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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper *As 'n Nuusblad by die Poskantoor Geregistreer*

Price 10c Prys
Overseas 15c Oorsee
POST FREE—POSVRY

ISBN 0 621 00069 8

VOL. 84.] CAPE TOWN, 2ND JUNE, 1972. [No. 3533.
KAAPSTAD, 2 JUNIE 1972.

DEPARTMENT OF THE PRIME MINISTER.

No. 926. 2nd June, 1972.

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

No. 57 of 1972: Age of Majority Act, 1972.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 926. 2 Junie 1972.

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

No. 57 van 1972: Wet op die Meerderjarigheidsouderdom, 1972.

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WET

Tot samevatting en wysiging van sekere wetsbepalings met betrekking tot die meerderjarigheidsouderdom en tot die meerderjarigverklaring van 'n minderjarige; en om voorsiening te maak vir bykomstige aangeleenthede.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 23 *Mei* 1972.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Meerderjarigheids-ouderdom.

1. Alle persone, hetsy manlik hetsy vroulik, bereik die meerderjarigheidsouderdom wanneer hulle die ouderdom van een-en-twintig jaar bereik.

Meerderjarig verklaring van 'n minderjarige.

2. Iemand wat die ouderdom van agtien jaar bereik het, kan, met inagneming van die bepalings van hierdie Wet, by die provinsiale afdeling van die Hooggeregshof van Suid-Afrika wat met regsbevoegdheid beklee is in die gebied waarbinne so iemand sy gewone verblyf het (hieronder die Hof genoem), aansoek doen om 'n bevel waardeur hy meerderjarig verklaar word.

Vorm van aansoek en inligting wat daarin vervat moet word.

3. Die aansoek in artikel 2 bedoel, moet in die vorm wees van 'n aansoek by kennisgewing van mosie gerig aan die griffier van die Hof en gesteun deur 'n beëdigde verklaring waarin vermeld word—

(*a*) die volle name en die gewone verblyfplek van die aansoeker en sy geboortedatum gestaaf deur die aansoeker se geboortesertifikaat of, indien sy geboortesertifikaat nie beskikbaar is nie, deur enige ander bevredigende bewys van sy geboortedatum;

(*b*) die besonderhede wat die Hof in staat sal stel om te oordeel of die aansoeker 'n geskikte persoon is om sy sake self te reël, met behoorlike inagneming van sy gedrag, verstandelike ontwikkeling en sakevernuf;

(*c*) of die aansoeker by sy ouers woon en, indien wel, of hy voornemens is om by hulle te bly woon;

(*d*) of die aansoek deur die ouers of voog van die aansoeker gesteun word en, indien wel, moet 'n beëdigde verklaring van die ouers of voog te dien effekte daarby aangeheg word;

(*e*) volle besonderhede van ander onroerende goed as dié in paragraaf (*f*) bedoel waarvan hy die eienaar is of dit waarskynlik sal word;

(*f*) volle besonderhede van roerende of onroerende goed waarvan hy die eienaar is en wat ingevolge die bepalings van 'n testament of 'n ander dokument onderhewig is aan 'n fideikommis, vruggebruik of soortgelyke reg, of wat ten tyde van die aansoek onder die beheer is van die Meester, 'n voog, kurator of administrateur soos omskryf in artikel 1 van die Boedelwet, 1965 (Wet No. 66 van 1965);

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ACT

To consolidate and amend certain laws relating to the age of majority and to the declaration of a minor to be a major; and to provide for incidental matters.

(*Afrikaans text signed by the State President.*)
(*Assented to 23rd May, 1972.*)

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

Age of majority.

1. All persons, whether males or females, attain the age of majority when they attain the age of twenty-one years.

Declaration of a minor to be a major.

2. Any person who has attained the age of eighteen years may, subject to the provisions of this Act, apply to the provincial division of the Supreme Court of South Africa having jurisdiction in the area within which such person is ordinarily resident (hereinafter referred to as the Court) for an order declaring him to be a major.

