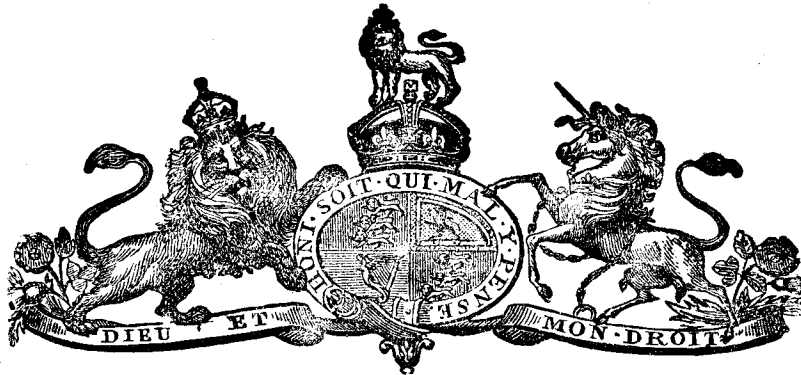


TASMANIA



1911.

ANNO SECUNDO

GEORGII V. REGIS.

No. 33.

ANALYSIS.

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|---|--|
| <ol style="list-style-type: none">1. Short title.2. Acts to be construed together.3. Interpretation.4. Creation of easements on exchange or partition.5. Power to complete predecessor's contract.6. Provision as to leases for 21 years.7. Provision as to mining leases.8. Sales by tenants for life on credit terms.9. Power to raise money by mortgage. | <ol style="list-style-type: none">10. Provision enabling dealings with tenant for life.11. Application of capital money.12. Capital money in court may be paid out to trustees.13. Court may order payment for improvements executed14. Trustees for the purposes of the Act.15. Amendment of Section 2 of "The Settled Lands Act, 1884."16. Trustees in certain cases may exercise powers of tenant for life. |
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AN ACT to amend "The Settled Land Act, ^{A.D.} 1911.
1884," and for other purposes.
[10 January, 1912.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Settled Land Act, 1911."
4d.]

Short title.

Settled Land Amendment.

A.D. 1911.

Acts to be
construed
together.

Interpretation.

2 "The Settled Land Acts, 1884 and 1892," and this Act are to be read and construed together as one Act, and may be cited together as "The Settled Land Acts, 1884 to 1911."

3 Expressions used in this Act are to have the same meanings as those assigned by "The Settled Land Acts, 1884 and 1892," to similar expressions used therein.

Creation of
easements on
exchange or
partition.

4 On an exchange or partition any easement, right, or privilege of any kind may be reserved or may be granted over or in relation to the settled land or any part thereof, or other land, or an easement, right, or privilege of any kind may be given or taken in exchange or on partition for land or for any other easement, right, or privilege of any kind.

Power to com-
plete predecessor's
contract.

5 A tenant for life may make any conveyance which is necessary or proper for giving effect to a contract entered into by a predecessor in title, and which, if made by such predecessor, would have been valid as against his successors in title.

Provision as to
leases for 21
years.

6 A lease for a term not exceeding Twenty-one years at the best rent that can be reasonably obtained without fine, and whereby the lessee is not exempted from punishment for waste, may be made by a tenant for life—

- I. Without any notice of an intention to make the same having been given under Section Forty-two of "The Settled Land Act, 1884": and
- II. Notwithstanding that there are no trustees of the settlement for the purposes of "The Settled Land Acts, 1884 to 1911": and
- III. By any writing under hand only containing an agreement instead of a covenant by the lessee for payment of rent in cases where the term does not extend beyond Three years from the date of the writing.

Provision as to
mining leases.

7 In a mining lease—

- I. The rent may be made to vary according to the price of the minerals or substances gotten, or any of them:
- II. Such price may be the salable value, or the price, or value, appearing in any trade, or market, or other price list or return from time to time, or may be the marketable value as ascertained in any manner prescribed by the lease (including a reference to arbitration), or may be an average of any such prices or values taken during a specified period.

Sales by tenants
for life on
credit terms.

