

1968 Bill 47

First Session, 16th Legislature, 17 Elizabeth II.

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 47

An Act to amend The Trustee Act

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

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An Act to amend The Trustee Act

(Assented to , 1968)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Trustee Act* is hereby amended.
2. Section 33*a*, subsection (1) is amended by adding after the words "person's estate have been granted in Alberta," the words "or because the executor or administrator in Alberta has been discharged by an order of the court,".
3. This Act comes into force on the day upon which it is assented to.

Explanatory Notes

1. This Bill amends chapter 346 of the Revised Statutes of Alberta.

2. Section 33a (1) presently reads:

33a. (1) Where a person wronged is unable to maintain an action under section 33 because neither probate of the will of the deceased person nor letters of administration of the deceased **person's estate have been granted in Alberta**, a judge of the Supreme Court, or a judge of the district court, as the case may require, may, on the application of the person wronged and on such terms and on such notice as he may deem proper, appoint an administrator ad litem of the estate of the deceased person, whereupon

- (a) the administrator ad litem is an administrator against whom and by whom an action may be brought under section 33, and
- (b) a judgment in favour of or against the administrator ad litem in any such action has the same effect as a judgment in favour of or against, as the case may be, the deceased person, but it has no effect whatsoever for or against the administrator ad litem in his personal capacity.

This amendment will allow the court to appoint an administrator ad litem where a person wishes to bring an action against the estate of a deceased before the appropriate statutory limitation period has expired but after the administrator or executor, as the case may be, has been discharged from his responsibilities.