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## THE PRESIDENCY

No. 666 20 July 2001

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

No. 20 of 2001: Administration of Estates Laws Interim Rationalisation Act, 2001.

## DIE PRESIDENSIE

No. 666 20 Julie 2001

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

No. 20 van 2001: Wet op die Interim Rasionalisering van Boedelwette, 2001.



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Act No. 20, 2001

ADMINISTRATION OF ESTATES LAWS  
INTERIM RATIONALISATION ACT, 2001**GENERAL EXPLANATORY NOTE:**

- [                    ] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

*(English text signed by the Acting President.)*  
*(Assented to 13 July 2001.)*

**ACT**

To amend the Administration of Estates Act, 1965, so as to delete certain definitions, substitute other definitions and insert new definitions; and to substitute obsolete references; to make the Administration of Estates Act, 1965, applicable throughout the Republic; to repeal corresponding laws in force in the areas of the former Republics of Transkei, Bophuthatswana, Venda and Ciskei; to amend the Insolvency Act, 1936, so as to alter certain amounts; to amend the Age of Majority Act, 1972, so as to delete an obsolete reference; and to provide for matters connected therewith.

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 66 of 1965, as amended by section 1 of Act 54 of 1970, section 1 of Act 79 of 1971, section 26 of Act 57 of 1988 and section 1 of Act 49 of 1996**

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

- (a) by the deletion of the definitions of “banking institution” and “building society”;
- (b) by the insertion after the definition of “appraiser” of the following definition: 10  
“ ‘bank’ means a public company registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990);”;
- (c) by the substitution for the definition of “Court” of the following definition: 15  
“ ‘Court’ means the [provincial division of the Supreme Court] High Court having jurisdiction, or any judge thereof [, and includes, whenever a matter in relation to which this expression is used is within the jurisdiction of a local division of the Supreme Court, that local division or any judge thereof];”;
- (d) by the substitution for the definition of “Master” of the following definition: 20  
“ ‘Master’, in relation to any matter, property or estate, means the Master, Deputy Master or Assistant Master of [the Supreme Court] a High Court appointed under section [two] 2, who has jurisdiction in respect of that matter, property or estate;” and
- (e) by the insertion after the definition of “Minister” of the following definition: 25  
“ ‘office’ includes a sub-office referred to in section 3(2)(b);”.

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## ALGEMENE VERDUIDELIKENDE NOTA:

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

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

(Engelse teks deur die Waarnemende President geteken.)  
(Goedgekeur op 13 Julie 2001.)

## WET

Tot wysiging van die Boedelwet, 1965, ten einde sekere omskrywings te skrap, ander omskrywings te vervang en nuwe omskrywings in te voeg; en verouderde verwysings te vervang; om die Boedelwet, 1965, oor die hele Republiek van toepassing te maak; om ooreenstemmende wette wat in die gebiede van die voormalige Republieke van Transkei, Bophuthatswana, Venda en Ciskei van krag is, te herroep; tot wysiging van die Insolvensiewet, 1936, ten einde sekere bedrae te wysig; tot wysiging van die Wet op Meerderjarigheidsouderdom, 1972, ten einde 'n verouderde verwysing te skrap; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 66 van 1965, soos gewysig deur artikel 1 van Wet 54 van 1970, artikel 1 van Wet 79 van 1971, artikel 26 van Wet 57 van 1988 en 5 artikel 1 van Wet 49 van 1996

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

- (a) deur die omskrywings van “bankinstelling” en “bouvereniging” te skrap;
- (b) deur die volgende omskrywing na die omskrywing van “afwesige” in te voeg:
- 10 “ ‘bank’ ’n publieke maatskappy wat ingevolge die Bankwet, 1990 (Wet No. 94 van 1990), as ’n bank geregistreer is;”;
- (c) deur die omskrywing van “Hof” deur die volgende omskrywing te vervang:
- 15 “ ‘Hof’ die bevoegde [provinsiale afdeling van die Hooggeregshof] Hoë Hof, of ’n regter daarvan [, en wanneer ’n aangeleentheid met betrekking waartoe hierdie uitdrukking gebruik word, binne die jurisdiksie van ’n plaaslike afdeling van die Hooggeregshof val, ook daardie plaaslike afdeling of ’n regter daarvan];”;
- (d) deur die volgende omskrywing na die omskrywing van “Hof” in te voeg:
- 20 “ ‘kantoor’ ook ’n subkantoor bedoel in artikel 3(2)(b);”;
- (e) deur die omskrywing van “Meester” deur die volgende omskrywing te vervang:
- 25 “ ‘Meester’, met betrekking tot enige aangeleentheid, goed of boedel, die Meester, Adjunk-meester of Assistent-meester van [die Hooggeregshof] ’n Hoë Hof kragtens artikel [twee] 2 aangestel, wat ten opsigte van daardie aangeleentheid, goed of boedel met regsbevoegdheid bekleed is;”.

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ADMINISTRATION OF ESTATES LAWS  
INTERIM RATIONALISATION ACT, 2001**Substitution of section 2 of Act 66 of 1965, as amended by section 2 of Act 79 of 1971 and section 35 of Act 47 of 1997**

2. The following section is hereby substituted for section 2 of the principal Act:

**“Appointment of Masters, Deputy Masters and Assistant Masters**

2. (1) Subject to [the provisions of] subsection (2) and the laws governing the public service, the Minister shall, in respect of the area of jurisdiction of each [provincial division of the Supreme Court] High Court, appoint a Master of the [Supreme Court] High Court, and may, in respect of each such area, appoint one or more Deputy Masters of the [Supreme Court] High Court and one or more Assistant Masters of the [Supreme Court] High Court, who may, subject to the control, direction and supervision of the Master, do anything which may lawfully be done by the Master.

(1A) The Minister may appoint a person as Master, Deputy Master or Assistant Master in respect of the area of jurisdiction of more than one High Court.

(2) No person shall be appointed as Master, Deputy Master or Assistant Master of [the Supreme Court] a High Court unless he or she has passed the diploma *iuris* examination or an examination deemed by the Minister for the Public Service and Administration to be equivalent thereto, or has before the commencement of this Act held a substantive appointment as a Master or Assistant Master of the Supreme Court: Provided that whenever a Master, Deputy Master or Assistant Master of [the Supreme Court] a High Court is because of absence or for any other reason unable to carry out the functions of his or her office or whenever such office becomes vacant, the Minister may authorize any officer in the public service to act in his or her place during his or her absence or incapacity or to act in the vacant office until the vacancy is filled, as the case may be.

[(3) Any person who at the commencement of this Act holds office as Master or Assistant Master of the Supreme Court shall be deemed to have been appointed under this section in respect of the area of jurisdiction of the provincial division of the Supreme Court concerned.]

(4) The Minister may delegate any power conferred on him or her by this section, to the [Secretary for Justice] Director-General: Justice or a [deputy secretary] deputy director-general in the Department of Justice.”.

