

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,
and, having this day passed, is now ready for presentation to the
LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 15 April, 1942.*

New South Wales.



ANNO SEXTO

GEORGII VI REGIS.

Act No. , 1942.

An Act to amend the Conveyancing Act, 1919,
the Registration of Deeds Act, 1897, the
Interpretation Act of 1897, and certain
other Acts in certain respects; and for pur-
poses connected therewith.

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. (1) This Act may be cited as the "Conveyancing Short title
(Amendment) Act, 1942." and citation.

Conveyancing (Amendment).

(2) The Conveyancing Act, 1919-1939, as amended by subsequent Acts, including this Act, may be cited as the Conveyancing Act, 1919-1942.

2. (1) The Conveyancing Act, 1919-1939, as amended
5 by subsequent Acts, is amended—

Amendment
of Act No. 6,
1919.

(a) by inserting in subsection one of section seven
next after the definition of "Valuable considera-
tion" the following new definition:—

Sec. 7.
(Defini-
tions.)

10 "War damage" means damage caused by,
or in repelling, enemy action, or by
measures taken to avoid the spreading
of the consequences of damage caused
by, or in repelling, enemy action.

cf. 2 & 3
Geo. VI,
c. 72, s. 24.

15 (b) (i) by omitting from the proviso to paragraph
(a) of subsection one of section eighty-four
the word "so" where firstly occurring and
by inserting in lieu thereof the words "or
shall suffer war damage so, in any such
event";

Sec. 84.
(Covenants
by lessees.)

20 (ii) by inserting in paragraph (b) of the same
subsection after the word "accidents" the
words "war damage";

(c) by inserting next after section eighty-four the
following new section:—

25 84A. The following provisions shall have
effect with respect to every lease in which the
covenants implied by section eighty-four of this
Act are negatived, and in which the forms of
words contained in the first column of Part II
30 of Schedule IV to this Act and distinguished
by the numbers 2, 4 and 5 or any of them are
not employed or are employed with exceptions,
qualifications or omissions:—

Special
provisions in
relation to
certain
leases.

35 (a) Where in any such lease there is a
covenant to pay the rent reserved
there shall be implied the following
proviso:—

40 Provided, however, that in case the
demised premises or any part thereof
shall suffer war damage so as to render
the

Conveyancing (Amendment).

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the same unfit for the occupation and use of the lessee, then and so often as the same shall happen, the rent thereby reserved, or a proportionate part thereof, according to the nature and extent of the damage sustained shall abate, and all or any remedies for recovery of the rent or such proportionate part thereof shall be suspended until the demised premises shall have been rebuilt or made fit for the occupation and use of the lessee, and in case of any dispute arising under this proviso the same shall be referred to arbitration under the provisions of the Arbitration Act, 1902.

(b) Where in any such lease there is a covenant by the lessee that he will, during the continuance of the lease, keep the demised premises in good and tenantable repair or that he will at the termination of the lease yield up the demised premises in good and tenantable repair it shall be implied in such covenant that war damage shall be excepted.

(d) (i) by inserting in the matter distinguished by the figure "2" in Column one of Part II of Schedule IV after the words "in the event of" the words "war damage or";

Schedule IV.
(Short
forms of
covenants.)

(ii) by omitting from the matter distinguished by the figure "2" in Column two of Part II of the same Schedule the word "so" where firstly occurring and by inserting in lieu thereof the words "or shall suffer war damage so, in any such event";

(iii) by inserting in the matter distinguished by the figure "4" in Column one of Part II of the same Schedule, after the words "wear and tear," the words "war damage";

(iv)

Conveyancing (Amendment).

- (iv) by inserting in the matter distinguished by the figure "4" in Column two of Part II of the same Schedule after the words "wear and tear" the words "war damage";
- 5 (v) by inserting in the matter distinguished by the figure "5" in Column one of Part II of the same Schedule, after the words "wear and tear," the words "war damage";
- 10 (vi) by inserting in the matter distinguished by the figure "5" in Column two of Part II of the same Schedule, after the words "wear and tear," the words "war damage."

(2) The amendments made by subsection one of this section shall be deemed to have commenced on the
15 first day of January, one thousand nine hundred and forty-two, and shall have effect in respect of all leases made before and existing on that date and all leases made on or after that date.

3. The Conveyancing Act, 1919-1939, as amended by
20 subsequent Acts, is further amended by inserting at the end of paragraph (e) of subsection one of section two hundred and two the words "or the Real Property Act, 1900."

Further amendment of Act No. 6, 1919.

4. (1) The Registration of Deeds Act, 1897, as
25 amended by subsequent Acts, is amended—

Amendment of Act No. 22, 1897.

