

# ADMINISTRATION.

3° Elizabeth II., No. XXX.

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No. 30 of 1954.

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AN ACT to amend the Administration Act,  
1903-1953.

[Assented to 8th November, 1954.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Administration Act Amendment Act, 1954.*

Short title  
and citation

(2) In this Act the Administration Act, 1903-1953, Act No. 13 of 1903 as reprinted with amendments to and including Act No. 21 of 1942 incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938, and as further amended by Acts Nos. 39 of 1945, 8 of 1949, 55 of 1950, 62 of 1953 and 81 of 1953,

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Acts, 1943.

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Administration Act, 1903-1954.

S. 18  
amended.

2. Section eighteen of the principal Act is amended by—

- (a) adding after the section number “18” the figure “1” in brackets thus—(1);
- (b) adding a subsection as follows:—

(2) Notwithstanding the provisions of subsection (1) of this section any real estate of which administration has been granted,

- (a) the value of which is finally assessed by the Commissioner of Stamps for the purpose of Part V of this Act at not more than five hundred pounds; or
- (b) which real estate forms part of an estate the gross value of which when finally so assessed for the purpose is less than two thousand pounds,

may be leased for a longer term than three years or sold or mortgaged without the written consent of all persons beneficially interested or the order of the Court, but no such real estate shall be sold without the order of the Court, if the persons resident within the jurisdiction entitled in distribution to such real estate or a majority in value of those persons require it to be held in accordance with the trust as provided in subsection (1) of section thirteen of this Act.

S. 26  
amended.

3. Section twenty-six of the principal Act is amended by substituting for the words “and administering” in line six of subsection (1) the words “administering and distributing”.

S. 29  
amended.

4. Section twenty-nine of the principal Act is amended by adding after the word “estate” in line two the words “or of its own motion on the report of the Master”.

5. Section one hundred and forty-four of the principal Act is amended by—

S. 144  
amended.

(a) repealing and re-enacting subsection (1) as follows:—

(1) The rules and forms in the Third Schedule to this Act until altered, added to or revoked by rules made under this Act, shall regulate the practice and procedure to which they relate. ;

(b) adding the following subsection:—

(3) The Judges of the Supreme Court may make and prescribe all such rules, forms and fees as may be necessary or convenient to carry out the objects and purposes of this Act and in particular but without prejudice to the foregoing power may by rules—

(a) alter, add to or revoke any of the rules or forms contained in the Third Schedule or the Appendix to the Schedule or any fees prescribed and in force at the coming into operation of the Administration Act Amendment Act, 1954;

(b) prescribe what part of the business which may be transacted and of the jurisdiction which may be exercised by a Judge in Chambers, may be transacted or exercised by the Master or other officer of the Court but the jurisdiction of the Master or other officer in and about the granting of probate and administration and the making of orders at the instance of the Public Trustee shall be limited by the rules to estates the gross value of which as sworn for the purpose of duty being assessed under Part V of this Act does not exceed five thousand pounds.