



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

No. 519.

24 Maart 1982.

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

No. 44 van 1982: Wysigingswet op Erfopvolging, 1982.

OFFICE OF THE PRIME MINISTER

No. 519.

24 March 1982.

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

No. 44 of 1982: Succession Amendment Act, 1982.

Wet No. 44, 1982

WYSIGINGSWET OP ERFOPVOLGING, 1982

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 Erfopvolging Wet, 1934, ten einde die erfposisie van 'n oorblywende eggenoot by intestaatheid van die oorlede eggenoot te verhoog.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 4 Maart 1982.)*

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

1. Artikel 1 van die Erfopvolging Wet, 1934, word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang: 5
- „(a) wanneer die eggenote in gemeenskap van goedere gehuud was en wanneer die oorlede eggenoot 'n afstammeling agterlaat wat geregtig is om *ab intestato* te erwe, erf die oorblywende eggenoot 10 ten bedrae van 'n kindsdeel of soveel as wat, tesame met die oorblywende eggenoot se aandeel in die gemeenskaplike boedel, **[tienduise**nd] **vyf-** **tigduise**nd rand in waarde nie te bowe gaan nie (watter van die twee die grootste is);”;
- (b) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang: 15
- „(b) wanneer die eggenote buite gemeenskap van goedere gehuud was en wanneer die oorlede eggenoot 'n afstammeling agterlaat wat geregtig is om *ab intestato* te erwe, erf die oorblywende eggenoot ten bedrae van 'n kindsdeel of soveel as wat **[tienduise**nd] **vyftigduise**nd rand in waarde nie te bowe gaan nie (watter van die twee die grootste is);”;
- (c) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang: 25
- „(c) wanneer die eggenote hetsy in of buite gemeenskap van goedere gehuud was en die oorlede eggenoot geen afstammeling agterlaat wat geregtig is om *ab intestato* te erwe nie maar 'n ouer of broer of suster (hetsy van die volle of halwe bloed) agterlaat wat geregtig is om aldus te erwe, erf die oorblywende eggenoot ten bedrae van 'n halwe aandeel of soveel as wat **[tienduise**nd] **vyftigduise**nd rand in waarde nie te bowe gaan nie (watter van die twee die grootste is);”;

Wysiging van artikel 1 van Wet 13 van 1934, soos gewysig deur artikel 15 van Wet 93 van 1962.

Kort titel.

2. Hierdie Wet heet die Wysigingswet op Erfopvolging, 1982.

SUCCESSION AMENDMENT ACT, 1982

Act No. 44, 1982

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 Succession Act, 1934, so as to increase the inheritance of a surviving spouse upon intestacy of the deceased spouse.

(Afrikaans text signed by the State President.)
(Assented to 4 March 1982.)

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

1. Section 1 of the Succession Act, 1934, is hereby amended—
- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- “(a) if the spouses were married in community of property and if the deceased spouse leaves any descendant who is entitled to succeed *ab intestato*, the surviving spouse shall succeed to the extent of a child’s share or to so much as, together with the surviving spouse’s share in the joint estate, does not exceed **[ten] fifty** thousand rand in value (whichever is the greater);”;
- (b) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
- “(b) if the spouses were married out of community of property and the deceased spouse leaves any descendant who is entitled to succeed *ab intestato*, the surviving spouse shall succeed to the extent of a child’s share or to so much as does not exceed **[ten] fifty** thousand rand in value (whichever is the greater);”;
- (c) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
- “(c) if the spouses were married either in or out of community of property and the deceased spouse leaves no descendant who is entitled to succeed *ab intestato* but leaves a parent or a brother or sister (whether of the full or half blood) who is entitled so to succeed, the surviving spouse shall succeed to the extent of a half share or to so much as does not exceed **[ten] fifty** thousand rand in value (whichever is the greater);”.
- Amendment of section 1 of Act 13 of 1934, as amended by section 15 of Act 93 of 1962.

2. This Act shall be called the Succession Amendment Act, Short title.

