TRUSTEE ORDINANCE 1969

No. 56 of 1969

An Ordinance to amend "The Trustee Act, 1893", of the State of South Australia in its application to the Northern Territory

[Assented to 10 December, 1969]

BE it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

1.—(1.) This Ordinance may be cited as the *Trustee Ordinance* 1969. Short title and citation

(2.) "The Trustee Act, 1893", of the State of South Australia is in this Ordinance referred to as the Principal Statute.

(3.) The Principal Statute as amended by this Ordinance may be cited as the *Trustee Act and Ordinance* 1893 to 1969.

2. This Ordinance shall come into operation on the date on which the *Administration and Probate Ordinance* 1969 comes into operation.* Commencement

3. Section 21 of the Principal Statute is amended— Power for trustees to compound, &c.

(*a*) by omitting sub-section (1.);

(*b*) by omitting from sub-section (2.)—

(i) the words "an executor or administrator or"; and

(ii) the words "to the testator's or intestate's estate or"; and

(*c*) by omitting from sub-section (4.) the words "executorships, administratorships, and".

4. Section 22 of the Principal Statute is amended— Distribution of trust property after notice by trustee

(*a*) by omitting from sub-section (1.)—

(i) the words "representative or" (wherever occurring);

(ii) the words "against the estate of the deceased person or";

(iii) the words "the estate of the deceased person or" (second occurring); and

(iv) the words "estate or";

* That date was 8 February, 1971.

(*b*) by omitting from sub-section (2.)—

(i) the words "representative or" (wherever occurring); and

(ii) the words "against the estate of a deceased person or";

(*c*) by omitting from sub-section (3.) the words "estate or"; and

(*d*) by omitting from sub-section (4.) the words "representative or".

Repeal of Sections 70 and 72

5. Sections 70 and 72 of the Principal Statute are repealed.

Power of Court to sell interest of Crown in real estate

6. Section 73 of the Principal Statute is amended—

(*a*) by omitting from sub-section (1.) the words "to the Treasurer of the said province for the public revenue thereof." and inserting in their stead the words "into the Consolidated Revenue Fund.";

(*b*) by omitting sub-section (2.) and inserting in its stead the following sub-section:—

"(2.) The Supreme Court on any such sale may make an order vesting the hereditament, estate or interest in the purchaser or requiring the person in whom it is vested or deemed to be vested to convey it to the purchaser."; and

(*c*) by omitting sub-section (3.) and inserting in its stead the following sub-sections:—

"(3.) A person who claims to be entitled to any moneys paid into the Consolidated Revenue Fund under this section may apply to the Court for an order declaring him to be so entitled and, if the Court is satisfied that the applicant is entitled to those moneys or a part of those moneys, it may make an order accordingly.

"(4.) Upon receipt by the Attorney-General of an office copy of an order under the last preceding sub-section, the Attorney-General shall pay to the person in whose favour the order was made the amount specified in the order out of moneys lawfully available for the purpose.".

Repeal of section 74

7. Section 74 of the Principal Statute is repealed.

8. Section 78 of the Principal Statute is repealed and the following section inserted in its stead:—

Trustee's remuneration

"79. The Court may allow to a trustee out of the trust property, for his pains and trouble, either periodically or otherwise, such commission or other remuneration, not exceeding five per centum, as it thinks just and reasonable.".

9. Section 82 of the Principal Statute is amended by omitting from the definition of "representative" the words "the Public Trustee" and inserting in their stead the words "the Curator of Estates of Deceased Persons appointed under the *Administration and Probate Ordinance* 1969". Definitions

10. Notwithstanding the amendments effected by this Ordinance, the provisions of the Principal Statute continue to apply to and in relation to the estates of persons dying before the commencement of this Ordinance. Saving

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