie van Gebruklike Verbinding.

7. (1) Wanneer ook al op aansoek van enige een of meer van die partye in 'n gebruklike verbinding die Bantoesakekommissarishof met regsbevoegdheid in die Bantoegebied waarin die manlike deelgenoot in sodanige verbinding gedomisileer is, die registrasie van sodanige verbinding, ondanks enigiets in hierdie regulasies vervat, magtig en gelas, laat die voorsittende beamppte 'n bevel wesenlik in die vorm voorgeskryf in Deel A van Aanhangel 3, tesame met die betrokke aanhangsels waarna daarin verwys word aan die betrokke registrateur versend wat op die tersaaklike dokumente die volgnommer aanbring wat aan sodanige verbinding toegewys is, Deel B van sodanige bevel voltooi en sodanige dokumente in sy register van gebruklike verbindings inbind, waarop sodanige verbinding vir alle doeleindes geag sal wees na behore geregistreer te wees.

(2) Vir doeleindes van die toepassing van regulasie 10 (1) word enige gebruklike verbinding vermeld in enige bevel kragtens hierdie regulasie uitgevaardig geag geregistreer te gewees het ten tyde van die aansoek om sodanige bevel.

(3) Die voorsittende beamppte laat kennisgewing van besonderhede van elke aansoek waarna in subregulasie (1) verwys word en wat deur hom afgewys of geweier word, asook die redes vir sodanige afwysing of weiering, aan die betrokke registrateur geskied wat sodanige kennisgewing registreer as sou dit 'n weieringskennisgewing wees waarna in regulasie 6 (2) verwys word.

Certificate of Registration of a Customary Union.

8. (1) The registrar may in respect of any customary union registered in the register of customary unions maintained by him in terms of these regulations, at the request of either partner or of any other person who satisfies such registrar that he requires such certificate for a lawful purpose, issue to such partner or person, on payment of a fee of one rand, a certificate of registration of a customary union substantially in the form prescribed in Annexure 4: Provided that such registrar may for official purposes prepare a certificate substantially in the prescribed form, and after writing the word "Official Only" in red letters diagonally across its face issue it, free of charge, to any official.

(2) Every certificate of registration of a customary union for which any fee is payable in terms of these regulations shall be stamp-embossed to indicate the amount of such fee and bear an endorsement that it is issued without alteration, and no such certificate shall have any validity unless it is so embossed and endorsed.

(3) Details of every certificate issued by the registrar in terms of this regulation shall at the time of such issue be noted by him against the appropriate folio of the register of customary unions substantially in the form prescribed in the last section of Part C of Annexure 1.

(4) A certificate of registration of a customary union, issued as in this regulation provided, shall on its mere production in any court or in any other proceedings be *prima facie* proof of its contents.

Lobolo Payments or Refunds.

9. (1) The registrar shall not refuse to register a customary union solely on the ground—

(a) that in the relative declarations the *lobolo* agreed upon is undisclosed, if he is satisfied that the Bantu law and custom applicable does not provide for a fixed *lobolo* or does not require its disclosure by either or both parties to the agreement; or

(b) that there is a discrepancy in the declarations of the parties concerned as to the quantity of *lobolo* which had actually or symbolically been paid or handed over in respect of such union as at the date of such declaration unless he is satisfied that the effect of the payment, if any, alleged in either declaration is to render such union inchoate according to the Bantu law and custom applicable.

(2) It shall, in respect of any customary union which has been registered as in these regulations provided, be competent for the registrar concerned, on the application in person of both parties to any undisputed payment of *lobolo* made after the date of such registration to enter details of such payment in the prescribed form, on the face or reverse of Part D of the relevant registration of such union in his register of customary unions.

(3) The provisions of subregulation (2) shall *mutatis mutandis* apply in respect of any refund of *lobolo* made after the registration of any annulment or dissolution of any customary union as in these regulations provided: Provided that such entry shall be made in the prescribed form on the reverse of the relevant certificate in the annulments or dissolutions register referred to in regulation 12 (1) and not in the register of customary unions.

Sertifikaat van Registrasie van Gebruiklike Verbinding.

8. (1) Die registrateur kan ten opsigte van enige gebruiklike verbinding wat geregistreer is in die register van gebruiklike verbindings deur hom ingevolge hierdie regulasies in stand gehou, op versoek van een van beide deelgenote of van enige ander persoon wat sodanige registrateur oortuig dat hy sodanige sertifikaat vir 'n wettige doel benodig, aan sodanige deelgenoot of persoon en by betaling van 'n fooi van R1 'n sertifikaat van registrasie van 'n gebruiklike verbinding uitreik wesenlik in die vorm voorgeskryf in Aanhangsel 4: Met dien verstande dat sodanige registrateur vir amptelike doeleindes 'n sertifikaat wesenlik in die voorgeskrewe vorm kan voorberei en nadat hy die woorde „Slegs Amptelik” in rooi letters daarvoor die voorkant daarvan geskryf het, dit kosteloos aan enige amptenaar uitreik.

(2) Elke sertifikaat van registrasie van 'n gebruiklike verbinding waarvoor enige fooi ingevolge hierdie regulasie betaalbaar is, is gebosselleer met 'n seël ter aanduiding van sodanige fooi en is geëndosseer om aan te dui dat dit sonder veranderings uitgereik is, en indien nie so gebosseer en geëndosseer nie het geen sodanige sertifikaat regsgeldigheid nie.

(3) Besonderhede van elke sertifikaat deur die registrateur kragtens hierdie regulasie uitgereik word ten tyde van sodanige uitreiking deur hom aangeteken op die gepaste folio van die register van gebruiklike verbindings wesenlik in die vorm voorgeskryf in die laaste afdeling van Deel C van Aanhangsel 1.

Betalings of Terugbetalings van Lobolo.

9. (1) Die registrateur weier nie om 'n gebruiklike verbinding te registreer nie uitsluitlik op grond daarvan—

(a) dat in die tersaaklike deklarasies die *lobolo* waaroor ooreengekom is verswyg word, mits hy oortuig is dat die toepaslike Bantoereg en -gewoonte nie voorsiening maak vir 'n bepaalde *lobolo* nie of bekendmaking daarvan deur een van beide of albei partye tot die ooreenkoms nie vereis nie; of

(b) dat die deklarasies van die betrokke partye teenstrydig is met betrekking tot die hoeveelheid *lobolo* wat werklik of simbolies oorbetal of oorhandig is ten opsigte van sodanige verbinding op die datum van sodanige deklarasie tensy hy oortuig is dat die uitwerking van die betaling, indien enige, wat in die een of ander van die deklarasies beweer word sodanige verbinding onvoltooid sou laat ingevolge die toepaslike Bantoereg en -gewoonte.

(2) Die betrokke registrateur is, ten opsigte van enige gebruiklike verbinding wat ingevolge die bepaling van hierdie regulasies geregistreer is, bevoeg om op die persoonlike aansoek van albei partye tot 'n onbetwiste betaling van *lobolo* wat na die datum van sodanige registrasie geskied het, besonderhede van sodanige betaling in die voorgeskrewe vorm aan te teken voor- of agterop Deel D van die betrokke registrasie van sodanige verbinding in sy register van gebruiklike verbindings.

(3) Die bepaling van subregulasie (2) geld *mutatis mutandis* ten opsigte van enige *lobolo* wat na die registrasie ingevolge die bepaling van hierdie regulasies van enige nietigverklaring of ontbinding van enige gebruiklike verbinding terugbetaal is: Met dien verstande dat sodanige aantekening in die voorgeskrewe vorm agterop die betrokke sertifikaat in die nietigverklarings- en ontbindingsregister waarna in regulasie 12 (1) verwys word en nie in die register van gebruiklike verbindings nie, gemaak word.

Certificates of Annulment or Dissolution of Customary Unions.

10. (1) Whenever in a civil action between the parties to a customary union which has been registered in terms of these regulations an order for the return of *lobolo* or of annulment or dissolution of such union is sought and is granted, or the court makes a finding that such union had been annulled or dissolved, the presiding officer shall cause a certificate substantially in the form prescribed in Part A of Annexure 5 to be completed and transmitted to the registrar by whom such union was registered.

