

Divorce Amendment Bill signed into law; recognises Muslim marriages

President Cyril Ramaphosa has signed into law the Divorce Amendment Bill, which amends the Divorce Act of 1979 to recognise Muslim marriages and safeguard the interests of Muslim women and children of Muslim marriages in the event that marriages are dissolved.



Image source: Guzel Andrianova – [123RF.com](https://www.123RF.com)

Currently, Muslim couples who choose to marry according to Islamic law can only be afforded the statutory protection of the South African legal system as it pertains to civil spouses if they, in addition to their marriage under Islamic law, register a civil marriage.

“The amended legislation addresses shortcomings in the Divorce Act of 1979, which differentiated between people married in terms of the Marriage Act and people married according to Muslim rites, especially women.

“The amendments enacted by the President provide for a definition of a Muslim marriage in the Divorce Act of 1979; the protection and safeguarding of the interests of dependent and minor children of a Muslim marriage; the redistribution of assets on the dissolution of a Muslim marriage and forfeiture of patrimonial benefits of a Muslim marriage,” the Presidency said on Thursday.



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The new legislation is a response to an earlier Constitutional Court judgment that recognised the need for and importance of protecting Muslim women and children of Muslim marriages, particularly when a Muslim marriage is dissolved.

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