



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

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Sub Office File: 6/1-1 & 7/1-1

12 March 2012

CIRCULAR 017 OF 2012
(HEAD OFFICE FILE 5/2/4/1)

CHIEF MASTERS DIRECTIVE 1 OF 2012 – Payment fees due to the Master

1. Your attention is drawn to the contents of the attached Directive with regards to payment of fees due to the Master of the High Court
2. This Directive is effective from *12 March 2012* 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
4. Directive 4 of 2010 is hereby withdrawn.


Ady L G Basson
Chief Master

TO ALL OFFICES IN THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT



Chief Masters Directive 1 of 2012

1. Purpose

The purpose of the directive is to ensure a uniform approach by Masters in respect of the matters listed below.

This Directive recalls Directive 4 of 2010, with effect from date of signature hereof.

2. Motivation / Background

A number of role players have approached the Office of the Chief Master for clarity on certain matters. As part of my statutory obligations I have decided to provide the following guidelines to ensure a uniform approach by Masters to the matters raised.

All previous Master's Directives on points addressed by this Chief Master's Directive are revoked.

3. The following have been decided:

3.1 Fees to be charged by the Master for the making of copies

In this regard GN 1478 of 6 November 2009 in Government Gazette No. 32691 has amended the following Sections and Regulations:

- i) Section 153(1)BIS of the Insolvency Act, 1936
- ii) Regulations made under Section 102 of the Administration of Estates Act 66 of 1965
- iii) Regulations made under Section 15 of the Companies Act, 1973 (Act 61 of 1973)
- iv) Regulations made under Section 24 of the Trust Property Control Act 57 of 1988

Fees payable for copies, in all of the above instances, to be made by the Master, will in future be as follows:

Normal copies: R4-50 per document

Certified copies: R9-00 per document

Copies made for **official use** by other State Departments (eg SAPS, SARS, Municipality etc), will be made free of charge.

3.2 **Method of payment of fees charged by the Master**

GN 1478, as referred to above, determines that any prescribed fees, payable to the Master, whether payable for copies or Master's Fees, will be payable, as from 5 November 2009, at Magistrates' Courts or alternatively by means of a direct deposit into the Department of Justice banking account.

In the light of the above, the following methods of payment and proof will be accepted by the Master:

- a) Direct payment at an ABSA branch. Payments can be made in cash or by cheque. If payment is made by cheque it should be bank guaranteed. The original or duplicate deposit slip, stamped by the bank must be lodged **OR**
- b) Direct payment at any Magistrate's Court. Payments can be made in cash or by cheque. If payment is made by cheque it should be bank guaranteed. The original receipt issued by the Magistrate's must be lodged **OR**
- c) Electronic Fund Transfer into the applicable banking account of the Department on condition that:
 - i.) original proof-of-payment printout must be lodged **AND**
 - ii.) **Full reference** to the **specific estate / trust** must be electronically printed on this receipt – a receipt merely indicating the name of an Office or "copies" or with handwritten references, will not be acceptable.
- d) The details of the bank account are as follows:

NAME OF ACCOUNT:	Dept. of Justice & Constitutional Development
BANK:	ABSA
ACCOUNT NUMBER:	4077507497
BRANCH CODE:	632005
REFERENCE:	Type of service required and Master's Office e.g. MOHPTATRUST (for Trusts at Pretoria Office), MOHBFN + estate number (for deceased or insolvent estates at Bloemfontein Office) and MOHKMBCOPIES (for copies of

documents from Kimberley office)

e) The references of the various Master's offices are as follows:

Master Bhisho:	MOH BHI
Master Bloemfontein:	MOH BFN
Master Cape Town:	MOH CT
Master Durban:	MOH DBN
Master Grahamstown:	MOH GHT
Master Johannesburg:	MOH JHB
Master Kimberley:	MOH KMB
Master Mafikeng:	MOH MFK
Master Mthatha:	MOH MTA
Master Pietermaritzburg:	MOH PMB
Master Polokwane:	MOH POL
Master Port Elizabeth:	MOH PE
Master Pretoria:	MOH PTA
Master Thohoyandou:	MOH THO

f) ABSA has indicated that they will only accept references which are made in the following formats:

i) MOHBFN – space – Estate Number – no space - Estate name

M	O	H	B	F	N		1	4	3	/	2	0	1	1	S	M	I	T	H
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ii) MOHBFN – no space – Estate Number – no space - Estate name

