

THE UNION TRUSTEE COMPANY OF AUSTRALIA, LIMITED (AMENDMENT) ACT.

An Act to make provision consequential on the ~~Elizabeth II~~ amalgamation of certain Trustee Companies incorporated within the State of Victoria and carrying on business within the State of New South Wales; and for purposes connected therewith. [Assented to, 26th March, 1963.]

WHEREAS a certain Company styled "The Union Trustee Company of Australia, Limited" formed and registered under the provisions of the Companies Acts in force in the State of Victoria and duly registered in the State of New South Wales under the provisions of the Companies Act in force in the State of New South Wales has for many years acted as a Trustee Company and filled the offices of trustee, executor, administrator, receiver, agent and other like offices within the State of New South Wales pursuant to the powers and authorities granted to it by the Parliament of New South Wales under The Union Trustee Company of Australia, Limited, Act of 1914 as amended by The Union Trustee Company of Australia, Limited (Amendment) Act of 1919 and by the Trustee Companies Act, 1952: AND WHEREAS a certain Company styled "The Fidelity Trustee Company Limited" formed and registered under the provisions of the Companies Acts in force in the State of Victoria and duly registered in the State of New South Wales under the provisions of the Companies Act in force in the State of New South Wales has for a number of years acted as a Trustee Company and filled the offices of trustee, executor, administrator, receiver, agent and other like offices within the State of Victoria: AND WHEREAS the said two Companies have agreed to amalgamate pursuant to an agreement made on the nineteenth day of June, one thousand nine hundred and sixty-two: AND WHEREAS in accordance with the said agreement the amalgamation was approved by special resolution passed at an extraordinary meeting of the shareholders of each of the said Companies on the seventeenth day of July, one thousand nine hundred and sixty-two

sixty-two

Elizabeth II sixty-two : AND WHEREAS an Act intituled the Trustee Companies (Amalgamation) Act 1962 was duly passed by the Parliament of the State of Victoria and received the Royal Assent upon the thirtieth day of October, one thousand nine hundred and sixty-two : AND WHEREAS the last-mentioned Act provides, inter alia, that the rights, powers, capacities, authorities, duties, liabilities, and obligations as executor, administrator, trustee, receiver, committee or guardian, guarantee or surety, attorney or agent, of The Fidelity Trustee Company Limited shall be transferred to The Union Trustee Company of Australia, Limited on the allotment of shares and the payment of money by The Union Trustee Company of Australia, Limited to the shareholders of The Fidelity Trustee Company Limited in accordance with the provisions of the said agreement and that all rights, powers, capacities, authorities, duties, liabilities, and obligations so transferred as aforesaid shall vest in The Union Trustee Company of Australia, Limited and be exercisable by and binding upon it in the same manner and to the same extent as they were exercisable by and binding upon The Fidelity Trustee Company Limited : AND WHEREAS the said allotment of shares and the said payment of money by The Union Trustee Company of Australia, Limited to the shareholders of The Fidelity Trustee Company Limited has now been made : AND WHEREAS pursuant to the said agreement The Union Trustee Company of Australia, Limited has changed its name to "The Union-Fidelity Trustee Company of Australia Limited" : AND WHEREAS it is expedient to make provision within the State of New South Wales consequential on the amalgamation of the two said Companies : Be it therefore 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 :—

Short title.

1. This Act may be cited as "The Union Trustee Company of Australia, Limited (Amendment) Act, 1963".

2. (1) The rights, powers, capacities, authorities, duties, liabilities, and obligations as executor, administrator, trustee, receiver, committee or guardian, guarantee or surety, attorney

attorney or agent, of The Fidelity Trustee Company Limited within the State of New South Wales shall be transferred to The Union Trustee Company of Australia, Limited as from the commencement of this Act and all rights, powers, capacities, authorities, duties, liabilities, and obligations so transferred as aforesaid shall vest in The Union Trustee Company of Australia, Limited and be exercisable by and binding upon it in the same manner and to the same extent as they were exercisable by and binding upon The Fidelity Trustee Company Limited. Elizabeth II

(2) Where either before or after the commencement of this Act any person died or dies having by his will appointed The Fidelity Trustee Company Limited as executor and trustee of his will and Probate of such will has not been re-sealed by the Supreme Court of New South Wales in its Probate Jurisdiction, The Union Trustee Company of Australia, Limited shall have the same right to a re-seal of Probate of such will or to have the trust estate transferred to or vested in it as The Fidelity Trustee Company Limited would have had if the said amalgamation had not taken place and this Act had not been passed.

3. Any reference in any Act, regulation, document, paper or order to "The Union Trustee Company of Australia, Limited" shall as from the commencement of this Act be read and construed as a reference to "The Union-Fidelity Trustee Company of Australia Limited".

4. The change of name of The Union Trustee Company of Australia, Limited to The Union-Fidelity Trustee Company of Australia Limited shall not affect the identity of the Company or any rights or obligations of the Company or render defective any legal proceedings by or against the Company, and any legal proceedings that might have been continued or commenced by or against the Company by its former name may be continued or commenced by or against it by its new name.
