

TRUSTEES DELEGATION OF POWERS BILL.

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*SCHEDULE of the Amendment referred to in Message of 27th October, 1915.*

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Page 3, clause 6, line 1. After the word "of" insert "or temporarily absent from"

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TRUSTERS DELEGATION OF POWERS BILL

NOTES of the Amendment reported to the House of Representatives, 1916.

Page 3, clause 6, line 7. After the word "and" insert "or temporarily absent from"



This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,  
Acting Clerk of the Legislative Assembly,  
Legislative Assembly Chamber,  
Sydney, 7 October, 1915.

THE LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

W. L. S. COOPER,  
Clerk of the Parliaments.  
Legislative Council Chamber,  
Sydney, 27th October, 1915.

## New South Wales.



ANNO SEXTO

# GEORGII V REGIS.

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Act No. , 1915.

An Act to enable certain trustees, executors, and administrators to delegate their powers; to validate certain delegations and acts; and for purposes consequent thereon or incidental thereto.

BE it enacted by the King'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:—

1. This Act may be cited as the "Trustees Delegation Short title of Powers Act, 1915."

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431—

2.

NOTE.—Words to be inserted are in black letter.



*Trustees Delegation of Powers.*

- 2.** In the Act, unless the context otherwise requires :— Definition.
- “Trustee” means any trustee, executor, or administrator of real or personal property in New South Wales, whether appointed by order of any court, or by Act, deed, will, letters of administration, or other instrument, and whether the order or instrument creating the trust or appointing the trustee, executor, or administrator is made or executed out of New South Wales or not; and the term “trust” extends to the duties of any such trustee, executor, or administrator.
- 3.** (1) Any trustee, who for the time being is residing out of or temporarily absent from New South Wales, if not expressly prohibited by the order or instrument creating the trust, may, by power of attorney, delegate to any person residing in New South Wales all or any of the powers, authorities, and discretions vested in such trustee, so far as such powers, authorities, and discretions affect or are capable of being exercised over such of the trust property as is situated in New South Wales. Non-resident trustees may delegate certain person. N.Z. Trustee Act, 1908, s. 103.
- (2) Any trustee who for the time being is residing in New South Wales, but who is about to depart therefrom, may in like manner exercise all or any of the powers of delegation by this Act conferred on any trustee residing out of New South Wales. Ibid. s. 104
- (3) Any delegation under the last two preceding subsections shall not be operative for more than two years. Limit of time.
- 4.** Where there are two or more trustees of the same property any such delegation shall only be operative if made by or with the consent in writing of all the trustees. Where there are two or more trustees.
- 5.** Any trustee who delegates his powers under the provisions of this Act shall remain answerable for all acts and omissions of the donee of the powers, within the scope of the delegation, as if they were the acts and omissions of such trustee. Original trustee to remain responsible.
- 6.** Every power of attorney or other delegation by deed executed before the coming into operation of this Act Validation. N.Z. Act, s. 106.



*Trustees Delegation of Powers.*

Act by a trustee residing out of or temporarily absent from New South Wales, or if residing therein about to depart therefrom, delegating to a person residing in New South Wales all or any of the powers, authorities, and 5 discretions vested in such trustee, so far as such powers, authorities, and discretions affect or are capable of being exercised over such of the trust property as is situated in New South Wales, and every deed, act, matter, or thing heretofore or hereafter executed or done by virtue 10 of such power of attorney or other delegation shall be deemed to have been and to be as good, valid, and effectual as if this Act had been in force at the time of the execution of such power of attorney or other delegation.

15 **7.** All jurisdiction and powers of any court shall apply to the donee of a power-of-attorney or other delegation given or executed under or validated by this Act so far as respects the execution of the trust in the same manner as if the donee were a trustee of the trust.

Liability of attorney.  
5 Geo. V,  
c. 13, s. 1 (3)

20 **8.** A statutory declaration by the donee of a power-of-attorney given under or validated by this Act that the donor of the power is residing out of or temporarily absent from New South Wales, and that the donee has not received any notice of the revocation of the power 25 by death or otherwise shall if made immediately before or after the performance of or submission to any act by the donee within the scope of the power be conclusive evidence of such absence and non-revocation in favour of any person who bona fide and without notice deals 30 with the donee on the faith of such declaration.

Protection of persons dealing with attorney.  
cf. No. 37 of 1901, s. 14.

**9.** (1) The fact that it appears from any power-of-attorney given under or validated by this Act or from any evidence required for the purposes of any such power-of-attorney or otherwise that in dealing with any 35 stock or money in a bank the donee of the power is acting in the execution of a trust shall not be deemed for any purpose to affect any person in whose books the stock is inscribed or registered, or in whose hands the money is deposited, with any notice of the trust.

