



ANNO VICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1972

No. 10 of 1972

An Act to amend the Wills Act, 1936-1966.

[Assented to 23rd March, 1972]

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 "Wills Act Amendment Act, 1972". Short titles.
 (2) The Wills Act, 1936-1966, as amended by this Act, may be cited as the "Wills Act, 1936-1972".
 (3) The Wills Act, 1936-1966, is hereinafter referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 3 of the principal Act is amended by inserting after the definition of "real estate" the following definitions:— Amendment of principal Act, s. 3—
Interpretation.
 "the Court" means the Supreme Court of South Australia:
 "the Registrar" means the Registrar of Probates or a deputy Registrar of Probates:.

4. Section 17 of the principal Act is repealed and the following section is enacted and inserted in its place:— Repeal of s. 17 of principal Act and enactment of section in its place.
 17. (1) No will or testamentary provision therein shall be void by reason only of the fact that the execution of the will is attested by a person, or the spouse of a person, who has or may acquire, in terms of the will or provision, any interest in property subject thereto.

(2) Where the execution of a will has been so attested the following provisions shall apply:—

- (a) any application for probate of the will, or letters of administration of the estate, of the deceased must be accompanied by an affidavit reciting the fact that the execution of the will has been so attested;
- (b) the Registrar may require one or more of the attesting witnesses to furnish an affidavit or affidavits setting forth in detail the circumstances surrounding the execution and attestation of the will;
- (c) the Registrar, if not completely satisfied of the due execution of the will may refer the matter to a Judge of the Court;
- (d) the Court may—
 - (i) upon the reference of proceedings under paragraph (c) of this subsection;
 - or
 - (ii) upon application by any beneficiary under the will or a previous will of the deceased, or a person who would be interested in the estate of the deceased upon intestacy,grant probate of the will of the deceased in solemn form, or make any other order that it is competent for the Court to make upon an application for proof of the will in solemn form.

(3) Any three or more Judges of the Supreme Court may, subject to, and in accordance with, the Supreme Court Act, 1935, as amended, make rules of Court regulating the practice and procedure of the Court in proceedings under this section.

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

M. L. OLIPHANT, Governor