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[No. 5170.]

OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 2333.]

[28th October, 1953.

It is hereby notified that His Excellency the Governor-General has been pleased to assent to the following Act, which is hereby published for general information:—

No. 37 of 1953: Matrimonial Affairs Act, 1953 .. 2

KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:—

No. 2333.]

[28 Oktober 1953.

Hierby word bekend gemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 37 van 1953: Wet op Huweliksaangeleenthede, 1953 3

BLADSY

No. 37, 1953]

ACT

To amend the law relating to the property rights of spouses, to orders for maintenance, to the guardianship and custody of minors and to divorce.

(English text signed by the Governor-General.)
(Assented to 1st October, 1953.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Limitation on powers of husband in regard to certain immovable property.

1. (1) No husband shall be entitled, without his wife's written consent, to alienate, mortgage, burden with a servitude or confer any real right in—

- (a) any immovable property which is the separate property of the wife; or
- (b) any immovable property held in community—
 - (i) which the wife has at the marriage brought into the community; or
 - (ii) which she acquired during the marriage by inheritance or gift; or
 - (iii) which has been paid for with the wife's earnings during the marriage; and
 - (iv) in respect of which an endorsement or note has been made under sub-section (2).

(2) The officer in charge of the deeds registry in which the property is registered shall, on the written application of the husband or wife, if he is satisfied as to the relevant facts, endorse upon the title deeds of the property, or if the husband refuses to produce any such title deed in his possession or under his control, upon the registry duplicate thereof only, and note in the appropriate registers, that it is property in respect of which paragraph (b) of sub-section (1) applies.

(3) If a wife withholds the consent required by sub-section (1), the husband may apply to a judge in chambers for an order dispensing with such consent, and the judge may grant such order if he is satisfied that the consent is unreasonably withheld.

(4) A wife may make an application under sub-section (2), and any application to a judge in connection therewith, and may appear in any proceedings under sub-section (3), without the assistance of her husband.

(5) Section *seventeen* of the Deeds Registries Act, 1937 (Act No. 47 of 1937), is hereby amended by the insertion in sub-section (4), after the word "therewith", of the words "and subject to the provisions of sub-section (1) of section *one* of the Matrimonial Affairs Act, 1953".

Limitation on powers of husband in regard to certain movable property.

2. (1) No husband shall be entitled, without his wife's written consent—

- (a) to receive any remuneration due or accruing from his wife's employer for services rendered by her, or to take possession of any such remuneration received by her; or
- (b) to receive any compensation awarded to the wife in respect of personal injuries sustained by her or to take possession of any such compensation received by her; or
- (c) to withdraw any deposit standing in the name of his wife in the Post Office Savings Bank of the Union or in a building society or in a savings account in a banking institution, or to take possession of any moneys withdrawn by her therefrom; or
- (d) to alienate or pledge any shares held by his wife in a building society, to receive any dividends on or the

No. 37, 1953.]

WET

Tot wysiging van die huweliksgoederereg en van die regsbepalings betreffende onderhoudsbevele, die voogdy oor en bewaring van minderjariges en egskieding.

*Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur 1 Oktober 1953.)*

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. (1) 'n Man het nie die reg om sonder die skriftelike toestemming van sy vrou—
- Beperking op man se bevoegdhede insake sekere onroerende goed.
- (a) onroerende goed wat die afsonderlike goed van die vrou is; of
- (b) gemeenskaplike onroerende goed—
- (i) wat die vrou by die huwelik in die gemeenskap ingebring het; of
- (ii) wat sy gedurende die huwelik deur erfopvolging of skenking verkry het; of
- (iii) waarvoor met die vrou se verdienste gedurende die huwelik betaal is; en
- (iv) ten opsigte waarvan 'n endossement of aantekening kragtens sub-artikel (2) gemaak is,

te vervreem of met 'n verband of servituut te beswaar, of enige saaklike reg daarvoor te verleen nie.

