

MAINTENANCE

RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS ACT, 1963 (ACT 80 OF 1963)

**The Department of Justice and
Constitutional Development**

Private Bag X81, Pretoria, 0001

**Office of the DG
Chief Directorate: International Legal Relations
Mrs M Wilson
Tel: 012 315 1111
Fax: 086 682 6908**

www.justice.gov.za



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS refers to cases where one of the parties is residing in a proclaimed country or territory.

South Africa have reciprocal enforcement agreements with the following countries:

Australia

Capital Territory
Northern Territory
South Australia
State of Victoria

New South Wales
State of Queensland
Tasmania
Western Australia

Botswana

Canada

Alberta
Province of Manitoba
Province of Ontario

British Columbia
North West Territories

Cocoa (Keeling) Islands

Fiji

Guernsey (Bailiwick of)
Isle of Jersey

Kenya

Malawi

Namibia

Nigeria

Sarawak

St Helena

United Kingdom

England
Scotland

Cyprus

Germany

Hong Kong

Isle of Man

Lesotho

Mauritius

New Zealand

Norfolk Island

Singapore

Swaziland

Northern Ireland
Wales

United States of America

California

Florida

Zambia

Zimbabwe

The department has nominated a few countries whom we don't have agreements with but, most are still pending from overseas to accept nomination with South Africa. In these cases the Reciprocal Enforcement of Maintenance Orders Act, 1963 (Act 80 of 1963) is applicable.

This Act makes provision for final and provisional orders.

PROVISIONAL ORDERS:

Enquiry with a view to make a provisional order.

An enquiry in terms of section 8 of the Reciprocal Enforcement of Maintenance Orders Act, 1963 (Act 80 of 1963) should be held under section 10 of the Maintenance Act, 1998 (Act 99 of 1998), in the absence of the person residing in a proclaimed country or territory who may be legally liable to maintain any person in the Republic.

The evidence of all witnesses at the enquiry should be read over, adhered to and signed by them.

WHAT IS A PROCLAIMED COUNTRY OR TERRITORY?

- Some countries have special arrangement with South Africa, so that maintenance orders granted in one country can be enforced in the order.
- A country that belongs to this agreement is a proclaimed or designated country.
- It takes approximately 12 months for an order to be registered in proclaimed countries.

WHAT DOCUMENTATION MUST BE FORWARDED TO HEAD OFFICE?

The following documentation are required in respect of the proclaimed countries and territories:

- a) Four certified copies of the provisional court order.
- b) An affidavit by the complainant or an officer of the court as to the amount of arrears due under the order.
- c) The deposition affidavit or evidence of the complainant.
- d) Birth certificate (s) of the child or children.
- e) The marriage certificate (if applicable).
- f) A photograph and description of the defendant.
- g) The exhibits referred to in the complainants deposition, affidavit or evidence duly endorsed as prescribed above.
- h) Three certified copies of the documents referred to in (b) and (c) above and in the event of the High Court, four copies as well as an additional copy of the order of court are required.
- i) Physical residential and or working address of the defendant in a proclaimed country.