



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

Private Bag X 81, PRETORIA, 0001 • SALU Building, 225 Andries street, PRETORIA
Tel (012) 406 4804

Sub Office File: 3/2/8

12 March 2012

**CIRCULAR 018 OF 2012
(HEAD OFFICE FILE 7/17/8)**

CHIEF MASTERS DIRECTIVE 2 OF 2012 – Keeping of Statistics

1. Your attention is drawn to the contents of the attached Directive with regards to the keeping of statistics and registers to use.
2. This Directive is effective from 27 **March 2012** and should be implemented as such.
3. Any enquiries should be addressed in writing to the Office of the Chief Master or per e-mail to chiefmaster@justice.gov.za
4. Directive 3 of 2010 is hereby withdrawn.


Adv. L G Basson
Chief Master

TO ALL OFFICES IN THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

1/14



CHIEF MASTER'S DIRECTIVE 2 OF 2012

(This Directive recalls Directive 3 of 2010 with effect from 27 March 2012)

1. BACKGROUND

In the past offices had to keep monthly statistics, quarterly statistics, NOC statistics, turnaround times, special insolvency statistics as well as statistics contained in the monthly reports, and all in different formats. I have appointed a task team to do a re-engineering of the statistics to be kept by Masters Offices. The end result is that the statistics to be kept was reduced dramatically. It is important to note that proper records should be kept at all times in order to enable internal audit to verify the information submitted. In order to ensure proper reporting I need to ensure that we have a uniform approach in all the offices in respect of the registers that we use as well as for the other information that we need to keep. In terms of section 2(1)(b)(iii) of the Administration of Estates Act, 66 of 1965 you are hereby instructed to keep proper record of the aspects mentioned hereunder and to ensure that the aspects mentioned hereunder are kept in the format prescribed in this Chief Master's directive.

2. ABBREVIATIONS

The following abbreviations will be used:

NOC: National Operations Centre

OCM: Office of the Chief Master

APP: Annual Performance Plan

AM: Assistant Master

EC: Estate Controller

RC: Registry Clerk

Redrawn Acc: Account that is amended before it is advertised

Amended Acc: Account that is amended after it has been advertised

Number of days: Working days

3. STATISTICS TO BE KEPT AND WHICH MUST BE SUBMITTED TO THE OCM AND NOC

In order to enable you to collate the information and to submit it with the OCM and NOC timeously the closing of the books for statistical purposes will be the 4th last working day of every month. For example you will close the books for July 2012 on the 26th and for August 2012 on the 28th etc. It is important to note that if you have not yet made an appointment, examined an account or issued a certificate on the cut off date it will be carried over to the next month in other words it will be calculated as an appointment or number of accounts examined for the next month.

New templates have been drawn up indicating all the statistics that should be kept each month and by whom (Attached as annexures 1 – 6).

Annexures:

1 – Deceased estates

2 – Curatorship Estates

3 – Guardians Fund

4 – Trust Property Control Act

5 – Insolvent estates and Liquidations

6 – Registry section

These annexures will be completed by the responsible officials and then it will be submitted to the delegated official in each office who will then compile the necessary statistics for the OCM and NOC.

The information requested in the NOC and the APP must be submitted to the OCM and NOC (on the template provided by them) by the 7th of the following month, unless the 7th falls on a Saturday or a Sunday in which case the information must be submitted on the next working day after the 7th.

4. PLEASE NOTE THE FOLLOWING IN RESPECT OF THE STATISTICS TO BE PROVIDED:

- 4.1 The way in which we calculate has changed. We will no longer work on average times. For each activity there are a determined number of working days. We need to calculate how many matters were finalized within the determined time and how many after the determined time. The officials responsible for the completion of the statistics for the OCM and NOC will calculate the percentages.
- 4.2 The turnaround times should be calculated from the day that the matter was received by our office until the appointment was issued, query sheet posted, confirmation letter send etc. It was decided at the Masters meeting of 26 May 2010 that the day that we receive a matter would be regarded as day one and that we only count working days. For example the outstanding documents to confirm an account or to issue an appointment are lodged on 13 July 2012 and we issue the confirmation notice or make the appointment on 17 July 2012. The turnaround time is then 3 days. If we issue the confirmation notice or appointment on 20 July 2012 then the turnaround time would be 6 days.
- 4.3 Guardians Fund – How to calculate information needed for APP

