



ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

No. 86 of 1981

An Act to amend the Administration and Probate Act, 1919-1980.

[Assented to 10 December 1981]

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

Short titles.

1. (1) This Act may be cited as the "Administration and Probate Act Amendment Act, 1981".

(2) The Administration and Probate Act, 1919-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Administration and Probate Act, 1919-1981".

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Insertion of
new s. 120a.

3. The following section is inserted after section 120 of the principal Act:

Interest upon
pecuniary
legacies.

120a. (1) Subject to any testamentary direction or provision to the contrary, where a will provides for the payment of a pecuniary legacy of a specified amount and the legacy is not paid in full on or before the relevant date, then, as from the relevant date and until the date of payment, interest accrues on the legacy, or so much of the legacy as remains unpaid, at the rate from time to time fixed by regulation for the purposes of this section.

(2) A right to interest under this section does not exist independently of a right to payment of the legacy itself, and where a legacy abates, the extent of the abatement shall be taken into account in calculating interest for the purposes of this section.

(3) This section applies to legacies whether they become or became payable before or after the commencement of the Administration and Probate Act Amendment Act, 1981, but it does not affect interest that may have accrued upon a legacy before the commencement of that amending Act.

(4) In this section—

“the relevant date” means—

(a) a date fixed by the will as the date on or before which the legacy is to be paid or, if no such date is fixed by the will, the date of the first anniversary of the testator's death;

or

(b) the date of commencement of the Administration and Probate Act Amendment Act, 1981,

whichever is the later.

4. The following section is inserted after section 129 of the principal Act: Insertion of
new s. 130.

130. The Governor may make such regulations as are contemplated Regulations.
by this Act, or as are necessary or expedient for the purposes of this Act.

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

K. D. SEAMAN, Governor