

**DISSOLUTION OF MARRIAGES ON PRESUMPTION OF
DEATH ACT
NO. 23 OF 1979**

[ASSENTED TO 16 MARCH, 1979]
[DATE OF COMMENCEMENT: 29 MARCH, 1979]

(Afrikaans text signed by the State President)

This Act has been updated to <i>Gazette</i> 13113 dated 28 March, 1991.

as amended by

Inquests Amendment Act, No. 8 of 1991
[with effect from 3 February, 1992—see title *INQUESTS*]

ACT

To provide for the dissolution of marriages of persons presumed to be dead.

ARRANGEMENT OF SECTIONS

1. Court may declare certain marriages to be dissolved
2. Effect of certain findings on marriages
3. Short title

1. Court may declare certain marriages to be dissolved.—Any provincial or local division of the Supreme Court of South Africa making an order that the death of any married person shall be presumed, may, when making that order or at any time thereafter, on the application of such person's spouse, make an order that the marriage in question shall be deemed to have been dissolved by death as from a date determined by the court, whereupon that marriage shall for all purposes be deemed to have been dissolved by death as from the date so determined.

2. Effect of certain findings on marriages.—Whenever an inquest has been held in accordance with the provisions of the Inquests Act, 1959 (Act No. 58 of 1959), in respect of the death of any married person, and any finding in respect of that death has the same effect in terms of section 18 (2) or (2A) of that Act, as if it were an order granted by the relevant reviewing court or judge or by the relevant provincial or local division of the Supreme Court of South Africa, as the case may be, that the death of the person concerned shall be presumed in accordance with such finding, the marriage in question shall for all purposes be deemed to have been dissolved by death as from the date of the said person as recorded in terms of section 16 (2) (c) of that Act in that finding.

[S. 2 substituted by s. 9 of Act No. 8 of 1991.]

3. Short title.—This Act shall be called the Dissolution of Marriages on Presumption of Death Act, 1979.
