

NORFOLK



ISLAND

SUCCESSION AND WILLS ACT 1913

[Consolidation as at 10 March 2000
on the authority of the Administrator
and in accordance with
the *Enactments Reprinting Act 1980*]

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Succession and Wills Act 1913

Short title

1. This Act may be cited as the *Succession and Wills Act 1913*.

Adoption of Wills, Probate and Administration Act, 1898, of the State of New South Wales

2. Subject to section 3 and to any modifications effected by this Act, so far as applicable to the circumstances of the island, the laws relating to the succession to and devolution of real and personal estate on death and to inheritance and to wills in force in New South Wales at the time of the coming into force of this Act, and more particularly the *Inheritance Act, No. 19, 1901* of the Parliament of New South Wales, shall have force and effect in Norfolk Island, in respect of the real and personal estate of persons dying after the said time.

Exclusion, inconsistency, etc.

3. (1) The laws referred to in section 2 —
 - (a) do not, after the commencement of this section, include such of the provisions of the *Wills, Probate and Administration Act, 1898*, or the *Administration Amending Act, 1906*, of the State of New South Wales as were in force in Norfolk Island immediately before the commencement of this section; and
 - (b) have force and effect in Norfolk Island to the extent only that they are not inconsistent with —
 - (i) any law of the Commonwealth applying in Norfolk Island;
 - (ii) any other Acts of Norfolk Island, whether made before or after the commencement of this section; or
 - (iii) any law in force in Norfolk Island by virtue of such an Act.

(2) The provisions of the *Acts Interpretation Act 1901-1966* of the Commonwealth in their application to Acts by virtue of the *Interpretation Act 1915* apply to and in relation to the provisions referred to in paragraph 3(1)(a) as if those provisions had been repealed by this section.

Modification of Inheritance Act of 1901 of the State of New South Wales

4. Section 14 of the *Inheritance Act of 1901* of the State of New South Wales in its application in Norfolk Island is modified by inserting after the figures “1898,” the words “of the State of New South Wales in their application in Norfolk Island, the provisions of the *Probate and Administration Act 1960-1964* and the *Wills Ordinance 1972* and the provisions of the *Administration and Probate Ordinance 1929-1953* of the Australian Capital Territory in their application in Norfolk Island”.

NOTES

The *Succession and Wills Act 1913* as shown in this consolidation comprises Act No. 28 of 1913 and amendments as indicated in the Tables below.

| Enactment | Number and year | Date of commencement | Application saving or transitional provision |
|--------------------------------------|------------------------|-----------------------------|---|
| <i>Succession and Wills Law 1913</i> | 28, 1913 | 24.12.13 | |
| <i>Ordinances Revision Act 1964</i> | 6, 1964 | 30.6.64 | |
| <i>Succession and Wills Act 1973</i> | 3, 1973 | 24.5.73 | 4 |

Table of Amendments

ad = added or inserted am = amended rep = repealed rs = repealed and substituted

| Provisions affected | How affected |
|----------------------------|---------------------|
| 1 | am 6 of 1964 |
| 2 | am 3 of 1973 |
| 3 | ad 3 of 1973 |
| 4 | ad 3 of 1973 |

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