

Married Persons Property Regime

Overview

- In accordance with Section 3(1) of the Married Persons Property Act marriage solemnised between spouses is outright out of community of property and community of profit and loss or any liabilities or privileges therefrom.
- However, the Act provides that spouses may choose to contract to be in community of property and community of profit and loss or any liabilities or privileges therefrom by signing an instrument to that effect.
- The instrument must be signed by each of the spouses before solemnisation of their marriage and in the presence of two persons one of whom shall be an administrative officer as a witness to the choice made.
- For the signed instrument to be valid it must be registered in the Deeds Register (Attorney General's Office) within 90 days. If not registered within this period the instrument will not be valid hence the marriage will be presumed to be out of community as at Section 3(1).

Who is eligible?

All married couples who solemnise their marriage according to the common law.

How do I get this service?

In order to access this service, applicants must follow the following steps:

- Fill in the application form selecting the married property regime

What supporting documents are required?

- National Identity document for citizens
- Passport for Non-citizens

How long will this service take?

The service takes 90 days for the Instrument to be collected from the office.

How much does it cost?

The service fee is P20.00

Where can I get more information on this Service

Civil and National Registration Offices

Department of Civil and National Registration

Head Office, Block 8, Government Enclave,

Khama Crescent, Private Bag 00240, Gaborone, Botswana

Tel. (+267) 361 1400

Fax. (+267) 395 9998

Toll Free Number. 0800 600 777

Civil and National Registration offices

Opening hours: 7:30 to 12:45, and 13:45 to 16:30, Monday to Friday, except public holidays.