**Substitution of section 3 of Act 66 of 1965, as amended by section 20 of Act 15 of 1969**

3. The following section is hereby substituted for section 3 of the principal Act:

**“Master’s office to be at seat of High Court**

3. (1) Each Master shall, subject to subsection (2), have [his] an office at the seat of the [provincial division of the Supreme Court] High Court in respect of whose area of jurisdiction he or she has been appointed.

(2) [The Minister may direct that a Deputy Master or an Assistant Master shall have his office at any place specified by the Minister, there to perform, in respect of the area so specified, such functions as he may lawfully perform under this Act or any other law.] If a person has been appointed as Master in respect of the area of jurisdiction of more than one High Court, the Minister—

(a) shall specify the seat of the High Court at which the Master concerned shall have an office; and

(b) may designate one or more places, within the area of jurisdiction in respect of which that Master has been appointed, where sub-offices of that Master may be established.

(3) The Minister may direct that a person who has been appointed as

**Vervanging van artikel 2 van Wet 66 van 1965, soos gewysig deur artikel 2 van Wet 79 van 1971 en artikel 35 van Wet 47 van 1997**

2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Aanstelling van Meesters, Adjunk-meesters en Assistent-meesters**

5           2. (1) Die Minister stel, behoudens [die bepalings van] subartikel (2) en die wette op die Staatsdiens, ten opsigte van die regsgebied van iedere [provinsiale afdeling van die Hooggeregshof] Hoë Hof, ’n Meester van die [Hooggeregshof] Hoë Hof aan, en kan, ten opsigte van iedere sodanige gebied, een of meer Adjunk-meesters van die [Hooggeregshof] Hoë Hof en een of meer Assistent-meesters van die [Hooggeregshof] Hoë Hof aldus aanstel, wat, onder die beheer, leiding en toesig van die Meester, bevoeg is om alles te doen wat die Meester wettiglik kan doen.

10           (1A) Die Minister kan ’n persoon as Meester, Adjunk-meester of Assistent-meester ten opsigte van die regsgebied van meer as een Hoë Hof aanstel.

15           (2) Niemand word as Meester, Adjunk-meester of Assistent-meester van [die Hooggeregshof] ’n Hoë Hof aangestel nie tensy hy of sy in die diploma *iuris*-eksamen of in ’n eksamen wat deur die Minister vir die Staatsdiens en Administrasie as gelykstaande daarmee geag word, geslaag het, of voor die inwerkingtreding van hierdie Wet ’n substantiewe betrekking as Meester of Assistent-meester van die Hooggeregshof beklee het: Met dien verstande dat wanneer ’n Meester, Adjunk-meester of Assistent-meester van [die Hooggeregshof] ’n Hoë Hof weens afwesigheid of om ’n ander rede nie in staat is om sy of haar ampswerkzaamhede te verrig nie of wanneer so ’n amp vakant raak, die Minister ’n beampte in die Staatsdiens kan magtig om gedurende sy of haar afwesigheid of onvermoë in sy of haar plek op te tree of om in die vakante amp waar te neem totdat die vakature gevul word, na gelang van die geval.

20           (3) Iemand wat by die inwerkingtreding van hierdie Wet die amp van Meester of Assistent-meester van die Hooggeregshof beklee, word geag as sodanig kragtens hierdie artikel ten opsigte van die regsgebied van die betrokke provinsiale afdeling van die Hooggeregshof aangestel te wees.]

25           (4) Die Minister kan ’n bevoegdheid wat by hierdie artikel aan hom of haar verleë word, aan die [Sekretaris van Justisie] Direkteur-generaal: Justisie of ’n [adjunk-sekretaris] adjunk-direkteur-generaal in die Departement van Justisie deleger.”

**Vervanging van artikel 3 van Wet 66 van 1965, soos gewysig deur artikel 20 van Wet 15 van 1969**

40 3. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Kantoor van Meester moet by setel van Hoë Hof wees**

45           3. (1) Elke Meester het [sy], behoudens subartikel (2), ’n kantoor by die setel van die [provinsiale afdeling van die Hooggeregshof] Hoë Hof ten opsigte van die regsgebied waarvan hy of sy aangestel is.

50           (2) [Die Minister kan gelas dat ’n Adjunk-meester of ’n Assistent-meester sy kantoor op ’n deur die Minister aangewese plek moet hê, om daar, ten opsigte van die aldus aangewese gebied, die werksaamhede te verrig wat hy regtens kragtens hierdie Wet of enige ander wetsbepaling kan verrig.] Indien ’n persoon as Meester ten opsigte van die regsgebied van meer as een Hoë Hof aangestel is—

(a) moet die Minister die setel van die Hoë Hof waar die betrokke Meester ’n kantoor moet hê, spesifiseer; en

(b) kan die Minister een of meer plekke, binne die regsgebied ten opsigte waarvan daardie Meester aangestel is, aanwys waar subkantore van daardie Meester ingestel kan word.

55           (3) Die Minister kan gelas dat ’n persoon wat as Adjunk-meester of

Deputy Master or Assistant Master shall be the head of a sub-office referred to in subsection (2) and he or she shall exercise the powers, perform the functions and carry out the duties conferred upon, assigned to or imposed upon him or her by or under this Act or any other law, subject to the control, direction and supervision of the Master of the High Court concerned.” 5

**Amendment of section 4 of Act 66 of 1965, as amended by section 1 of Act 86 of 1983 and section 26 of Act 57 of 1988**

4. Section 4 of the principal Act is hereby amended—
- (a) by the substitution in subsection (1) for paragraph (a) of the following paragraph: 10
- “(a) in the case of a deceased person who was, at the date of his or her death, ordinarily resident within the area of jurisdiction of a **[provincial division of the Supreme Court] High Court**, with the Master appointed in respect of that area; and”;
- (b) by the substitution in subsection (2) for paragraph (a) of the following paragraph: 15
- “(a) in the case of any such person who is ordinarily resident within the area of jurisdiction of a **[provincial division of the Supreme Court] High Court**, with the Master appointed in respect of that area; and” 20

**Amendment of section 12 of Act 66 of 1965, as amended by section 3 of Act 54 of 1970, section 1 of Act 63 of 1990 and section 1 of Act 49 of 1996**

5. Section 12 of the principal Act is hereby amended—
- (a) by the substitution for subsection (5) of the following subsection: 25
- “(5) The reference in section **[47(1)] 118(1)** of the Liquor Act, **[1928 (Act No. 30 of 1928)] 1989 (Act No. 27 of 1989)**, to a curator, shall include a reference to an interim curator appointed under subsection (1), who has under subsection (3) been authorized to carry on the business of the licensee or person referred to in the said sections.”; and
- (b) by the substitution for subsection (7) of the following subsection: 30
- “(7) **[The provisions of sub-sections (3), (4) and (5) of section twenty-three, sections twenty-six, twenty-eight, thirty-six, forty-six,] Sections 23(3), (4) and (5), 26, 28, 36, 46 and [sub-paragraph (ii) of paragraph (b) of sub-section (1) of section fifty-four] 54(1)(b)(ii)** shall **[mutatis mutandis]** with the necessary changes apply with reference to interim curators.” 35

**Amendment of section 14 of Act 66 of 1965**

6. Section 14 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 40
- “The Master shall, subject to **[the provisions of sub-section] subsection (2)** and sections **[sixteen, seventeen and twenty-two] 16 and 22**, on the written application of any person who—”.

