



**3. Acts terminated or repealed.** (1) The application in Queensland of the Acts mentioned in Part I of the Schedule is terminated to the extent indicated in the Schedule.

(2) The Acts mentioned in Part II of the Schedule are repealed to the extent indicated in the Schedule.

(3) The termination by this Act of the application of an Act mentioned in Part I of the Schedule shall not be taken to imply that such Act applied or, but for the passing of this Act, would have applied in Queensland.

(4) Notwithstanding the termination by this Act of the application of any of the Acts mentioned in Part I of the Schedule or the repeal of the Act or enactment mentioned in Part II of the Schedule those Acts and enactment apply in relation to any contract, promise, ratification, assurance or disposition made, or any interest created before the commencement of this Act to the extent that those Acts or that enactment would have applied if this Act had not been enacted.

(5) A reference in any other Act to any of the Acts mentioned in the Schedule, other than the Act last mentioned therein, shall be construed as a reference to this Act.

**4. Definitions.** [N.S.W. s. 7 (1).] In this Act, unless a contrary intention appears,

“assurance” includes a conveyance and a disposition made otherwise than by will; and “assure” has a corresponding meaning;

“Commonwealth Act” means an Act passed by the Parliament of the Commonwealth and includes any Act amending or substituted for the same;

“conveyance” includes any assignment, appointment, lease, settlement or other assurance;

“disposition” includes a conveyance, vesting instrument, declaration of trust, disclaimer, release and every other assurance of property by any instrument except a will, and also a release, devise, bequest, or an appointment of property contained in a will; and “dispose” has a corresponding meaning;

“land” includes tenements and hereditaments, corporeal and incorporeal, and every estate and interest therein whether vested or contingent, freehold or leasehold, and whether at law or in equity

**5. Contracts for sale, etc., of land to be in writing.** [Cf. 1677, s. 4; Qld. 1867, s. 5; Eng. 1925, s. 40.] No action may be brought upon any contract for the sale or other disposition of land or any interest in land unless the contract upon which the action is brought, or some memorandum or note thereof, is in writing signed by the party to be charged, or by some person thereunto by him lawfully authorized.

**6. Guarantees to be in writing.** [Cf. 1677, s. 4; Qld. 1867, s. 5.] (1) No action may be brought upon any promise to guarantee any liability of another unless the promise upon which the action is brought, or some memorandum or note thereof, is in writing, and signed by the party to be charged, or by some other person thereunto by him lawfully authorized.

(2) A promise, or memorandum or note thereof, in writing shall not be treated as insufficient for the purpose of this section by reason only that the consideration for such promise does not appear in writing or by necessary inference from a written document.

**7. Assurances of land to be in writing.** [Cf. 1677, s. 3; Qld. 1867, s. 4; Eng. 1925, s. 52; N.S.W. s. 23B.] (1) No assurance of land is valid to pass an interest at law unless made by deed or in writing signed by the person making the assurance.

(2) This section does not apply to—

- (a) a disclaimer not required to be evidenced in writing;
- (b) a surrender by operation of law, and a surrender which may, by law, be effected without writing;
- (c) a lease or tenancy or other assurance not required by law to be made in writing;
- (d) a vesting order;
- (e) an assurance taking effect under any Act or Commonwealth Act.

**8. Instruments required to be in writing.** [Cf. 1677, ss. 3, 7, 8, 9; Qld. 1867, s. 4; Eng. 1925, s. 53; N.S.W. s. 23C.] (1) Subject to the provisions of this Act with respect to the creation of interests in land by parol—

- (a) no interest in land can be created or disposed of except by writing signed by the person creating or conveying the same, or by his agent thereunto lawfully authorized, in writing or by will, or by operation of law;
- (b) a declaration of trust respecting any land must be manifested and proved by some writing signed by some person who is able to declare the trust or by his will;
- (c) a disposition of an equitable interest or trust subsisting at the time of the disposition, must be manifested and proved by some writing signed by the person disposing of the same or by his will, or by his agent thereunto lawfully authorized in writing.

(2) This section does not affect the creation or operation of resulting, implied or constructive trusts.

**9. Creation of interests in land by parol.** [Cf. 1677, ss. 1, 2; Qld. 1867, ss. 2, 3; Eng. 1925, s. 54; N.S.W. s. 23D.] (1) All interests in land created by parol and not put in writing and signed by the person so creating the same, or by his agent thereunto lawfully authorized, shall have, notwithstanding any consideration having been given for the same, the force and effect of interests at will only.

(2) Nothing in this Act shall affect the creation by parol of a lease taking effect in possession for a term not exceeding three years, with or without a right for the lessee to extend the term for any period which with the term would not exceed three years.

**10. Savings in regard to s. 5, 7, 8 or 9.** Nothing in section 5, 7, 8 or 9 of this Act—

- (a) invalidates any disposition by will; or

- (b) affects any interest validly created before the commencement of this Act; or
- (c) affects the right to acquire an interest in land by virtue of taking possession; or
- (d) affects the law relating to part performance; or
- (e) affects a sale by a court.

THE SCHEDULE

[s. 3]

Citation	Short Title	Extent of Termination of Application or Repeal
<b>PART I</b>		
29 Chas. 2, c. 3 ..	<i>Statute of Frauds 1677</i> .. ..	The whole
9 Geo. 4, c. 14 ..	<i>Statute of Frauds Amendment Act 1828</i>	The whole
<b>PART II</b>		
31 Vic., No. 22 ..	<i>Statute of Frauds and Limitations of 1867</i>	The whole
60 Vic., No. 6 ..	<i>The Sale of Goods Act of 1896</i> ..	Section 7