

BUITENGEWONE

# OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA

# OFFICIAL GAZETTE

EXTRAORDINARY

OF SOUTH WEST AFRICA

UITGAWE OP GESAG

WINDHOEK

PUBLISHED BY AUTHORITY

30c

Dinsdag 21 Desember 1982

Tuesday 21 December 1982

No. 4721

INHOUD:

CONTENTS:

Bladsy

Page

**GOEWERMENSKENNISGEWING:**

**GOVERNMENT NOTICE:**

No. AG. 181 Afkondiging van Wysigingswet betreffende Intestate Erfopvolging, 1982 (Wet 15 van 1982), van die Nasionale Vergadering van Suidwes-Afrika 1

No. AG. 181 Promulgation of Intestate Succession Amendment Act, 1982 (Act 15 of 1982), of the National Assembly of South West Africa 1

## Goewermentskennisgewing

## Government Notice

Kantoor van die

Office of the

ADMINISTRATEUR-GENERAAL VIR DIE  
GEBIED SUIDWES-AFRIKA

ADMINISTRATOR-GENERAL FOR THE  
TERRITORY OF SOUTH WEST AFRICA

DEPARTEMENT VAN DIE MINISTERS-  
RAAD

DEPARTMENT OF THE COUNCIL OF MI-  
NISTERS

No. AG. 181

1982

No. AG. 181

1982

AFKONDIGING VAN WET VAN NASIO-  
NALE VERGADERING

PROMULGATION OF ACT OF NATIONAL  
ASSEMBLY

Die volgende Wet, wat ingevolge die Proklamasie op die Nasionale Vergadering, 1979 (Proklamasie AG. 21 van 1979), deur die Nasionale Vergadering van Suidwes-Afrika aangeneem is deur die Administrateur-generaal onderteken is, word hierby afgekondig ingevolge artikel 19 van daardie Proklamasie: --

The following Act, which has been adopted by the National Assembly of South West Africa and signed by the Administrator-General in terms of the National Assembly Proclamation, 1979 (Proclamation AG. 21 of 1979), is hereby published in terms of section 19 of that Proclamation: --

No. 15 van 1982: Wysigingswet betreffende Intestate Erfopvolging, 1982

No. 15 of 1982: Intestate Succession Amendment Act, 1982

Wet No. 15, 1982 **WYSIGINGSWET BETREFFENDE INTESTATE ERF-  
OPVOLGING, 1982**

(Afrikaanse teks deur die Administrateur-generaal  
onderteken op 13 Desember 1982)

**WET**

Tot wysiging van die Ordonnansie betreffende Intestate Erf-  
opvolging, 1946, ten einde die erforsie van 'n  
oorblywende eggenoot by intestaatheid van die oorlede  
eggenoot te verhoog.

DAAR WORD BEPAAL deur die Nasionale Vergade-  
ring van Suidwes-Afrika, soos volg:—

**1. Artikel 1 van die Ordonnansie betreffende Intestate  
Erfopvolging, 1946, word hierby gewysig —**

(a) deur paragraaf (a) van subartikel (1) deur die  
volgende paragraaf te vervang:

“(a) wanneer die eggenote in gemeenskap van  
goedere gehuud was en wanneer die oorlede  
eggenoot 'n afstammeling agterlaat wat geregtig  
is om *ab intestato* te erwe, erf die oorblywende  
eggenoot ten bedrae van 'n kindsdeel of soveel  
as wat, tesame met die oorblywende eggenoot se  
aandeel in die gesamentlike boedel, vyftigdui-  
send rand in waarde nie te bowe gaan nie  
(watter van die twee die grootste is);”;

(b) deur paragraaf (b) van genoemde subartikel (1) deur  
die volgende paragraaf te vervang:

“(b) wanneer die eggenote buite gemeenskap van  
goedere gehuud was en wanneer die oorlede  
eggenoot 'n afstammeling agterlaat wat geregtig  
is om *ab intestato* te erwe, erf die oorblywende  
eggenoot ten bedrae van 'n kindsdeel of soveel  
as wat vyftigduisend rand in waarde nie te bowe  
gaan nie (watter van die twee die grootste is);”;

(c) deur paragraaf (c) van genoemde subartikel (1) deur  
die volgende paragraaf te vervang:

**INTESTATE SUCCESSION AMENDMENT ACT, 1982**

Act No. 15, 1982

(Afrikaans text signed by the Administrator-General on 13  
December 1982)

**ACT**

**To amend the Intestate Succession Ordinance, 1946, so as to increase the inheritance of a surviving spouse upon intestacy of the deceased spouse.**

BE IT ENACTED by the National Assembly of South West Africa, as follows:—

1. Section 1 of the Intestate Succession Ordinance, 1946, is hereby amended —

Amendment of section 1 of Ordinance 12 of 1946, as amended by section 1 of Ordinance 6 of 1963.

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

“(a) if the spouses were married in community of property and if the deceased spouse leaves any descendant who is entitled to succeed *ab intestato*, the surviving spouse shall succeed to the extent of a child's share or to so much as together with the surviving spouse's share in the joint estate, does not exceed fifty thousand rand in value (whichever is the greater);”;

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

“(b) if the spouses were married out of community of property and if the deceased spouse leaves any descendant who is entitled to succeed *ab intestato*, the surviving spouse shall succeed to the extent of a child's share or to so much as does not exceed fifty thousand rand in value (whichever is the greater);” and

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

Wet No. 15, 1982 **WYSIGINGSWET BETREFFENDE INTESTATE ERF-  
OPVOLGING, 1982**

“(c) wanneer die eggenote hetsy in of buite  
gemeenskap van goedere gehuud was en die  
oorlede eggenoot geen afstammeling agterlaat  
wat geregtig is om *ab intestato* te erwe nie maar  
'n ouer of 'n broer of suster (hetsy van die volle  
of halwe bloed) agterlaat wat geregtig is om  
aldus te erwe, erf die oorblywende eggenoot ten  
bedrae van 'n halwe aandeel of soveel as wat  
vyftigduisend rand in waarde nie te bowe gaan  
nie (water van die twee die grootste is):”.

Kort titel.

**2. Hierdie Wet heet die Wysigingswet betreffende  
Intestate Erfopvolging, 1982.**

**INTESTATE SUCCESSION AMENDMENT ACT, 1982** Act No. 15, 1982

“(c) if the spouses were married either in or out of community of property, and the deceased spouse leaves no descendant who is entitled to succeed *ab intestato*, but leaves a parent or a brother or a sister (whether of the full or half blood) who is entitled so to succeed, the surviving spouse shall succeed to the extent of a half share or to so much as does not exceed fifty thousand rand in value (whichever is the greater);”.

2. This Act shall be called the Intestate Succession Amendment Act, 1982. Short title.