- (a) by omitting from subsection one of section five the words "and for not less than two hours, beginning at the hour aforesaid, on all Saturdays throughout the year";
- 30 (b) by inserting in subsection two of the same section after the word "on" the word "Saturdays".

Sec. 5.
(At what time office open.)

(2) The Interpretation Act of 1897, as amended by subsequent Acts, is amended by inserting in subsection
35 two of section thirty-five immediately before the word "Sunday" wherever occurring the words "Saturday or".

Amendment of Act No. 4, 1897.
Sec. 35.
(Reckoning of time.)

No. , 1942.

A BILL

To amend the Conveyancing Act, 1919, the Registration of Deeds Act, 1897, the Interpretation Act of 1897, and certain other Acts in certain respects; and for purposes connected therewith.

[MR. MCKELL;—9 April, 1942.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows :—

1. (1) This Act may be cited as the "Conveyancing (Amendment) Act, 1942."

Short title
and citation.

Conveyancing (Amendment).

(2) The Conveyancing Act, 1919-1939, as amended by subsequent Acts, including this Act, may be cited as the Conveyancing Act, 1919-1942.

2. (1) The Conveyancing Act, 1919-1939, as amended
5 by subsequent Acts, is amended—

(a) by inserting in subsection one of section seven
next after the definition of "Valuable considera-
tion" the following new definition:—

10 "War damage" means damage caused by,
or in repelling, enemy action, or by
measures taken to avoid the spreading
of the consequences of damage caused
by, or in repelling, enemy action.

15 (b) (i) by omitting from the proviso to paragraph
(a) of subsection one of section eighty-four
the word "so" where firstly occurring and
by inserting in lieu thereof the words "or
shall suffer war damage so, in any such
event";

20 (ii) by inserting in paragraph (b) of the same
subsection after the word "accidents" the
words "war damage";

25 (c) (i) by inserting in the matter distinguished by
the figure "2" in Column one of Part II of
Schedule IV after the words "in the event
of" the words "war damage or";

30 (ii) by omitting from the matter distinguished
by the figure "2" in Column two of Part II
of the same Schedule the word "so" where
firstly occurring and by inserting in lieu
thereof the words "or shall suffer war
damage so, in any such event";

35 (iii) by inserting in the matter distinguished by
the figure "4" in Column one of Part II of
the same Schedule, after the words "wear
and tear," the words "war damage";

40 (iv) by inserting in the matter distinguished by
the figure "4" in Column two of Part II of
the same Schedule after the words "wear
and tear" the words "war damage";

(v)

Amendment
of Act No. 6,
1919.

Sec. 7.

(Defini-
tions.)

cf. 2 & 3
Geo. VI,
c. 72, s. 24.

Sec. 84.

(Covenants
by lessees.)

Schedule IV.
(Short
forms of
covenants.)

Conveyancing (Amendment).

- (v) by inserting in the matter distinguished by the figure "5" in Column one of Part II of the same Schedule, after the words "wear and tear," the words "war damage";
- 5 (vi) by inserting in the matter distinguished by the figure "5" in Column two of Part II of the same Schedule, after the words "wear and tear," the words "war damage."
- (2) The amendments made by subsection one of
- 10 this section shall be deemed to have commenced on the first day of January, one thousand nine hundred and forty-two, and shall have effect in respect of all leases made before and existing on that date and all leases made on or after that date.
- 15 3. The Conveyancing Act, 1919-1939, as amended by subsequent Acts, is further amended by inserting at the end of paragraph (e) of subsection one of section two hundred and two the words "or the Real Property Act, 1900."
- Further amendment of Act No. 6, 1919.
- 20 4. (1) The Registration of Deeds Act, 1897, as amended by subsequent Acts, is amended—
- Amendment of Act No. 22, 1897.
- (a) by omitting from subsection one of section five the words "and for not less than two hours, beginning at the hour aforesaid, on all Saturdays throughout the year";
- Sec. 5. (At what time office open.)
- 25 (b) by inserting in subsection two of the same section after the word "on" the word "Saturdays".
- (2) The Interpretation Act of 1897, as amended by
- Amendment of Act No. 4, 1897.
- 30 subsequent Acts, is amended by inserting in subsection two of section thirty-five immediately before the word "Sunday" wherever occurring the words "Saturday or".
- Sec. 35. (Reckoning of time.)

New South Wales.



ANNO SEXTO

GEORGII VI REGIS.

Act No. 1, 1942.

An Act to amend the Conveyancing Act, 1919, the Registration of Deeds Act, 1897, the Interpretation Act of 1897, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 6th May, 1942.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Conveyancing (Amendment) Act, 1942." Short title and citation.

Conveyancing (Amendment).

(2) The Conveyancing Act, 1919-1939, as amended by subsequent Acts, including this Act, may be cited as the Conveyancing Act, 1919-1942.

Amendment
of Act No. 6,
1919.

