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GOVERNMENT NOTICE

GOEWERMENSKENNISGEWING

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

No. R. 1501

3 December 2002

BLACK ADMINISTRATION ACT, 1927

AMENDMENT OF THE REGULATIONS FOR THE ADMINISTRATION AND DISTRIBUTION OF ESTATES

The President of the Republic of South Africa has under section 23(10) of the Black Administration Act, 1927 (Act No. 38 of 1927), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations "the Regulations" means the regulations promulgated by Government Notice No. R. 200 of 6 February 1987.

Amendment of regulation 2

2. Regulation 2 of the Regulations is hereby amended by-
 - (a) the deletion of paragraph (a); and
 - (b) the substitution in paragraph (e) for the expression "paragraphs (a), (b), (c) and (d)" of the expression "paragraphs (b), (c) and (d)".

Amendment of regulation 3

3. Regulation 3 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(1) All the property in any estate falling within the purview of regulation 2(e) shall be administered in terms of the principles of customary law and the provisions of these regulations, and all other property shall be administered under the jurisdiction of the Master of the High Court in terms of the provisions of the Administration of Estates Act, 1965 (Act No. 66 of 1965)."

Amendment of regulation 4

4. Regulation 4 of the Regulations is hereby amended by the substitution in subregulation (1) for the expression "regulation 2" of the expression "regulation 2(e)".

Amendment of regulation 6

5. Regulation 6 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(1) Notwithstanding anything in regulation 3, if a person in the employ of any person dies without leaving such a will as is referred to in section 23(9) of the Act and the estate of that deceased person is governed by the principles of customary law, the magistrate in whose area of jurisdiction that person was employed immediately prior to his or her death may collect and realize any asset in, and may enforce any claim belonging to, the estate of that person."

Deletion of regulation 9

6. Regulation 9 of the Regulations is hereby deleted.

Commencement

7. These regulations shall come into operation on 5 December 2002.

No. R. 1501

3 Desember 2002

SWART ADMINISTRASIE WET, 1927

WYSIGING VAN DIE REGULASIES VIR DIE BEREDDERING EN VERDELING VAN
BOEDELS

Die President van die Republiek van Suid-Afrika het kragtens artikel 23(10) van die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie regulasies beteken "die Regulasies" die regulasies gepubliseer by Goewermentskennisgewing No. R. 200 van 6 Februarie 1987.

Wysiging van regulasie 2

2. Regulasie 2 van die Regulasies word hierby gewysig deur-

- (a) die skraping van paragraaf (a); en
- (b) die vervanging in paragraaf (e) van die uitdrukking "paragrawe (a), (b), (c) en (d)" met die uitdrukking "paragrawe (b), (c) en (d)".

Wysiging van regulasie 3

3. Regulasie 3 van die Regulasies word hierby gewysig deur die vervanging van subregulasie (1) met die volgende subregulasie:

"(1) Al die eiendom in enige boedel wat binne die omvang van regulasie 2(e) val word ingevolge die beginsels van die inheemse reg en die bepalinge van hierdie regulasies geadministreer, en alle ander eiendom word onder die jurisdiksie van die Meester van die Hoë Hof ingevolge die bepalinge van die Boedelwet, 1965 (Wet No. 66 van 1965), geadministreer."

Wysiging van regulasie 4

4. Regulasie 4 van die Regulasies word hierby gewysig deur die vervanging in subregulasie (1) van die uitdrukking "regulasie 2" met die uitdrukking "regulasie 2(e)".

Wysiging van regulasie 6

5. Regulasie 6 van die Regulasies word hierby gewysig deur die vervanging van subregulasie (1) met die volgende subregulasie:

"(1) Nieteenstaande enigiets in regulasie 3 vervat, indien 'n persoon in die diens van iemand sterf sonder nalating van 'n testament soos vermeld in artikel 23(9) van die Wet en die boedel van daardie oorlede persoon deur die beginsels van die inheemse reg beheers word, kan die landdros in wie se regsgebied daardie persoon onmiddellik voor sy of haar dood in diens was, enige bate in die boedel van daardie persoon versamel en verkoop asook enige eis behorende tot sodanige boedel afdwing."

Skraping van regulasie 9

6. Regulasie 9 van die Regulasies word hierby geskrap.

Inwerkingtreding

7. Hierdie regulasies tree op 5 Desember 2002 in werking.