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.

R. E. WARD, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 25 October, 1977.



ANNO VICESIMO SEXTO ELIZABETHÆ II REGINÆ

Act No. , 1977.

An Act to amend the Conveyancing Act, 1919, with respect to the meaning in a will or an instrument other than a will of "heir" or "next of kin", or the statutory next of kin, of a person.

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BE it enacted by the Queen'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. This Act may be cited as the "Conveyancing Short title. 5 (Amendment) Act, 1977".

2. (1) Except as provided in subsection (2), this Act Commenceshall commence on the date of assent to this Act. ment.

(2) Section 3 shall commence on the day on which 10 section 5 of the Wills, Probate and Administration (Amendment) Act, 1977, commences.

3. The Conveyancing Act, 1919, is amended by omitting Amendment of Act No. section 33 and by inserting instead the following section :-6, 1919.

Sec. 33.

(2)

33. (1) Where, under the terms of any will coming Meaning of into operation, or of any instrument (other than a will) heir, next of kin, or made, after the commencement of section 3 of the statutor Conveyancing (Amendment) Act, 1977, any property next of kin would but for this contine work in would, but for this section, vest inperson.

(a) the heirs of a person;

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- (b) the next of kin of a person; or
- (c) the next of kin of a person to be determined in accordance with the Wills, Probate and Administration Act, 1898,
- the provisions of Division 2A of Part II of the Wills, 25 Probate and Administration Act, 1898 (as in force after that commencement) shall, subject to subsection (2), apply in respect of that property in the same way as those provisions would apply if that person had died intestate as to that property.

(2) Subsection (1) applies only if and so far as a contrary or another intention is not expressed in the will or other instrument and shall have effect subject to the provisions of the will or other instrument.

(3) Where, under the terms of any will coming into operation, or of any instrument (other than a will) made, before the commencement of section 3 of the Conveyancing (Amendment) Act, 1977, any property would, but for this subsection, vest in—

- (a) the heirs of a person;
 - (b) the next of kin of a person; or
 - (c) the next of kin of a person to be determined in accordance with the Wills, Probate and Administration Act, 1898,
- 15 that property shall vest in the persons in whom it would have vested if that section had not commenced.

BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES-1977 [8c]

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Act No. 1977.

Conveyanciae (Amendment).

(2) Subsection (2) all and a statement of a statement of an associated intension is not enclosed in the will be developed in the will be developed and exclusion of the will be developed and exclusion.

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D. W. ST. GOVERNMENT FUNCTION NEW SOUTH WALES-1777

CONVEYANCING (AMENDMENT) BILL, 1977

omerations (Amendment),

BF it enacted by the Queen's Most Excellent Majesy, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Padiament assembled, and by the anthony of the same, as follows : ---

 I. This Act may be cited as the "Conveyancing selection. (Amendment) Act, 1977.

 Eveption (1) Eveption (1) povided in subsection (2), this Act connetes shall committee on the date of desent to this Act.

> (2) Section 2 that communication the day on which (description? 5 or the Wilky Product) and Maniparhitics (antidescort Act Wilk communication).

No. , 1977.

A BILL FOR

An Act to amend the Conveyancing Act, 1919, with respect to the meaning in a will or an instrument other than a will of "heir" or "next of kin", or the statutory next of kin, of a person.

[MR F. J. WALKER—21 September, 1977.]

36616 224—

BE

1977

Conveyancing (Amendment).

BE it enacted by the Queen'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 :—

5 1. This Act may be cited as the "Conveyancing Short title. (Amendment) Act, 1977".

2. (1) Except as provided in subsection (2), this Act Commenceshall commence on the date of assent to this Act.

(2) Section 3 shall commence on the day on which10 section 5 of the Wills, Probate and Administration (Amendment) Act, 1977, commences.

. 1977.

33. (1) Where, under the terms of any will coming Meaning of into operation, or of any instrument (other than a will) heir, next of kin, or made, after the commencement of section 3 of the statutory Conveyancing (Amendment) Act, 1977, any property next of kin of any would, but for this section, vest in—

(a) the heirs of a person;

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(b) the next of kin of a person; or

- (c) the next of kin of a person to be determined in accordance with the Wills, Probate and Administration Act, 1898,
- the provisions of Division 2A of Part II of the Wills, Probate and Administration Act, 1898 (as in force after that commencement) shall, subject to subsection (2), apply in respect of that property in the same way as those provisions would apply if that person had died intestate as to that property.

