

South Australia



ANNO QUINQUAGESIMO
ELIZABETHAE II REGINAE
A.D. 2001

FREE PRESBYTERIAN CHURCH (VESTING OF PROPERTY) ACT 2001

No. 45 of 2001

[Assented to 11 October 2001]

An Act to vest property of the Free Presbyterian Church; and for other purposes.

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The Parliament of South Australia enacts as follows:

Short title

1. This Act may be cited as the *Free Presbyterian Church (Vesting of Property) Act 2001*.

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Interpretation

3. In this Act, unless the contrary intention appears—

"**Free Church Negotiators Incorporated**" means the association incorporated under that name under the *Associations Incorporation Act 1985*;

"**The Presbyterian Trusts Corporation**" means the corporate body of trustees incorporated under that name under the *Presbyterian Trusts Act 1971*;

"**the Registrar-General**" includes the Registrar-General of Deeds.

Vesting of land in Free Church Negotiators Incorporated

4. (1) Subject to this section, the following land vests in the Free Church Negotiators Incorporated for an estate in fee simple freed and discharged from any trust, estate, right, title, interest, claim or demand:

- (a) the whole of the land contained in allotment 500 of Lands Titles Registration Office Filed Plan No. 42504;
- (b) the whole of the land contained in Certificate of Title Register Book Volume 5747 Folio 454;
- (c) the whole of the land contained in Limited Certificate of Title Register Book Volume 5696 Folio 439;
- (d) the whole of the land contained in Certificate of Title Register Book Volume 5837 Folio 344.

(2) Subsection (1) does not operate to extinguish any statutory or other easement over land vested by that subsection.

Vesting of land in The Presbyterian Trusts Corporation

5. (1) Subject to this section, the following land vests in The Presbyterian Trusts Corporation for an estate in fee simple freed and discharged from any trust, estate, right, title, interest, claim or demand:

The whole of the land contained in Certificate of Title Register Book Volume 249 Folio 241.

(2) Subsection (1) does not operate to extinguish any statutory or other easement over the land vested by that subsection.

Vesting of land in Northern Areas Council

6. (1) Subject to this section, the following land vests in the Northern Areas Council for an estate in fee simple freed and discharged from any trust, estate, right, title, interest, claim or demand:

The whole of the land contained in Certificate of Title Register Book Volume 5829 Folio 507.

(2) Subsection (1) does not operate to extinguish—

- (a) any statutory or other easement; or
- (b) any burial right,

over the land or any part of the land vested by that subsection.

(3) The land referred to in subsection (1) will, on vesting in accordance with that subsection, be taken to have been classified as community land under Chapter 11 of the *Local Government Act 1999* (but nothing prevents the subsequent revocation of that classification under that Chapter).

Vesting of land in City of Onkaparinga

7. (1) Subject to this section, the following land vests in the City of Onkaparinga for an estate in fee simple freed and discharged from any trust, estate, right, title, interest, claim or demand:

The whole of the land contained in Limited Certificate of Title Register Book Volume 5696 Folio 444.

(2) Subsection (1) does not operate to extinguish—

- (a) any statutory or other easement; or
- (b) any burial right,

over the land or any part of the land vested by that subsection.

(3) The land referred to in subsection (1) will, on vesting in accordance with that subsection, be taken to have been classified as community land under Chapter 11 of the *Local Government Act 1999* (but nothing prevents the subsequent revocation of that classification under that Chapter).

Duty of Registrar-General

8. (1) The Registrar-General must, on application by a body in which land is vested under this Act and on production of such documents as the Registrar-General may require (but without the execution of any transfer, conveyance or other instrument)—

- (a) cause to be made such entries, endorsements or notations on any existing certificate of title or other document of title or in any record; and
- (b) cause to be issued such new certificates of title,

as the Registrar-General considers appropriate for giving full effect to that vesting.

(2) Where the land vested under this Act is not subject to the provisions of the *Real Property Act 1886*, the Registrar-General must, in giving effect to that vesting, bring the land under the provisions of that Act by the issue of an appropriate certificate of title.

(3) For the purposes of giving effect to a vesting under this Act (whether in accordance with subsection (2) or otherwise), the Registrar-General is not obliged—

- (a) to make any further investigation of title or public advertisement; or
- (b) to require the production of a duplicate certificate or other document of title.

(4) No fee is payable in respect of an application, or any action of the Registrar-General, under this section.

Exemption from stamp duty

9. (1) Where land vests by virtue of this Act, the vesting of the land and any instrument evidencing or giving effect to the vesting are exempt from stamp duty.

(2) No person has an obligation under the *Stamp Duties Act 1923*—

- (a) to lodge a statement or return relating to the vesting of land under this Act; or
- (b) to include information about such a vesting in a statement or return.