



TRUSTEE COMPANIES.

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No. 117 of 1973.

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ANALYSIS.

1. Short title, citation, and commencement.
2. Power of judge to make orders as to the payment, &c., of moneys and securities.
3. Certificate of trustee company to be accepted as evidence.

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AN ACT to amend the *Trustee Companies Act 1953*.  
 [22 January 1974.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Trustee Companies Act 1973*.

Short title,  
citation, and  
commencement.

(2) The *Trustee Companies Act 1953*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on a date to be fixed by proclamation or at the expiration of the period of six months from the date on which the Governor gives his Assent thereto, whichever is the earlier.

Power of judge to make orders as to the payment, &c., of moneys and securities.

**2** Section thirty-five of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “ a petition presented in a summary way ” and substituting therefor the words “ application made to a judge in chambers by summons ”;
- (b) by omitting from that subsection the word “ Court ” and substituting therefor the word “ judge ”;
- (c) by omitting from that subsection the word “ it ” and substituting therefor the word “ he ”;
- (d) by omitting from subsection (2) the word “ petition ” and substituting therefor the word “ summons ”;
- (e) by omitting from that subsection the word “ Court ” and substituting therefor the word “ judge ”;
- (f) by omitting from subsection (3) the words “ a petition ” and substituting therefor the words “ an application ”;
- (g) by omitting from that subsection the word “ Court ” (wherever occurring) and substituting therefor, in each case, the word “ judge ”;
- (h) by omitting from that subsection the word “ it ” and substituting therefor the word “ he ”;
- (i) by omitting from that subsection the words “ petition, he ” and substituting therefor the words “ application, the Public Trustee or the Treasurer ”;
- (j) by omitting from that subsection the word “ petitioner ” and substituting therefor the words “ person making the application ”;
- (k) by omitting from that subsection the word “ petition ” (last occurring) and substituting therefor the word “ application ”;
- (l) by omitting from subsection (4) the words “ a petition ” and substituting therefor the words “ an application ”;
- (m) by omitting from that subsection the word “ Court ” (wherever occurring) and substituting therefor, in each case, the word “ judge ”;
- (n) by omitting from subsection (5) the word “ Court ” (wherever occurring) and substituting therefor, in each case, the word “ judge ”:

- (o) by omitting from subsection (6) the words “ petition shall be presented ” and substituting therefor the words “ application shall be made ”; and
- (p) by omitting from subsection (7) the words “ on the hearing of a petition ”.

**3** After section thirty-nine of the Principal Act the following section is inserted:—

“ 39A—(1) A certificate sealed by a trustee company certifying the nature of the company’s appointment in relation to any estate, and any facts on the happening of which that appointment was made, shall be accepted by all courts, officers, and other persons as sufficient evidence of all the facts therein set forth, without the production of any other proof whatever. Certificate of trustee company to be accepted as evidence. ”

“(2) The certificate referred to in subsection (1) of this section shall be sufficient for the purpose of registering the trustee company as proprietor of any shares, stock, or property in any company, body, or association, or of any estate or interest in any land under the *Real Property Act* 1862, or of bringing any land under that Act, and may be registered against that land as in the case of probate or letters of administration, and shall have the same force and effect.

“(3) The certificate referred to in subsection (1) of this section shall be equivalent, for registration purposes under any Act, to probate or letters of administration, and it shall not be necessary to register the probate or letters of administration.”.