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KANTOOR VAN DIE STAATSPRESIDENT

No. 723.

23 April 1986

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

No. 35 van 1986: Boedelwysigingswet, 1986.

STATE PRESIDENT'S OFFICE

No. 723.

23 April 1986

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

No. 35 of 1986: Administration of Estates Amendment Act, 1986.

Wet No. 35, 1986

BOEDELWYSIGINGSWET, 1986

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.
- _____** Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Boedelwet, 1965, ten einde verdere voorsiening te maak in verband met die oorhandiging aan die natuurlike voog van 'n minderjarige van roerende goed waarop die minderjarige volgens 'n likwidasië- en distribusierekening geregtig is; die uitbetaling deur die Meester van geld in die voogdyfonds aan die natuurlike voog van 'n minderjarige wat op die geld geregtig is, verder te reël; en voorsiening te maak vir die uitbetaling deur die Meester van geld in die voogdyfonds aan 'n vruggebruiker of fiduciarius wat 'n reg op daardie geld het of aan sy voog of kurator; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 9 April 1986.)*

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

Wysiging van artikel 43 van Wet 66 van 1965, soos gewysig deur artikel 6 van Wet 12 van 1984.

1. Artikel 43 van die Boedelwet, 1965 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die natuurlike voog van 'n minderjarige is, behoudens die bepalings van subartikels (2) en (3) en van die testament (as daar een is) van die oorledene, geregtig om van die eksekuteur enige roerende goed waarop 'n minderjarige volgens 'n likwidasië- en distribusierekening in 'n bestorwe boedel **[as erfgenaam]** geregtig is, vir en ten behoewe van die minderjarige te ontvang.”

Wysiging van artikel 90 van Wet 66 van 1965, soos vervang deur artikel 7 van Wet 12 van 1984.

2. Artikel 90 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Waar 'n natuurlike voog sekerheid ingevolge artikel 43 (2) stel nadat die som geld waarop 'n minderjarige volgens 'n likwidasië- en distribusierekening in 'n bestorwe boedel **[as erfgenaam]** of uit hoofde van enige ander bron geregtig is, in die voogdyfonds betaal is, kan die Meester aan daardie voog die som geld waarmee die minderjarige in die voogdyfonds gekrediteer staan, vir en ten behoewe van daardie minderjarige uitbetaal, waarna die bepalings van artikel 43 (3), (4) en (5) *mutatis mutandis* van toepassing is.”

Invoeging van artikel 90A in Wet 66 van 1965.

3. Die volgende artikel word hierby in die Hoofwet na artikel 90 ingevoeg:

90A. (1) Die Meester kan aan 'n persoon wat as vruggebruiker of fiduciarius 'n reg het op gelde wat by die voogdyfonds inbetaal is, of, indien daardie persoon 'n minderjarige of 'n persoon onder kuratele is, aan sy voog of kurator daardie gelde uitbetaal

ADMINISTRATION OF ESTATES AMENDMENT ACT, 1986

Act No. 35, 1986

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 Administration of Estates Act, 1965, so as to make further provision regarding the handing over to the natural guardian of a minor of movable property to which the minor is entitled according to a liquidation and distribution account; to further regulate the payment by the Master of money in the guardian's fund to the natural guardian of a minor who is entitled to that money; and to provide for the payment by the Master of money in the guardian's fund to a usufructuary or fiduciary who has a right to such money or to his tutor or curator; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 9 April 1986.)*

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

1. Section 43 of the Administration of Estates Act, 1965 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The natural guardian of a minor shall, subject to the provisions of subsections (2) and (3) and to the terms of the will (if any) of the deceased, be entitled to receive from the executor for and on behalf of the minor, any movable property to which the minor is, according to any liquidation and distribution account in any deceased estate, entitled **[as an heir]**.”

Amendment of section 43 of Act 66 of 1965, as amended by section 6 of Act 12 of 1984.
2. Section 90 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Where a natural guardian gives security in terms of section 43 (2) after the sum of money to which a minor is, according to any liquidation and distribution account in any deceased estate or by virtue of any other source, entitled **[as heir]**, has been paid into the guardian's fund, the Master may pay to that guardian, for and on behalf of such minor, the sum of money standing to the credit of the minor in the guardian's fund, whereafter the provisions of section 43 (3), (4) and (5) shall *mutatis mutandis* apply.”

Amendment of section 90 of Act 66 of 1965, as substituted by section 7 of Act 12 of 1984.
3. The following section is hereby inserted in the principal Act after section 90:

90A. (1) The Master may, where any person has a right as usufructuary or fiduciary to money which was paid into the guardian's fund, pay such money to that person or, if that person is a minor or a person under curatorship, to his tutor or curator, on con-

Insertion of section 90A in Act 66 of 1965.

“Payment to usufructuary or fiduciary or to his tutor or curator.”

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mits daardie persoon of sy voog of kurator, na gelang van die geval, tot bevrediging van die Meester sekerheid gestel het vir die terugbetaling van daardie gelde by die beëindiging van sy reg of van sy voogdyskap of kuratorskap, na gelang van die geval.

(2) Die bepalinge van artikel 43 (3), (4) en (5) is *mutatis mutandis* van toepassing ten opsigte van ingevolge subartikel (1) gestelde sekerheid.”

Kort titel.

4. Hierdie Wet heet die Boedelwysigingswet, 1986.

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dition that such person or his tutor or curator, as the case may be, has given security to the satisfaction of the Master for the refund of such money on the termination of his right or of his tutorship or curatorship, as the case may be.

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(2) The provisions of section 43 (3), (4) and (5) shall *mutatis mutandis* apply in respect of any security given under subsection (1). ”.

4. This Act shall be called the Administration of Estates Short title.
10 Amendment Act, 1986.

