

**CHAPTER 31:01 - ADMINISTRATION OF ESTATES: SUBSIDIARY LEGISLATION
INDEX TO SUBSIDIARY LEGISLATION**

Administration of Estates (Admissibility of Letters of Administration) Order
Administration of Estates (Remuneration and Allowances Payable to Sworn Appraisers)
Regulations

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**ADMINISTRATION OF ESTATES (REMUNERATION AND ALLOWANCES
PAYABLE TO SWORN APPRAISERS) REGULATIONS**

(under section 125)

(26th November, 1965)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Remuneration of sworn appraisers
3. Transport allowance
4. Subsistence allowance
5. Taxation

L.N. 58, 1965.

1. Citation

These Regulations may be cited as the Administration of Estates (Remuneration and Allowances Payable to Sworn Appraisers) Regulations.

2. Remuneration of sworn appraisers

Every sworn appraiser is entitled to receive remuneration according to the following tariff in respect of every appraisal made by him-

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(a) of P200 or less	2,00
(b) over P200 up to and including P1000	5,00
(c) over P1000 up to and including	7,00

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4,00 P2000

or part

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thereafter

41,50 the first P20 000

2,00 P2000

or part

thereof

thereafter

51,50 the first P20 000

		1,75 P2000 or part thereof thereafter
(h)over er P200 000 up to and inclu ding P400 000	200,25 the first P200 000	
		1,00 P2000 or part thereof thereafter
(i)ove r P400 000 up to and inclu ding P800 000	300,25 the first P400 000	
		0,871/2P20 00 or part thereof thereafter
(j)ove r P800 000	475,25 the first P800 000	
		5,50 P2000 or part thereof thereafter

3. Transport allowance

(1) In addition to the remuneration set out in regulation 2 the following transport allowance may be claimed in all cases in which the appraisalment is made at a place more than 1.6 kilometres from the place of business of the appraiser-

- | | | |
|-----|-------------------------------|-----------------|
| (a) | when own conveyance is used | 10t per km |
| (b) | when public transport is used | the actual cost |
| (c) | when conveyance is hired | the actual cost |

(2) Where, in the course of one journey, appraisements are made on the instructions of one or more persons, the transport allowance claimed in respect of that journey shall be recovered *pro rata* from the persons concerned.

4. Subsistence allowance

In addition to the remuneration and transport allowance set out in regulations 2 and 3, the following subsistence allowance may be claimed-

- (a) for time spent in travelling to and from the place of appraisal per completed hour, but not exceeding P4,00 per day
- (b) for necessary detention while not engaged on that appraisal per completed hour, but not exceeding P4,00 per day

5. Taxation

- (1) The bill of a sworn appraiser shall be taxed by the Master before payment is claimed.
- (2) A copy of the appraisal to which the bill refers shall be attached thereto.
- (3) Full particulars of the distance actually and necessarily travelled shall be given if transport allowance is claimed.
- (4) It shall be stated that the journey was undertaken for the purpose of the appraisal.
- (5) The time occupied in travelling and the time of detention, if any, shall be stated if subsistence allowance is claimed.
- (6) Revenue stamps representing 5t in every Pula or fraction of one Pula of the bill shall be affixed to the bill and cancelled by the Master, as a taxing fee.

ADMINISTRATION OF ESTATES (ADMISSIBILITY OF LETTERS OF ADMINISTRATION) ORDER

(under section 36)

(14th June, 1974)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

- 1. Citation
 - 2. Application of sections 37 and 38 to specified countries
- Schedule

S.I. 84, 1974.

1. Citation

This Order may be cited as the Administration of Estates (Admissibility of Letters of Administration) Order.

2. Application of sections 37 and 38 to specified countries

Sections 37 and 38 of the Act shall apply to letters of administration granted in the countries specified in the Schedule hereto.

SCHEDULE

All Commonwealth countries
Republic of South Africa
Republic of Ireland
United States of America

**ADMINISTRATION OF ESTATES (REMUNERATION OF EXECUTORS,
CURATORS AND TUTORS) REGULATIONS**

(under section 125)

(28th July, 1967)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Authorized remuneration

S.I. 38, 1967.

1. Citation

These Regulations may be cited as the Administration of Estates (Remuneration of the Executors, Curators and Tutors) Regulations.

2. Authorized remuneration

The remuneration of executors, curators and tutors shall be assessed and taxed by the Master according to the following tariff:

Provided that the Master may, in his discretion, authorize a variation from this tariff in special cases if he sees fit:

(a) *Movables*

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(b) *Mortgage bonds*
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(c) *Landed property*

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On purchase price of property sold in lifetime of deceased but

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(d) *Shares and Securities*

(These include Government Stock, Savings Certificates and permanent and contributory shares in building societies and similar institutions.)

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(e) *Insurance policies*
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(Where there is a loan or premiums due to the insurer and /4 per cent
these are deducted from the proceeds, only 1 per cent is
allowed on the portion of the proceeds withheld.)

Surrender value of policies, and present-day (i.e. discounted)
value of future instalments and ultimate capital payment of
income policies, taken over or awarded to beneficiaries

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(f) *Claims in favour of estate*

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- (i) If executor of deceased's estate is not same person as executor in other estate 21/2 per cent
- (ii) If executor is same person as executor in other estate per cent

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(g) *Goodwill*

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(If business is sold as going concern and no distinction is made as to goodwill the rate of commission will depend upon the nature of assets sold e.g. movables 5 per cent immovables 2 per cent.)

(h) *Partnership*

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has been intermingling of such property with the deceased's so that it cannot be identified and the successors have only personal claims for its value, the executor is entitled to the normal commission on all the assets found in the estate.

(k) *Nominal fee in small estates*

Master will normally allow the following in small estates where he considers this tariff is inadequate

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