No. 2317.

An Act to amend the Vermin Act, 1931, and the Loans for Fencing and Water Piping Act, 1930.

[Assented to, 26th November, 1936.]

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

1. This Act may be cited as the "Vermin Act Amendment Act, 1936".

2. Sections 3 to 12 of this Act are incorporated with the Vermin Act, 1931, and sections 13 to 18 of this Act are incorporated with the Loans for Fencing and Water Piping Act, 1930.

3. Section 55 of the Vermin Act, 1931, is amended by adding at the end thereof the following subsection (the preceding part of the said section being read as subsection (1) thereof):

   (2) If a board is suspended or abolished the liability of the Commissioner in respect of the obligations of the board shall be limited to the total of—

   (a) any amounts realised from the real and personal property and any other assets and rights of any kind of the board; and

   (b) if the said amounts so realised are insufficient to satisfy the said obligations, any amounts paid to the Crown pursuant to section 56.
Amendment of Vermin Act, 1931, s. 56—
Property.

4. Section 56 of the Vermin Act, 1931, is amended by inserting after the word "collection" in the second line of paragraph III. of subsection (1) thereof the words "and any amounts required to be paid by the Commissioner pursuant to section 55".

5. Section 162 of the Vermin Act, 1931, is amended by inserting therein after paragraph (d) thereof the following paragraph:

(d1) state whether the land of each petitioner's charged with any registered mortgage and state the amount of any such mortgage and the name and address of the mortgagee:

6. Subsection (1A) of section 166 of the Vermin Act, 1931 (as enacted by section 12 of the Vermin Act Amendment Act, 1935), is amended by adding at the end thereof the following words:

If the consent in writing of any such mortgagee to the granting of the loan is forwarded to the council, the council need not give notice to that mortgagee as provided by this subsection.

7. Section 134 of the Vermin Act, 1931, is amended by striking out the word "thereon" in the fifth line thereof, and by inserting in lieu thereof the words "on such part thereof as represents principal".

8. Subsection (6) of section 171 of the Vermin Act, 1931, is amended—

(a) by inserting at the commencement thereof the words "That part of"; and

(b) by inserting after the word "instalment" in the first line thereof the words "which represents principal".

9. Subsection (2) of section 178 of the Vermin Act, 1931, is amended by inserting before the word "shall" in the fifth line thereof the words "that part of any sum remaining unpaid which represents principal".

10. Section 178 of the Vermin Act, 1931, is amended by inserting therein after subsection (5) thereof the following subsection:

(6) If the whole or any portion of any interest is remitted by the bank as provided by subsection (2), the council shall (whether the interest is remitted by the bank before or after the passing of the Vermin Act Amendment Act, 1936) remit to the amount so remitted by the bank, the whole or
a corresponding portion of any interest payable pursuant to subsection (6) of section 171 by the occupier by whom the loan is repayable to the council.

11. Part VI. of the Vermin Act, 1931, is amended by inserting therein after section 225 thereof the following section:—

225A. (1) The Commissioner may remit the whole or any portion of any interest payable by any vermin trust pursuant to subsection (2) of section 155 of The Vermin Act, 1914, which is in excess of the fixed rate mentioned in the said subsection, whether the said interest was payable before or after the passing of the Vermin Act Amendment Act, 1936.

(2) Interest shall be payable pursuant to subsection (2) of section 155 only upon such portion of any instalment as represents principal.

12. Subsection (6) of section 200 of the Vermin Act, 1931, is amended—

(a) by inserting at the commencement thereof the words "That part of"; and

(b) by inserting after the word "which" in the first line thereof the words "represents principal and".

13. Section 6 of the Loans for Fencing and Water Piping Act, 1930, is amended—

(a) by inserting after paragraph (b) of subsection (1) thereof the following paragraph:—

(b1) state whether the land of each petitioner is charged with any registered mortgage and state the amount of any such mortgage and the name and address of the mortgagee;

(b) by inserting after paragraph (b) of subsection (2) thereof the following paragraph:—

(b1) state whether the land of each petitioner is charged with any registered mortgage and state the amount of any such mortgage and the name and address of the mortgagee;

14. Subsection (1A) of section 10 of the Loans for Fencing and Water Piping Act, 1930 (as enacted by section 21 of the Vermin Act Amendment Act, 1935) is amended by adding at the end thereof the following words:—

If the consent in writing of any such mortgagee to the granting of the loan is forwarded to the council, the council need not give notice to that mortgagee as provided by this subsection.
15. Subsection (3) of section 17 of the Loans for Fencing and Water Piping Act, 1930, is amended—

(a) by inserting at the commencement thereof the words "That part of"; and

(b) by inserting after the word "instalment" in the first line thereof the words "which represents principal".

16. Subsection (2) of section 21 of the Loans for Fencing and Water Piping Act, 1930, is amended by inserting before the word "shall" in the fifth line thereof the words "that part of any sum remaining unpaid which represents principal".

17. Section 21 of the Loans for Fencing and Water Piping Act, 1930, is amended by inserting therein after subsection (5) thereof the following subsection:

(6) If the whole or any portion of any interest is remitted by the bank as provided by subsection (2), the council shall (whether the interest is remitted by the bank before or after the passing of the Vermin Act Amendment Act, 1936) remit to the amount so remitted by the bank, the whole or a corresponding portion of any interest payable pursuant to subsection (3) of section 17 by the occupier by whom the loan is repayable to the council.

18. Section 35 of the Loans for Fencing and Water Piping Act, 1930, is amended by inserting after subsection (3) thereof the following subsection:

(3a) The bank may remit the whole or any portion of any interest payable by an occupier of land by reason of the operation of subsection (3) of section 17 which is in excess of interest at the fixed rate, whether payable before or after the passing of the Vermin Act Amendment Act, 1936.

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

W. DUGAN, Governor,