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# ELIZABETHAE II REGINAE

A.D. 1990

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No. 54 of 1990

**An Act to amend the Correctional Services Act, 1982, the Legal Practitioners Act, 1981, the Wills Act, 1936, and the Strata Titles Act, 1988.**

[Assented to 22 November 1990]

The Parliament of South Australia enacts as follows:

## Short title

1. This Act may be cited as the *Statute Law Revision Act (No. 2), 1990*.

## Commencement

2. (1) This Act (except for the second, third and fourth schedules) will come into operation on assent.

(2) The second schedule will be taken to have come into operation on 1 August 1990.

(3) The third and fourth schedules will come into operation on a day or days to be fixed by proclamation.

## Amendment of Acts specified in the schedules

3. (1) The Acts specified in the schedules to this Act are amended in the manner indicated in those schedules.

(2) If an Act sought to be amended by a schedule to this Act is, before the commencement of that schedule, amended in a manner that renders an amendment contained in the schedule ineffective, that amendment will be taken to have been struck out.

## FIRST SCHEDULE

*Correctional Services Act, 1982*

Provision Amended	How Amended
Section 17d (2)	Strike out "bonds or orders of court" and substitute "any Act".
Section 75 (2)	Strike out "on" (first occurring) and substitute "or".
Section 84	Strike out this section and substitute: <b>Managers to comply with the execution of process</b> 84. Subject to this Act, the manager of a correctional institution must comply with any order or direction lawfully given by an officer of a court or a member of the police force for the purposes of the due execution of any process or order of a court or justice.

## SECOND SCHEDULE

*Legal Practitioners Act, 1981*

Provision Amended	How Amended
Section 35 (1) (a)	After "auditor" insert "or inspector".

## THIRD SCHEDULE

*Wills Act, 1936*

Provision Amended	How Amended
Section 1	Strike out this section and substitute: <b>Short title</b> 1. This Act may be cited as the <i>Wills Act, 1936</i> .
Section 2	Strike out this section.
Section 3 (1)	Strike out "context otherwise requires or some other meaning is clearly intended" and substitute "contrary intention appears".
Section 3 (2)	Strike out "shall apply" and substitute "applies"; Strike out "the first day of January" and substitute "1 January"; Strike out "shall" (second occurring) and substitute "will"; Strike out "deemed" and substitute "taken".
Section 3 (3)	Strike out "shall" and substitute "does"; Strike out "has"; Strike out "the first day of January" and substitute "1 January".
Section 4 (1)	After "his" (wherever occurring) insert, in each case, "or her"; Strike out "manner hereinafter required" and substitute "the manner required by this Act,"; Strike out "he" (first occurring) and substitute "the person"; Strike out "him" and substitute "the person"; After "he" (second occurring) insert "or she".
Section 4 (2)	Strike out "shall extend" and substitute "extends".
Section 4 (2) (a)	Strike out "thereof" and substitute "of the estate".
Section 4 (2) (b)	Strike out "he" and substitute "the testator"; Strike out "thereof" and substitute "of the interest"; Strike out "and" (second occurring).
Section 4 (2) (d)	After "his" (twice occurring) insert, in each case, "or her"; Strike out "this" (second occurring) and substitute "that"; After "he" insert "or she".
Section 5 (1)	Strike out "shall be" and substitute "is".
Section 5 (2)	Strike out "of this section shall" and substitute "does"; Strike out "shall apply" and substitute "applies"; Strike out "shall" (third occurring).
Section 8	Strike out "shall be" and substitute "is".
Section 8 (a)	Strike out "shall" and substitute "must"; Strike out "thereof" and substitute "of the will"; Strike out "his" (twice occurring) and substitute, in each case, "the testator's"; Strike out "and" (second occurring).
Section 8 (b)	Strike out "shall" and substitute "must".
Section 8 (c)	Strike out "shall" (first occurring) and substitute "must"; Strike out "shall be" and substitute "is".
Section 9 (1)	Strike out "shall"; Strike out "him" and substitute "the testator"; Strike out "be deemed" and substitute "will be taken"; After "his" (twice occurring) insert, in each case, "or her".
Section 9 (2)	Strike out "shall be" and substitute "is"; Strike out "or" wherever occurring between paragraphs (a), (b), (c) and (d).
Section 9 (3)	Strike out "shall" (first occurring) and substitute "do"; Strike out "of this section"; Strike out "shall be" and substitute "is"; Strike out "shall" (third occurring) and substitute "does".
Section 11	After "his" insert "or her".

