



LEGAL NEWSLETTER

NEWSLETTER
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WILL BETWEEN SPOUSE: COOLING PERIOD IN CASE OF DIVORCE

Section 2B of the Amendment Act in respect of the amendment on Succession, Act 43 of 1992 stipulates:

"Effect on a Will in case of Divorce or annulment of marriage where a spouse was nominated as heir:

Should a person die within three months after divorce or annulment of marriage by a Court of Law and such person made a will prior to divorce or annulment of marriage by a Court of Law, distribution of the assets of such deceased person will be made as if the nominated spouse predeceased the died person and the ex-wife will not inherit unless the will of the deceased person stipulates that the ex-spouse must inherit in spite of the divorce or annulment of marriage by a Court of Law.

Shortly the abovementioned means the following:

1. Should a person die within three months from the date of his divorce or annulment of marriage by a Court of Law and his ex-spouse was his nominated heir, the ex-spouse will be considered as having predeceased the deceased person.
2. Any further heirs nominated in the Will, will then inherit.
3. If no further heirs have been nominated, the stipulations of the Intestate Succession Act will apply.
4. The three months are the so called cooling period in which a divorced person can amend his Will.
5. Should a divorced person fail to amend his Will within the three months cooling period and thereafter dies, his ex-wife will still inherit.

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