



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

R0,80 Prys • Price
R0,08 Plus 10% BTW • VAT
R0,88 Verkoopprys • Selling price
Buitelands **R1,10** Other countries
Post free • Posvry

VOL. 321

KAAPSTAD, 11 MAART 1992

No. 13815

CAPE TOWN, 11 MARCH 1992

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 767.

11 Maart 1992

No. 767.

11 March 1992

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. 1 van 1992: Wysigingswet op Boedelaangeleenthede, 1992.

No. 1 of 1992: Estate Affairs Amendment Act, 1992.

GENERAL EXPLANATORY NOTE:

Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Administration of Estates Act, 1965, so as to provide that the Minister may make regulations concerning the remuneration payable to persons in respect of the tracing of any person who is entitled to receive money out of the guardian's fund; to amend the Maintenance of Surviving Spouses Act, 1990, so as to make other provision regarding the entering into by the executor of agreements concerning the claim of a surviving spouse against the estate of the deceased spouse; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 3 March 1992.)*

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

Amendment of section 103 of Act 66 of 1965, as amended by section 46 of Act 97 of 1986

- 5 1. Section 103 of the Administration of Estates Act, 1965, is hereby amended by the insertion after paragraph (e) of subsection (1) of the following paragraph:
- 10 “(eA) prescribing a tariff of remuneration payable, either by way of cession or otherwise, to any person concerning the tracing of someone who is entitled to receive money out of the guardian's fund, and prohibiting the charging or recovery of remuneration at a higher tariff than the tariff so prescribed;”.

Amendment of section 2 of Act 27 of 1990

- 15 2. Section 2 of the Maintenance of Surviving Spouses Act, 1990, is hereby amended by the substitution for paragraph (d) of subsection (3) of the following paragraph:
- 20 “(d) The executor of the estate of a deceased spouse shall have the power to enter into an agreement with the survivor and the heirs and legatees having an interest in the agreement, including the creation of a trust, and in terms of the agreement to transfer assets of the deceased estate, or a right in the assets, to the survivor or the trust, or to impose an obligation on an heir or legatee, in settlement of the claim of the survivor or part thereof.”.

Short title and commencement

- 25 3. This Act shall be called the Estate Affairs Amendment Act, 1992, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.