Provision Amended	How Amended
Section 12 (2)	Strike out "shall" and substitute "will"; Strike out "deemed" and substitute "taken"; After "his" insert "or her".
Section 13	Strike out "the twenty-second day of October" and substitute "22 October"; After "his" (first occurring) insert "or her"; Strike out "shall" and substitute "will"; Strike out "His" and substitute "Her"; Strike out "where he had his" and substitute "that constituted his or her".
Section 14	Strike out "the twenty-second day of October" and substitute "22 October"; After "his" insert "or her"; Strike out "shall" (twice occurring) and substitute, in each case, "will".
Section 15	Strike out this section.
Section 16	Strike out "thereof" (twice occurring) and substitute, in each case, "of the will"; Strike out "shall" and substitute "is"; Strike out "be" (second occurring).
Section 17 (1)	Redesignate to read as section 17; Strike out "therein shall be" and substitute "in a will is"; Strike out "thereto" and substitute "to the will or provision".
Section 18	Strike out "any" (first, third and fourth occurring) and substitute, in each case, "a"; Strike out "shall" and substitute "will"; Strike out "the validity" and substitute "its validity"; Strike out "thereof".
Section 19	Strike out "shall" and substitute "is"; Strike out "his"; Strike out "be" (first occurring); Strike out "the validity" and substitute "its validity"; Strike out "thereof".
Section 20 (1)	Strike out "of this section"; Strike out "shall be" and substitute "is".
Section 20 (2)	Strike out "shall not be" and substitute "is not".
Section 21	Strike out "shall be" and substitute "is".
Section 22	Strike out "thereof shall be" and substitute "of a will or codicil is"; Strike out "or" wherever occurring between paragraphs (a), (b) and (c).
Section 22 (b)	Strike out "manner hereinbefore required" and substitute "the manner required by this Act".
Section 22 (c)	Insert "or" before "codicil"; Strike out "part thereof" and substitute "the part of the will or codicil"; Strike out "hereinbefore required" and substitute "required by this Act".
Section 22 (d)	Insert "or" before "codicil"; Strike out "part thereof" and substitute "the part of the will or codicil"; Strike out "his" (twice occurring) and substitute, in each case, "the testator's".
Section 23	Strike out "the twenty-second day of October" and substitute "22 October"; Strike out "shall" (twice occurring) and substitute, in each case, "will"; Strike out "thereof" and substitute "of the will"; Strike out "same" and substitute "will".

Provision Amended	How Amended
Section 24	<p>Strike out "the execution thereof shall be valid or have" and substitute "its execution is valid or has";</p> <p>Strike out "hereinbefore required" and substitute "required by this Act";</p> <p>Strike out "thereof shall be deemed" and substitute "of the will is to be taken".</p>
Section 25 (1)	<p>Strike out "thereof" (first occurring) and substitute "of a will or codicil";</p> <p>Strike out "shall" and substitute "can";</p> <p>Strike out "the re-execution thereof" and substitute "its re-execution";</p> <p>Strike out "manner hereinbefore required" and substitute "the manner required by this Act";</p> <p>Insert "or" before "codicil" (third occurring);</p> <p>Strike out "part thereof" and substitute "the part of the will or codicil".</p>
Section 25 (2)	<p>Strike out "shall" and substitute "does";</p> <p>Strike out "thereof" and substitute "of it".</p>
Section 25a (2)	Strike out "shall" and substitute "must".
Section 25a (2) (a)	Strike out "shall" and substitute "must".
Section 25a (2) (b)	<p>Strike out "shall" and substitute "will";</p> <p>After "his" insert "or her".</p>
Section 25a (3)	<p>Strike out "shall" (first occurring) and substitute "must";</p> <p>Strike out "shall" (second occurring) and substitute "does".</p>
Section 25a (4)	<p>Strike out "shall" (twice occurring) and substitute, in each case, "does";</p> <p>Strike out "such" (twice occurring) and substitute, in each case, "that".</p>
Section 25a (5)	Strike out "shall" and substitute "will".
Section 25b	<p>Strike out "shall" and substitute "is to";</p> <p>After "he" (twice occurring) insert, in each case, "or she";</p> <p>After "his" insert "or her".</p>
Section 25c (1)	<p>Redesignate to read as section 25c;</p> <p>Strike out "of this Act";</p> <p>Strike out "shall" and substitute "are to".</p>
Section 26	<p>Strike out "therein comprised" and substitute "comprised in the will";</p> <p>Strike out "shall prevent" and substitute "prevents";</p> <p>After "his" insert "or her".</p>
Section 27	Strike out "shall" and substitute "is to".
Section 28	Strike out "shall" and substitute "will".
Section 29	<p>After "his" (twice occurring) insert, in each case, "or her";</p> <p>Strike out "shall" and substitute "is to".</p>
Section 30 (1)	<p>Strike out "his" and substitute "the testator's";</p> <p>Strike out "shall" (first occurring) and substitute "is to";</p> <p>Strike out "such" and substitute "the";</p> <p>Strike out "he" (first occurring) and substitute "the testator";</p> <p>After "he" (second occurring) insert "or she";</p> <p>Strike out "shall operate" and substitute "operates".</p>
Section 30 (2)	<p>Strike out "shall" (first occurring) and substitute "is to";</p> <p>Strike out "such" and substitute "the";</p> <p>Strike out "he" (first occurring) and substitute "the testator";</p> <p>After "he" (second occurring) insert "or she";</p> <p>Strike out "shall operate" and substitute "operates".</p>
Section 31	Strike out "shall" and substitute "is to".
Section 32 (1)	<p>After "his" (wherever occurring) insert, in each case, "or her";</p> <p>Strike out "shall" and substitute "are to".</p>

