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GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1439.

29 Junie 1990

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

No. 63 van 1990: Boedelwysigingswet, 1990.

No. 1439.

29 June 1990

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

No. 63 of 1990: Administration of Estates Amendment Act, 1990.

Wet No. 63, 1990

BOEDELWYSIGINGSWET, 1990

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, ten einde die voorsiening in die onderhoud van sekere persone, die wyse van bereddering en verdeling van sekere boedels, die aanstelling van kurators deur die Meester en die vereiste state van sekere onopgeëiste geld verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Junie 1990.)*

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

Wysiging van artikel 12 van Wet 66 van 1965, soos gewysig deur artikel 3 van Wet 54 van 1970

1. Artikel 12 van die Boedelwet, 1965 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) ’n Tussentydse kurator kan, indien spesiaal deur die Meester daartoe gemagtig—

(a) skuld invorder en roerende goed in die boedel waar ook al in die Republiek geleë, verkoop of daaroor beskik; **[en]**

(b) behoudens enige toepaslike wetsbepaling, ’n besigheid of onderneming van die oorledene voortsit; en

(c) die bedrag geld en die goed uit die boedel beskikbaar stel wat na sy oordeel voldoende is om te voorsien in die onderhoud van die oorledene se gesin of huishouding.”.

Wysiging van artikel 18 van Wet 66 van 1965, soos gewysig deur artikel 1 van Wet 15 van 1978, artikel 1 van Wet 90 van 1981 en artikel 4 van Wet 86 van 1983

2. Artikel 18 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Indien die waarde van ’n boedel nie meer as **[R15 000]** die bedrag wat die Minister by kennisgewing in die *Staatskoerant* bepaal, bedra nie, kan die Meester van die aanstelling van ’n eksekuteur afsien, en opdrag gee aangaande die wyse waarop so ’n boedel beredder en verdeel moet word.”.

Wysiging van artikel 26 van Wet 66 van 1965

3. Artikel 26 van die Hoofwet word hierby gewysig deur die volgende subartikel na subartikel (1) in te voeg:

“(1A) Die eksekuteur kan voordat die rekening ingevolge artikel 35 (4) ter insae gelê het, met die toestemming van die Meester die bedrag geld en die goed

ADMINISTRATION OF ESTATES AMENDMENT ACT, 1990

Act No. 63, 1990

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, so as to further regulate the provision for the subsistence of certain persons, the manner of liquidation and distribution of certain estates, the appointment of curators by the Master and the required statements of certain unclaimed money; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 21 June 1990.)

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

Amendment of section 12 of Act 66 of 1965, as amended by section 3 of Act 54 of 1970

1. Section 12 of the Administration of Estates Act, 1965 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (3) of the following subsection:

- “(3) An interim curator may, if specially authorized thereto by the Master—
- (a) collect any debt and sell or dispose of any movable property in the estate, wherever situate within the Republic; **[and]**
 - 10 (b) subject to any law which may be applicable, carry on any business or undertaking of the deceased; and
 - (c) release such money and such property out of the estate as in his opinion are sufficient to provide for the subsistence of the deceased’s family or household.”.

15 **Amendment of section 18 of Act 66 of 1965, as amended by section 1 of Act 15 of 1978, section 1 of Act 90 of 1981 and section 4 of Act 86 of 1983**

2. Section 18 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

- “(3) If the value of any estate does not exceed **[R15 000]** the amount
- 20 determined by the Minister by notice in the *Gazette*, the Master may dispense with the appointment of an executor and give directions as to the manner in which any such estate shall be liquidated and distributed.”.

Amendment of section 26 of Act 66 of 1965

3. Section 26 of the principal Act is hereby amended by the insertion after 25 subsection (1) of the following subsection:

“(1A) The executor may before the account has lain open for inspection in terms of section 35 (4), with the consent of the Master release such amount of

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uit die boedel beskikbaar stel wat na die eksekuteur se oordeel voldoende is om te voorsien in die onderhoud van die oorledene se gesin of huishouding."

Wysiging van artikel 73 van Wet 66 van 1965, soos gewysig deur artikel 17 van Wet 86 van 1983

4. Artikel 73 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang: 5

"(c) indien 'n by paragraaf (b), (c), (d), (e) of (f) van artikel 18 (1) bedoelde gebeurlikheid plaasvind met betrekking tot 'n persoon wat soos in paragraaf (a), (b), **[of]** (c) of (d) van artikel 72 (1) bepaal, benoem of aangestel is, of aan wie kragtens laasgenoemde artikel of hierdie subartikel, 'n 10 voogdybrief of 'n brief van kuratele uitgereik is,".

Wysiging van artikel 93 van Wet 66 van 1965, soos gewysig deur artikel 4 van Wet 79 van 1971 en artikel 22 van Wet 86 van 1983

5. Artikel 93 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: 15

"(1) Iedere persoon wat in die Republiek besigheid dryf, moet elke jaar in Januariemaand 'n omstandige staat in die voorgeskrewe vorm opmaak en in die *Staatskoerant* publiseer ten opsigte van alle bedrae van **['n rand]** R10 of meer wat hy of 'n agent namens hom in die Republiek op die een-en-dertigste dag van Desember van die onmiddellik voorafgaande jaar besit het en wat nie sy 20 eiendom of aan 'n geldige retensiereg onderhewig was nie, dog ten tyde van die opmaak van gemelde staat vir 'n tydperk van vyf jaar of langer nie deur die regmatige eienaars opgeëis is nie."

Kort titel

6. (1) Hierdie Wet heet die Boedelwysigingswet, 1990. 25

(2) Artikel 2 tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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money and such property out of the estate as in the executor's opinion are sufficient to provide for the subsistence of the deceased's family or household."

Amendment of section 73 of Act 66 of 1965, as amended by section 17 of Act 86 of 1983

4. Section 73 of the principal Act is hereby amended by the substitution for
5 paragraph (c) of subsection (1) of the following paragraph:

10 "(c) if any eventuality referred to in paragraph (b), (c), (d), (e) or (f) of section 18 (1) occurs with reference to any person who has been nominated or appointed as provided in paragraph (a), (b), **[or]** (c) or (d) of section 72 (1), or to whom letters of tutorship or curatorship have been granted under the latter section or under this subsection,".

Amendment of section 93 of Act 66 of 1965, as amended by section 4 of Act 79 of 1971 and section 22 of Act 86 of 1983

5. Section 93 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

15 "(1) Every person carrying on business in the Republic shall in the month of January in each year prepare in the prescribed form and publish in the *Gazette* a detailed statement in respect of all amounts of **[one rand]** R10 or more which were held by him or by any agent on his behalf in the Republic on the thirty-first day of December of the immediately preceding year and which were not his
20 property or subject to any valid lien, but at the time of the preparation of the said statement have remained unclaimed for a period of five years or more by the rightful owners."

Short title

6. (1) This Act shall be called the Administration of Estates Amendment Act,
25 1990.

(2) Section 2 shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

