

BUITENGEWONE
OFFISIELLE KOERANT
VAN SUIDWES-AFRIKA
OFFICIAL GAZETTE
EXTRAORDINARY
OF SOUTH WEST AFRICA

'JITGAWE OP GESAG

PUBLISHED BY AUTHORITY

90c

Maandag 14 April 1986

WINDHOEK

Monday 14 April 1986

No 5196

INHOUD:

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Goewermentskennisgewing

Government Notice

DEPARTEMENT VAN OWERHEIDSAKE

**DEPARTMENT OF
GOVERNMENTAL AFFAIRS**

No. 71

1986

No. 71

1986

**AFKONDIGING VAN WET VAN
NASIONALE VERGADERING**

**PROMULGATION OF ACT OF
NATIONAL ASSEMBLY**

Die volgende Wet, wat ingevolge die Proklamasie op die Instelling van Wetgewende en Uitvoerende Gesag vir Suidwes-Afrika, 1985 (Proklamasie R.101 van 1985), deur die Nasionale Vergadering aangeneem en deur die Administrateur-generaal onderteken is, word hierby aangekondig ingevolge artikel 18 van daardie Proklamasie: —

The following Act, which has been adopted by the National Assembly and signed by the Administrator-General in terms of the South West Africa Legislative and Executive Authority Establishment Proclamation, 1985 (Proclamation R.101 of 1985), is hereby published in terms of section 18 of that Proclamation: —

No. 6 van 1986: Boedelwysigingswet, 1986.

No. 6 of 1986: Administration of Estates
Amendment Act, 1986.

BOEDELWYSIGINGSWET, 1986**VERDUIDELIKENDE NOTA:**

- Woorde met 'n volstreep daaronder dui aan invoegings voorgestel.
- [] Woorde in vet druk tussen vierkantige hake dui aan skrappings voorgestel.

WET

Tot wysiging van die Boedelwet, 1965, ten einde sekere verouderde bepalings in sekere artikels van genoemde Wet te vervang; voorsiening te maak vir die voorlegging vir taksasie van 'n taksateur se rekening slegs in die geval van 'n geskil; die lewering van bewys van 'n sterfgeval in sekere gevalle verpligtend te maak; weg te doen met die plig van die Meester om opgawes van sekere regte ten opsigte van onroerende goed aan registrasiebeamptes te verstrek; die stappe wat die Meester moet doen ten einde eksekuteurs aan te stel waar geen eksekuteur benoem is nie, of by dood, onbevoegdheid of weiering om op te tree, beter te reël; die bereddering van boedels van persone wat by hulle dood nie in die Republiek woon nie, verder te reël; die inlewering van 'n inventaris en addisionele inventaris verder te reël; die plig van 'n eksekuteur om 'n bankrekening op naam van 'n boedel te open, duideliker te reël, en die bevoegdheid van 'n eksekuteur om so 'n rekening oor te plaas of gelde in so 'n rekening te belê, beter te reël; weg te doen met die bevoegdheid van die Meester om 'n korter tydperk te gelas om eise in sekere boedels te bewys; die bedrag geld waartoe eksekusieverkopings van goed in bestorwe boedels beperk is, te verhoog; die pligte van eksekuteurs in verband met likwidasie- en distribusierekenings verder te reël, en voorsiening te maak vir die voorlegging aan die Meester van aanvullende likwidasie- en distribusierekenings ten opsigte van bates wat in boedels gevind word nadat finale rekenings voorgelê is; die eksekuteur in sekere omstandighede vry te stel van die plig om sekere rekenings te publiseer; te bepaal dat bewysstukke ter stawing van sekere likwidasie- en distribusierekenings slegs voorgelê moet word indien die Meester dit vereis; die bevoegdhede van die Meester of iemand wat by die bereddering of verdeling van 'n boedel belang het,anneer die eksekuteur versuim om rekenings in te lever of om pligte uit te voer, duideliker te reël; 'n transportbesorger die plig op te lê om 'n sertifikaat dat 'n voorgenome transport of aantekening in ooreenstemming met die likwidasie- en distribusierekening is by die betrokke registrasiebeampte in te lever; natuurlike voogde van minderjarige erfgename in sekere omstandighede vry te stel van die verpligting om sekerheid te stel ten opsigte van geld of ander roerende goed wat aan hulle ten behoeve van

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EXPLANATORY NOTE:

- Words underlined with solid line indicate insertions proposed.
- [] Words in bold typing in square brackets indicate omissions proposed.

ACT

To amend the Administration of Estates Act, 1965, so as to replace certain obsolete provisions in certain sections of the said Act; to make provision for the submission for assessment of an account of an appraiser only in the case of a dispute; to make the delivery of proof of a death obligatory in certain cases; to do away with the duty of the Master to furnish returns of certain interests in immoveable property to registration officers; to better regulate the steps to be taken by the Master in order to appoint executors on failure of nomination of executors or on death, incapacity or refusal to act; to further regulate the liquidation of estates of persons who upon their death are not resident in the Republic; to further regulate the lodging of an inventory and additional inventory; to regulate more clearly the duty of an executor to open a banking account in the name of an estate, and to better regulate the power of an executor to transfer any such account or to invest moneys in any such account; to do away with the power of the Master to direct a shorter period to lodge claims in certain estates; to increase the amount of money that sales in execution of property in deceased estates are restricted to; to further regulate the duties of executors in connection with liquidation and distribution accounts, and to make provision for the submission to the Master of supplementary liquidation and distribution accounts in respect of assets found in estates after the final accounts were submitted; to exempt the executor in certain circumstances from the duty to publish certain notices in respect of certain accounts; to provide that vouchers in support of certain liquidation and distribution accounts need only be submitted if the Master so requires; to regulate more clearly the powers of the Master or any person having an interest in the liquidation and distribution of the estate, when the executor fails to lodge accounts or to perform duties; to impose the duty on a conveyancer to lodge with the registration officer concerned a certificate that the proposed transfer or endorsement is in accordance with the liquidation and distribution account; to exempt natural guardians of minor heirs in certain circumstances from the obligation to provide security in respect of money or other movable property paid or delivered to them on behalf of such heirs; to make further provision for the sale of property

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sodanige erfgename betaal of oorhandig word; verdere voorsiening vir die verkoop van goed in 'n boedel te maak; ander voorsiening te maak vir 'n eksekuteur om uit die Republiek afwesig te wees; die ontheffing van 'n eksekuteur uit sy amp deur die Meester verder te reël; verdere voorsiening te maak in sekere omstandighede vir die aanstelling deur die Meester van persone as voogde of kurators; die sekerheidstelling deur voogde of kurators verder te reël; verdere voorsiening te maak vir die uitbetalung van gelde in die voogdyfonds aan natuurlike voogde, voogde en kurators, van minderjariges en ander persone, en om die bedrag waartoe sodanige uitbetalung beperk is, te verhoog; die bedrag van onopgeëiste gelde in die voogdyfonds wat gepubliseer moet word, te verhoog, en om die tydperk waarin sodanige bedrae onopgeëis moet wees vir doeleindes van sodanige publikasie te verkort; die publikasie van 'n staat deur iedere persoon in besit van onopgeëiste gelde, en die inbetalung daarvan in die voogdyfonds beter te reël; en om die bepalings in verband met misdrywe uit te brei; en om voorsiening te maak vir bykomstige aangeleenthede.