Form of application and information to be contained therein.

3. The application referred to in section 2 shall be in the form of a notice of motion addressed to the registrar of the Court and supported by an affidavit in which shall be stated—

(*a*) the full names and the ordinary place of residence of the applicant and his date of birth supported by the applicant's birth certificate or, if his birth certificate is not available, any other satisfactory proof of his date of birth;

(*b*) such particulars as will place the Court in a position to judge whether the applicant is a fit and proper person to manage his own affairs, with due regard to his behaviour, mental development and business acumen;

(*c*) whether the applicant lives with his parents and, if so, whether he intends to continue living with them;

(*d*) whether the application is supported by the parents or guardian of the applicant and, if so, an affidavit by the parents or guardian to that effect shall be annexed thereto;

(*e*) full particulars of any immovable property other than that referred to in paragraph (*f*) of which he is or probably will become the owner;

(*f*) full particulars of any movable or immovable property of which he is the owner and which in terms of the provisions of any will or any other instrument is subject to a fideicommissum, usufruct or similar right, or which at the time of the application is subject to the control of the Master, a tutor, curator or administrator as defined in section 1 of the Administration of Estates Act, 1965 (Act No. 66 of 1965);

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(*g*) enige ander tersaaklike inligting wat die Hof in staat sal stel om te oordeel of dit in die belang van die aansoeker noodsaaklik of wenslik is om die aansoek toe te staan.

Toepassing van die Eenvormige Reëls van die Hooggeregshof.

4. Die bepalings van die Eenvormige Reëls van die Hooggeregshof van Suid-Afrika wat van tyd tot tyd van toepassing is in verband met aansoeke wat *ex parte* by die Hof gedoen word, is in verband met 'n in artikel 2 bedoelde aansoek van toepassing.

Kennisgewing van aansoek aan die Meester van die Hooggeregshof.

5. (1) Indien die in artikel 2 bedoelde persoon die eienaar is van roerende of onroerende goed in artikel 3 (*f*) bedoel, moet hy minstens een-en-twintig dae voor die datum van die verhoor van die aansoek 'n afskrif van die aansoek indien by die Meester van die Hooggeregshof wat ten opsigte van daardie goed ingevolge artikel 4 (2) van die Boedelwet 1965 (Wet No. 66 van 1965), met regsbevoegdheid beklee is.

(2) Die Meester van die Hooggeregshof bedoel in subartikel (1) lê minstens sewe dae voor die datum van die verhoor van die aansoek 'n skriftelike verslag daaroor aan die Hof voor.

Bevoegdhede van die Hof.

6. (1) Na oorweging van die in artikel 2 bedoelde aansoek, die verslag, indien daar is, van die Meester daaroor en die besware, indien daar is, wat by die Hof ingedien is, en 'n verdere beëdigde verklaring wat die aansoeker in antwoord op die verslag of besware ingedien het, kan die Hof na goeddunke—

(*a*) die aansoek toestaan of afwys of uitstel;

(*b*) 'n bevel *nisi* uitreik met aanwysing van die persone aan wie dit beteken moet word, en die wyse waarop dit beteken moet word of aangaande die publikasie daarvan;

(*c*) gelas dat verdere getuienis, hetsy mondeling of by verslag of beëdigde verklaring, deur iemand aan die Hof voorgelê word;

(*d*) die bevel aangaande koste maak wat hy billik ag.

(2) Op die keerdatum van 'n bevel *nisi* kan die Hof die bevel *nisi* bekragtig of ter syde stel of die keerdatum verleng.

Uitwerking van bevel tot meerderjarigverklaring.

7. Iemand aan wie 'n bevel toegestaan is waardeur hy meerderjarig verklaar word, word vir alle doeleindes geag die meerderjarigheidsouderdom te bereik het.

Toepassing op Suidwes-Afrika.

8. Hierdie Wet en 'n wysiging daarvan is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel.

Herroeping van wette.