M	O	H	B	F	N	1	4	3	/	2	0	1	1	S	M	I	T	H
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3.3 Refund of incorrect payments made to the Department of Justice

(For internal use only)

If any incorrect payment, with regards to the above paragraphs, has been made by an applicant, the following procedure for refund must be followed:

i) Chapter 7 of the Departmental Financial Transactions (DFI) prescribes how application for approval to refund the amount to the relevant beneficiary/supplier should be made.

- ii) Attached Annexure DD must be completed and forwarded by the relevant Master, with the supporting documentation (copy of receipt/bank deposit slip) to the Bookkeeping Section of the Chief Financial Officer's Office of the Department of Justice and Constitutional Development, in Pretoria.
- iii) After verification by the Bookkeeping section, the Annexure DD will be signed (approved) and returned to the relevant Masters Office.
- iv) The Masters Office must then follow the prescribed procedures as per DFI to register the beneficiary as a supplier on BAS:
 - a. The Entity Registration Form, available at the Master's Office, must be completed and
 - b. A recent bank statement or Confirmation Letter from the bank must be attached.
- v) Once the above steps have been finalized the Masters Office must process a BAS sundry EFT payment to the beneficiary to refund the money.

3.4 **Dishonoured cheques (For internal use only)**

It happens from time-to-time that cheques, deposited for payment of any of the above fees, are dishonoured by the bank. These amounts reflect in the Department's books as "Disallowance: Dishonored Cheques", which leads to Audit queries if not corrected.

The following procedure should be followed after tracing the depositor of the dishonoured cheque:

- i) The depositor must be requested by the Master to make immediate payment of the correct amount
- ii) The depositor must fax proof of payment (deposit slip / receipt) to the Bookkeeping Section of the Chief Financial Officer's Office of the Department of Justice and Constitutional Development, in Pretoria (currently : Mrs P Schloms, Fax no.: 0866832708, E-mail: PSchloms@justice.gov.za)
- iii) Original proof of payment together with proof that the requested fax was sent, must immediately be lodged with the relevant Master's Office.
- iv) If payment was made out of an estate banking account, written reasons as to why the cheque has been dishonored, must accompany the above documents to be lodged with the relevant Master's Office.
- v) In terms of National Treasury Regulation 17.1.2 outstanding balances in suspense accounts must be reconciled and cleared monthly. Any cases identified as irrecoverable must immediately be reported to the Loss Control

Officer by completing Annexure K, contained in the Departmental Financial Instructions (DFI). A copy of the completed Annexure K must also be forwarded to the above contact official.

4. **Effective date**

This Directive will come into effect as from date of signature thereof.



Adv. L G Basson
Chief Master

DATE: 12/3/12.



REVENUE DEBITS FORMS

Revenue Debit Request

Office Name _____

Amount _____

Ref No: _____

Eg. Vote Acc Receipt -, Journal -,
BAS Payment No

Payment was done from:

Vote Account Trust Account

Allocation Detail Used	Fund / Vote	
	Objective	
	Responsibility	
	Item	
	Net Asset	
	Project	
	Regional Identifier	

Reasons for Request: _____

Relevant Documentation Attached:

Yes No

Compiled By				Checked and Verified by			
Print Name				Print Name			
Rank				Rank			
		/				/	

Authority Granted: Bookkeeping

Amount _____

Payment must be done from:

Vote Account Trust Account

Allocation Detail Used	Fund / Vote	
	Objective	
	Responsibility	
	Item	
	Net Asset	
	Project	
	Regional Identifier	

Compiled By			
Print Name			
Rank			
		/	

Authorised by			
Print Name			
Rank			
		/	