(2) The presiding officer may, in any civil action in which an order or finding referred to in subregulation (1) is sought, at any time before judgment, whenever in his discretion he deems it necessary, from time to time or *sine die* and subject to such order as to costs as he may deem just, postpone the hearing or the granting of default judgment until there shall have been produced to him proof to his satisfaction to establish the registration or non-registration of any customary union or the annulment or dissolution of any such union in issue in such action: Provided that a certificate of non-registration of a customary union or its annulment or dissolution, substantially in the form prescribed in Annexure 6, furnished by the registrar competent in terms of these regulations to have effected registration of such union or its annulment or dissolution shall, for the purposes of this subsection, be deemed to be satisfactory proof of such non-registration.

11. (1) Whenever any registered customary union has, in accordance with the Bantu law and custom applicable, for just cause been lawfully annulled or dissolved other than by an order of a court of competent jurisdiction, and there is no dispute as to the *lobolo*, if any, to be refunded, the parties to such union may in person apply to the Bantu Authority having jurisdiction in the Bantu area wherein the male partner is domiciled for a certificate of annulment or dissolution: Provided that if no Bantu Authority has been established in respect of such Bantu area such application shall be made to the chief of such area, or if no chief has jurisdiction, to the Bantu Affairs Commissioner concerned.

(2) If the Bantu Authority at a duly constituted meeting of such Authority, or the chief or the Bantu Affairs Commissioner referred to in subregulation (1), after such enquiry, including the hearing of evidence and the production of such other proof as it or he may deem necessary, is satisfied that the requirements specified in the said subregulation in respect of such customary union and its annulment or dissolution have been met, the Chairman of such Authority or the chief or the Bantu Affairs Commissioner, as the case may be, shall issue a certificate of extra-judicial annulment or dissolution of a customary union substantially in the form prescribed in Part A of Annexure 7.

(3) An application made in terms of subregulation (1) shall not be considered by any Bantu Authority, chief or Bantu Affairs Commissioner unless the relative certificate of registration of a customary union in the prescribed form is produced as evidence of the registration of such union.

Sertifikaat van Nietigverklaring of Ontbinding van Gebruiklike Verbinding.

10. (1) Wanneer ook al in 'n siviele geding tussen die partye in 'n gebruiklike verbinding wat ingevolge hierdie regulasies geregistreer is 'n bevel vir die teruggawe van *lobolo* of van nietigverklaring of ontbinding van sodanige verbinding aangevra en toegestaan word, of die hof 'n bevinding maak dat sodanige verbinding reeds nietig verklaar of ontbind was, laat die voorsittende beampte 'n sertifikaat voltooi wesenlik in die vorm in Deel A van Aanhangel 5 voorgeskryf en dit aan die registrateur wat sodanige verbinding geregistreer het deurstuur.

(2) Die voorsittende beampte kan in enige siviele geding waarin 'n bevel of bevinding vermeld in subregulasie (1) aangevra word, te eniger tyd voor uitspraak, wanneer ookal hy dit na goeë dunks dienstig ag, van tyd tot tyd of *sine die* en onderhewig aan sodanige kostebevel as wat hy billik ag, die verhoor of die toestaan van uitspraak by verstek uitstel tot tyd en wyl daar tot sy bevrediging bewys gelewer is ter staving van die registrasie of nie-registrasie van enige gebruiklike verbinding of die nietigverklaring of ontbinding van enige sodanige verbinding wat die geskilpunt in sodanige geding is: Met dien verbinding of die nietigverklaring of ontbinding daarvan, stande dat 'n sertifikaat van nie-registrasie van 'n gebruiklike verbinding of die nietigverklaring of ontbinding daarvan, wesenlik in die vorm voorgeskryf in Aanhangel 6, en deur die registrateur verstrek wat ingevolge hierdie regulasies bevoeg sou gewees het om sodanige verbinding of die nietigverklaring of ontbinding daarvan te registreer, vir doeleindes van hierdie subartikel as afdoende bewys van sodanige nie-registrasie geag word.

11. (1) Wanneer ookal enige geregistreerde gebruiklike verbinding ooreenkomstig die toepaslike Bantoreg en -gewoonte op deugdelike regsgronde wettiglik nietig verklaar of ontbind is anders as deur 'n bevel van 'n regsbevoegde hof, en die *lobolo*, indien daar is, wat terugbetaal moet word nie betwis word nie kan die partye in sodanige verbinding persoonlik by die Bantoe-owerheid met regsbevoegdheid in die Bantoegebied waarin die manlike deelgenoot gedomiseleer is aansoek doen om 'n sertifikaat van nietigverklaring of ontbinding: Met dien verstande dat as geen Bantoe-owerheid ten opsigte van sodanige gebied ingestel is nie sodanige aansoek by die kaptein van sodanige gebied gedoen word, of indien geen kaptein regsbevoegdheid het nie, by die betrokke Bantoesake-kommissaris.

(2) As die Bantoe-owerheid by 'n behoorlike saamgestelde vergadering van sodanige owerheid, of die kaptein of die Bantoesakekommissaris vermeld in subregulasie (1), na sodanige ondersoek, met inbegrip van die aanhoor van getuies en die voorlegging van sodanige ander bewys as wat dit of hy noodsaaklik ag, tevrede is dat daar voldoen is aan die vereistes in bedoelde subregulasie gespesifiseer met betrekking tot sodanige gebruiklike verbinding en die nietigverklaring of ontbinding daarvan, reik die voorsitter van sodanige owerheid of die kaptein of die Bantoesakekommissaris, na gelang van die geval, 'n sertifikaat uit van buiteregterlike nietigverklaring of ontbinding van 'n gebruiklike verbinding wesenlik in die vorm in Deel A van Aanhangel 7 voorgeskryf.

(3) 'n Aansoek ingevolge subregulasie (1) gedoen word nie deur enige Bantoe-owerheid, kaptein of Bantoesakekommissaris oorweeg nie tensy die betrokke sertifikaat van registrasie van 'n gebruiklike verbinding in die voorgeskrewe vorm ter staving van die registrasie van sodanige verbinding voorgelê word.

(4) Every certificate issued in terms of subregulation (2) shall forthwith be transmitted by the person granting it, together with the certificate referred to in subregulation (3), to the registrar concerned.

(5) Nothing herein contained shall be construed as conferring on any body or person any greater jurisdiction, rights or powers than those already in existence at the commencement of these regulations, to agree to or grant or order the annulment or dissolution of a customary union.

Registration of Certificates of Annulment or Dissolution.

12. (1) The registrar shall on receipt by him of a certificate referred to in regulation 10 (1) or 11 (2) allot a folio number to such certificate and effect registration of the annulment or dissolution of the customary union referred to in such certificate by making an endorsement by means of a rubber stamp the impression of which shall be substantially in the form prescribed in Annexure 8, on Part A of the relevant registration of such union in his register of customary unions, and after completion of Part B thereof file such certificate in a register termed the annulments or dissolutions register.

(2) Every certificate of registration of a customary union issued prior to the registration of the annulment or dissolution of the customary union to which it relates shall upon the registration of such annulment or dissolution in the manner herein provided lapse, and every such certificate shall on its production to the registrar concerned be endorsed by means of the rubber stamp referred to in subregulation (1).

(3) Subject to the endorsement referred to in this regulation being made by the registrar on such certificate, the provisions of regulation 8 shall *mutatis mutandis* apply to the issue by such registrar to any person of a certificate in the form prescribed in Annexure 4 in proof of the registration of the annulment or dissolution of the customary union referred to therein.

Registers and Records: General Provisions.

13. (1) Every Bantu Affairs Commissioner shall, in accordance with the directions of the Secretary, upon the establishment of a tribal or community authority for any Bantu area under his jurisdiction open and maintain a separate set of registers and records specified in these regulations in respect of any one or more such areas or any other area under the jurisdiction of a Bantu Authority already established at the commencement of these regulations.

