



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

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13 February 2025

CIRCULAR 6 OF 2025

(HEAD OFFICE FILE 12/P.)

CHIEF MASTER DIRECTIVE 1 OF 2025– PLACING OF ONLINE ESTATE ADVERTS

1. Your attention is drawn to the contents of the attached Directive with regards to PLACING OF ONLINE ESTATE ADVERTS in the Master's Office.
2. This Directive amends and /or repeals prior Chief Master's Directives, - Circulars or instructions regarding this subject as per the effective date indicated on the Directive and should be read together with Chief Master's Directive 1 of 2020.
3. Any enquiries should be addressed in writing to the Office of the Chief Master.

Adv K Mathibe
ACTING CHIEF MASTER

13 February 2025

TO ALL OFFICES IN THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT



OFFICE OF THE CHIEF MASTER DIRECTIVE 1 OF 2025

1. PURPOSE

The purpose of this Directive is to direct all Masters in the performance of their functions regarding dealing with the placement of prescribed advertisements in estates on an online platform.

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. MOTIVATION / BACKGROUND

- 2.1 Major newspapers have transitioned away from distributing printed hard copies to the public and have instead shifted to digital platforms. Many publications now offer their content online, with some articles available for free, while others require a subscription for full access. There is generally a growing preference for digital news consumption.
- 2.2 Chief Master’s Directive 1 of 2020 was introduced to allow advertisements to be placed in various regional newspapers, even if their publication dates did not coincide with that of the Government Gazette. However, the directive was based on the premise of printed newspapers.

2.3 Stakeholders have recently expressed concern regarding the uncertainty of whether estate advertisements may be published in online newspapers instead of traditional printed newspapers, given that the latter are no longer widely available. In both deceased estate matters as well as insolvency proceedings, multiple advertisements must be published at various stages of the administration process. These advertisements, whether issued by the Master's Office or the appointed administrator, serve a critical function in ensuring compliance with legal requirements.

2.4 The applicable Acts stipulate that advertisements must be published in both the Government Gazette and a newspaper that circulates within the area or district where the deceased or insolvent individual resided. In the case of liquidations, the advertisement must appear in a newspaper covering the region where the entity's main place of business was registered or located.

2.5 Further, Section 40(3) of the Insolvency Act mandates that notices published in a newspaper must appear simultaneously in both Afrikaans and English.

2.6 An examination of legislative provisions reveals that while the applicable Acts mandate the publication of advertisements, they do not explicitly specify the format in which they must appear, that is, whether in print or digital form. The requirement is simply that the notice must be advertised, leaving room for interpretation.

3. IN THE LIGHT OF THE ABOVE, THE FOLLOWING HAS BEEN DECIDED:

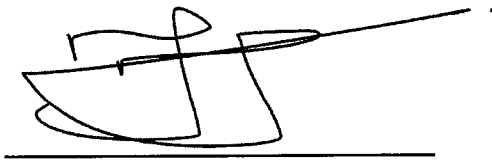
3.1 Where printed publication is not feasible, estate adverts **need not** appear in a printed copy of the Government Gazette (GG) and a printed newspaper. Instead, an online advertisement would be acceptable as long as it:

3.1.1 circulates in the relevant district where the deceased lived 12 months

- prior to passing; or
- 3.1.2 in case of an insolvency/liquidation the district where the person resided or the principal place of the business (whichever applicable); and
- 3.1.3 where the relevant act so prescribes, appear in both English and Afrikaans; and
- 3.1.4 the public notices can be viewed online, for free, by any interested party.

4. EFFECTIVE DATE

This Directive should be read together with Chief Master's Directive 1 of 2020 and will come into effect as on date of signature.



K MATHIBE

Acting Chief Master

DATE 13 February 2025