



## the doj & cd

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Justice and Constitutional Development  
REPUBLIC OF SOUTH AFRICA

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Sub Office File: 7/1/1

**14 December 2015**

**CIRCULAR 104 OF 2015**  
**(HEAD OFFICE FILE 12/4/3)**

### **CHIEF MASTERS DIRECTIVE 5 OF 2015 – SIGNATORIES AT SERVICE POINTS: AMENDED DELEGATION BY THE MASTER**

1. Your attention is drawn to the contents of the attached Directive with regards to SIGNATORIES AT SERVICE POINTS: AMENDED DELEGATION BY THE MASTER.

This Directive amends Chief Master's Directive 3 of 2011.

2. This Directive is effective from 1 December 2015 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](mailto:chiefmaster@justice.gov.za)

  
**Mrs T Bezuidenhout**  
**Chief Director: Inland**

14/12/2015



## **CHIEF MASTER'S DIRECTIVE 5 OF 2015**

### **SIGNATORIES AT SERVICE POINTS: AMENDED DELEGATION BY THE MASTER**

#### **1. PURPOSE**

The purpose of this directive is to amend Annexure A to Chief Master's Directive 3 of 2011, which ensures an uniform approach by Masters and Service Points nationally in respect of the issues listed in the latter Directive and below.

#### **2. MOTIVATION / BACKGROUND**

2.1 In terms of the provisions of Regulations 920 and 921, both advertised in the Regulation Gazette No. 10320 of the Government Gazette no.38238 dated **24 November 2014**, the following, amongst others, has been determined:

- i. the amounts for purposes of sections 18(3) of the Administration of Estates Act, 1965 (Act no. 66 of 1965), has been increased to R250 000.

2.2 In view of these adjustments the jurisdiction of Service Points has also been increased from R50 000 to R125 000, in respect of new estates **reported on/after 2 December 2014.** (*Justice Circular 117 of 2014 dated 2 December 2014*)

2.2.1 At Service Points where the new ICMS Masters Deceased Estates (PEAS) has been rolled out, the jurisdiction has been increased from R50 000 to R250 000, in respect of new estates **reported on/after 2 December 2014.**(*Justice Circular 117 of 2014 dated 2 December 2014*)

2.2.2 The limitation on jurisdiction in estates where there is cash in excess of R20 000 and there are minors involved, is no longer applicable at Service Points where the new ICMS Masters Deceased Estates (PEAS) has been rolled out and the appointment is approved by the Assistant Master of the relevant High Court. (*Justice Circular 21 of 2015, dated 3 March 2015*)

2.3 Service Point officials may only act as set out in their delegation and thus, in the light of the above amendments, it became necessary to also amend the delegation issued by the Master (Annexure A to Chief Master's Directive 3 of 2011)

### **3. THE FOLLOWING DECISIONS HAVE BEEN MADE:**

3.1 Each Master must ensure, without delay that every designated official at a Service Point has a new written delegation (**see Annexure A**)

issued to him or her, signed by the relevant Master under whose jurisdiction he or she falls.

- 3.2 Every newly designated official at each Service Point must have such a written delegation issued to him or her, signed by the relevant Master under whose jurisdiction he or she falls. Only officials who have a written delegation may sign the letters of appointment in terms of section 18(3).

#### 4. EFFECTIVE DATE

This Directive is to be implemented as from 1 December 2015.



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**Mrs. T Bezuidenhout**  
**ACTING CHIEF MASTER**

DATE: 20/11/2015  
.....

**DELEGATION OF POWERS AND DUTIES IN TERMS OF SECTION 2A (2)  
OF THE ADMINISTRATION OF ESTATES ACT NO 66 OF 1965  
(AS AMENDED)**

To:

**(FULL NAMES AND SURNAME OF DELEGATED OFFICIAL)**

an adult \***male / female**, appointed in terms of section 2A (2) of the said Act, to perform the powers and exercise the duties on behalf of the Master of the High Court, **(INSERT OFFICE NAME)**

