



ANNO DECIMO NONO

ELIZABETHAE II REGINAE

A.D. 1970

No. 4 of 1970

An Act to amend the Administration and Probate Act, 1919-1960.

[Assented to 20th August, 1970.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Administration and Probate Act Amendment Act, 1970". Short titles.

(2) The Administration and Probate Act, 1919-1960, as amended by this Act, may be cited as the "Administration and Probate Act, 1919-1970".

(3) The Administration and Probate Act, 1919-1960, is hereinafter referred to as "the principal Act".

2. Section 27 of the principal Act is amended by striking out from subsection (1) the passage "Supreme Court Act, 1878" and inserting in lieu thereof the passage "Supreme Court Act, 1935-1969".

Amendment of principal Act, s. 27—
Where a will affecting real estate is proved in solemn form, the persons interested in the real estate to be cited.

3. Section 33 of the principal Act is amended by striking out from subsection (1) the passage "where the estate is under five hundred pounds in value".

Amendment of principal Act, s. 33—
Court may dispense with bond.

Amendment of
principal Act,
s. 56—
Statement and
account to be
delivered.

4. Section 56 of the principal Act is amended by striking out from subsection (2) the passage “Companies Act, 1934-1956” and inserting in lieu thereof the passage “Companies Act, 1962-1968, or any corresponding previous enactment”.

Amendment of
principal Act,
s. 65—
Administrator
to deliver
property to
Public
Trustee.

5. Section 65 of the principal Act is amended—

(a) by inserting after subsection (2) the following subsection:—

(2a) The Public Trustee may, in his discretion, (but subject to the provisions of any will or instrument of trust) realize, or postpone the realization of, any real or personal property delivered, conveyed or transferred to him under subsection (1) of this section. ;

(b) by striking out from subsection (3) the passage “Companies Act, 1892, or The Companies Act, 1934” and inserting in lieu thereof the passage “Companies Act, 1962-1968, or any corresponding previous enactment” ;

and

(c) by inserting after subsection (4) the following subsection:—

(5) Subject to the provisions of any will or instrument of trust, the Public Trustee may, if he is satisfied that it will be advantageous to the beneficiaries, authorize the sale of any trust property, not exceeding four thousand dollars in value, to the administrator, or to the administrator conjointly with any other person, notwithstanding that the property has not been offered for sale by public auction or otherwise.

Amendment of
principal Act,
s. 71—
Payment with-
out production
of probate or
letters of
administration.

6. Section 71 of the principal Act is amended by striking out from subsection (1) the passage “one hundred pounds” and inserting in lieu thereof the passage “one thousand two hundred dollars”.

Amendment of
principal Act,
s. 72—
Payment by
bank.

7. Section 72 of the principal Act is amended by striking out from subsection (1) the passage “fifty pounds” and inserting in lieu thereof the passage “one thousand two hundred dollars”.

8. Section 88 of the principal Act is amended by striking out from subsection (1) the passage "not being exclusively for a religious purpose".

Amendment of
principal Act,
s. 88—
Public Trustee
may be
appointed
administrator.

In the name and on behalf of Her Majesty, I hereby
assent to this Bill.

J. W. HARRISON, Governor.