Percentage of beneficiaries in receipt of services within 40 working days of capturing.
(The calculation should be done as follows: The payments processed on a daily basis on GFS will have the application tracker reference number on each application and a dedicated official must compile a spreadsheet with the following information from the application tracker for each payment application:

- date according to application tracker indicating gather information
- date according to application tracker as approved.
- calculate the period taken from gather information to approved.
- stats are closed off four working days before the end of the calendar month to be provided
- on the first working day of each month.
- calculate the total applications and percentage to the total applications paid for the calendar month between 1 and 40 working days.
- calculate the total applications and percentage to the total applications paid for the calendar month above 40 working days.

For example: 1300 matters were finalized of which 925 were within 40 working days and 375 were not within 40 days. (Calculation is done as follows: $925/1300 = 71.15\%$)

5. WHAT TO DO WHERE NO FORMAL REGISTERS ARE KEPT

If no register is available, for example the confirmation of accounts or issuing of appointments then a separate document should be kept for statistical purposes to include the following:

On top of the document the specific month as well as the appropriate heading should be reflected. The document must have columns with the following headings

Number – To count the number of matters dealt with per month;

Estate/Trust number

Receiving date. This is the date when all the relevant documents were received to enable you to complete an activity (For example: in order to confirm an insolvent account you need to receive the advert as well as the certificate from the magistrate. If you already have the advert but you are still waiting on the certificate from the magistrate then the receiving date would be the date on which you receive the certificate from the magistrate, because it is only then when we are in a position to confirm the account. The same would apply for the issuing of an appointment. You might open the file during May 2010 but only receives the acceptance of trust of executorship on 15 June 2010. 15 June 2010 will then be your receiving date).

Date matter finalized (for example, account confirmed, 42(2) issued, appointment issued);

Number of days

Within the determined number of working days

After the determined number of working days

Examples:

CONFIRMATION OF ACCOUNTS – MARCH 2012

No	Estate Number	Receiving date	Date confirmation issued	Number of days	Within 10 days	After 10 days
1.	B38/12	01/03/2012	01/03/2012	1	X	
2.	B40/12	05/03/2012	09/03/2012	5	X	
3.	B41/12	01/03/2012	16/03/2012	12		X

LETTERS OF AUTHORITY ISSUED (18(3)) – MARCH 2012

No	Estate Number	Receiving date	Date appointment issued	Number of days	Within 15 days	After 15 days
1.	1421/12	05/03/2012	08/03/2012	4	X	
2.	1583/12	05/03/2012	13/03/2012	7	X	

These examples should also be used for Letters of Executorship issued, trust appointments, amended trust appointments, Curatorship appointments, Insolvency appointments issued etc. You merely need to change the heading.

6. ADDITIONAL STATISTICS

In addition to the statistics that need to be submitted to NOC the under mentioned statistics must also be kept in the offices. Note that these statistics should not be submitted to NOC or the OCM on a monthly basis, but only be kept available in offices.

- Statistics of appointments of Liquidators and trustees in terms of Chief Masters Circular 2 of 2004.
- Referral information as prescribed in paragraph 11 of the co-operation agreement between Masters and legal aid South Africa.

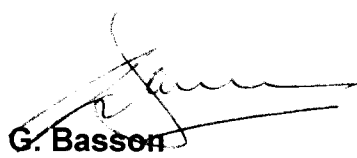
7. GENERAL

In those offices where an Assistant Master is the Head of the office, all functions assigned to the Assistant Master, in this Directive, may be carried out by the person designated by the Head of Office.

8. EFFECTIVE DATE

Directive 3 of 2010 is already effective as from 1 December 2010.

This amended version will become effective as from 27 March 2012 (the beginning of the statistical month of April 2012)



Adv. L. G. Basson
Chief Master

Date: 27/3/12

DECEASED ESTATES

ANNEXURE 1

TO BE COMPLETED BY ASSISTANT MASTER (ASSISTANT MASTER TO COMPLETE 1.12.1 I.R.O REGISTRY CLERKS) AND ESTATE CONTROLLERS

ONLY COMPLETE THE SECTIONS APPLICABLE TO YOU

GROUP:

MONTH:

AM :

E/C :

E/C :

E/C :

E/C :

R/C:

