



ANNO DECIMO QUARTO

GEORGI VI REGIS.

A.D. 1950.

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No. 40 of 1950.**An Act to amend the Mental Defectives Act,
1935-1945.**

[Assented to 30th November, 1950.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Mental Defectives Act Amendment Act, 1950".

(2) The Mental Defectives Act, 1935-1945, as amended by this Act, may be cited as the "Mental Defectives Act, 1935-1950".

(3) The Mental Defectives Act, 1935-1945, is hereinafter referred to as "the principal Act".

Enactment of
ss. 125a and
125b of
principal Act—
Powers of
court.
Cf. U.K. 12 &
13 Geo. 5,
c. 60, s. 2 (8).

2. The following sections are enacted and inserted in the principal Act after section 125 thereof :

125a. In exercising any power to give any direction or make any order under this Act with respect to any property of a patient or of any person of whose estate a committee is appointed under this Act, the court shall have power to make any order for the purpose of preserving so far as possible in the administration of the property of the patient or person, the quality, tenure and devolution of the property.

Interest in
property.
Cf. U.K. 53,
Vict. c. 5,
s. 123.

125b. (1) Any patient and any person of whose estate a committee is appointed under this Act and the heirs, executors, administrators, next of kin, devisees, legatees and assigns of the patient or person shall have the same

interest in any moneys arising from any sale, mortgage, lease or other disposition authorized by this Act or directed by the court under this Act which may not have been applied under the powers given by this Act as he or they would have had in the property the subject of the sale, mortgage, lease or disposition if no sale, mortgage, lease or disposition had been made, and the surplus moneys shall be of the same nature as the property sold, mortgaged, leased or disposed of.

(2) In order to give effect to this section, the court may make such orders and direct such conveyances, deeds and things (which may and shall accordingly be executed and done), as the court thinks fit.

(3) The proceeds of any such sale, mortgage, lease or other disposition shall be placed to a special credit for the purpose of identification.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. W. M. NORRIE, Governor.