
GENERAL NOTICE

NOTICE 355 OF 2014

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

1. INVITATION FOR PUBLIC COMMENTS ON THE DRAFT NOTICES TO AMEND VARIOUS FEES AND TARIFFS PRESCRIBED BY LEGISLATION ADMINISTERED BY THE MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

1.1 The Department of Justice and Constitutional Development invites interested parties to submit written comments on the proposed amendments of fees and tariffs prescribed in terms of the Insolvency Act, 1936 (Act No 24 of 1936), the Administration of Estates Act, 1965 (Act No 66 of 1965), the Trust Property Control Act, 1988 (Act No 57 of 1988), section 15 of the Companies Act, 1973 (Act No 61 of 1973) for the Winding-Up and Judicial Management of Companies and the Civil Proceedings Evidence Act, 1965 (Act No 25 of 1965), which are attached as Annexure A. The proposed amendments and a note, explaining them, are also available on the website of the Department at the following address: <http://www.justice.gov.za>.

1.2 The comments on the proposed adjustments must be submitted by not later than 12 June 2014, marked for the attention of Ms Connie van Vuuren, and –

- (i) if they are forwarded by post, be addressed to –
The Director-General: Justice and Constitutional Development
Private Bag X81
Pretoria
0001;
- (ii) if they are delivered by hand, be delivered at –
SALU Building, Room 2330
315 Thabo Sehume Street
Pretoria;
- (iii) if they are delivered by email, be emailed to cvanvuuren@justice.gov.za; or
- (iv) if they are faxed, be faxed to 0866489479.

1.3 For further information, please do not hesitate to contact Ms Connie van Vuuren at 012 406 4762.

2. BACKGROUND NOTE

- 2.1 The Department is in the process of reviewing the current tariffs charged by it to the public for services rendered by the courts and Masters' Offices.
- 2.2 During the review process the Department identified the following services which are provided, for which revenue is collected:
- (a) Making photocopies of official documents at the courts and Masters' Offices.
 - (b) Fees charged by the Masters' Offices for the administration of insolvent and deceased estates.
 - (c) Fees charged by the Masters' Offices for the final liquidation of companies.
- 2.3 During the review process the Department did benchmarking and took the following aspects into consideration when making its recommendations to amend the tariffs in order to ensure that these tariffs are market-related:
- (a) the actual cost of making photocopies by using the following variables:
 - (i) taking into account the labour (the salary of an administration clerk on salary level 4, notice 6); and

- (ii) photocopier costs (cost per page on the current RT contract for a photocopier that produces 60,000 copies per month); and
- (b) the CPIX from the last day of review to July 2012.

2.4 Proposed insertions are indicated by means of underlining and proposed deletions are indicated by means of square brackets in bold.

ANNEXURE A

No. R. 2014
REGULATIONS IN TERMS OF SECTION 15 OF THE COMPANIES ACT, 1973 (ACT No. 61 OF 1973)

The Minister of Justice and Constitutional Development has, in consultation with the Minister of Finance, under section 15 of the Companies Act, 1973 (Act No. 61 of 1973), made the regulations contained in the Schedule.

SCHEDULE

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R.2490 of 28 December 1973, as amended by Government Notices Nos. R 1424 of 11 July 1980, R1682 of 29 July 1983, R612 of 31 March 1989, R. 1922 of 17 August 1990, R1542 of 13 August 1993, R417 of 31 March 1999 and R1070 of 9 November 2009.

Amendment of Annexure CM 103 to the Regulations

2. Paragraphs 1, 2 and 3 of Annexure CM 103 to the Regulations are hereby substituted for the following paragraphs:

"1. On all companies in final liquidation the total gross value of the assets according to the liquidator's liquidation and distribution account and/or contribution account of which —

- (a) is **[less than R15 000]** R5,000 or more, but less than R50 000,00:
[100,00] 250,00
- (b) is R50 000 or more, but less than R150 000: 1 000,00
- (c) is **[R15 000]** R150 000 or more, for each complete further R5 000 when the gross value exceeds [R15 000] R150 000, a further 275,00 subject to a maximum fee of 275 000,00.

2. On all companies under final judicial management: **[100, 00]** 400,00.

3. (a) For a copy of an extract from any document preserved in the office of a Master, when made in such office (including the certification of such copy or extract) a fee of **[R4, 50]**—
- (i) R25,00 per document; or
 - (ii) R1,50 per page,
- shall be paid.
- (b) For the certification of such copy or extract not made in such office a fee of **[R9,00]** R50,00 shall be paid."

Commencement

3. This amendment of the Regulations comes into operation on the date of publication thereof in the *Gazette*.

No. R.

2014

**ADMINISTRATION OF ESTATES ACT, 1965 (ACT No. 66 OF 1965)
AMENDMENT OF REGULATIONS**

The Minister of Justice and Constitutional Development has, under section 103 of the Administration of Estates Act, 1965 (Act No. 66 of 1965), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In this Schedule "the Regulations" means the regulations published under Government Notice No. R. 473 of 24 March 1972, as amended by Government Notices Nos. R. 817 of 13 May 1977, R. 1209 of 13 June 1980, R. 2542 of 20 November 1981, R. 2482 of 1 November 1985, R. 655 of 11 April 1986, R.2738 of 11 December 1987, R. 610 of 31 March 1989, R. 1208 of 9 June 1989, R.1921 of 17 August 1990, R. 1602 of 1 July 1991, R. 1672 of 12 July 1991, R. 1539 of 13 August 1993, R. 64 of 14 January 1994, R. 1341 of 12 August 1996, R. 365 of 7 March of 1997, R. 1002 of 12 October 2001 and R. 1057 of 5 November 2009.