(2) Indien die amptenaar aan die hoof van die registrasiekantoor waarin die goed geregistreer is, oortuig is van die tersaaklike feite, endosseer hy, op skriftelike aansoek van die man of vrou, op die titelbewyse van die goed, of as die man weier om so 'n titelbewys wat in sy besit of onder sy beheer is, voor te lê, slegs op die registrasieduplikaat daarvan, en teken in die toepaslike registers aan, dat dit goed is ten opsigte waarvan paragraaf (b) van sub-artikel (1) van toepassing is.

(3) Indien 'n vrou weler om die by sub-artikel (1) vereiste toestemming te verleen, kan die man by 'n regter in kamers aansoek doen om 'n bevel tot vrystelling van bedoelde toestemming, en die regter kan die bevel toestaan as hy oortuig is dat die weiering om toe te stem onredelik is.

(4) 'n Vrou kan 'n aansoek kragtens sub-artikel (2), en enige aansoek by 'n regter in verband daarmee, sonder die bystand van haar man doen, en kan by verrigtings ingevolge sub-artikel (3), sonder sy bystand verskyn.

(5) Artikel *sewentien* van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), word hiermee gewysig deur in sub-artikel (4), na die woord „handel”, die woorde „en behoudens die bepalings van sub-artikel (1) van artikel *een* van die Wet op Huweliksaangeleenthede, 1953”, in te voeg.

2. (1) 'n Man het nie die reg om sonder die skriftelike toestemming van sy vrou—
- Beperking op man se bevoegdhede insake sekere roerende goed.
- (a) besoldiging wat deur sy vrou se werkgewer verskuldig is of van hom toeval vir diens wat sy verrig het, te ontvang nie, of sulke besoldiging wat sy ontvang het, in besit te neem nie; of
- (b) skadevergoeding wat aan die vrou toegeken is ten opsigte van persoonlike beserings deur haar opgedoen, te ontvang nie of sulke skadevergoeding wat sy ontvang het, in besit te neem nie; of
- (c) 'n deposito wat in die Posspaarbank van die Unie of by 'n bouvereniging of in 'n spaarrekening by 'n bankinstelling op naam van sy vrou staan, te trek nie, of geld wat sy daaruit getrek het, in besit te neem nie; of
- (d) aandele wat sy vrou in 'n bouvereniging besit, te vervreem of te verpand nie, diwendende op of die

- proceeds of such shares or to take possession of any such dividends or proceeds received by her; or
- (e) to receive any amount payable in terms of any insurance policy taken out by his wife for the purpose of providing for the education or advancement of her child, the premiums of which have been paid by her, or to take possession of any such amount received by her, or to deal in any manner with any rights under any such policy; or
- (f) to alienate or pledge any tool or implement of trade with which his wife is earning any remuneration.
- (2) If any shares in a building society are held by a married woman, the society shall not register any transfer of those shares without her written consent, except in pursuance of a sale in execution of a judgment of a competent court.
- (3) (a) No remuneration, compensation, deposit, share, dividend, proceeds, amount, right, tool or implement referred to in sub-section (1), shall be attached or sold in execution for any liability incurred by the husband for or in connection with the supply of intoxicating liquor.
- (b) No property in respect of which an order under sub-section (4) is in operation, shall be attached or sold in execution for any liability of the joint estate except for any liability incurred in respect of necessaries for the joint household or for any order of costs awarded against the wife in any legal proceedings instituted by her in terms of sub-section (6).
- (4) (a) A wife shall, on *prima facie* proof that her husband has deserted her and is not residing with her, and that she has at any time during the period of the desertion acquired or become entitled to any movable property, be entitled to an order of a judge or magistrate of a court within whose area of jurisdiction she resides, declaring the property (which shall be described in the order in such manner as to be identifiable) to be free from the control of her husband, and prohibiting the husband from dealing in any manner with the property.
- (b) Any judge or magistrate of such court may, on good cause shown, rescind or vary any such order.
- (c) A wife shall for the purposes of this sub-section be deemed to have been deserted by her husband if she is living apart from her husband because of his refusal to reside with her or because of repeated assaults or other acts of cruelty or because he is an habitual drunkard or because of his refusal or neglect without sufficient cause to supply her or his children with the necessaries of life when able so to do or because of his detention in any prison, gaol or other institution.
- (5) A married woman, whether under the marital power or not, may be a depositor in a savings account in a banking institution as defined in section one of the Banking Act, 1942 (Act No. 38 of 1942), and may without assistance execute all necessary documents, give all necessary acquittances and enjoy all the privileges and be liable to all the obligations attaching to depositors in a savings account in a banking institution.
- (6) Every wife shall be entitled, without the assistance of her husband—
- (a) to receive or sue for remuneration due from her employer for services rendered by her;
- (b) to receive or sue for any compensation, deposit, dividend or proceeds referred to in paragraph (b), (c) or (d) of sub-section (1);
- (c) to take out an insurance policy for the purpose of providing for the education or advancement of her child, and to receive or sue for any amount payable in terms of any such policy; and
- (d) to institute legal proceedings in connection with any share, policy, tool or implement referred to in sub-section (1) which has been alienated or pledged or any right thereunder which has been dealt with without her consent, or in connection with any attachment or sale in contravention of sub-section (3), or for the purpose of obtaining an order under sub-section (4), or to protect herself against any act by her husband which is