(2) Upon the appointment of a registrar in terms of regulation 2 (2) any registers and records opened and maintained in terms of subregulation (1) hereof in respect of the area for which such registrar is appointed shall be transferred by the Bantu Affairs Commissioner concerned to the custody of such registrar who shall thereupon have all the powers, duties and functions of a registrar specified herein in respect of such registers or records.

(3) The Secretary may, in his discretion, at any time authorise or direct the transfer of any registers and the relevant records maintained in terms of these regulations from the custody of one registrar to that of another who shall thereupon for all purposes be deemed to have all the powers, duties and functions of a registrar specified herein in respect of such registers or records.

(4) Elke sertifikaat kragtens subregulasie (2) uitgereik word onverwyld deur die persoon wat dit toegestaan het, tesame met die sertifikaat in subregulasie (3) vermeld, aan die betrokke registrateur versend.

(5) Niks hierin vervat word uitgelê as sou dit aan enige liggaam of persoon meer regsbevoegdheid, regte of magte verleen as dié wat reeds by die inwerkingtreding van hierdie regulasie bestaan het om tot die nietigverklaring of ontbinding van 'n gebruklike verbinding in te stem of dit te gelas nie.

Registrasie van Sertifikate van Nietigverklaring of Ontbinding.

12. (1) Die registrateur ken by ontvangs deur hom van 'n sertifikaat in regulasie 10 (1) of 11 (2) vermeld, 'n folio nommer aan sodanige sertifikaat toe en registreer die nietigverklaring of ontbinding van die gebruklike verbinding in sodanige sertifikaat vermeld deur 'n endossement by wyse van 'n rubberstempel, waarvan die afdruk wesenlik in die vorm in Aanhangsel 8 voorgeskryf moet wees, op Deel A van die betrokke registrasie van sodanige verbinding in sy register van gebruklike verbindings aan te bring, en nadat Deel B daarvan voltooi is, sodanige sertifikaat te bêre in 'n register wat die nietigverklarings- of ontbindingsregister heet.

(2) Elke sertifikaat van registrasie van 'n gebruklike verbinding wat uitgereik is voor die registrasie van die nietigverklaring of ontbinding van die gebruklike verbinding waarop dit betrekking het verval sodra sodanige nietigverklaring of ontbinding geregistreer word soos hierin bepaal, en elke sodanige sertifikaat word by voorlegging aan die registrateur deur hom geëndosseer met die rubberstempel in subregulasie (1) vermeld.

(3) Behoudens die aanbring deur die registrateur op sodanige sertifikaat van die endossement in hierdie regulasie vermeld, geld die bepalings van regulasie 8 *mutatis mutandis* ten opsigte van die uitreik deur sodanige registrateur aan enige persoon van 'n sertifikaat in die vorm in Aanhangsel 4 voorgeskryf ter staving van die registrasie van die nietigverklaring of ontbinding van die gebruklike verbinding daarin vermeld.

Registers en Rekords: Algemene Bepalings.

13. (1) Iedere Bantoesakekommissaris moet ooreenkomstig die voorskrifte van die Sekretaris, sodra 'n stam- of gemeenskapsowerheid vir enige Bantoegebied binne sy regsgebied ingesêl is, 'n afsonderlike stel registers en rekords in hierdie regulasies gespesifiseer open en in stand hou ten opsigte van enige een of meer van sodanige gebiede, of enige ander gebied onder die regsbevoegdheid van 'n Bantoeowerheid wat reeds by die inwerkingtreding van hierdie regulasies ingestel was.

(2) By die aanstelling van 'n registrateur ingevolge regulasie 2 (2) word enige registers en rekords wat ooreenkomstig subregulasie (1) hiervan geopen en in stand gehou was met betrekking tot die gebied ten opsigte waarvan sodanige registrateur aangestel is, oorgeplaas deur die betrokke Bantoesakekommissaris na die bewaring van sodanige registrateur wat daarna oor al die magte, verpligtinge en bevoegdhede van 'n registrateur hierin gespesifiseer ten opsigte van sodanige registers en rekords beskik.

(3) Die Sekretaris kan na goeëdunke te eniger tyd die oorplasing magtig of beveel van registers en die tersaaklike rekords wat ingevolge hierdie regulasies in stand gehou is vanuit die bewaring van een registrateur na die van 'n ander wat daarna vir alle doeleindes geag word oor al die magte, verpligtinge en bevoegdhede van 'n registrateur soos hierin gespesifiseer ten opsigte van sodanige registers of rekords te beskik.

14. (1) Except as in these regulations otherwise provided or when specially authorised thereto by order of a court of competent jurisdiction, no person shall in any manner add to, amend, vary or alter any of the entries on any document relating to the registration of any customary union or its annulment or dissolution, after such document has been registered by any registrar in terms of these regulations.

(2) Except in regard to the deletion of inapplicable words printed on any form or declaration prescribed in these regulations, every alteration to or deletion of anything entered on any such form or declaration, not being a document referred to in regulation 8 (1), shall be initialed by the declarant and the witness to his signature and, in the case of any such declaration which is required to be attested before any person, by such attestor and the interpreter.

15. (1) The registrar shall, in respect of any application for the registration of a customary union granted or refused by him, in such form as the Secretary may direct—

(a) maintain an index in numerical sequence of the male partners' national identity numbers;

(b) furnish returns of such unions and of the registration of their annulment or dissolution at such intervals and to such persons as the Secretary may specify.

(2) All registers and records maintained by any registrar in terms of these regulations shall at all convenient times be open for inspection, free of charge, by any person interested in any entry therein or by any Bantu Affairs Commissioner.

(3) A copy of any folio filed in any register maintained in terms of these regulations, certified by the registrar as a true copy, may on the application of any person having an interest therein and on prepayment of a fee of 10c affixed to such copy by means of revenue stamps, be issued to such person, and any such copy so stamped and certified shall for all purposes be *prima facie* evidence of the contents of the original: Provided that a fee of R1 shall be paid for a copy of any folio substantially in the form prescribed in Part A of Annexure 1: And provided further that any such copy may, for official purposes, be issued free of charge if the registrar endorses such copy accordingly.

(4) For the purposes of subregulation (3) a copy of any folio bearing entries on both sides shall in addition be certified, free of charge, on its reverse side.

Order to Apply for Registration.

16. (1) Whenever any Bantu Affairs Commissioner or chief has reason to believe that a valid unregistered customary union subsists between any woman and a Bantu male domiciled in the area under his jurisdiction, or that any customary union which has been registered has been lawfully annulled or dissolved, he may, on the application of the male or female partner in such union

14. (1) Uitgesonderd soos in hierdie regulasies andersins bepaal of wanneer uitdruklik daartoe gemagtig deur die bevel van 'n regsbevoegde hof, mag geen persoon op enige wyse hoegenaamd enigiets by of aan enige van die inskrywings op enige dokument met betrekking tot die registrasie van 'n gebruikelike verbinding of die nietigverklaring of ontbinding daarvan voeg, wysig of verander nie nadat sodanige dokument kragtens hierdie regulasies deur enige registrateur geregistreer is.

(2) Behalwe wat betref die deurhaling van ontoepaslike woorde wat gedruk is op enige vorm of deklarasie in hierdie regulasies voorgeskryf, moet elke verandering aan of skrapping van enige inskrywing aangebring op sodanige vorm of deklarasie, uitgesonderd 'n dokument in regulasie 8 (1) vermeld, geparafeer word deur die deklaratant en die getuie wat sy handtekening bevestig het en, in die geval van enige sodanige deklarasie wat voor enige persoon geattesteer moet word, deur sodanige persoon en die tolk.

15. (1) Die registrateur moet, ten opsigte van enige aansoek om registrasie van 'n gebruikelike verbinding deur hom toegestaan of geweier, in sodanige vorm as wat die Sekretaris mag bepaal—

(a) 'n indeks in numerieke orde van die manlike deelgenote se persoonsnommers byhou;

(b) opgawes verstrek van sodanige verbindings en van die registrasie van hul nietigverklaring of ontbinding by sodanige tussenposes en aan sodanige persone as wat deur die Sekretaris bepaal mag word.

