

**CONVEYANCING (FURTHER AMENDMENT)  
ACT.**

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Act No. 29, 1943.

**George VI.  
No. 29, 1943.**

An Act to make certain provisions in relation to powers of attorney given by persons engaged on war service; for this purpose to amend the Conveyancing Act, 1919-1943; and for purposes connected therewith. [Assented to, 2nd November, 1943.]

BE

**B**E it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

No. 29, 1943.

1. (1) This Act may be cited as the "Conveyancing (Further Amendment) Act, 1943."

Short title and citation.

(2) The Conveyancing Act, 1919, as amended by subsequent Acts and by this Act, may be cited as the Conveyancing Acts, 1919-1943.

2. (1) The Conveyancing Act, 1919-1943, is amended—

Amendment of Act No. 6 1919, s. 160.

(a) by inserting in paragraph (a) of subsection (4A) of section one hundred and sixty after the word "is" where firstly occurring the words "or was, at the time when any act or thing within the scope of the power is or was done or suffered in good faith by the donee of the power (whether such act or thing was so done or suffered before or is so done or suffered after the commencement of the Conveyancing (Amendment) Act, 1943, or after the commencement of the Conveyancing (Further Amendment) Act, 1943)";

(Powers of attorney to continue in force until notice of death or revocation.)

(b) by inserting in subparagraph (i) of the same paragraph after the word "is" the words "or was, at the relevant time,";

(c) by omitting from the same subparagraph the words "accepted as sufficient evidence of the fact by" and by inserting in lieu thereof the words "conclusive evidence of the fact in favour of";

(d) by inserting at the end of the same paragraph the following new subparagraph:—

(iii) without prejudice to the generality of subparagraph (ii) of this paragraph the fact that the donee of the power has notice of any such report as is referred to in that subparagraph shall not preclude and shall be deemed never to have precluded the donee from making a statutory declaration in or to the effect of the form in the Seventh Schedule to this Act.

(e)

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(e) by inserting next after the same paragraph the following new paragraphs:—

(a1) The statutory declaration referred to in subparagraph (i) of paragraph (a) of this subsection shall be, and shall be deemed always to have been conclusive evidence in favour of any person dealing with the donee that the case is one to which paragraph (a) of this subsection applies.

(a2) Paragraph (a) of this subsection shall apply and shall be deemed always to have applied to a case where a report that the donor of the power was "missing" or "missing and believed to be killed" or any similar report was issued before the commencement of the Conveyancing (Amendment) Act, 1943, as well as to a case where any such report is issued after such commencement or after the commencement of the Conveyancing (Further Amendment) Act, 1943.

(f) by omitting from paragraph (d) of the same subsection the words "extend to any power of attorney the donor of which is engaged on war service" and by inserting in lieu thereof the word "apply."

(2) The Conveyancing Act, 1919-1943, is further amended by inserting next after subsection (4A) of section one hundred and sixty the following new subsection:—

(4B) (a) This section shall extend to any authority or power to act as agent of another or to act in any respect in relation to the property and affairs of another where the terms of such authority or power are evidenced by any writing signed by the donor thereof, but shall so extend only in relation to cases in respect of which, if the authority or power was a power of attorney, the provisions of subsection (4A) of this section would have application.

(b) In the application of any other provision of this section to an authority or power of the nature referred to in paragraph (a) of this subsection—

(i) a reference to a "power of attorney" or "power" shall include a reference to such authority or power;

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- (ii) a reference to the "donor of the power" or the "donor" shall include a reference to the person by whom such authority or power was given;
  - (iii) a reference to the "donee of the power" or the "donee" shall include a reference to the person to whom such authority or power was given;
  - (iv) a reference to "the instrument creating a power of attorney" or the "instrument creating the power" or any like reference shall include a reference to the writing evidencing such authority or power.
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