8 On a sale by a tenant for life such sale may be made on credit terms, provided—

- (a) The credit terms are first submitted to and approved by the trustees for the purposes of the settled estate:

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- (b) The contract of sale is made with the tenant for life jointly with the trustees, and the instalments of purchase-money are by the contract of sale made payable to the trustees : A.D. 1911.
- (c) The contract of sale reserves full power for the trustees and the tenant for life jointly, or the trustees severally, on a breach of any of the conditions of sale to determine the contract of sale and enter into possession of the land.

9—(1) Where money is required for the purpose of discharging an incumbrance on the settled land or part thereof, or for erecting dwelling-houses and outbuildings, and other buildings for agricultural and horticultural purposes, the tenant for life may raise the money so required, and also the amount properly required for payment of the costs of the transaction, on mortgage of the settled land, or of any part thereof, by conveyance of the fee simple or other estate or interest the subject of the settlement, or by creation of a term of years in the settled land, or any part thereof, or otherwise ; and the money so raised shall be capital money for that purpose, and may be paid or applied accordingly. Power to raise money by mortgage.

(2) Incumbrance in this section does not include any annual sum payable only during a life or lives, or during a term of years absolute or determinable.

10 Where a sale of settled land is to be made to the tenant for life, or a purchase is to be made from him of land to be made subject to the limitations of the settlement, or an exchange is to be made with him of settled land for other land, or a partition is to be made with him of land an undivided share whereof is subject to the limitations of the settlement, the trustees of the settlement shall stand in the place of and represent the tenant for life, and shall, in addition to their powers as trustees, have all the powers of the tenant for life in reference to negotiating and completing the transaction. Provision enabling dealings with tenant for life.

11 Improvements authorised by “The Settled Land Act, 1884,” shall include the following, namely :— Application of capital money.

- i. Bridges :
- ii Making any additions to or alterations in buildings reasonably necessary or proper to enable the same to be let :
- iii. The rebuilding of the principal mansion house on the settled land : Provided that the sum to be applied under this subsection shall not exceed One-half of the annual rental of the settled land.

12 All or any part of the capital money paid into court may, if the court thinks fit, be at any time paid out to the trustees of the settlement for the purposes of “The Settled Land Acts, 1884 to 1911.” Capital money in court may be paid out to trustees.

Settled Land Amendment.

A.D. 1911.

Court may order
payment for
improvements
executed.

13 The court may, in any case where it appears proper, make an order directing or authorising capital money to be applied in or towards payment of any improvement authorised by "The Settled Land Acts, 1884 to 1911," notwithstanding that a scheme was not, before the execution of the improvement, submitted for approval as required by "The Settled Land Act, 1884," to the trustees of the settlement or to the court.

Trustees for the
purposes of the
Act.

14 Where there are for the time being no trustees of the settlement within the meaning and for the purposes of "The Settled Land Act, 1884," then the following persons shall, for the purposes of "The Settled Land Acts, 1884 to 1911," be trustees of the settlement, namely :—

- i. The persons (if any) who are for the time being under the settlement trustees with power of or upon trust for sale of any other land comprised in the settlement and subject to the same limitations as the land to be sold, or with power of consent to, or approval of, the exercise of such a power of sale, or, if there be no such persons, then—
- ii. The persons (if any) who are for the time being under the settlement trustees with future power of sale, or under a future trust for sale of the land to be sold, or with power of consent to, or approval of, the exercise of such a future power of sale, and whether the power or trust takes effect in all events or not.

Amendment of
Section 2 of
"The Settled
Land Act,
1884."

15 Section Two of "The Settled Land Act, 1884," is hereby amended by inserting after the word "succession," in the Seventh line thereof, the words "or is so limited that no person is presently entitled beneficially in possession or to the receipt of the rents and profits thereof."

Trustees in
certain cases may
exercise powers
of tenant for
life.

16 After Section Forty of "The Settled Land Act, 1884," the following section is inserted :—

"40a Where no person is tenant for life of, or but for this section would have the powers of a tenant for life in regard to, the settled land, then the trustees of the settlement shall have the powers of a tenant for life in respect of the settled land."