opbrengs van sulke aandele, te ontvang nie, of sulke diwidende of bedoelde opbrengs wat sy ontvang het, in besit te neem nie; of

- (e) 'n bedrag wat betaalbaar is luidens 'n versekeringspolis wat sy vrou uitgeneem het om vir die opvoeding of bevordering van 'n kind van haar voorsiening te maak en die premies waarvan sy betaal het, te ontvang nie, of so 'n bedrag wat sy ontvang het, in besit te neem nie, of op enige wyse met die regte ingevolge so 'n polis te handel nie; of
- (f) enige ambagsgereedskap of -werktuig waarmee sy vrou besoldiging verdien, te vervreem of te verpand nie.
- (2) Indien 'n getroude vrou aandele in 'n bouvereniging besit, registreer die vereniging nie 'n oordrag van daardie aandele sonder haar skriftelike toestemming nie behalwe ingevolge 'n verkoop in eksekusie van 'n vonnis van 'n bevoegde hof.

- (3) (a) Op enige in sub-artikel (1) bedoelde besoldiging vergoeding, deposito, aandeel, diwidend, opbrengs, bedrag, reg, gereedskap of werktuig, word geen beslag gelê nie of dit word nie in eksekusie verkoop nie, vir 'n skuld wat die man vir of in verband met die voorsiening van sterk drank aangegaan het.

- (b) Op goed ten opsigte waarvan 'n bevel kragtens sub-artikel (4) van toepassing is, word geen beslag gelê nie of dit word nie in eksekusie verkoop nie, vir 'n skuld van die gesamentlike boedel behalwe vir enige skuld wat ten opsigte van benodigdhede vir die gesamentlike huishouding aangegaan is, of vir enige kostebevel wat teen die vrou uitgereik is in enige regsproses wat sy ingevolge sub-artikel (6) ingestel het.

- (4) (a) Indien 'n vrou *prima facie* bewys lewer dat haar man haar verlaat het en nie saam met haar woon nie en dat sy te eniger tyd gedurende die tydperk van verlating roerende goed verkry het of daarop geregtig geword het, dan hetsy reg op 'n bevel van 'n regter of magistraat van 'n hof binne wie se regsgebied sy woon, waarby die goed (wat in die bevel so beskryf moet word dat dit uitgeken kan word) van haar man se beheer vrygestel word, en die man verbied word om op enige wyse met die goed te handel.

- (b) 'n Regter of magistraat van so 'n hof kan, by bewys van voldoende redes, so 'n bevel intrek of wysig.