(2) Alle registers en rekords wat deur enige registrateur kragtens hierdie regulasies in stand gehou word lê te alle geleë tye kosteloos ter insae van enige persoon wat by enige inskrywing daarin belang het of deur enige Bantoesakekommissaris.

(3) 'n Afskrif van enige folio geliasseer in enige register ingevolge hierdie regulasie in stand gehou en wat deur die registrateur as 'n juiste afskrif gewaarmerk is, word op aansoek van enige persoon wat daarby belang het en by vooruitbetaling van 'n fooi van 10 sent wat op sodanige afskrif by wyse van inkomsteseëls opgeplak is, aan sodanige persoon uitgereik, en enige sodanige afskrif aldus geseël en gewaarmerk is vir alle doeleindes *prima facie* bewys van die inhoud van die oorspronklike: Met dien verstande dat ten opsigte van 'n afskrif van enige folio wesenlik in die vorm bepaal in Deel A van Aanhangsel 1 of 3, 'n fooi van R1 betaalbaar is: Voorts met dien verstande dat enige sodanige afskrif vir amptelike doeleindes kosteloos uitgereik word mits die registrateur sodanige afskrif dienooreenkomstig endosseer.

(4) Vir doeleindes van subregulasie (3) word 'n afskrif van enige folio wat inskrywings op albei kante daarvan het boonop op die agterkant daarvan kosteloos gewaarmerk.

Bevel om Aansoek om Registrasie te Doen.

16. (1) Wanneer enige Bantoesakekommissaris of kaptein ook al rede het om te glo dat 'n geldige ongeregistreerde gebruikelike verbinding tussen enige vrou en 'n manlike Bantoe wat in die gebied onder sy regsbevoegdheid gedomiseleer is bestaan, of dat enige gebruikelike verbinding wat geregistreer is wettiglik nietig verklaar of ontbind is, kan hy op aansoek van die manlike of vroulike

or the contracting guardian or his heir, by notice in writing order any person named in such notice to appear at a time and place and on a date specified therein—

(a) before a registrar for the purpose of applying for the registration of any such union which has not been registered; or

(b) before a chief for the purpose of applying for the issue of a certificate in terms of regulation 11 in respect of the annulment or dissolution of any such registered union:

Provided that whenever any person named in any such order is or is resident outside the area under the jurisdiction of such chief any Bantu Affairs Commissioner may, in the manner herein-before provided, order such person to appear before him to complete the required declaration, or to appear before such chief to apply for such certificate, as the case may be.

(2) The original of any notice issued in terms of subregulation (1), duly endorsed by the person serving it, shall on its mere production in any court be *prima facie* evidence that the contents thereof came to the notice of the person on whom it was served.

(3) The issue of an order on any person in terms of this regulation shall not be a defence to a criminal charge arising out of any false statement made by such person.

Special Witnesses at Customary Union.

17. (1) Whenever in terms of the Bantu law and custom applicable the presence of any person other than the parties referred to in regulation 4 (1) at the proceedings relating to the contracting of a customary union is essential to the validity thereof, the registrar may refuse to register such union unless such person shall have made a declaration in writing confirming that such union was duly contracted in his presence and setting out such further details relating to such contract as may be material or as may be requested by the parties.

(2) A declaration made in terms of subregulation (1) shall be dated and signed by the declarant and the witness to his signature, and indicate the capacity in which he acted; and such declaration may be endorsed on the reverse of the relative declaration made in terms of regulation 4 (1).

Appeals.

18. (1) Any person claiming to be a partner in a customary union which a registrar has in terms of regulation 6 (2) refused to register may, within 30 days of the date on which he received the refusal notice, appeal against such decision—

(a) in the case of a refusal notice issued by a registrar appointed in terms of regulation 2 (2), to the Bantu Affairs Commissioner concerned; or

(b) in the case of a refusal notice issued by any other registrar, to the Chief Bantu Affairs Commissioner concerned;

by lodging with such registrar a written notice of appeal setting out details of the decision appealed against and his grounds of appeal.

deelgenoot in sodanige verbinding of van die kontrakterende voog of sy erfgenaam, by skriftelike kennisgewing enige persoon in sodanige kennisgewing vermeld, beveel om op 'n tyd, plek en datum daarin gespesifiseer—

(a) voor 'n registrateur te verskyn ten einde aansoek te doen om die registrasie van enige sodanige verbinding wat nog nie geregistreer is nie; of

(b) voor 'n kaptein te verskyn ten einde aansoek te doen om die uitreiking van 'n sertifikaat ingevolge regulasie 11 ten opsigte van die nietigverklaring of ontbinding van enige sodanige geregistreerde verbinding:

Met dien verstande dat wanneer ook al enige persoon in sodanige bevel genoem buite die gebied onder die jurisdiksie van sodanige kaptein is of woon, kan enige Bantoesakekommissaris, ooreenkomstig voorafgaande bepalings, sodanige persoon beveel om voor hom te verskyn ten einde die benodigde deklarasie te voltooi, of om voor sodanige kaptein te verskyn ten einde aansoek om sodanige sertifikaat te doen, al na gelang van die geval.

(2) Die oorspronklike kennisgewing kragtens subregulasie (1) uitgereik, en na behore deur die persoon wat dit beteken het geëndosseer, is by blote oorlegging daarvan aan enige hof *prima facie* bewys dat die inhoud daarvan onder die aandag van die persoon aan wie dit beteken is, gekom het.

(3) Die uitreiking ingevolge hierdie regulasie van 'n bevel aan enige persoon is nie 'n afdoende verweer teen 'n strafregtelike aanklag gegrond op enige valse verklaring deur sodanige persoon gedoen nie.

Spesiale Getuies by Gebruiklike Verbinding.

17. (1) Wanneer ook al ingevolge die toepaslike Bantoreg en -gewoonte die teenwoordigheid van enige ander persoon as die partye in regulasie 4 (1) vermeld by die verrigtinge met betrekking tot die voltrekking van 'n gebruiklike verbinding noodsaaklik is vir die geldigheid daarvan, kan die registrateur weier om sodanige verbinding te registreer tensy sodanige persoon 'n skriftelike verklaring afgelê het waarin hy bevestig dat sodanige verbinding in sy teenwoordigheid voltrek is en sodanige verdere besonderhede betreffende sodanige kontrak aantip, as wat tersaaklik is of wat deur die partye aangevra word.

(2) 'n Verklaring ingevolge subregulasie (1) gedoen word gedateer en deur die verklaarder en die getuie tot sy handtekening onderteken en moet die hoedanigheid waarin hy opgetree het aandui; en sodanige verklaring kan agterop die betrokke deklarasie ingevolge regulasie 4 (1) gedoen, geëndosseer word.

Appèlle.

18. (1) Enigiemand wat daarop aanspraak maak dat hy 'n deelgenoot is in 'n gebruiklike verbinding wat 'n registrateur ingevolge regulasie 6 (2) geweier het om te registreer kan binne 30 dae na die datum waarop hy die weieringskennisgewing ontvang het, teen sodanige beslissing appelleer—

(a) in die geval van 'n weieringskennisgewing deur 'n kragtens regulasie 2 (2) aangestelde registrateur uitgereik, by die betrokke Bantoesakekommissaris; of

(b) in die geval van 'n weieringskennisgewing deur enige ander registrateur uitgereik, by die betrokke Hoofbantoesakekommissaris;

deur by sodanige registrateur skriftelike kennisgewing van appèl in te dien waarin 'n uiteensetting van die beslissing waarteen geappelleer word en die appèlgronde gegee word.

(2) The registrar shall within 7 days of receiving such notice transmit it to the person authorised in terms of this regulation to hear the appeal, together with the documents relating to the application for registration and such observations as he may wish to offer.

(3) The Bantu Affairs Commissioner or the Chief Bantu Affairs Commissioner authorised to hear the appeal may administratively enquire into the matter and obtain such further information as he may consider necessary and may by order confirm, vary or set aside any decision appealed against or give such other direction as he may consider just, whereupon such order shall be deemed to be the decision of the registrar concerned who shall forthwith give effect thereto, in so far as may be necessary.

