



ANALYSIS

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1964, No. 24

An Act to amend the Administration Act 1952

[3 November 1964]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Administration Amendment Act 1964, and shall be read together with and deemed part of the Administration Act 1952 (hereinafter referred to as the principal Act).

2. Other enactments conferring powers to deal with estate not affected—Section 43 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) Nothing in this section or elsewhere in this Act shall affect the powers of any person or body to make any payment to, or register any person to be, the owner of any property in accordance with any of the provisions of section 43A or section 43B of this Act or section 109 of the Shipping and Seamen Act 1952, section 86 of the Patents Act 1953, section 41 of the Designs Act 1953, section 58 of the Trade Marks Act 1953, or section 86 of the Companies Act 1955,

or of any other enactment for the time being in force authorising the payment of money belonging to the estate of a deceased person without requiring administration of the estate to be obtained.”

3. New sections inserted—The principal Act is hereby amended by inserting, after section 43, the following sections:

“43A. Devolution of loan stock without administration—

(1) Where the registered holder of either Government stock or local authorities stock has died, whether before or after the commencement of this section, and the total nominal amount of either the Government stock or the local authorities stock does not exceed five hundred pounds, the Reserve Bank of New Zealand, as Registrar of Stock, may, in its discretion and without requiring any person to obtain administration, register as holder of the stock any person who proves to its satisfaction:

“(a) That administration of the estate of the deceased stockholder has not been obtained in New Zealand by any person; and

“(b) That he is entitled either—

“(i) To the stock under the will or on the intestacy of the deceased stockholder; or

“(ii) To obtain in New Zealand administration of the estate of the deceased stockholder.

“(2) In this section,—

“‘Government stock’ means any stock issued under Part III of the New Zealand Loans Act 1953:

“‘Local authorities stock’ means any stock issued under Part III of the Local Authorities Loans Act 1956.

“43B. Payment without administration—(1) In this section,—

“‘Bank’ means a bank within the meaning of the Banking Act 1908; and includes the Reserve Bank of New Zealand established under the Reserve Bank of New Zealand Act 1933, the Post Office Savings Bank established under the Post Office Act 1959, and any trustee savings bank established under the Trustee Savings Banks Act 1948 and any private savings bank within the meaning of the Private Savings Banks Act 1964:

“‘Local authority’ means any local authority within the meaning of Part XII of the Public Revenues Act 1953:

“‘Society’ means any building society formed under or subject to the Building Societies Act 1908, any industrial and provident society registered or deemed to be registered under the Industrial and Provident Societies Act 1908, or any friendly society or branch thereof registered or deemed to be registered under the Friendly Societies Act 1909:

“‘Superannuation fund trustees’ means the trustees or administering body of any pension plan or superannuation fund; and includes the Government Superannuation Fund Board and the National Provident Fund Board:

“‘Trustee company’ means a trustee company within the meaning of the Trustee Companies Act 1960.

“(2) In the event of the death of any person to whom any sum of money not exceeding five hundred pounds is payable by superannuation fund trustees, a society, a bank, his employer at the date of his death, a local authority, a trustee company, the Maori Trustee, the Public Trustee, or the Crown, whether the death occurred before or after the commencement of this section, it shall be lawful for the superannuation fund trustees, society, bank, employer, or local authority, or trustee company, or the Maori Trustee, or the Public Trustee, or the Crown, as the case may be, without requiring administration of the estate of that deceased person to be obtained in New Zealand, and on receiving such evidence as it deems satisfactory that the person has died and that administration of his estate has not been obtained in New Zealand, to pay the sum or any part thereof to any of the following persons:

“(a) The widow, widower, or children of the deceased person:

“(b) The persons entitled to the estate of the deceased person under the will or on the intestacy of that person:

“(c) Any person appearing to be entitled to obtain administration of the estate of the deceased person in New Zealand:

“(d) Any person related by blood or marriage to the deceased person who undertakes to maintain the infant children of that person:

“(e) Any person who has the custody and control of the infant children of the deceased person:

“Provided that no payment shall be made to any person unless he applies for or consents to receive that payment.

“(3) It shall be lawful for the Post Office Savings Bank established under the Post Office Act 1959 or for a trustee savings bank established under the Trustee Savings Banks Act 1948 to pay the funeral expenses of a deceased person, out of any money to which subsection (2) of this section applies, in any case where no person applies for or consents to receive payment of the money under subsection (2) of this section.

“(4) Where money is payable by a bank in the event of the death of any person and comprises money in a separate investment account under the National Savings Act 1940 and also other money, the provisions of subsections (2) and (3) of this section shall apply separately to the amount of money in the investment account and to the amount of other money as if each such amount was the only amount payable by the bank in the event of the death of that person.