- (c) 'n Vrou word by die toepassing van hierdie sub-artikel geag deur haar man verlaat te gewees het indien sy apart van hom woon omdat hy weier om saam met haar te woon of vanweë herhaaldelike aanrandings of ander wreedaardige dade of omdat hy 'n gewoontedronkaard is of vanweë sy weiering of versuim om sonder voldoende redes haar of sy kinders van lewensbenodigdhede te voorsien terwyl hy in staat is om dit te doen of vanweë sy aanhouding in enige gevangenis, tronk of ander inrigting.

- (5) 'n Getroude vrou, hetsy al dan nie onder die maritale mag, kan geld op 'n spaarrekening in deposito plaas by 'n bankinstelling soos omskryf in artikel *een* van die Bankwet, 1942 (Wet No. 38 van 1942), en kan sonder bystand alle nodige dokumente en ontvangsbewyse verly en gee en al die voorregte geniet en onderhewig wees aan al die verpligtings van depositogewers op 'n spaarrekening by 'n bankinstelling.

- (6) Elke vrou het die reg om sonder bystand van haar man—

- (a) besoldiging wat haar werkgewer haar skuld vir diens wat sy verrig het, te ontvang of daarvoor te dagvaar; ;
- (b) enige in paragraaf (b), (c) of (d) van sub-artikel (1) bedoelde vergoeding, deposito, diwidend of opbrengs te ontvang of daarvoor te dagvaar;
- (c) 'n versekeringspolis uit te neem om vir die opvoeding of bevordering van 'n kind van haar voorsiening te maak, en enige bedrag wat luidens so 'n polis betaalbaar is, te ontvang of daarvoor te dagvaar; en
- (d) 'n regsproses in te stel in verband met 'n in sub-artikel (1) bedoelde aandeel, polis, gereedskap of werktuig wat sonder haar toestemming vervreem of verpand is of 'n reg uit hoofde daarvan waarmee sonder haar toestemming gehandel is, of in verband met 'n beslaglegging of verkoop in stryd met sub-artikel (3), of om 'n bevel kragtens sub-artikel (4) te verkry, of om haarself te beskerm teen enige optrede van

or would be unlawful in terms of sub-section (1), or in conflict with an order under sub-section (4).

Liability of husband and wife for household necessities.

3. A husband and wife married out of community of property shall be liable jointly and severally for all debts incurred by either spouse in respect of necessities for the joint household: Provided that if the wife pays any such debt or part thereof, she shall have a right of recourse against the husband for the full amount paid by her.

Amendment of section 110 of Act 46 of 1935.

4. Section *one hundred and ten* of the General Law Amendment Act, 1935, is hereby amended—

(a) by the substitution in sub-sections (3) and (4), for the words "this section", of the expression "sub-section (1)"; and

(b) by the addition at the end thereof, of the following sub-sections:

"(5) If any person against whom an order referred to in sub-section (1) has been made, during the currency of the order changes the place of his residence or employment, he shall forthwith give notice thereof in writing to the person to whom payment is to be made in terms of the order, and shall in that notice state fully and clearly where the new place of his residence or employment is situate.

(6) Any person who fails to give notice as required by sub-section (5) shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds."

Guardianship and custody of minors.

5. (1) Any provincial or local division of the Supreme Court or any judge thereof may—

(a) on the application of either parent of a minor in proceedings for divorce or judicial separation in which an order for divorce or judicial separation is granted; or

(b) on the application of either parent of a minor whose parents are divorced or are living apart,

if it is proved that it would be in the interests of the minor to do so, grant to either parent the sole guardianship (which shall include the power to consent to a marriage) or sole custody of the minor, or order that on the predecease of the parent named in the order, a person other than the survivor shall be the guardian of the minor, to the exclusion of the survivor or otherwise.