(Afrikaanse teks deur die Administrateur-generaal ondergetekן op 27 Maart 1986)

DAAR WORD BEPAAL deur die Nasionale Vergadering, soos volg:-

Wysiging van artikel 4 van
Wet 66 van 1965.

1. Artikel 4 van die Boedelwet, 1965 (hieronder die Hoofwet genoem), word hierby gewysig deur paragraaf (ii) van die voorbehoudsbepaling by subartikel (2) deur die volgende paragraaf te vervang:

"(ii) in die geval van 'n [geestelik gekrenkte of gebrekkige] geestesongestelde persoon wat kragtens die ["Wet op Geestesgebreken, 1916"] (Wet No. 38 van 1916) Wet op Geestesgesondheid, 1973 (Wet 18 van 1973), in enige plek opgeneem is of aangehou word,regsbevoegdheid by die Meester berus wat onmiddellik voor bedoelde opname of aanhouding, kragtens paragraaf (a) of (b) ten opsigte van sy goed regsbevoegdheid besit het.".

Wysiging van artikel 6 van
Wet 66 van 1965.

2. Artikel 6 van die Hoofwet word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

"(5) Iedere taksateur is, ten opsigte van elke waardering wat hy doen, geregtig op 'n redelike vergoeding wat volgens 'n voorgeskrewe tarief van gelde bereken word, en lê in geval van 'n geskil aangaande die korrektheid daarvan sy rekening aan die Meester vir taksasie voor."

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in an estate; to make other provision for an executor to be absent from the Republic; to further regulate the removal from office of an executor by the Master; to make further provision for the appointment by the Master of persons as tutors or as curators in certain circumstances; to further regulate security by tutors and curators; to make further provision for the payment of moneys in the guardian's fund to natural guardians, tutors and curators, of minors and other persons, and to increase the amount to which such payment is restricted to; to increase the amount of unclaimed moneys in the guardian's fund to be published, and to shorten the period during which such amounts shall, for the purposes of such publication, be unclaimed; to better regulate the publication of a statement by every person who holds unclaimed moneys and the payment into the guardian's fund thereof; and to extend the provisions in connection with offences; and to provide for incidental matters.

(Afrikaans text signed by the Administrator-General on
27 March 1986)

Amendment of section 4 of
of Act 66 of 1965.

BE IT ENACTED by the National Assembly, as follows:-

1. Section 4 of the Administration of Estates Act, 1965 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (ii) of the proviso to subsection (2) of the following paragraph:

“(ii) in the case of any mentally [disordered or defective] ill person who [is] under the [Mental Disorders Act, 1916 (Act No. 38 of 1916)] Mental Health Act, 1973 (Act 18 of 1973), has been received or is detained in any place, jurisdiction shall lie with the Master who, immediately prior to such reception or detention, had jurisdiction in respect of his property under paragraph (a) or (b).”.

Amendment of section 6 of
Act 66 of 1965.

15 2. Section 6 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

“ (5) Every appraiser shall, in respect of every appraisal made by him, be entitled to a reasonable remuneration which shall be assessed according to a prescribed tariff of fees, and shall in case of a dispute regarding the correctness thereof submit his account to the Master for taxation.”.

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Wysiging van artikel 7 van
Wet 66 van 1965.

3. Artikel 7 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Indien die persoon wat 'n sterfkennis onderteken, nie by die sterfgeval aanwezig was of na die dood die oorledene uitgeken het nie, [kan] moet bedoelde persoon aan die Meester [van enigiemand wat by die boedel belang het] bewys van die sterfgeval [verlang] lewer.”.

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Herroeping van artikel 10 van Wet 66 van 1965.

4. Artikel 10 van die Hoofwet word hierby herroep.

Wysiging van artikel 18 van Wet 66 van 1965, soos gewysig deur artikel 1 van Wet 15 van 1978 en artikel 1 van Wet 17 van 1981.

5. Artikel 18 van die Hoofwet word hierby gewysig -

(a) deur in subartikel (1) die woorde wat paragraaf (a) 10 voorafgaan deur die volgende woorde te vervang:

“Die Meester moet, behoudens die bepalings van subartikels (3), [(4)] (5) en (6) -”;

(b) deur in subartikel (1) die woorde wat op paragraaf (f) volg deur die volgende woorde te vervang:

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“die persoon of persone wat hy geskik ag om eksekuteur of eksekuteurs van die boedel van die oorledene te wees, aanstel en eksekuteursbriewe aan hom of hulle uitreik, of, indien hy dit nodig of wenslik ag, by kennisgewing gepubliseer in die IStaatskoerant/Offisiële Koerant en op die ander wyse wat na sy ordeel die beste daarop bereken is om dit tot die kennis van die betrokke persone te bring, die langlewende eggenoot (as daar een is), die erfgename van die oorledene, en alle persone wat vorderings teen die boedel het, aansê om voor hom of, indien wensliker, voor 'n ander Meester of 'n landdros op 'n tyd en plek in die kennisgewing vermeld, te verskyn, ten einde by die Meester 'n persoon of 'n bepaalde getal persone vir aanstelling as eksekuteur of eksekuteurs aan te beveel.”;

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(c) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Indien die Meester 'n kennisgewing kragtens subartikel (1) gepubliseer het, stel hy by ontvangs van [bedoelde] die betrokke aanbeveling of wanneer dit blyk dat die betrokke persone versuim het om 'n aanbeveling te doen, [stel die Meester] behoudens die bepalings van subartikel (3) en artikels 19, 22 en 23, tensy dit vir hom voorkom dat dit nodig of wenslik is om die aanstelling uit te stel en 'n ander kennisgewing kragtens subartikel (1) te publiseer, die persoon of persone aan wat hy geskik ag om eksekuteur of eksekuteurs van die boedel van die oorledene te wees, en reik hy eksekuteursbriewe aan hom of hulle uit.”;

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3. Section 7 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) If the person signing any death notice was not present at the death, or did not identify the deceased after death, [the Master may call upon any person having any interest in the estate for] such person shall furnish the Master with proof of the death.”

Amendment of section 7 of Act 66 of 1965.

4. Section 10 of the principal Act is hereby repealed.

Repeal of section 10 of Act 66 of 1965.

10 5. Section 18 of the principal Act is hereby amended -

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“The Master shall, subject to the provisions of subsections (3), [(4)] (5) and (6) -”;

15 (b) by the substitution in subsection (1) for the words following on paragraph (f) of the following words:

“appoint and grant letters of executorship to such person or persons whom he may deem fit and proper to be executor or executors of the estate of the deceased, or, if he deems it necessary or expedient, by notice published in the *Official Gazette* and in such other manner as in his opinion is best calculated to bring it to the attention of the persons concerned, call upon the surviving spouse (if any), the heirs of the deceased and all persons having claims against [his] the estate, to attend before him or, if more expedient, before any other Master or any magistrate at a time and place specified in the notice, for the purpose of recommending to the Master for appointment as executor or executors, a person or a specified number of persons.”;

Amendment of section 18 of Act 66 of 1965, as amended by section 1 of Act 15 of 1978 and section 1 of Act 17 of 1981.

