



the doj & cd

Department
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

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Sub Office File: 7/1/1

5 August 2020

CIRCULAR 41 OF 2020

(HEAD OFFICE FILE 12/4/1)

OFFICE OF THE CHIEF MASTER DIRECTIVE 1 OF 2020 – ESTATE ADVERTS

1. Your attention is drawn to the contents of the attached Directive with regards to Estate Adverts
2. This Directive is effective from 8 August 2020 and should be implemented as such
3. Any enquiries should be addressed in writing to the Office of the Chief Master

Mrs T Bezuidenhout
Chief Director: Inland

6/8/2020

Mrs P Roberts
Acting Chief Director: Coastal

06/08/2020

TO ALL OFFICES IN THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT



OFFICE OF THE CHIEF MASTER DIRECTIVE 1 OF 2020

1. PURPOSE

Various large newspaper groups have indicated that they will soon discontinue printed newspapers and will only have online newspapers, in which no legal notices will be placed. Advertisements will now be placed in various regional newspapers which will not necessarily appear on the same date as the Government Gazette. The purpose of this directive is to give guidance to officials on how this aspect should be approached.

This directive amends / recalls all prior Directives, Circulars or instructions regarding this subject, with effect from 8 August 2020.

2. MOTIVATION / BACKGROUND

- 2.1 In both Deceased Estates as well as Insolvency- and Liquidation matters, there are various advertisements which need to be placed during various stages of the administration process, either by the Master or by the appointed administrator.
- 2.2 The applicable acts determine that the adverts need to appear in both the Government Gazette as well as a newspaper circulating in the area/district where the deceased / insolvent resided, or where the main place of business was registered/situated in cases of liquidations.
- 2.3 The Government Gazette appears on a Friday and normally the newspaper advert will also be placed in an applicable newspaper which appears on the

same day.

- 2.4 However, various large newspaper groups have now indicated that they will soon discontinue printed newspapers and will only have online newspapers, in which no legal notices will be placed.
- 2.5 In some districts this will cause a challenge, as the remaining printed newspapers in which an advert can be placed, does not necessarily appear on a Friday and hence the legal notices placed in them, will not appear on the same day as the Government Gazette.
- 2.6 After scrutinizing the various applicable sections, it is clear that it is nowhere prescribed that the GG advert and the Newspaper advert needs to appear on the same day.
 - i) Only Section 40(c) of the Insolvency Act 24 of 1936, uses the word "simultaneously" but this refers to the newspaper adverts in Afrikaans and English which needs to appear on the same day – not the GG advert.

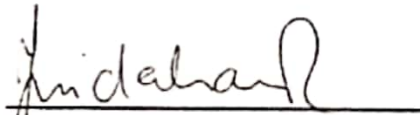
3. IN THE LIGHT OF THE ABOVE, THE FOLLOWING HAS BEEN DECIDED:

- i) Where it is not possible to do so, estate adverts **need not** appear on the same day in the Government Gazette (GG) and the relevant printed newspaper. However:
 - a. Unless otherwise advertised or otherwise stated in any Act, any prescribed period for which the advert must run, will start on the first day of the advert which appeared first, and will continue until the prescribed period has expired as from the first day of the second advert.
(e.g: If the inspection period is 21 days, and the newspaper advert appears on Thursday 6 August 2020 and the GG advert on Friday 7 August 2020, the 21 days will start on 6 August (date of the first advert), but only expire 21 days from 7 August (date of the second advert) – that is 28 August 2020)

- i) Note that the newspaper advert may also state a specific date as from which the specific period for inspection (or whatever the case may be) will start (*normally on the date the GG advert (second advert) will appear*), in which case the relevant number of days will then be calculated as from that stated date.
- ii) Section 108(3) of the Insolvency Act states that the account shall be open for inspection by creditors during a period of 14 days as from the date of publication of the notice in the GG.

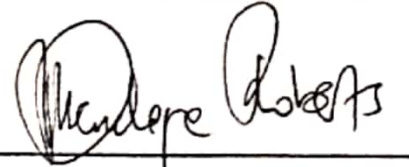
4. EFFECTIVE DATE

This Directive will come into effect as from 8 August 2020.



T BEZUIDENHOUT
CHIEF DIRECTOR: INLAND

DATE..... 3/8/2020.....



P ROBERTS
ACTING CHIEF DIRECTOR: COASTAL

DATE..... 03/08/2020.....