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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1439.

29 Junie 1990

No. 1439.

29 June 1990

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

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

—o. 63 van 1990: Boedelwysigingswet, 1990.

No. 63 of 1990: Administration of Estates Amendment Act, 1990.

ADMINISTRATION OF ESTATES AMENDMENT ACT, 1990

Act No. 63, 1990

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 further regulate the provision for the subsistence of certain persons, the manner of liquidation and distribution of certain estates, the appointment of curators by the Master and the required statements of certain unclaimed money; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 21 June 1990.)

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

Amendment of section 12 of Act 66 of 1965, as amended by section 3 of Act 54 of 1970

1. Section 12 of the Administration of Estates Act, 1965 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (3) of the following subsection:

- “(3) An interim curator may, if specially authorized thereto by the Master—
- (a) collect any debt and sell or dispose of any movable property in the estate, wherever situate within the Republic; **[and]**
- 10 (b) subject to any law which may be applicable, carry on any business or undertaking of the deceased; and
- (c) release such money and such property out of the estate as in his opinion are sufficient to provide for the subsistence of the deceased’s family or household.”.

15 **Amendment of section 18 of Act 66 of 1965, as amended by section 1 of Act 15 of 1978, section 1 of Act 90 of 1981 and section 4 of Act 86 of 1983**

2. Section 18 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

- 20 “(3) If the value of any estate does not exceed **[R15 000]** the amount determined by the Minister by notice in the *Gazette*, the Master may dispense with the appointment of an executor and give directions as to the manner in which any such estate shall be liquidated and distributed.”.

Amendment of section 26 of Act 66 of 1965

3. Section 26 of the principal Act is hereby amended by the insertion after 25 subsection (1) of the following subsection:

- “(1A) The executor may before the account has lain open for inspection in terms of section 35 (4), with the consent of the Master release such amount of

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money and such property out of the estate as in the executor's opinion are sufficient to provide for the subsistence of the deceased's family or household."

Amendment of section 73 of Act 66 of 1965, as amended by section 17 of Act 86 of 1983

4. Section 73 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

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“(c) if any eventuality referred to in paragraph (b), (c), (d), (e) or (f) of section 18 (1) occurs with reference to any person who has been nominated or appointed as provided in paragraph (a), (b), [or] (c) or (d) of section 72 (1), or to whom letters of tutorship or curatorship have been granted under the latter section or under this subsection,”.

Amendment of section 93 of Act 66 of 1965, as amended by section 4 of Act 79 of 1971 and section 22 of Act 86 of 1983

5. Section 93 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

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“(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 *Gazette* a detailed statement in respect of all amounts of [one rand] R10 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 statement have remained unclaimed for a period of five years or more by the rightful owners.”.

Short title

6. (1) This Act shall be called the Administration of Estates Amendment Act, 1990.

(2) Section 2 shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.