Protection for banks, companies, and others.  
5 Geo. V, c. 13,  
s. 2 (3) (4).

40 (2) In this section the expression "stock" includes shares, and any fund, annuity, or security transferable in books kept by any person or by any instrument of transfer, either alone or accompanied by other formalities, and any share or interest therein.



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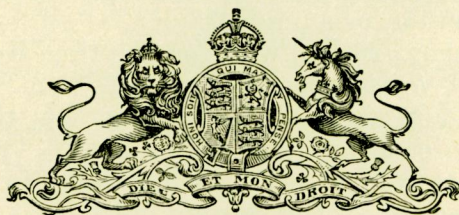


I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,  
*Acting Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 28 October, 1915.*

## New South Wales.



ANNO SEXTO

# GEORGI V REGIS.

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## Act No. 31, 1915.

An Act to enable certain trustees, executors, and administrators to delegate their powers; to validate certain delegations and acts; and for purposes consequent thereon or incidental thereto. [Assented to, 10th November, 1915.]

**B**E it enacted by the King'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:—

**1.** This Act may be cited as the "Trustees Delegation Short title. of Powers Act, 1915."

**2.** In the Act, unless the context otherwise Definition. requires:—

"Trustee" means any trustee, executor, or administrator of real or personal property in New South Wales, whether appointed by order of

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

THOS. H. THROWER,  
*Chairman of Committees of the Legislative Assembly.*



*Trustees Delegation of Powers.*

of any court, or by Act, deed, will, letters of administration, or other instrument, and whether the order or instrument creating the trust or appointing the trustee, executor, or administrator is made or executed out of New South Wales or not; and the term "trust" extends to the duties of any such trustee, executor, or administrator.

Non-resident trustees may delegate certain person.

N.Z. Trustees Act, 1908, s. 103.

**3.** (1) Any trustee, who for the time being is residing out of or temporarily absent from New South Wales, if not expressly prohibited by the order or instrument creating the trust, may, by power of attorney, delegate to any person residing in New South Wales all or any of the powers, authorities, and discretions vested in such trustee, so far as such powers, authorities, and discretions affect or are capable of being exercised over such of the trust property as is situated in New South Wales.

*Ibid.* s. 104.

(2) Any trustee who for the time being is residing in New South Wales, but who is about to depart therefrom, may in like manner exercise all or any of the powers of delegation by this Act conferred on any trustee residing out of New South Wales.

Limit of time.

(3) Any delegation under the last two preceding subsections shall not be operative for more than two years.

Where there are two or more trustees.

**4.** Where there are two or more trustees of the same property any such delegation shall only be operative if made by or with the consent in writing of all the trustees.

Original trustee to remain responsible.

**5.** Any trustee who delegates his powers under the provisions of this Act shall remain answerable for all acts and omissions of the donee of the powers, within the scope of the delegation, as if they were the acts and omissions of such trustee.

Validation.  
N.Z. Act,  
s. 106.

**6.** Every power of attorney or other delegation by deed executed before the coming into operation of this Act by a trustee residing out of or temporarily absent from New South Wales, or if residing therein about to depart therefrom, delegating to a person residing in New South Wales all or any of the powers, authorities, and discretions vested in such trustee, so far as such powers, authorities,



*Trustees Delegation of Powers.*

authorities, and discretions affect or are capable of being exercised over such of the trust property as is situated in New South Wales, and every deed, act, matter, or thing heretofore or hereafter executed or done by virtue of such power of attorney or other delegation shall be deemed to have been and to be as good, valid, and effectual as if this Act had been in force at the time of the execution of such power of attorney or other delegation.

**7.** All jurisdiction and powers of any court shall apply to the donee of a power-of-attorney or other delegation given or executed under or validated by this Act so far as respects the execution of the trust in the same manner as if the donee were a trustee of the trust.

Liability of attorney.  
5 Geo. V,  
c. 13, s. 1 (3).

**8.** A statutory declaration by the donee of a power-of-attorney given under or validated by this Act that the donor of the power is residing out of or temporarily absent from New South Wales, and that the donee has not received any notice of the revocation of the power by death or otherwise shall if made immediately before or after the performance of or submission to any act by the donee within the scope of the power be conclusive evidence of such absence and non-revocation in favour of any person who bona fide and without notice deals with the donee on the faith of such declaration.

Protection of persons dealing with attorney.  
cf. No. 37 of 1901, s. 14.

