

DIVORCE COURTS AMENDMENT ACT 65 OF 1997

[ASSENTED TO 13 NOVEMBER 1997] [DATE OF COMMENCEMENT: 6 APRIL 1998]

(English text signed by the President)

ACT

To amend the Black Administration Act, 1927, Amendment Act, 1929, so as to make courts established in terms of section 10 of that Act accessible to all; to extend the operation of that Act to the entire national territory of the Republic; and to substitute the short title of that Act; and to provide for matters connected therewith.

Preamble

The divorce courts established in terms of section 10 of the Black Administration Act, 1927, Amendment Act, 1929, are competent to hear and adjudicate upon lawsuits relating to divorce and the nullity of marriages which involve persons belonging to one particular population group.

The Bill of Rights contained in Chapter 2 of the Constitution of the Republic of South Africa, 1996, enshrines the rights of all persons in the country, and confirms the democratic values of human dignity, equality and freedom. The law as so enshrined binds the legislature, the executive authority, the judiciary and all organs of State.

The recognition of the said rights and the application of the said democratic values require that all people in the country should be dealt with on an equal basis in relation to the status, standard and accessibility of judicial institutions which have been established in the country.

In order to give effect to the said principles in respect of the matters dealt with by the said Act, the Parliament of the said Republic enacts as follows:-

1 Amends section 10 of the Black Administration Act, 1927, Amendment Act 9 of 1929 , as follows: paragraph *(a)* substitutes subsection (1); paragraph *(b)* substitutes subsection (3) *(b)* and *(c)* ; paragraph *(c)* substitutes in subsection (4) *(a)* the expression 'President' for the expression 'State President'; paragraph *(d)* substitutes subsection (4) *(b)* ; paragraph *(e)* substitutes subsection (5); paragraph *(f)* substitutes subsection (6); and paragraph *(g)* substitutes subsection (7).

2 Substitutes section 11 of the Black Administration Act, 1927, Amendment Act 9 of 1929 .

3 Extension of Act 9 of 1929

The application of the principal Act is hereby extended to the entire national territory of the Republic.

4 Amends section 1 of the Divorce Act 70 of 1979 by substituting the definition of 'court'.

5 Short title

This Act shall be called the Divorce Courts Amendment Act, 1997, and shall come into operation on a date fixed by the President by proclamation in the *Gazette* .