

1971 /Bill 72

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Fourth Session, 16th Legislature, 20 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

## **BILL 72**

**An Act to amend The Public Trustee Act**

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THE ATTORNEY GENERAL

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 72

1971

## AN ACT TO AMEND THE PUBLIC TRUSTEE ACT

(Assented to \_\_\_\_\_, 1971)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. *The Public Trustee Act is hereby amended.*

2. *Section 13, subsection (3) is amended by striking out the words "Lieutenant Governor in Council" and by substituting the words "Attorney General".*

3. *Section 18 is amended*

- (a) *as to subsection (1), clause (c) by striking out the words "Lieutenant Governor in Council" and by substituting the words "Attorney General",*
- (b) *as to subsection (3) by striking out the words "Lieutenant Governor in Council" and by substituting the words "Attorney General, by order",*
- (c) *as to subsections (5) and (6) by striking out the words "in council" wherever they occur,*
- (d) *as to subsection (7)*
  - (i) *by striking out the words "in council",*
  - (ii) *by striking out the words "Lieutenant Governor in Council" and by substituting the words "Attorney General",*
- (e) *as to subsection (8) by striking out the words "Lieutenant Governor in Council" and by substituting the words "Attorney General",*
- (f) *as to subsection (9) by striking out the words "in council".*

4. *Section 20 is amended*

- (a) *as to subsection (1) by striking out the words "Lieutenant Governor in Council" and by substituting the words "Attorney General, by order",*

## Explanatory Notes

**1.** This Bill will amend chapter 301 of the Revised Statutes of Alberta 1970.

**2.** Section 13(3) presently reads:

(3) The Public Trustee shall not be replaced by another person in his office as committee of the estate of a mentally incompetent person without an order of the Lieutenant Governor in Council.

**3.** Section 18 authorizes the Lieutenant Governor in Council to appoint, by order in council, the Public Trustee as the administrator of the estate of a deceased mentally incompetent person. The amendments will authorize such appointments to be made instead by order of the Attorney General.

**4.** Section 20 (1) and (2) presently read:

20. (1) Where a mentally incompetent person who is detained in an asylum, mental hospital or other public institution in another province has estate in this Province, the Lieutenant Governor in Council may appoint an official of the other province who is charged with the duty of managing, handling, administering or caring for the estate of the mentally incompetent person therein to be administrator of his estate in this Province.

(2) The order in council making the appointment is conclusive proof that the conditions precedent to the appointment have been fulfilled.

*(b) as to subsections (2), (3) and (5) by striking out the words "in council" wherever they occur.*

*5. Section 23, subsection (1) is amended by striking out the words "Lieutenant Governor in Council" and by substituting the words "Attorney General".*

*6. Any order of the Lieutenant Governor in Council made under section 18 or 20 of The Public Trustee Act and in force immediately prior to the coming into force of this Act shall be deemed to be an order of the Attorney General.*

*7. This Act comes into force on May 1, 1971.*

**5. Section 23 (1) reads:**

23. (1) Where the Lieutenant Governor in Council or a court or judge is empowered to appoint a trustee, executor, administrator, guardian or committee, the Public Trustee may be appointed to any of the appointments.

**6. Transitional provision.**