

South Australia

# Real Property (Foreign Governments) Act 1950

An Act to enable the Governments of foreign States to own and dispose of land in South Australia, and for purposes incidental thereto.

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**The Parliament of South Australia enacts as follows:**

### 1—Short title

This Act may be cited as the *Real Property (Foreign Governments) Act 1950*.

### 2—Interpretation

In this Act, unless the context otherwise requires—

**foreign State** means any State other than South Australia, including any sovereign State, any State of the Commonwealth, any State forming part of any other federal State, and any State under the dominion or protection of His Majesty or of any other State;

**land** means any estate or interest in land;

**representative** means diplomatic representative, consul, or consular officer.

### 3—Power of foreign Governments to hold land

- (1) Subject to this Act the Government of a foreign State or a minister or member of any such Government shall be capable of owning and being registered as the owner of land in South Australia, and of conveying, transferring, mortgaging, demising, and being a party to any other disposition of such land.
- (2) In any instrument which relates to land in South Australia—
  - (a) the Government of a foreign State shall be described by the words "The Government of \_\_\_\_\_", the blank space being filled by the name of that State;

- (b) a minister or member of the Government of a foreign State shall be described by his official title including or followed by the name of that State.

#### **4—Consent to assurances of lands to foreign Governments**

An instrument granting, conveying, transferring or demising land to the Government of a foreign State or to a minister or member of the Government of a foreign State shall not have any effect or be registered, deposited, or enrolled pursuant to any Act, unless it contains or has endorsed thereon a statement by the Minister of Lands that he consents to the transaction evidenced or effected by that instrument.

#### **5—Execution of instruments**

- (1) An instrument granting, conveying, transferring, demising, mortgaging or otherwise dealing with land or an acceptance of a transfer of land may be executed on behalf of the Government of a foreign State or on behalf of a minister or member of the Government of a foreign State by a representative of that Government resident within the Commonwealth.
- (2) A certificate, signed by the Minister of Lands and certifying that a person named therein is a representative of the Government of a foreign State and is resident in the Commonwealth, shall, if contained in or endorsed on any instrument relating to land, be accepted by the Registrar-General as conclusive evidence of the fact so certified.
- (3) The Minister of Lands on request made to him by or on behalf of a foreign State, and if satisfied as to the facts to be certified, shall give a certificate such as is mentioned in subsection (2) of this section.

#### **6—Foreign States deemed to be bodies corporate**

- (1) For purposes of owning and dealing with land pursuant to this Act the Government of a foreign State or a minister or member of the Government of a foreign State shall be deemed to be a body corporate.
- (2) Where any instrument relating to land in South Australia contains a reference to any such Government, minister or member, that reference shall be deemed to be a reference to the persons for the time being constituting that Government or, as the case may be, to the person for the time being holding or acting in the office of that minister or member.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal Act

| Year | No | Title                                               | Assent     | Commencement |
|------|----|-----------------------------------------------------|------------|--------------|
| 1950 | 8  | <i>Real Property (Foreign Governments) Act 1950</i> | 12.10.1950 | 12.10.1950   |