

AUSTRALIAN CAPITAL TERRITORY.

No. 5 of 1953.

AN ORDINANCE

To amend the Administration and Probate Ordinance 1929-1950, and for other purposes.

BE it ordained by the Governor-General, in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909-1938* and the *Seat of Government (Administration) Act 1910-1947*, as follows:—

1.—(1.) This Ordinance may be cited as the *Administration and Probate Ordinance 1953*.^{*} Short title and citation.

(2.) The *Administration and Probate Ordinance 1929-1950* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Administration and Probate Ordinance 1929-1953*.

2. Section four of the Principal Ordinance is amended by Parts. omitting the words—

“PART VII.—MAINTENANCE OF WIDOWS AND YOUNG CHILDREN.”
and inserting in their stead the words—

“PART VII.—TESTATOR’S FAMILY MAINTENANCE.”

3. The heading to Part VII. of the Principal Ordinance is Heading to Part VII. omitted and the following heading inserted in its stead:—

“PART VII.—TESTATOR’S FAMILY MAINTENANCE.”

4. Section one hundred and ten of the Principal Ordinance Definition. is repealed.

5. Section one hundred and eleven of the Principal Ordinance Court may make order for widow's, widower's or children's maintenance. is amended—

- (a) by omitting the words “her children” and inserting in their stead the words “her widower or children”;
- (b) by omitting the words “the widow, or children” (wherever occurring) and inserting in their stead the words “the widow, the widower, or children”; and

* Notified in the Commonwealth Gazette on 27th February, 1953.

(c) by inserting after the word "provision", the words "which may consist of a lump sum or a periodical or other payment."

Powers of Court.

6. Section one hundred and fourteen of the Principal Ordinance is amended by omitting from paragraph (a) the words "the widow" and inserting in their stead the words "the widow, widower or children, or any of them,".

Court to consider net estate and widow's, widower's or children's means.

7. Section one hundred and fifteen of the Principal Ordinance is amended—

- (a) by omitting the words "widow, or children" and inserting in their stead the words "widow, widower, or children"; and
- (b) by omitting from paragraph (b) the words "widow, children" and inserting in their stead the words "widow, widower, or children".

Contents of order.

8. Section one hundred and seventeen of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) the words "any widow or child" and inserting in their stead the words "a widow, widower or a child";
- (b) by omitting sub-section (2.); and
- (c) by omitting from sub-section (6.) the words "any widow or child" and inserting in their stead the words "a widow, widower or a child".

9. Section one hundred and nineteen of the Principal Ordinance is repealed and the following section inserted in its stead:—

Time within which application to be made.

"119.—(1.) Except as provided in the next succeeding sub-section, an application by a widow, widower or a child of a deceased person under this Part shall not be heard by the Court unless the application is made within the period of six months after the date of the grant of probate of the will or of the grant of letters of administration with the will annexed, as the case may be.

"(2.) A widow, widower or a child of a deceased person may, either before or after the expiration of the period specified in the last preceding sub-section, apply to the Court for an extension of the time for making an application under this Part.

"(3.) The Court may, if it is satisfied that circumstances exist which justify an extension of the time for making the application and after hearing such persons as it thinks necessary, extend that time for such period as it thinks fit."

10. The provisions of Part VII. of the Principal Ordinance, as amended by this Ordinance, apply to, and in relation to, the estate of a person who died before the date of commencement of this Ordinance as if that person had died after that date.

Application to estate of a person dying before the commencement of this Ordinance.

Dated this twenty-seventh day of February, 1953.

W. J. McKELL
Governor-General.

By His Excellency's Command,

J. A. SPICER
for and on behalf of the Minister of State
for the Interior.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.