



ANNO DECIMO QUINTO

**ELIZABETHAE II REGINAE**

A.D. 1966

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**No. 44 of 1966**

An Act to amend the Law of Property Act,  
1936-1960.

[Assented to 22nd September, 1966.]

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

Short title.

1. (1) This Act may be cited as the "Law of Property Act Amendment Act, 1966".

(2) The Law of Property Act 1936-1960 as amended by this Act may be cited as the "Law of Property Act, 1936-1966".

(3) The Law of Property Act, 1936-1960 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.

3. After section 24 of the principal Act there shall be inserted the following section—

Certain contracts with infants for the repayment of loans to be valid.

24a (1) Notwithstanding anything to the contrary contained in any other Act or in any rule of common law or equity the following contracts, whether entered into before or after the commencement of the Law of Property Act Amendment Act, 1966, shall be as valid and binding on an infant for all purposes as if the infant were of full age at the time he entered into the contract, namely—

(a) any contract entered into by an infant not under the age of eighteen years with the State Bank

of South Australia for the repayment of moneys advanced or to be advanced to the infant by the said bank under the provisions of the Advances for Homes Act, 1928-1958.

(b) Any contract entered into by an infant not under the age of eighteen years with the South Australian Housing Trust or any institution or society within the meaning of the Homes Act, 1941-1962 for the repayment of moneys lent or to be lent to the infant by the said Trust or any such institution or society.

(c) any contract entered into by an infant not under the age of eighteen years—

(i) with a building society registered under The Building Societies Act, 1881-1966 ;

or

(ii) with an industrial and provident society registered under the Industrial and Provident Societies Act, 1923-1958,

for the repayment of moneys lent or advanced or to be lent or advanced to the infant by any such Society.

(d) Any contract entered into by an infant not under the age of eighteen years for the repayment of moneys lent or advanced or to be lent or advanced to the infant by a bank or life assurance company or society for the purpose of purchasing or erecting a dwelling house for his own occupation ;

and

(e) any contract entered into by an infant not under the age of eighteen years with any building contractor for the purchase or erection of a dwelling house for his own occupation.

(2) An infant who has entered into any contract referred to in the last preceding subsection, whether before or after the commencement of the Law of Property Act Amendment Act, 1966, shall not at any time be entitled on any ground relating to his infancy or former infancy to avoid any of his obligations under the contract or under any instrument executed by the infant whereby the repayment of any moneys lent or advanced is secured or to repudiate any contract or any transfer, conveyance or assignment to any such infant relating to any property charged by him.

(3) Any instrument executed or purporting to have been executed by an infant by way of security for the repayment of any moneys lent or advanced or to be lent or advanced to the infant in pursuance of a contract of a kind referred to in subsection (1) of this section shall be as valid and effectual for all purposes as if the infant were of full age and capacity at the time he executed the instrument.

(4) For the purposes of this section—

(a) any reference in this section to a contract entered into by an infant shall be read and construed as including reference to a contract entered into by an infant jointly with some other person or persons (whether of full age or not) ;

(b) any reference in this section to moneys lent or advanced or to be lent or advanced to an infant shall be read and construed as including reference to moneys lent or advanced or to be lent or advanced to the order of an infant or to an infant jointly with some other person or persons (whether of full age or not) ;

(c) any reference in this section to an instrument executed by an infant shall be read and construed as including reference to an instrument executed by an infant jointly with some other person or persons (whether of full age or not) ;

and

(d) any reference in this section to an instrument shall include an instrument registrable under the provisions of the Real Property Act, 1886-1963.

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

J. M. NAPIER, Governor's Deputy.