



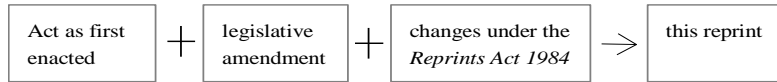
Western Australia

Real Property (Foreign Governments) Act 1951

Reprint 1: The Act as at 16 May 2003

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the Act has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the Act was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Act is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the
Reprints Act 1984 as
at 16 May 2003

Western Australia

Real Property (Foreign Governments) Act 1951

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Western Australia

Real Property (Foreign Governments) Act 1951

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

1. Short title

This Act may be cited as the *Real Property (Foreign Governments) Act 1951*¹.

2. Interpretation

In this Act, unless the context otherwise requires —

“**foreign State**” means any State other than Western 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 the provisions of 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 Western Australia, such land not to exceed an area of 2 hectares in the aggregate, without the approval of Parliament, 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 Western 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.
- (3) Notwithstanding the provisions of subsection (1), the Government of the United States of America or a minister or member of that Government shall be capable of owning and being registered as the owner of an estate of leasehold in land in Western Australia being portion of the land that is constituted the townsite of Exmouth under the provisions of the *Land Administration Act 1997*, such portion of the land not to exceed an area of 100 acres in the aggregate.

[Section 3 amended by No. 55 of 1964 s. 2; No. 73 of 1994 s. 4; No. 31 of 1997 s. 141.]

4. Consent to conveyance 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 appropriate Minister of the Crown for the State of Western Australia 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 appropriate Minister of the Crown for the State of Western Australia 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 of Titles or Registrar of Deeds as conclusive evidence of the fact so certified.
- (3) The appropriate Minister of the Crown for the State of Western Australia, 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 the last preceding subsection.

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 Western 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.



Notes

- ¹ This reprint is a compilation as at 16 May 2003 of the *Real Property (Foreign Governments) Act 1951* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint ².

Compilation table

Short title	Number and year	Assent	Commencement
<i>Real Property (Foreign Governments) Act 1951</i>	3 of 1951	13 Nov 1951	13 Nov 1951
<i>Real Property (Foreign Governments) Act Amendment Act 1964</i>	55 of 1964	30 Nov 1964	30 Nov 1964
<i>Statutes (Repeals and Minor Amendments) Act 1994 s. 4</i>	73 of 1994	9 Dec 1994	9 Dec 1994 (see s. 2)
<i>Acts Amendment (Land Administration) Act 1997 s. 141</i>	31 of 1997	3 Oct 1997	30 Mar 1998 (see s. 2 and <i>Gazette</i> 27 Mar 1998 p. 1765)

Reprint 1: The *Real Property (Foreign Governments) Act 1951* as at 16 May 2003
(includes amendments listed above)

- ² Marginal notes in the *Real Property (Foreign Governments) Act 1951* referring to legislation of other jurisdictions have been omitted from this reprint.