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[CONFIDENTIAL]

(Rough Draft for Consideration Only.)

No. , 1934.

A BILL

To require security to be given by an executor of a will who applies for probate thereof; and for that and other purposes to amend the Wills, Probate and Administration Act, 1898-1932; and for purposes connected therewith.

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. (1) This Act may be cited as the "Wills, Probate and Administration (Amendment) Act, 1934." Short title.

(2) The Wills, Probate and Administration Act, 1898-1932, as amended by this Act, may be cited as the Wills, Probate and Administration Act, 1898-1934.

2. The Wills, Probate and Administration Act, 1898-1932, is amended— Amendment of Act No. 13, 1898.

(a) (i) by inserting in subsection one of section sixty-four after the word "administration" wherever occurring the words "or probate"; Sec. 64 (1). (Administration bond.)

(ii) by inserting at the end of the same section the following new subsections:—

(4) No such bond shall be required to be given where the will of the testator directs that no such bond shall be required.

(5) A reference in this Act to an administration bond shall be deemed to include a bond given by an executor pursuant to this section.

(b) (i) by inserting in paragraph (a) of section sixty-six after the word "administration" the words "or probate"; Sec. 66. (Administration may be revoked or further bond required.)

(ii) by inserting in paragraph (b) of the same section after the word "administrator" the words "or executor";

(iii) by inserting in paragraph (c) of the same section after the word "administrator" where firstly and thirdly occurring the words "or executor";

(c) by inserting in subsection two of section one hundred and eight after the word "such" wherever occurring the words "probate or." Sec. 108. (Affixing of seal.)

3. The Wills, Probate and Administration Act, 1898-1932, is further amended — Further amendment of Act No. 13, 1898.

(a) by inserting at the end of subsection three of section 46c the following words:—
"Administrative expenses may include the reasonable cost of the erection of a tombstone on the grave of the deceased person." Sec. 46c. (Administration of assets.)

(b) by inserting in subsection two of section one hundred and fifty-four after the word "Gazette" the following words: "shall take effect from such publication or from a later date specified in the rule or orders"; Sec. 154. (Rules.)

(c)

Wills, Probate and Administration (Amendment).

(c) by inserting at the end of the same section the following words:—

“If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after any rule or order has been laid before such House disallowing any rule or order or part thereof, such rule or order or part shall thereupon cease to have effect.”
