

Annexure C**Option 3.1:****BILL**

To provide for persons of the same sex to conclude a civil union, to provide for a registration process for civil unions, to provide for the legal consequences of civil unions, and to provide for the termination of civil unions.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

Definitions

1. In this Act, unless the context otherwise indicates-

"**civil union**" means the voluntary union of two persons of the same sex concluded in terms of this Act to the exclusion of any other union or registered partnership;

"**civil union partner**" means a partner in a civil union concluded in terms of this Act;

"**Registered Partnerships Act**" means the Registered Partnerships Act, 20.. (Act No. ... of 20..).

Registration of civil unions

2. (1) A civil union is established through the registration process for registered partnerships provided for in sections 4 to 7 of the Registered Partnerships Act, 20.. (Act No. ... of 20..).

- (2) A person may only be a partner in one civil union at any given time.

- (3) A married person may not register a civil union until his or her subsisting marriage has been dissolved.

(4) A prospective civil union partner who has previously been married or registered as a partner in a registered partnership, must present a certified copy of the divorce order, termination certificate, termination order or death certificate of the former spouse or registered partner, as the case may be, to the registration officer contemplated in the Registered Partnerships Act, 20.. (Act No. ... of 20..) as proof that the previous registered partnership or marriage has been terminated.

(5) The registration officer may not proceed with the registration of the civil union unless in possession of the relevant documentation referred to in subsection (4).

(6) A civil union may only be registered by prospective civil union partners who would, apart from the fact that they are of the same sex, not be prohibited by law from concluding a marriage.

Legal consequences of civil unions

3. Except as provided for in section 4, the legal consequences of a marriage shall apply, with such changes as may be required by the context, to a civil union.

Termination of civil unions

4. The process for the termination of registered partnerships prescribed in the Registered Partnerships Act, 20.. (Act No. ... of 20..) shall apply, with such changes as may be required by the context, to civil unions.

Short title and commencement

5. This Act is called the Civil Unions Act, 20.. (Act No. ... of 20..) and will come into operation on a date fixed by the President by proclamation in the *Gazette*.

Option 3.2:**BILL**

To provide for persons to conclude a civil union, to provide for a registration process for civil unions, to provide for the legal consequences of civil unions, and to provide for the termination of civil unions.

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Definitions

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Registration of civil unions

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- (2) A person may only be a partner in one civil union at any given time.

- (3) A married person may not register a civil union until his or her subsisting marriage has been dissolved.

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(5) The registration officer may not proceed with the registration of the civil union unless in possession of the relevant documentation referred to in subsection (4).

(6) A civil union may only be registered by prospective civil union partners who would, apart from the fact that they may be of the same sex, not be prohibited by law from concluding a marriage.

Legal consequences of civil unions

3. Except as provided for in section 4, the legal consequences of a marriage shall apply, with such changes as may be required by the context, to a civil union.

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4. The process for the termination of registered partnerships prescribed in the Registered Partnerships Act, 20.. (Act No. ... of 20..) shall apply, with such changes as may be required by the context, to civil unions.

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