



# STAATSKOERANT

## VAN DIE REPUBLIEK VAN SUID-AFRIKA

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### REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

*As 'n Nuusblad by die Poskantoor Geregistreer*

*Registered at the Post Office as a Newspaper*

**Prys 10c Price**  
**Oorsee 15c Overseas**  
**POSVRY—POST FREE**

Vol. 73.]

KAAPSTAD, 14 JULIE 1971.

CAPE TOWN, 14TH JULY, 1971.

[No. 3196.

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 1215. 14 Julie 1971.

No. 1215. 14th July, 1971.

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

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

No. 79 van 1971: Boedelwysigingswet, 1971.

No. 79 of 1971: Administration of Estates Amendment Act, 1971.

## ACT

**To amend the provisions of the Administration of Estates Act, 1965, relating to the appointment of Masters, Deputy Masters and Assistant Masters of the Supreme Court, the opening of banking and other accounts and the investment of moneys by executors, and the disposal of certain unclaimed moneys; and to provide for incidental matters.**

*(English text signed by the State President.)  
(Assented to 16th June, 1971.)*

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

Amendment of section 1 of Act 66 of 1965.

**1.** Section 1 of the Administration of Estates Act, 1965 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of "appraiser" of the following definitions:

"'banking institution' means a banking institution as defined in section 1 and registered or provisionally registered or deemed to be registered or to be provisionally registered as a banking institution in terms of section 4 of the Banks Act, 1965 (Act No. 23 of 1965), but does not include a provisionally registered banking institution which is so registered provisionally after the coming into operation of the Administration of Estates Amendment Act, 1971;

"'building society' means a building society as defined in section 1 and registered or provisionally registered or deemed to be registered or to be provisionally registered as a building society in terms of section 5 of the Building Societies Act, 1965 (Act No. 24 of 1965), but does not include a provisionally registered building society which is so registered provisionally after the coming into operation of the Administration of Estates Amendment Act, 1971;"

Amendment of section 2 of Act 66 of 1965.

**2.** Section 2 of the principal Act is hereby amended by the addition of the following subsection:

"(4) The Minister may delegate any power conferred on him by this section, to the Secretary for Justice or a deputy secretary in the Department of Justice."

Substitution of section 28 of Act 66 of 1965.

**3.** The following section is hereby substituted for section 28 of the principal Act:

"Banking accounts.

**28.** (1) An executor—

(a) shall, unless the Master otherwise directs, as soon as he has in hand moneys in the estate in excess of forty rand, open an account in the name of the estate with a banking institution in the Republic and shall deposit therein the

# WET

Tot wysiging van die bepalinge van die Boedelwet, 1965, met betrekking tot die aanstelling van Meesters, Adjunkmeesters en Assistent-meesters van die Hooggeregshof, die opening van bank- en ander rekenings en die belegging van geld deur eksekuteurs, en die beskikking oor sekere onopgeëiste geld; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 16 Junie 1971.)

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

1. Artikel 1 van die Boedelwet, 1965 (hieronder die Hoofwet genoem), word hierby gewysig deur na die omskrywing van „afwesige” die volgende omskrywings in te voeg: Wysiging van artikel 1 van Wet 66 van 1965.

„bankinstelling’ ’n bankinstelling soos omskryf in artikel 1 en geregistreer of voorlopig geregistreer of geag geregistreer of voorlopig geregistreer te wees as ’n bankinstelling ingevolge artikel 4 van die Bankwet, 1965 (Wet No. 23 van 1965), maar nie ook ’n voorlopig geregistreerde bankinstelling wat na die inwerking-treding van die Boedelwysigingswet, 1971, aldus voorlopig geregistreer is nie;

„bouvereniging’ ’n bouvereniging soos omskryf in artikel 1 en geregistreer of voorlopig geregistreer of geag geregistreer of voorlopig geregistreer te wees as ’n bouvereniging ingevolge artikel 5 van die Bouverenigingswet, 1965 (Wet No. 24 van 1965), maar nie ook ’n voorlopig geregistreerde bouvereniging wat na die inwerking-treding van die Boedelwysigingswet, 1971, aldus voorlopig geregistreer is nie;”.

2. Artikel 2 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg: Wysiging van artikel 2 van Wet 66 van 1965.

„(4) Die Minister kan ’n bevoegdheid wat by hierdie artikel aan hom verleen word, aan die Sekretaris van Justisie of ’n adjunk-sekretaris in die Departement van Justisie delegeer.”.

