

**LAW OF SUCCESSION AMENDMENT ACT 43 OF 1992**

[ASSENTED TO 7 APRIL 1992] [DATE OF COMMENCEMENT: 1 OCTOBER 1992]

*(Afrikaans text signed by the State President)*

**as amended by**

General Law Amendment Act 139 of 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.**

- 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 3 *bis* 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.]

### **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* .