**Amendment of section 15 of Act 66 of 1965**

7. Section 15 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 45
- “The Master shall, subject to **[the provisions of sub-section] subsection (2)** and sections **[sixteen, seventeen and twenty-two] 16 and 22—**”.

**Amendment of section 21 of Act 66 of 1965**

8. Section 21 of the principal Act is hereby amended by the substitution for the words preceding the proviso of the following words: 50
- “Whenever letters of executorship granted in any State and authenticated as provided in the rules made under section **[forty-three of the Supreme Court Act, 1959 (Act No. 59 of 1959)] 6(1)(i)** of the Rules Board for Courts of Law Act, 1985

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5 Assistent-meester aangestel is, die hoof van 'n subkantoor bedoel in subartikel (2) is en hy of sy oefen die bevoegdheid uit, verrig die werksaamhede en voer die pligte uit wat deur of kragtens hierdie Wet of enige ander wet aan hom of haar verleen, opgedra of opgelê is, onderworpe aan die beheer, leiding en toetsing van die betrokke Meester van die Hoë Hof."

**Wysiging van artikel 4 van Wet 66 van 1965, soos gewysig deur artikel 1 van Wet 86 van 1983 en artikel 26 van Wet 57 van 1988**

4. Artikel 4 van die Hoofwet word hierby gewysig—
- 10 (a) deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang:  
“(a) in die geval van 'n oorledene wat ten tyde van sy of haar dood sy of haar gewone verblyf binne die regsgebied van 'n [provisiale afdeling van die Hooggeregshof] Hoë Hof gehad het, by die Meester wat ten opsigte van daardie gebied aangestel is; en”; en
- 15 (b) deur in subartikel (2) paragraaf (a) deur die volgende paragraaf te vervang:  
“(a) in die geval van so 'n persoon wat sy of haar gewone verblyf binne die regsgebied van 'n [provisiale afdeling van die Hooggeregshof] Hoë Hof het, by die Meester wat ten opsigte van daardie gebied aangestel is; en”.

20 **Wysiging van artikel 12 van Wet 66 van 1965, soos gewysig deur artikel 3 van Wet 54 van 1970, artikel 1 van Wet 63 van 1990 en artikel 1 van Wet 49 van 1996**

5. Artikel 12 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (5) deur die volgende subartikel te vervang:
- 25 “(5) Die verwysing in artikel [47(1)] 118(1) van die Drankwet, [1928 (Wet No. 30 van 1928)] 1989 (Wet No. 27 van 1989), na 'n kurator, is ook 'n verwysing na 'n kragtens subartikel (1) aangestelde tussentydse kurator wat kragtens subartikel (3) gemagtig is om die besigheid van die in gemelde artikels bedoelde lisensiehouer of persoon voort te sit.”; en
- 30 (b) deur subartikel (7) deur die volgende subartikel te vervang:  
“(7) [Die bepalinge van sub-artikels (3), (4) en (5) van artikel drie-en-twintig, ses-en-twintig, agt-en-twintig, ses-en-dertig, ses-en-veertig,] Artikels 23(3), (4) en (5), 26, 28, 36, 46 en [sub-paragraaf (ii) van paragraaf (b) van sub-artikel (1) van artikel vier-en-vyftig] 54(1)(b)(ii) is [mutatis mutandis] met die nodige veranderings van
- 35 toepassing met betrekking tot tussentydse kurators.”.

**Wysiging van artikel 14 van Wet 66 van 1965**

6. Artikel 14 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- 40 “Die Meester moet behoudens [die bepalinge van sub-artikel] subartikel (2) en artikels [sestien, sewentien en twee-en-twintig] 16 en 22, op skriftelike aansoek van iemand wat—”.

**Wysiging van artikel 15 van Wet 66 van 1965**

7. Artikel 15 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- 45 “Die Meester moet, behoudens [die bepalinge van sub-artikel] subartikel (2) en artikels [sestien, sewentien en twee-en-twintig] 16 en 22—”.

**Wysiging van artikel 21 van Wet 66 van 1965**

8. Artikel 21 van die Hoofwet word hierby gewysig deur die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
- 50 “Wanneer 'n eksekuteursbrief wat in 'n Staat uitgereik is en wat volgens die bepalinge van die reëls kragtens artikel [drie-en-veertig van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959)] 6(1)(i) van die Wet op die Reëlsraad vir Geregshowe, 1985 (Wet No. 107 van 1985), uitgevaardig,

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(Act No. 107 of 1985), are produced to or lodged with the Master by the person in whose favour those letters have been granted or his or her duly authorized agent, those letters may, subject to [the provisions of] sections [twenty-two and twenty-three] 22 and 23, be signed by the Master and sealed with his or her seal of office, and such person shall thereupon with respect to the whole estate of the deceased situate in the Republic, for the purposes of this Act be deemed to be an executor to whom letters of executorship have been granted by the Master:” 5

**Amendment of section 28 of Act 66 of 1965, as substituted by section 3 of Act 79 of 1971 and amended by section 7 of Act 86 of 1983**

9. Section 28 of the principal Act is hereby amended— 10

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

“(1) An executor—

(a) shall, unless the Master otherwise directs, as soon as he or she has in hand moneys in the estate in excess of [R100] R1 000, open a cheque account in the name of the estate with a [banking institution] bank in the Republic and shall deposit therein the moneys which he or she has in hand and such other moneys as he or she may from time to time receive for the estate; 15

(b) may open a savings account in the name of the estate with a [banking institution or a building society] bank and may transfer thereto so much of the moneys deposited in the account referred to in paragraph (a) as is not immediately required for the payment of any claim against the estate; 20

(c) may place so much of the moneys deposited in the account referred to in paragraph (a) as is not immediately required for the payment of any claim against the estate on interest-bearing deposit with a [banking institution or a building society] bank.”; 25

(b) by the substitution for subsection (2) of the following subsection:

“(2) Every executor shall whenever required by the Master to do so, notify the Master in writing of the [banking institution or building society] bank and the office or branch thereof with which he or she has opened an account referred to in subsection (1), and furnish the Master with a bank statement or other sufficient evidence of the position of the account.”; 30

(c) by the substitution for subsection (3) of the following subsection: 35

“(3) No executor who in compliance with a request of the Master under subsection (2), has notified the Master of the office or branch of the [banking institution or building society] bank with which he or she has opened an account referred to in subsection (1) shall transfer any such account from any such office or branch to any other such office or branch, except after written notice to the Master.”; and 40

(d) by the substitution for subsection (5) of the following subsection:

“(5) The Master and any surety of the executor shall have the same right to information in regard to any such account as the executor himself or herself possesses, and may examine all vouchers in relation thereto, whether in the hands of the [banking institution or building society] bank or of the executor.”. 45

**Amendment of section 34 of Act 66 of 1965, as substituted by section 10 of Act 86 of 1983 and amended by section 3 of Act 12 of 1984**

10. Section 34 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph: 50

“(a) no creditor whose claim amounts to less than [R100] R1 000 shall be reckoned in number;”.

