



ANNO SEXTO

GEORGI VI REGIS.

A.D. 1942.

No. 14 of 1942.

An Act to amend the Trustee Act, 1936-1941.

[Assented to 29th October, 1942.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Trustee Act Amendment Act, 1942". Short titles.
- (2) The Trustee Act, 1936-1941, as amended by this Act, may be cited as the "Trustee Act, 1936-1942".
- (3) The Trustee Act, 1936-1941, is in this Act referred to as "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. Section 33 of the principal Act is amended by adding at the end thereof the following subsection :— Amendment of s. 33 of the principal Act—
 - (10) Notwithstanding the repeal of section 33 of this Act as in force before the passing of the Trustee Act Amendment Act, 1941, that repealed section shall, in relation to trusts created before the passing of that Act be deemed to continue in force, and to have continued in force as if it had not been repealed. Powers of trustees as to maintenance.
4. The following section is enacted and inserted in the principal Act after section 14a thereof :— Enactment of s. 14b of the principal Act—
 - 14b. (1) The person or persons nominated for the purpose of appointing new trustees by the instrument (if any) creating the trust, or if there is no such person, Appointment of additional trustees.

or no such person able and willing to act, then the trustees for the time being or the representatives of the last surviving or continuing trustee, may by writing appoint one or more additional trustees.

(2) Every additional trustee so appointed, as well before as after all the trust property becomes by law or by assurance or otherwise vested in him, shall have the same powers authorities and discretions, and may in all respects act as if he had been originally appointed a trustee by the instrument (if any) creating the trust.

(3) On the appointment of an additional trustee any assurance or thing requisite for the vesting of the trust property or any part thereof jointly in the trustees shall be executed or done.

(4) This section shall apply unless the instrument (if any) creating the trust expressly provides that it shall not apply, or expressly forbids the appointment of additional trustees.

(5) This section applies to trusts created either before or after the commencement of the Trustee Act Amendment Act, 1942.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. M. BARCLAY-HARVEY, Governor.