Provision Amended	How Amended
Section 32 (2)	Strike out "shall" and substitute "does"; After "mentioned" insert "in".
Section 33	Strike out "shall" and substitute "is to"; Strike out "such" and substitute "that"; After "him" insert "or her".
Section 34	Strike out "thereof" and substitute "of the real estate"; Strike out "shall" and substitute "is to"; Strike out "such" and substitute "that".
Section 35	Strike out "such" (first occurring) and substitute "the"; Strike out "shall" (first occurring) and substitute "does"; Strike out "shall take" and substitute "takes".
Section 36	Strike out "shall" (first occurring) and substitute "does"; Strike out "shall take" and substitute "takes".
Section 37	Strike out "sections" and substitute "section"; Strike out "shall invalidate" and substitute "invalidates"; Strike out "such" and substitute "that".
Section 39	Redesignate to read as section 38; Strike out "shall" and substitute "is"; Insert "to" before "be".

## FOURTH SCHEDULE

*Strata Titles Act, 1988*

Provision Amended	How Amended
Long title	Strike out "to make consequential or related amendments to the <i>Real Property Act, 1886</i> , the <i>Land Agents, Brokers and Valuers Act, 1973</i> , the <i>Legal Practitioners Act, 1981</i> , and the <i>Retirement Villages Act, 1987</i> ;"
Section 2	Strike out this section.
Section 15 (4) (a)	Insert "the" before "Commission".
Section 22 (1)	Strike out "\$2 000" and substitute "Division 7 fine".
Section 23 (5)	Strike out "\$200" and substitute "Division 10 fine".
Section 26 (6)	Strike out "It" and substitute "If".
Section 29 (3)	Strike out "\$2 000" and substitute "Division 7 fine".
Section 29 (5)	Strike out "\$5 000" and substitute "Division 5 fine".
Section 32 (1)	Strike out "\$100" and substitute "Division 11 fine".
Section 33 (4)	Strike out "\$500" and substitute "Division 9 fine".
Section 38 (1) and (3)	Strike out "\$2 000" (wherever occurring) and substitute, in each case, "Division 7 fine".
Section 39 (2)	Strike out "\$2 000" and substitute "Division 7 fine".
Section 40 (2) (a) (ii)	Strike out "thirtieth day of June" and substitute "30 June".
Section 41 (1) and (2a)	Strike out "\$500" (wherever occurring) and substitute, in each case, "Division 9 fine".
Section 44 (3)	Strike out "\$1 000" and substitute "Division 8 fine".
Section 49 (2)	Strike out "\$500" and substitute "Division 9 fine".
Section 50 (5)	Strike out "\$2 000" and substitute "Division 7 fine".
Section 51 (2) (c)	Strike out "penalty" and substitute "fine"; Strike out "\$500" and substitute "a division 9 fine".
Schedule 1	Strike out this schedule.

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

D. B. DUNSTAN, Governor