**Substitution of section 48 of Act 66 of 1965**

11. The following section is hereby substituted for section 48 of the principal Act: 55



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5 gewaarmerk is, deur die persoon ten gunste van wie daardie brief uitgereik is of sy of haar beoorloek gemagtigde verteenwoordiger, aan [’n] die Meester voorgelê of by hom of haar ingelewer word, kan die Meester daardie brief, [onderworpe aan die bepalings van] behoudens artikels [twee-en-twintig en drie-en-twintig] 22 en 23, onder sy of haar ampseël onderteken, en daardie persoon word daarop vir die doeleindes van hierdie Wet, ten opsigte van die hele boedel van die oorledene wat in die Republiek geleë is, geag ’n eksekuteur te wees aan wie ’n eksekuteursbrief deur die Meester uitgereik is.”.

10 **Wysiging van artikel 28 van Wet 66 van 1965, soos vervang deur artikel 3 van Wet 79 van 1971 en gewysig deur artikel 7 van Wet 86 van 1983**

9. Artikel 28 van die Hoofwet word hierby gewysig—

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

“(1) ’n Eksekuteur—

- 15 (a) moet, tensy die Meester anders gelas, sodra hy of sy meer as [R100] R1 000 aan boedelgelde voorhande het, by ’n [bankinstelling] bank in die Republiek ’n tjekrekening op naam van die boedel open, en die gelde wat hy of sy voorhande het daarin stort, asook die ander gelde wat hy of sy van tyd tot tyd vir die boedel ontvang;
- 20 (b) kan by ’n [bankinstelling of ’n bouvereniging] bank ’n spaarrekening op naam van die boedel open, en kan soveel van die gelde gestort in die in paragraaf (a) vermelde rekening as wat nie onmiddellik vir betaling van ’n vordering teen die boedel nodig is nie, daarin oorbetal;
- 25 (c) kan soveel van die gelde gestort in die in paragraaf (a) vermelde rekening as wat nie onmiddellik vir betaling van ’n vordering teen die boedel nodig is nie, by ’n [bankinstelling of ’n bouvereniging] bank in rentedraende deposito plaas.”;

(b) deur subartikel (2) deur die volgende subartikel te vervang:

30 “(2) Iedere eksekuteur moet, wanneer die Meester dit van hom of haar verlang, die Meester skriftelike kennis gee van die [bankinstelling of bouvereniging] bank en die kantoor of tak daarvan waarin hy of sy ’n in subartikel (1) vermelde rekening geopen het, en aan die Meester ’n bankstaat of ander genoegsame bewys van die toestand van die rekening verstrek.”;

35 (c) deur subartikel (3) deur die volgende subartikel te vervang:

40 “(3) ’n Eksekuteur wat ter voldoening aan ’n versoek van die Meester kragtens subartikel (2), die Meester in kennis gestel het van die kantoor of tak van die [bankinstelling of bouvereniging] bank waarin hy of sy ’n in subartikel (1) vermelde rekening geopen het, plaas so ’n rekening nie van enige sodanige kantoor of tak na ’n ander sodanige kantoor of tak oor nie, behalwe na skriftelike kennisgewing aan die Meester.”; en

(d) deur subartikel (5) deur die volgende subartikel te vervang:

45 “(5) Die Meester en ’n borg vir die eksekuteur het dieselfde reg op inligting met betrekking tot daardie rekening as die eksekuteur self, en is geregtig op insae van alle daarop betreklike bewysstukke, ongeag of hulle in besit van die [bankinstelling of bouvereniging] bank of van die eksekuteur is.”.

**Wysiging van artikel 34 van Wet 66 van 1965, soos vervang deur artikel 10 van Wet 86 van 1983 en gewysig deur artikel 3 van Wet 12 van 1984**

50 **10.** Artikel 34 van die Hoofwet word hierby gewysig deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang:

“(a) geen skuldeiser wie se vordering minder as [R100] R1 000 bedra, in getal gereken word nie;”.

**Vervanging van artikel 48 van Wet 66 van 1965**

55 **11.** Artikel 48 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Extension of time and compounding of debts**

48. An executor may accept from a debtor of the deceased estate who is unable to pay his or her debt in full, any reasonable part of the debt in discharge of the whole debt or grant any debtor of the deceased estate an extension of time for the payment of his or her debt in so far as this is compatible with ~~[the provisions of]~~ section ~~[thirty-five]~~ 35: Provided that if the debt exceeds ~~[two hundred rand]~~ R2 000, an executor shall, subject to the terms of the will (if any) of the deceased, not accept a part of the debt in discharge of the whole debt, unless he or she has been authorized to do so by the Master.”.

**Amendment of section 54 of Act 66 of 1965, as amended by section 16 of Act 86 of 1983 and section 13 of Act 43 of 1992**

12. Section 54 of the principal Act is hereby amended by the substitution in subsection (1)(b) for subparagraph (iii) of the following subparagraph:

“(iii) if he or she is convicted, in the Republic or elsewhere, of theft, fraud, forgery, uttering a forged instrument or perjury, and is sentenced ~~[therefor]~~ to ~~[serve a term of]~~ imprisonment without the option of a fine, or to a fine exceeding ~~[twenty rand]~~ R2 000; or”.

**Substitution of section 87 of Act 66 of 1965, as substituted by section 19 of Act 86 of 1983**

13. The following section is hereby substituted for section 87 of the principal Act:

**“Moneys in guardian’s fund to be deposits for purposes of Act 45 of 1984**

87. The moneys in the guardian’s fund shall be deemed to be deposits for the purposes of the ~~[Public Debt Commissioners Act, 1969 (Act No. 2 of 1969)]~~ Public Investment Commissioners Act, 1984 (Act No. 45 of 1984), and the Master may from time to time pay out of any working balance retained at his or her disposal under the said Act, any amounts due and payable out of the said fund.”.

**Substitution of section 91 of Act 66 of 1965, as substituted by section 21 of Act 86 of 1983 and amended by section 25 of Act 108 of 1991**

14. The following section is hereby substituted for section 91 of the principal Act:

**“Publication of list of unclaimed moneys**

91. The Master shall in the month of September of each year cause to be published in the *Gazette* a list of all amounts of ~~[R100]~~ R1 000 or more in the guardian’s fund, other than the amounts deposited therein in terms of section 93(3), which have been claimable and have remained unclaimed by the persons entitled thereto for a period exceeding one year but not exceeding three years.”.

**Amendment of section 93 of Act 66 of 1965, as amended by section 4 of Act 79 of 1971, section 22 of Act 86 of 1983, section 5 of Act 63 of 1990 and section 26 of Act 108 of 1991**

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

“(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 ~~[R10]~~ R100 or more which were held by him or her or by any agent on his or her behalf in the Republic on the thirty-first day of December of the immediately preceding year and which were not

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**“Uitstel en skikkings insake skulde**

48. 'n Eksekuteur kan van 'n skuldenaar van die bestorwe boedel wat nie in staat is om sy of haar skuld ten volle te betaal nie, 'n redelike deel van die skuld tot delging van die hele skuld aanneem, of aan 'n skuldenaar van die bestorwe boedel uitstel van betaling van sy of haar skuld toestaan, vir sover dit bestaanbaar is met [die bepalings van] artikel [vyf-en-dertig] 35: Met dien verstande dat indien die skuld meer as [tweehonderd rand] R2 000 bedra, 'n eksekuteur, behoudens die bepalings van die testament (as daar een is) van die oorledene, nie 'n deel van die skuld tot delging van die hele skuld aanneem nie, tensy die Meester hom of haar daartoe gemagtig het.”.

