

**WILLS, PROBATE AND ADMINISTRATION (AMENDMENT)
BILL, 1979**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Trustee Companies (Amendment) Bill, 1979.

The object of this Bill is to amend the Wills, Probate and Administration Act, 1898, in order—

- (a) to authorise a person who has been appointed the executor of the will of a deceased person and who has not renounced or taken probate to appoint the public trustee or a trustee company as an additional executor of the will (Schedule 1 (3) (a) and (b)); and
 - (b) to alter certain provisions relating to trustee companies by way of statute law revision (Schedule 1 (1), (2) and (3) (c)).
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**WILLS, PROBATE AND ADMINISTRATION
(AMENDMENT) BILL, 1979**

No. , 1979.

A BILL FOR

An Act to amend the Wills, Probate and Administration Act, 1898,
with respect to the appointment of the public trustee or a
trustee company as executor, and by way of statute law
revision.

[Mr F. J. WALKER—20 *November*, 1979.]

Wills, Probate and Administration (Amendment).

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 :—

5 **1.** This Act may be cited as the “Wills, Probate and Short title.
Administration (Amendment) Act, 1979”.

2. The Wills, Probate and Administration Act, 1898, is Amendment
amended in the manner set forth in Schedule 1. of Act No.
13, 1898.

SCHEDULE 1.

Sec. 2.

**10 AMENDMENTS TO THE WILLS, PROBATE AND ADMINISTRATION
ACT, 1898.**

(1) Section 3, definition of “Trustee company”—

After the definition of “Seal of the Court”, insert :—

15 “Trustee company” means an incorporated company
authorised by Act of Parliament of this State to act
as trustee in New South Wales.

(2) (a) Section 64 (3)—

20 Omit “the Permanent Trustee Company of New South
Wales (Limited) or the Perpetual Trustee Company
(Limited)”, insert instead “a trustee company”.

(b) Section 64 (3)—

Omit “forty thousand dollars”, insert instead
“\$50,000”.

Wills, Probate and Administration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE WILLS, PROBATE AND ADMINISTRATION
ACT, 1898—*continued.*

(3) (a) Section 75A (1)—

5 After “in his place or stead”, insert “or as co-executor
with him or with the continuing executors (including
the appointor), as the case may be.”.

(b) Section 75A (1)—

10 After “it has been appointed”, insert “or as an
additional executor thereof, as the case may be”.

(c) Section 75A (10)—

Omit the subsection.

These things are done in full and true accordance with the law.

SCHEDULE

As amended by Act No. 195, 1952

(a) The following shall be...

