

1991
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

**Administration and Probate (Amendment)
Bill (No. 2) 1991**

**A BILL
FOR
An Act to amend the *Administration and Probate Act*
1929**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

- 5 1. This Act may be cited as the *Administration and Probate (Amendment) Act (No. 2) 1991*.

Principal Act

2. In this Act, "Principal Act" means the *Administration and Probate Act 1929*.¹

Insertion

- 10 3. After section 55 of the Principal Act the following section is inserted:

Interest on legacies

5 "55A. (1) Subject to subsection (2), where interest is payable on a legacy in accordance with the will under which the legacy is payable or in accordance with any enactment or rule of law, that interest shall, unless the will otherwise provides, or the Court otherwise orders, be payable at such rate as is determined by the Minister for the purposes of this subsection.

10 "(2) Where an executor or administrator, in accordance with any power conferred on him or her by a will under which a legacy (not being an annuity) is payable, appropriates any property in or towards satisfaction of the legacy, the legatee shall be entitled to the income from the property so appropriated, and interest shall not be payable out of any other part of the estate on so much of the legacy as has been satisfied by the appropriation.

"(3) A determination under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*."

NOTE

1. Ordinance No. 18, 1929 as amended to date. For previous amendments see Note 1 to Act No. 20, 1991 and see also Act No. 20, 1991.