**Wysiging van artikel 54 van Wet 66 van 1965, soos gewysig deur artikel 16 van Wet 86 van 1983 en artikel 13 van Wet 43 van 1992**

12. Artikel 54 van die Hoofwet word hierby gewysig deur in subartikel (1)(b) subparagraaf (iii) deur die volgende subparagraaf te vervang:

“(iii) indien hy of sy skuldig bevind word, hetsy in die Republiek of elders, aan diefstal, bedrog, vervalsing, uitgifte van 'n vervalste dokument of meened en [daarvoor] veroordeel word tot gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van meer as [twintig rand] R2 000; of”.

20 **Vervanging van artikel 87 van Wet 66 van 1965, soos vervang deur artikel 19 van Wet 86 van 1983**

13. Artikel 87 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Gelde in voogdyfonds is vir doeleindes van Wet 45 van 1984 deposito's**

25 87. Die gelde in die voogdyfonds word by die toepassing van die [Wet op die Staatskuldkommissaris, 1969 (Wet No. 2 van 1969)] Wet op die Openbare Beleggingskommissaris, 1984 (Wet No. 45 van 1984), geag deposito's te wees, en die Meester kan van tyd tot tyd uit enige bedryfsaldo wat kragtens gemelde Wet tot sy of haar beskikking gehou word, enige bedrae uit bedoelde fonds verskuldig en betaalbaar, uitbetaal.”.

**Vervanging van artikel 91 van Wet 66 van 1965, soos vervang deur artikel 21 van Wet 86 van 1983 en gewysig deur artikel 25 van Wet 108 van 1991**

14. Artikel 91 van die Hoofwet word hierby deur die volgende artikel vervang:

35 **“Publikasie van lys van onopgeëiste gelde**

40 91. Die Meester moet elke jaar in Septembermaand in die *Staatskoerant* 'n lys laat publiseer van alle bedrae van [R100] R1 000 of meer in die voogdyfonds, uitgesonderd die bedrae wat ingevolge artikel 93(3) daarin gestort is, wat vir 'n tydperk van meer as 'n jaar maar hoogstens drie jaar opeisbaar was en nie deur die daarop geregtigde persone opgeëis is nie.”.

**Wysiging van artikel 93 van Wet 66 van 1965, soos gewysig deur artikel 4 van Wet 79 van 1971, artikel 22 van Wet 86 van 1983, artikel 5 van Wet 63 van 1990 en artikel 26 van Wet 108 van 1991**

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

50 “(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 [R10] R100 of meer wat hy of sy of 'n agent namens hom of haar in die Republiek op die een-en-dertigste dag van Desember van die onmiddellik voorafgaande jaar besit het en wat nie sy

his or her 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.”.

**Amendment of section 96 of Act 66 of 1965, as amended by section 26 of Act 57 of 1988**

5

16. Section 96 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) institute any civil proceedings in pursuance of **[the provisions of]** this Act, against any executor, tutor, curator or interim curator, in the **[division of the Supreme Court] High Court** within whose area of jurisdiction the appointment of such executor, tutor, curator or interim curator was made, whether or not such executor, tutor, curator or interim curator is resident within that area or otherwise subject to the jurisdiction of that **[division] High Court**; and”.

10

**Amendment of section 102 of Act 66 of 1965, as amended by section 7 of Act 15 of 1978, section 23 of Act 86 of 1983 and section 26 of Act 57 of 1988**

15

17. Section 102 of the principal Act is hereby amended—

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

“(e) when being interrogated under oath under section **[thirty-two] 32**, makes, relative to the subject in connection with which he or she is interrogated, any statement whatever which he or she knows to be false or which he or she does not know or believe to be true; or”; and

20

(b) by the substitution in subsection (1) for paragraphs (i), (ii), (iii), (iv) and (v) of the following paragraphs, respectively:

25

“(i) in the case of an offence referred to in paragraph (a), to a fine **[not exceeding two thousand rand]** or to imprisonment for a period not exceeding seven years **[or to both such fine and such imprisonment]**;

(ii) in the case of an offence referred to in paragraph (b), (c), (d) or (e), to a fine **[not exceeding one thousand rand]** or to imprisonment for a period not exceeding five years **[or to both such fine and such imprisonment]**;

30

(iii) in the case of an offence referred to in paragraph (f) or (g), to a fine **[not exceeding two hundred rand]** or to imprisonment for a period not exceeding twelve months **[or to both such fine and such imprisonment]**;

35

(iv) in the case of an offence referred to in paragraph (h), to a fine **[not exceeding one hundred rand]** or to imprisonment for a period not exceeding six months **[or to both such fine and such imprisonment]**; and

40

(v) in the case of an offence referred to in paragraph (i), to a fine **[not exceeding fifty rand]** or to imprisonment for a period not exceeding three months **[or to both such fine and such imprisonment]**.”.

45

**Amendment of section 103 of Act 66 of 1965, as amended by section 46 of Act 97 of 1986**

18. Section 103 of the principal Act is hereby amended by the substitution for subsections (2) and (3) of the following subsections, respectively:

“(2) Any regulations made under subsection (1) may **[prescribe penalties for any contravention thereof or failure to comply therewith not exceeding a fine of fifty rand]** provide that any person who contravenes such regulations or fails to comply therewith shall be guilty of an offence and on conviction be liable to a fine or to imprisonment for a period [of] not exceeding three months.

50

(3) Any regulations made under section **[one hundred and eighteen] 118** of the Administration of Estates Act, 1913 (Act No. 24 of 1913), shall be deemed to have been made under subsection (1).”.

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of haar 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.”.

5 **Wysiging van artikel 96 van Wet 66 van 1965, soos gewysig deur artikel 26 van Wet 57 van 1988**

16. Artikel 96 van die Hoofwet word hierby gewysig deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang:

10 “(a) 'n siviele proses ingevolge [**die bepalings van**] hierdie Wet teen 'n eksekuteur, voog, kurator of tussentydse kurator instel in die [**afdeling van die Hooggeregshof**] Hoë Hof binne die regsgebied waarvan die aanstelling van die eksekuteur, voog, kurator of tussentydse kurator gedoen is, hetsy die eksekuteur, voog, kurator of tussentydse kurator in daardie gebied woon of andersins onder die jurisdiksie van daardie [**afdeling**] Hoë Hof staan al dan nie; en”.

