

This Bill was formerly clauses 90 and 91 of the Law Reform (Miscellaneous Provisions) Bill (No. 3), as reported from the Justice and Law Reform Committee. Clause 90 has been replaced by clause 1, the Short Title clause, of this Bill. Clauses found in other Bills are indicated by points of ellipsis.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]
House of Representatives, 21 March 1995.

Hon. D. A. M. Graham

PROPERTY LAW AMENDMENT (NO. 2)

ANALYSIS

Title 1. Short Title	91. Rule in <i>Bain v Fothergill</i> abolished
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A BILL INTITULED

An Act to amend the Property Law Act 1952

BE IT ENACTED by the Parliament of New Zealand as follows:

5 **1. Short Title**—This Act may be cited as the Property Law Amendment Act (No. 2) 1995, and shall be read together with and deemed part of the Property Law Act 1952 (hereinafter referred to as the principal Act).

10 **91. Rule in *Bain v Fothergill* abolished**—(1) The principal Act is hereby amended by inserting, after section 62, the following section:

15 “62A. The rule of law known as the rule in *Bain v Fothergill* (limiting the damages recoverable in respect of a breach of a contract for the sale and purchase of land where the breach arises out of the vendor’s inability to provide good title to the land) is hereby abolished.”

(2) The general law of New Zealand shall have effect in relation to every contract—

(a) Entered into before the commencement of this Act; and

(b) Not amended after that commencement so as to provide expressly that the rule should not apply to it,—

as if **subsection (1)** of this section had never been enacted.

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