

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



STAATSKOERANT

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REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 723.

23 April 1986

No. 723.

23 April 1986

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

No. 35 van 1986: Boedelwysingswet, 1986.

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

No. 35 of 1986: Administration of Estates Amendment Act, 1986.

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.

ACT

To amend the Administration of Estates Act, 1965, so as to make further provision regarding the handing over to the natural guardian of a minor of movable property to which the minor is entitled according to a liquidation and distribution account; to further regulate the payment by the Master of money in the guardian's fund to the natural guardian of a minor who is entitled to that money; and to provide for the payment by the Master of money in the guardian's fund to a usufructuary or fiduciary who has a right to such money or to his tutor or curator; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 9 April 1986.)

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

1. Section 43 of the Administration of Estates Act, 1965 (hereinafter referred to as the principal Act), is hereby amended 5 by the substitution for subsection (1) of the following subsection:
- “(1) The natural guardian of a minor shall, subject to the provisions of subsections (2) and (3) and to the terms of the will (if any) of the deceased, be entitled to receive from the executor for and on behalf of the minor, any movable property 10 to which the minor is, according to any liquidation and distribution account in any deceased estate, entitled **[as an heir]**.”.
- Amendment of section 43 of Act 66 of 1965, as amended by section 6 of Act 12 of 1984.
2. Section 90 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: 15
- “(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 liquidation and distribution account in any deceased estate or by virtue of any other source, entitled **[as heir]**, has been paid into the guardian's fund, the Master 20 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.”.
- Amendment of section 90 of Act 66 of 1965, as substituted by section 7 of Act 12 of 1984.
3. The following section is hereby inserted in the principal Act 25 after section 90:
- 90A.** (1) The Master may, where any person has a right as usufructuary or fiduciary to money which was paid into the guardian's fund, pay such money to that person or, if that person is a minor or a person 30 under curatorship, to his tutor or curator, on con-
- “Payment to usufructuary or fiduciary or to his tutor or curator.”
- Insertion of section 90A in Act 66 of 1965.

ADMINISTRATION OF ESTATES AMENDMENT ACT, 1986

Act No. 35, 1986

5 dition that such person or his tutor or curator, as the case may be, has given security to the satisfaction of the Master for the refund of such money on the termination of his right or of his tutorship or curatorship, as the case may be.

 (2) The provisions of section 43 (3), (4) and (5) shall *mutatis mutandis* apply in respect of any security given under subsection (1).”

4. This Act shall be called the Administration of Estates Short title.
10 Amendment Act, 1986.