Amendment of Schedule 2 to the Regulations

2. Schedule 2 to the Regulations is hereby amended by—
- (a) the substitution for subparagraph (1) of paragraph 1 of the following subparagraph:
- “(1) On all estates of deceased persons or estates under curatorship (except estates under the custody of an interim curator pending the appointment of an executor) the gross value of which according to the executor’s or curator’s account—
- (a) is ~~[R15 000]~~ R50 000 or more but less than ~~[R17 000]~~ R75 000:
~~[R42]~~ R500;
- (b) is ~~[R15 000]~~ R75 000 or more for each complete further R2 000 with which the gross value exceeds ~~[R15 000]~~ R75 000, a further ~~[R6]~~ R65;
- subject to a maximum fee of ~~[R600]~~ R7 000.
- Where the deceased was one of two spouses married in community of property the said fees shall be assessed upon the gross assets of the joint estate.”;
- and
- (b) the substitution for subparagraphs (1)(a) and (b) of paragraph 2 of the following subparagraphs:
- “(1) (a) For a copy of or an extract from any document preserved in the office of a Master, when made in such office (including the certification of such copy or extract), a fee of ~~[R4, 50]~~—
- (i) R25,00 per document;
- (ii) R1,50 per page,
- shall be paid.
- (b) For the certification of such copy or extract not made in such office a fee of ~~[R9, 00]~~ R50,00 shall be paid.

Commencement

3. This amendment of the Regulations comes into operation on the date of publication thereof in the *Gazette*.

No. R.

2014

**CIVIL PROCEEDINGS EVIDENCE ACT, 1965 (ACT No. 25 OF 1965)
AMENDMENT OF TARIFFS OF FEES**

The Minister of Justice and Constitutional Development has, under sections 18(2) and 20(3) of the Civil Proceedings Evidence Act, 1965 (Act No. 25 of 1965), and in consultation with the Minister of Finance, determined that, where no tariffs of fees relating to the copies or extracts referred to in the said sections has been prescribed by or under any law, the tariff of fees for the purposes of these sections shall be **[as follows:**

If the copies or extracts are made by means of a typewriter: For every one hundred words or part thereof: R1,00.

If the copies or extracts are made in any manner other than by means of a typewriter: R0,50 per page] R1,50 per page, which shall be payable in the manner determined administratively by the Director-General: Justice and Constitutional Development.

Proof of such payment shall be submitted to the clerk or registrar of the court in question, as the case may be.

Government Notice No. R.1926 of 17 August 1990 is hereby repealed.

No. R.

2014

**TRUST PROPERTY CONTROL ACT, 1988 (ACT 57 OF 1988)
AMENDMENT OF REGULATIONS**

The Minister of Justice and Constitutional Development has, under section 24 of the Trust Property Control Act, 1988 (Act No.57 of 1988), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In this Schedule "the Regulations" means the regulations published under Government Notice No. R. 1540 of 13 August 1993, as amended by Government Notice No. R. 1056 of 5 November 2009.

2. Substitution of regulations 2 and 3 of the Regulations

Regulations 2 and 3 of the Regulations are hereby substituted for the following regulations:

"Fees payable at lodgement of trust instrument

2. The fee which is payable to the Master in terms of section 4 of the Act at the lodgment of a trust instrument shall be **[R100] R250,00** in respect of each trust instrument, which shall be payable in the manner as determined administratively by the Director-General: Justice and Constitutional Development and proof of such payment shall be submitted to the Master together with the trust instrument which shall be retained by the Master.

Fees payable for the making and certifying of copies of documents

3. The fee which is payable to the Master in terms of section 18 of the Act for a certified copy of any document under his or her control relating to trust property shall be **[R4,50] —**

- (i) R25,00 per document; or

(ii) R1,50 per page,
 which shall be payable in the manner as determined administratively by the Director-General: Justice and Constitutional Development and proof of such payment shall be submitted to the Master together with the written request of, or rendering by, the Master of the service in question.”.

Commencement

4. This amendment of the Regulations comes into operation on the date of publication thereof in the *Gazette*.

No. R.

2014

INSOLVENCY ACT, 1936 (ACT 24 of 1936) AMENDMENT OF THE THIRD SCHEDULE

Under section 153(1) *bis* of the Insolvency Act, 1936 (Act No. 24 of 1936), I, Jeffrey Thamsanqa Radebe, Minister of Justice and Constitutional Development, hereby amend the Third Schedule to the said Act by the substitution for items 1 and 2 of the following items:

1. On all insolvent estates under final sequestration the total gross value of the assets according to the trustee's liquidation and distribution account and/or contribution account of which -	
	R
(a) is R5 000 or more, but less than [R15 000] R50 000	[100,00] 250,00
(b) is R50 000 or more, but less than R150 000	1 000
(c) Is [R15 000] R150 000 or more, for each complete further R5 000 when the gross value exceeds [R15 000] R150 000, a further subject to a maximum fee of	[25,00] 275,00 [25 000,00] 275 000,00
2.	
(a) For a copy of or an extract from any document preserved in the office of a Master, when made in such office (including the certification of such copy or extract), a fee of [R4,50] =	
(i) <u>R25,00 per document; or</u>	
(ii) <u>R1,50 per page,</u> shall be paid	
(b) For the certification of such copy or extract not made in such office a fee of [R9,00] R50,00 shall be paid	