Offences and Penalties.

19. Any person who—

(a) wilfully destroys or injures or renders illegible or causes to be destroyed or injured or rendered illegible any certificate, register or certified copy issued or maintained in terms of these regulations or any part thereof or falsely makes or counterfeits or causes to be falsely made or counterfeited any such certificate, or register or certified copy thereof or any part thereof;

(b) wilfully inserts or causes to be inserted in any such certificate, register or certified copy or part thereof or on any form or declaration made in terms of these regulations or on any part thereof, any false entry;

(c) wilfully gives or utters any false certificate or certifies any writing to be a copy of or extract from such register knowing such copy or extract to be false in any part;

(d) having the custody or care of any register, knowingly permits any act, herein-before referred to, to be committed or who negligently loses such register or injures it or allows it to be lost or injured;

(e) wilfully makse or causes to be made for the purpose of being inserted on or in any certificate, form, declaration or register prescribed or maintained under these regulations, any false statement or entry relating to any of the particulars or information required or permitted by these regulations to be so inserted or registered;

(f) falsely represents himself to any person as a registrar or with intent to deceive carries out any of the functions or performs any of the duties of a registrar whilst not holding office as such;

(g) forges or counterfeits the signature of any registrar or Bantu Affairs Commissioner or counterfeits or makes unauthorised use of any rubber stamp referred to in these regulations;

(h) knowingly and with intent to deceive claims to be a partner to a customary union which was never contracted or impersonates any of the parties to any registered or unregistered customary union;

(i) without reasonable cause fails or refuses to comply with any order made in terms of regulation 16 (1);

shall be guilty of an offence and liable on conviction to a fine not exceeding R100 or in default of payment to imprisonment for a period not exceeding 100 days.

(2) Binne 7 dae nadat hy sodanige kennisgewing ontvang het stuur die registrateur dit aan die persoon wat kragtens hierdie regulasie bevoeg is om sodanige appèl te verhoor, tesame met die stukke wat betrekking het op die aansoek om registrasie en sodanige kommentaar as wat hy dienstig ag.

(3) Die Bantoesakekommissaris of die Hoofbantoesakekommissaris daartoe gemagtig om die appèl te verhoor kan die geval administratief ondersoek en sodanige verdere inligting verkry as wat hy dienstig ag en kan beveel dat enige beslissing waarteen appèl aangeteken is bekragtig, gewysig of tersyde gestel word of sodanige ander opdragte gee as wat hy regverdig ag waarop sodanige bevel geag word die beslissing van die betrokke registrateur te wees wat dit onverwyld, en insoverre dit nodig mag wees, uitvoer.

Oortredings en Strafbepalings.

19. Iemand wat—

(a) opsetlik enige sertifikaat, register of gesertifiseerde afskrif daarvan of enige deel daarvan kragtens hierdie regulasies uitgereik of in stand gehou vernietig of beskadig of onleesbaar maak of dit laat vernietig of beskadig of onleesbaar maak of wat enige sodanige sertifikaat of register of gesertifiseerde afskrif daarvan of enige deel daarvan vervals of namaak of dit laat vervals of namaak;

(b) opsetlik in enige sodanige sertifikaat, register of gesertifiseerde afskrif of deel daarvan of op enige vorm of deklarasie ingevolge hierdie regulasies afgelê of op enige deel daarvan, 'n valse inskrywing maak of laat maak;

(c) opsetlik 'n valse sertifikaat gee of uitgee of sertifiseer dat enige geskrif 'n afskrif van of 'n uittreksel uit sodanige register is wetende dat sodanige afskrif of uittreksel in een of ander opsig vals is;

(d) terwyl hy enige register in sy sorg of bewaring het, wetend toelaat dat enige daad waarna hierbo verwys word gepleeg word of wat sodanige register deur nalatigheid verloor of beskadig of toelaat dat dit verlore gaan of beskadig word;

(e) opsetlik, en met die doel dat dit aangeteken word op of in enige sertifikaat, vorm, deklarasie of register ingevolge hierdie regulasies voorgeskryf of in stand gehou, enige valse verklaring of inskrywing doen of maak of laat doen of maak betreffende enige van die besonderhede of inligting die aantekening of registrasie waarvan ingevolge hierdie regulasies verpligtend of toelaatbaar is;

(f) homself valslik as 'n registrateur aan 'n ander persoon voordoen of met die opset om te bedrieg enige van die bevoegdhede of pligte van 'n registrateur uitoefen of vervul terwyl hy nie sodanige amp beklee nie;

(g) die handtekening van enige registrateur of Bantoesakekommissaris vervals of namaak of enige stempel waarna in hierdie regulasies verwys word namaak of onwettige gebruik daarvan maak;

(h) wetens en met die opset om te bedrieg daarop aanspraak maak dat hy 'n deelgenoot is in 'n gebruiklike verbinding wat nooit aangegaan is nie of homself as enigeen van die partye in enige geregistreerde of ongeregistreerde gebruiklike binding voordoen;

(i) sonder redelike oorsaak in gebreke bly of weier om te voldoen aan enige bevel kragtens regulasie 16 (1) uitgevaardig;

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R100 of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens 100 dae.

B.A. 223 A.

Serial No. _____

ANNEXURE 1.
REPUBLIC OF SOUTH AFRICA.
CUSTOMARY UNION REGISTER.

PART A.

WHEREAS I have satisfied myself from the declarations contained in Parts B, C and D, hereunto annexed, made respectively by the declarants named therein, that a customary union was validly entered into between—

_____ Id. No. _____ (Male Partner)

and

_____ Id. No. _____ (Female Partner)

duly assisted by

_____ Id. No. _____ *(Heir to the Contracting Guardian);

And whereas I am satisfied from the said declarations that neither of the said partners thereafter contracted any marriage according to Christian Rites and that the said union has not previously been annulled or dissolved and has not previously been registered;

And whereas no good cause has been shown for refusing the application for the registration of the said union whereof the said male partner is a Bantu who was at the time he contracted such union domiciled in the Bantu area of _____;

This is therefore to certify that I do hereby register the said customary union under serial number _____ of 19_____

Date Stamp.

Registrar of Customary Unions.

(For record of certificates of customary union issued: See Part C.)

* Delete inapplicable words.

B.A. 223 B.

CUSTOMARY UNION REGISTER.

PART B.

DECLARATION BY MALE PARTNER.

I, _____ Id. No. _____, the undersigned, declare that—

(1) I am a Bantu male, and the son of _____;

(2) on (or about) _____ in the district of _____ I entered into a customary union with _____ the daughter of _____ of the _____ Tribe, district of _____ who was *alive/deceased at the time of his said daughter's union, which has not been annulled or dissolved, and has not previously been registered;

(3) at the time when I contracted the said union my district of domicile was _____ under *Chief/Headman _____ of the _____ Tribe;

*(4) I have never been married according to Christian Rites/I was married by Christian Rites to _____ who died/from whom I was divorced on _____;

(5) the *lobolo* (*bogadi*) agreed on in respect of the said union was _____ of which _____ has to date been paid or handed over to _____;

(6) the house established by this customary union ranks as the _____ and was *not affiliated to any other house/affiliated to _____ for the purpose of _____.

Date _____

Signature of Declarant.

Witness _____ Place _____

Declaration read over and interpreted to the declarant who confirmed that it is correctly recorded.

Signed before me:

Interpreter.

Bantu Affairs Commissioner/
Registrar of Customary Unions.

Date Stamp.

* Delete inapplicable words.

B.A. 223 A.

Volgnommer _____

AANHANGSEL 1.
REPUBLIEK VAN SUID-AFRIKA.
REGISTER VAN GEBRUIKLIKE VERBINDING.
DEEL A.

