South African Law of Succession and Trusts

South African Law of Succession and Trusts: The Past Meeting the Present and Thoughts for the Future comprises papers that were presented at a conference held in September 2012 at the University of Cape Town. The conference participants examined the considerable developments that have occurred in the areas of succession and trusts.

The book contains an interesting array of contributions that deal with aspects of ‘mainstream’ succession and trust law. In addition, in keeping with the constitutional recognition of African customary law and different systems of personal law, several contributions deal with the relevance of African customary law and religious law in contemporary South Africa, as well as with the harmonisation of divergent legal systems.

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- Testamentary freedom versus testamentary duty: in search of a better balance - K Lehmann
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- Section 2(3) of the Wills Act 7 of 1953: a retrospective and critical appraisal of some unresolved issues - L Schoeman-Malan, F du Toit, A van der Linde, J Faber
- The modus in modern South African succession law - J Jamneck
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- A few comments on the (possible) revival of the customary law rule of male primogeniture: can the common-law principle of freedom of testament come to its rescue? - C Rautenbach
- Faskh (divorce) and intestate succession in Islamic and South African law: impact of the watershed judgment in Hassam v Jacobs and the Muslim Marriages Bill - M Moosa, M Abduroaf

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- Legal practitioners
- Academics