



# Schools of Arts (Winding Up and Transfer) Act Amendment Act 1981

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## Reprint note

Redundant endnotes tables have been omitted from this reprint to reflect current styles. This version was produced on 10 January 2018.

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Queensland

# Schools of Arts (Winding Up and Transfer) Act Amendment Act 1981

## Contents

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		Page
1	Short title .....	3
4	Ratification of certain takeovers of schools of arts or libraries . .	3
5	Ratification of current or past usage of property .....	4
6	Recording vesting of property .....	5



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# Schools of Arts (Winding Up and Transfer) Act Amendment Act 1981

## An Act to amend the *Schools of Arts (Winding Up and Transfer) Act 1960* in certain particulars and for other purposes

### 1 Short title

This Act may be cited as the *Schools of Arts (Winding Up and Transfer) Act Amendment Act 1981*.

### 4 Ratification of certain takeovers of schools of arts or libraries

Where before the passing of this Act a local authority has taken over a school of arts or library otherwise than in accordance with the law in force at the material time applicable to such a taking over—

- (a) such taking over shall be deemed to be and to have been at all material times lawful and effectual in law to vest in or place under the control of the local authority all property that at the time of such taking over was being applied to the purposes of such School of Arts or library to the same extent and with the same consequences as if the taking over had been by way of an order in council made under the *Schools of Arts (Winding Up and Transfer) Act 1960*, section 7(3); and
- (b) every exercise in good faith by a local authority, in relation to property vested in it by virtue of such a taking over, of any right that is or was at the material time incidental in the ownership of such property, save an exercise that contravened any provision relevant to such property of the *Land Act 1962*, part 11 or that Act as amended at the time of such exercise or any other enactment that at the time of the exercise regulated the

use of land granted in trust or reserved and set apart for a public purpose, shall be deemed to be or, as the case may be, to have been at all times a lawful exercise of such right; and

- (c) it shall be deemed that the trustees of property vested in a local authority by virtue of such a taking over have not committed any breach of the trusts upon and subject to which such property was vested in or held by them by reason of their procuring, aiding or permitting such taking over or exercise of such right; and
- (d) it is not competent to any person to bring legal proceedings claiming any remedy or relief on account of any act, matter or thing deemed to be lawful or not to be a breach of trust by virtue of paragraphs (a) to (c); and
- (e) the local authority is required to apply and authorised to dispose of land and other property vested in it or under its control by virtue of such a taking over as if the land or other property had vested in it or come under its control as a result of an order in council made under the *Schools of Arts (Winding Up and Transfer) Act 1960*, section 7(3).

## **5 Ratification of current or past usage of property**

Where at the passing of this Act property that, according to law, should be applied to the purposes of a school of arts or library is being applied by a local authority to any other purpose, being a function of local government, or where before the passing of this Act any such property has been so applied by a local authority to such another purpose—

- (a) it shall be deemed that the local authority has not thereby committed any breach of the duty imposed on it in respect of the use to be made of such property; and
- (b) it is not competent to any person to bring legal proceedings claiming any remedy or relief on account of any such application of such property.

## **6 Recording vesting of property**

Where property that by virtue of section 4 is deemed to be vested in a local authority is such that title to it is recorded in any register kept pursuant to law then, if it is not practicable to acquire title thereto, by transfer or otherwise, from the trustees who previously held the same, a request in writing may be made by or on behalf of the local authority to the registrar of titles, or other person charged with the function of keeping the registers of title to such property to record the vesting of such property in the local authority as prescribed by this Act and the registrar or other person to whom the request is made, upon being satisfied—

- (a) that the property specified in the request is to be deemed to have vested in the local authority; and
- (b) that the trustees aforesaid do not exist at the time of making the request or that they or any of them are or is then not readily available;

shall make such entries and endorsements in the appropriate register book and in the relevant document of title, if it is produced to the registrar, and do such acts and things as the registrar thinks necessary or desirable to give full effect to the objects and purposes of section 4.