(2)

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(2) Subsection (1) applies only if and so far as a contrary or another intention is not expressed in the will or other instrument and shall have effect subject to the provisions of the will or other instrument.

(3) Where, under the terms of any will coming into operation, or of any instrument (other than a will) made, before the commencement of section 3 of the Conveyancing (Amendment) Act, 1977, any property would, but for this subsection, vest in—

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- (a) the heirs of a person;
- (b) the next of kin of a person; or
- (c) the next of kin of a person to be determined in accordance with the Wills, Probate and Administration Act, 1898,
- 15 that property shall vest in the persons in whom it would have vested if that section had not commenced.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES-1977 [8c]

Act No. 1977.

Conveyancing (Amendment).

(2) Subsection (4) applies only if and so tar as a contrary or finather intention is not expressed in the will or other instrument and shall have effect subject to the provisions of the will or other instrument.

(3) Where, inder the terms of my will coming into operation, it of any instrument (other than a will) made, before the commencement of section 3 of thy Conveyancing (Amendment) Act. 1977, any property would, but for this subsection, yest in---

(a) the beirs of a person;

(b) the next of kin of a person or

(c) the first of kin of a person to be determined is necordance with the Wills. Probare and Numbermics Act. 1898.

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PROOF

CONVEYANCING (AMENDMENT) BILL, 1977

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

THIS Bill replaces section 33 of the Conveyancing Act, 1919, with a new section which will provide that where, under the terms of any will coming into operation, or any instrument (other than a will) made, after the commencement of clause 3 of the Bill, any property would vest in—

- (a) the heirs of a person;
- (b) the next of kin of a person; or
- (c) the next of kin of a person to be determined in accordance with the Wills, Probate and Administration Act, 1898,

the provisions of Division 2A of Part II of the Wills, Probate and Administration Act, 1898 (as proposed to be amended by clause 5 of the Wills, Probate and Administration (Amendment) Bill, 1977) are, unless the contrary intention appears from the will or instrument, to apply in respect of that property in the same way as those provisions would apply if that person had died intestate as to that property.

PROOF

CONVEYANCING (AMENDMENT) BILL, 1977

with the addres and convent of the Legislifick Control and Legislative Assembly of New South Wates in Amazinean resembled and by the antisady of the case, in Sull was r

5 II. This Act may be effect as (5) "Conveynneing Shoridite. (Amendment), Act, 1977).

 (1) Except as provided in subsection (21) this Arteonnesic shall commence on the date of assent to this Act.

> Section 3 shall commence on the day on when to echod. 5 of the Wills: Probate and Administration (Accordingly, Act, 1977, countries).

No. , 1977.

A BILL FOR

An Act to amend the Conveyancing Act, 1919, with respect to the meaning in a will or an instrument other than a will of "heir" or "next of kin", or the statutory next of kin, of a person.

[MR F. J. WALKER-21 September, 1977.]

in accordance with the Wills Probate and Administration Act. 1898

the **38** disions of Division 2A of Part II of the Wilk. Probate and Administration Act 1898 (as inforce after that commencement) shall, subject to subsection (2), apply in respect of that property in the same way us those provisions would apply if that person had died intestate as to that property. -222 61666

BE it enacted by the Queen'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 :—

5 1. This Act may be cited as the "Conveyancing Short title. (Amendment) Act, 1977".

2. (1) Except as provided in subsection (2), this Act Commenceshall commence on the date of assent to this Act.

(2) Section 3 shall commence on the day on which10 section 5 of the Wills, Probate and Administration (Amendment) Act, 1977, commences.

33. (1) Where, under the terms of any will coming Meaning of into operation, or of any instrument (other than a will) heir, next made, after the commencement of section 3 of the statutory Conveyancing (Amendment) Act, 1977, any property next of kin would, but for this section, vest in—

(a) the heirs of a person;

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(b) the next of kin of a person; or

- (c) the next of kin of a person to be determined in accordance with the Wills, Probate and Administration Act, 1898,
- the provisions of Division 2A of Part II of the Wills,
 Probate and Administration Act, 1898 (as in force after that commencement) shall, subject to subsection (2), apply in respect of that property in the same way as those provisions would apply if that person had died intestate as to that property.