Sec. 7.
(Defini-
tions.)

cf. 2 & 3
Geo. VI,
c. 72, s. 24.

Sec. 84.
(Covenants
by lessees.)

Special
provisions in
relation to
certain
leases.

2. (1) The Conveyancing Act, 1919-1939, as amended by subsequent Acts, is amended—

(a) by inserting in subsection one of section seven next after the definition of “Valuable consideration” the following new definition:—

“War damage” means damage caused by, or in repelling, enemy action, or by measures taken to avoid the spreading of the consequences of damage caused by, or in repelling, enemy action.

(b) (i) by omitting from the proviso to paragraph (a) of subsection one of section eighty-four the word “so” where firstly occurring and by inserting in lieu thereof the words “or shall suffer war damage so, in any such event”;

(ii) by inserting in paragraph (b) of the same subsection after the word “accidents” the words “war damage”;

(c) by inserting next after section eighty-four the following new section:—

84A. The following provisions shall have effect with respect to every lease in which the covenants implied by section eighty-four of this Act are negatived, and in which the forms of words contained in the first column of Part II of Schedule IV to this Act and distinguished by the numbers 2, 4 and 5 or any of them are not employed or are employed with exceptions, qualifications or omissions:—

(a) Where in any such lease there is a covenant to pay the rent reserved there shall be implied the following proviso:—

Provided, however, that in case the demised premises or any part thereof shall suffer war damage so as to render the

Conveyancing (Amendment).

the same unfit for the occupation and use of the lessee, then and so often as the same shall happen, the rent thereby reserved, or a proportionate part thereof, according to the nature and extent of the damage sustained shall abate, and all or any remedies for recovery of the rent or such proportionate part thereof shall be suspended until the demised premises shall have been rebuilt or made fit for the occupation and use of the lessee, and in case of any dispute arising under this proviso the same shall be referred to arbitration under the provisions of the Arbitration Act, 1902.

- (b) Where in any such lease there is a covenant by the lessee that he will, during the continuance of the lease, keep the demised premises in good and tenantable repair or that he will at the termination of the lease yield up the demised premises in good and tenantable repair it shall be implied in such covenant that war damage shall be excepted.
- (d) (i) by inserting in the matter distinguished by Schedule IV. the figure "2" in Column one of Part II of (Short forms of covenants.) Schedule IV after the words "in the event of" the words "war damage or";
- (ii) by omitting from the matter distinguished by the figure "2" in Column two of Part II of the same Schedule the word "so" where firstly occurring and by inserting in lieu thereof the words "or shall suffer war damage so, in any such event";
- (iii) by inserting in the matter distinguished by the figure "4" in Column one of Part II of the same Schedule, after the words "wear and tear," the words "war damage";
- (iv)

Conveyancing (Amendment).

- (iv) by inserting in the matter distinguished by the figure "4" in Column two of Part II of the same Schedule after the words "wear and tear" the words "war damage";
- (v) by inserting in the matter distinguished by the figure "5" in Column one of Part II of the same Schedule, after the words "wear and tear," the words "war damage";
- (vi) by inserting in the matter distinguished by the figure "5" in Column two of Part II of the same Schedule, after the words "wear and tear," the words "war damage."

(2) The amendments made by subsection one of this section shall be deemed to have commenced on the first day of January, one thousand nine hundred and forty-two, and shall have effect in respect of all leases made before and existing on that date and all leases made on or after that date.

Further
amendment
of Act No. 6,
1919.

3. The Conveyancing Act, 1919-1939, as amended by subsequent Acts, is further amended by inserting at the end of paragraph (e) of subsection one of section two hundred and two the words "or the Real Property Act, 1900."

Amendment
of Act No. 4,
22, 1897.

Sec. 5.

(At what
time office
open.)

4. (1) The Registration of Deeds Act, 1897, as amended by subsequent Acts, is amended—

- (a) by omitting from subsection one of section five the words "and for not less than two hours, beginning at the hour aforesaid, on all Saturdays throughout the year";
- (b) by inserting in subsection two of the same section after the word "on" the word "Saturdays".

Amendment
of Act No. 4,
1897.

Sec. 35.

(Reckoning
of time.)

(2) The Interpretation Act of 1897, as amended by subsequent Acts, is amended by inserting in subsection two of section thirty-five immediately before the word "Sunday" wherever occurring the words "Saturday or".

By Authority:

ALFRED HENRY PETTIFER, Acting Government Printer, Sydney, 1942.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. R. McCOURT,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 29 April, 1942.*

New South Wales.



ANNO SEXTO

GEORGII VI REGIS.

Act No. 1, 1942.

An Act to amend the Conveyancing Act, 1919, the Registration of Deeds Act, 1897, the Interpretation Act of 1897, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 6th May, 1942.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the “Conveyancing (Amendment) Act, 1942.”

