

AUSTRALIAN CAPITAL TERRITORY.

No. 7 of 1958.

AN ORDINANCE

To adopt as Laws of the Territory certain Rules affecting the Law of Property and the Law of Contract.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1955*.

Dated this twenty-seventh day of March, 1958.

W. J. SLIM
Governor-General.

By His Excellency's Command,

NEIL O'SULLIVAN
Attorney-General, acting for and on behalf of the
Minister of State for the Interior.

LAW OF PROPERTY (MISCELLANEOUS PROVISIONS) ORDINANCE 1958.

1. This Ordinance may be cited as the *Law of Property (Miscellaneous Provisions) Ordinance 1958*.^{Short title.}*

2. Section one hundred and ten of the Conveyancing and Law of Property Act, 1898, of the State of New South Wales and sections three and five of the Forfeiture of Leases Act, 1901, of that State cease to apply in the Territory as laws of the Territory.
Certain provisions of New South Wales Acts to cease to apply.

3. The provisions of sections nine, ten, eleven, twelve, twenty-four, twenty-five, twenty-six, twenty-seven, fifty-one A and one hundred and fifty-one B of the Conveyancing Act, 1919-1954, of the State of New South Wales apply, by force of this Ordinance, in the Territory as laws of the Territory subject to the modifications set out in the Schedule to this Ordinance and, so far as it relates to those provisions so applied, section seven of that Act applies in the Territory as a law of the Territory so far as applicable and with the modifications set out in that Schedule.
Application of certain provisions of the Conveyancing Act, 1919-1954 (N.S.W.).

* Notified in the *Commonwealth Gazette* on 8th May, 1958.

Stipulations not
of the essence of
contracts.

4. Stipulations in a contract, as to time or otherwise, that in accordance with the rules of equity, are deemed not to be or not to have been of the essence of the contract shall be construed and have effect in law in accordance with those rules.

THE SCHEDULE.

Section 3.

MODIFICATIONS OF THE PROVISIONS OF THE CONVEYANCING ACT, 1919-1954, OF THE STATE OF NEW SOUTH WALES APPLIED IN THE TERRITORY BY THIS ORDINANCE.

Item No.	Provisions Modified.	Modifications.
1	Section 7 ..	(a) Omit from sub-section (1) the definition of " ' Mortgage,' ' mortgagee,' and ' mortgagor ' ", insert " ' Mortgage,' ' mortgagee,' and ' mortgagor ' ", in relation to estates registered under the <i>Real Property Ordinance</i> 1921-1956, have the same meanings as in that Ordinance." (b) Omit from the definition of " Purchaser " in that sub-section all the words from and including " except that in Part IV " to and including " money's worth; ".
2	Section 10..	Omit " this Act " (wherever occurring), insert " the <i>Law of Property (Miscellaneous Provisions) Ordinance</i> 1958 ".
3	Section 12..	(a) Omit " this Act ", insert " this section ". (b) Omit " the Acts for the relief of trustees ", insert " the <i>Trustee Act, 1925-1942, of the State of New South Wales</i> in its application in the Territory as modified by the <i>Trustee Ordinance</i> 1957 ".
4	Section 26..	Omit from sub-section (1) " this Act ", insert " the <i>Law of Property (Miscellaneous Provisions) Ordinance</i> 1958 ".
5	Section 51A	(a) After " this Act " in sub-section (3), insert " in its application in the Territory ". (b) Omit from sub-section (5) " the <i>Conveyancing (Amendment) Act, 1930</i> ", insert " the <i>Law of Property (Miscellaneous Provisions) Ordinance</i> 1958 ". (c) Omit from sub-section (5) " or by this Act ". (d) Omit from sub-section (6) " Act ", insert " law ".
6	Section 151B	Omit from sub-section (2) " the <i>Conveyancing (Amendment) Act, 1930</i> ", insert " the <i>Law of Property (Miscellaneous Provisions) Ordinance</i> 1958 ".

By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra.