



ANNO DECIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1966

No. 20 of 1966

An Act to amend the Companies Act, 1962-1965.

[Assented to 17th March, 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 titles
and commence-
ment.

1. (1) This Act may be cited as the "Companies Act Amendment Act, 1966", and shall come into operation on the fifteenth day of April, 1966.

(2) The Companies Act, 1962-1965, as amended by this Act, may be cited as the "Companies Act, 1962-1966".

(3) The Companies Act, 1962-1965, 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.

Amendment of
principal Act,
s. 64—
Special
resolution for
reduction of
share capital.

3. Section 64 of the principal Act is amended by adding at the end thereof the following subsections :—

(12) Notwithstanding anything in this Act or in any rule of law, where—

(a) any grant (whether made before or after the commencement of the Companies Act Amendment Act, 1966) of the right to occupy or use any specified land, building or part of a building owned or held under lease by any company having a share capital is or has been made, whether for consideration or not, to a shareholder by the company ;

and

(b) in the case of a grant made before the commencement of the Companies Act Amendment Act, 1966, and whether or not the grant has been made to the shareholder as the holder of shares in the company, the grant has been made pursuant to, or the making of the grant has been authorized by, a provision of the memorandum or articles of the company ;

or

in the case of a grant made after the commencement of the Companies Act Amendment Act, 1966, the grant has been made pursuant to, or the making of the grant has been authorized by, a provision of the memorandum or articles of the company whereby the shareholder is entitled as the holder of shares in the company to such a grant,

such grant shall not, for those reasons alone, be regarded as invalid and shall be deemed not to amount to, and never to have amounted to, a return of capital by the company to the shareholder or a reduction of the company's share capital.

(13) The provisions of subsection (12) of this section shall apply whether the grant is by way of lease, under-lease, licence or otherwise, and whether or not, in the case of a grant in respect of a building or part of a building, the grant also entitles the shareholder to any right of user of any garage, outbuilding, or other structure, or of any passages, stairways, or other appurtenances, services, or conveniences of any building, or of any land appurtenant to the building or part of the building.

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

EDRIC BASTYAN, Governor.