



## ANALYSIS

Title	2. Statutory powers of manager
1. Short Title	3. Interim protection order

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1975, No. 58

**An Act to amend the Aged and Infirm Persons Protection  
Act 1912** [9 October 1975]

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 Aged and Infirm Persons Protection Amendment Act 1975, and shall be read together with and deemed part of the Aged and Infirm Persons Protection Act 1912 (hereinafter referred to as the principal Act).

**2. Statutory powers of manager**—(1) The principal Act is hereby amended by repealing section 10, and substituting the following section:

“10. (1) Where the manager is the Public Trustee, or the Public Trustee together with any other person or persons, the manager shall have in relation to the protected estate the powers, authorities, and discretions set out in the Third Schedule to the Mental Health Act 1969 subject to the restrictions appearing in that Schedule and to any further restrictions which the Court may impose in the order appointing the manager.

“(2) Where the manager is not, or does not include, the Public Trustee, the manager shall have in relation to the protected estate such of the powers, authorities, and discretions set out in the said Schedule (with the necessary modifications) as the Court directs in the order appointing the manager or in any further order which the Court may make upon the application of the manager.

“(3) Without limiting the provisions of this or any other enactment, a manager may apply to the Court—

“(a) For directions as to the exercise of any of his powers, authorities, and discretions in respect of the protected estate or for the removal or variation of any restriction thereon appearing in the said Schedule or imposed by the Court:

“(b) Where he is a manager appointed before the commencement of this section who is not, or does not include, the Public Trustee, for any order which may be made under subsection (2) of this section in the case of a manager appointed after the commencement of this section:

“(c) Where he is a manager who derives any of his powers from the provisions of an order made under subsection (2) of this section, for any further order contemplated by that subsection:

and on any such application the Court may make such order as it thinks fit.

“(4) Without limiting the provisions of subsection (3) of this section, an order made under subsections (2), (3) (b), or (3) (c) of this section may confer powers, authorities, and discretions upon a manager to be exercised generally in respect of the protected estate or part thereof, or upon any special occasion, or in respect of any particular subject-matter and may confer those powers either with or without the restrictions appearing in the said Third Schedule or with additional restrictions.

“(5) For the purposes of this section the said Schedule shall be read as if—

“(a) A reference to a patient or a protected patient were a reference to a protected person;

“(b) A reference to a person being mentally disordered were a reference to a person being a protected person; and

“(c) Except where the context otherwise requires, a reference—

“(i) To the estate were a reference to the protected estate; and

“(ii) To land, property, or any other asset were a reference to land, property, or other asset forming part of the protected estate.

“(6) This section shall apply in all cases whether the protection order is made before or after the commencement of this section.”

(2) Section 12 of the principal Act is hereby repealed.

(3) Every order made under the repealed sections 10 and 12 of the principal Act and in force at the commencement of this section, shall enure for the purposes of the principal Act as fully and effectually as if the said sections 10 and 12 had not been repealed.

**3. Interim protection order**—(1) Section 29A of the principal Act (as inserted by the Aged and Infirm Persons Protection Amendment Act 1969) is hereby amended by repealing subsection (5), and substituting the following subsections:

“(5) Where an interim protection order is made under subsection (1) of this section the following provisions of this Act shall apply to the interim manager and the protected estate:

“(a) Section 10 (1), where the interim manager is the Public Trustee, or the Public Trustee together with any other person or persons:

“(b) Section 10 (2), where the interim manager is not, or does not include, the Public Trustee:

“(c) Sections 10 (3), 10 (4), and 10 (5)—

as if, in each case, references to the manager were references to the interim manager and references to the Court were references to the Magistrate.

“(5A) In making an interim protection order the Magistrate—

“(a) May confer on the interim manager such further powers as the Court could confer on a manager under section 11 of this Act:

“(b) Shall direct how and to whom the interim manager shall, on the expiry of the order, account for any money and other property that he has taken possession of pursuant to the order.”

(2) Every order made under the repealed section 29A (5) of the principal Act and in force at the commencement of this section, shall enure for the purposes of the principal Act as fully and effectually as if the said section 29A (5) had not been repealed.

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This Act is administered in the Department of Justice.

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