(c) by the substitution for subsection (2) of the following subsection:

“(2) If the Master has published a notice under subsection (1) he shall, on receipt of [such] the recommendation in question or when it appears that the persons concerned have failed to make any recommendation, [the Master shall] subject to the provisions of subsection (3) and sections 19, 22 and 23, unless it appears to him to be necessary or expedient to postpone the appointment and to publish another notice under subsection (1), appoint and grant letters of executorship to such person or persons as he deems fit and proper to be executor or executors of the estate of the deceased.”;

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(d) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Indien die waarde van 'n boedel nie meer as R15 000 bedra nie, kan die Meester van [n kennisgewing kragtens subartikel (1) en van] die aanstelling van 'n eksekuteur afsien, en opdrag gee aangaande die wyse waarop so 'n boedel beredder en verdeel moet word.”;

- (e) deur subartikel (4) te skrap; en
- (f) deur in subartikel (5) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Die Meester kan te eniger tyd [sonder so 'n kennisgewing] -”.

6. Artikel 19 van die Hoofwet word hierby gewysig deur die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Indien meer as een persoon [by 'n vergadering ingevolle van volg op 'n kennisgewing kragtens subartikel (1) van artikel 18] vir aanbeveling by die Meester benoem word, gee die Meester by die doen van 'n aanstelling voorkeur aan.”

Wysiging van artikel 19 van Wet 66 van 1965.

Vervanging van artikel 25 van Wet 66 van 1965.

7. Artikel 25 van die Hoofwet word hierby deur die volgende artikel vervang:

“Boedels van persone wat by hul dood nie in die Republiek woon en geen goed behalwe roerende goed in die Republiek het nie.

25. (1) By die dood van iemand wat nog sy gewone verblyf in die Republiek het nog die eienaar is van enige goed in die Republiek behalwe [aandele, effekte of 'n reg op diwidende daarop verskuldig, of 'n krediet saldo by 'n bank of ander finansiële instelling, of obligasies of 'n reg op rente daarop verskuldig] roerende goed, kan die Meester, behoudens die bepalings van subartikel (2) -

(a) sonder om die gewone prosedure in acht te neem of om sekerheidstelling te verlang -

(i) 'n eksekuteursbrief wat kragtens artikel 21 aan hom voorgelê of by hom ingelewer word, onder ampseël onderteken; of

(ii) indien geen sodanige brief voorgelê of ingelewer word nie, 'n eksekuteur aanstel om die boedel te beredder en te verdeel of die wyse voorskryf waarop die boedel beredder en verdeel moet word; en

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(d) by the substitution for subsection (3) of the following subsection:

“(3) If the value of any estate does not exceed R15 000, the Master may dispense [with a notice under subsection (1) and] with the appointment of an executor and give directions as to the manner in which any such estate shall be liquidated and distributed.”;

(e) by the deletion of subsection (4); and

10 (f) by the substitution in subsection (5) for the words preceding paragraph (a) of the following words:

“The Master may at any time [without any such notice] -”.

15 6. Section 19 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of the following words:

“If [at any meeting in pursuance of a notice under subsection (1) of section 18] more than one person is nominated for recommendation to the Master, the Master shall, in making any appointment, give preference to -”.

Amendment of section 19
of Act 66 of 1965.

20 7. The following section is hereby substituted for section 25 of the principal Act:

Substitution of section 25
of Act 66 of 1965.

25 Estates of persons who upon their death are not resident in the Republic and do not own any property other than movable property in the Republic.

30 25. (1) Upon the death of any person who is neither ordinarily resident within the Republic nor the owner of any property therein other than [shares, stocks or any right to dividends due thereon, or any credit balance at any bank or other financial institution, or debentures or any right to interest due thereon] movable property, the Master may, subject to the provisions of subsection (2) -

(a) without observing the usual procedure or requiring security -

(i) sign and seal letters of executorship produced to or lodged with him under section 21; or

(ii) if no such letters are produced or lodged, appoint an executor to liquidate and distribute the estate, or direct the manner in which the estate shall be liquidated and distributed; and

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(b) skriftelik onder sy handtekening en onderworpe aan die voorwaardes wat hy bepaal, die eksekuteur van voldoening aan die bepalings van artikel 35 vrystel.

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(2) Die Meester oefen nie sy bevoegdhede kragtens subartikel (1) uit nie tensy -

(a) 'n beëdigde verklaring wat deur die persoon afgelê is en die besonderhede bevat wat voorgeskryf word, by hom ingedien is in die plek van die dokumente ingevolge die voorbehoudsbepaling by artikel 21 vereis;

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(b) die boedelbelasting ten opsigte van [die aandele, diwidende of obligasies] bedoelde roerende goed betaalbaar, betaal is of die betaling daarvan tot bevrediging van die bevoegde owerheid gewaarborg is; en

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(c) hy oortuig is dat niemand in die Republiek benadeel sal word nie.”

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Wysiging van artikel 27
van Wet 66 van 1965.

8. Artikel 27 van die Hoofwet word hierby gewysig -

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“ (1) 'n Eksekuteur wat deur die Meester daartoe aangesê word of van wie ingevolge artikel 23 vereis is om sekerheid te stel, moet -

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(a) binne 30 dae nadat 'n eksekuteursbrief aan hom uitgereik is of binne die verdere tydperk of tydperke wat die Meester toestaan, by die Meester 'n deur hom eiehandig ondertekende inventaris in die voorgeskrewe vorm inlewer waarin die geskatte waarde van alle goed in die boedel aangegee word; en

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(b) daarna, wanneer hy van enige sodanige goed te wete kom wat nie in 'n inventaris deur hom by die Meester ingelewer, vermeld word nie, binne 14 dae nadat hy van daardie goed te wete gekom het, of binne die verdere tydperk wat die Meester toestaan, by die Meester 'n addisionele inventaris deur hom aldus onderteken, inlewer waarin die geskatte waarde daarvan aangegee word.”;

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- (b) by writing under his hand and subject to such conditions as he may determine, exempt the executor from compliance with the provisions of section 35.
- 5 (2) the Master shall not exercise his powers under subsection (1) unless -
 - (a) an affidavit made by such person and containing such particulars as may be prescribed has been lodged with him in the place of the documents required in terms of the proviso to section 21;
 - (b) the estate duty payable in respect of the [shares, dividends or debentures] said movable property has been paid or the payment thereof has been secured to the satisfaction of the proper authority; and
 - (c) he is satisfied that no person in the Republic will be prejudiced.”.
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8. Section 27 of the principal Act is hereby amended -
- (a) by the substitution for subsection (1) of the following subsection:
 - 25 “ (1) An executor who is ordered thereto by the Master or who in terms of section 23 has been required to find security, shall -
 - (a) within 30 days after letters of executorship have been granted to him, or within such further period or periods as the Master may allow, lodge with the Master an inventory in the prescribed form signed by him in person showing the estimated value of all property in the estate; and
 - (b) thereafter, whenever he comes to know of any such property which is not mentioned in any inventory lodged by him with the Master, within 14 days after he has come to know of such property, or within such further period as the Master may allow, lodge with the Master an additional inventory so signed by him showing the estimated value thereof.”;
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Amendment of section 27
of Act 66 of 1965.