“(5) Where by virtue of a policy or policies of insurance within the meaning of the Life Insurance Act 1908, a sum of money not exceeding five hundred pounds (including profits but not including any money that may be payable to or deductible by the company liable under the policy or policies) has become payable to the administrator of a deceased person, whether before or after the commencement of this section, it shall be lawful for the company, without requiring administration of the estate of the deceased person to be obtained in New Zealand, and upon receiving such evidence as it deems satisfactory that the person has died and that administration of his estate has not been obtained in New Zealand, to make payment of the sum or any part thereof to any of the persons to whom payment may be made under paragraphs (a) to (d) of subsection (2) of this section.

“(6) Any payment made in good faith pursuant to this section shall be valid against all persons whomsoever and the maker of the payment shall be absolutely discharged from all liability in respect of money paid by him under this section.

“(7) Every person to whom money is paid pursuant to this section shall be liable to apply the money in due course of administration, and the maker of the payment may, if he thinks fit, without being liable to see to the application of the money, require any such person to give sufficient undertakings, by bond or otherwise, that the money so paid will be so applied.

“(8) Nothing in this section shall prevent any person to whom the said money or any part thereof ought to have been paid from pursuing and exercising any remedy for recovery

thereof against the person or persons to whom the money has been paid.

“43c. Notice to Commissioner of Inland Revenue—Where any person is registered as the holder of either Government stock or local authorities stock pursuant to section 43A of this Act, or where any payment is made pursuant to the provisions of section 43B of this Act, notice of the registration or payment shall be given to the Commissioner of Inland Revenue in the manner and within the time prescribed in section 68 of the Estate and Gift Duties Act 1955.”

4. Repeals, amendments, and savings—(1) The enactments specified in the Schedule to this Act are hereby repealed.

(2) The Emergency Forces Payments Without Probate Regulations 1952 are hereby revoked.

(3) Section 9 of the Industrial and Provident Societies Act 1908 is hereby amended by omitting from paragraph (f) the words “or payable”.

(4) Section 150 of the Hospitals Act 1957 is hereby amended by repealing subsections (2) to (7), and substituting the following subsection:

“(2) Where any person dies while he is an inmate or patient of any institution and there is in the possession of a Board a sum of money not exceeding five hundred pounds payable to that deceased person, the Board shall be entitled to deduct and retain from the said sum of money any amount lawfully recoverable by it in respect of the cost of relief provided by it for the deceased person and the amount of any funeral expenses paid by it in respect of the deceased person; and the Board may pay any balance remaining after such deductions in accordance with the provisions of section 43B of the Administration Act 1952 (as inserted by section 3 of the Administration Amendment Act 1964).”

(5) Section 67 of the Life Insurance Act 1908 is hereby amended—

(a) By inserting in paragraph (b), after the words “the executor or administrator of such parent”, the words “or to any person to whom payment may be made under the provisions of subsection (2) of section 43B of the Administration Act 1952 (as inserted by section 3 of the Administration Amendment Act 1964)”; and

(b) By inserting in paragraph (b), after the word “administrator”, where it secondly appears, the words “or such person”.

(6) Nothing in this Act shall affect the power of any building society, friendly society, industrial and provident society, or trustee savings bank or private savings bank, or the Post Office Savings Bank, to make payment of any money or to transfer any property in accordance with a nomination made by any person pursuant to any other enactment.

SCHEDULE

ENACTMENTS REPEALED

- 1908, No. 18—The Building Societies Act 1908: Sections 29 and 30. (1957 Reprint, Vol. 1, p. 707.)
- 1908, No. 105—The Life Insurance Act 1908: Section 76. (1957 Reprint, Vol. 8, p. 367.)
- 1909, No. 12—The Friendly Societies Act 1909: Section 58. (1957 Reprint, Vol. 5, p. 463.)
- 1920, No. 84—The Life Insurance Amendment Act 1920: Section 5. (1957 Reprint, Vol. 8, p. 387.)
- 1940, No. 7—The National Savings Act 1940: Section 10. (1957 Reprint, Vol. 10, p. 881.)
- 1948, No. 62—The Trustee Savings Banks Act 1948: Section 19. (1957 Reprint, Vol. 16, p. 246.)
- 1950, No. 55—The National Provident Fund Act 1950: Section 74. (1957 Reprint, Vol. 10, p. 830.)
- 1953, No. 62—The Friendly Societies Amendment Act 1953: Sub-section (2) of section 5. (1957 Reprint, Vol. 5, p. 493.)
- 1953, No. 73—The Public Revenues Act 1953: Section 112. (1957 Reprint, Vol. 12, p. 307.)
- 1953, No. 74—The New Zealand Loans Act 1953: Section 32. (1957 Reprint, Vol. 11, p. 208.)
- 1956, No. 63—The Local Authorities Loans Act 1956: Section 76. (1957 Reprint, Vol. 8, p. 484.)
- 1956, No. 91—The National Savings Amendment Act 1956: (1957 Reprint, Vol. 10, p. 886.)
- 1957, No. 36—The Public Trust Office Act 1957: Section 111. (1957 Reprint, Vol. 12, p. 457.)
- 1959, No. 30—The Post Office Act 1959: Section 123.

This Act is administered in the Department of Justice.