9. Die wette in die Bylae by hierdie Wet vermeld, word hierby herroep in die mate wat in die vierde kolom daarvan aangedui word.

Kort titel.

10. Hierdie Wet heet die Wet op die Meerderjarigheidsouderdom, 1972.

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(*g*) any other relevant information that will place the Court in a position to judge whether it is necessary or desirable in the interests of the applicant to grant the application.

Application of the Uniform Rules of the Supreme Court.

4. The provisions of the Uniform Rules of the Supreme Court of South Africa in force from time to time with reference to any application being brought *ex parte* before the Court, shall apply with reference to any application referred to in section 2.

Notice of application to the Master of the Supreme Court.

5. (1) If the person referred to in section 2 is the owner of any movable or immovable property referred to in section 3 (*f*), he shall at least twenty-one days before the date of the hearing of the application lodge a copy of the application with the Master of the Supreme Court having jurisdiction in terms of section 4 (2) of the Administration of Estates Act, 1965 (Act No. 66 of 1965), in respect of such property.

(2) The Master of the Supreme Court referred to in subsection (1) shall at least seven days before the date of the hearing of the application submit a written report thereon to the Court.

Powers of the Court.

6. (1) After consideration of the application referred to in section 2, the Master's report, if any, thereon and the objections, if any, lodged with the Court, and any further affidavit which the applicant may have submitted in answer to the report or objections, the Court may in its discretion—

(*a*) grant or refuse or postpone the application;

(*b*) issue a rule *nisi* with directions as to the persons on whom it is to be served and how it is to be served, or, as to its publication;

(*c*) direct that further evidence from any person be produced to the Court either *viva voce* or by report or by affidavit;

(*d*) make such order as to costs as it may think just.

(2) On the return date of a rule *nisi* the Court may confirm or set aside the rule *nisi* or extend the return date.

Effect of a declaration as a major.

7. Any person to whom an order declaring him to be a major is granted, shall for all purposes be deemed to have attained the age of majority.

Application to South-West Africa.

8. This Act and any amendment thereof shall also apply in the territory of South-West Africa, including the Eastern Caprivi Zipfel.

Laws repealed.

9. The laws mentioned in the Schedule to this Act are hereby repealed to the extent set out in the fourth column thereof.

Short title.

10. This Act shall be called the Age of Majority Act, 1972.

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Wet No. 57, 1972 WET OP DIE MEERDERJARIGHEIDSOUDERDOM, 1972.

Bylae.

HERROEPE WETTE.

Provinsie of Gebied.	No. en Jaar van Wet.	Titel of Onderwerp.	Omvang van Herroeping.
Kaap	Ordonnansie No. 62 van 20 Junie 1829	„Ordinance for declaring the Age of Twenty-one Years to be the Legal Age of Majority in this Colony"	Die geheel.
Transvaal . . .	Volksraadsbesluit, Desember 1853, art. 123	Meerderjarigheidsouderdom . . .	Die geheel.
Natal	Ordonnansie No. 4, 1846	„Ordinance for fixing the Age of Majority within the District of Natal"	Die geheel.
Oranje-Vrystaat .	Wetboek Hoofstuk LXXXIX	„Over de Meerderjarigheid en Meerderjarigverklaring"	Die geheel.

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Schedule.

LAWS REPEALED.

Province or Area.	No. and Year of Law.	Title or Subject.	Extent of Repeal.
Cape	Ordinance No. 62 of 20th June, 1829	Ordinance for declaring the Age of Twenty-one Years to be the Legal Age of Majority in this Colony	The whole.
Transvaal . . .	Volksraad Resolution, December 1853, article 123	Age of Majority	The whole.
Natal	Ordinance No. 4 of 1846	Ordinance for fixing the Age of Majority within the District of Natal	The whole.
Orange Free State	Law Book Chapter LXXXIX	"Over de Meerderjarigheid en Meerderjarigverklaring"	The whole.