**9.** (1) The fact that it appears from any power-of-attorney given under or validated by this Act or from any evidence required for the purposes of any such power-of-attorney or otherwise that in dealing with any stock or money in a bank the donee of the power is acting in the execution of a trust shall not be deemed for any purpose to affect any person in whose books the stock is inscribed or registered, or in whose hands the money is deposited, with any notice of the trust.

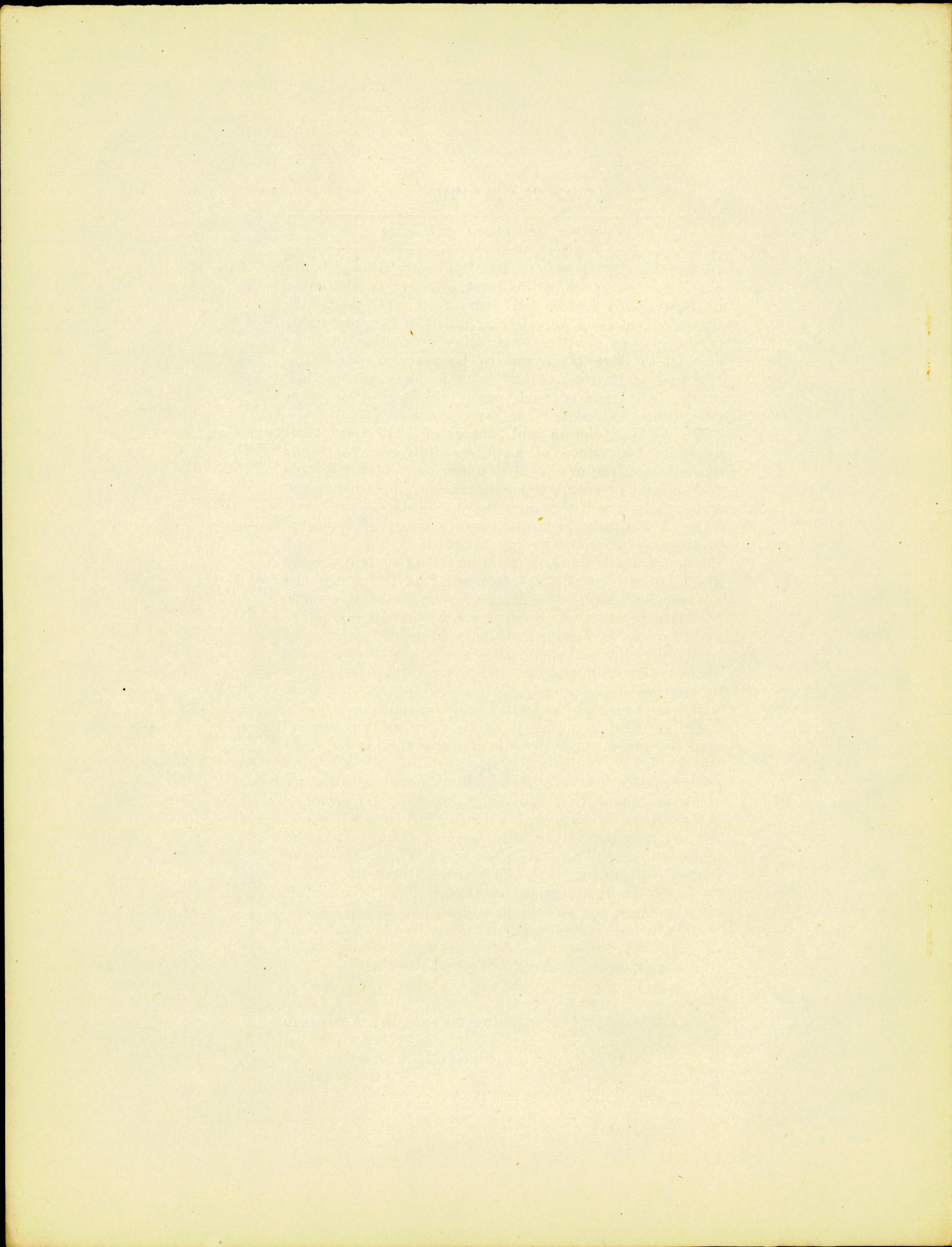
Protection for banks, companies, and others.  
5 Geo. V, c. 13,  
s. 2 (3) (4).

(2) In this section the expression "stock" includes shares, and any fund, annuity, or security transferable in books kept by any person or by any instrument of transfer, either alone or accompanied by other formalities, and any share or interest therein.

