

**SYDNEY GRAMMAR SCHOOL (AMENDMENT)  
ACT.**

*New South Wales*



ANNO VICESIMO PRIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 42, 1972.**

An Act to remove certain restrictions on the use of certain land occupied by the Trustees of the Sydney Grammar School; to bring that land under the Real Property Act, 1900; to amend the Act passed in the eighteenth year of the reign of Her late Majesty, Queen Victoria, entitled An Act to incorporate and partially Endow the Sydney Grammar School; and for purposes connected therewith. [Assented to, 11th April, 1972.]

BE

*Sydney Grammar School (Amendment).*

**No. 42, 1972** **BE** it enacted by the Queen'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:—

**Short title.** 1. This Act may be cited as the "Sydney Grammar School (Amendment) Act, 1972".

**Interpretation and construction.**

2. (1) The Act passed in the eighteenth year of the reign of Her late Majesty, Queen Victoria, entitled An Act to incorporate and partially Endow the Sydney Grammar School is in this Act referred to as the Principal Act.

(2) In this Act—

"Bank" means the Commercial Banking Company of Sydney Limited;

"indenture of security" means the indenture described in item four of the Second Schedule to this Act;

"the land" means the land described in the First Schedule to this Act;

"Trustees" means the body politic and corporate incorporated by section one of the Principal Act.

(3) This Act shall be read and construed with the Principal Act.

**Existing trusts &c. not affected.**

3. No occurrence or transaction affecting the land before the commencement of this Act shall be deemed for any purpose to have constituted a breach or non-observance of the trusts upon which, or the conditions, provisos and reservations subject to which, or the intents and purposes for which, the land was held immediately before that occurrence or transaction.

4.

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**4.** (1) Subject to subsection two of this section, every condition, dedication, proviso, restriction on alienation, right of reverter and trust affecting the land is hereby revoked and annulled.

No. 42, 1972  
Manner in  
which title  
to land  
affected by  
this Act.

(2) Subject to the proviso for redemption contained in the indenture of security, the land is hereby vested in the Bank for an estate in fee simple in possession.

**5.** Upon the lodging with the Registrar-General of the instruments described in the Second Schedule to this Act and a memorandum of mortgage of the land by the Trustees to the Bank in a form approved by the Registrar-General, the Registrar-General shall, upon payment to him of such fees as may be applicable under the Real Property Act Regulations, 1970, and the production to him of such evidence as is in his opinion sufficient to indicate whether any estates or interests in the land have been created or disposed of since the commencement of this Act, issue a certificate of title under the Real Property Act, 1900, showing the Trustees as the registered proprietor of the land and take such further action under the Real Property Act, 1900, as may be necessary to give effect to the provisions of this Act.

Manner in  
which the  
land is to  
be brought  
under Real  
Property  
Act, 1900.

**6.** Any person deprived of any estate or interest in land by reason of the bringing of the land under the provisions of the Real Property Act, 1900, by the operation of this Act may bring and prosecute an action at law against the Trustees for the recovery of damages.

Action by  
person de-  
prived of  
interest &c.,  
in land.

**7.** (1) For the purposes of section 181B of the Conveyancing Act, 1919—

Party  
walls.

- (a) subsection two of section four of this Act shall be deemed to be an assurance of land made by a person entitled to assure or create easements in respect of any wall built on a common boundary of the land and any adjoining land;

(b)

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**No. 42, 1972** (b) any wall erected on the land and any adjoining land, not being a public road, so that a common boundary of ownership runs longitudinally through the wall is a party wall; and

(c) "building" includes a part of a party wall.

(2) Except to the extent provided by subsection one of this section, nothing in that subsection affects the construction of section 181B of the Conveyancing Act, 1919.

Amendment  
of Act 18°  
Vic.

**8. The Principal Act is amended—**

**Long title.** (a) by omitting from the long title the words "and partially Endow";

**Subst.  
sec. 17.** (b) by omitting section seventeen and by inserting in lieu thereof the following section :—

**Short title.** XVII. This Act may be cited as the "Sydney Grammar School Act, 1854".

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## FIRST SCHEDULE.

No. 42, 1972

All that piece of land situate at Sydney in the City of Sydney, Sec. 2 (2).  
Parish of St. Lawrence, County of Cumberland, being lot 1 in  
deposited plan 549658.

## SECOND SCHEDULE.

Sec. 5.

1. Crown grant dated 5th December, 1837, to John Mackaness, William Bland and William Hutchinson as Trustees of The Sydney College, endorsed as having been entered on record by the Colonial Secretary and Registrar in Register No. 24, pages 330, 331, 332, 333 and 334 on 13th December, 1837; enrolled in the Supreme Court of New South Wales in Special Grants G. pages 120, 121, 122 and 123 on 21st July, 1838, and entered as No. 382 folios 148 and 149 in the Register of Town Grants in the Surveyor General's Office on 26th July, 1838.
2. Indenture of conveyance made 8th October, 1853, between William Bland, President of The Sydney College, of the first part and The University of Sydney of the second part, endorsed as having been received into the Office for the Registration of Deeds on 22nd June, 1855, and numbered 208 book 38.
3. Indenture of conveyance made 3rd September, 1856, between The University of Sydney of the one part and The Trustees of The Sydney Grammar School of the other part, endorsed as having been received into the Office for the Registration of Deeds on 24th September, 1856, and numbered 313 book 45.
4. Indenture of security made 26th January, 1955, between The Trustees of The Sydney Grammar School of the first part, Alick Scott Osborne, the General Manager of the Bank of the second part and the Bank of the third part, endorsed as having been received into the Office for the Registration of Deeds on 25th February, 1955, and registered No. 679 Book 2322.

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SYDNEY