



ANNO QUINTO

ELIZABETHAE II REGINAE

A.D. 1956.

No. 16 of 1956.

An Act to amend the Law of Property Act, 1936-1945.

[Assented to 8th November, 1956.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Law of Property Act Amendment Act, 1956".

(2) The Law of Property Act, 1936-1945, as amended by this Act, may be cited as the "Law of Property Act, 1936-1956".

(3) The Law of Property Act, 1936-1945, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Enactment of s. 57a of principal Act—

3. The following section is enacted and inserted in the principal Act after section 57 thereof :

Validation of appointments where objects are excluded or take illusory shares.

57a. (1) Subject to subsections (2) and (3) of this section, no appointment purported to be made in exercise of any power to appoint any property among two or more objects shall be invalid on the ground that—

(a) an unsubstantial, illusory or nominal share only is appointed or left unappointed to devolve upon any object of the power ; or

(b) any object of the power is thereby altogether excluded.

(2) Subsection (1) of this section shall not affect any provision in the instrument creating the power which indicates the amount or proportion of any share from which any object of the power is not to be excluded.

(3) Subsection (1) of this section shall apply only—

(a) to any appointment purported to be made after the enactment of this section, in exercise of a power created before or after the enactment of this section ; and

(b) to any appointment purported to be made by a will executed before the enactment of this section, if the testator dies after the enactment of this section.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.