REGULATIONS MADE IN TERMS OF
Marriage Act 25 of 1961
section 38

General Regulations
Government Notice 213 of 1987
(OG 5480)
came into force on 1 January 1988

ARRANGEMENT OF REGULATIONS
[These regulations do not have headings.]

ANNEXURE 1
CERTIFICATE OF MARRIAGE OFFICER

The Cabinet has under section 38 of the Marriage Act, 1961 (Act 25 of 1961), with effect from 1 January 1988 -

(a) made the regulations contained in the Schedule; and


1. In these regulations, unless the context otherwise indicates, words and phrases shall have the meaning assigned thereto in the Act, and -

“controlling body” shall mean the controlling body or person administering the affairs of a religious denomination or organisation;

“the Act” shall mean the Marriage Act, 1961 (Act 25 of 1961);
“marriage laws” shall mean the Marriage Act, 1961 (Act 25 of 1961), and the Births, Marriages and Deaths Registration Act, 1963 (Act 81 of 1963);

“Secretary” shall mean the Secretary for Civic Affairs and Manpower.

2. (1) All applications for the designation of a person as a marriage officer in terms of section 3 of the Act shall be lodged with the Secretary.

(2) Such applications shall be made, in writing, by the controlling body of the religious denomination or organisation to which such person belongs.

3. The Secretary may direct that any marriage officer, or any person in respect of whom application is made in terms of regulations 2, be subjected to an oral or written test, or both, for the purpose of ascertaining whether such marriage officer or person has an adequate knowledge of the marriage laws and these regulations.

4. The Secretary shall -

(a) maintain a list of persons designated in terms of section 3 of the Act, in which shall be recorded in respect of each such person his full names, postal address, religious denomination or organisation, date of designation and any limitation in his designation; and

(b) in such list note any change of address or change of name of denomination or organisation, of which he has been advised, and delete the name and other particulars of any person who has for any reason whatsoever ceased to be a marriage officer.

5. (1) The controlling body shall notify the Secretary immediately of the change of address, retirement or death of any marriage officer who belongs to its religious denomination or organization and of the name of any marriage officer who has for any reason ceased to be a minister of religion of, or a person holding a responsible position in, such religious denomination or organisation.

(2) Any person designated as marriage officer in terms of section 3 of the Act shall without delay notify the controlling body of his religious denomination or organisation of any change of address.

6. (1) Any marriage officer shall, in respect of every marriage solemnized by him, forward the following documents, where applicable, to the Secretary, together with the register referred to in section 40 of the Births, Marriages and Deaths Registration Act, 1963 (Act 81 of 1963), namely -

(a) the certificate referred to in regulation 8;

(b) the affidavit referred to in regulation 9; and

(c) the written consent or permission of the parents, guardian, Cabinet or any officer in the Government Service authorized thereto by it, Commissioner of Child Welfare or judge of the Supreme Court of South West Africa, as the case may be.

(2) The Secretary shall keep all the documents referred to in subregulation (1), which have been received by him, with the register concerned.
7. The Secretary shall -

(a) attach any direction in terms of section 6 of the Act to the register referred to in
regulation 6, of every marriage solemnized by the marriage officer concerned
during the period or within the area in respect of which he was in fact not a
marriage officer and instruct such marriage officer, in writing, to make an
endorsement of the direction on the duplicate of the register concerned of every
such marriage; and

(b) attach any direction in terms of section 26(2) of the Act to the register and instruct
the marriage officer concerned, in writing, to make an endorsement of the direction
on the duplicate of the register of the marriage concerned.

8. The certificate to be completed by a marriage officer in terms of section 6(5) of the
Act, shall be so completed on the form as prescribed in Annexure 1.

9. Any affidavit for the purposes of section 12 of the Act shall be made on the form as
prescribed in Annexure 2.

10. The consent by any parent or guardian to the marriage of a minor shall be furnished
on the form as prescribed in Annexure 3.

11. Any Marriage officer who receives a written objection in terms of section 23 of the
Act shall keep such objection and keep a record of his inquiry and of his decision in the matter.

12. (1) Any minor who desires the consent of a Commissioner of Child Welfare in
terms of section 25 of the Act shall make application therefore on the form as prescribed in
Annexure 4.

(2) On receipt of such application the Commissioner of Child Welfare may, in addition
to any inquiry which he may deem necessary, obtain and take into consideration a report by a
probation officer on either or both of the parties.

(3) The Commissioner of Child Welfare shall keep such application and report
received by him, and keep a record of any enquiries, his decision in the matter and his reasons
for such decision.

ANNEXURE 1

South West Africa

Department of Civic Affairs and Manpower

CERTIFICATE OF MARRIAGE OFFICER

(Section 6 of Act 25 of 1961)

All marriage officers shall complete this certificate:

I hereby declare that at the time of the solemnization of this marriage I was empowered in
terms of provisions of the Marriage Act, 1961, or any prior law, to solemnize this marriage.

