

PUBLIC TRUSTS (AMENDMENT) ACT.

Act No. 8, 1944.

An Act to make certain provisions in relation to the appointment as trustees of lands set apart, dedicated or reserved for the purposes of a cemetery, of corporate bodies constituted or created by or under any Act providing for the holding or managing of or dealing with church property; for this purpose to amend the Public Trusts Act, 1897, as amended by subsequent Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 11th April, 1944.]

George VI.
No. 8, 1944.

BE 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:—

1. (1) This Act may be cited as the "Public Trusts (Amendment) Act, 1944." Short title and citation.

(2) The Public Trusts Act, 1897, as amended by subsequent Acts and by this Act, may be cited as the Public Trusts Act, 1897-1944.

2. The Public Trusts Act, 1897, as amended by subsequent Acts, is amended by inserting at the end of section two the following new subsections:— Amendment of Act No. 8, 1897. Sec. 2.

(m) This section shall extend and shall be deemed always to have extended to authorise the appointment as trustees of the whole or any part of land set apart, dedicated or reserved for the purposes of a cemetery, of a corporate body constituted or created by or under any Act providing for the holding or managing of or dealing with church property; and where any such corporate body is or has been so appointed then, by virtue of this Act, it shall have, and

(Corporations or municipal councils may be appointed trustees.)

No. 8, 1944.

and shall be deemed always to have had, authority to accept appointment as such trustees and to exercise and discharge all the powers, authorities, duties and functions necessary for the purpose of carrying its trusteeship into full effect.

(iv) Where, in the case of land set apart, dedicated or reserved for the purposes of a cemetery before the commencement of the Public Trusts (Amendment) Act, 1944, trustees have been appointed for that portion of the cemetery which is set apart or allocated as a Roman Catholic burial ground, then, as from such commencement, such trustees shall be deemed to have been removed, and the body corporate created by the Roman Catholic Church Trust Property Act, 1936, for the diocese in which such land is situated shall be deemed to have been appointed, pursuant to this Act, as trustees of that portion of the cemetery so set apart or allocated.

In any case where the portion so set apart or allocated has been granted to or vested in trustees such portion shall be deemed to have been vested in the said body corporate as from the commencement of the Public Trusts (Amendment) Act, 1944, upon the trusts, and with the powers and subject to the conditions attaching to the same in the hands of such trustees immediately before such commencement.