NADEMAAL ek myself daarvan vergewis het volgens die deklarasies vervat in Dele B, C en D hierby aangeheg, en onderskeidelik deur die deklarante daarin vermeld gemaak, dat 'n gebruike verbinding wettiglik aangegaan is tussen—

_____ Persno. _____ (Manlike Deelgenoot)

en

_____ Persno. _____ (Vroulike Deelgenoot)

na behore bygestaan deur

_____ Persno. _____ *(Erfgenaam van/Kontrakterende Voog);

En nademaal ek van genoemde deklarasies tevrede is dat nóg die een nóg die ander deelgenoot daarna enige huwelike ingevolge kerklike gebruik aangegaan het en dat sodanige verbinding nie voorheen nietig verklaar of ontbind is nie, en nie vantevore geregistreer is nie;

En nademaal geen afdoende gronde aangevoer is vir die weiering van die aansoek om sodanige verbinding te registreer ten opsigte waarvan genoemde manlike deelgenoot 'n Bantoe is wat toe hy sodanige verbinding aangegaan het, gedomisiileer was in die Bantoegebied van _____;

So word derhalwe gesertifiseer dat ek hierby genoemde gebruike verbinding registreer onder volgnommer _____ van 19_____

Datumstempel.

Registrateur van Gebruike Verbindings.

(Vir rekord van sertifikate van gebruike verbinding uitgereik: Sien Deel C.)

* Skrap ontoepaslike woorde.

B.A. 223 B.

REGISTER VAN GEBRUIKLIKE VERBINDING.

DEEL B.

DEKLARASIE VAN MANLIKE DEELGENOOT.

Ek, _____ Persno. _____, die ondergetekende verklaar dat—

(1) ek 'n manlike Bantoe is, en die seun van _____;

(2) op (of omstreeks) _____ in die distrik _____ het ek 'n gebruike verbinding aangegaan met _____ die dogter van _____ van die _____ stam, distrik _____ wat in *lewe/oorlede was ten tyde van sy gemelde dogter se verbinding wat nog nie nietig verklaar of ontbind en nie voorheen geregistreer was nie;

(3) toe ek genoemde verbinding aangegaan het was ek gedomisiileer in die distrik _____ onder *kaptein/hoofman _____ van die _____ stam;

*(4) ek het nog nooit 'n huwelik ingevolge kerklike gebruik aangegaan nie/ek het 'n huwelik ingevolge kerklike gebruik aangegaan met _____ wat oorlede is/van wie ek geskei was op _____;

(5) die *lobolo* (*bogadi*) waarop ten opsigte van genoemde verbinding ooreengekom is was _____ waarvan _____ tot op datum oorbetal of oorhandig is aan _____;

(6) die huis deur hierdie gebruike verbinding tot stand gebring het die rangorde van _____ en *was nie geaffilieer met enige ander huis nie/was geaffilieer met die _____ vir die doeleindes van _____

Datum _____

Handtekening van Deklarant.

Getuie _____

Plek _____

Deklarasie aan die deklaratant voorgelees en vertolk wat die korrekte aantekening daarvan bevestig het.

Voor my onderteken:

Tolk.

Bantoesakekommissaris/Registrateur van Gebruike Verbindings.

Datumstempel.

* Skrap ontoepaslike woorde.

B.A. 223 C.

CUSTOMARY UNION REGISTER.

PART C.

DECLARATION BY FEMALE PARTNER.

I, _____ Id. No. _____, the undersigned,
declare that—

- (1) I am the female partner in a customary union with _____;
- (2) I was a *widow/divorcée/spinster at the time I contracted the said union and have not since then married according to Christian Rites or contracted any other customary union;
- (3) the said union has not been annulled or dissolved and has not previously been registered.

Witness.

Signature of Declarant.

Date _____

Place _____

Declaration read over and interpreted to the declarant who confirmed that it was correctly recorded.

Signed before me:

Interpreter.

Bantu Affairs Commissioner/
Registrar of Customary Unions.

Date Stamp.

* Delete inapplicable words.

RECORD OF CERTIFICATES OF CUSTOMARY UNION
ISSUED.

Form Number.	Date of Issue.	"Official" or fee paid.	To whom issued.
_____	_____	_____	_____
_____	_____	_____	_____

B.A. 223 D.

CUSTOMARY UNION REGISTER.

PART D.

DECLARATION BY CONTRACTING GUARDIAN OF THE
FEMALE PARTNER IN A CUSTOMARY UNION, OR HIS
HEIR.

I, _____ Id. No. _____ declare that—

- (1) I am the *contracting guardian/heir of the contracting guardian of _____ who entered into a customary union with _____ on _____ in the district of _____, in accordance with the laws and customs of the _____ Tribe;
- (2) the *lobolo* (*bogadi*) agreed on in respect of the said union was _____ of which _____ has to date been paid or handed over and received by _____;
- (3) The said union has not been annulled or dissolved nor has it previously been registered.

Witness.

Signature of Declarant.

Date _____

Place _____

Declaration read over and interpreted to the declarant who confirmed that it was correctly recorded.

Signed before me:

Interpreter.

Bantu Affairs Commissioner/
Registrar of Customary Unions.

Date Stamp.

* Delete inapplicable words.

RECORD OF SUBSEQUENT LOBOLO (BOGADI) PAYMENTS.

Details of payment	_____
Recorded in the presence of	_____
On information furnished by	_____
Signatures of persons furnishing information	_____
Signature of Registrar	_____
Date	_____
Place	_____

B.A. 223 C.

REGISTER VAN GEBRUIKLIKE VERBINDING.

DEEL C.

DEKLARASIE VAN VROULIKE DEELGENOOT.

Ek, _____ Persno. _____, die ondergetekende,
verklaar dat—

- (1) ek die vroulike deelgenoot is in 'n gebruiklike verbinding met _____;
- (2) ek 'n *weduwee/geskei/ongetroude vrou was toe ek genoemde verbinding aangegaan het en dat ek nie sedertdien 'n huwelik ingevolge kerklike gebruik of enige ander gebruiklike verbinding aangegaan het nie;
- (3) voormelde verbinding is nie nietig verklaar of ontbind nie en was nog nie voorheen geregistreer nie.

Getuie.

Handtekening van Deklarant.

Datum _____

Plek _____

Deklarasie aan die deklaratant voorgelees en vertolk wat die korrekte aantekening daarvan bevestig het.

Voor my onderteken:

Tolk.

Bantoesakekommissaris/Regis-
trateur van Gebruiklike Ver-
bindings.

Datumstempel.

* Skrap ontoepaslike woorde.

REKORD VAN SERTIFIKATE VAN GEBRUIKLIKE
VERBINDING UITGEREIK.

Vormnommer.	Datum uitgereik.	Amtelike of foot betaal.	Aan wie uitgereik.
_____	_____	_____	_____
_____	_____	_____	_____

B.A. 223 D.

REGISTER VAN GEBRUIKLIKE VERBINDING.

DEEL D.

DEKLARASIE DEUR KONTRAKTERENDE VOOG VAN
VROULIKE DEELGENOOT IN 'N GEBRUIKLIKE VERBIN-
DING, OF SY ERFGENAAM.

Ek, _____ Persno. _____ verklaar dat—

- (1) ek die *kontrakterende voog/erfgenaam van die kontrakterende voog van _____ wat 'n gebruiklike verbinding aangegaan het met _____ op _____ in die distrik _____, ooreen-
komstig die regte en gewoontes van die _____ stam;
- (2) dat die *lobolo* (*bogadi*) waarop ten opsigte van genoemde ver-
binding ooreengekom is was _____ waarvan _____ tot
op datum oorbetal of oorhandig is aan en ontvang is deur _____;
- (3) voormelde verbinding is nie nietig verklaar of ontbind nie en was
nog nie voorheen geregistreer nie.

Getuie.

Handtekening van Deklarant.

Datum _____

Plek _____

Deklarasie aan die deklaratant voorgelees en vertolk wat die korrekte aantekening daarvan bevestig het.

Voor my onderteken:

Tolk.

Bantoesakekommissaris/Regis-
trateur van Gebruiklike Ver-
bindings.

Datumstempel.

* Skrap ontoepaslike woorde.

REKORD VAN LATERE LOBOLO (BOGADI) BETALINGS.

