



Prohibition of Mixed Marriages Act, Act No. 55 of 1949

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GENERAL LAW AMENDMENT.

GENERAL LAW AMENDMENT. 614 PROHIBITION OF MIXED MARRIAGES.

Act No. 54 of 1949.

Act No. 55
of 1949.

ACT

To prohibit marriages between Europeans and non-Europeans, and to provide for matters incidental thereto.

(English Text signed by the Governor-General.) (Assented to 1st July, 1949.)

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

(ii) knives, including pocket knives, any blade of which exceeds three and a half inches in length; (blade in this context, means that part of a knife

which does not constitute the haft or handle);

(e) Spears, assegais and loaded or spiked sticks or any stick exceeding one inch in diameter;

(f) knuckledusters;

(g) sandbags;

(h) jumpers, crowbars or hammers exceeding three pounds in weight;

(i) axes or pickaxes;

(j) solid rubber batons;

(k) tear-gas pens and other instruments projecting lachrymating, asphyxiating or incapacitating gases and cartridges therefor;

(l) any article which so closely resembles a pistol or other firearm as to be calculated to give the impression that it is a genuine firearm and which is capable, by the discharge of a cartridge (loaded or unloaded) of causing a loud report, calculated to give the impression that a genuine firearm had been discharged, and also cartridges therefor;

(m) any other article declared by the Minister of Justice by notice in the Gazette to be a dangerous weapon for the purposes of this section.

(4) Any person found guilty of an offence in terms of this section shall be liable to imprisonment for a period not exceeding six months or to a fine not exceeding fifty pounds or to both such fine and such imprisonment.

(5) No prosecution shall be instituted under the provisions of this section except on the written authority of the AttorneyGeneral.

(6) Section nine of the Prevention of Crimes Ordinance, 1905 (Ordinance No. 20 of 1905, Transvaal), is hereby repealed.

11. This Act shall be called the General Law Amendment Act, 1949.
Short title.

616 PROHIBITION OF MIXED MARRIAGES.

Act No. 55
of 1949.

Marriages between Europeans and non-Europeans prohibited.

Solemnization of mixed marriage by marriage officer an offence.

Presumption of race from appearance.

False statement to a marriage officer an offence.

Short title.

1. (1) As from the date of commencement of this Act a marriage between a European and a non-European may not be solemnized, and any such marriage solemnized in contravention of the provisions of this section shall be void and of no effect: Provided that (a) any such marriage shall be deemed to be valid, if (i) it has been solemnized in good faith by a marriage officer, and neither of the parties concerned, or any other person in collusion with one or the other of them, has made any false statement relating to the said marriage amounting to a contravention of section four; and (ii) any party to such marriage professing to be a European or a non-European, as the case may be, is in appearance obviously what he professes to be, or is able to show, in the case of a party professing to be a European, that he habitually consorts with Europeans as a European, or in the case of a party professing to be a non-European, that he habitually consorts with non-Europeans as a non-European;
- (b) where any such marriage has been solemnized in good faith by a marriage officer, any children born or conceived of such marriage before it has been declared by a competent court to be invalid, shall be deemed to be legitimate.
- (2) If any male person who is domiciled in the Union enters into a marriage outside the Union which cannot be solemnized in the Union in terms of subsection (f), then such marriage shall be void and of no effect in the Union.
2. Any marriage officer who knowingly performs a marriage ceremony between a European and a non-European shall be guilty of an offence and liable to a fine not exceeding fifty pounds.
3. Any person who is in appearance obviously a European or a non-European, as the case may be, shall for the purposes of this Act be deemed to be such, unless and until the contrary is proved.
4. Any person who makes a false statement to a marriage officer, relating to the question whether any party seeking to* have his marriage solemnized by such marriage officer is a European or a non-European, knowing such statement to be false, shall be guilty of an offence and liable to the penalties prescribed by law for the crime of perjury.
5. This Act shall be called the Prohibition of Mixed Marriages Act, 1949.