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(b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Indien [n eksekuteur] in 'n inventaris by die Meester ingelewer [op enige goed 'n waarde gestel het] ingevolge artikel 9 of subartikel (1) van hierdie artikel, 'n skatting gemaak is van die waarde van enige goed waaromtrent die Meester rede het om te vermoed dat dit nie [die werklike waarde] 'n redelik korrekte skatting daarvan is nie, kan die Meester op koste van die boedel gelas dat daardie goed deur 'n taksateur of 'n ander deur die Meester goedgekeurde persoon [laat waardeer] gewaardeer word.”; en

(c) deur subartikel (3) te skrap.

Wysiging van artikel 28 van Wet 66 van 1965, soos vervang deur artikel 3 van Wet 79 van 1971.

9. Artikel 28 van die Hoofwet word hierby gewysig -

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) 'n Eksekuteur -

(a) moet, tensy die Meester anders gelas, sodra hy meer as [veertig rand] R100 aan boedelgelde voorhande het, by 'n bankinstelling in die Republiek 'n [rekening] tjkrekening op naam van die boedel open, en die geldé wat hy voorhande het daarin stort, asook die ander geldé wat hy van tyd tot tyd vir die boedel ontvang;

(b) kan [met skriftelike verlof van die Meester] by 'n bankinstelling of 'n bouvereniging 'n spaarrekening op naam van die boedel open, en kan soveel van die geldé gestort in die in paragraaf (a) vermelde rekening as wat nie onmiddellik vir betaling van 'n vordering teen die boedel nodig is nie, daarin oorbetaal;

(c) kan [met skriftelike verlof van die Meester] soveel van die geldé gestort in die in paragraaf (a) vermelde rekening as wat nie onmiddellik vir betaling van 'n vordering teen die boedel nodig is nie, by 'n bankinstelling of 'n bouvereniging in rentedraende deposito plaas.”; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) 'n Eksekuteur wat ter voldoening aan 'n versoek van die Meester kragtens subartikel (2), die Meester in kennis gestel het van die kantoor of tak van die bankinstelling of bouvereniging waarin hy 'n in subartikel (1) vermelde rekening geopen het, plaas so 'n rekening nie van enige sodanige kantoor of tak

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- (b) by the substitution for subsection (2) of the following subsection:

“ (2) If [any executor has] in any inventory lodged with the Master [placed upon any property a value] in terms of section 9 or subsection (1) of this section, any estimate has been made of the value of any property which the Master has reason to believe is not [the true value] a reasonably correct estimate thereof, the Master may, at the expense of the estate, [cause the value of] order that property to be appraised by an appraiser or any other person approved by the Master.”; and

- (c) by the deletion of subsection (3).

9. Section 28 of the principal Act is hereby amended -

- 15 (a) by the substitution for subsection (1) of the following subsection:

Amendment of section 28
of Act 66 of 1965, as sub-
stituted by section 3 of Act
79 of 1971.

“ (1) An executor -

(a) shall, unless the Master otherwise directs, as soon as he has in hand moneys in the estate in excess of [forty rand] R100, open [an] a cheque account in the name of the estate with a banking institution in the Republic and shall deposit therein the moneys which he has in hand and such other moneys as he may from time to time receive for the estate;

(b) may [with the written permission of the Master] open a savings account in the name of the estate with a banking institution or a building society and may transfer thereto so much of the moneys deposited in the account referred to in paragraph (a) as is not immediately required for the payment of any claim against the estate;

(c) may [with the written permission of the Master] place so much of the moneys deposited in the account referred to in paragraph (a) as is not immediately required for the payment of any claim against the estate on interestbearing deposit with a banking institution or a building society.”; and

- 40 (b) by the substitution for subsection (3) of the following subsection:

“ (3) No executor who in compliance with a request of the Master under subsection (2), has notified the Master of the office or branch of the banking institution or building society with which he has opened an account referred to in subsection (1) shall transfer any such account from any such office or branch to

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Wysiging van artikel 29 van Wet 66 van 1965, soos gewysig deur artikel 2 van Wet 15 van 1978 en artikel 2 van Wet 17 van 1981.

Wysiging van artikel 30 van Wet 66 van 1965, soos gewysig deur artikel 3 van Wet 15 van 1978.

Wysiging van artikel 35 van Wet 66 van 1965, soos gewysig deur artikel 5 van Wet 15 van 1978.

na 'n ander sodanige kantoor of tak oor nie, behalwe na skriftelike kennisgewing aan die Meester.”.

10. Artikel 29 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by subartikel (1) te skrap.

11. Artikel 30 van die Hoofwet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:

“(b) daarna, tensy, in die geval van goed ter waarde van hoogstens [vyfhonderd rand] R5 000, die Meester, of in die geval van enige ander goed, die Hof anders gelas.”.

12. Artikel 35 van die Hoofwet word hierby gewysig -

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“ (1) 'n Eksekuteur moet, so spoedig doenlik na die laaste dag van die tydperk in [‘n] die in subartikel (1) van artikel 29 bedoelde kennisgewing vermeld, maar binne -

(a) ses maande nadat 'n eksekuteursbrief aan hom uitgereik is [as die bruto waarde van die boedel meer as vyfduisend rand bedra]; of

(b) drie maande nadat 'n eksekuteursbrief aan hom uitgereik is, as die bruto waarde van die boedel nie meer as vyfduisend rand bedra nie; of

(c) (b) die verdere tydperk wat die Meester in enige geval toestaan,

aan die Meester 'n rekening in die voorgeskrewe vorm voorlê [, gestaaf deur bewysstukke,] van die bereddering en verdeling van die boedel.”;

(b) deur na subartikel (1) die volgende subartikel in te voeg:

“ (1A) Indien daar te enige tyd nadat die rekening in subartikel (1) beoog aan die Meester voorgelê is, verdere bates in die boedel gevind word en die rekening nie ingevolge hierdie artikel gewysig word ten einde voorsiening te maak vir die aanwending of verdeling van die opbrengs van daardie bates nie, moet die eksekuteur ten opsigte van daardie bates 'n aannullende rekening in die voorgeskrewe vorm aan die Meester voorlê.”;

(c) deur subartikel (2) deur die volgende subartikel te vervang:

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any other such office or branch, except after written notice to the Master.”.

10. Section 29 of the principal Act is hereby amended by the deletion of the proviso to subsection (1).

Amendment of section 29 of Act 66 of 1965, as amended by section 2 of Act 15 of 1978 and section 2 of Act 17 of 1981.

