

CONVEYANCING (AMENDMENT) ACT.

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.]

George VI.
No. 1, 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) 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 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 consideration" the following new definition:— Sec. 7. (Definitions.)

"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.

(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.)

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- (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:—

Special provisions in relation to certain leases.

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 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

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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. No. 1, 1942.

- (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) 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.

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.

4.

Motor Vehicles (Taxation) Act.

No. 1, 1942. **4.** (1) The Registration of Deeds Act, 1897, as amended by subsequent Acts, is amended—

Amendment
of Act No.
22, 1897.

Sec. 5.

(At what
time office
open.)

(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”.

