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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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

Prys 20c Price
Oorsee 30c Overseas
POSVRY—POST FREE

VOL. 153] KAAPSTAD, 15 MAART 1978 / CAPE TOWN, 15 MARCH 1978 [No. 5919

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 486. 15 Maart 1978.

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

No. 15 van 1978: Boedelwysigingswet, 1978.

DEPARTMENT OF THE PRIME MINISTER

No. 486. 15 March 1978.

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

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

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ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

________ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Boedelwet, 1965, om sekere bedrae te verhoog; en om 'n foutiewe verwysing reg te stel.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 7 Maart 1978.)

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

Wysiging van artikel 18 van Wet 66 van 1965.

1. Artikel 18 van die Boedelwet, 1965 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Indien die waarde van 'n boedel nie meer as **[seshonderd]** eenduisend vyfhonderd rand bedra nie, kan die Meester van 'n kennisgewing kragtens subartikel (1) en van die aanstelling van 'n eksekuteur afsien, en opdrag gee aangaande die wyse waarop so 'n boedel beredder en verdeel moet word.";

(b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Indien die waarde van 'n boedel nie meer as **[tweeduisend]** vyfduisend rand bedra nie, kan die Meester in 'n in subartikel (1) bedoelde geval, sonder enige kennisgewing kragtens daardie subartikel, die persoon of persone wat hy geskik ag om eksekuteur of eksekuteurs van die boedel van die oorledene te wees, aanstel en eksekuteursbriewe aan hom of hulle uitreik.".

Wysiging van artikel 29 van Wet 66 van 1965.

2. Artikel 29 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by subartikel (1) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat indien die waarde van die boedel nie meer as **[tweeduisend]** vyfduisend rand bedra nie, die Meester skriftelik onder sy handtekening die eksekuteur kan gelas om in die kennisgewing 'n deur die Meester bepaalde tydperk (van minstens veertien en hoogstens dertig dae) te vermeld.".

Wysiging van artikel 30 van Wet 66 van 1965.

3. Artikel 30 van die Hoofwet word hierby gewysig deur paragraaf *(b)* deur die volgende paragraaf te vervang:

„*(b)* daarna, tensy, in die geval van goed ter waarde van hoogstens **[tweehonderd]** vyfhonderd rand, die Meester of, in die geval van enige ander goed, die Hof anders gelas,".

Wysiging van artikel 34 van Wet 66 van 1965.

4. Artikel 34 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Indien die Meester oortuig is dat die waarde van die bates van die insolvente boedel hoogstens **[tweeduisend]** vyfduisend rand is, word die boedel, behoudens die regte van skuldeisers, beredder en verdeel op die wyse wat hy gelas.".

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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:—

Amendment of section 18 of Act 66 of 1965.

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

(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.".

Amendment of section 29 of Act 66 of 1965.

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

"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.".

Amendment of section 30 of Act 66 of 1965.

3. Section 30 of the principal Act is hereby amended by the substitution for paragraph *(b)* of the following paragraph:

"*(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,".

Amendment of section 34 of Act 66 of 1965.

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

"(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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Wysiging van artikel 35 van Wet 66 van 1965.

5. Artikel 35 van die Hoofwet word hierby gewysig—

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

„*(a)* ses maande nadat 'n eksekuteursbrief aan hom uitgereik is, as die bruto waarde van die boedel meer as **[tweeduisend]** vyfduisend rand bedra; of";

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

„*(b)* drie maande nadat 'n eksekuteursbrief aan hom uitgereik is, as die bruto waarde van die boedel nie meer as **[tweeduisend]** vyfduisend rand bedra nie; of".

Wysiging van artikel 80 van Wet 66 van 1965.

6. Artikel 80 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die Meester kan te eniger tyd magtiging verleen—

(a) vir die vervreemding van onroerende goed van 'n minderjarige of 'n persoon vir die administrasie van wie se goed 'n voog of kurator aangestel is, as die waarde van die besondere goed wat vervreem staan te word nie meer as **[vierduisend]** tienduisend rand bedra nie, en die vervreemding in belang van die minderjarige of van bedoelde persoon, na gelang van die geval, sal wees; en

(b) vir die beswaring van enige sodanige onroerende goed met 'n verband vir 'n bedrag wat in die geval van een sodanige minderjarige of persoon nie meer as **[vierduisend]** tienduisend rand bedra nie, as die beswaring nodig is vir die behoud of verbetering van die goed of vir die onderhoud, opvoeding of ander bevoordeling van sodanige minderjarige of persoon, na gelang van die geval.".

Wysiging van artikel 102 van Wet 66 van 1965.

7. Artikel 102 van die Hoofwet word hierby gewysig deur paragraaf *(h)* van subartikel (1) deur die volgende paragraaf te vervang:

„*(h)* die bepalings van artikel 6 (4), artikel 8 (1) of (2), artikel 11 (1), artikel 26 (1) of van laasgenoemde artikel soos toegepas deur artikel 85, artikel 28 (1), (2) of (3) of van laasgenoemde artikel soos toegepas deur artikel 12 (7) of deur artikel 70 (1) of deur artikel 85, artikel 30, artikel 35 (1), of 'n lasgewing kragtens artikel 35 (2), of 'n kennisgewing kragtens artikel 43 **[(2) of]** (3) of (4) of van laasgenoemde artikel soos toegepas deur artikel 66 (2), oortree of versuim om daaraan te voldoen; of".

Kort titel.

8. Hierdie Wet heet die Boedelwysigingswet, 1978.

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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.