

BILL NO. 160

(as passed)



*2nd Session, 58th General Assembly
Nova Scotia
51 Elizabeth II, 2002*

Government Bill

Public Trustee Act (amended)

CHAPTER 38 OF THE ACTS OF 2002

The Honourable Michael G. Baker, Q.C.
Minister of Justice

[First Reading](#): November 21, 2002 (LINK TO BILL AS INTRODUCED)

Second Reading: November 21, 2002

[Third Reading](#): November 28, 2002

Royal Assent: November 28, 2002



An Act to Amend Chapter 379

of the Revised Statutes, 1989, the Public Trustee Act

Be it enacted by the Governor and Assembly as follows:

1 Subsection 28(2) of Chapter 379 of the Revised Statutes, 1989, the *Public Trustee Act*, is amended by striking out "Section 35" in the fourth line and substituting "Sections 35 or 35A".

2 Chapter 379 is further amended by adding immediately after Section 35 the following Section:

35A (1) Where, on application under subsection (1) of Section 35, the Supreme Court or a judge thereof is satisfied that

(a) a person who, if living, would be entitled to any money held by the Minister of Finance, is absent from the Province and has not been heard of or from by the applicant, or to the knowledge of the applicant by any other person, since a day named;

(b) the applicant has no reason to believe the person is living; and

(c) reasonable grounds exist for believing the person is dead,

the Supreme Court or a judge thereof may authorize the Minister to distribute the money among such persons who would be entitled to the money if the death of the absent person had taken place immediately before the time at which the application was made in accordance with subsections (2) and (3) of Section 35.

(2) Before the money is distributed pursuant to subsection (1), there shall be given to the Minister of Finance security in such amount and in such form as is prescribed for the payment or re-delivery of the money to the absent person if the absent person returns, or in case of the death of the absent person being proved to have taken place at a time other than that immediately before the application, then to the persons entitled to the same by reason of the death having taken place at such other time.

(3) Nothing in this Section limits or abridges the remedies to which the absent person, or any other person entitled thereto, may resort to for recovering the money from the persons among whom the Minister of Finance has distributed the same, but the Minister is relieved from all further liability in respect to such money.