		AM	EC	EC	EC	EC	RC	TOTAL
1.3	Number of liquidation and distribution accounts							
1.3.1	Accounts from previous month not dealt with							
1.3.2	New accounts received							
1.3.3	Redrawn and amended accounts received							
1.3.4	Accounts examined							
1.3.5	Accounts not dealt with and carried over to the next month							
1.4	Management of control diary							
1.4.1	Accounts not received							
1.4.1.1	Extensions granted							
1.4.1.2	Final demands issued / Notice of removal etc							
1.4.1.3	Matters not attended to							
1.4.2	Total files on diaries (Quota)							
1.4.2.1	Control diary							
1.4.2.2	Daily diary							
1.5	Number of executors							
1.5.1	Appointed							
1.5.2	Removed							
1.6	Number of section 18(3) representatives							
1.6.1	Appointed							
1.7	Mortia Causa Trusts							
1.7.1	Letters of Authority issued (New and Amended)							
1.8	Certificates (Section 18(3), 42(2) and Regulation 49(1))							
1.8.1	Number of certificates received							
1.8.2	Number of certificates not dealt with							
1.9	Number of reports to court							
1.10	Number of estate duty assessments issued							
1.11	Number of objections against estate accounts received							
1.12	Uncompleted work							
1.12.1	Post not dealt with at the end of the month							
1.12.2	Number of outstanding daily diary files							
1.13	Information needed to report on Annual Performance Plan							
1.13.1	Number of 18(3) Appointments issued within 15 working days							

	Number of 18(3) Appointments not issued within 15 working days							
	Percentage of 18(3) Appointments issued within 15 working days							
1.13.2	Number of Letters of Executorship issued within 15 working days							
	Number of Letters of Executorship not issued within 15 working days							
	Percentage of Letters of Executorship issued within 15 working days							
1.13.3	Number of estate accounts examined within 15 working days							
	Number of estate accounts not examined within 15 working days							
	Percentage of estate accounts examined within 15 working days							
1.14	Turnaround times to be provided to the OCM							
1.14.1	Number of certificates issued within 5 working days							
	Number of certificates not issued within 5 working days							
	Percentage of certificates issued within 5 working days							
1.14.2	Number of new and amended Letters of Authority in Mortis Causa Trusts issued within 15 working days							
	Number of new and amended Letters of Authority in Mortis Causa Trusts not issued within 15 working days							
	Percentage of new and amended Letters of Authority in Mortis Causa Trusts issued within 15 working days							

_____ (Name and Rank) of _____ (Section and group) hereby certify that:

The information submitted has been compiled in terms of the prescripts of Chief Master's Directive 3 of 2010.

I have verified that accurate records have been kept by the officials / sections under my control.
(Only to be completed by Assistant Masters)

Signature

Date

CURATORSHIP ESTATES

ANNEXURE 2

TO BE COMPLETED BY ASSISTANT MASTER (ASSISTANT MASTER TO COMPLETE 2.7.1 I.R.O REGISTRY CLERKS) AND ESTATE CONTROLLERS

ONLY COMPLETE THE SECTIONS APPLICABLE TO YOU

GROUP:

MONTH:

AM :

E/C :

E/C :

E/C :

E/C :

R/C:

		AM	EC	EC	EC	EC	RC	TOTAL
2	CURATORSHIPS							
2.2	Number of curators, guardians, etc appointed							
2.3	Number of Administrators appointed (Interim and Final)							
2.4	Number of curators and guardians accounts							
2.4.1	Number of accounts from previous month not dealt with							
2.4.2	New accounts received							
2.4.3	Redrawn accounts received							
2.4.4	Accounts examined							
2.4.5	Accounts not dealt with carried over to the next month							
2.5	Certificates (Section 42(2) and 80)							
2.5.1	Number of certificates received							
2.5.2	Number of certificates not dealt with							
2.6	Number of reports to court							
2.7	Uncompleted work							
2.7.1	Post not dealt with at the end of the month							
2.7.2	Number of outstanding daily diary files							
2.7.3	Number of outstanding curatorship dairy files							
2.8	Turnaround times to be provided to the OCM							
2.8.1	Number of appointments issued within 15 working days							
	Number appointments not issued within 15 working days							
	Percentage appointments issued within 15 working days							
2.8.2	Number of curatorship accounts examined within 30 working days							
	Number of curatorship accounts not examined within 30 working days							
	Percentage of curatorship accounts examined within 30 working days							
2.8.3	Number of certificates issued within 5 working days							
	Number of certificates not issued within 5 working days							
	Percentage of certificates issued within 5 working days							

I _____ (Name and Rank) of _____ (Section and group) hereby certify that:

The information submitted has been compiled in terms of the prescripts of Chief Master's Directive 3 of 2010.

