

## IMPORTANT MATTERS RELATING MASTER'S OFFICE

Media24 has announced the discontinuation of various newspapers and other print publications.

This will create certain practical problems for members in the insolvency and administration of estates area.

### Administration of Estates Act

Section 29(1) of the Act requires the executor to publish a notice in the Gazette and in one or more newspapers circulating in the district in which the deceased ordinarily resided at the time of his death etc...

Section 35(5)(a) of the Act states that an executor must give notice in the Government Gazette and one or more newspapers circulating in the district which the deceased was ordinary resident.

There is no definition of a newspaper in the Act. The question is therefore whether an electronic version of a newspaper should be regarded as a newspaper?

However, the second requirement in the act is that the advert must appear in a newspaper circulating in the district. With newspapers no longer being published what would be the impact on the requirement?

Where certain newspapers will only be online and you have to subscribe (sometimes at a fee) then it is no longer freely available to the general public.

There will still be certain smaller papers published but the dates might not correlate with the dates of the Gazettes.

### Insolvency Act

The Insolvency Act has a similar provision in section 108(2) read with section 40(3)(b) and (c).

*"108(2) The trustee shall, as soon as possible after he has submitted an account to the Master, give notice in the manner prescribed by paragraphs (b) and (c) of subsection (3) of [section 40](#) that he has so submitted such account and that the account will lie open for inspection by the creditors of the estate at the place or places and during the period stated in the notice."*

*“40(3)(b) The trustee shall convene the second meeting of creditors by notice in the Gazette and in one or more newspapers circulating in the district in which the insolvent resides or his principal place of business is situated.*

*(c) Whenever the notice referred to in paragraph (b) is published in any newspaper, the publication shall take place simultaneously in the Afrikaans language and in the English language and in the case of each such language in a newspaper circulating in the district referred to in the said paragraph which appears mainly in that language and the publication in each such language shall as far as practicable occupy the same amount of space.”*

Media24 is moving the legal advertisement service to smaller regional weekly papers in the traditional area of distribution of Volksblad (Free State). A similar arrangement is expected with regard to Burger Oos-Kaap (Eastern Cape). The customary way to place notices envisaged in sections 29 and 35(5) of the Administration of Estates Act, 66 of 1965 (the Act), is to arrange placement on the same Friday in the Government Gazette and in one newspaper circulating in the area where the deceased lived before death.

Section 35(5) of the Administration of Estates Act does not refer to the date of the latest notice, but merely states: “... and shall state in the notice the period during which and the place at which the account will lie open for inspection.”

The notice under section 35(5) should state when the period envisaged by section 35(4) will commence and when it will cease, and such period shall not be less than 21 days from the date of publication of the latest notice in either the Government Gazette or the newspaper. One of the views is that the Act does not require that the notice in the Government Gazette and the notice in the newspaper must be on the same date.

The changes in print media distribution might also affect other requirements.

REQUEST: please send comments or suggestions by 26 July, in relation to your various available media or other suggestions that can be presented to the Masters’ office, linking to the various districts / towns.

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