(2) An order under sub-section (1) granting the sole guardianship or custody of a minor whose parents are living apart to a parent shall, if the parents become reconciled and live together again as husband and wife, lapse with effect from the date on which the parents commence to live together again.

(3) Subject to any order of court—

(a) a parent to whom the sole guardianship or custody of a minor has been granted under sub-section (1), or a mother who is vested with the paternal power over a minor in pursuance of section *fifty-eight* of the Children's Act, 1937 (Act No. 31 of 1937), may by testamentary disposition appoint any person to be the sole guardian or to be vested with the sole custody of the minor, as the case may be; and

(b) the father of a minor to whom the sole guardianship of the minor has not been granted under sub-section (1), shall not be entitled by testamentary disposition to appoint any person as the guardian of the minor in any other manner than to act jointly with the mother.

(4) If the mother of a minor does not consent to the marriage of the minor, the consent of the father (whether or not he has in any proceedings been granted the sole custody of the minor), shall not be sufficient, unless he has been granted the sole guardianship of the minor.

haar man wat luidens sub-artikel (1) onwettig of met 'n bevel kragtens sub-artikel (4) in stryd is of sou wees.

3. 'n Man en vrou buite gemeenskap van goed getroud, is gesamentlik en afsonderlik aanspreeklik vir alle skulde wat deur die een of ander eggenoot ten opsigte van benodigdhede vir die gesamentlike huishouding aangegaan is: Met dien verstande dat indien die vrou so 'n skuld of gedeelte daarvan betaal, sy 'n reg van verhaal het op die man vir die volle bedrag wat sy betaal het.

Aanspreeklikheid van man en vrou vir huishoudelike benodigdhede.

4. Artikel *honderd-en-tien* van die Algemene Regswysigingswet, 1935, word hiermee gewysig—

Wysiging van artikel 110 van Wet 46 van 1935.

(a) deur in sub-artikels (3) en (4), die woorde „hierdie artikel” te vervang deur die uitdrukking „sub-artikel (1)”; en

(b) deur die volgende sub-artikels aan die end daarvan by te voeg:

„(5) Indien iemand teen wie 'n in sub-artikel (1) bedoelde order uitgevaardig is, gedurende die geldigheid van die order van woonplek of werkplek verander, moet hy onverwyld skriftelik daarvan kennis gee aan die persoon aan wie luidens die order betaling moet geskied, en moet in die kennisgewing volledig en duidelik vermeld waar sy nuwe woonplek of werkplek geleë is.

(6) Iemand wat versuim om volgens voorskrif van sub-artikel (5) kennis te gee, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond.”.

5. (1) 'n Provinsiale of plaaslike afdeling van die Hoog-geregshof of 'n regter daarvan kan—

Voogdy oor en bewaring van minderjariges.

(a) op aansoek van een van beide ouers van 'n minderjarige in 'n proses vir egskeiding of geregte skeiding waarin 'n egskeidingsbevel of 'n geregte skeidingsbevel toegestaan word; of

(b) op aansoek van een van beide ouers van 'n minderjarige wie se ouers geskei is of apart woon,

indien dit bewys word dat dit in belang van die minderjarige sou wees om dit te doen, aan een van beide ouers die uitsluitlike voogdy oor die minderjarige (waarby inbegrepe is die bevoegdheid om tot 'n huwelik toe te stem) of die uitsluitlike bewaring van die minderjarige toeken, of beveel dat by vooroorlye van die ouer in die bevel genoem, 'n ander persoon dan die langsliewende, met of sonder uitsluiting van die langsliewende, die voog van die minderjarige sal wees.

(2) 'n Bevel kragtens sub-artikel (1) waarby die uitsluitlike voogdy oor of bewaring van 'n minderjarige wie se ouers apart woon, aan 'n ouer toegeken is, vervel indien die ouers met mekaar versoen raak en weer as man en vrou saam woon, met ingang van die datum waarop die ouers weer begin saam woon.

