

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 1161

03 NOVEMBER 2017

ADMINISTRATION OF ESTATES ACT, 1965 (ACT NO. 66 OF 1965)

AMENDMENT OF REGULATIONS

The Minister of Justice and Correctional Services has, under section 103 of the Administration of Estates Act, 1965 (Act No. 66 of 1965), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In this Schedule “the Regulations” means the regulations published by Government Notice No. R. 473 of 24 March 1972, as amended by Government Notices Nos. R. 817 of 13 May 1977, R. 1209 of 13 June 1980, R. 2542 of 20 November 1981, R. 2482 of 1 November 1985, R. 655 of 11 April 1986, R.2738 of 11 December 1987, R. 610 of 31 March 1989, R. 1208 of 9 June 1989, R.1921 of 17 August 1990, R. 1602 of 1 July 1991, R. 1672 of 12 July 1991, R. 1539 of 13 August 1993, R. 64 of 14 January 1994, R. 1341 of 12 August 1996, R. 365 of 7 March of 1997, R. 1002 of 12 October 2001 and R. 1057 of 5 November 2009.

Amendment of Schedule 2 to the Regulations

2. Schedule 2 to the Regulations is hereby amended by—
- (a) the substitution for subparagraph (1) of paragraph 1 of the following subparagraph:
- “(1) On all estates of deceased persons or estates under curatorship or administration in terms of the Mental Health Care Act, 2002 (Act No. 17 of 2002), (except estates under the custody of an interim curator pending the appointment of an executor) the gross value of which according to the executor’s or curator’s account—
- (a) is R250 000 or more but less than R400 000: R600;
- (b) is R400 000 or more for each complete further R100 000 with which the gross value exceeds R400 000, a further R200;
- subject to a maximum fee of R7 000.

Where the deceased was one of two spouses married in community of property the said fees shall be assessed upon the gross assets of the joint estate.”;

- (b) the substitution for subparagraph (1) of paragraph 2 of the following subparagraph:
- “(1) (a) For a copy of any document preserved in the office of a Master, R25,00 per document pack shall be paid.
- (b) For a certified copy of any document preserved in the office of a Master, R50, 00 per document pack of certified copies shall be paid.
- (c) For an electronic copy of any document preserved in the office of a Master, when it is made in such office, and if it is available, no fee is payable.”.
- (d) by the insertion after subparagraph (2) of paragraph 2 of the following subparagraph:
- “(3) For purposes of subparagraph (1), “document pack” means any document, irrespective of the number of pages, which constitutes a complete document which can be read on its own.”.

Commencement

3. The provision of these regulations come into operation on 1 January 2018 and shall apply only to the estate of persons who die on or after 1 January 2018 and to estates under curatorship or administration where the date of the final appointment of a *curator bonis* or administrator is on or after 1 January 2018

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. 1161

03 NOVEMBER 2017

BOEDELWET, 1965 (WET NO. 66 VAN 1965)

WYSIGING VAN REGULASIES

Die Minister van Justisie en Korrektiewe Dienste het, kragtens artikel 103 van die Boedelwet, 1965 (Wet No. 66 van 1965), die regulasies in die Bylae uitgereik.

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken “die Regulasies”, die regulasies gepubliseer by Goewermentskennisgewing No. R 473 van 24 Maart 1972, soos gewysig deur Goewermentskennisgewings Nos. R. 817 van 13 Mei 1977, R. 1209 van 13 Junie 1980, R. 2542 van 20 November 1981, R. 2482 van 1 November 1985, R. 655 van 11 April 1986, R.2738 van 11 Desember 1987, R. 610 van 31 Maart 1989, R. 1208 van 9 Junie 1989, R.1921 van 17 Augustus 1990, R. 1602 van 1 Julie 1991, R. 1672 van 12 Julie 1991, R. 1539 van 13 Augustus 1993, R. 64 van 14 Januarie 1994, R. 1341 van 12 Augustus 1996, R. 365 van 7 Maart 1997, R. 1002 van 12 Oktober 2001 en R. 1057 van 5 November 2009.

Wysiging van Bylae 2 tot die Regulasies

2. Bylae 2 tot die Regulasies word hierby gewysig—
- (a) deur subparagraaf (1) van paragraaf 1 deur die volgende subparagraaf te vervang:
- “(1) Op alle boedels van oorlede persone of op boedels onder kuratele of administrasie ingevolge die ‘Mental Health Care Act, 2002’ (Wet No. 17 van 2002) (uitgesonderd boedels wat in afwagting van die aanstelling van ’n eksekuteur in die bewaring van ’n tussentydse kurator is), waarvan die totale bruto waarde volgens die eksekuteurs- of kuratorsrekening—
- (a) R250 000 of hoër maar minder as R400 000 is: R600;
- (b) R400 000 of hoër vir elke verdere volle R100 000 waarmee die bruto waarde R400 000 oorskry, ’n verdere R200;
- behoudens ’n maksimum van R7 000.

Waar die oorledene een van twee gades was wat in gemeenskap van goed getroud was, word voormelde gelde op die bruto bates van die gesamentlike boedel gehef.”;

- (b) deur subparagraaf (1) van paragraaf 2 deur die volgende subparagraaf te vervang:
- “(1) (a) Vir ’n afskrif van ’n dokument wat in die kantoor van ’n Meester bewaar word, moet R25,00 per dokumentstel betaal word.
 - (b) Vir ’n gesertifiseerde afskrif van ’n dokument wat in die kantoor van ’n Meester bewaar word, moet R50,00 per stel dokumentstel van gesertifiseerde afskrifte betaal word.
 - (c) ’n Elektroniese afskrif van ’n dokument wat in die kantoor van ’n Meester bewaar word, wanneer dit in daardie kantoor gemaak word en indien dit beskikbaar is, is gratis.”.
- (d) deur die volgende subparagraaf na subparagraaf (2) van paragraaf 2 in te voeg:
- “(3) By die toepassing van subparagraaf (1), beteken “dokumentstel” enige dokument, ongeag die getal bladsye, wat ’n volledige dokument is wat op sy eie gelees kan word.”.

Inwerkingtreding

3. Hierdie Regulasie tree in werking op 1 Januarie 2018 en is slegs van toepassing op die boedels van persone wat op of na 1 Januarie 2018 gesterf het en op boedels onder kuratorskap of administrasie waar die finale aanstelling van die *curator bonis* of die administrateur plaasgevind het op of na 1 Januarie 2018.