I have verified that accurate records have been kept by the officials / sections under my control.

(Only to be completed by Assistant Masters)

Signature

Date

8/14

GUARDIAN'S FUND

ANNEXURE 3

TO BE COMPLETED BY ADMINISTRATION OFFICER

MONTH:

3.1	Number of S-files opened	
3.2	Number of receipts issued	
3.3	Payments	
3.3.1	From previous month not dealt with	
3.3.2	Applications received	
3.3.3	Number of applications finalized	
3.3.4	Number of applications not finalized and carried over to next month	
3.4	Information needed to report on Annual Performance Plan	
3.4.1	Number of beneficiaries in receipt of monies within 40 working days	
	Number of beneficiaries not in receipt of monies within 40 working days	
	Percentage of beneficiaries in receipt of monies within 40 working days	
3.5	Number of application for allowances (J341)	
3.5.1	Received	
3.5.2	Processed	
3.5.3	Rejected / Await requirements	
3.5.4	Outstanding	
3.6	Number of applications received for claims (J251, ect. Final payments)	
3.6.1	Interest bearing	
3.6.2	Non interest bearing	
3.6.3	Commission Accounts	
3.7	Number of applications processed claims lodged (J251 ect. Final payments)	
3.7.1	Interest bearing	
3.7.2	Non interest bearing	
3.7.3	Commission Accounts	
3.8	Number of applications Rejected/await requirements (J251 etc. final payments)	
3.8.1	Interest bearing	
3.8.2	Non interest bearing	
3.8.3	Commission Accounts	
3.9	Value of final payments	
3.9.1	Interest bearing	
3.9.2	Non interest bearing	
3.9.3	Commission Accounts	
3.10	Number of applications outstanding (J251 etc. final payments)	
3.10.1	Interest bearing	
3.10.2	Non interest bearing	
3.10.3	Commission Accounts	
3.11	Number of deposits received cancelled (R/D)	
3.11.1	Suspense account	
3.11.2	Interest bearing	
3.11.3	Non interest bearing	
3.11.4	Commission Accounts	
3.12	Current value of claims claimable now:	
3.12.1	Interest bearing	
3.12.2	Non interest bearing	
3.12.3	Commission Accounts	
3.13	Number of court reports	
3.14	Number of investments	
3.15	Value of investments	
3.16	PPP PIC Statistics	
3.16.1	Number	
3.16.2	Value	
3.17	Legacy PIC Statistics	

9/14

3.17.1	Number	
3.17.2	Value	
3.18	Total PIC Statistics	
3.18.1	Number	
3.18.2	Value	

I, _____ (Name and Rank) of _____ (Section and group) hereby certify that:

- The information submitted has been compiled in terms of the prescripts of Chief Master's Directive 3 of 2010.
- I have verified that accurate records have been kept by the officials / sections under my control.
(Only to be completed by Assistant Masters)

Signature

Date

TRUST PROPERTY CONTROL ACT (INTER VIVOS TRUSTS)

ANNEXURE 4

TO BE COMPLETED BY ASSISTANT MASTER (ASSISTANT MASTER TO COMPLETE 4.5.1 I.R.O REGISTRY CLERKS) AND ESTATE CONTROLLERS

ONLY COMPLETE THE SECTIONS APPLICABLE TO YOU

GROUP:

MONTH:

AM :

E/C :

E/C :

E/C :

E/C :

R/C:

		AM	EC	EC	EC	EC	RC	TOTAL
4.2	Number of appointments issued							
4.3	Number of amended appointments issued							
4.4	Number of reports to court							
4.5	Uncompleted work							
4.5.1	Post not dealt with at the end of the month							
4.6	Information needed to report on Annual Performance Plan							
4.6.1	Number of new appointments issued within 14 working days							
	Number of new appointments not issued within 14 working days							
	Percentage of new appointments issued within 14 working days							
4.7	Turnaround times to be provided to the OCM							
4.7.1	Number of amended appointments issued within 14 working days							
	Number of amended appointments not issued within 14 working days							
	Percentage of amended appointments finalized within 14 working days							

_____ (Name and Rank) of _____ (Section and group) hereby certify that:

The information submitted has been compiled in terms of the prescripts of Chief Master's Directive 3 of 2010.

