



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

BRANCH: OFFICE OF THE CHIEF MASTER

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Good day Mesdames: - R Bekker; K Gascoigne and J Steenekamp

RE: WAYFORWARD – MASTERS SERVICES

1. The Master's branch management, led by the Chief Master, considered your request that during IT crisis, some manual processing be considered in Insolvency appointments.
2. As branch management, we in fact adopted a holistic approach and checked generally which areas of the Master's services can be done manually, the risks and the mitigating factors and whether we have any justification for opening some services for manual processing at the exclusion of other services without creating a perception of elitist approach of service rendering.
3. We have thus had divergent views on other areas, but hereunder is our proposed way forward:-

3.1 Deceased Estates

- (i) It will be too risks to revert to manual appointments. These are risks associated to manual appointments which historically and lately manifests themselves through duplication of matters, fraudulent letters of appointments, family feuds complicate the issues, multiple jurisdiction shopping; unfairness to walk-in clients, tedious work in reissuing those appointment letters; the impending SIU investigations, Banks refusal or attitude to manual letters that are not verifiable. Managing people in remote rural areas and the service points.
- (ii) We will continue to issue MBU12 letters to assist with burial costs for deceased's body.
- (iii) We will consider in exceptional and justifiable cases to appoint interim curators in matters complying with section 12 of Act 66 of 1965.
- (iv) Examination of Accounts will continue as it is not system linked. Backlog is to be addressed while system is down.
- (v) Section 42(2) matters must be attended to and backlog reduced.

3.2 Trusts

- (i) There is a general consensus that it is undesirable and risky to do manual appointments. Therefore we might have to wait further with trust matters. While only one office felt it can do this service manually, for consistency sake we agreed to remain uniform in our approach lest we cause forum shopping tendencies.

3.3 Curatorship

- (i) There is a unanimous view that given the lower volumes in these matters that an interim measure, manual appointments be done under strict monitoring and clear guidelines.

3.4 Insolvency

- (i) We were divided on the viability of manual appointments in Insolvency matters. While there is security bond given in these matters, the bond of security is issued for its purpose of covering conditions limited in the bond. Fraudulent letters are not necessarily covered by any bond of security.
- (ii) Consequently we deem it unsafe for now, to allow manual appointments. The challenges related to deceased estates as per 3.1 (i) above will be applicable herein.
- (iii) To mitigate the prejudice and delay we will review the position on Wednesday 6 October 2021.

4. General comments

- 4.1 We appreciate sentiments of your understanding that as a branch, we depend on our IT Unit. The IT Unit is trying its best to restore ICMS so we can serve your member and the broader population of South Africa.
 - 4.2 We are committed to a fair mutually respectful stakeholder engagement. We believe due to such engagements we have managed to think out of the box, and we will endeavour to consider appropriate means to render services in alternative way than electronic.
5. We remain in determined to improve despite all odds we face.

Sincerely


Adv. Mafojane
Chief Master