



ANALYSIS

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1982, No. 43

An Act to amend the Administration Act 1969 relating to nominations of accounts [13 November 1982]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Administration Amendment Act 1982, and shall be read together with and deemed part of the Administration Act 1969 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

2. New Part (relating to nomination of accounts) inserted in principal Act—The principal Act is hereby amended by inserting, after Part I, the following Part:

“PART IA

“NOMINATIONS OF ACCOUNTS

“68A. **Interpretation**—In this Part of this Act, unless the context otherwise requires, the term ‘nomination’ means the nomination by any person (in this Part referred to as the

nominator), pursuant to any enactment, of any person or persons (in this Part referred to as the nominee or nominees) to whom any amount standing to the credit of the nominator in any account at the time of his death is to be paid on his death.

“68B. Application of Part—(1) Except as provided in subsection (2) of this section, this Part of this Act applies to every nomination whether made before or after the commencement of this Part.

“(2) This Part of this Act does not apply to any nomination made before the commencement of this Part if the nominator died before that commencement.

“(3) In the event of any conflict between any provision of this Part of this Act and any provision of any enactment under which any nomination is made, the provision of this Part shall prevail.

“68C. Effect of nominations—(1) No nomination, or nominations in the aggregate, shall have effect in respect of any sum in excess of \$6,000 in any account.

“(2) Subject to subsection (3) of this section, every nomination shall have effect as if it were a specific legacy bequeathed by will.

“(3) All money in any account that is subject to a nomination at the death of the nominator shall, notwithstanding the nomination, form part of his estate, and shall devolve and be subject to all claims against that estate, whether arising under any enactment or contract or otherwise, in the same manner and to the same extent as if it were a specific legacy bequeathed by will.

“68D. Revocation of nomination—(1) Any instrument of nomination may be revoked in any manner by which a will or codicil may be revoked.

“(2) Every instrument of nomination shall be revoked by operation of law in any circumstances in which it would be so revoked if it were a will or codicil.

“(3) Without limiting subsection (1) or subsection (2) of this section,—

“(a) Every general revocation by a nominator of all former testamentary dispositions shall be deemed to include the revocation of the nomination, unless the nomination is expressly preserved:

“(b) Every general testamentary disposition of the nominator’s whole estate, or of the whole of his residuary estate, made subsequent to the nomination shall be deemed to revoke the nomination, unless the nomination is expressly preserved.”

This Act is administered in the Department of Justice.