Short title
and citation.

(2)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Conveyancing (Amendment).

(2) The Conveyancing Act, 1919-1939, as amended by subsequent Acts, including this Act, may be cited as the Conveyancing Act, 1919-1942.

Amendment
of Act No. 6,
1919.

Sec. 7.
(Defini-
tions.)

cf. 2 & 3
Geo. VI,
c. 72, s. 24.

Sec. 84.
(Covenants
by lessees.)

Special
provisions in
relation to
certain
leases.

2. (1) The Conveyancing Act, 1919-1939, as amended by subsequent Acts, is amended—

(a) by inserting in subsection one of section seven next after the definition of “Valuable consideration” the following new definition:—

“War damage” means damage caused by, or in repelling, enemy action, or by measures taken to avoid the spreading of the consequences of damage caused by, or in repelling, enemy action.

(b) (i) by omitting from the proviso to paragraph (a) of subsection one of section eighty-four the word “so” where firstly occurring and by inserting in lieu thereof the words “or shall suffer war damage so, in any such event”;

(ii) by inserting in paragraph (b) of the same subsection after the word “accidents” the words “war damage”;

(c) by inserting next after section eighty-four the following new section:—

84A. The following provisions shall have effect with respect to every lease in which the covenants implied by section eighty-four of this Act are negatived, and in which the forms of words contained in the first column of **Part II** of Schedule IV to this Act and distinguished by the numbers 2, 4 and 5 or any of them are not employed or are employed with exceptions, qualifications or omissions:—

(a) Where in any such lease there is a covenant to pay the rent reserved there shall be implied the following proviso:—

Provided, however, that in case the demised premises or any part thereof shall suffer war damage so as to render the

Conveyancing (Amendment).

the same unfit for the occupation and use of the lessee, then and so often as the same shall happen, the rent thereby reserved, or a proportionate part thereof, according to the nature and extent of the damage sustained shall abate, and all or any remedies for recovery of the rent or such proportionate part thereof shall be suspended until the demised premises shall have been rebuilt or made fit for the occupation and use of the lessee, and in case of any dispute arising under this proviso the same shall be referred to arbitration under the provisions of the Arbitration Act, 1902.

(b) Where in any such lease there is a covenant by the lessee that he will, during the continuance of the lease, keep the demised premises in good and tenantable repair or that he will at the termination of the lease yield up the demised premises in good and tenantable repair it shall be implied in such covenant that war damage shall be excepted.

(d) (i) by inserting in the matter distinguished by Schedule IV. the figure "2" in Column one of Part II of (Short forms of covenants.) Schedule IV after the words "in the event of" the words "war damage or";

(ii) by omitting from the matter distinguished by the figure "2" in Column two of Part II of the same Schedule the word "so" where firstly occurring and by inserting in lieu thereof the words "or shall suffer war damage so, in any such event";

(iii) by inserting in the matter distinguished by the figure "4" in Column one of Part II of the same Schedule, after the words "wear and tear," the words "war damage";

(iv)

Conveyancing (Amendment).

- (iv) by inserting in the matter distinguished by the figure "4" in Column two of Part II of the same Schedule after the words "wear and tear" the words "war damage";
- (v) by inserting in the matter distinguished by the figure "5" in Column one of Part II of the same Schedule, after the words "wear and tear," the words "war damage";
- (vi) by inserting in the matter distinguished by the figure "5" in Column two of Part II of the same Schedule, after the words "wear and tear," the words "war damage."

(2) The amendments made by subsection one of this section shall be deemed to have commenced on the first day of January, one thousand nine hundred and forty-two, and shall have effect in respect of all leases made before and existing on that date and all leases made on or after that date.

Further
amendment
of Act No. 6,
1919.

3. The Conveyancing Act, 1919-1939, as amended by subsequent Acts, is further amended by inserting at the end of paragraph (e) of subsection one of section two hundred and two the words "or the Real Property Act, 1900."

Amendment
of Act No.
22, 1897.

Sec. 5.
(At what
time office
open.)

4. (1) The Registration of Deeds Act, 1897, as amended by subsequent Acts, is amended—

- (a) by omitting from subsection one of section five the words "and for not less than two hours, beginning at the hour aforesaid, on all Saturdays throughout the year";
- (b) by inserting in subsection two of the same section after the word "on" the word "Saturdays".

Amendment
of Act No. 4,
1897.

Sec. 35.
(Reckoning
of time.)

(2) The Interpretation Act of 1897, as amended by subsequent Acts, is amended by inserting in subsection two of section thirty-five immediately before the word "Sunday" wherever occurring the words "Saturday or".

In the name and on behalf of His Majesty I assent to this Act.

WAKEHURST,
Governor.

Government House,
Sydney, 6th May, 1942.