

MOSS VALE SERVICES CLUB ACT.

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 24, 1975.

An Act to authorise the appointment of Moss Vale Services Club Ltd. as trustee of certain land in place of Wingecarribee Shire Council; to empower that Club to mortgage the land; and for purposes connected therewith. [Assented to, 14th April, 1975.]

BE

Moss Vale Services Club.

BE it enacted by the Queen's Most Excellent Majesty, by No. 24, 1975 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 "Moss Vale Services Club Short title. Act, 1975".

2. In this Act—

Interpre-
tation.

"Club" means Moss Vale Services Club Ltd.;

"Council" means the council of the shire of Wingecarribee;

"land" means the land described in the Schedule.

3. (1) The Council may, under section 6 of the Trustee Act, 1925, appoint the Club in its place as trustee for the trust property that is the land. Council may appoint Club as trustee of land.

(2) Subsection (1) has effect—

(a) subject to section 6 (2) (d) of the Trustee Act, 1925;

(b) notwithstanding section 6 (4) of that Act; and

(c) notwithstanding anything in any instrument whereby the land became trust property.

4. (1) Subsections (2), (3) and (4) do not have effect unless the Club is, under section 3, appointed as trustee in place of the Council. Power to mortgage and powers of mortgagee.

(2)

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(2) Conveyance dated 30th March, 1922, from Violet Bennett to the Council of the Municipality of Moss Vale, registered number 697 book 1257, shall be construed—

- (a) as if the words “and with full powers to manage and control the same and to lease from time to time any such buildings for such purposes as the said Council shall approve and to devote any revenue derived from such leasing to the upkeep repairs and improvements of such buildings and grounds” had been omitted therefrom; and
- (b) as if the buildings to which the trusts declared by that conveyance extend included any buildings situated on the land at, or erected on the land after, the commencement of this Act and used for the accommodation of the members of the Club and their guests and for the accommodation of the Moss Vale Sub-branch of the Returned Services League of Australia (New South Wales Branch).

(3) The Club may, notwithstanding the trusts declared by the conveyance referred to in subsection (2), mortgage the land with or without other land of the Club.

(4) If the Club mortgages the land under subsection (3), the land is freed and discharged from the trusts referred to in subsection (3) if—

- (a) an instrument that gives effect to the exercise by the mortgagee of any of his powers is registered under the Registration of Deeds Act, 1897, or recorded in the Register kept under the Real Property Act, 1900;
- (b) an order for foreclosure in respect of the land is registered under the Registration of Deeds Act, 1897;
- (c) a person other than the Club becomes registered as proprietor of the land pursuant to section 101 (2) of the Conveyancing Act, 1919; or

(d)

(d) the estate and interest of the Club in the land becomes vested in the mortgagee pursuant to section 62 (2) of the Real Property Act, 1900. No. 24, 1975
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5. (1) This section does not have effect unless the land is brought under the provisions of the Real Property Act, 1900. Caveat
against
dealings
with the
land.

(2) To the extent to which any caveat recorded by the Registrar-General in the Register kept under the Real Property Act, 1900, forbids registration of a dealing inconsistent with the trusts referred to in section 4 (3), the caveat—

(a) does not operate to prevent—

- (i) the registration of a mortgage given pursuant to section 4 (3);
- (ii) the registration of an instrument referred to in section 4 (4) (a);
- (iii) the registration of a person as proprietor pursuant to section 101 (2) of the Conveyancing Act, 1919; or
- (iv) the recording of an order referred to in section 62 (2) of the Real Property Act, 1900; and

(b) shall be withdrawn by the Registrar-General upon any registration or recording referred to in paragraph (a) (ii), (iii) or (iv) taking effect.

SCHEDULE

Sec. 2.

ALL THAT piece or parcel of land situate at Moss Vale in the Shire of Wingecarribee parish of Bong Bong county of Camden being Lot 1 in Deposited Plan 562554.