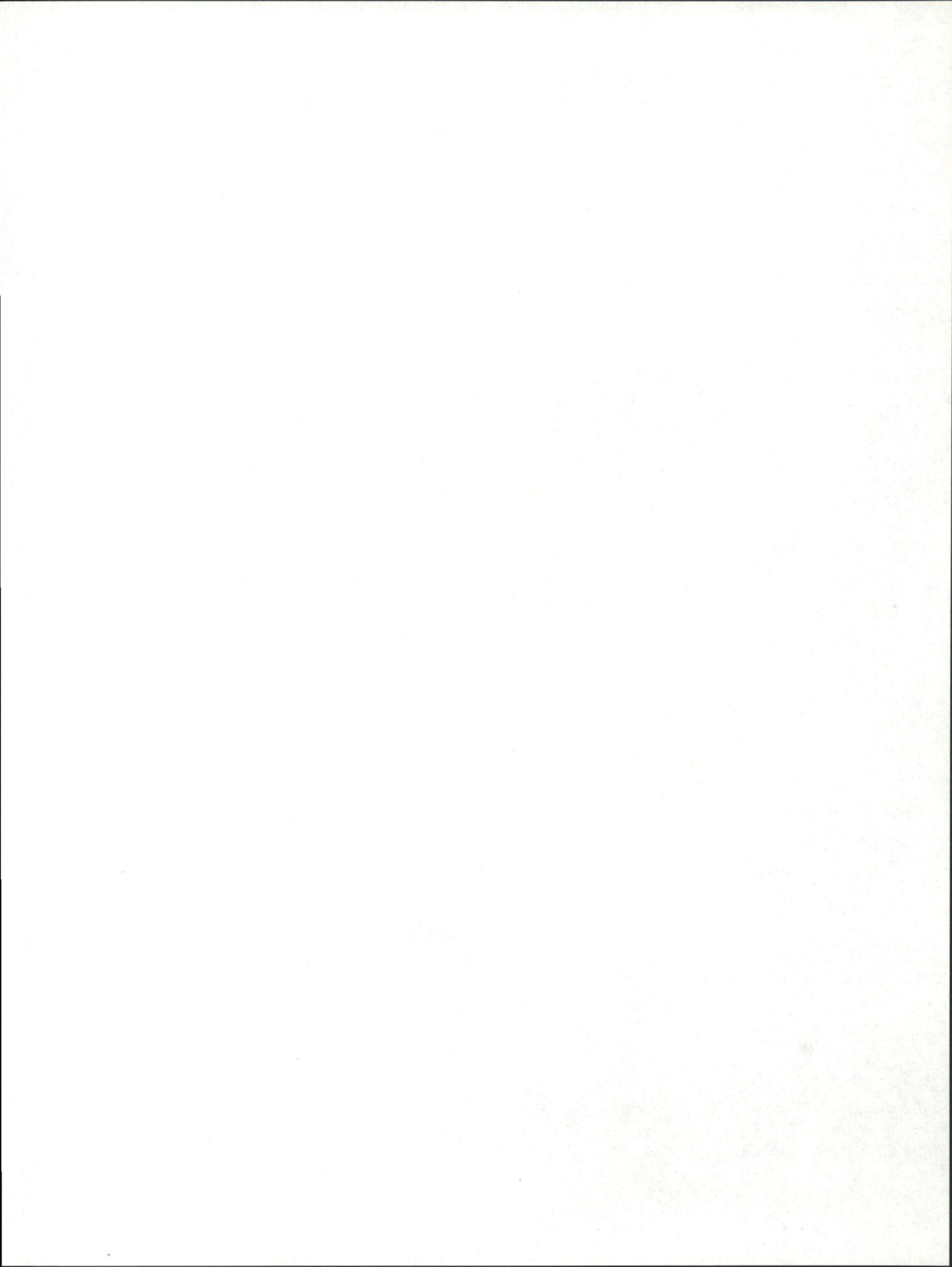
...

(b) The following shall be...

...

(c) The following shall be...

...





**WILLS, PROBATE AND ADMINISTRATION
(AMENDMENT) ACT, 1979, No. 187**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 187, 1979.

An Act to amend the Wills, Probate and Administration Act, 1898,
with respect to the appointment of the public trustee or a
trustee company as executor, and by way of statute law
revision. [Assented to, 21st December, 1979.]

Wills, Probate and Administration (Amendment).

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. **1.** This Act may be cited as the "Wills, Probate and Administration (Amendment) Act, 1979".

Amendment of Act No. 13, 1898. **2.** The Wills, Probate and Administration Act, 1898, is amended in the manner set forth in Schedule 1.

Sec. 2.

SCHEDULE 1.

AMENDMENTS TO THE WILLS, PROBATE AND ADMINISTRATION
ACT, 1898.

(1) Section 3, definition of "Trustee company"—

After the definition of "Seal of the Court", insert :—

"Trustee company" means an incorporated company authorised by Act of Parliament of this State to act as trustee in New South Wales.

(2) (a) Section 64 (3)—

Omit "the Permanent Trustee Company of New South Wales (Limited) or the Perpetuai Trustee Company (Limited)", insert instead "a trustee company".

(b) Section 64 (3)—

Omit "forty thousand dollars", insert instead "\$50,000".

Wills, Probate and Administration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE WILLS, PROBATE AND ADMINISTRATION
ACT, 1898—*continued.*

(3) (a) Section 75A (1)—

After “in his place or stead”, insert “or as co-executor with him or with the continuing executors (including the appointor), as the case may be,”.

(b) Section 75A (1)—

After “it has been appointed”, insert “or as an additional executor thereof, as the case may be”.

(c) Section 75A (10)—

Omit the subsection.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 21st December, 1979.*

