



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

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6 JUNE 2023

CIRCULAR 2.1. OF 2023

(HEAD OFFICE FILE 12/10/P)

CHIEF MASTER DIRECTIVE 4 OF 2023– BANKRUPTCY MATTERS: MASTER MIDDLEBURG

1. Your attention is drawn to the contents of the attached Directive with regards to ~~standardizing the submission of requisitions in bankruptcy matters~~ ^{Middleburg}
2. This Directive This directive repeals prior Directives, Circulars or instructions regarding this subject is effective from **6 JUNE 2023** and should be implemented as such.
3. Any enquiries should be addressed in writing to the Office of the Chief Master.


Ms P Roberts
ACTING CHIEF MASTER

TO ALL OFFICES IN THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT



CHIEF MASTER'S DIRECTIVE 4 OF 2023

BANKRUPTCY MATTERS: MASTER MIDDLEBURG

1. PURPOSE OF THIS DIRECTIVE

The purpose of this Directive is to direct Master Middleburg in the performance of their functions regarding Bankruptcy matters.

This Directive is issued in terms of:

- 1.1. Section 3 of the Judicial Matters Amendment Act, 2005 which requires the Chief Master to “exercise control, direction and supervision over all the Masters”.
- 1.2. Section 2(1) of the Administration of Estates Act 66 of 1965.

2. BACKGROUND

- 2.1) A new Master's Office has been established in Middleburg, Mpumalanga. However, currently the office is not yet fully capacitated, so the Nelspruit and Pretoria Masters offices are assisting in providing of their functions.
 - i. The Acting Chief Master has, in the interim decided to send officials from Pretoria to assist with the Bankruptcy matters weekly, Wednesdays and Fridays, on a rotational basis.
- 2.2) The Industry SARIPA highlighted the following frustrations experienced with regards to the Middleburg Masters Office:
 - i. fielding queries from the bench on the process to follow regarding Notices of Motions
 - ii. the question of which Master has jurisdiction (Nelspruit, Pretoria or Middleburg),

- iii. lodgement of requisitions, appointment of Insolvency practitioners and holding of creditors meeting, among others.

2.3) The proposal was made that, until the office is capacitated, appointments in bankruptcy matters, are to be dealt with by the Master Pretoria.

2.4) As part of the Acting Chief Master's statutory obligations, and to clarify the current confusion, a decision has been made to implement the following interim arrangements, whilst awaiting the full capacitation and functioning of the Middleburg Master's Office:


3 THE FOLLOWING HAVE BEEN DECIDED:

3.1) Officials from Pretoria Masters Office will be sent to assist in the Middleburg Office weekly, Wednesdays and Fridays, on a rotational basis . They will be dealing with:

- i) Receiving and considering of security bonds,
- ii) Receiving of lodged requisitions,
- iii) Appointment of provisional liquidators and trustees,
 - a) The office list is to be used in making such provisional appointments will be for Pretoria until further notice.
- v) The holding of statutory meetings of creditors.

4 EFFECTIVE DATE

This directive repeals prior Directives, Circulars or instructions regarding this subject, with effect from signature of this Directive.


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Ms P Roberts
ACTING CHIEF MASTER

Date 06/06/2023