..............................................................
Signature
# SOUTH WEST AFRICA

DEPARTMENT OF CIVIC AFFAIRS AND MANPOWER

DECLARATION FOR THE PURPOSE OF A MARRIAGE

N.B. - Print clearly

<table>
<thead>
<tr>
<th>PARTICULARS OF APPLICANT</th>
</tr>
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<tbody>
<tr>
<td>1. Surname (present legitimate surname in the case of a woman)</td>
</tr>
<tr>
<td>2. Maiden name</td>
</tr>
<tr>
<td>3. Forenames</td>
</tr>
<tr>
<td>4. Date of birth: Year ☐☐☐ Month ☐☐ Day ☐☐ 5. Sex</td>
</tr>
<tr>
<td>6. Marital status: State bachelor, spinster, widower or divorcee</td>
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<tr>
<td>7. Country of birth</td>
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<tr>
<td>8. Postal Address</td>
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<tr>
<th>EGGENOTE – PARTICULARS OF PROSPECTIVE *HUSBAND/WIFE</th>
</tr>
</thead>
<tbody>
<tr>
<td>9. Surname (present legitimate surname in the case of a woman)</td>
</tr>
<tr>
<td>10. Maiden name</td>
</tr>
<tr>
<td>11. Forenames</td>
</tr>
</tbody>
</table>

I *declare under oath/solemnly declare that the particulars given above are to the best of my knowledge and belief true and correct and—

(i) that we are not within the prohibited degrees of relationship;
(ii) that there is no lawful impediment to our marriage; and
(iii) that I have the written consent of *my parents/guardian/Commissioner of Child Welfare/the Cabinet/a competent court, as the case may be.

................................................................. Date

................................................................. Signature
Delete whichever is not applicable
Delete the whole of the item if applicant is a major

I certify that before administering the prescribed 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 this declaration? | Yes | No |
| (2) Do you have any objection to taking the prescribed oath? |
| (3) Do you consider the prescribed oath to be binding on your conscience? | |

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 that the deponent’s signature/thumbprint/mark was placed thereon in my present at \(.................................\) on this the \(.................................\) day of \(.................................\) 19........

Signed \(.................................\) Commissioner of Oaths \(.................................\) Designation (Rank)

\(.................................\) Forenames and surname \(.................................\) Area

SOUTH WEST AFRICA

DEPARTMENT OF CIVIC AFFAIRS AND MANPOWER

APPLICATION FOR THE CONSENT OF A COMMISSIONER OF CHILD WELFARE IN TERMS OF SECTION 25 OF THE MARRIAGE ACT, 1961

A. PARTICULAR OF APPLICANT

1. Identity Number
2. Surname
3. Forenames in full
4. Date of birth
5. Permanent residential address

B. PARTICULARS OF PROSPECTIVE HUSBAND/WIFE

6. Identity Number

7. Surname

8. Forenames in full

9. Date of birth

10. Marital status: State bachelor, spinster, widower, widow or divoee

11. Permanent residential address

C. REASON WHY THE CONSENT OF THE PARENT(S)/GUARDIAN CANNOT BE OBTAINED:

I hereby certify that the particulars above are true and correct and apply for consent to marry the person mentioned under B above.

Date

Consent granted in terms of section 25 of Act 25 of 1961

Signature of applicant

COMMISSIONER OF CHILD WELFARE

NOTA:
1. Die sertifikate moet op los vorms gedruk word en in bundles van 50 gelye word
2. Grootte: A4 (standard)
3. Kleur: Wit
### SOUTH WEST AFRICA
DEPARTMENT OF CIVIC AFFAIRS AND MANPOWER
CONSENT TO THE MARRIAGE OF A MINOR

<table>
<thead>
<tr>
<th>*We/I the *parent(s) /guardian of</th>
<th>Surname of minor</th>
<th>Forenames of minor</th>
<th>Identity Number</th>
<th>Date of birth: Year</th>
<th>Month</th>
<th>Day</th>
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Hereby consent to his/her marriage to

<table>
<thead>
<tr>
<th>Surname</th>
<th>Forenames</th>
<th>Identity Number</th>
<th>Date of birth: Year</th>
<th>Month</th>
<th>Day</th>
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<tr>
<th>Father/guardian</th>
<th>mother</th>
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<tbody>
<tr>
<td>Surname</td>
<td></td>
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<tr>
<td>Forename</td>
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<td>Identity Number</td>
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<tr>
<td>Signature</td>
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<td>Date</td>
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### Republic of Namibia

**Annotated Statutes**

**REGULATIONS**

Marriage Act, 25 of 1961

**General Regulations**

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<tr>
<th>Remarks</th>
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<td>* Delete whichever is not applicable</td>
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**NOTA:**

1. Grootte van vora: A4 (standard)
2. Kwaliteit van papier: ± 70 gram
3. Kleur van papier: Wit
4. Hoeveelheid: 20 000 los velle en gelym in bundels van 50 aan bokant