

**FOR IMMEDIATE RELEASE**

**MEDIA STATEMENT BY THE SOUTH AFRICAN LAW REFORM COMMISSION (SALRC)  
ON ITS INVESTIGATION INTO ADMINISTRATION OF ESTATES (PROJECT 134)**

**Administration of estates - protect the vulnerable**

The SALRC releases its Interim Report on Administration of Estates for general information.

The administration of "small" estates in terms of section 18(3) of the Administration of Estates Act 66 of 1965 is problematic and urgent measures are required to protect beneficiaries in these estates. Resources should be devoted to safeguard the interests of minors, incapacitated or other vulnerable persons without causing delays or costs for the beneficiaries. The practice to assist beneficiaries in small estates should be continued.

The Administration of Estates Act endows the Master of the High Court with wide powers to act against executors, but not to act against persons given directions in terms of section 18(3). The Interim Report recommends that an executor should be appointed in all cases, but that the Master may dispense with compliance with requirements where circumstances warrant it. A Chief Master's directive for dispensing with requirements must strike a balance between the protection of beneficiaries and the speedy and cost effective finalisation of estates. The size of the estate remains a factor, but factors such as accounting by the executor and the sophistication of the beneficiaries should also be taken into account.

The Interim Report recommends the streamlining of the examination of accounts by the Master; the follow up of requirements after an account has been advertised free of objections; and the removal of executors.

The Interim Report will be made available on the internet at <http://salawreform.justice.gov.za>

**ISSUED BY THE SECRETARY: SA LAW REFORM COMMISSION, PRETORIA**

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