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GOVERNMENT GAZETTE

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KAAPSTAD, 25 JUNIE 1980

OFFICE OF THE PRIME MINISTER

No. 1302.

25 June 1980.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 78 of 1980: Insolvency Amendment Act, 1980.

KANTOOR VAN DIE EERSTE MINISTER

No. 1302.

25 Junie 1980.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 78 van 1980: Insolvenciesigingswet, 1980.

Wet No. 78, 1980

INSOLVENSIEWYSIGINGSWET, 1980

ALGEMENE VERDUIDELIKENDE NOTA:

- Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordnings aan.
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordnings aan.

WET

Tot wysiging van die Insolvensiewet, 1936, ten einde te bepaal dat sekere koste in verband met die aanstelling van 'n regspraktisy vir die ondervraging van iemand op 'n byeenkoms van skuldeisers, ingesluit word by die koste van die sekwestrasie van die boedel; om die bepalings wat vereis dat kennis gegee moet word van die taksasie deur die Meester van sekere koste, te wysig; en om die bepalings wat die bevoegdheid aan sekere krediteure en die insolvent verleen om by sodanige taksasies teenwoordig te wees en teen sekere koste beswaar te maak, te skrap; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Junie 1980.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 73 van Wet 24 van 1936, soos gewysig deur artikel 20 van Wet 16 van 1943 en artikel 24 van Wet 99 van 1965.

1. Artikel 73 van die Insolvensiewet, 1936, word hierby gewysig—
- (a) deur na subartikel (1) die volgende subartikel in te voeg:
„(1A) Wanneer 'n kurator met die voorafverleende goedkeuring van die Meester 'n prokureur of 'n prokureur en 'n advokaat in diens neem om ten behoeve van hom 'n persoon by 'n byeenkoms van skuldeisers ingevolge artikel 65 (1) te ondervra, word die koste aangegaan in verband met sodanige aanstelling, ingesluit by die koste van die sekwestrasie van die boedel.”;
- (b) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:
„(a) Alle koste ingevolge hierdie artikel aangegaan wat nie aan taksasie deur die taksasie-amptenaar van die hof onderhewig is nie, word **[na veertien dae kennisgewing deur die kurator aan elke skuldeiser wat 'n vordering teen die boedel bewys het en aan die insolvent,]** getakseer deur die Meester volgens 'n tarief deur hom vasgestel en die Meester kan, indien hy dit nodig ag dat die insolvent of enige skuldeiser wat 'n vordering teen die boedel bewys het die geleentheid gebied moet word om die taksasie by te woon en teen enige koste wat in die kosterekening ingesluit is, beswaar te maak, die kurator gelas om die insolvent of so 'n skuldeiser ooreenkomsdig die voorskrifte wat die Meester bepaal, kennis van die taksasie te gee.”;
- (c) deur subartikel (3) te skrap.

Kort titel.

2. Hierdie Wet heet die Insolvensiewysigingswet, 1980.

INSOLVENCY AMENDMENT ACT, 1980

Act No. 78, 1980

GENERAL EXPLANATORY NOTE:

- 【 Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.
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ACT

To amend the Insolvency Act, 1936, so as to provide that certain costs in connection with the engagement of a legal practitioner for the interrogation of a person at a meeting of creditors, shall be included in the costs of the sequestration of the estate; to amend the provisions which require that notice be given of the taxation by the Master of certain costs; and to delete the provisions which confer the power upon certain creditors and the insolvent to be present at such taxations and to object to certain costs; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 12 June 1980.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 73 of the Insolvency Act, 1936, is hereby Amendment of
5 amended— section 73 of
Act 24 of 1936,
as amended by
section 20 of
Act 16 of 1943
and section 24 of
Act 99 of 1965.
(a) by the insertion after subsection (1) of the following subsection:
“(1A) Whenever a trustee with the prior approval of the Master engages an attorney or an attorney and an advocate to interrogate on his behalf any person at a meeting of creditors in terms of section 65 (1), the costs incurred in connection with such engagement shall be included in the cost of the sequestration of the estate.”;
- 10 (b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
“(a) All costs incurred under this section which are not subject to taxation by the taxing officer of the Court, shall [after fourteen days] notice by the trustee to each creditor who has proved a claim against the estate and to the insolvent, be taxed by the Master according to a tariff framed by him and the Master may, if he deems it necessary that the insolvent or any creditor who has proved a claim against the estate be afforded the opportunity of attending the taxation and of objecting to any costs included in the bill of costs, direct the trustee to give the insolvent or such a creditor notice of the taxation in accordance with the directions stipulated by the Master.”; and
- 15 (c) by the deletion of subsection (3).
- 20 (d) by the insertion after subsection (1) of the following subsection:
“(1A) Whenever a trustee with the prior approval of the Master engages an attorney or an attorney and an advocate to interrogate on his behalf any person at a meeting of creditors in terms of section 65 (1), the costs incurred in connection with such engagement shall be included in the cost of the sequestration of the estate.”;
- 25 (e) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
“(a) All costs incurred under this section which are not subject to taxation by the taxing officer of the Court, shall [after fourteen days] notice by the trustee to each creditor who has proved a claim against the estate and to the insolvent, be taxed by the Master according to a tariff framed by him and the Master may, if he deems it necessary that the insolvent or any creditor who has proved a claim against the estate be afforded the opportunity of attending the taxation and of objecting to any costs included in the bill of costs, direct the trustee to give the insolvent or such a creditor notice of the taxation in accordance with the directions stipulated by the Master.”; and
- 30 (f) by the deletion of subsection (3).

2. This Act shall be called the Insolvency Amendment Act, Short title.
1980.