

Administration Amendment Act 2005

Public Act 2005 No 4
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The Parliament of New Zealand enacts as follows:

1 Title

(1) This Act is the Administration Amendment Act 2005.

- (2) In this Act, the Administration Act 1969 is called “the principal Act”.

2 Commencement

This Act comes into force on 26 April 2005.

3 Application

The amendments to the principal Act in sections 4 to 10 apply only in respect of the estates of persons who die on or after the commencement of this Act.

4 Administration during minority of executor

Section 9(3)(b) of the principal Act is amended by inserting, after the word “married”, the words “or in a civil union”.

5 Charges on property of deceased to be paid primarily out of property charged

Section 34(1A) of the principal Act is amended by omitting the words “or wife”, and substituting the words “, wife, or civil union partner”.

6 Payment without administration

- (1) Section 65(2)(a) of the principal Act is amended by inserting, after the word “widower”, the words “surviving civil union partner”.
- (2) Section 65(2)(d) of the principal Act is amended by inserting, after the word “marriage”, the words “or civil union”.

7 Succession to real and personal estate on intestacy

- (1) Items 1 to 6 in column 1 of the table set out in section 77 of the principal Act are amended by omitting the words “or wife” wherever they appear, and substituting in each case the words “, wife, civil union partner”.
- (2) Column 2 of the table set out in section 77 of the principal Act is amended by omitting the words “or wife or partner” wherever they appear, and substituting in each case the words “, wife, civil union partner, or surviving de facto partner”.

8 New section 77C substituted

The principal Act is amended by repealing section 77C, and substituting the following section:

“77C Succession on intestacy if intestate partner dies leaving husband, wife, or civil union partner and 1 or more de facto partners

- “(1) This section applies if the intestate dies leaving—
- “(a) 1 or more surviving de facto partners entitled to succeed on the intestacy, and a husband, wife, or civil union partner; or
 - “(b) 2 or more surviving de facto partners entitled to succeed on the intestacy.
- “(2) If this section applies,—
- “(a) the real or personal estate of the intestate to which section 77 applies must be distributed or held on trust under that section as if the intestate died leaving (as well as issue, or parents, or other classes of relatives (if any)) only a husband, wife, or civil union partner or, as the case requires, only 1 of the surviving de facto partners; but
 - “(b) the husband, wife, or civil union partner and each surviving de facto partner or, as the case requires, each of the surviving de facto partners, is entitled to an equal share of the estate that would, under section 77, be distributed to or held on trust for a husband, wife, or civil union partner or, as the case requires, 1 surviving de facto partner.”

9 Statutory trusts in favour of issue and other classes of relatives of intestate

- (1) Section 78(1) of the principal Act is amended by inserting, after the word “marry” wherever it appears, the words “or enter into a civil union”.
- (2) Section 78(1)(b) of the principal Act is amended by inserting, after the word “marrying”, the words “or entering into a civil union”.

10 Application to cases of partial intestacy

Section 79(2) of the principal Act is amended by omitting the words “or wife” in both places where they appear, and substituting in each case the words “, wife, civil union partner,”.

Legislative history

10 March 2005

Divided from Relationships (Statutory References)
Bill (Bill 151-2) as Bill 151-3A

15 March 2005

Third reading
