

FAMILY PROTECTION AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Family Protection Act 1955.

Clause 2 gives effect to a recommendation of the Law Revision Committee, and provides that, on any application under the principal Act, it shall be the duty of the administrator to place before the Court all relevant information in his possession concerning the financial affairs of the estate and the deceased's reasons for making the dispositions made by his will or for not making any provision or any further provision, as the case may be, for any person. This duty does not extend so as to require administrators to disclose information known to them by reason only of its having been communicated to them in circumstances which impose an obligation, whether legal or moral, on them not to disclose it, if its disclosure in connection with any Family Protection application would be a breach of that obligation.

Hon. Mr Mason

FAMILY PROTECTION AMENDMENT

ANALYSIS

Title
1. Short Title

| 2. Duty of administrator to assist
Court

A BILL INTITULED

An Act to amend the Family Protection Act 1955

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

1. Short Title—This Act may be cited as the Family Protection Amendment Act 1959, and shall be read together with and deemed part of the Family Protection Act 1955 (hereinafter referred to as the principal Act).

10 **2. Duty of administrator to assist Court**—The principal Act is hereby amended by inserting, after section eleven, the following section:

15 “11A. On any application under this Act it shall be the duty of the administrator to place before the Court all relevant information in his possession concerning the financial affairs of the estate and the deceased’s reasons for making the dispositions made by his will or for not making any provision or any further provision, as the case may be, for any person:

“Provided that the duty imposed by this section shall not extend so as to require the administrator to place any such information before the Court if it is known to him by reason only of its having come to his knowledge in circumstances which impose an obligation, whether legal or moral, on the administrator not to disclose it, and its disclosure in connection with any application under this Act would be a breach of that obligation.” 5