Besonderhede van betaling	_____
Aangeteken in teenwoordigheid van	_____
Op grond van inligting verstrek deur	_____
Handtekening van persone wat inligting verstrek het	_____
Handtekening van Registrateur	_____
Datum	_____
Plek	_____

B.A. 224.

ANNEXURE 2.
REPUBLIC OF SOUTH AFRICA.

Folio _____

Application for the Registration of a Customary Union:
REFUSAL NOTICE.

To: _____ Id. No. _____

Address _____

You are hereby notified that your application for the registration of a customary union in which you claim to have been the male partner, and to have been contracted with _____ Id. No. _____ as female partner, has been refused by me for the following reasons:—

Date _____
Place _____ Registrar of Customary Unions.

B.A. 225.

Serial No. _____

ANNEXURE 3.
REPUBLIC OF SOUTH AFRICA.
ORDER OF COURT FOR REGISTRATION OF CUSTOMARY UNION.

PART A.

Whereas the Court of the _____, did on _____ grant an application for the _____ by the Registrar of Customary Unions at _____ of the customary union between—
Id No. _____ (Male Partner)
and _____ Id. No. _____ (Female Partner)
duly assisted by _____ Id. No. _____ (Contracting Guardian);

And whereas the Court had before it the attached declarations, in prescribed form, made and confirmed by the said *male/female partner(s)/guardian;

And whereas the Court was satisfied that—

- (1) the said *male/female partner/guardian is for a good reason unable/unreasonably and without just cause refuse(s) or neglect(s) to make or confirm the declaration prescribed in the regulations for the registration of customary unions;
- (2) the said male partner is a Bantu who was, at the time he contracted the said union, domiciled in the Bantu area called _____ in the district of _____;
- (3) that neither of the said partners have since contracting the said union contracted any marriage according to Christian Rites, and the said union had not previously been annulled or dissolved and has not previously been registered;

This is therefore to authorise and require you, the said Registrar to register the said union notwithstanding the said *failure/neglect, or refusal by the said *male/female partner/guardian to make and confirm the prescribed declaration.

Date _____
Place _____ Presiding Officer.

PART B.

Customary Union registered by me under serial No. _____ of 19 _____.

Date _____
Place _____ Registrar of Customary Unions.

* Delete inapplicable words.

B.A. 224.

AANHANGSEL 2.
REPUBLIEK VAN SUID-AFRIKA.

Folio _____

Aansoek om Registrasie van Gebruiklike Verbinding:
WEIERINGSKENNISGEWING.

Aan: _____ Persno. _____

Adres _____

U word hierby in kennis gestel dat u aansoek om registrasie van 'n gebruiklike verbinding ten opsigte waarvan u daarop aanspraak maak die manlike deelgenoot te gewees het en wat u sou aangegaan het met _____ Persno. _____ as vroulike deelgenoot, deur my om die volgende redes geweier is—

Datum _____
Plek _____ Registrateur van Gebruiklike Verbindings.

B.A. 225.

Volgnommer _____

AANHANGSEL 3.
REPUBLIEK VAN SUID-AFRIKA.
HOFBEVEL VIR REGISTRASIE VAN GEBRUIKLIKE VERBINDING.

DEEL A.

Nademaal die _____ hof, te _____ op _____ 'n aansoek toegestaan het vir die registrasie deur die Registrateur van Gebruiklike Verbindings te _____, van die gebruiklike verbinding tussen—

_____ Persno. _____ (Manlike Deelgenoot)
en _____ Persno. _____ (Vroulike Deelgenoot)

na behore bygestaan deur _____ Persno. _____ (Kontrakterende Voog).

En nademaal die Hof insae gehad het in die aangehegte deklarasies, in voorgeskrewe vorm, gedoen en bevestig deur voornoemde *manlike/vroulike deelgenoot (-note)/voog;

En nademaal die Hof homself daarvan vergewis het dat—

- (1) voorneemde *manlike/vroulike deelgenoot/voog om gegronde redes nie daartoe in staat is nie/onbillik en sonder redelike oorsaak weier of nalaat om die deklarasie te doen of te bevestig wat in die regulasies vir die registrasie van gebruiklike verbindings voorgeskryf word;
- (2) voormelde manlike deelgenoot 'n Bantoe is wat, toe hy genoemde verbinding aangegaan het, in die Bantoegebied van _____ in die distrik _____ gedomisileer was;
- (3) dat nog die een nog die ander van genoemde deelgenote sedert hulle genoemde verbinding aangegaan het in 'n huwelik volgens kerkgebruik getree het, en dat voormelde verbinding nie voorheen nietig verklaar of ontbind was nie en nog nie voorheen geregistreer is nie;

So is dit dat toestemming hiermee verleen word aan en van genoemde Registrateur vereis word dat hy genoemde verbinding registreer ondanks genoemde *versuim/nalatigheid of weiering van genoemde manlike/vroulike deelgenoot/voog om die voorgeskrewe deklarasie te doen en te bevestig:

Datum _____
Plek _____ Voorsittende Beampte.

DEEL B.

Gebruiklike verbinding deur my geregistreer onder volgnommer _____ van 19 _____.

Datum _____
Plek _____ Registrateur van Gebruiklike Verbindings.

* Skrap ontoepaslike woorde.

B.A. 226.

ANNEXURE 4.
REPUBLIC OF SOUTH AFRICA.
CERTIFICATE OF REGISTRATION OF CUSTOMARY UNION.
R1.00.
(Stamp Embossed.)

This is to certify that a customary union entered into according to Bantu law and custom between—
Id. No. _____
and _____ Id. No. _____
is registered in the office of the _____ at _____ under Serial No. _____ of 19 _____.
Date Stamp. _____
Registrar of Customary Unions.

B.A. 227.

Folio _____

ANNEXURE 5.
REPUBLIC OF SOUTH AFRICA.
CERTIFICATE OF JUDICIAL ORDER OR FINDING MADE
IN RESPECT OF THE ANNULMENT OR DISSOLUTION OF
A CUSTOMARY UNION.

PART A.

The Registrar of Customary Unions,

I, the undersigned, certify that in the case of _____
versus _____ heard in the Court of the _____
at _____ on _____ the Court—

(1) *ordered/found that the customary union between _____
Id. No. _____
and _____ Id. No. _____
registered at _____ under serial number _____
*be/had been annulled/dissolved;

(2) *made no order for the return of *lobolo* (*bogadi*)/ordered the
return by _____ of _____ *lobolo* (*bogadi*) to _____

Date _____ Signature and Designation.
Place _____

PART B.

*Annulment/Dissolution noted on Part A Serial No. _____
in my Register of Customary Unions and on Certificate(s) of Regis-
tration of Customary Union issued on _____ which were produced
to me.

Date _____ Registrar of Customary Unions.
Place _____

* Delete inapplicable words.

B.A. 228.

ANNEXURE 6.
REPUBLIC OF SOUTH AFRICA.
REGISTRAR'S CERTIFICATE OF NON-REGISTRATION OF
A CUSTOMARY UNION OR ITS ANNULMENT OR DIS-
SOLUTION.

I, the undersigned, do hereby certify, in respect of the customary
union stated to have been contracted during or about the year _____
between _____ Id. No. _____
and _____ Id. No. _____

respectively the male and female partners, and which union is said
*not to have been registered/to have been registered about the year _____;

that I am satisfied—

(1) that the said male partner was, at the time he claims to have
contracted the said union, domiciled in the Bantu area called _____
in respect of which I exercise the functions of Registrar
of Customary Unions;

(2) *after diligent search of my records, that—

(a) registration of the said union was never applied for/applied
for on _____ and refused by me on the grounds that _____;

(b) no annulment or dissolution of the said customary union is
registered in my records.

Date _____ Signature and Designation.
Place _____

* Delete inapplicable words.

B.A. 226.