15 **Wysiging van artikel 102 van Wet 66 van 1965, soos gewysig deur artikel 7 van Wet 15 van 1978, artikel 23 van Wet 86 van 1983 en artikel 26 van Wet 57 van 1988**

17. Artikel 102 van die Hoofwet word hierby gewysig—

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

20 “(e) wanneer hy of sy ingevolge artikel [**twee-en-dertig**] 32 onder eed ondervra word, met betrekking tot die onderwerp in verband waarmee hy of sy ondervra word, enige bewering hoegenaamd maak wat na hy of sy weet vals is of waaromtrent hy of sy nie weet of glo dat dit waar is nie; of”; en

25 (b) deur in subartikel (1) paragrawe (i), (ii), (iii), (iv) en (v) deur onderskeidelik die volgende paragrawe te vervang:

30 “(i) in die geval van 'n in paragraaf (a) bedoelde misdryf, met 'n boete [**van hoogstens tweeduisend rand**] of met gevangenisstraf vir 'n tydperk van hoogstens sewe jaar [**of met sowel sodanige boete as sodanige gevangenisstraf**];

30 (ii) in die geval van 'n in paragraaf (b), (c), (d) of (e) bedoelde misdryf, met 'n boete [**van hoogstens duisend rand**] of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar [**of met sowel sodanige boete as sodanige gevangenisstraf**];

35 (iii) in die geval van 'n in paragraaf (f) of (g) bedoelde misdryf, met 'n boete [**van hoogstens tweehonderd rand**] of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande [**of met sowel sodanige boete as sodanige gevangenisstraf**];

40 (iv) in die geval van 'n in paragraaf (h) bedoelde misdryf, met 'n boete [**van hoogstens honderd rand**] of met gevangenisstraf vir 'n tydperk van hoogstens ses maande [**of met sowel sodanige boete as sodanige gevangenisstraf**]; en

45 (v) in die geval van 'n in paragraaf (i) bedoelde misdryf, met 'n boete [**van hoogstens vyftig rand**] of met gevangenisstraf vir 'n tydperk van hoogstens drie maande [**of met sowel sodanige boete as sodanige gevangenisstraf**].”.

**Wysiging van artikel 103 van Wet 66 van 1965, soos gewysig deur artikel 46 van Wet 97 van 1986**

18. Artikel 103 van die Hoofwet word hierby gewysig deur subartikels (2) en (3) deur onderskeidelik die volgende subartikels te vervang:

50 “(2) Regulasies kragtens subartikel (1) uitgevaardig, kan [**vir 'n oortreding of nie-nakoming daarvan, strawwe voorskryf wat 'n boete van vyftig rand**] voorsiening maak dat 'n persoon wat die regulasies oortree of versuim om daaraan te voldoen aan 'n misdryf skuldig is en by skuldigbevinding strafbaar is met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens drie maande [**nie te bowe gaan nie**].

55 (3) Regulasies kragtens artikel [**honderd-en-agtien**] 118 van die Boedelwet, 1913 (Wet No. 24 van 1913), uitgevaardig, word geag kragtens subartikel (1) uitgevaardig te wees.”.

**Amendment of section 105 of Act 66 of 1965, as amended by section 9 of Act 54 of 1970 and section 1 of Act 49 of 1996**

19. Section 105 of the principal Act is hereby amended by the substitution in subsection (3) for paragraph (c) of the following paragraph:

- “(c) who died or dies after the commencement referred to in paragraph (a) [or (b)]  
but before the relevant date referred to in section 44(3) leaving a will in terms  
of which any minor child of the deceased and such spouse is or will when born  
be entitled to any movable property subject to usufructuary or fiduciary rights  
or any other like interest in favour of such spouse.”.

**Extension of application of Act 66 of 1965**

20. The principal Act shall, from the date of commencement of this Act, apply throughout the Republic.

**Amendment or repeal of laws, and savings**

21. (1) Subject to subsection (2), the laws mentioned in the second column of the Schedule are hereby amended or repealed to the extent indicated in the third column of that Schedule.

(2) Notwithstanding the repeal of the laws referred to in subsection (1)—

- (a) (i) the liquidation and distribution of the estate of any person who died before the commencement of this Act, or any matter relating to the liquidation and distribution of such an estate;
- (ii) the administration of the property of any minor or person under curatorship, or any matter relating to the administration of such property;
- (iii) the administration of any derelict estate, or any matter relating to the administration of such derelict estate; or
- (iv) any other matter, regulated by or under any law repealed by subsection (1), which at the date of commencement of this Act has been dealt with by, under or in terms of any such law, but which has not been concluded, shall in all respects be continued and concluded under such law as if this Act had not been passed;
- (b) any proclamation, notice, regulation, order, determination, decision, direction or authorisation issued, made, taken, given or granted or any other thing done, under a provision of any law repealed by subsection (1), shall continue to be of force and effect, except in so far as it is inconsistent with the principal Act or any regulation made thereunder, until it is withdrawn, cancelled or repealed by the competent authority, where such withdrawal, cancellation or repeal by any authority was possible before the date of commencement of this Act;
- (c) any person who, immediately prior to the commencement of this Act and in terms of any law repealed by subsection (1)—
- (i) holds office as Master, Deputy Master or Assistant Master of a High Court, shall be deemed to have been appointed as Master, Deputy Master or Assistant Master in terms of the corresponding provisions of the principal Act at the place where he or she holds such office;
- (ii) holds office as appraiser, shall be deemed to hold such office in terms of the corresponding provisions of the principal Act, and it shall not be necessary for him or her, if he or she has already taken an oath, to take any further oath under section 6(2) of the principal Act;
- (iii) holds office as executor, tutor, curator or interim curator, shall be deemed to hold such office in terms of the corresponding provisions of the principal Act and shall continue to hold such office until he or she is removed or discharged from that office under such law; or
- (iv) holds any other office, shall be deemed to hold such office in terms of the corresponding provisions of the principal Act and shall continue to hold

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**Wysiging van artikel 105 van Wet 66 van 1965, soos gewysig deur artikel 9 van Wet 54 van 1970 en artikel 1 van Wet 49 van 1996**

19. Artikel 105 van die Hoofwet word hierby gewysig deur in subartikel (3) paragraaf (c) deur die volgende paragraaf te vervang:

- 5       “(c) wat na die paragraaf (a) [of (b)] bedoelde inwerkingtreding maar voor die in artikel 44(3) vermelde toepaslike datum te sterwe gekom het of te sterwe kom en wat ’n testament laat uit hoofde waarvan ’n minderjarige kind van die oorledene en sodanige eggenoot op roerende goed geregtig is of, wanneer hy of sy gebore is, geregtig sal wees onderworpe aan ’n vruggebruik of fidusiêre regte of ’n ander soortgelyke belang ten gunste van sodanige eggenoot.”
- 10

**Uitbreiding van toepassing van Wet 66 van 1965**

20. Die Hoofwet is vanaf die datum van inwerkingtreding van hierdie Wet oor die hele Republiek van toepassing.

**Wysiging of herroeping van wette, en voorbehoude**

15   21. (1) Behoudens subartikel (2) word die wette in die tweede kolom van die Bylae genoem hierby gewysig of herroep in die mate in die derde kolom van daardie Bylae aangedui.

