

Presentation to FISA

Master of the High Court

5 SEPTEMBER 2019



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Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

- 1. Developments**
 - 1. Trust online**
 - 2. Regulation 910**
 - 3. Future - Masters Online**
- 2. What are the challenges experienced by the Branch and how are they resolved?**
- 3. Master's Priorities 2019/20**
- 4. Complaints protocol**
- 5. Statistics**

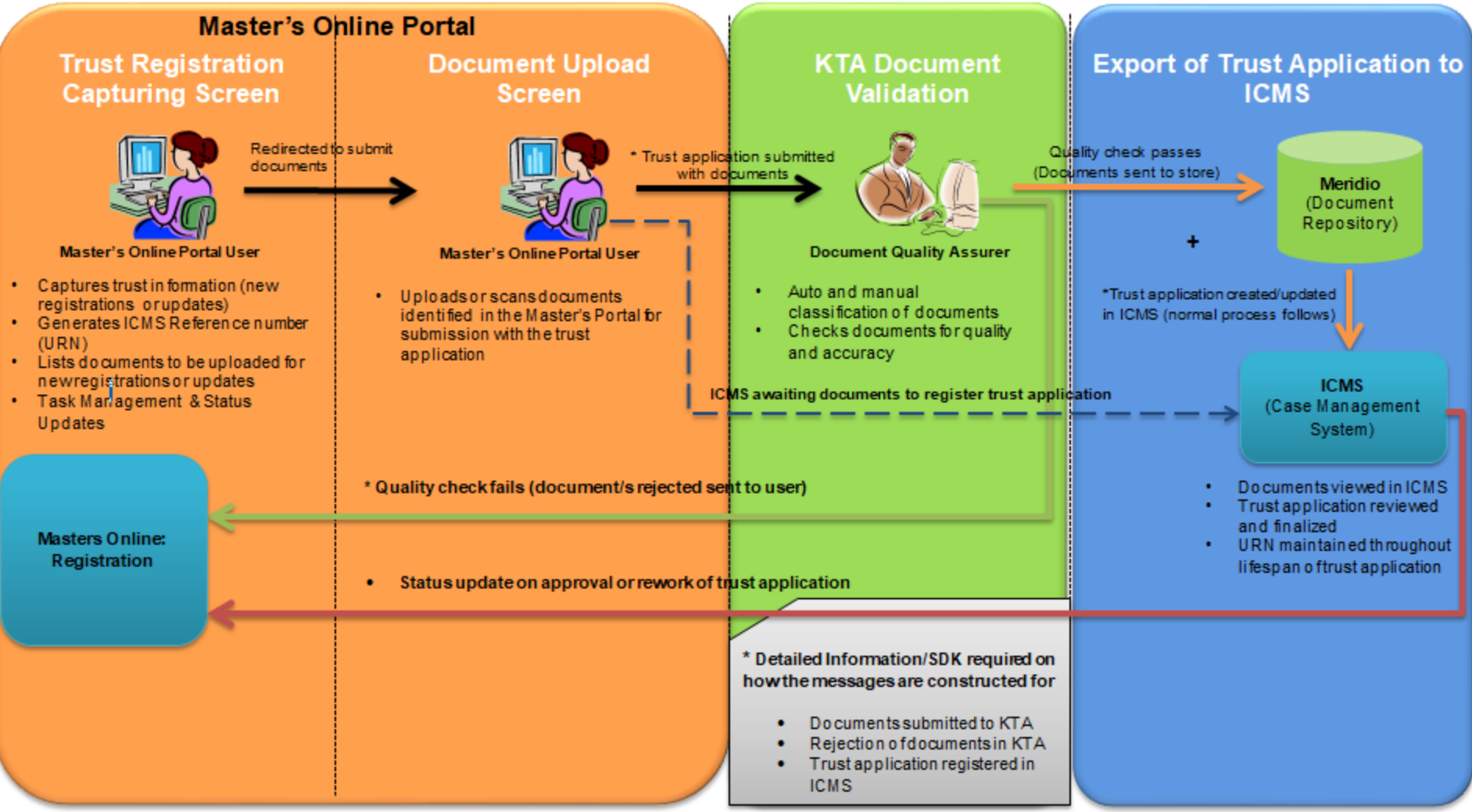


Trust online

- Masters are currently working on a Master's Online project.
- It is envisaged that **Trust online services** will be implemented in the next financial year (2020/21)
- This will streamline the Trust registration process and assist in curbing fraud as applicants will be able to lodge their applications online assisting with the workload of the Trust Sections as most information will be captured and scanned in by the applicants, freeing the Masters' hands to apply their minds thoroughly to the lodged documents and other clients.



Conceptual Overview: To-Be Process



Regulation 910:

- The recalling of Regulation 910 is still a priority
- This was discussed with the Minister and we are awaiting his final decision



- **The Administration of Estates Act** provides for three categories of executors:
 - People permanently disqualified from doing estates (e.g. Master, Curatorship, criminal offence, caused the death)
 - People doing estates without security (e.g. exempted in will, spouse, direct family)
 - People doing estates with security (all other nominees / applicants)
- Both the Act and Reg. 910 nowhere provides for the appointment of an **agent** – only deals with appointment of an **executor / Masters representative**.



