

PUBLIC TRUSTEE (AMENDMENT) ACT.

Act No. 20, 1960.

Elizabeth II, No. 20, 1960. An Act to amend the law relating to the administration of estates by the public trustee; for this and other purposes to amend the Public Trustee Act, 1913, and certain other Acts; and for purposes connected therewith. [Assented to, 7th April, 1960.]

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:—

Short title and citation.

1. (1) This Act may be cited as the "Public Trustee (Amendment) Act, 1960."

(2) The Public Trustee Act, 1913, as amended by subsequent Acts and by this Act, may be cited as the Public Trustee Act, 1913-1960.

Amendment of Act No. 19, 1913.

2. (1) The Public Trustee Act, 1913, as amended by subsequent Acts, is amended—

Sec. 6.
(Appointment, powers, and duties of deputy public trustees.)

(a) (i) by inserting in subsection two of section six after the words "is made to" the words "or any notice or document is required or authorised to be served on,";

(ii) by inserting in the same subsection after the words "extend to" the words "or the notice or document may be served on";

Sec. 12.
(General powers and duties.)

(b) by inserting next after paragraph (vi) of subsection one of section twelve the following new paragraph:—

(vii) as a receiver of any other property.

(c)

(c) by omitting subsection one of section eighteen and by inserting in lieu thereof the following subsections :—

—
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Sec. 18.
(Grant of probate or administration to public trustee.)

(1) The court may grant probate or letters of administration of any will or estate to the public trustee by that name.

(1A) (a) Where the public trustee applies for letters of administration of the estate of any person, domiciled in New South Wales or elsewhere, who died, either before or after the commencement of the Public Trustee (Amendment) Act, 1960, intestate, leaving property in New South Wales, and letters of administration of that deceased person's estate—

- (i) have not been granted to any person; or
- (ii) have been granted to some person other than the public trustee and the grant has been revoked or the person to whom the grant was made has died without completing the administration of the estate,

the public trustee shall, subject to paragraph (b) of this subsection, be entitled as of right to a grant of letters of administration of the estate of that deceased person.

An application by the public trustee for letters of administration of any such deceased person's estate shall, subject to this subsection, be made in accordance with the provisions of the Principal Act and the rules of court made thereunder.

(b) Where letters of administration of any such deceased person's estate—

- (i) have not been granted to any person; or
- (ii) have been granted to some person and the grant has been revoked or the person to whom the grant was made has died without completing the administration of the estate,

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and the public trustee and some other person severally apply for letters of administration of the estate the court may grant letters of administration of the estate to the public trustee or that other person, as the court thinks fit.

(c) Where the public trustee applies for letters of administration of any such deceased person's estate it shall not be necessary for him to cite any person or to obtain or file the consent of any person to such letters of administration being granted to the public trustee, and the court shall not require the public trustee to cite any person or obtain or file any such consent.

(d) Nothing in this subsection requires the consent or citation of the public trustee to the grant of letters of administration to any other person.

Sec. 18A.
(Election by public trustee to administer.)

- (d) (i) by omitting from subsections one, two and (3A) of section 18A the words "six hundred pounds" wherever occurring and by inserting in lieu thereof the words "two thousand pounds";
- (ii) by omitting from subsection five of the same section the words "one thousand pounds" and by inserting in lieu thereof the words "three thousand pounds";

Sec. 33.
(Payment to widow.)

- (e) by omitting from subsection one of section thirty-three the words "two hundred pounds" and by inserting in lieu thereof the words "five hundred pounds";

Sec. 34.
(Maintenance, etc., of infant or incapable person—moneys not exceeding £500.)

- (f) (i) by omitting from section thirty-four the words "and such moneys do not exceed five hundred pounds";
- (ii) by inserting at the end of the same section the following new paragraph:—

The public trustee may at any time and from time to time request a judge of the Supreme Court to give him directions as to the administration of any such moneys or to vary directions which may already have been given in

in regard thereto, or to determine any matter relating thereto, and any direction or determination of the judge shall, if given effect to by the public trustee, exonerate him from any claim or demand by any person whomsoever. No. 20, 1960.

- (g) (i) by omitting from subsection one of section 34B the words "to which this subsection applies";
- (ii) by omitting from the same subsection the words "six months" and by inserting in lieu thereof the words "three months";
- (iii) by omitting subsection two of the same section;
- (h) by omitting from paragraphs (n), (o) and (p) of subsection two of section thirty-five the words "one thousand pounds" wherever occurring and inserting in lieu thereof the words "ten thousand pounds".

(2) The amendment made by paragraph (e) of subsection one of this section shall apply to and in respect of intestate estates of persons who died before as well as of persons who die after the commencement of this Act.