

The benefits of registering a customary marriage

By [Janine Julies](#)

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A customary marriage should be registered with the Department of Home Affairs within three months from the date when the marriage was concluded. The validity of the marriage is however not affected, should the marriage not be registered.



Image source: Dellon Thomas from [Pexels](#)

Many spouses therefore do not register their marriages with Home Affairs, but often regret this, when unforeseen life events happen.

Registering a customary marriage in South Africa is important for several reasons:

- **Legal recognition:** Registering a customary marriage provides legal recognition of the union, which means that the marriage is recognised as valid and binding under South African law. This can provide legal protection for both spouses and ensure that their rights are protected.
- **Inheritance:** Registered customary marriages are recognised under the Intestate Succession Act, which means that the surviving spouse is entitled to a share of the deceased spouse's estate, even if there is no will.

- **Property rights:** Registering a customary marriage can also help to protect the property rights of both spouses. In the absence of a registered marriage, it may be difficult for one spouse to claim ownership or rights to property that was acquired during the marriage.



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- **Social security:** Registering a customary marriage can also entitle both spouses to certain social security benefits, such as pension or death benefits, provided by the state or private entities.
- **Pension benefits:** Many pension and insurance companies obtain information from the Department of Home Affairs before paying pension benefits. If a marriage is not registered, the pension fund may pay out pension funds to their member, without considering an estranged spouse.

Registering a customary marriage is important to ensure that both spouses are legally recognised and protected under South African law, and to safeguard their rights and interests in the event of death, divorce, or other legal proceedings.

ABOUT THE AUTHOR

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