(3) Behoudens 'n bevel van die hof—

(a) kan 'n ouer aan wie die uitsluitlike voogdy oor of bewaring van 'n minderjarige kragtens sub-artikel (1) toegeken is, of 'n moeder by wie die vaderlike mag oor 'n minderjarige ingevolge artikel *agt-en-vyftig* van die Kinderwet, 1937 (Wet No. 31 van 1937) berus, enig iemand by testamentêre beskikking benoem tot enigste voog of tot reghebbende op die uitsluitlike bewaring van die minderjarige, na gelang van die geval; en

(b) het die vader van 'n minderjarige aan wie die uitsluitlike voogdy oor die minderjarige nie kragtens sub-artikel (1) toegeken is nie, nie die reg om by testamentêre beskikking iemand as voog van die minderjarige te benoem nie, op 'n ander wyse dan om saam met die moeder op te tree.

(4) Indien die moeder van 'n minderjarige nie toestem tot die huwelik van die minderjarige nie, is die toestemming van die vader (onverskillig of die uitsluitlike bewaring van die minderjarige in enige proses aan hom toegeken is), nie voldoende nie, tensy die uitsluitlike voogdy oor die minderjarige aan hom toegeken is.

(5) The court or a judge may—

- (a) where a parent has appointed a guardian or custodian as provided in paragraph (a) of sub-section (3); or
- (b) where a guardian has been appointed to a minor by the father, to act jointly with the mother,

upon the application of the other parent, or of the guardian or mother, as the case may be, made after the death of the testator, make such order in regard to the guardianship or custody of the minor as the court or judge may deem in the interests of the minor.

(6) If an order under section *fifty-eight* of the Children's Act, 1937 (Act No. 31 of 1937), is rescinded, or if an order under sub-section (1) granting the sole guardianship or custody of a minor to a parent, lapses or is rescinded or is varied in such a manner that the parent is no longer the sole guardian or vested with the sole custody of the minor, any disposition made under paragraph (a) of sub-section (3) shall lapse.

(7) A wife may make any application referred to in this section, and any application to a court in connection therewith, without the assistance of her husband.

Amendment of section 1 of Act 22 of 1939.

6. Section *one* of the Matrimonial Causes Jurisdiction Act, 1939, is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) Any provincial or local division of the Supreme Court of South Africa shall have jurisdiction to try an action instituted by a wife against her husband for divorce or for restitution of conjugal rights or for judicial separation, if the wife has been ordinarily resident within the area of jurisdiction of that division for a period of one year immediately preceding the date on which the proceedings are instituted, and if—

- (a) in any case in which the husband has deserted the wife and has departed from the Union or has been deported from the Union, he is at the said date or was immediately before the desertion or deportation domiciled within the Union;
- (b) in any other case of an action for divorce or for restitution of conjugal rights, the husband is, at the said date domiciled within the Union; or
- (c) in any other case of an action for judicial separation, the husband is, at the said date, domiciled or resident within the Union."

Amendment of section 5 of Act 22 of 1939.

7. Section *five* of the Matrimonial Causes Jurisdiction Act, 1939, is hereby amended by the insertion after the word "custody" wherever it occurs, of the word " guardianship".

Amendment of section 6 of Act 22 of 1939.

8. Section *six* of the Matrimonial Causes Jurisdiction Act, 1939, is hereby amended by the substitution for the words "is domiciled", of the words "is or was domiciled or is resident, as the case may be".

Insertion of section 6bis in Act 22 of 1939.

9. The following section is hereby inserted in the Matrimonial Causes Jurisdiction Act, 1939, after section *six*:

"Recogni- tion of certain decrees and orders.

6bis. (1) The validity of any decree or order made in any country in any case in which the husband is not domiciled in that country, under the provisions of any law which are declared by the Governor-General by proclamation in the *Gazette* to be provisions substantially corresponding to the relevant provisions of paragraph (a) of sub-section (1) of section *one*, or of section *four* or *five*, read with the said paragraph, shall be recognized by the courts of the Union.

