



ANNO NONO

GEORGI VI REGIS.

A.D. 1945.

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No. 18 of 1945.

An Act to amend the Law of Property Act, 1936, so as to control the acquisition and ownership of land by aliens.

[Assented to 6th December, 1945.]

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, 1945 ".

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

(3) The Law of Property Act, 1936, is hereinafter called " 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 s. 24 of principal Act—Assurances to aliens.

3. Section 24 of the principal Act is amended—

(a) by inserting at the commencement thereof the words " (1) Subject to this section " ;

(b) by adding at the end thereof the following subsections :—

(2) A person shall not, after the passing of the Law of Property Act Amendment Act, 1945, execute any instrument by which a person conveys, transfers, grants, assures, or agrees to convey, transfer, grant or assure any legal or

equitable estate of freehold in land to an alien unless the instrument bears a certificate, signed by the Minister of Lands or by a person authorized by him to sign certificates under this section, certifying that the Minister of Lands or the authorized person consents to the transaction intended to be effected or evidenced by the instrument.

(3) A person shall not knowingly present or lodge for registration an instrument which does not bear a certificate as required by this section.

(4) A person who knowingly contravenes this section shall be guilty of an offence and liable on summary conviction to a fine of not more than two hundred pounds.

(5) An instrument executed or title obtained in contravention of this section shall not be void, but an estate in land acquired by an alien in contravention of this section shall be liable to forfeiture as provided in this section.

(6) Where an alien is the owner of any estate in land acquired in contravention of this section the Supreme Court may in an action brought by the Minister of Lands order that that estate be forfeited to the Crown.

(7) The Minister of Lands shall as soon as conveniently may be, sell any estate in land forfeited to the Crown under this Act, and shall dispose of the money received on such sale as follows:—

- (a) in payment of any money secured on the land :
- (b) in payment to the Treasurer of an amount equal to the costs as between solicitor and client, of or incidental to the proceedings for forfeiture, less any costs of or incidental to those proceedings which have already been paid to the Minister by the alien :
- (c) in payment to the Treasurer of an amount equal to the expenditure incurred by the Minister of Lands in connection with the sale of the land :

(d) in payment of any money owing by the alien to the Crown or any authority representing the Crown :

(e) in payment of the balance to the alien.

(8) An officer of the Crown to whom an instrument is presented for registration or stamping shall not be concerned to enquire whether the instrument has been executed in breach of this section or not.

(9) This section shall not apply in any case where an alien has, pursuant to any treaty or international agreement, the right to hold land in the State as if he were a British subject.

(10) The Governør may make any regulations necessary or convenient for the purpose of carrying this section into effect, and may by any such regulations prescribe fines recoverable summarily and not exceeding fifty pounds for breach of any such regulation.

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

C. W. M. NORRIE, Governør.