

Law of Succession Amendment Act 43 of 1992¹

[ASSENTED TO 7 APRIL 1992]

[DATE OF COMMENCEMENT: 1 OCTOBER 1992]

(Afrikaans text signed by the State President)

published in

GG 13920 of 15 April 1992

commencement

(see s. 16 of this Act)

provisions	date	refer to
whole Act	1 October 1992	Proc 113 in GG 14312 of 24 September 1992

as amended

by	with effect from	refer to
General Law Amendment Act 139 of 1992	1 October 1992	s. 35 of Act 139 of 1992 ; Proc 114 in GG 14312 of 24 September 1992

ACT

To amend the General Law Amendment Act, 1952, so as to repeal a certain provision; to amend the Wills Act, 1953, so as to define or more closely define certain expressions; to further regulate the formalities in the execution of wills; to provide for cases where such formalities are not complied with; to grant a court the power to declare a will to be revoked; to regulate the effect of a divorce or the annulment of a marriage on a will; to provide for the vesting of certain benefits from the testator's will in the surviving spouse or the descendants of certain persons; to provide for the interpretation of wills in certain cases; to repeal the provision for a soldier's will; to further regulate the competency of certain persons to receive a benefit under a will or to be nominated as executor; to repeal the application of the Act to South West Africa; and to provide for the form in which certain certificates may be drawn up; to amend the Administration of Estates Act, 1965, so as to further regulate certain powers and functions of the Master in relation to wills; to amend the Intestate Succession Act, 1987, so as to provide for the vesting of certain benefits from an intestate estate in the surviving spouse or the descendants of certain persons; and to provide for matters connected therewith.

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

¹ This Act has been updated to include all available historical commencement details

1

Repeals section 24 of the General Law Amendment [Act 32 of 1952](#).

2

Amends section 1 of the Wills [Act 7 of 1953](#), as follows: paragraph (a) inserts the definition of 'amendment'; paragraph (b) inserts the definition of 'deletion'; paragraph (c) inserts the definition of 'internal law'; paragraph (d) substitutes the definition of 'Master'; and paragraph (e) substitutes the definition of 'sign'.

3

Amends section 2 of the Wills [Act 7 of 1953](#), as follows: paragraph (a) substitutes in subsection (1) the words preceding paragraph (a); paragraph (b) substitutes subsection (1) (a) (iv); paragraph (c) substitutes subsection (1) (a) (v); paragraph (d) substitutes in subsection (1) (b) the expression 'amendment' for the expression 'deletion, addition, alteration or interlineation', wherever it occurs; paragraph (e) substitutes subsection (1) (b) (iv); paragraph (f) substitutes subsection (2); and paragraph (g) adds subsections (3) and (4).

4

Inserts sections 2A, 2B, 2C and 2D in the Wills [Act 7 of 1953](#).

5

Repeals section 3 of the Wills [Act 7 of 1953](#).

6

Amends section 3bis of the Wills [Act 7 of 1953](#) by substituting the expression 'internal law' for the expression 'law', wherever it occurs.

7

Inserts section 4A in the Wills [Act 7 of 1953](#).

8

Repeals sections 5 and 6 of the Wills [Act 7 of 1953](#).

9

Substitutes section 7 of the Wills [Act 7 of 1953](#).

10

Repeals section 8 of the Wills [Act 7 of 1953](#).

11

Inserts Schedules 1 and 2 in the Wills [Act 7 of 1953](#), the existing Schedule becoming Schedule 3.

12

Amends section 8 of the Administration of Estates [Act 66 of 1965](#) by inserting subsections (4A) and (4B).

13

Amends section 54 (1) (b) of the Administration of Estates [Act 66 of 1965](#) by substituting subparagraph (i).

14

Amends section 1 of the Intestate Succession [Act 81 of 1987](#), as follows: paragraph (a) deletes subsection (4) (c); and paragraph (b) adds subsections (6) and (7).

[Para. (b) amended by s. 32 of [Act 139 of 1992](#) (wef 1 October 1992).]

15 Transitional clause

The provisions of this Act are, subject to the provisions of [section 7](#) of the Wills Act, 1953 ([Act 7 of 1953](#)), not applicable to a will of which the testator died before the commencement of this Act.

16 Short title and commencement

This Act shall be called the Law of Succession Amendment Act, 1992, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.
