



CONSTITUTIONAL COURT OF SOUTH AFRICA

Case CCT 364/21 and CCT 158/22

In the matter between:

**MINISTER OF JUSTICE AND CONSTITUTIONAL
DEVELOPMENT**

Applicant

and

ESTELLE BOOYSEN

First Respondent

KAREN RITA GREYLING

Second Respondent

MINISTER OF HOME AFFAIRS

Third Respondent

SPEAKER OF THE NATIONAL ASSEMBLY

Fourth Respondent

Case CCT 364/21

In re the matter between:

EB (BORN S)

Applicant

and

ER (BORN B) N.O.

First Respondent

**MINISTER OF JUSTICE AND CONSTITUTIONAL
DEVELOPMENT**

Second Respondent

EB (BORN S) N.O.

Third Respondent

Case CCT 158/22

And in re the matter between:

KG Applicant

and

MINISTER OF HOME AFFAIRS First Respondent

MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT Second Respondent

BG Third Respondent

and

COMMISSION FOR GENDER EQUALITY First Amicus Curiae

GAUTENG ATTORNEYS ASSOCIATION Second Amicus Curiae

ORDER

CORAM: Mlambo DCJ, Kollapen J, Majiedt J, Mhlantla J, Musi AJ, Rogers J, Savage AJ, Theron J and Tshiqi J.

The Constitutional Court has considered the application for a 12-month extension of the 24-month period of suspension forming part of the orders in *EB (born S) v ER (born B) and others; KG v Minister of Home Affairs and others* (CCT 364/21; CCT 158/22) [2023] ZACC 32, as well as the applicant's supplementary affidavit filed on Wednesday, 1 October 2025, at the direction of this Court. Having regard to this Court's case law on such applications, the Court has concluded that the failure to comply with the 24-month period of suspension has been sufficiently explained; that, in the context of the dissolution of marriages, spouses will suffer substantial prejudice if the suspension is not extended; that there are reasonable prospects of the constitutional defects being remedied within the extended period; and that an extension will promote a functional and orderly state administration for the benefit of the general public. Having regard, furthermore, to the absence of opposition, the Court has concluded that it would be just and equitable to grant an extension.

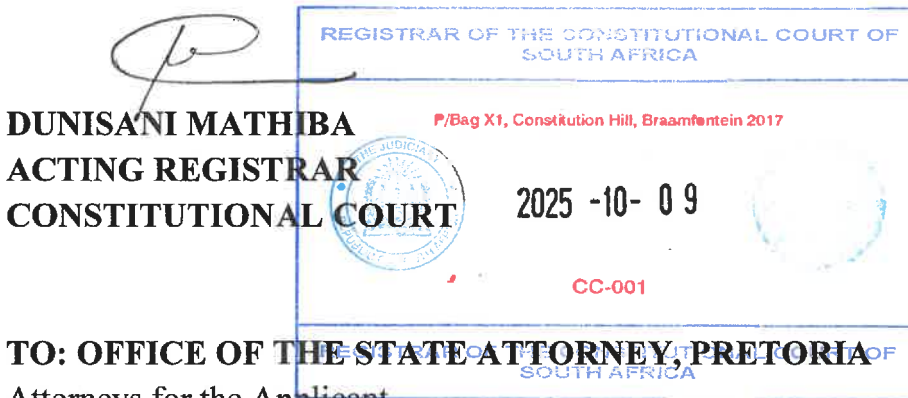
As to the period of extension, a 12-month extension would prolong the period of suspension until 10 October 2026. Although the applicant anticipates that both Houses of Parliament will have processed the remedial legislation by September 2026, unforeseen delays and the need for the President to assent to the Bill thereafter create

the risk that the remedial legislation will not have come into force by 10 October 2026. The Court has thus concluded that an 18-month extension should be granted.

The Court has concluded, furthermore, that the interim relief granted by this Court in its judgment of 10 October 2023 should continue to be operative.

Order:

1. The 24-month period of suspension contained in paragraph 3 of this Court's orders in CCT 364/21 and CCT 158/22 is extended by 18 months, so that the extended period of suspension will expire on 10 April 2027.
2. The interim relief contained in paragraphs 4 and 5 of this Court's order in CCT 364/21 and in paragraphs 4 to 7 of this Court's order in CCT 158/22 shall continue to be operative.



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