(2)

Act No. , 1977.

Conveyancing (Amendment).

(2) Subsection (1) applies only if and so far as a contrary or another intention is not expressed in the will or other instrument and shall have effect subject to the provisions of the will or other instrument.

(3) Where, under the terms of any will coming into operation, or of any instrument (other than a will) made, before the commencement of section 3 of the Conveyancing (Amendment) Act, 1977, any property would, but for this subsection, vest in—

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- (a) the heirs of a person;
- (b) the next of kin of a person; or
- (c) the next of kin of a person to be determined in accordance with the Wills, Probate and Administration Act, 1898,
- 15 that property shall vest in the persons in whom it would have vested if that section had not commenced.

BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES-1977

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CONVEYANCING (AMENDMENT) ACT, 1977

New South Wales



ANNO VICESIMO SEXTO ELIZABETHÆ II REGINÆ

Act No. 118, 1977.

An Act to amend the Conveyancing Act, 1919, with respect to the meaning in a will or an instrument other than a will of "heir" or "next of kin", or the statutory next of kin, of a person. [Assented to, 9th December, 1977.]

BE

P 43458K [8c]

BE it enacted by the Queen'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 :----

Short title.

1. This Act may be cited as the "Conveyancing (Amendment) Act, 1977".

Commence 2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 3 shall commence on the day on which section 5 of the Wills, Probate and Administration (Amendment) Act, 1977, commences.

Amendment **3.** The Conveyancing Act, 1919, is amended by omitting of Act No. 6, 1919. section 33 and by inserting instead the following section :— Sec. 33.

Meaning of heir, next of kin, or statutory next of kin of any person. 33. (1) Where, under the terms of any will coming into operation, or of any instrument (other than a will) made, after the commencement of section 3 of the Conveyancing (Amendment) Act, 1977, any property would, but for this section, vest in—

(a) the heirs of a person;

- (b) the next of kin of a person; or
- (c) the next of kin of a person to be determined in accordance with the Wills, Probate and Administration Act, 1898,

the provisions of Division 2A of Part II of the Wills, Probate and Administration Act, 1898 (as in force after that commencement) shall, subject to subsection (2), apply in respect of that property in the same way as those provisions would apply if that person had died intestate as to that property.

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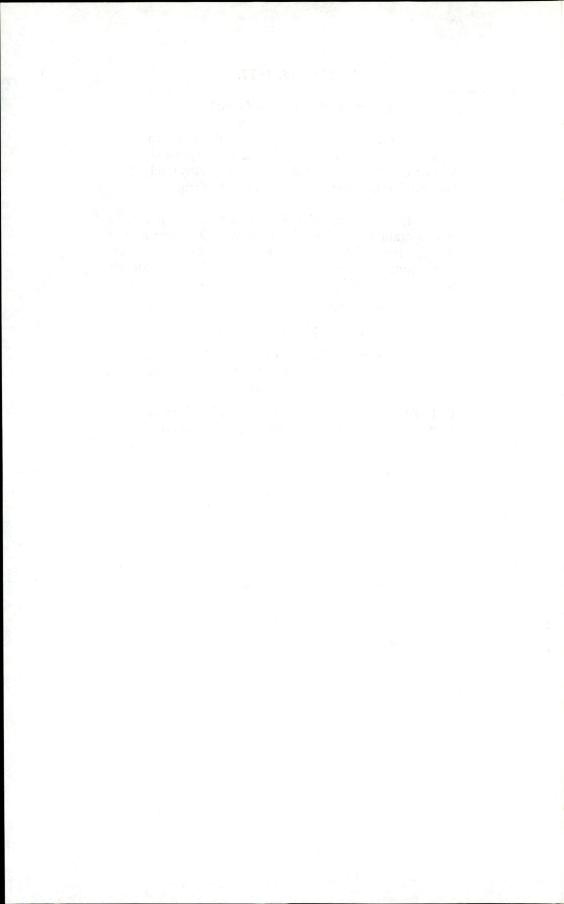
(2) Subsection (1) applies only if and so far as a contrary or another intention is not expressed in the will or other instrument and shall have effect subject to the provisions of the will or other instrument.

