



ANNO PRIMO

## ELIZABETHAE II REGINAE

A.D. 1952

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## No. 28 of 1952.

An Act to amend the Advances to Settlers Act,  
1930-1944.

[Assented to 27th November, 1952.]

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 "Advances to Settlers Act Amendment Act, 1952".

(2) The Advances to Settlers Act, 1930-1944, as amended by this Act, may be cited as the "Advances to Settlers Act, 1930-1952".

(3) The Advances to Settlers Act, 1930-1944, is hereinafter referred to as "the principal Act".

Amendment of  
principal Act,  
s. 3—  
Interpretation.

2. Section 3 of the principal Act is amended—

(a) by inserting after the word "settler" in the definition of "holding" therein the words "in fee simple or";

(b) by striking out the definition of "settler" therein and by inserting in lieu thereof the following definition:—

"settler" means any person who is engaged in agricultural, horticultural, viticultural, or pastoral pursuits on any land—

(a) of which he is the proprietor of any estate in fee simple; or

(b) which is comprised in a lease or agreement held by him, whether the original lessee or holder or a successor in title of the original lessee or holder.

**3. Section 7 of the principal Act is amended—**

Amendment of principal Act, s. 7—  
Advances to settlers.

(a) by striking out subsections (2) to (5), both inclusive, thereof and by inserting in lieu thereof the following subsections :—

(2) Advances may be made to a settler for any purpose mentioned in subsection (1) hereof but the total sum so advanced shall, subject to subsection (3) hereof, not exceed the amount of two thousand four hundred pounds.

(3) Any advance made under this section shall not be made to an amount so that the total amounts secured by mortgage (whether made pursuant to this or any other Act or otherwise) of the holding of the settler exceeds nine-tenths of the fair estimated value of the holding of the settler and any improvements already made on his holding and those in the course of being made thereon.

(b) by striking out the words “ lease or agreement under which they hold ” in the penultimate and last lines thereof and by inserting in lieu thereof the word “ holding ”.

**4. Section 11 of the principal Act is amended—**

Amendment of principal Act, s. 11—  
Advance to be secured by mortgage.

(a) by striking out the words “ lease or agreement, and his ” in the third line thereof ;

(b) by striking out the word “ his ” in the eighth line thereof and by inserting in lieu thereof the word “ any ”.

**5. Section 12a of the principal Act is amended—**

Amendment of principal Act, s. 12a—  
Advances for erection of dwelling-houses.

(a) by striking out subsection (1) thereof ;

(b) by inserting after the word “ thousand ” in the second line of subsection (2) thereof the words “ seven hundred and fifty ” ;

(c) by striking out the words “ primary producer ” wherever they occur in the said section and by inserting in lieu thereof in every case the word “ settler ”.

Enactment of  
s. 17a of  
principal Act—

6. The following section is enacted and inserted in the principal Act after section 17 thereof:—

Power of bank  
to pay off  
prior  
mortgage.

17a. (1) In any case where—

- (a) an advance made under this Act or any repealed Act in respect of any holding is secured by a mortgage which is subject to a previous mortgage or charge; and
- (b) the settler has made default in any payment required to be made pursuant to the previous mortgage or charge; and
- (c) the bank is satisfied that, for the proper protection of the security given to secure the repayment of the advance made under this Act or any repealed Act it is desirable so to do,

the bank may pay to the person entitled thereto the whole or any part of the amount by which the settler is so in default.

(2) Any amount so paid by the bank shall be deemed to be added to the advance made under this Act or any repealed Act and any mortgage (whether given before or after the passing of the Advances to Settlers Act Amendment Act, 1952) to secure any such advance shall be deemed to provide accordingly.

Amendment of  
principal Act,  
s. 18—  
Breach of  
mortgage.

7. Section 18 of the principal Act is amended by inserting after the word "mortgage" in the second line thereof the words "of his estate or interest in any lease or agreement".

Amendment of  
principal Act,  
s. 19—  
Recovery of  
instalments.

8. Section 19 of the principal Act is amended—

- (a) by striking out the words "and his lease or agreement" in the eighth line of subsection (2) thereof;
- (b) by striking out the words "holding and the lease or agreement" in the penultimate line of subsection (2) thereof and by inserting in lieu thereof the words "estate and interest of the settler in the holding".

Amendment of  
principal Act,  
s. 21—  
Restriction on  
transfer,  
subletting, etc.

9. Section 21 of the principal Act is amended—

- (a) by striking out the words "his lease or agreement" in the sixth line thereof and by inserting in lieu thereof the words "any part of his estate or interest in the holding";

- (b) by striking out the words " his lease or agreement " in the second line of paragraph III. of subsection (1) thereof and by inserting in lieu thereof the words " any part of his estate or interest in the holding " ;
- (c) by striking out the words " and his lease or agreement " in the penultimate line of paragraph III. of subsection (1) thereof ;
- (d) by striking out the words " the lease or agreement " in the first line of paragraph IV. of subsection (1) thereof and by inserting in lieu thereof the words " any lease or agreement of the holding of the settler " ;
- (e) by striking out the words " and his lease or agreement " in the penultimate and last lines of paragraph IV. of subsection (1) thereof.

**10.** Section 28 of the principal Act is amended by striking out the words " Commissioner of Crown Lands " in the first and second lines thereof and by inserting in lieu thereof the words " Minister of Lands ".

Amendment of  
principal Act,  
s. 28—  
Balance-sheet

**11.** Section 30 of the principal Act is repealed.

Repeal of  
s. 30 of  
principal Act.

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

J. M. NAPIER, Lieutenant-Governor.