

Statutory Instrument No. 58 of 2025

MARRIED PERSONS PROPERTY ACT
(Cap. 29:03)

MARRIED PERSONS PROPERTY (AMENDMENT OF SCHEDULES)
ORDER, 2025
(Published on 3rd June, 2025)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Amendment of Schedules to Cap. 29:03 (Sub. Leg.)

IN EXERCISE of the powers conferred on the Minister by section 11 of the Married Persons Property Act, the following Order is hereby made —

1. This Order may be cited as the Married Persons Property (Amendment of Schedules) Order, 2025. Citation

2. The Married Persons Property Act is hereby amended by substituting the Schedules, for the following new Schedules — Amendment of Schedules to Cap. 29:03 (Sub. Leg.)

“SCHEDULES

SCHEDULE 1

Form A

MARRIAGE OUT OF COMMUNITY OF PROPERTY
(Section 4 (2))

We, the undersigned,.....of..... and.....
(Full names) (Town/village) (Full names)
of..... do hereby declare that our marriage with each other
(Town/village)
shall be out of community of property.

Signature:ID/Passport Number.....
.....ID/Passport Number.....

Witnesses: 1. ID/Passport Number.....
2. ID/Passport Number.....
3. ID/Passport Number.....

N.B. One witness must be an administrative officer, a justice of the peace or a commissioner of oaths.

Form B

MARRIAGE IN COMMUNITY OF PROPERTY
(Section 4 (3))

We, the undersigned, of and
(Full names) (Town/village) (Full names)

of do hereby declare that our marriage with each other
(Town/village)

shall be in community of property.

Signature: ID/Passport Number
..... ID/Passport Number

Witnesses: 1 ID/Passport Number
2 ID/Passport Number
3 ID/Passport Number

N.B. One witness must be an administrative officer, a justice of the peace or a commissioner of oaths.

SCHEDULE 2

Form A

**EXCLUSION OF CUSTOMARY LAW AND OPTION FOR MARRIAGE
OUT OF COMMUNITY OF PROPERTY**

(section 5 (4) (a))

We, the undersigned, of and
(Full names) (Town/village) (Full names)

of do hereby solemnly express our wish —
(Town/village)

- (a) that the property consequences of our marriage should be regulated by the common law and not customary law and in consequence we wish to be exempt from the provisions of section 5 (1) and 5 (2) of the Married Persons Property Act; and
- (b) to avail ourselves of the provisions of the said Act and opt for a marriage out of community of property.

Signature: ID/Passport Number.....
..... ID/Passport Number.....

Witnesses: 1. ID/Passport Number.....
2. ID/Passport Number.....
3. ID/Passport Number.....

N.B. One witness must be an administrative officer, a justice of the peace or a commissioner of oaths.

Form B

**EXCLUSION OF CUSTOMARY LAW AND OPTION FOR
MARRIAGE IN COMMUNITY OF PROPERTY**

(section 5 (4) (b))

We, the undersigned, of and
(Full names) (Town/village) (Full names)
of do hereby solemnly express our wish —
(Town/village)

- (a) that the property consequences of our marriage should be regulated by the common law and not customary law and in consequence we wish to be exempt from the provisions of section 5 (1) and 5 (2) of the Married Persons Property Act; and
- (b) that we do not desire to avail ourselves of the provisions of the said Act and opt for a marriage in community of property.

Signature: ID/Passport Number.....
..... ID/Passport Number.....

Witnesses: 1. ID/Passport Number.....
2. ID/Passport Number.....
3. ID/Passport Number.....

N.B. One witness must be an administrative officer, a justice of the peace or a commissioner of oaths.”.

MADE this 2nd day of June , 2025.

**MAJOR GENERAL (RTD) PIUS
MOKGWARE,**
Minister of Labour and Home Affairs.