(2) Ondanks die herroeping van die wette in subartikel (1) bedoel, word—

- 20       (a) (i) die bereddering en verdeling van die boedel van ’n persoon wat voor die inwerkingtreding van hierdie Wet te sterwe gekom het, of enige aangeleentheid betreffende die bereddering en verdeling van daardie boedel;
- 25       (ii) die administrasie van die goed van ’n minderjarige of persoon onder kuratele, of enige aangeleentheid betreffende die administrasie van daardie goed;
- 30       (iii) die administrasie van ’n verlate boedel, of enige aangeleentheid betreffende die administrasie van daardie verlate boedel; of
- 35       (iv) enige ander aangeleentheid, wat gereël word by of kragtens ’n wet wat deur subartikel (1) herroep is en wat op die datum van inwerkingtreding van hierdie Wet gehanteer is by, kragtens of ingevolge so ’n wet, maar wat nie afgehandel is nie, in alle opsigte kragtens sodanige wet voortgesit en afgehandel asof hierdie Wet nie aangeneem is nie;
- 40       (b) bly ’n proklamasie, kennisgewing, regulasie, bevel, beslissing, besluit, lasgewing of magtiging uitgereik, uitgevaardig, geneem, gegee of verleen of enigiets anders gedoen, kragtens ’n bepaling van ’n wet wat deur subartikel (1) herroep is, van krag en is dit geldig, behalwe in soverre dit met die Hoofwet of enige regulasie daarkragtens uitgevaardig onbestaanbaar is, totdat dit deur die bevoegde gesag ingetrek, gekanselleer of herroep is, indien sodanige intrekking, kansellering of herroeping deur ’n gesag voor die datum van inwerkingtreding van hierdie Wet moontlik was;
- 45       (c) word ’n persoon wat, onmiddellik voor die inwerkingtreding van hierdie Wet en ingevolge ’n wet wat deur subartikel (1) herroep is—
- 50       (i) die amp van Meester, Adjunk-meester of Assistent-meester van ’n Hoë Hof beklee, geag as Meester, Adjunk-meester of Assistent-meester aangestel te gewees het ingevolge die ooreenstemmende bepalings van die Hoofwet by die plek waar hy of sy daardie amp beklee;
- 55       (ii) die amp van taksateur beklee, geag daardie amp ingevolge die ooreenstemmende bepalings van die Hoofwet te beklee, en indien hy of sy alreeds ’n eed afgelê het, is dit nie vir hom of haar nodig om kragtens artikel 6(2) van die Hoofwet ’n verdere eed af te lê nie;
- (iii) die amp van eksekuteur, voog, kurator of tussentydse kurator beklee, geag daardie amp ingevolge die ooreenstemmende bepalings van die Hoofwet te beklee, en beklee hy of sy daardie amp totdat hy of sy kragtens sodanige wet uit daardie amp verwyder of van daardie amp onthef word; of
- (iv) enige ander amp beklee, geag daardie amp ingevolge die ooreenstemmende bepalings van die Hoofwet te beklee en beklee hy of sy daardie

such office until the appointment to that office is withdrawn or cancelled by the Minister, the Master having jurisdiction or the person who made such appointment or until the matter in respect of which the appointment was made, has been concluded; and

- (d) any office of a Master which, immediately prior to the commencement of this Act, was established under, and functioning in accordance with, any law repealed by subsection (1), shall be deemed to have been established under the corresponding provisions of the principal Act and shall continue to function in accordance with the principal Act: Provided that the Minister may direct that any such office shall be converted into, and function as, a sub-office of the office of a Master of a High Court designated by the Minister. 5 10

(3) The Minister may direct that any person who, at the commencement of this Act, holds office or is deemed to hold office as Master, Deputy Master or Assistant Master of a High Court in terms of the principal Act shall, for such period as the Minister may determine, exercise the powers, perform the functions and carry out the duties conferred upon, assigned to or imposed upon him or her by or under the principal Act or any other law, subject to the control, direction and supervision of another Master of a High Court designated by the Minister. 15

(4) Notwithstanding Chapter V of the principal Act, the Minister may direct that a Master of a High Court shall, for such period as the Minister may determine, exercise the powers, perform the functions and carry out the duties in respect of his or her guardian's fund conferred upon, assigned to or imposed upon him or her by or under the principal Act or any other law, subject to the control, direction and supervision of another Master of a High Court designated by the Minister. 20

(5) The Minister must publish, by notice in the *Gazette*, any steps taken by him or her in terms of subsection (2)(d), (3) or (4). 25

(6) In this section a word or expression to which a meaning has been assigned in the principal Act, bears that meaning unless the context otherwise indicates.

#### **Interpretation of certain references in existing laws and in other documents**

22. A reference in any law in force immediately prior to the commencement of this Act or in any document to a Master, Deputy Master or Assistant Master of the Supreme Court shall, unless inconsistent with the context or otherwise clearly inappropriate, be construed as a reference to a Master, Deputy Master or Assistant Master of a High Court. 30

#### **Short title and commencement**

23. This Act is called the Administration of Estates Laws Interim Rationalisation Act, 2001. 35



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amp totdat die aanstelling in daardie amp deur die Minister, die Meester wat regsbevoegdheid het of die persoon wat daardie aanstelling gedoen het, ingetrek of gekanselleer word of totdat die aangeleentheid ten opsigte waarvan die aanstelling gedoen was, afgehandel is; en

- 5 (d) 'n kantoor van 'n Meester wat, onmiddellik voor die inwerkingtreding van hierdie Wet, ingestel is kragtens, en funksioneer ingevolge, 'n wet wat deur subartikel (1) herroep is, geag kragtens die ooreenstemmende bepalings van die Hoofwet ingestel te wees en bly dit funksioneer ooreenkomstig die Hoofwet: Met dien verstande dat die Minister kan gelas dat so 'n kantoor  
10 omskep word na, en funksioneer as, 'n subkantoor van die kantoor van 'n Meester van 'n Hoë Hof wat deur die Minister aangewys is.

- (3) Die Minister kan gelas dat 'n persoon wat, by die inwerkingtreding van hierdie Wet, ingevolge die Hoofwet die amp beklee of geag word die amp te beklee van Meester, Adjunk-meester of Assistent-meester van 'n Hoë Hof, vir die tydperk wat die  
15 Minister bepaal, die bevoegdhede uitoefen, die werksaamhede verrig en die pligte uitvoer wat deur of kragtens die Hoofwet of enige ander wet aan hom of haar verleen, opgedra of opgelê is, onderworpe aan die beheer, leiding en toesig van 'n ander Meester van 'n Hoë Hof wat deur die Minister aangewys is.

- (4) Nieteenstaande Hoofstuk V van die Hoofwet, kan die Minister gelas dat 'n  
20 Meester van 'n Hoë Hof, vir die tydperk wat die Minister bepaal, die bevoegdhede uitoefen, die werksaamhede verrig en die pligte uitvoer in verband met sy of haar voogdyfonds wat deur of kragtens die Hoofwet of enige ander wet aan hom of haar verleen, opgedra of opgelê is, onderworpe aan die beheer, leiding en toesig van 'n ander Meester van 'n Hoë Hof wat deur die Minister aangewys is.