11. Section 30 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

Amendment of section 30 of Act 66 of 1965, as amended by section 3 of Act 15 of 1978.

“(b) thereafter, unless, in the case of property of a value not exceeding [five hundred rand] R5 000, the Master or, in the case of any other property, the Court otherwise directs.”.

12. Section 35 of the principal Act is hereby amended -

15 (a) by the substitution for subsection (1) of the following subsection:

Amendment of section 35 of Act 66 of 1965, as amended by section 5 of Act 15 of 1978.

“ (1) An executor shall, as soon as may be after the last day of the period specified in the notice referred to in subsection (1) of section 29, but within -

20 (a) six months after letters of executorship have been granted to him [if the gross value of the estate exceeds five thousand rand]; or

[b] three months after letters of executorship have been granted to him if the gross value of the estate does not exceed five thousand rand; or

25 (c)] (b) such further period as the Master may in any case allow,

submit to the Master an account in the prescribed form [, supported by vouchers,] of the liquidation and distribution of the estate.”;

30 (b) by the insertion after subsection (1) of the following subsection:

“ (1A) If at any time after the account contemplated in subsection (1) was submitted to the Master, additional assets are found in the estate and the account is not amended in terms of this section so as to provide for the application or distribution of the proceeds of those assets, the executor shall in respect of those assets submit to the Master a supplementary account in the prescribed form.”;

40 (c) by the substitution for subsection (2) of the following subsection:

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“(2) Die Meester kan te eniger tyd, in enige geval waarin hy sy bevoegdhede kragtens paragraaf [(c)] (b) van subartikel (1) uitgeoefen het of waarin ’n eksekuteur fondse voorhande het wat na die mening van die Meester verdeel of ter betaling van skulde aangewend behoort te word, die eksekuteur skriftelik gelas om binne ’n bepaalde tydperk ’n tussentydse rekening in die voorgeskrewe vorm [, gestaaf deur bewysstukke,] aan hom voor te lê.”;

(d) deur na subartikel (2) die volgende subartikel in te voeg:

“(2A) Die Meester kan ten opsigte van ’n rekening in subartikel (1), (1A) of (2) beoog die eksekuteur gelas om binne ’n tydperk wat die Meester bepaal die bewysstuk of bewysstukke ter stawing van die rekening of enige inskrywing daarin, wat hy vir doeleinades van die verrigting van sy werkzaamhede in verband met die nasiening of wysiging van die rekening nodig het, aan hom voor te lê.”;

(e) deur die volgende paragraaf by subartikel (5) te voeg, terwyl die bestaande subartikel paragraaf (a) word:

“(b) Indien, in die geval van ’n aanvullende rekening beoog in subartikel (1A), die waarde van die betrokke bates volgens die oordeel van die Meester te gering is om die koste van publikasie van die kennisgewings beoog in paragraaf (a) van hierdie subartikel te regverdig, is daardie paragraaf nie ten opsigte van die aanvullende rekening van toepassing nie en kan die Meester, indien hy dit nodig vind, die eksekuteur gelas om op die wyse en aan die persone wat die Meester bepaal, kennis te gee van die plek waar en die tydperk waarvoor die rekening ingevolge subartikel (4) ter insae sal lê.”; en

(f) deur die voorbehoudsbepaling by subartikel (12) deur die volgende voorbehoudsbepaling te vervang:

“Met die verstande dat -

(i) ’n tjek wat so getrek heet te wees dat dit aan ’n skuldeiser of erfgenaam ten opsigte van enige vordering of aandeel aan hom verskuldig, betaalbaar is en deur die bankier op wie dit getrek is, betaal is; of

(ii) ’n beëdigde verklaring deur die eksekuteur waarin hy verklaar dat ’n skuldeiser ooreenkomsdig die rekening uitbetaal is of dat ’n erfgenaam sy deel ooreenkomsdig die rekening ontvang het,

deur die Meester in plaas van so ’n kwitansie of kwitering aanvaar kan word.”.

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- “ (2) The Master may at any time in any case in which he has exercised his powers under paragraph [(c)] (b) of subsection (1) or in which an executor has funds in hand which ought, in the opinion of the Master, to be distributed or applied towards the payment of debts, direct the executor in writing to submit to him an interim account in the prescribed form [, supported by vouchers,] within a period specified.”;
- 10 (d) by the insertion after subsection (2) of the following subsection:
- “ (2A) The Master may in respect of an account contemplated in subsection (1), (1A) or (2) direct the executor to submit to him within a period determined by the Master such voucher or vouchers in support of the account or any entry therein as he may require for the purposes of performing his functions in connection with the examination or amendment of the account.”;
- 20 (e) by the addition to subsection (5) of the following paragraph, the existing subsection becoming paragraph (a):
- “(b) If, in the case of a supplementary account contemplated in subsection (1A), the value of the assets concerned is in the opinion of the Master too small to justify the cost of publication of the notices contemplated in paragraph (a) of this subsection, that paragraph shall not apply in respect of such supplementary account and the Master may, if he finds it necessary, direct the executor to give notice, in such manner and to such persons as the Master may determine, of the place at which and the period during which the account will lie open for inspection in terms of subsection (4).”; and
- 35 (f) by the substitution for the proviso to subsection (12) of the following proviso:
- “Provided that -
- 40 (i) a cheque purporting to be drawn payable to a creditor or heir in respect of any claim or share due to him and paid by the banker on whom it is drawn; or
- (ii) an affidavit by the executor in which he declares that a creditor was paid or that an heir received his share in accordance with the account,
- 45 may be accepted by the Master in lieu of any such receipt or acquittance.”.

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Wysiging van artikel 36
van Wet 66 van 1965.**13. Artikel 36 van die Hoofwet word hierby gewysig**
deur subartikel (1) deur die volgende subartikel te vervang:

“ (1) Indien 'n eksekuteur versuim om op die tyd en wyse by hierdie Wet voorgeskryf 'n rekening by die Meester in te lewer of om ooreenkomsdig 'n voorskrif van of 'n vereiste gestel kragtens hierdie Wet 'n bewysstuk of bewysstukke ter stawing van sodanige rekening of 'n inskrywing daarin in te lewer of om 'n ander plig wat hom by hierdie Wet opgelê is, uit te voer of om aan 'n redelike eis van die Meester vir inligting of bewys wat hy in verband met die bereddering of verdeling van 'n boedel nodig het, te voldoen, kan die Meester of iemand wat by die bereddering en verdeling van die boedel belang het, na kennismaking van minstens een maand aan die eksekuteur, by die Hof aansoek doen om 'n bevel wat die eksekuteur gelas om sodanige rekening of 'n bewysstuk of bewysstukke ter stawing daarvan of van 'n inskrywing daarin in te lewer of om sodanige plig uit te voer of om aan sodanige eis te voldoen.”.