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

G. STRICKLAND,  
State Government House, Governor.  
Sydney, 10 November, 1915.



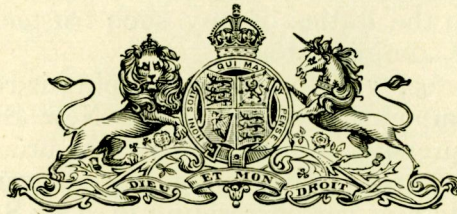




*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. S. MOWLE,  
*Acting Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 7 October, 1915.*

## New South Wales.



ANNO SEXTO

# GEORGI V REGIS.

\*\*\*\*\*

Act No. , 1915.

An Act to enable certain trustees, executors, and administrators to delegate their powers; to validate certain delegations and acts; and for purposes consequent thereon or incidental thereto.

**B**E it enacted by the King'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:—

**1.** This Act may be cited as the "Trustees Delegation Short title of Powers Act, 1915."



*Trustees Delegation of Powers.*

**2.** In the Act, unless the context otherwise Definition.  
requires :—

5 “Trustee” means any trustee, executor, or adminis-  
trator of real or personal property in New  
South Wales, whether appointed by order  
of any court, or by Act, deed, will, letters of  
administration, or other instrument, and  
10 whether the order or instrument creating the  
trust or appointing the trustee, executor, or  
administrator is made or executed out of New  
South Wales or not; and the term “trust”  
extends to the duties of any such trustee, ex-  
ecutor, or administrator.

**3.** (1) Any trustee, who for the time being is resid- Non-resident  
trustees may  
delegate cer-  
tain person.  
N.Z. Trustee  
Act, 1908,  
s. 103.  
15 out of or temporarily absent from New South  
Wales, if not expressly prohibited by the order or  
instrument creating the trust, may, by power of  
attorney, delegate to any person residing in New South  
Wales all or any of the powers, authorities, and discre-  
20 tions vested in such trustee, so far as such powers,  
authorities, and discretions affect or are capable of being  
exercised over such of the trust property as is situated  
in New South Wales.

(2) Any trustee who for the time being is residing Ibid. s. 104.  
25 in New South Wales, but who is about to depart there-  
from, may in like manner exercise all or any of the  
powers of delegation by this Act conferred on any trustee  
residing out of New South Wales.

(3) Any delegation under the last two preceding Limit of time.  
30 subsections shall not be operative for more than two years.

**4.** Where there are two or more trustees of the same Where there  
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or more  
trustees.  
property any such delegation shall only be operative  
if made by or with the consent in writing of all the  
trustees.

**5.** Any trustee who delegates his powers under the Original trus-  
tee to remain  
responsible.  
35 provisions of this Act shall remain answerable for all  
acts and omissions of the donee of the powers, within the  
scope of the delegation, as if they were the acts and  
omissions of such trustee.

**6.** Every power of attorney or other delegation by Validation.  
N.Z. Act,  
s. 106.  
40 deed executed before the coming into operation of this

Act



*Trustees Delegation of Powers.*

Act by a trustee residing out of New South Wales, or if residing therein about to depart therefrom, delegating to a person residing in New South Wales all or any of the powers, authorities, and discretions vested in such trustee, so far as such powers, authorities, and discretions affect or are capable of being exercised over such of the trust property as is situated in New South Wales, and every deed, act, matter, or thing heretofore or hereafter executed or done by virtue of such power of attorney or other delegation shall be deemed to have been and to be as good, valid, and effectual as if this Act had been in force at the time of the execution of such power of attorney or other delegation.

7. All jurisdiction and powers of any court shall apply to the donee of a power-of-attorney or other delegation given or executed under or validated by this Act so far as respects the execution of the trust in the same manner as if the donee were a trustee of the trust.

Liability of attorney.

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8. A statutory declaration by the donee of a power-of-attorney given under or validated by this Act that the donor of the power is residing out of or temporarily absent from New South Wales, and that the donee has not received any notice of the revocation of the power by death or otherwise shall if made immediately before or after the performance of or submission to any act by the donee within the scope of the power be conclusive evidence of such absence and non-revocation in favour of any person who bona fide and without notice deals with the donee on the faith of such declaration

Protection of persons dealing with attorney.

cf. No. 37 of 1901, s. 14.

9. (1) The fact that it appears from any power-of-attorney given under or validated by this Act or from any evidence required for the purposes of any such power-of-attorney or otherwise that in dealing with any stock or money in a bank the donee of the power is acting in the execution of a trust shall not be deemed for any purpose to affect any person in whose books the stock is inscribed or registered, or in whose hands the money is deposited, with any notice of the trust.

Protection for banks, companies, and others.

5 Geo. V, c. 13, s. 2 (3) (4).

(2) In this section the expression "stock" includes shares, and any fund, annuity, or security transferable in books kept by any person or by any instrument of transfer, either alone or accompanied by other formalities, and any share or interest therein.