3. Artikel 28 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 28 van Wet 66 van 1965.

„Bank-rekenings. 28. (1) ’n Eksekuteur—  
(a) moet, tensy die Meester anders gelas, sodra hy meer as veertig rand aan boedelgelde voorhande het, by ’n bankinstelling in die Republiek ’n rekening op naam van die boedel open, en die

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moneys which he has in hand and such other moneys as he may from time to time receive for the estate;

- (b) may, with the written permission of the Master, open a savings account in the name of the estate with a banking institution or a building society 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;
- (c) may, with the written permission of the Master, place moneys deposited in the account referred to in paragraph (a) on interest-bearing deposit with a banking institution or a building society.

(2) Every executor shall whenever required by the Master to do so, notify the Master in writing of the banking institution or building society and the office or branch thereof with which he 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.

(3) No executor 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.

(4) All cheques or orders drawn upon any such account shall contain the name of the payee and the cause of payment and shall be drawn to order and be signed by every executor or his duly authorized agent.

(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 possesses, and may examine all vouchers in relation thereto, whether in the hands of the banking institution or building society or of the executor.

(6) The Master may in writing direct the manager of any office or branch with which an account has been opened under subsection (1), to refuse, except with the consent of the Master, any further withdrawals of money from that account or to pay over into the guardian's fund all moneys standing to the credit of the account at the time of the receipt, by the said manager, of that direction, and all moneys which may thereafter be paid into that account, and shall notify the executor of any such direction."

Amendment of section 93 of Act 66 of 1965.

4. Section 93 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (3) of the following paragraph:

"(b) to the Secretary for Bantu Administration and Development and deposit in the South African Bantu Trust Fund established under section 8 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), to be utilized in accordance with the provisions of that Act, all such amounts still remaining unclaimed by the rightful owners who are Bantu as so defined: Provided that the rightful owners may claim such amounts from the South African Bantu Trust Fund within a period of thirty years from the date upon which they became entitled to claim such amounts."

Short title.

5. This Act shall be called the Administration of Estates Amendment Act, 1971.

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gelde wat hy voorhande het daarin stort, asook die ander gelde wat hy van tyd tot tyd vir die boedel ontvang;

- (b) kan, met skriftelike verlot van die Meester, by 'n bankinstelling of 'n bouvereniging '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 oorbetaal;
- (c) kan, met skriftelike verlot van die Meester, gelde gestort in die in paragraaf (a) vermelde rekening, by 'n bankinstelling of 'n bouvereniging in rentedraende deposito plaas.

(2) Iedere eksekuteur moet, wanneer die Meester dit van hom verlang, die Meester skriftelik kennis gee van die bankinstelling of bouvereniging en die kantoor of tak daarvan waarin hy '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.

(3) 'n Eksekuteur 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.

(4) Alle tjeks of orders wat op so 'n rekening getrek word, moet die naam van die nemer en die grond van betaling bevat, en moet op order uitmaak en deur elke eksekuteur of sy behoorlik gemagtigde verteenwoordiger onderteken wees.

(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 of van die eksekuteur is.

(6) Die Meester kan die bestuurder van 'n kantoor of tak waarin ingevolge subartikel (1) 'n rekening geopen is, skriftelik gelas om, behalwe met toestemming van die Meester, alle verdere onttrekkings van geld uit daardie rekening te weier of om alle gelde waarmee daardie rekening gekrediteer staan op die tydstip wanneer bedoelde bestuurder daardie opdrag ontvang, en alle gelde wat daarna op daardie rekening inbetaal word, in die voogdyfonds te stort, en moet die eksekuteur van so 'n lasgewing kennis gee."

4. Artikel 93 van die Hoofwet word hierby gewysig deur Wysiging van artikel 93 van Wet 66 van 1965. paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:

- „(b) aan die Sekretaris van Bantoe-administrasie en -ontwikkeling en al sodanige bedrae wat nog onopgeëis is deur die regmatige eienaars wat Bantoes is soos aldus omskryf, in die Suid-Afrikaanse Bantoe-trustfonds ingestel kragtens artikel 8 van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), stort om aangewend te word ooreenkomstig die bepalings van daardie Wet: Met dien verstande dat die regmatige eienaars sodanige bedrae binne 'n tydperk van dertig jaar vanaf die datum waarop hulle geregtig geword het om sodanige bedrae op te eis, van die Suid-Afrikaanse Bantoe-trustfonds kan opeis."

5. Hierdie Wet heet die Boedelwysigingswet, 1971.

Kort titel.