

**TESTATOR'S FAMILY MAINTENANCE AND  
GUARDIANSHIP OF INFANTS (AMEND-  
MENT) ACT, 1977**

**New South Wales**



**ANNO VICESIMO SEXTO**

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 121, 1977.**

An Act to amend the Testator's Family Maintenance and  
Guardianship of Infants Act, 1916, with respect to  
claims against the estate of a testator or an intestate.  
[Assented to, 9th December, 1977.]

**BE**

*Testator's Family Maintenance and Guardianship of Infants  
(Amendment).*

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Testator's Family Maintenance and Guardianship of Infants (Amendment) Act, 1977". Short title.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act. Commence-  
ment.

(2) Section 3 shall commence on the day that section 5 of the Wills, Probate and Administration (Amendment) Act, 1977, commences.

3. The Testator's Family Maintenance and Guardianship of Infants Act, 1916, is amended by omitting section 11 and by inserting instead the following section :— Amendment  
of Act No.  
41, 1916.  
Sec. 11.

11. (1) Where an executor or administrator of the estate of a testator or an intestate has published notices in or to the effect of the form prescribed by rules of court requiring the claims of beneficiaries (including children conceived but not yet born at the death of the testator or intestate), creditors and other persons in respect of the assets of that estate to be submitted to the executor or administrator by or on behalf of those beneficiaries or by those creditors or other persons, the executor or administrator may, at the expiration of the period for submitting those claims specified in the notices or, as the case may be, specified in the last of the notices, distribute the assets, or any part of the assets, of that estate among the persons entitled, having regard to any applications under this Act of which the executor or administrator has notice at the time of the distribution. Distribution  
of assets.

---

*Testator's Family Maintenance and Guardianship of Infants  
(Amendment).*

---

(2) An executor or administrator who distributes the assets or any part of the assets of the estate of a testator or an intestate in accordance with subsection (1) is not liable in respect of those assets or that part of those assets to any person of whose application under this Act he did not have notice at the time of the distribution.

(3) This section does not prevent the court from making an order directing that provision under this Act be made out of assets that have been distributed in accordance with subsection (1).

---