

LAW REFORM (TESTAMENTARY PROMISES) AMENDMENT
BILL

EXPLANATORY NOTE

THIS Bill brings the limitation provisions of the Law Reform (Testamentary Promises) Act 1949 into line with those in Part II of the Family Protection Act 1908 relating to testator's family maintenance.

Section 6 of the principal Act provides that an action to enforce a claim under the Act must be brought within twelve months after the grant of probate or letters of administration in the estate of the deceased, with a proviso allowing any action to be brought within three months after the passing of the Act on 20 October 1949.

This Bill repeals that proviso (which is spent), and substitutes a new proviso empowering the Supreme Court or a Judge to extend the time for commencing an action. This power is to extend to cases where the time has expired before the application for extension is made, even if it has expired before the passing of this Bill. But an application for extension must be made before the estate is distributed, as no distribution made before the date of the application is to be disturbed.

Hon. Mr Webb

LAW REFORM (TESTAMENTARY PROMISES)
AMENDMENT

ANALYSIS

Title.		2. Time for commencing action may
1. Short Title.		be extended.

A BILL INTITULED

AN ACT to amend the Law Reform (Testamentary Promises) Act 1949. Title.

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

1. This Act may be cited as the Law Reform (Testamentary Promises) Amendment Act 1953, and shall be read together with and deemed part of the Law Reform (Testamentary Promises) Act 1949 (hereinafter referred to as the principal Act). Short Title.
1949, No. 33

2. Section six of the principal Act is hereby amended by repealing the proviso, and substituting the following proviso: Time for
commencing
action may
be extended.

15 "Provided that the time for commencing an action may be extended for a further period by the Court or a Judge, after hearing such of the parties affected as the Court or Judge thinks necessary, and this power shall extend to cases where the time for commencing an
20 action has already expired, including cases where it

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expired before the commencement of this proviso; but in all such cases the application for extension shall be made before the final distribution of the estate of the deceased, and no distribution of any part of the estate made before the date of the application shall be disturbed by reason of the application or of an order made thereon." 5