

GENERAL EXPLANATORY NOTE :

Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 4 December 2002.)

ACT

To amend the Administration of Estates Act, 1965, so as to further regulate the administration of deceased estates which are not governed by the principles of customary law; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows: -

Insertion of section 2A in Act 66 of 1965

1. The following section is inserted after section 2 of the Administration of Estates Act, 1965:

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"Designation by Minister of service points and of posts of persons to exercise functions on behalf of Master

2A (1) The Minister may designate posts in or additional to the fixed establishment of the Department of Justice and Constitutional Development for the purpose of this section.

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(2) Persons appointed to, or acting in, posts which have been designated by the Minister, must exercise the powers and perform the duties delegated to them on behalf of, and under the direction of, the Master.

(3) The Minister may designate places within the area of jurisdiction of a Master as service points where the powers are exercised and the duties are performed on behalf of the Master in terms of subsection (2).

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(4) The Minister may delegate any power conferred on him or her in terms of this section to the Director-General: Justice and Constitutional Development or to a person in the Department holding the rank of a deputy Director-General."

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Amendment of section 4 of Act 66 of 1965, as amended by section 1 of Act 86 of 1983, section 26 of Act 57 of 1988 and section 4 of Act 20 of 2001

2. Section 4 of the Administration of Estates Act, 1965, is amended by -

(a) the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

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"(1) In respect of the estate of a deceased person which is not governed by the principles of customary law, or of any portion thereof, jurisdiction shall lie -"; and

(b) the insertion after subsection (1) of the following subsection :

"(1A) The Master shall not have jurisdiction in respect of any property if the devolution of the property is governed by the principles of

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Act No. 47, 2002 ADMINISTRATION OF ESTATES AMENDMENT ACT, 2002

customary law, or of the estate of a person if the devolution of all the property of the person is governed by the principles of customary law, and no documents in respect of such property or estate shall be lodged with the Master, except a will or a document purporting to be a will."

Amendment of section 23 of Act 38 of 1927, as amended by section 7 of Act 9 of 1929, section 2 of Act 34 of 1986 and section 10 of Act 108 of 1991

3. Section 23 of the Black Administration Act, 1927, is amended by the deletion in subsection (7) of paragraph (a).

Short title and commencement

4.(1) This Act is called the Administration of Estates Amendment Act, 2002, and shall come into operation on 5 December 2002 or any earlier date as the President may determine by proclamation in the Gazette. 10

(2) This Act applies in respect of the estates of persons who died on or after the date of commencement of this Act.