



Consolato d'Italia  
Cape Town

**DOCUMENTATION REQUIRED  
FOR REGISTRATION OF DIVORCE IN ITALY:**

**A. DOCUMENTS OBTAINABLE FROM THE CAPE TOWN HIGH COURT IF DIVORCE TOOK PLACE IN CAPE TOWN. IF DIVORCE TOOK PLACE ELSEWHERE THEN THE COURT WHO ISSUED THE FINAL ORDER OF DIVORCE IS COMPETENT FOR THE ISSUANCE OF THE DOCUMENTS AND LEGALIZATION THEREOF. PLEASE NOTE HOWEVER THAT APPLICANT SHOULD BE IN POSSESSION OF FINAL ORDER OF DIVORCE AND CONSENT PAPER.**

1. copy of the final order of divorce;
2. copy of the Consent Paper if it is recorded on the final order of divorce that said paper be made an Order of the Court and therefore it is required by the Italian authorities in order to ascertain that all the necessary requirements have been adhered to;
3. a completed declaration issued by the competent Registrar of the High Court regarding the actual divorce procedure and correct issuance of summons (see document attached);
4. The above documents must be legalized with an "Apostille" issued by the High Court of Cape Town;
5. Said Apostilled documents must then be translated by a sworn translator: please consult our website for a list of sworn translators:  
[http://www.conscapetown.esteri.it/consolato\\_capetown/en/i\\_servizi/modulistica/traduttori-giurati.html](http://www.conscapetown.esteri.it/consolato_capetown/en/i_servizi/modulistica/traduttori-giurati.html)  
The translation can either be apostilled at the High Court (free of charge) or alternatively it can be legalized at this Consulate (stamp duty applies).

The attached declaration stating that you have not instituted divorce proceedings in Italy will have to be signed by yourself and presented with a copy of your passport/identity document.

IN THE HIGH COURT OF SOUTH AFRICA  
(..... DIVISION)

In the matter between:

..... Plaintiff

and

..... Defendant

I, the undersigned

.....

Registrar of the above Honourable Court, do hereby certify that:

1. By summons issued out of this Court on the ..... day of ...../....., the above named Plaintiff sued the abovenamed Defendant for a decree of divorce by reason of the irretrievable breakdown of the marriage between the parties.
2. The summons was served personally on the Defendant on the ..... day of ...../..... in conformity with South African law and the Defendant was allowed a congruous period of time within which to appear in the action, namely a period of 10 (ten) court days, equivalent to 14 (fourteen) calendar days.
3. The Defendant not having notified his/her intention to appear in and defend the action, the matter was enrolled for hearing by this Court on the ..... day of ...../.....
4. At the hearing of the matter held on the ....., as aforesaid, it having been proved to the Court:
  - (a) that the Court had jurisdiction to hear and adjudicate on the matter by virtue of the fact [that the parties were both domiciled within the area of jurisdiction of the Court\*] [that the defendant was domiciled within the area of jurisdiction of the Court\*] that the plaintiff was domiciled within the area of jurisdiction of the Court and the defendant was domiciled abroad\*] at the time of the issue of the Summons referred to in paragraph 1 above;
  - (b) that the Summons had been properly served on the Defendant as required by South African law and that the Defendant had been given a congruous period of time within which to appear in the proceedings;
  - (c) that the Plaintiff appeared in the proceedings and Defendant [failed to appear in the proceedings and was in default\*\*] [defended and appeared in the proceedings\*\*];
  - (d) that the marriage between the parties had irretrievably broken down to the extent that the Court was satisfied that the marriage relationship between the parties had reached such a state of disintegration that there was no reasonable prospect of the restoration of a normal marriage relationship between them,

the above Honourable Court granted a final order of divorce dissolving the bonds of marriage between the Plaintiff and the Defendant with effect from that date.

5. The aforesaid final order of divorce is *res judicata* in terms of South African law and is final and binding to all effects; furthermore no right of appeal lies against the said final order of divorce as the time limit for the noting and prosecution of any appeal has expired.

DATED AT ....., SOUTH AFRICA, this ..... day of ....., 200...

.....  
THE REGISTRAR

\* the applicable circumstances for exercise of jurisdiction by the South African Court must be selected from these alternatives

\*\* specify which of the two alternatives applied

**ISTANZA DI TRASCRIZIONE DI SENTENZA DI DIVORZIO**

ai sensi dell'art. 64 della Legge 31 maggio 1995, n.218

**E DICHIARAZIONE SOSTITUTIVA ATTO DI NOTORIETA'**

(art. 47 D.P.R. 445 del 28.12.2000)

Il / La sottoscritto /a .....  
nato / a ..... il .....  
ed attualmente residente in .....  
.....

**chiede**

a codesto Consolato d'Italia in Cape Town di inoltrare l'allegata sentenza di divorzio al Comune di ..... per la successiva trascrizione e, consapevole che in caso di dichiarazione mendace sara' punito ai sensi del Codice Penale secondo quanto prescritto dall'art.76 del succitato D.P.R. 445/2000 e che, inoltre, qualora dal controllo effettuato emerga la non veridicitá del contenuto di taluna delle dichiarazioni rese, decadra' dai benefici conseguenti al provvedimento eventualmente emanato sulla base della dichiarazione non veritiera (art.75 D.P.R. 445/2000); informato ed autorizzando la raccolta dei dati per l'emanazione del provvedimento amministrativo ai sensi dell'art.10 della Legge 675/96)

**dichiara che**

*La sentenza sudafricana di divorzio non e' contraria ad altra sentenza pronunciata da un giudice italiano passata in giudicato e non pende in Italia, per il medesimo oggetto e fra le stesse parti, una procedura analoga iniziata antecedentemente alla procedura straniera (art. 64 lettere e) e f) della Legge 218/1995).*

*(I the undersigned, request the registration in Italy of the South African decree nisi of dissolution of marriage, and to that end declare that the South African divorce sentence which is to be registered in Italy, does not contravene any sentence handed down by an Italian judge, and there are no proceedings by the same parties in Italy aimed toward the same outcome, neither present, nor proceedings for the foreign divorce sentence).*

Letto, confermato e sottoscritto

il dichiarante

.....

Si fa altresí presente che, secondo la normativa sudafricana, le donne coniugate assumono il cognome del coniuge, sostituendolo al proprio da nubile che non viene piu' riportato sui documenti di stato civile.

Ai sensi dell'art. 38, D.P.R. 445 del 28 dicembre 2000, la dichiarazione, contestuale all'istanza, e' sottoscritta dall'interessato in presenza del dipendente addetto ovvero sottoscritta o inviata insieme alla fotocopia, non autenticata di un documento di identita' del dichiarante, all'ufficio competente via fax, tramite un incaricato, oppure a mezzo posta.

Il pubblico ufficiale.....

....., li' .....