

THE NORTHERN TERRITORY OF AUSTRALIA

No. 90 of 1979

AN ACT

To amend the Administration and Probate Act

[Assented to 10 August 1979]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

- | | |
|---|---------------------------------|
| 1. This Act may be cited as the <u>Administration and Probate Act (No. 2) 1979</u> . | Short title |
| 2. This Act shall come into operation on the same day as the <u>Public Trustee Act 1979</u> . | Commencement |
| 3. The <u>Administration and Probate Act</u> is in this Act referred to as the Principal Act. | Principal Act |
| 4. Section 6 of the Principal Act is amended - | Interpretation |
| (a) by omitting the definition of "Acting Curator"; | |
| (b) by omitting the definition of "Acting Deputy Curator"; | |
| (c) by omitting the definition of "Deputy Curator"; | |
| (d) by inserting after the definition of "probate" the following definition:
"'Public Trustee' has the same meaning as in the <u>Public Trustee Act</u> "; and | |
| (e) by omitting the definition of "the Curator". | |
| 5. Sections 11, 12 and 13 of the Principal Act are repealed. | Repeal |
| 6. Section 23(6) of the Principal Act is amended by omitting "Curator" and substituting "Public Trustee". | Administration bond to be given |

Administration and Probate (No. 2)

- Court may order assignment 7. Section 25 of the Principal Act is amended by omitting "Curator" (wherever occurring) and substituting "Public Trustee".
- Costs on caveat 8. Section 50 of the Principal Act is amended by omitting "Curator" and substituting "Public Trustee".
- Estate to vest in Public Trustee 9. Section 51 of the Principal Act is amended -
- (a) by omitting "Curator" (wherever occurring) and substituting "Public Trustee";
 - (b) by inserting after "in pursuance of this Ordinance" the words "or the Public Trustee Act"; and
 - (c) by omitting sub-section (2).
10. Section 71B(1) of the Principal Act is amended by inserting after "belonged" the words "or the Public Trustee".
- Repeal 11. Part VI of the Principal Act is repealed.
- Savings
- 12.(1) Where a person died before the commencement of this Act, the Public Trustee shall administer the estate of that person in the name of the Curator of Estates of Deceased Persons under the Principal Act as if this Act had not been enacted.
- (2) Where before the commencement of this Act the Curator of Estates of Deceased Persons had accrued any right, duty, obligation or liability, that right, duty, obligation or liability vests in or imposes upon the Public Trustee and it shall be dealt with by the Public Trustee in the name of the Curator of Estates of Deceased Persons under the Principal Act as if this Act had not been enacted.
- (3) Where a person had a right that could be exercised against the Curator of Estates of Deceased Persons under a provision of the Principal Act that was repealed by this Act, the person may exercise that right against the Public Trustee in the name of the Curator of Estates of Deceased Persons under the Principal Act as if this Act had not been enacted.