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.



## REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

# **STAATSKOERANT**

### VAN DIE REPUBLIEK VAN SUID-AFRIKA

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CAPE TOWN, 25 JUNE 1980 KAAPSTAD, 25 JUNIE 1980

[No. 7083

#### OFFICE OF THE PRIME MINISTER

#### KANTOOR VAN DIE EERSTE MINISTER

No. 1302.

25 June 1980.

No. 1302.

25 Junie 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.

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: 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.

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.)

RE 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-

(a) by the insertion after subsection (1) of the following Act 24 of 1936, subsection:

"(1A) Whenever a trustee with the prior approval of Act 16 of 1943 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.";

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, I 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

directions stipulated by the Master."; and (c) by the deletion of subsection (3).

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section 73 of as amended by section 20 of and section 24 of Act 99 of 1965.

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

notice of the taxation in accordance with the