

CONVEYANCING (AMENDMENT) ACT, 1977

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 118, 1977.

An Act to amend the Conveyancing Act, 1919, with respect to the meaning in a will or an instrument other than a will of "heir" or "next of kin", or the statutory next of kin, of a person. [Assented to, 9th December, 1977.]

BE

Conveyancing (Amendment).

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 "Conveyancing (Amendment) Act, 1977".

Commence- **2.** (1) Except as provided in subsection (2), this Act
ment. shall commence on the date of assent to this Act.

(2) Section 3 shall commence on the day on which section 5 of the Wills, Probate and Administration (Amendment) Act, 1977, commences.

Amendment **3.** The Conveyancing Act, 1919, is amended by omitting
of Act No. section 33 and by inserting instead the following section :—
6, 1919.
Sec. 33.

Meaning of
heir, next
of kin, or
statutory
next of kin
of any
person.

33. (1) Where, under the terms of any will coming into operation, or of any instrument (other than a will) made, after the commencement of section 3 of the Conveyancing (Amendment) Act, 1977, any property would, but for this section, vest in—

- (a) the heirs of a person;
- (b) the next of kin of a person; or
- (c) the next of kin of a person to be determined in accordance with the Wills, Probate and Administration Act, 1898,

the provisions of Division 2A of Part II of the Wills, Probate and Administration Act, 1898 (as in force after that commencement) shall, subject to subsection (2), apply in respect of that property in the same way as those provisions would apply if that person had died intestate as to that property.

(2)

Conveyancing (Amendment).

(2) Subsection (1) applies only if and so far as a contrary or another intention is not expressed in the will or other instrument and shall have effect subject to the provisions of the will or other instrument.

(3) Where, under the terms of any will coming into operation, or of any instrument (other than a will) made, before the commencement of section 3 of the Conveyancing (Amendment) Act, 1977, any property would, but for this subsection, vest in—

- (a) the heirs of a person;
- (b) the next of kin of a person; or
- (c) the next of kin of a person to be determined in accordance with the Wills, Probate and Administration Act, 1898,

that property shall vest in the persons in whom it would have vested if that section had not commenced.
