

# NELSON MANDELA UNIVERSITY



*SUCCESSION AND TRUST LAW CONFERENCE*

*6 OCTOBER 2023*

**2023 ERF- EN TRUSTREGKONFERENSIE**

**2023 SUCCESSION AND TRUST LAW CONFERENCE**  
**Nelson Mandela Universiteit / Nelson Mandela University**  
**George Kampus / Campus**

**PROGRAM / PROGRAMME**

08:00–08:30 **REGISTRASIE / REGISTRATION**

08:30–08:40 **WELKOM / WELCOME:** Prof Willie van der Westhuizen (UV)

08:40–08:50 **WELKOM / WELCOME:** Dr Kaluke Mawila (Kampushoof / Campus Principal, NMU George Kampus / Campus)

08:50–09:10 Prof François du Toit (UCT): **Konferensie-terugblik / Conference retrospective**

**SESSIE 1 / SESSION 1** (Voorsitter / Chair: Prof Willie van der Westhuizen (UV))

09:10–09:40 **Prof Jean Sonnekus (UJ):** Statutêre ontewing?

09:40–10:10 **Prof Bradley Smith (Varsity College & UV):** *PAF v SCF* and the relevance of the “control test” where trust abuse is alleged by divorcing spouses whose marriages are subject to the accrual system (Virtuele aanbieding / Virtual presentation)

10:10–10:40 **Profs Henk Kloppers & Anél Gildenhuys (NWU):** Onlangse regspraak rakende die *pactum successorium*: *Oosthuizen v Barnard* [2023] JOL 57513 (GP) en *Vermeulen v Vermeulen* [2022] JOL 53048 (FB)

10:40–11:10 **Vraag-en-Antwoord / Question-and-Answer**

11:10–11:40 **TEE / TEA**

**SESSIE 2 / SESSION 2** (Voorsitter / Chair: **Prof Elmarie Knoetze (NMU)**)

11:40–12:10 **Ms Refiloe Maunatlala (UP):** A critical appraisal of the extension of the meaning of “spouse” and its effect on the law of intestate succession (with a specific focus on the *Bwanya* case)

12:10–12:40 **Prof Anton van der Linde (UP):** The law of trusts – some aspects for discussion and possible clarification.

12:40–13:00 **Vraag-en-Antwoord / Question-and-Answer**

13:00–14:00 **MIDDAGETE / LUNCH**

**SESSIE 3 / SESSION 3 (Voorsitter / Chair: Prof François du Toit (UCT))**

14:00–14:30 **Dr Eben Nel (NMU & PSG):** Fiduciary law as an independent area of law in South Africa

14:30–15:00 **Me Anél Sahd (Akademia):** Is the law of succession keeping up fast enough?

15:00–15:30 **Mnr Louis van Vuren (FISA):** Teoretiese probleme en praktiese uitdagings i.v.m. die wysigings van die Wet op die Beheer oor Trustgoed en die Regulasies / Theoretical problems and practical challenges regarding the amendments to the Trust Property Control Act and the Regulations

15:30–15:45 **GEMAKSPOUSE / COMFORT BREAK**

15:45–16:15 **Dr Rika van Zyl (UV):** The weight of public policy in the law of succession: a discussion

16:15–16:45 **Dr James Faber (UV):** ’n Begripmatige beskouing van die testeerhandeling ter toeligting van testateursbedoeling in die Suid-Afrikaanse erfreg: ’n voorgestelde “handelingsmodel” in teenstelling met die tradisionele “vereistesmodel” / A conceptual view of the act of testation to elucidate testator’s intention in the South African law of succession: a proposed “act-based model” as opposed to the traditional “requirements model”

**16:45–17:15 Vraag-en-Antwoord / Question-and-Answer**

**17:15–17:30 AFSLUITING / CLOSING**

**BEDANKINGS/VOTE OF THANKS:** Dr Razaana Denson  
(Departementshoof Privaatreg, NMU/ Head of Department, NMU)

**19:00 KONFERENSIE-ETE / CONFERENCE DINNER DEACON HOUSE**

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