Wysiging van artikel 42
van Wet 66 van 1965, soos
vervang deur artikel 19 van
Wet 102 van 1967.**14. Artikel 42 van die Hoofwet word hierby gewysig**
deur subartikel (1) deur die volgende subartikel te vervang:

“ (1) Behalwe soos in subartikel (2) anders bepaal, moet 'n eksekuteur wat verlang om onroerende goed op naam van 'n erfgenaam of ander persoon wat regtens op sodanige goed geregtig is, te laat regstreer of om 'n aantekening ingevolge artikel 39 of 40 te laat aanbring, benewens enige ander akte of stuk wat hy volgens wet by die registrasiebeampte moet inlewer, 'n sertifikaat deur **[die Meester]** 'n transportbesorger dat die voorgenome transport of aantekening, na gelang van die geval, in ooreenstemming met die likwidasie- en distribusierekening is, by gemelde beampte inlewer.”.

Wysiging van artikel 43
van Wet 66 van 1965.**15. Artikel 43 van die Hoofwet word hierby gewysig**
deur subartikel (2) deur die volgende subartikel te vervang:

“ (2) Behoudens enige uitdruklike andersluidende bepaling in die testament -

(a) word geen som geld [word] kragtens subartikel (1) aan so 'n voog oorbetaal nie; en

(b) word ander roerende goed, indien die Meester [in die geval van ander roerende goed] dit gelas, [word daardie roerende goed] nie kragtens daardie subartikel aan so 'n voog gelewer nie,

tensy daar tot bevrediging van die Meester sekerheid gestel is vir die betaling van daardie som geld of, na gelang van die geval, vir die betaling, by gebrek aan lewering, van die waarde van daardie goed volgens 'n waardering deur 'n taksateur of 'n ander deur die Meester goedgekeurde persoon, aan die minderjarige op die tyd wanneer hy op die betaling van daardie som geld of lewering van daardie goed geregtig sal word.”.

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13. Section 36 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 36
of Act 66 of 1965.

5 “(1) If any executor fails to lodge any account with the Master as and when required by this Act, or to lodge any voucher or vouchers in support of such account or any entry therein in accordance with a provision of or a requirement imposed under this Act or to perform any other duty imposed upon him by this Act or to comply with any reasonable demand of the Master for information or proof required by him in connection with the liquidation or distribution of the estate, the Master or any person having an interest in the liquidation and distribution of the estate may, after giving the executor not less than one month's notice, apply to the Court for an order directing the executor to lodge such account or voucher or vouchers in support thereof or of any entry therein or to perform such duty or to comply with such demand.”.

14. Section 42 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 42
of Act 66 of 1965, as substituted by section 19 of
Act 102 of 1967.

25 “(1) Except as is otherwise provided in subsection (2), an executor who desires to have any immovable property registered in the name of any heir or other person legally entitled to such property or to have any endorsement made under section 39 or 40 shall, in addition to any other deed or document which he may be by law required to lodge with the registration officer, lodge with the said officer a certificate by [the Master] a conveyancer that the proposed transfer or endorsement, as the case may be, is in accordance with the liquidation and distribution account.”.

15. Section 43 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 43
of Act 66 of 1965.

35 “(2) Subject to any express provision to the contrary in the will -

40 (a) no sum of money shall be paid to any such guardian in terms of subsection (1); and

45 (b) if [in the case of any other movable property] the Master so directs, no such other movable property shall be delivered to any such guardian under that subsection [(1)],

50 unless payment of such sum of money or payment, in default to delivery, of the value of such movable property according to a valuation by an appraiser or any other person approved by the Master, as the case may be, to the minor, at the time when he is to become entitled to the payment of such sum of money or delivery of such property, has been secured to the satisfaction of the Master.”.

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Vervanging van artikel 47
van Wet 66 van 1965.

16. Artikel 47 van die Hoofwet word hierby deur die volgende artikel vervang:

“Verkopings deur eksekuteur.”

47. Tensy dit met die testament van die oorledenestrydig is, moet 'n eksekuteur goed (behalwe goed van 'n soort wat gewoonlik deur 'n effektemakelaar verkoop word of 'n wissel of goed wat verkoop word in die gewone loop van 'n besigheid of onderneming wat deur die eksekuteur voortgesit word) verkoop op die wyse en onderworpe aan die voorwaardes wat die erfgename wat 'n belang in die goed het skriftelik goedkeur:

Met dien verstande dat -

(a) in die geval waar 'n afwesige, 'n minderjarige of 'n persoon wat onder kuratele is, 'n erfgenaam van die goed is; of

(b) indien gemelde erfgename nie kan ooreenkoms oor die wyse en voorwaardes van die verkooping nie,

die eksekuteur die goed verkoop op die wyse en onderworpe aan die voorwaardes wat die Meester goedkeur.”

Vervanging van artikel 53
van Wet 66 van 1965.

17. Artikel 53 van die Hoofwet word hierby deur die volgende artikel vervang:

“Afwesigheid van eksekuteur uit Republiek.

53. 'n Eksekuteur mag nie vir 'n tydperk van langer as 60 dae uit die Republiek afwesig wees nie, tensy -

(a) die Meester aan hom voor sy vertrek uit die Republiek skriftelik verlof verleen het om aldus afwesig te wees;

(b) hy voldoen aan die voorwaardes wat die Meester wenslik ag om op te lê; en

(c) hy van sy voorneme om aldus afwesig te wees, die kennis gegee het wat die Meester mag gelas het.”

Wysiging van artikel 54
van Wet 66 van 1965.

18. Artikel 54 van die Hoofwet word hierby gewysig -

(a) deur subparagraph (i) van paragraaf (a) van sub- artikel (1) te skrap; en

(b) deur subparagraph (ii) van paragraaf (b) van sub- artikel (1) deur die volgende subparagraph te vervang:

“(ii) indien hy versium om aan 'n kennisgewing kragtens subartikel (3) van artikel 23 gevolg te

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16. The following section is hereby substituted for section 47 of the principal Act:

Substitution of section 47
of Act 66 of 1965.

"Sales by exec-
utor."

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47. Unless it is contrary to the will of the deceased, an executor shall sell property (other than property of a class ordinarily sold through a stockbroker or a bill of exchange or property sold in the ordinary course of any business or undertaking carried on by the executor) in the manner and subject to the conditions which their heirs who have an interest therein approve in writing:

Provided that -

- (a) in the case where an absentee, a minor or a person under curatorship is heir to the property; or
- (b) if the said heirs are unable to agree on the manner and conditions of the sale,

the executor shall sell the property in such manner and subject to such conditions as the Master may approve".

17. The following section is hereby substituted for section 53 of the principal Act:

Substitution of section 53
of Act 66 of 1965.

"Absence of exe-
cutor from Re-
public."

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53. An executor shall not be absent from the Republic for a period exceeding 60 days unless -

- (a) the Master has before his departure from the Republic granted him permission in writing to be absent;
- (b) he complies with such conditions as the Master may think fit to impose; and
- (c) he has given such notice of his intention to be so absent as the Master may have directed."

18. Section 54 of the principal Act is hereby amended -

Amendment of section 54
of Act 66 of 1965.