- 25 (5) Die Minister moet enige stappe wat ingevolge subartikel (2)(d), (3) of (4) deur hom of haar gedoen is by kennisgewing in die *Staatskoerant* publiseer.

(6) In hierdie artikel het 'n woord of uitdrukking waaraan in die Hoofwet 'n betekenis geheg is, daardie betekenis, tensy uit die samehang anders blyk.

**Uitleg van sekere verwysings in bestaande wette en in ander stukke**

- 30 22. 'n Verwysing in 'n wet wat onmiddellik voor die inwerkingtreding van hierdie Wet van krag is of in enige stuk na 'n Meester, Adjunk-meester of Assistent-meester van die Hooggeregshof word, tensy dit met die samehang onbestaanbaar of andersins duidelik onvanpas is, uitgelê as 'n verwysing na 'n Meester, Adjunk-meester of Assistent-meester van 'n Hoë Hof.

35 **Kort titel en inwerkingtreding**

23. Hierdie Wet heet die Wet op die Interim Rasionalisering van Boedelwette, 2001.

Act No. 20, 2001

ADMINISTRATION OF ESTATES LAWS  
INTERIM RATIONALISATION ACT, 2001

## SCHEDULE

(Section 21)

No. and year of Act	Short title	Extent of amendment or repeal
Act No. 24 of 1936	Insolvency Act, 1936	<p>(a) Amendment of section 52 by the substitution for subsection (3) of the following subsection:</p> <p>“(3) The vote of a creditor shall in no case be reckoned in number, unless his or her claim is of the value of at least <b>[R100] R1 000.</b>”.</p> <p>(b) Amendment of section 55 by the substitution for paragraph (i) of the following paragraph:</p> <p>“(i) Any person who has at any time been convicted (whether in the Republic or elsewhere) of theft, fraud, forgery or uttering a forged document, or perjury and has been sentenced <b>[therefor]</b> to <b>[serve a term of]</b> imprisonment without the option of a fine, or to a fine exceeding <b>[ten pounds] R2 000;</b>”.</p> <p>(c) Amendment of section 78 by the substitution for subsection (1) of the following subsection:</p> <p>“(1) The trustee may accept from a debtor of the insolvent estate who is unable to pay his or her debt in full, any reasonable part of the debt in discharge of the whole debt or grant any debtor of the estate an extension of time for the payment of his or her debt in so far as this is compatible with <b>[the provisions of]</b> section <b>[ninety-one] 91</b>: Provided that if the debt exceeds <b>[R1 000] R2 000</b>, the trustee shall not accept a part of the debt in discharge of the whole debt, unless he or she has been authorised thereto by the creditors of the estate, or if no creditor has proved a claim against the estate, by the Master.”.</p>
Act No. 66 of 1965 (Transkei)	Administration of Estates Act, 1965	The whole
Act No. 66 of 1965 (Bophuthatswana)	Administration of Estates Act, 1965	The whole
Act No. 66 of 1965 (Venda)	Administration of Estates Act, 1965	The whole
Act No. 66 of 1965 (Ciskei)	Administration of Estates Act, 1965	The whole

WET OP DIE INTERIM  
RASIONALISERING VAN BOEDELWETTE, 2001

Wet No. 20, 2001

**BYLAE**

(Artikel 21)

No. en jaar van Wet	Kort titel	Mate van wysiging of herroeping
Wet No. 24 van 1936	Insolvensiewet, 1936	<p>(a) Wysiging van artikel 52 deur subartikel (3) deur die volgende subartikel te vervang:</p> <p>“(3) Die stem van ’n skuldeiser word in geen geval volgens getal bereken nie, tensy die waarde van sy of haar vordering minstens <b>[R100]</b> R1 000 bedra.”.</p> <p>(b) Wysiging van artikel 55 deur paragraaf (i) deur die volgende paragraaf te vervang:</p> <p>“(i) iemând wat te eniger tyd veroordeel is (hetsy in die Republiek of elders) om gevangenisstraf sonder die keuse van ’n boete te ondergaan, of tot ’n boete van meer as <b>[tien pond]</b> R2 000, weens diefstal, bedrog, vervalsing of uitgifte van ’n vervalste dokument, of meened;”.</p> <p>(c) Wysiging van artikel 78 deur subartikel (1) deur die volgende subartikel te vervang:</p> <p>“(1) Die kurator kan van ’n skuldenaar van die insolvente boedel wat nie in staat is om sy of haar skuld ten volle te betaal nie, ’n redelike deel van die skuld tot delging van die hele skuld aanneem, of aan ’n skuldenaar van die boedel uitstel van betaling van sy of haar skuld toestaan, vir sover as wat dit bestaanbaar is met <b>[die bepaling van]</b> artikel <b>[een-en-negenig]</b> 91: Met dien verstande dat as die skuld meer as <b>[R1 000]</b> R2 000 bedra, die kurator nie ’n deel van die skuld tot delging van die hele skuld mag aanneem nie, tensy die skuldeisers van die boedel of, as geen skuldeiser sy of haar vordering teen die boedel bewys het nie, die Meester hom of haar daartoe gemagtig het.”.</p>
Wet No. 66 van 1965 (Transkei)	Boedelwet, 1965	Die geheel
Wet No. 66 van 1965 (Bophuthatswana)	Boedelwet, 1965	Die geheel
Wet No. 66 van 1965 (Venda)	Boedelwet, 1965	Die geheel
Wet No. 66 van 1965 (Ciskei)	Boedelwet, 1965	Die geheel

## Act No. 20, 2001

ADMINISTRATION OF ESTATES LAWS  
INTERIM RATIONALISATION ACT, 2001

No. and year of Act	Short title	Extent of amendment or repeal
Act No. 57 of 1972	Age of Majority Act, 1972	<p>Amendment of section 3 by the substitution for paragraph (f) of the following paragraph:</p> <p>“(f) full particulars of any movable or immovable property of which he <u>or she</u> is the owner and which in terms of <b>[the provisions of]</b> 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 <u>or curator</u> <b>[or administrator]</b> as defined in section 1 of the Administration of Estates Act, 1965 (Act No. 66 of 1965).”.</p>

WET OP DIE INTERIM  
RASIONALISERING VAN BOEDELWETTE, 2001

Wet No. 20, 2001

No. en jaar van Wet	Kort titel	Mate van wysiging of herroeping
Wet No. 57 van 1972	Wet op die Meerderjarigheidsouderd, 1972	<p>Wysiging van artikel 3 deur paragraaf (f) deur die volgende paragraaf te vervang:</p> <p>“(f) volle besonderhede van roerende of onroerende goed waarvan hy <u>of sy</u> die eienaar is en wat in-gevolge [<b>die bepalings van</b>] ’n testament of ’n ander dokument onderhewig is aan ’n fideikom-mis, vruggebruik of soort-gelyke reg, of wat ten tyde van die aansoek onder die beheer is van die Meester, ’n voog <u>of</u> kurator [<b>of administra-teur</b>] soos omskryf in artikel 1 van die Boedel-wet, 1965 (Wet No. 66 van 1965);”.</p>