(3) Where, under the terms of any will coming into operation, or of any instrument (other than a will) made, before the commencement of section 3 of the Conveyancing (Amendment) Act, 1977, any property would, but for this subsection, vest in—

- (a) the heirs of a person;
- (b) the next of kin of a person; or
- (c) the next of kin of a person to be determined in accordance with the Wills, Probate and Administration Act, 1898,

that property shall vest in the persons in whom it would have vested if that section had not commenced.

BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978



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

> R. E. WARD, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 29 November, 1977.



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 118, 1977.

An Act to amend the Conveyancing Act, 1919, with respect to the meaning in a will or an instrument other than a will of "heir" or "next of kin", or the statutory next of kin, of a person. [Assented to, 9th December, 1977.]

BE

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

> T. J. CAHILL, Chairman of Committees of the Legislative Assembly.

Act No. 118, 1977.

Conveyancing (Amendment).

BE it enacted by the Queen'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 :—

Short title. 1. This Act may be cited as the "Conveyancing (Amendment) Act, 1977".

Commencement. 2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 3 shall commence on the day on which section 5 of the Wills, Probate and Administration (Amendment) Act, 1977, commences.

Meaning of heir, next of kin, or statutory next of kin of any person. 33. (1) Where, under the terms of any will coming into operation, or of any instrument (other than a will) made, after the commencement of section 3 of the Conveyancing (Amendment) Act, 1977, any property would, but for this section, vest in—

- (a) the heirs of a person;
- (b) the next of kin of a person; or
- (c) the next of kin of a person to be determined in accordance with the Wills, Probate and Administration Act, 1898,

the provisions of Division 2A of Part II of the Wills, Probate and Administration Act, 1898 (as in force after that commencement) shall, subject to subsection (2), apply in respect of that property in the same way as those provisions would apply if that person had died intestate as to that property.

(2)

Act No. 118, 1977.

Conveyancing (Amendment).

(2) Subsection (1) applies only if and so far as a contrary or another intention is not expressed in the will or other instrument and shall have effect subject to the provisions of the will or other instrument.

(3) Where, under the terms of any will coming into operation, or of any instrument (other than a will) made, before the commencement of section 3 of the Conveyancing (Amendment) Act, 1977, any property would, but for this subsection, vest in—

- (a) the heirs of a person;
- (b) the next of kin of a person; or
- (c) the next of kin of a person to be determined in accordance with the Wills, Probate and Administration Act, 1898,

that property shall vest in the persons in whom it would have vested if that section had not commenced.

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

A. R. CUTLER, Governor.

Government House, Sydney, 9th December, 1977.

A.3 Mar. 116. 1977.

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CONVEYANCING (AMENDMENT) ACT, 1977

New South Wales



ANNO VICESIMO SEXTO ELIZABETHÆ II REGINÆ

Act No. 118, 1977.

An Act to amend the Conveyancing Act, 1919, with respect to the meaning in a will or an instrument other than a will of "heir" or "next of kin", or the statutory next of kin, of a person. [Assented to, 9th December, 1977.]

BE

P 43458K [8c]

BE it enacted by the Queen'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 :----

Short title.

1. This Act may be cited as the "Conveyancing (Amendment) Act, 1977".

Commence 2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 3 shall commence on the day on which section 5 of the Wills, Probate and Administration (Amendment) Act, 1977, commences.

Amendment **3.** The Conveyancing Act, 1919, is amended by omitting of Act No. 6, 1919. section 33 and by inserting instead the following section :— Sec. 33.

Meaning of heir, next of kin, or statutory next of kin of any person. 33. (1) Where, under the terms of any will coming into operation, or of any instrument (other than a will) made, after the commencement of section 3 of the Conveyancing (Amendment) Act, 1977, any property would, but for this section, vest in—

(a) the heirs of a person;

- (b) the next of kin of a person; or
- (c) the next of kin of a person to be determined in accordance with the Wills, Probate and Administration Act, 1898,

the provisions of Division 2A of Part II of the Wills, Probate and Administration Act, 1898 (as in force after that commencement) shall, subject to subsection (2), apply in respect of that property in the same way as those provisions would apply if that person had died intestate as to that property.