Risk of insisting on an agent:

- Master can not act against an agent – needs to act against the executor
- Master requests agent but do not verify acceptance of agent / ID of agent
- Fraud in offices and on estates (false wills, documents, kick-backs etc)
- Agents charge exorbitant fees from executor / beneficiaries
- Don't do their work and Master can do nothing
- Agent disappear with estates funds – no recourse / security to recall /
accountability
- Master accountable – creature of statute



WAY FORWARD

- 1) Recall Reg. 910 in totality
 - Get rid of any uncertainties / differ in opinion
- 2) Apply the Administration of Estates Act
 - i) People doing estates without security (e.g. exempted in will, spouse, direct family) – **Fingerprint verification, personally liable**
 - ii) People doing estates with security (all other nominees / applicants)
 - **security, if not able to obtain security – nominate someone who can, to be appointed**
- 3) Chief Master's Directive:
 - Fingerprint verification
 - "Trusted executors" requirements



LIQUIDATION- & DISTRIBUTION ACCOUNTS

- Reg. 910 recalled – self help service for public
- Uniformity in drafted accounts
 - Choosing of fields to complete – generates specific account format
 - Automated L&D account
 - Ability to upload supporting vouchers
- Ensuring completeness & correctness in L&D Accounts
 - Automated calculation of executor's fees and Master's fee
 - Compulsory areas prompting complete information
- Quicker Master's response
 - Time saving at Master as documents already electronically scanned and loaded by executor;
 - Correct account – less queries
 - Automated reminders
- Ability to download Official Documents like J242, permission to advertise etc.



Lodgement of query sheet requirements

- Lodge all requirements at once (All A-requirements, then all B-requirements etc.)
 - Reduce workload
 - Reduce post

PORTAL

- Technological challenges
- DHA offline
- Only shows system generated documents
- Verification of appointment letters
 - QR Code??



TRUSTS

- **Medical liability / RAF payments**
 - Creation of trusts in court orders to the detriment of the patients
 - In discussion with SIU, RAF, Law Society, State Attorney, Judge Presidents etc.
- **Community trusts**
 - Undetermined beneficiaries
 - Trustees enriching themselves
 - No control

DECEASED ESTATES

- **Secured creditor appointed as executor**
 - After appointment and creditor is paid, the estate is not finalized
 - Often no L&D lodged



HIGH PRIORITIES OPERATIONS /FUNCTIONS

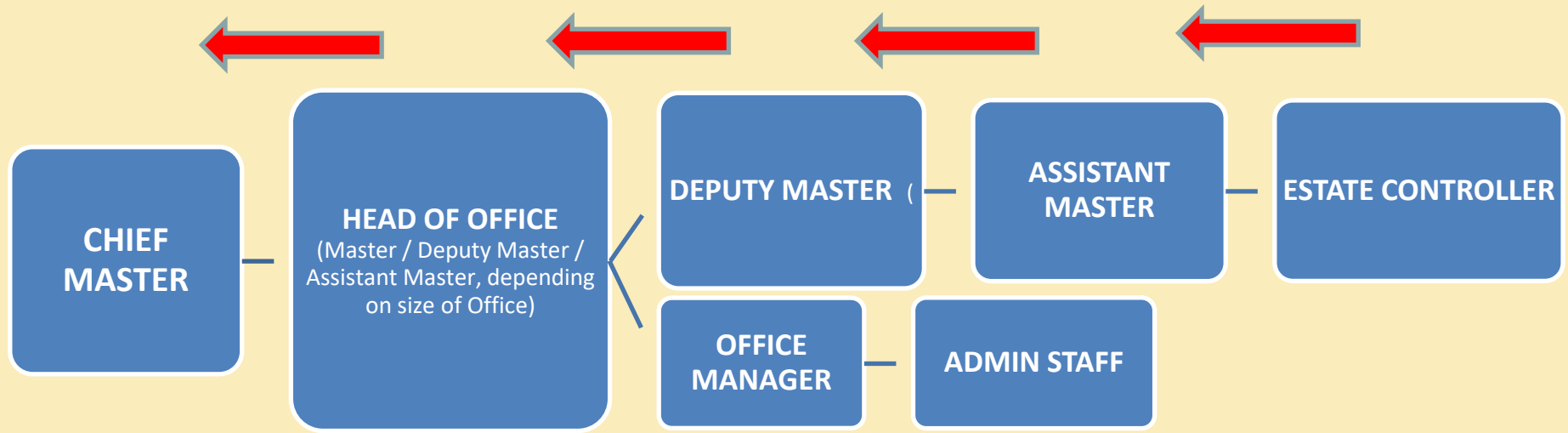
- i) Developing Trust online
- ii) Guardian's Fund
 - i) System enhancements and development
 - ii) Diminishing unclaimed funds – providing beneficiaries access to their funds
- iii) Deceased Estates – Regulation 910
- iv) Enhancing ICMS – Insolvencies
- v) Continuous training provided to Service Point officials on MOVIT and PEAS
- vi) Updating and maintenance of equipment (IT, Scanners, printers etc.)
- vii) Increased control measures by Masters' in Trusts
 - i) Amending the Trust Act



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COMPLAINTS PROTOCOL



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- Over the past years the Masters **work** have steadily increased as can be seen in the table below. In a 5 year period the work done **increased by 12,85%**
- However, the **officials** attending to the same work have **declined** over the same period

	TOTAL APP	Increase
2015/16	275657	
2016/17	302684	
2017/18	301922	
2018/19	311095	12.85%





THANK YOU



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