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(a) by the deletion of subparagraph (i) of paragraph (a) of subsection (1); and

(b) by the substitution for subparagraph (ii) of paragraph (b) of subsection (1) of the following subparagraph:

"(ii) if he fails to comply with a notice under subsection (3) of section 23 within the period

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Wysiging van artikel 73
van Wet 66 van 1965.

gee binne die tydperk in die kennisgewing vermeld of binne die verdere tydperk wat die Meester toelaat [en voor die uitreiking van die kennisgewing onder 'n verpligting gestaan het om sekerheid vir die behoorlike verrigting van sy werksaamhede te stel]; of'. 5

19. Artikel 73 van die Hoofwet word hierby gewysig -

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"Die Meester kan, behoudens die bepalings van sub- 10
artikels (2), [en] (3) en (4) -";

- (b) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

"(b) in enige geval waarin 'n Kamerhof luidens die voorbeholdsbeveling by [subartikel (1) van artikel twee-en-sestig van die "Wet op Geestesgebreken, 1916" (Wet No. 38 van 1916)] artikel 15
56(1) van die Wet op Geestesgesondheid, 1973
(Wet 18 van 1973), bevoeg sou wees om 'n
kurator aan te stel; of'; 20

- (c) deur subartikel (2) deur die volgende subartikel te vervang:

" (2) Subartikels (2), [(4)] (5) en (6) van artikel 18 is mutatis mutandis van toepassing met betrekking tot voogde en kurators: Met dien verstande dat by die toepassing kragtens hierdie subartikel van genoemde subartikel (2), die verwysing na subartikel (3) van artikel 18 en na artikel 19 geag word weggelaat te wees."; en 25

- (d) deur die volgende subartikel by te voeg: 30

" (4) Die Meester kan, indien die waarde van die goed van enige minderjarige, afwesige of ander persoon in subartikel (1) bedoel, nie meer as R5 000 bedra nie, sonder enige kennisgewing kragtens daardie subartikel, die persoon of persone wat hy geskik ag as voog of voogde of as kurator of kurators, na gelang van die geval, aanstel en 'n voogdybrief of 'n brief van kuratele aan hom of hulle uitreik." 35

Wysiging van artikel 77
van Wet 66 van 1965.

20. Artikel 77 van die Hoofwet word hierby gewysig
deur subartikel (1) deur die volgende subartikel te vervang: 40

" (1) Iedere persoon wat volgens die bepalings van paragraaf (d) van subartikel (1) van artikel 72 of van subartikel (2) van daardie artikel of kragtens artikel 73 of 74 as voog of kurator aangestel is of moet word, moet, alvorens 'n voogdybrief of 'n brief van kuratele uitgereik 45 of onder ampseël onderteken word of 'n endossement

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specified in the notice or within such further period as the Master may allow [and was, prior to the issue of such notice, under an obligation to find security for the proper performance of his functions]; or".

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Amendment of section 73
of Act 66 of 1965.

19. Section 73 of the principal Act is hereby amended -

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
- "The Master may, subject to the provisions of subsections (2), [and] (3) and (4) -";
- (b) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
- "(b) in any case in which it would, in terms of the proviso to [subsection (1) of section **sixty-two** of the Mental Disorders Act, 1916 (Act No. 38 of 1916)] section 56(1) of the Mental Health Act, 1973 (Act 18 of 1973), be competent for a judge in chambers to appoint a curator; or";
- (c) by the substitution for subsection (2) of the following subsection:
- " (2) Subsections (2), [(4)] (5) and (6) of section 18 shall *mutatis mutandis* apply with reference to tutors and curators: Provided that for the purposes of the application under this subsection of the said subsection (2), the reference to subsection (3) of section 18 and to section 19 shall be deemed to be omitted.";
- (d) by the addition of the following subsection:
- " (4) The Master may, if the value of the property of any minor or absentee or other person referred to in subsection (1) does not exceed R5 000, without any notice under that subsection, appoint and grant letters of tutorship or curatorship to such person or persons as he deems fit and proper as tutor or tutors or curator or curators, as the case may be."

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Amendment of section 77
of Act 66 of 1965.

20. Section 77 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- " (1) Every person appointed or to be appointed tutor or curator as provided in paragraph (d) of subsection (1) of section 72 or subsection (2) of that section or under section 73 or 74, shall, before letters of tutorship or curatorship are granted or signed and sealed, or any endorse-

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aangebring word, na gelang van die geval, en te eniger tyd daarna wanneer deur die Meester daartoe vereis, tot bevrediging van die Meester sekerheid of verdere sekerheid stel tot 'n bedrag wat die Meester bepaal, vir die behoorlike verrigting van sy werksaamhede.”.

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Vervanging van artikel 90
van Wet 66 van 1965.

21. Artikel 90 van die Hoofwet word hierby deur die volgende artikel vervang:

“Betalings aan natuurlike voogde, voogde en kurators, of vir en ten behoeve van minderjariges en persone onder kuratele.

90. (1) Die Meester kan, behoudens sub-artikel (2) en onderworpe aan die bepalings van enige testament of geskrif waarby oor die geld beskik word of, in die geval van 'n voog of kurator, waarby die voog of kurator benoem is, aan die natuurlike voog of die voog of kurator, of vir en ten behoeve van die betrokke minderjarige of ander persoon, soveel van enige gelde uitbetaal waarmee die minderjarige of ander persoon in die voogdfonds gekrediteer staan as wat onmiddellik vir die onderhoud, opvoeding of ander bevoordeling van die minderjarige of ander persoon of enige van sy afhanklikes, of vir 'n in subparagraph (i), (ii) of (iv) van paragraaf (c) van die voorbehoudsbepaling by artikel 82 bedoelde doel, of vir 'n deur die Meester goedgekeurde belegging ten behoeve van die minderjarige of ander persoon in onroerende goed binne die Republiek of op 'n verband op sulke onroerende goed, nodig is: Met dien verstande dat, onderworpe aan die bepalings van so 'n testament of geskrif, die totaal van die betalings in die geval van 'n minderjarige of ander persoon vir die doeleinnes van onderhoud, opvoeding of ander bevoordeling gedoen, nie sonder goedkeuring van die Hof meer bedra nie as [vierduisend rand] R10 000 van die hoofsom ontvang vir rekening van die betrokke minderjarige of ander persoon.

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(2) Waar 'n natuurlike voog sekerheid ingevolge artikel 43(2) stel nadat die som geld waarop 'n minderjarige volgens 'n distribusierekening in 'n bestorwe boedel as erfgenaam geregtig is, in die voogdfonds betaal is, kan die Meester aan daardie voog die som geld waarmee die minderjarige in die voogdfonds gekrediteer staan, vir en ten behoeve van daardie minderjarige uitbetaal, waarna die bepalings van artikel 43(3), (4) en (5) mutatis mutandis van toepassing is.”.

Vervanging van artikel 91
van Wet 66 van 1965.

22. Artikel 91 van die Hoofwet word hierby deur die volgende artikel vervang:

“Publikasie van lys van onopgeëiste gelde.

91. Die Meester moet elke jaar in Septembermaand in die [Staatskoerant] Offisiële Koerant 'n lys laat publiseer van alle bedrae

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ment is made, as the case may be, and at any time thereafter when called upon by the Master to do so, find security or additional security to the satisfaction of the Master in an amount determined by the Master, for the proper performance of his functions.”.

