

EXECUTION OF INSTRUMENTS ORDINANCE 1940.⁽¹⁾

No. 13 of 1940.

An Ordinance to facilitate the Execution of Instruments and Powers of Attorney during the Present War.

BE it ordained by the Legislative Council for the Territory of New Guinea, in pursuance of the powers conferred by the *New Guinea Act 1920-1935*, as follows:—

1. This Ordinance may be cited as the *Execution of Instruments Ordinance 1940*.⁽²⁾ Short title.

2. This Ordinance shall be incorporated and read as one with the *Lands Registration Ordinance 1924-1939*. Incorporation.

3.—(1.) Notwithstanding anything contained in the *Lands Registration Ordinance 1924-1939*, any instrument under that Ordinance or any power of attorney conferring power to transfer or otherwise deal with any land, lease, mortgage, or charge under that Ordinance, signed by any person during any period for which he is engaged on war service within the meaning of this Ordinance and a further period of six months thereafter, upon verification to the satisfaction of the Registrar of Titles of the signatures thereto, shall although not attested be held to be duly executed. Evidence of due execution of certain instruments under the *Lands Registration Ordinance 1924-1939* by persons on war service.

(2.) For the purposes of this Ordinance a person shall be deemed to be engaged on war service—

- (a) if he is engaged on naval, military, or air force service outside the Territory with His Majesty's naval, military, or air forces or with the naval, military, or air forces of the Commonwealth during the war in which His Majesty is at present engaged;
- (b) if he is engaged on service outside the Territory in any work in connexion with that war of any Red Cross Society or Ambulance Association or any other body with similar objects; or

(1) Particulars of this Ordinance are as follows:—

Date of assent by Administrator.	Date notified in <i>N.G. Gaz.</i> as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
24.9.1940	16.12.1940	24.9.1940 (<i>Laws of T.N.G.</i> , Vol. XV, p. 107)

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(c) if in connexion with that war he is a prisoner of war in an enemy country or is interned in any enemy country or the country of a neutral power,

(3.) A statutory declaration by any person who in the opinion of the Registrar of Titles is qualified to declare as to the fact that any party to any instrument submitted for registration under the *Lands Registration Ordinance* 1924-1939 is engaged on war service or was so engaged within the preceding six months, shall be accepted by the Registrar of Titles as sufficient evidence of the fact.

(4.) A statutory declaration by the donee of a power of attorney or by any person who in the opinion of the Registrar of Titles is qualified to declare as to the fact that the donor is engaged on war service or was so engaged within the preceding six months, shall be accepted as sufficient evidence of the fact by the Registrar of Titles and every other person dealing with the donee.

Extension of
Ordinance to
certain persons
abroad not
actually
engaged on
war service.

4. The benefit of the privileges conferred by this Ordinance on any person in relation to any period for which he is engaged on war service and for a period of six months thereafter, shall also extend and apply to any person not engaged on war service in relation to any period during which being absent from the Territory he is for any reason connected with the war in which His Majesty is at present engaged unable to return to the Territory; and this Ordinance shall with such adaptations as are necessary have effect in its application to any such person.