

Hon. Mr. Coates.

AGED AND INFIRM PERSONS PROTECTION AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Aged and Infirm Persons Protection Act, Title, 1912.

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

1. This Act may be cited as the Aged and Infirm Persons Protection Amendment Act, 1922, 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). Short Title.

2. (1.) Notwithstanding the generality of the powers as to the appointment of managers of protected estates, conferred on the Court by the principal Act, the Court shall not appoint any person other than the Public Trustee as manager of the estate of any protected person unless it is proved to the satisfaction of the Court that there is some sufficient reason why such person should be so appointed in preference to the Public Trustee. Save in exceptional cases, Public Trustee to be appointed manager of protected estate. Cf. 1911, No. 6, sec. 115 1921, No. 28, sec. 7

(2.) When any application is made to the Court to appoint any person other than the Public Trustee as manager of the estate of any protected person, notice of the application shall be given to the Public Trustee and to the nearest District Public Trustee by the person making the same.

(3.) The Public Trustee shall be entitled to be heard on any such application, and the costs of the Public Trustee (including the costs of obtaining such reports as the Public Trustee deems necessary) shall be allowed to the Public Trustee out of the estate of such protected person.

Notice of order to be sent to Public Trustee.

3. Forthwith on the appointment of any person other than the Public Trustee as the manager of a protected estate, or on the rescinding or varying of any order appointing a manager, the Registrar of the Court shall send to the Public Trustee and to the nearest District Public Trustee notice of the appointment or of the order rescinding or varying an order of appointment, as the case may be. 5

Moneys in protected estate administered by Public Trustee to be paid into Common Fund.

4. Subject to any order of the Court to the contrary, all moneys coming into the hands of the Public Trustee as manager of the estate of any protected person shall form part of the Common Fund of the Public Trust Office. 10

Additional powers conferred on Public Trustee in respect of protected estates.

5. In addition to the powers conferred on him by the principal Act, the Public Trustee shall, in respect of any protected estate of which he is appointed manager under that Act, have all such powers as he would for the time being have if the protected person were a mental patient under the Mental Defectives Act, 1911, and the Public Trustee were authorized to administer his estate pursuant to that Act. In particular, and without limiting the generality of the foregoing provisions of this section, the Public Trustee shall, in any such case, have the powers conferred on him with respect to the estates of mental patients by sections one hundred, one hundred and one, one hundred and two, and one hundred and three of the last-mentioned Act. 15 20

Statement to be furnished to Public Trustee by other managers.

1911, No. 6, sec. 118
1921, No. 28, sec. 8

6. (1.) It shall be the duty of every person, other than the Public Trustee, who has heretofore been or may hereafter be appointed the manager of a protected estate in pursuance of the principal Act, to render to the Public Trustee, at such times and in such form as he shall prescribe, a statement showing the property comprised in the estate, the manner in which that property has been administered and applied, the condition of the property, and such other particulars relating to the estate as may be prescribed or directed by the Public Trustee. 25 30

(2.) Every such statement shall be verified by the statutory declaration of the manager, and where the Public Trustee so directs, shall be supported by vouchers. 35

(3.) If any manager fails or refuses to render any such statement, verified as aforesaid, in the manner and at the times so prescribed, he shall be liable to a fine not exceeding *fifty* pounds for every such offence.

(4.) The Public Trustee may cause any such statement or the accounts relating thereto to be examined and reported upon by any person he may appoint in that behalf. 40

(5.) The Public Trustee may commence or institute proceedings against the manager for any breach of duty, and may apply to the Court *ex parte* for an injunction to restrain any such breach or to prohibit the commission of any such breach. 45

(6.) Section eighteen of the principal Act is hereby repealed.

7. Section nineteen of the principal Act is hereby amended by omitting the words "as the Court may from time to time direct," and substituting therefor the words "as the Public Trustee from time to time determines." 50

Repeal.

Section 19 of principal Act amended.