21. The following section is hereby substituted for section 90 of the principal Act:

Substitution of section 90
of Act 66 of 1965.

10 “Payments to natural guardians, tutors and curators, or for and on behalf of minors and persons under curatorship.

15 90. (1) The Master may, subject to subsection (2) and subject to the terms of any will or written instrument disposing of the money or, in the case of a tutor or curator, by which the tutor or curator has been nominated, pay to the natural guardian or to the tutor or curator, or for and on behalf of the minor or other person concerned, so much of any moneys standing to the credit of the minor or other person in the guardian’s fund as may be immediately required for the maintenance, education or other benefit of the minor or other person or any of his dependants, or for any purpose referred to in subparagraph (i), (ii) or (iv) of paragraph (c) of the proviso to section 82, or for any investment in immovable property within the Republic or in any mortgage over such immovable property on behalf of the minor or other person, approved by the Master: Provided that, subject to the terms of any such will or instrument, the aggregate of the payments made in the case of any minor or other person for purposes of maintenance, education or other benefit shall not, without the sanction of the Court, exceed [four thousand rand] R10 000 of the capital amount received for account of the minor or other person concerned.

20 (2) Where a natural guardian gives security in terms of section 43(2) after the sum of money to which a minor is, according to any distribution account in any deceased estate, entitled as heir, has been paid into the guardian’s fund, the Master may pay to that guardian, for and on behalf of such minor, the sum of money standing to the credit of the minor in the guardian’s fund, whereafter the provisions of section 43(3), (4) and (5) shall mutatis mutandis apply.”.

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22. The following section is hereby substituted for section 91 of the principal Act:

Substitution of section 91
of Act 66 of 1965.

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“Publication of list of unclaimed moneys.

91. The Master shall in the month of September of each year cause to be published in the Official Gazette a list of all amounts of

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van [**twintig rand**] R100 of meer in die voogdyfonds uitgesonder die bedrae wat ingevolge artikel 93(3)(a) daarin gestort is, wat vir 'n tydperk van meer as 'n jaar maar hoogstens [vyf] drie jaar opeisbaar was en nie deur die daarop geregtigde persone opgeëis is nie.".

Wysiging van artikel 93 van Wet 66 van 1965, soos gewysig deur artikel 4 van Wet 79 van 1971.

23. Artikel 93 van die Hoofwet word hierby gewysig -

(a) deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Iedere persoon wat in die Republiek besigheid dryf moet elke jaar in Januariemaand [**afsonderlike**] 'n omstandige [**state**] staat in die voorgeskrewe vorm opmaak en in die [**Staatskoerant**] **Offisiële Koerant** publiseer ten opsigte van alle bedrae van 'n rand of meer [**maar van minder as twintig rand en alle bedrae van twintig rand of meer**] wat hy of 'n agent namens hom in die Republiek op die een-endertigste dag van Desember van die onmiddellik voorafgaande jaar besit het en wat nie sy eiendom of aan 'n geldige retensiereg onderhewig was nie, dog ten tyde van die opmaak van gemelde [**state**] staat vir 'n tydperk van vyf jaar of langer nie deur die regmatige eienaars opgeëis is nie.";

(b) deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Iemand wat gemelde [**state**] staat vir publikasie opgemaak het, kan die publikasiekoste, wat sover moontlik tussen die eienaars verdeel moet word, van gemelde bedrae af trek."; en

(c) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"Na verloop van drie maande vanaf die datum van publikasie van gemelde [**state**] staat, moet so 'n persoon onverwyld 'n staat en beëdigde verklaring in die voorgeskrewe vorm stuur".

Wysiging van artikel 102 van Wet 66 van 1965, soos gewysig deur artikel 7 van Wet 15 van 1978.

24. Artikel 102 van die Hoofwet word hierby gewysig deur paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang:

"(g) die bepalings van subartikel (1) of (3) van artikel 9, artikel 13, subartikel (1) [**of (3)**] van artikel 27 of van laasgenoemde artikel soos toegepas deur subartikel (2) van artikel 70, subartikel (13) van artikel 35, artikel 47, artikel 57, subartikel (1) van artikel 65, artikel 71, artikel 78, artikel 83, subartikel (1) of

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~~due amounts growing out of the debts due to the State or to the State in respect of any amount deposited by any person in the fund of the guardian or in the fund of any other person in respect of any amount deposited by such person in the fund of the guardian.~~

[twenty rand] R100 or more in the guardian's fund, other than the amounts deposited therein in terms of section 93(3)(a), which have been claimable and have remained unclaimed by the persons entitled thereto for a period exceeding one year but not exceeding [five] three years.”.

23. Section 93 of the principal Act is hereby amended -

(a) by the substitution for subsection (1) of the following subsection:

“(1) Every person carrying on business in the Republic shall in the month of January in each year prepare in the prescribed form and publish in the *Official Gazette* [separate] a detailed [statements] statement in respect of all amounts of one rand or more [but of less than twenty rand and all amounts of twenty rand or more] which were held by him or by any agent on his behalf in the Republic on the thirty-first day of December of the immediately preceding year and which were not his property or subject to any valid lien, but at the time of the preparation of the said [statements] statement have remained unclaimed for a period of five years or more by the rightful owners.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) Any person who has prepared the said [statements] statement for publication, may deduct from the said amounts the cost of publication apportioned as far as possible among the owners.”; and

(c) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“After the expiration of three months from the date of publication of the said [statements] statement, such person shall forthwith transmit a statement and affidavit in the prescribed form -”.

24. Section 102 of the principal Act is hereby amended by the substitution for paragraph (g) of subsection (1) of the following paragraph:

(g) contravenes or fails to comply with the provisions of subsection (1) or (3) of section 9, section 13, subsection (1) [or (3)] of section 27 or of the last-mentioned section as applied by subsection (2) of section 70, subsection (13) of section 35, section 47, section 57, subsection (1) of section 65, section 71, section

Amendment of section 93 of Act 66 of 1965, as amended by section 4 of Act 79 of 1971.

Amendment of section 102 of Act 66 of 1965, as amended by section 7 of Act 15 of 1978.

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(3) van artikel 93, of 'n kennisgewing kragtens subartikel (2) van artikel 9, of 'n bevel kragtens subartikel (1) van artikel 58, oortree of versuim om daaraan te voldoen, of 'n rekenmeester wat deur die Meester ingevolge paragraaf (a) van subartikel (1) van artikel 65 benoem is, in die uitvoering van sy plig hinder of dwarsboom; of".

Kort titel.

25. Hierdie Wet heet die Boedelwysigingswet, 1986.

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78, section 83, subsection (1) or (3) of section 93, or with any notice under subsection (2) of section 9 or any order under subsection (1) of section 58, or hinders or obstructs any accountant nominated by the Master in terms of paragraph (a) of subsection (1) of section 65 in the execution of his duty; or".

25. This Act shall be called the Administration of Estates Amendment Act, 1986.

Short title.