

No. 3293.

An Act to provide for the Performance and Execution of the Powers Authorities and Duties of the Master-in-Lunacy by the Master-in-Equity and for other purposes.

[30th November, 1923.]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited as the *Lunacy Act 1923* and shall be read and construed as one with the *Lunacy Act 1915* (hereinafter called the Principal Act) and any Act amending the same all of which Acts and this Act may be cited together as the Lunacy Acts.

Short title
construction
and citation.

Nos. 2600, 2687,
2886, 2899, 3009,
3062, 3142.

Master-in-
Equity to
perform and
execute powers
authorities and
duties of Master-
in-Lunacy
under Lunacy
Acts &c.

2. (1) Notwithstanding anything in the Principal Act or any other Act the powers authorities and duties vested in and imposed upon the Master-in-Lunacy by or under the authority of the Lunacy Acts or any other enactment with respect to the estates of lunatic patients and lunatics are hereby vested in and imposed upon the Master-in-Equity for the time being of the court and the Master-in-Equity besides the powers authorities and duties already vested in and imposed upon him as Master-in-Equity shall have perform and execute all the powers authorities and duties by the Lunacy Acts or any other enactment or under the authority thereof vested in and imposed upon the Master-in-Lunacy; and the provisions of the Lunacy Acts and of every other enactment with respect to the Master-in-Lunacy and his powers authorities and duties shall, so far as applicable and with such alterations modifications and substitutions as are necessary, apply to the Master-in-Equity and the powers authorities and duties vested in and imposed upon him by or under the authority

of

of this Act, and shall be read and construed accordingly; and in particular—

(a) in section one hundred and thirty-one of the Principal Act for the words "There shall be a Master-in-Lunacy, and the Master-in-Equity for the time being of the court shall be such Master-in-Lunacy, and as such Master shall" there shall be substituted the words "The Master-in-Equity for the time being of the court shall";

Amendment of No. 2687 s. 131. Powers duties and authorities of Master-in-Equity under the Lunacy Acts.

(b) the Acts mentioned in the Schedule to this Act to the extent to which the same are thereby expressed to be amended are hereby amended accordingly; and

Amendment of Nos. 2687, 2899, 3142, 2669, 2733, 2680.

(c) unless inconsistent with the context or subject-matter, in every other enactment and in every Order-in-Council proclamation order warrant direction scheme letters patent rule regulation by-law or other instrument or any other document whatsoever, any reference to the Master-in-Lunacy shall be deemed and taken to be a reference to the Master-in-Equity in his capacity as Master under the Lunacy Acts.

References to Master-in-Lunacy in other enactments and documents &c. e.g. No. 2629 s. 31; No. 2633 s. 8; No. 2676 s. 70; No. 2683 s. 119; No. 2992 s. 12; No. 3136 s. 10.

(2) The amendments made by this section and the substitution of the Master-in-Equity for the Master-in-Lunacy as provided in this section shall not affect any act matter or thing duly made done or suffered under any enactment instrument or document so amended and any act matter or thing of a continuing nature lawfully made done or commenced by or on behalf of the Master-in-Lunacy shall be deemed to have been made done or commenced by or on behalf of the Master-in-Equity and in particular no action or proceeding whatsoever shall abate by reason of the said amendments or substitution.

Savings &c.

SCHEDULE.

Section 2.

SCHEDULE.

AMENDMENTS OF THE LUNACY ACTS.

Consequential amendment of No. 2687 ss. 1, 3, 52, 55, 106, 107, 109, 116, 129, 130, 131, 133-135, 141, 179, 180, 186, 187, 195, 196, 200, 201, 211, 212, 246, 263, 264, Twenty-fourth Schedule; No. 2899 ss. 3, 4; No. 3142 s. 2.

1. In sections one, three, fifty-two, fifty-five, one hundred and six, one hundred and seven, one hundred and nine, one hundred and sixteen, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one (and the heading thereto), one hundred and thirty-three to one hundred and thirty-five (as amended by section four of the *Lunacy Act* 1917), one hundred and forty-one, one hundred and seventy-nine (and the heading thereto), one hundred and eighty, one hundred and eighty-six, one hundred and eighty-seven, one hundred and ninety-five, one hundred and ninety-six, two hundred, two hundred and one, two hundred and eleven, two hundred and twelve, two hundred and forty-six, two hundred and sixty-three (and the heading thereto), and two hundred and sixty-four of and in the Twenty-fourth Schedule to the Principal Act, and in section three of the *Lunacy Act* 1917, and in section two of the *Lunacy Act* 1921, for the expression "Master-in-Lunacy" (wherever occurring) there shall be substituted the expression "Master-in-Equity"; and

Consequential amendment of No. 2687 s. 132. Deputy Master.

2. In section one hundred and thirty-two of the Principal Act for the expression "Master-in-Lunacy" there shall be substituted the expression "Master-in-Equity under the Lunacy Acts and any other enactment relating to lunatics or lunatic patients."

AMENDMENTS OF THE "INEBRIATES ACT 1915."

Consequential amendments of No. 2669 ss. 4, 6, 7, 9, 10, 11, 15, 16.

In sections four, six, seven, nine, ten, eleven, fifteen, and sixteen of the *Inebriates Act* 1915 for the expression "Master-in-Lunacy" (wherever occurring) there shall be substituted the expression "Master-in-Equity."

AMENDMENT OF THE "SUPREME COURT ACT 1915."

Consequential amendment of No. 2733 s. 221. Acting Master-in-Equity.

In section two hundred and twenty-one of the *Supreme Court Act* 1915 the words "and the Master-in-Lunacy respectively" shall be repealed.

AMENDMENT OF THE "LAND TAX ACT 1915."

Consequential amendment of No. 2680 s. 71. Use of valuations by Public Departments &c.

In paragraph (b) of sub-section (1) of section seventy-one of the *Land Tax Act* 1915 the words "or the Master-in-Lunacy" shall be repealed.