(2) No proclamation shall be issued under sub-section (1) unless the Governor-General is satisfied that adequate provision is made by the law of the country concerned for the recognition by the courts thereof of the decrees and orders made in any case in which the husband is not domiciled within the Union, under the said paragraph, or under section *four* or *five*, read with the said paragraph.

(3) The Governor-General may at any time withdraw any such proclamation."

(5) Die hof of 'n regter kan—

- (a) indien 'n ouer 'n voog of reghebbende op bewaring soos by paragraaf (a) van sub-artikel (3) bepaal, benoem het; of
- (b) indien 'n voog van 'n minderjarige deur die vader benoem is om saam met die moeder op te tree,

op aansoek van die ander ouer, of van die voog of moeder, na gelang van die geval, gedoen na die dood van die testateur, die bevel gee met betrekking tot die voogdy oor of die bewaring van die minderjarige, wat hy in belang van die minderjarige ag.

(6) Indien 'n order uitgereik kragtens artikel *agi-en-vyf* van die Kinderwet, 1937 (Wet No. 31 van 1937) ingetrek word, of indien 'n bevel uitgereik kragtens sub-artikel (1), waarby die uitsluitlike voogdy oor of bewaring van 'n minderjarige aan 'n ouer toegeken is, verval of ingetrek word of op so 'n wyse gewysig word dat die ouer nie meer die enigste voog of die reghebbende op die uitsluitlike bewaring van die minderjarige is nie, verval 'n beskikking wat kragtens paragraaf (a) van sub-artikel (3) gemaak is.

(7) 'n Vrou kan 'n in hierdie artikel bedoelde aansoek, en enige aansoek by 'n hof in verband daarmee, sonder bystand van haar man doen.

6. (1) Artikel *een* van die Wet op Regsbevoegdheid in Matrimoniale Regsake, 1939, word hiermee gewysig deur sub-artikel (1) te vervang deur die volgende sub-artikel: Wysiging van artikel 1 van Wet 22 van 1939.

„(1) 'n Provinsiale of plaaslike afdeling van die Hoogeregshof van Suid-Afrika het regsbevoegdheid om 'n regsvoordering vir egskeiding of herstel van huweliksregte of geregtelike skeiding deur 'n vrou teen haar eggenoot ingestel, te verhoor, indien die vrou vir 'n tydperk van een jaar wat die datum waarop die geding ingestel word onmiddellik voorafgaan, gewoonlik woonagtig was binne die regsgebied van daardie afdeling, en indien—

- (a) in 'n geval waarin die eggenoot die vrou verlaat en uit die Unie vertrek het of uit die Unie gedeporteer is, hy op genoemde datum binne die Unie gedomisilieer is of dit onmiddellik voor die verlaten of deportasie was;
- (b) in enige ander geval van 'n aksie vir egskeiding of herstel van huweliksregte, die eggenoot op genoemde datum binne die Unie gedomisilieer is; of
- (c) in enige ander geval van 'n aksie vir geregtelike skeiding, die eggenoot op genoemde datum binne die Unie gedomisilieer of woonagtig is.”

7. Artikel *vyf* van die Wet op Regsbevoegdheid in Matrimoniale Regsake, 1939, word hiermee gewysig deur na die woord „bewaring” waar dit ookal voorkom, die woord „, voogdy” in te voeg. Wysiging van artikel 5 van Wet 22 van 1939.

8. Artikel *ses* van die Wet op Regsbevoegdheid in Matrimoniale Regsake, 1939, word hiermee gewysig deur na die woorde „gedomisilieer is”, die woorde „of was of woonagtig is, na gelang van die geval,” in te voeg. Wysiging van artikel 6 van Wet 22 van 1939.

9. Die volgende artikel word hiermee na artikel *ses* in die Wet op Regsbevoegdheid in Matrimoniale Regsake, 1939, ingevoeg: Invoeging van artikel 6bis in Wet 22 van 1939.

