



Church Square Association of Advocates
Church Square Bar

Kerkplein Vereniging van Advokate
Kerkplein Balie

7 November 2017

NOTICE

PLEASE TAKE NOTE THAT:

GOVERNMENT NOTICE NO. R.1162 PROMULGATED IN GOVERNMENT GAZETTE NO. 41224, DATED 3 NOVEMBER 2017, the Minister of Justice and Correctional Services, has under section 24 of the **TRUST PROPERTY CONTROL ACT, 1988 (ACT NO. 57 of 1988)**, made regulations in the Schedule with the provisions of regulations 2 and 3 of the Regulations to apply to trusts which are registered on or after 1 January 2018 and which will come into operation on 1 January 2018.

Same is available on our website at www.churchsquarebar.co.za under legal amendments.

Should you not have internet access, same is available at our Chambers, Suite 410, Standard Bank Chambers, Pretoria, for your perusal.

MEMBERS ARE URGED to take note thereof and to comply with the said amendments in order to avoid embarrassment.

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DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 1162

03 NOVEMBER 2017

**TRUST PROPERTY CONTROL ACT, 1988 (ACT NO. 57 OF 1988)
AMENDMENT OF REGULATIONS**

The Minister of Justice and Correctional Services has, under section 24 of the Trust Property Control Act, 1988 (Act No.57 of 1988), made the regulations in the Schedule.

SCHEDULE**Definitions**

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 1540 of 13 August 1993, as amended by Government Notice No. R. 1056 of 5 November 2009.

Substitution of regulations 2 and 3 of the Regulations

2. Regulations 2 and 3 of the Regulations are hereby substituted for the following regulations:

"Fees payable at lodgement of trust instrument

2. The fee which is payable to the Master in terms of section 4 of the Act at the lodgement of a trust instrument shall be R250, 00 in respect of each trust instrument, which shall be payable in the manner as determined administratively by the Director-General: Justice and Constitutional Development and proof of such payment shall be submitted to the Master together with the trust instrument which shall be retained by the Master.

Fees payable for the making and certifying of copies of documents

3. (1) The fee which is payable to the Master in terms of section 18 of the Act for –

(a) a copy of any document under his or her control relating to trust property shall be R25,00 per document pack; and

(b) a certified copy of any document under his or her control relating to trust property shall be R50,00 per document pack of certified copies, which shall be payable in the manner as determined administratively by the Director-General: Justice and Constitutional Development and proof of such payment shall be submitted to the Master together with the written request of, or rendering by, the Master of the service in question.

(2) For an electronic copy of any document preserved in the office of a Master, when it is made in such office, and if it is available, no fee is payable.”.

(3) For purposes of subparagraph (1), “document pack” means any document, irrespective of the number of pages, which constitutes a complete document which can be read on its own.”.

Commencement

3. The Regulations come into operation on 1 January 2018 and the provisions of regulations 2 and 3 of these Regulations shall apply to trusts which are registered on or after 1 January 2018.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. 1162

03 NOVEMBER 2017

WET OP BEHEER VAN TRUSTGOED, 1988 (WET NO. 57 VAN 1988)
WYSIGING VAN REGULASIES

Die Minister van Justisie en Korrektiewe Dienste het, kragtens artikel 24 van die Wet op die Beheer van Trustgoed, 1988 (Wet No. 57 van 1988), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken "die Regulasies" die regulasies gepubliseer by Goewermentskennisgewing No. R 1540 van 13 Augustus 1993, soos gewysig by Goewermentskennisgewing No. R. 1056 van 5 November 2009.

Vervanging van regulasies 2 en 3 van die Regulasies

2. Regulasies 2 en 3 van die Regulasies word hierby deur die volgende regulasies vervang:

"Gelde betaalbaar by indiening van trustdokument

2. Die gelde wat ingevolge artikel 4 van die Wet by die indiening van 'n trustdokument aan die Meester betaalbaar is, is R250,00 ten opsigte van elke trustdokument, en is betaalbaar op die wyse soos administratief deur die Direkteur-generaal: Justisie en Staatkundige Ontwikkeling bepaal en bewys van sodanige betaling moet aan die Meester gelewer word saam met die trustdokument wat deur die Meester gehou word.

Gelde betaalbaar vir die maak en sertifiseer van afdrukke van dokumente

3. (1) Die gelde wat ingevolge artikel 18 van die Wet aan die Meester betaalbaar is—

(a) vir 'n gesertifiseerde afskrif van enige dokument onder sy of haar beheer wat op trustgoed betrekking het, is R25,00 per dokumentstel; en

(b) 'n gesertifiseerde afskrif van enige dokument onder sy of haar beheer in verband met trusteeiendom, is R50,00 per dokumentstel van gesertifiseerde afskrifte,

en is betaalbaar op die wyse soos administratief deur die Direkteur-generaal: Justisie en Staatkundige Ontwikkeling bepaal en bewys van sodanige betaling moet aan die Meester gelewer word saam met die skriftelike versoek waarin, of lewering deur, die Meester van die betrokke diens.

(2) 'n Elektroniese afskrif van enige dokument wat in die kantoor van 'n Meester bewaar word, wanneer dit in daardie kantoor gemaak word en indien dit beskikbaar is, is gratis.

(3) By die toepassing van subparagraaf (1), beteken "dokumentstel" enige dokument, ongeag die getal bladsye, wat 'n volledige dokument is wat op sy eie gelees kan word."

Inwerkingtreding

3. Die Regulasies tree in werking op 1 Januarie 2018 en die bepalings van Regulasies 2 en 3 is net van toepassing op trusts geregistreer op of na 1 Januarie 2018.