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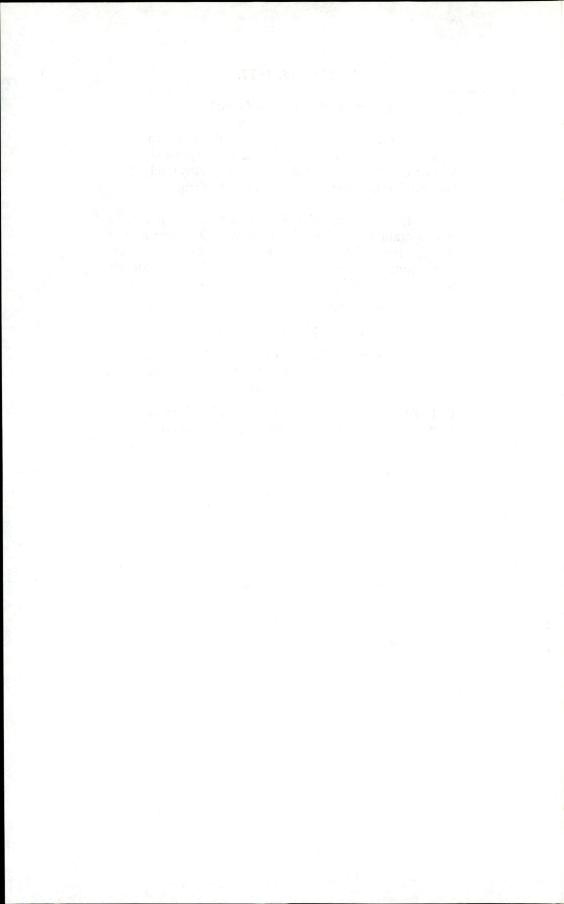
(2) Subsection (1) applies only if and so far as a contrary or another intention is not expressed in the will or other instrument and shall have effect subject to the provisions of the will or other instrument.

(3) Where, under the terms of any will coming into operation, or of any instrument (other than a will) made, before the commencement of section 3 of the Conveyancing (Amendment) Act, 1977, any property would, but for this subsection, vest in—

- (a) the heirs of a person;
- (b) the next of kin of a person; or
- (c) the next of kin of a person to be determined in accordance with the Wills, Probate and Administration Act, 1898,

that property shall vest in the persons in whom it would have vested if that section had not commenced.

BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978



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

> R. E. WARD, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 29 November, 1977.



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 118, 1977.

An Act to amend the Conveyancing Act, 1919, with respect to the meaning in a will or an instrument other than a will of "heir" or "next of kin", or the statutory next of kin, of a person. [Assented to, 9th December, 1977.]

BE

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

> T. J. CAHILL, Chairman of Committees of the Legislative Assembly.

Act No. 118, 1977.

Conveyancing (Amendment).

BE it enacted by the Queen'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 :—

Short title. 1. This Act may be cited as the "Conveyancing (Amendment) Act, 1977".

Commencement. 2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 3 shall commence on the day on which section 5 of the Wills, Probate and Administration (Amendment) Act, 1977, commences.

Meaning of heir, next of kin, or statutory next of kin of any person. 33. (1) Where, under the terms of any will coming into operation, or of any instrument (other than a will) made, after the commencement of section 3 of the Conveyancing (Amendment) Act, 1977, any property would, but for this section, vest in—

- (a) the heirs of a person;
- (b) the next of kin of a person; or
- (c) the next of kin of a person to be determined in accordance with the Wills, Probate and Administration Act, 1898,

the provisions of Division 2A of Part II of the Wills, Probate and Administration Act, 1898 (as in force after that commencement) shall, subject to subsection (2), apply in respect of that property in the same way as those provisions would apply if that person had died intestate as to that property.

(2)

Act No. 118, 1977.

Conveyancing (Amendment).

(2) Subsection (1) applies only if and so far as a contrary or another intention is not expressed in the will or other instrument and shall have effect subject to the provisions of the will or other instrument.

(3) Where, under the terms of any will coming into operation, or of any instrument (other than a will) made, before the commencement of section 3 of the Conveyancing (Amendment) Act, 1977, any property would, but for this subsection, vest in—

- (a) the heirs of a person;
- (b) the next of kin of a person; or
- (c) the next of kin of a person to be determined in accordance with the Wills, Probate and Administration Act, 1898,

that property shall vest in the persons in whom it would have vested if that section had not commenced.

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

A. R. CUTLER, Governor.

Government House, Sydney, 9th December, 1977.

A.3 Mar. 116. 1977.

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