



ANALYSIS

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1967, No. 43

An Act to amend the Family Protection Act 1955

[15 November 1967]

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—This Act may be cited as the Family Protection Amendment Act 1967, and shall be read together with and deemed part of the Family Protection Act 1955 (hereinafter referred to as the principal Act).

2. Gifts made in anticipation of death—Section 2 of the principal Act is hereby amended by inserting in paragraph (b) of subsection (5), after the words “this Act”, the words “and of sections 30A and 30B of the Administration Act 1952 (which sections were inserted by section 2 of the Administration Amendment Act 1960)”.

3. Claims of grandchildren—(1) Section 3 of the principal Act is hereby amended by repealing paragraph (c), and substituting the following paragraph:

“(c) The grandchildren of the deceased living at his death, being children (whether legitimate or illegitimate) of any child (whether legitimate or illegitimate) of the deceased:”.

(2) Section 3 of the principal Act is hereby further amended by adding, as subsection (2), the following subsection:

“(2) In considering any application by a grandchild of any deceased person for provision out of the estate of that person, the Court, in considering the moral duty of the deceased at the date of his death, shall have regard to all the circumstances of the case, and shall have regard to any provision made by the deceased, or by the Court in pursuance of this Act, in favour of either or both of the grandchild’s parents.”

(3) This section shall apply in all cases where the deceased person died after the commencement of this Act. In all other cases the principal Act shall apply as if this section had not been passed.

4. Variation of orders—Section 12 of the principal Act is hereby amended by omitting from subsection (2) the words “section ten of this Act”, and substituting the words “sections 30A and 30B of the Administration Act 1952 (which sections were inserted by section 2 of the Administration Amendment Act 1960)”.

This Act is administered in the Department of Justice.
