



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

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CIRCULAR 024 OF 2014
(HEAD OFFICE FILE 6/4/1)

CHIEF MASTERS DIRECTIVE 2 OF 2014 – APPOINTMENTS IN TERMS OF THE POLICY ON THE APPOINTMENT OF INSOLVENCY PRACTITIONERS

1. Your attention is drawn to the contents of the attached Directive with regards to APPOINTMENTS IN TERMS OF THE POLICY ON THE APPOINTMENT OF INSOLVENCY PRACTITIONERS
2. This Directive is effective from **31 March 2014** and should be implemented as such.
3. Any enquiries should be addressed in writing to the Office of the Chief Master or per e-mail to chiefmaster@justice.gov.za


PP Adv. L G Basson
Chief Master 6/3/2014



CHIEF MASTER'S DIRECTIVE 2 OF 2014

APPOINTMENTS IN TERMS OF THE POLICY ON THE APPOINTMENT OF INSOLVENCY PRACTITIONERS

1. PURPOSE OF THIS DIRECTIVE

- 1.1 The Minister of Justice and Constitutional Development determined Policy for the appointment of insolvency practitioners (*the Policy*). Paragraph 5 of the Policy provides that the Chief Master must issue Directives to be used by all Masters in order to implement and monitor the application of this Policy.
- 1.2 Section 2(1)(b)(iii) of the Administration of Estates Act, 66 of 1965 provides that the Chief Master must exercise control, direction and supervision over all the Masters. The purpose of this Directive is thus to ensure that Masters implement the appointment of insolvency practitioners as provided for in the Policy in a consistent and transparent manner.

2. SCOPE AND APPLICATION OF THE DIRECTIVE IN RELATION TO THE POLICY

This directive only deals with the appointment of insolvency practitioners by the Masters as provided for in paragraph 7 of the Policy on the Appointment of Insolvency Practitioners, published in Government Gazette No 37287 dated 7 February 2014.

3. RECORD OF DESIGNATED OFFICIALS WHO MAKE INSOLVENCY APPOINTMENTS

- 3.1 Every Master must designate specific persons who are to be responsible for making appointments in insolvent matters.
- 3.2 Appointments should always be made by a panel of persons, unless the Chief Master is satisfied that it is impractical for a group of persons to make appointments in a particular office, and has consented that a single person should make appointments.
- 3.3 The names of all persons or groups of persons who make appointments in the different Masters' Offices, together with a profile of each such person, must be forwarded to the Office of the Chief Master, who must keep a list of such persons who have been designated to make appointments.

4. PROCEDURE TO BE FOLLOWED IN THE MAKING OF APPOINTMENTS

Appointments should be made as follows:

- (a) Before appointments are made, a list must be compiled of matters where appointments must be made.
- (b) After completion of the list, the appointees must be determined strictly in the order which the matters appear on the abovementioned list.
- (c) Appointments must be made in terms of the Policy.
- (d) A record must be kept of the time and date and other details of the determination of the person or persons to be appointed and the reasons for discretionary appointment in terms of the paragraphs (iii) or (v) of paragraph (e). The record must be made public by of the Masters of the High Courts.

5. RECORDS TO BE KEPT BY THE MASTERS OF HIGH COURTS

5.1 All Masters must keep a record in respect of each insolvency practitioner appointed within his or her jurisdiction, which must contain the following information:

- (a) The personal particulars of the insolvency practitioner contained in the application to be included on the Master's List;
- (b) Copies of all the final demands, contemplated removals or suspensions, removals or suspensions, complaints against the insolvency practitioner and all comments (negative or positive) made by judicial officers.

5.2 Copies of all records kept by the Master in respect of an insolvency practitioner must be made available to the Chief Master on request.

6 EFFECTIVE DATE

This Directive will come into effect on **31 March 2014**.

Signed on 5/3/..... 2014


Adv L G Basson

Chief Master of the High Courts of South Africa