

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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GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 486. 15 Maart 1978.

No. 486. 15 March 1978.

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:—

No. 15 van 1978: Boedelwysigingswet, 1978.

No. 15 of 1978: Administration of Estates Amendment Act, 1978.

ADMINISTRATION OF ESTATES AMENDMENT ACT, 1978.

Act No. 15, 1978

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, to increase certain amounts; and to rectify a faulty reference.

(English text signed by the State President.)

(Assented to 7 March 1978.)

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

1. Section 18 of the Administration of Estates Act, 1965 (hereinafter referred to as the principal Act), is hereby amended— Amendment of section 18 of Act 66 of 1965.

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

“(3) If the value of any estate does not exceed **[six]** one thousand five hundred rand, 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.”;

(b) by the substitution for subsection (4) of the following subsection:

“(4) If the value of any estate does not exceed **[two]** five thousand rand, the Master may, in any case referred to in subsection (1), without any notice under that subsection, 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.”.

2. Section 29 of the principal Act is hereby amended by the substitution for the proviso to subsection (1) of the following proviso: Amendment of section 29 of Act 66 of 1965.

“Provided that if the value of the estate does not exceed **[two]** five thousand rand, the Master may by writing under his hand direct the executor to specify in the notice a period (not being less than fourteen or more than thirty days) determined by the Master.”.

3. 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.

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

4. Section 34 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 34 of Act 66 of 1965.

“(2) If the Master is satisfied that the value of the assets in the insolvent estate does not exceed **[two]** five thousand rand, the estate shall, subject to the rights of creditors, be liquidated and distributed in such manner as he may direct.”.

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5. Section 35 of the principal Act is hereby amended—

Amendment of
section 35 of
Act 66 of 1965.

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

“(a) six months after letters of executorship have been granted to him, if the gross value of the estate exceeds **two** five thousand rand; or”;

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

“(b) three months after letters of executorship have been granted to him, if the gross value of the estate does not exceed **two** five thousand rand; or”.

6. Section 80 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of
section 80 of
Act 66 of 1965.

“(2) The Master may at any time authorize—

(a) any alienation of immovable property belonging to a minor or to a person for the administration of whose property a tutor or curator has been appointed, if the value of the particular property to be alienated does not exceed **four** ten thousand rand and the alienation would be in the interest of the minor or of such person, as the case may be; and

(b) any mortgage of any such immovable property to an amount not exceeding in the case of any one such minor or person, **four** ten thousand rand, if the mortgage is necessary for the preservation or improvement of the property or for the maintenance, education or other benefit of such minor or person, as the case may be.”.

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

Amendment of
section 102 of
Act 66 of 1965.

“(h) contravenes or fails to comply with the provisions of section 6 (4), section 8 (1) or (2), section 11 (1), section 26 (1) or of the last-mentioned section as applied by section 85, section 28 (1), (2) or (3) or of the last-mentioned section as applied by section 12 (7) or by section 70 (1) or by section 85, section 30, section 35 (1), or with any direction under section 35 (2) or any notice under section 43 **(2) or** (3) or (4) or of the last-mentioned section as applied by section 66 (2); or”.

8. This Act shall be called the Administration of Estates Amendment Act, 1978. Short title.