



ANNO DECIMO QUARTO

## GEORGI VI REGIS.

A.D. 1950.

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### No. 22 of 1950.

#### An Act to amend the Aged and Infirm Persons' Property Act, 1940.

[Assented to 9th November, 1950.]

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

1. (1) This Act may be cited as the "Aged and Infirm Persons' Property Act Amendment Act, 1950". Short titles.

(2) The Aged and Infirm Persons' Property Act, 1940, as amended by this Act, may be cited as the "Aged and Infirm Persons' Property Act, 1940-1950".

(3) The Aged and Infirm Persons' Property Act, 1940, is hereinafter referred to as "the principal Act".

2. The following sections are enacted and inserted in the principal Act after section 16 thereof:—

Enactment of ss. 16a and 16b of the principal Act—

16a. In the exercise of any power to give any direction or make any order under this Act with respect to any protected estate, the court shall have power to make any order for the purpose of preserving, so far as possible in the administration of the protected estate, the quality, tenure and devolution of the property comprised therein.

Power of court.  
Cf. U.K. 12 & 13 Geo. 5, c. 60, s. 2 (8).

Interest in  
property.  
Of U.K. 53,  
Viet. c. 5,  
s. 123.

16b. (1) The protected person, his heirs, executors, administrators, next of kin, devisees, legatees and assigns shall have the same interest in any moneys arising from any sale, mortgage, lease or other disposition directed by the court under this Act, which may not have been applied under the powers given by this Act, as he or they would have had in the property, the subject of the sale, mortgage, lease, or disposition if no sale, mortgage, lease or disposition had been made, and the surplus moneys shall be of the same nature as the property sold, mortgaged, leased or disposed of.

(2) In order to give effect to this section, the court may make such orders and direct such conveyances, deeds and things (which may and shall accordingly be executed and done) as the court thinks fit.

(3) The proceeds of any such sale, mortgage, lease or other disposition shall be placed to a special credit for the purpose of identification.

Amendment of  
principal Act,  
s. 29—  
Restriction of  
testamentary  
capacity of  
protected  
person.

3. Section 29 of the principal Act is amended by inserting therein after subsection (1) thereof the following subsection:—

(1a) The court may make such a direction at any time or from time to time and it may be made on the application of the manager.

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

C. W. M. NORRIE, Governor.