

Trustee Companies Amendment Act 1990

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An Act to amend the Trustee Companies Act 1967

BE IT ENACTED by the Parliament of New Zealand as follows:

1 Short Title

This Act may be cited as the Trustee Companies Amendment Act 1990, and shall be read together with and deemed part of the Trustee Companies Act 1967 (hereinafter referred to as the principal Act).

2 New sections substituted

The principal Act is hereby amended by repealing section 31, and substituting the following sections:

“31 Capital valuation of investments of Fund

- “(1) Each trustee company shall determine the capital value as at at least one day in every month of the investments and funds comprising each Group Investment Fund established by it. For the purpose of any such determination, in respect of any security listed on a Stock Exchange,—
- “(a) A quotation published in respect of similar securities by a Stock Exchange on the day as at which the determination is made, or (if there is no such quotation on that day) at any time within 7 days before that day, shall be conclusive evidence of the value of the security, including accrued interest (if any), as on the date of the determination; and the capital value of the security shall be determined accordingly by making such adjustment (if any) as the company thinks proper in respect of accrued interest:
- “(b) If there is no such quotation, a valuation by a registered member of the Stock Exchange shall be conclusive evidence of that value.
- “(2) No investment in or withdrawal from a Group Investment Fund shall be made, except—
- “(a) On a day of the month as at which a determination is made or within 2 business days after it; and
- “(b) On the basis of the valuation as at that date.
- “(3) On a withdrawal from a Group Investment Fund, interest shall be allowed, in accordance with paragraph (a) of section 30 of this Act, to the day of the month as at which a determination is made nearest to the date of the withdrawal.

“31a Capital valuation of Fund comprising investments in real estate

- “(1) Where the investments comprising a Group Investment Fund consist principally of investments in real property the trustee company which established the Fund shall determine as at a date not later than 6 months after the preceding determination the capital value of the investments and funds of that Fund.
- “(2) Where reasonable grounds exist for believing that the capital value of any investment in the Fund has, or may have, altered significantly, the trustee company shall forthwith determine the capital value of that investment and shall redetermine the capital value of the Fund accordingly.
- “(3) No investment in or withdrawal from such a Fund shall be made except—
- “(a) On the day of the month as at which the determination is made or within 2 business days after it; and
- “(b) On the basis of the valuation as at that date.
- “(4) On a withdrawal from the Fund, income shall be allowed in accordance with paragraph (a) of section 30 of this Act, to the day as at which the determination is made.”

3 Power of trustee companies to elect to administer small estates without grant of administration

- (1) Section 36 of the principal Act (as amended by section 2(1) of the Trustee Companies Amendment Act 1983) is hereby amended—
 - (a) By omitting from subsection (1) the expression “\$40,000”, and substituting the expression “\$100,000”:
 - (b) By omitting from subsection (7) the expression “\$60,000”, and substituting the expression “\$120,000”.
- (2) Section 2(1) of the Trustee Companies Amendment Act 1983 is hereby consequentially repealed.

4 Elections in respect of unadministered balance of an estate

- (1) Section 37 of the principal Act (as amended by section 2(2) of the Trustee Companies Amendment Act 1983) is hereby amended—
 - (a) By omitting from subsection (1) the expression “\$40,000”, and substituting the expression “\$100,000”:
 - (b) By omitting from subsection (4) the expression “\$60,000”, and substituting the expression “\$120,000”.
- (2) Section 2(2) of the Trustee Companies Amendment Act 1983 is hereby consequentially repealed.

This Act is administered in the Department of Justice.