„Erkenning van sekere bevels en orders. *6bis.* (1) Die geldigheid van 'n bevel of order in enige land verleen, in 'n geval waarin die eggenoot nie in daardie land gedomisilieer is nie, ingevolge die bepalinge van 'n wet wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* tot bepalinge verklaar het wat in hoofsaak met die tersaaklike bepalinge van paragraaf (a) van sub-artikel (1) van artikel *een*, of van artikel *vier* of *vyf*, gelees met genoemde paragraaf, ooreenstem, word deur die hof van die Unie erken.

(2) Geen proklamasie word kragtens sub-artikel (1) uitgevaardig nie, tensy die Goewerneur-generaal daarvan oortuig is dat voldoende voorsiening deur die reg van die betrokke land gemaak word vir die erkenning deur die hof van daardie land van die bevels en orders wat kragtens genoemde paragraaf, of kragtens artikel *vier* of *vyf*, gelees met genoemde paragraaf, verleen is in 'n geval waarin die eggenoot nie binne die Unie gedomisilieer is nie.

(3) Die Goewerneur-generaal kan so 'n proklamasie te eniger tyd intrek.”

Maintenance orders on divorce.

10. (1) The court granting a divorce may, notwithstanding the dissolution of the marriage—

(a) make such order against the guilty spouse for the maintenance of the innocent spouse for any period until the death or until the remarriage of the innocent spouse, whichever event may first occur, as the court may deem just; or

(b) make any agreement between the spouses for the maintenance of one of them, an order of court,

and any court of competent jurisdiction may, on good cause shown (which may be a cause other than the financial means of either of the respective spouses) rescind, suspend or vary any such order.

(2) Any court of competent jurisdiction may at any time upon the application of either party to an agreement for the maintenance of one of them entered into prior to the date of commencement of this Act between spouses who have been divorced, make such an agreement an order of court, and any court of competent jurisdiction may on good cause shown (which may be a cause other than the financial means of either of the respective spouses) rescind, suspend or vary any such order, or any order made prior to the date of commencement of this Act by which an agreement between spouses who have been divorced, for the maintenance of one of them, was made an order of court.

Short title.

11. This Act shall be called the Matrimonial Affairs Act, 1953.

10. (1) Die hof wat 'n egskeiding toestaan kan, ondanks die ontbinding van die huwelik—

Onderhouds-
bevele by
egskeiding.

(a) die bevel teen die skuldige eggenoot gee vir die onderhoud van die onskuldige eggenoot, vir enige tydperk tot die dood of hertrou van die onskuldige eggenoot, na gelang die een of die ander eerste gebeur, wat die hof billik ag; of

(b) 'n ooreenkoms tussen die eggenote vir die onderhoud van een van hulle, 'n bevel van die hof maak,

en enige bevoegde hof kan, by bewys van voldoende rede (wat 'n ander rede dan die geldelike vermoë van die een of ander van die onderskeie eggenote kan wees) so 'n bevel intrek, opskort of wysig.

(2) Enige bevoegde hof kan te eniger tyd op aansoek van die een of ander party by 'n ooreenkoms wat voor die datum van die inwerkingtreding van hierdie Wet vir die onderhoud van een van hulle tussen eggenote wat geskei is, aangegaan is, so 'n ooreenkoms 'n bevel van die hof maak, en enige bevoegde hof kan by bewys van voldoende rede (wat 'n ander rede dan die geldelike vermoë van die een of ander van die onderskeie eggenote kan wees) so 'n bevel, of 'n bevel wat voor die datum van die inwerkingtreding van hierdie Wet uitgereik is en waarby 'n ooreenkoms tussen eggenote wat geskei is, vir die onderhoud van een van hulle, 'n bevel van die hof gemaak is, intrek, opskort of wysig.

11. Hierdie Wet heet die Wet op Huweliksangeleenthede, Kort titel. 1953.