I have verified that accurate records have been kept by the officials / sections under my control.
(Only to be completed by Assistant Masters)

Signature

Date

INSOLVENT ESTATES AND LIQUIDATIONS

ANNEXURE 5

TO BE COMPLETED BY ASSISTANT MASTER (ASSISTANT MASTER TO COMPLETE 5.11.1 I.R.O REGISTRY CLERKS) AND ESTATE CONTROLLERS

ONLY COMPLETE THE SECTIONS APPLICABLE TO YOU

GROUP:

MONTH:

AM :

E/C :

E/C :

E/C :

E/C :

R/C:

		AM	EC	EC	EC	EC	RC	TOTAL
5.3	Number of liquidation and distribution accounts:							
5.3.1	Accounts from previous month not dealt with							
5.3.2	New and amended accounts received							
5.3.3	Redrawn accounts received							
5.3.4	Accounts examined							
5.3.5	Accounts not dealt with carried over to the next month							
5.4	Management of control diary							
5.4.1	Accounts not received							
5.4.2	Extensions granted							
5.4.3	Final demands issued / Notice of removal etc							
5.4.4	Matters not attended to							
5.4.5	Total files on diaries (Quota)							
5.4.5.1	Control diary							
5.4.5.2	Daily diary							
5.5	Number of meetings held							
5.6	Interrogations							
5.6.1	Number held							
5.6.2	Time spent thereon							
5.7	Number of reports to Court							
5.8	Number of objections against estate accounts received							
5.9	Number of claims admitted and rejected							
5.10	Number of sales authorized / considered							
5.11	Uncompleted work							
5.11.1	Post not dealt with at the end of the month							
5.11.2	Number of outstanding entries on daily diaries of Estate Controllers							
5.12.	Information needed to report on Annual Performance Plan							
5.12.1	Number of appointments (provisionally and final) issued within 15 workings days							
	Number of appointments (provisionally and final) not issued within 15 workings days							
	Percentage of appointments (provisionally and final) issued within 15 workings days							
5.12.2	Number of estate accounts examined within 15 working days							
	Number of estate accounts not examined within 15 working days							
	Percentage of estate accounts examined within 15 working days							
5.13	Turnaround times to be provided to the OCM							
5.13.1	Number of confirmations issued within 10 working days							
	Number of confirmations not issued within 10 working days							
	Percentage of confirmations issued within 10 working days							

I, _____ (Name and Rank) of _____ (Section and group) hereby certify that:

The information submitted has been compiled in terms of the prescripts of Chief Master's Directive 3 of 2010.

I have verified that accurate records have been kept by the officials / sections under my control.
(Only to be completed by Assistant Masters)

Signature

Date

REGISTRY SECTION		ANNEXURE 6
	New Estates Registered on ICMS	
1 1	Number of Deceased Estates registered	
2 1	Number of Curatorships (CR) and Minor files (MC) registered	
4 1	Number of Inter Vivos Trusts registered	
5 1	Number of insolvent estates registered	
5 2	Number of Liquidations registered	
1 2	Wills	
1 2.1	Number of testamentary documents received	
1 2.2	Accepted	
1 2.3	Rejected	
1 2.4	Revoked	
1 2.5	Queries raised eg. Section 8(4) / Finding out who wrote the will etc.	
6	Copies	
6 1.1	Number of applications for copies from previous month not dealt with	
6 1.2	Number of new applications received	
6 1.3	Number of applications dealt with	
6 1.4	Number of applications not dealt with and carried over to the next month	
6 2	Turn around times to be provided to the OCM	
6 2.1	Number of applications for copies dealt with within 10 working days	
	Number of applications for copies not dealt with within 10 working days	
	Percentage of applications for copies dealt with within 10 working days	

_____ (Name and Rank) of _____ (Section and group) hereby certify that:

The information submitted has been compiled in terms of the prescripts of Chief Master's Directive 3 of 2010.

I have verified that accurate records have been kept by the officials / sections under my control.
(Only to be completed by Assistant Masters)

Signature

Date