1. The Minister of Justice and Constitutional Development has designated the Magistrate Office, **(INSERT NAME OF MAGISTRATE'S OFFICE)**, as a Service Point to perform the powers and exercise the duties on behalf of the Master of the High Court, within the area of jurisdiction.
2. The Minister of Justice and Constitutional Development has designated posts to exercise functions on behalf of the Master.
3. The Deputy Director General responsible for the Branch: Master of the High Court, acting under a delegation by the Minister of Justice and Constitutional Development in terms of section 2A (4) of the Administration of Estates Act, 1965 (Act no. 66 of 1965) has under section 2A (1) of the Act designated your office as a service point of the Master in whose area of jurisdiction you operate.
4. Your post has likewise been designated to perform the duty of supervising the administration of estates of intestate deceased persons on behalf of the Master of the High Court. You are referred to the Policy and Procedure Manual: Administration of Intestate Deceased Estates at Service Points, MT 16, provided to your office, for the manner in which you are to perform your duties.
5. To this end and in terms of Section 2A (2) of the Administration of Estates Act, no. 66 of 1965 (as amended), I hereby delegate all the necessary powers to you under the said Act that will enable you to perform the duty of supervising the administration of intestate estates of deceased persons whose estates do not exceed R125 000,00 (or any other amount determined from time-to-time by the Minister or Director General of Justice) in value, subject to the limitations mentioned in paragraph 6 hereafter.
6. In an attempt to set universal standards in all the offices of the Department the following limitations on your power to perform functions on behalf of the Master, must strictly be observed.

You have no power to deal with the following matters:

- 6.1 An estate where there is a will

- 6.2 Estates with a gross value of more than R125 000,00(or any other amount determined from time-to-time by the Minister or Director General of Justice) – *excluding instances mentioned in 10.10 below.*
- 6.3 Estates, regardless of the gross value, that has R20 000,00 or more in investments, (bank accounts, cash, etc), where one or more of the beneficiaries is a minor – *this restriction does not apply to Service Points where ICMS Deceased Estates Phase II (PEAS) has been rolled out.*
- 6.4 All deceased insolvent estates.
- 6.5 Estates where there are minors involved that are not represented by their legal guardians.
7. Should any of the abovementioned estates be reported to your office you are expected to assist with the completion of the prescribed forms, and then to submit the matters to the Master of the High Court. **NB: It is very important that reliable postal addresses be recorded on the appropriate forms, since future communication will only be by post.**
8. When you refer any of the abovementioned estates to the Master of the High Court, you are expected to keep a proper record of the estate and to make an appropriate entry in the Estate Transmission Register.
9. The public who reported the estate to you must be informed of the correct postal address of the Master concerned and the name of a contact person as well as that:
- 9.1 You have no jurisdiction to deal with the matter.
- 9.2 The estate will be referred to the Master of the High Court.
- 9.3 All future enquiries will be dealt with by the Masters Office.
- 9.4 Because only postal addresses will be used they should immediately inform the Master of any change to their postal address.
10. In terms of section 2A (2) of the Administration of Estates Act 66 of 1965 (as amended), the following functions are hereby delegated, subject to the direction of the Master of the High Court in whose area of jurisdiction the Service Point is situated.

<b>TASK</b>	<b>AUTHORITY</b>
1. Give an instruction to submit a death notice.	Section 7(3)(1)
2. Instruction to provide additional information on the death notice.	Section 7(3)(b)
3. Require proof of death.	Section 7(4)

4. Grant extension for the lodging of an inventory.	Section 9(1)
5. Give an instruction to lodge an inventory.	Section 9(2)
6. Give an instruction to release any property, book or document in possession of a third party.	Section 11(1)(b)
7. Appoint a Masters Representative when the value of the estate is less than R125 000,00 (or any other amount determined from time-to-time by the Minister or Director General of Justice) and direct the manner in which these estates must be administered.	Section 18(3)
8. An intestate estate with a cash value of less than R20 000,00.	
9. Preserve of record all written instruments, death notices, inventories and other reporting Documents lodged under the provisions of the Administration of Estates Act (as amended)	Section 5(1)
10. Sign Letters of Authority on behalf of the Master, in any estate, <b>up to a value of R250 000, where the relevant official in the Master's Office has electronically approved such appointment on the PEAS system</b> (if implemented in your office)	

11. The Master may for good cause alter the powers delegated to you. This will only be done in writing and may be for specific purposes only.
12. This delegation supersedes all previous delegations issued to your office.

Signed at ..... on this ..... day of ..... 20.....

**MASTER OF THE HIGH COURT**  
**(INSERT OFFICE NAME)**

**DATE STAMP**

\* DELETE WHAT IS NOT APPLICABLE