



ANNO VICESIMO PRIMO

# ELIZABETHAE II REGINAE

A.D. 1972

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## No. 5 of 1972

### An Act to amend the Administration and Probate Act, 1919-1971

[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 "Administration and Probate Act Amendment Act, 1972". Short titles.

(2) The Administration and Probate Act, 1919-1971, as amended by this Act, may be cited as the "Administration and Probate Act, 1919-1972".

(3) The Administration and Probate Act, 1919-1971, 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 88a of the principal Act is amended—

- (a) by striking out from subsection (1) the passage "in any cause or matter the Court" and inserting in lieu thereof the passage "any court";
- (b) by striking out from subsection (1) the passage "the Court" where it occurs for the second time in subsection (1) and inserting in lieu thereof the passage "that court";
- (c) by striking out from subsection (3) the passage "the Court" and inserting in lieu thereof the passage "the court by which the judgment, order or decree was made";

Amendment of principal Act, s. 88a—  
Court may direct that amount of judgement, etc., be paid to Public Trustee.

(d) by striking out from subsection (4) the passage “the Court” and inserting in lieu thereof the passage “the court by which the judgment order or decree was given or made”;

and

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

(5) In this section—

“court” means any court, or person acting judicially, exercising jurisdiction either within or outside this State.

Amendment of  
principal Act,  
s. 102—  
Moneys  
received by  
Public Trustee.

4. Section 102 of the principal Act is amended—

(a) by striking out from subsection (4) the passage “belonging to any estate received by the Public Trustee under this Act” and inserting in lieu thereof the passage “received by the Public Trustee under this Act, any other Act or law, any judgment or order of a court, or any judicial authority”;

(b) by striking out from subsection (8) the passage “Administration and Probate Act Amendment Act, 1932” and inserting in lieu thereof the passage “Administration and Probate Act Amendment Act, 1972”;

and

(c) by striking out paragraph (a) of subsection (8) and inserting in lieu thereof the following paragraph:—

(a) to pay into a common fund all moneys (other than moneys directed to be invested in specified securities) received by him;

Amendment of  
principal Act,  
s. 102a—  
Power to  
borrow on  
overdraft.

5. Section 102a of the principal Act is amended by striking out the passage “one hundred thousand pounds” and inserting in lieu thereof the passage “one million dollars”.

Amendment of  
principal Act,  
s. 112—  
Charges of  
Public Trustee.

6. Section 112 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “in force under rules made under section 122: Provided that, until a scale is prescribed by rule so made and in force, the scale in force at the commencement of the Administration and Probate Act Amendment Act, 1937, shall apply” and inserting in lieu thereof the passage “fixed by regulation under this section”;

and

(b) by inserting after subsection (5) the following subsections:—

(6) The Governor may from time to time fix by regulation a scale of commission for the purposes of this section.

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(7) Until a scale of commission is fixed pursuant to subsection (6) of this section, the scale of commission in force under this Act immediately before the commencement of the Administration and Probate Act Amendment Act, 1972, shall continue in force.

7. Section 122 of the principal Act is amended by striking out paragraph (e1).

Amendment of  
principal Act,  
s. 22—  
Court may  
make rules.

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

M. L. OLIPHANT, Governor