

## SKRYWE ALGEMENE SEKRETARIS ALGEMENE SINODE

29 November 2021

Beste Francois

Na aanleiding van jou skrywe en versoek om kommentaar te lewer op die versoek by julle afgelope sinodevergadering rondom vrywaring van die verpligting om burgerlike verbintenisse te voltrek, die volgende kommentaar:

Die Algemene Sinode het, namens die NG Kerk, aansoek gedoen om Burgerlike Verbintenisse te voltrek na aanleiding van die besluit wat in 2019 geneem is. Die situasie en implikasies van die 2019 ten opsigte van SGV is duidelik aan die DBS (Departement Binnelandse Sake) gemaak. Dit is gekommunikeer dat die bevestiging van burgerlike verbintenisse net van toepassing is op diegene wat die opsie wil uitoefen.

*Daar is derhalwe deur DBS versoek om net die name en besonderhede van predikante wat burgerlike verbintenisse wil voltrek aan hulle deur te stuur. Die predikante wat die opsie wil uitoefen, sal dan geëksamineer word op die Wet oor Burgerlike Verbintenisse (2006) en, indien hulle slaag, dan geakkrediteer word om dit te doen. Dit is inlyn met die huidige wetgewing.*

Die persepsie dat predikante enigsins geforseer sal word om burgerlike verbintenisse te voltrek, is van alle waarheid ontbloot. Sien die kommentaar rondom die uitleg en kommentaar van die Wet op Burgerlike Verbintenisse (2006) hieronder.

Ek hoop jy vind my kommentaar in orde.

Vriendelike groete  
Gustav

### **UITLEG EN INTERPRETASIE VAN DIE WET OP BURGERLIKE VERBINTENISSE (CIVIL UNION ACT, no 17 van 2006)**

Die Wet moet in sy hele konteks gelees word en nie net na enkele klousules verwys nie.

Die twee kern klousules wat op kerklike denominasies en kerklike bevestigings van burgerlike verbintenisse verwys is **klousule 5 en 6**. Dit moet ook saam gelees word.

Ek haal die tersaaklike gedeeltes uit **Wet 17** aan:

#### **Klousule 5:**

**In hierdie paragraaf word die proses beskryf waar 'n denominasie kan aansoek doen dat so denominasie erken kan word sodat haar predikante kan aansoek doen om bevestigings te word.**

#### **DESIGNATION OF MINISTERS OF RELIGION AND OTHER PERSONS ATTACHED TO RELIGIOUS DENOMINATION OR ORGANISATION AS MARRIAGE OFFICERS**

(1) Any religious denomination or organisation may apply in writing to the Minister to be designated as a religious organisation that may solemnise marriages in terms of this Act. 35

(2) The Minister may designate such a religious denomination or organisation as a religious institution that may solemnise marriages under this Act, and must, from time to time, publish particulars of all religious institutions so designated in the Gazette.

(3) The Minister may, on request of any designated religious institution referred to in subsection (2), revoke the designation under that subsection and must publish such revocation in the Gazette.

(4) The Minister and any officer in the public service authorised thereto by him or her may designate, upon receiving a written request from any minister of religion or any person holding a responsible position in any designated religious institution to be, as long as he or she is such a minister or occupies such position, a marriage officer for the purpose of solemnizing marriages in accordance with this Act and according to the rites of that religion.

(5) Every designation of a person as a marriage officer under subsection (4) shall be by written instrument and the date as from which it shall have effect and any limitation to which it is subject shall be specified in such instrument.

(6) The Minister and any officer in the public service authorised thereto by him or her may, upon receiving a written request from a person designated as a marriage officer under subsection (4), revoke, in writing, the designation of such person as a marriage officer for purposes of solemnising marriages under this Act.

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**Klousule 6:**

**Let veral op die bewoording "a marriage officer, other than a marriage officer referred to in section 5.**

**MARRIAGE OFFICER NOT COMPELLED TO SOLEMNISE CIVIL UNION**

6. A marriage officer, other than a marriage officer referred to in section 5, may in writing inform the Minister that he or she objects on the ground of conscience, religion and belief to solemnising a civil union between persons officer same sex.

**Paragraaf 6 verwys dus na ander bevestigters wat nie aan 'n kerklike denominasie gekoppel is nie. Dit sal tipies jou staatsdiens amptenary wees wat kwalifiseer om bevestigters te wees.**

**Hierdie paragraaf is dus nie van toepassing op kerklike bevestigters nie.**