AANHANGSEL 4.
REPUBLIEK VAN SUID-AFRIKA.
SERTIFIKAAT VAN REGISTRASIE VAN GEBRUIKLIKE
VERBINDING.
R1.00.
(Gebosselleerde Seël)

Hierby word gesertifiseer dat 'n gebruklike verbinding ooreen-
komstig Bantoereg en -gewoonte, aangegaan tussen _____
Persno. _____
en _____ Persno. _____
geregistreer is in die Kantoer van die _____ te _____
onder Volgnommer _____ van 19 _____.
Datumstempel. _____
Registrateur van Gebruklike
Verbindings.

B.A. 227.

Folio _____

AANHANGSEL 5.
REPUBLIEK VAN SUID-AFRIKA.
SERTIFIKAAT VAN GEREGETELIKE BEVEL OF BEVINDING
TEN OPSIGTE VAN DIE NIETIGVERKLARING OF ONT-
BINDING VAN 'N GEBRUIKLIKE VERBINDING.

DEEL A.

Die Registrateur van Gebruklike Verbindings,

Ek, die ondertekende, sertifiseer dat in die geding tussen _____
en _____ wat verhoor is in die Hof van die _____ te _____
op _____ het die Hof—

(1) *beveel/bevind dat die gebruklike verbinding tussen _____
Persno. _____
en _____ Persno. _____

geregistreer te _____ onder volgnommer _____ *hierby/
reeds voorheen/ontbind word/is;

(2) *geen bevel vir die terugbesorging van *lobolo* (*bogadi*) gemaak
nie/die teruggawe deur _____ van _____ *lobolo* (*bogadi*)
aan _____ beveel.

Datum _____ Handtekening en Hoedanigheid.
Plek _____

DEEL B.

*Nietigverklaring/Ontbinding aangeteken op Deel A Volgnommer
_____ in my Register van Gebruklike Verbindings *en op
sertifikaat(-ate) van Registrasie van Gebruklike Verbinding gedateer
_____ wat aan my voorgelê is.

Datum _____ Registrateur van Gebruklike
Plek _____ Verbindings.

* Skrap ontoepaslike woorde.

B.A. 228.

AANHANGSEL 6.
REPUBLIEK VAN SUID-AFRIKA.
REGISTRATEUR SE SERTIFIKAAT VAN NIE-REGISTRASIE
VAN 'N GEBRUIKLIKE VERBINDING OF DIE NIETIG-
VERKLARING OF ONTBINDING DAARVAN.

Ek, die ondergetekende, sertifiseer hiermee, ten opsigte van die
gebruklike verbinding wat na bewering aangegaan sou gewees het
gedurende of omstreeks die jaar _____ tussen—
Persno. _____
en _____ Persno. _____

onderskeidelik die manlike en vroulike deelgenote, en welke ver-
binding beweer word *nie geregistreer/geregistreer te gewees het
omstreeks die jaar _____, dat ek myself daarvan vergewis het—

(1) dat genoemde manlike deelgenoot toe hy na bewering genoemde
verbinding aangegaan het, gedomisileer was in die Bantoegebied
van _____ ten opsigte waarvan ek die bevoegdheid van
Registrateur van Gebruklike Verbindings uitoefen;

(2) *na deeglike deursoeking van my rekords dat—

(a) aansoek om registrasie van gemelde verbinding nooit gedoen
is nie/op _____ gedoen is en deur my geweier is omrede _____

(b) geen nietigverklaring of ontbinding van voormelde gebruklike
verbinding is in my rekords aangeteken nie.

Datum _____ Handtekening en Hoedanigheid.
Plek _____

* Skrap ontoepaslike woorde.

B.A. 229.

Folio

ANNEXURE 7.

REPUBLIC OF SOUTH AFRICA

CERTIFICATE OF EXTRA-JUDICIAL ANNULMENT OR DISSOLUTION OF A CUSTOMARY UNION.

PART A.

To the Registrar of Customary Unions,

Whereas on the _____ day of _____ 19____, at _____ in the district of _____, there appeared before me, the undersigned, the following persons, namely—

(a) _____ Id. No. _____

and

(b) _____ Id. No. _____

d/a by

(c) _____ Id. No. _____

who produced the attached Certificate of Registration of a Customary Union issued in respect of the registration of a customary union between—

_____ Id. No. _____

and

_____ Id. No. _____

which was registered at _____ under serial number _____;

And whereas the said appearers claimed before me that the said customary union had on or about _____ been duly *dissolved/annulled in accordance with the laws and customs of the _____ Tribe, on the grounds that _____;

And whereas after due enquiry I am satisfied that the said union has been lawfully *dissolved/annulled in accordance with the laws and customs of the said Tribe, and that the parties reached the following agreement regarding the return of *lobolo* (*bogadi*) _____;

This is therefore to authorise and require you, the said Registrar, to cancel the registration in your records of the said customary union.

Date _____
Place _____

Signature and Designation.

PART B.

*Annulment/dissolution noted on Part A Serial No. _____ in my Register of Customary Unions *and on certificates of registration of customary union dated _____ which were produced to me.

Date _____
Place _____

Registrar of Customary Union.

* Delete inapplicable words.

ANNEXURE 8.

This customary union was terminated on _____ and the certificate to this effect was filed by me on folio _____ of the Register of Annulment or Dissolution of Customary Unions.

Date _____
Place _____

Signature and Designation.

CONTENTS

GOVERNMENT NOTICE.

No.	PAGE
Bantu Administration and Development, Department of GOVERNMENT NOTICE	
R.1970. Regulations for the registration of customary unions	1

B.A. 229.

Folio

AANHANGSEL 7.

REPUBLIEK VAN SUID-AFRIKA.

SERTIFIKAAT VAN BUITEGEREGETELIKE NIETIGVERKLARING OF ONTBINDING VAN GEBRUIKLIKE VERBINDING.

DEEL A.

Aan die Registrateur van Gebruiklike Verbindings,

Nademaal daar op die _____ dag van _____ 19____, te _____ in die distrik _____ voor my, die ondergetekende, die volgende persone verskyn het, naamlik—

(a) _____ Persno. _____

en

(b) _____ Persno. _____

b/b deur

(c) _____ Persno. _____

wat die aangehegte sertifikaat van registrasie van 'n gebruiklike verbinding voorgelê het wat uitgereik is ten opsigte van 'n gebruiklike verbinding tussen—

_____ Persno. _____

en

_____ Persno. _____

geregistreer te _____ onder volgnummer _____;

En nademaal genoemde persoon by my daarop aanspraak gemaak het dat genoemde gebruiklike verbinding op of omstreeks _____ na behore *ontbind/nietig verklaar is ooreenkomstig die regte en gewoontes van die _____ stam, op grond daarvan dat _____;

En nademaal ek myself na behoorlike ondersoek daarvan vergewis het dat genoemde verbinding wettiglik *ontbind/nietig verklaar is ooreenkomstig die regte en gewoontes van genoemde stam, en dat die partye tot die volgende ooreenkoms geraak het met betrekking tot die teruggawe van *lobolo* (*bogadi*) _____;

So is dit dat toestemming hiermee verleen word aan en van u, genoemde Registrateur vereis word, om die registrasie van genoemde gebruiklike verbinding in u rekords te kanselleer.

Datum _____
Plek _____

Handtekening en Hoedanigheid.

DEEL B.

*Nietigverklaring/Ontbinding aangeteken op Deel A Volgnummer _____ in my register van gebruiklike verbindings en op sertifikate van registrasie van gebruiklike verbinding gedateer _____ wat aan my voorgelê is.

Datum _____
Plek _____

Registrateur van Gebruiklike Verbindings.

* Skrap ontoepaslike woorde.

AANHANGSEL 8.

Hierdie gebruiklike verbinding is be-eindig op _____ en die sertifikaat te dien effekte deur my geliasseer te folio _____ van die Register van Nietigverklaring of Ontbinding van Gebruiklike Verbindings.

Datum _____
Plek _____

Handtekening en Hoedanigheid.

INHOUD

GOEWERMENSKENNISGEWING.

No.	BLADSY
Bantoe-administrasie en -ontwikkeling, Departement van GOEWERMENSKENNISGEWING	
R.1970. Regulasies vir die registrasie van gebruiklike verbindings	1

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