

CONVEYANCING (AMENDMENT)  
ACT.

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Act No. 18, 1939.

An Act to amend the Conveyancing Act, 1919-  
1938, in certain respects; to validate certain  
matters; and for purposes connected  
therewith. [Assented to, 24th October,  
1939.]

George VI.  
No. 18, 1939.

BE

**Conveyancing (Amendment) Act.**

No. 18, 1939.

**B**E 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 :—

Short title and citation.

**1.** (1) This Act may be cited as the "Conveyancing (Amendment) Act, 1939."

(2) The Conveyancing Act, 1919-1938, as amended by this Act, may be cited as the Conveyancing Act, 1919-1939.

Amendment of Act No. 6, 1919.  
New sec. 109A.

**2.** The Conveyancing Act, 1919-1938, is amended by inserting next after section one hundred and nine the following new section :—

Savings as to certain mortgages.

109A. (1) A mortgage of land which confers on the mortgagee a power to sever and sell fixtures apart from the balance of the mortgaged property, shall not be, and shall be deemed never to have been, merely because of such power—

(a) a bill of sale; or

(b) subject to avoidance or invalidity under the Bills of Sale Act of 1898, as amended by subsequent Acts, or under the Companies (Registration of Securities) Act, 1918, or under Part IX of the Companies Act, 1936, by reason of such mortgage not having been filed or registered under the provisions of any such Act.

(2) This section applies to mortgages and incumbrances under the Real Property Act, 1900.

(3) This section applies to mortgages and incumbrances made either before or after the commencement of the Conveyancing (Amendment) Act, 1939.