

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1925.

A BILL

To amend the Real Property Act, 1900, and the Real Property (Amendment) Act, 1921; to validate certain registrations made under the said Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PRELIMINARY.

1. This Act may be cited as the "Real Property Short title. (Amendment) Act, 1925," and shall be read with the Real Property Act, 1900, as amended by subsequent Acts.

2.

Real Property (Amendment).

2

2. The Real Property Act, 1900, is amended by adding at the end of section twenty the following proviso :—

Amendment
of Act 1900
No. 25, s. 20.

Provided that the Registrar-General may, if he thinks fit, dispense with the service of notice upon all or any of the persons stated by the applicant to be in occupation of the land the subject of the application or of land contiguous thereto.

3. (1) The Real Property Act, 1900, is further amended by inserting at the end of subsection two of section thirty-two the following proviso :—

Amendment
of Act, 1900,
No. 25, s. 32
(2), and
validation.

Provided that so far as any such instrument, dealing, or other matter affects only a mortgage, encumbrance, or lease, it shall be sufficient if particulars of the instrument, dealing, or other matter are recorded on the memorandum of mortgage, encumbrance, or lease affected; and for the purposes of the record of any such particulars whether required or authorised by this or any other Act, the memorandum of mortgage, encumbrance, or lease on which the particulars are recorded shall be deemed to be part of the grant or certificate of title.

(2) Every such record as is mentioned in subsection one of this section, made by the Registrar-General before the passing of this Act, shall be as valid and effectual as if this Act had been passed before the record was made.

4. The Real Property Act, 1900, is further amended—

Further
amendments
of Act 1900
No. 25, s. 34.

(a) by omitting section thirty-four;

(b) by adding at the end of subsection two of section fifty the following proviso :—

Sec. 50 (2).

Provided that the Registrar-General may, at his discretion, instead of retaining a partially cancelled grant or certificate of title, deliver the same to the proprietor of the residue of the land comprised therein or other the person entitled to receive it;

(c)

Real Property (Amendment).

- (c) by inserting in section seventy-three after the words "such registered proprietor" the words "or some person claiming under him"; Sec. 73.
- (d) by inserting in subsection two of section ninety-seven after the words "registered proprietor" the words "or any person claiming under any memorandum of transfer or other instrument registerable under this Act and signed by such registered proprietor"; Sec. 97 (2).
- (e) by inserting the following new section immediately after section one hundred and ten:—

110A. Where in the opinion of the Registrar-General any grant or certificate of title or the duplicate thereof constituting the folium of the register book is incapable of conveniently containing any further memorial or is in such a condition that it is inadvisable to deliver such grant or certificate of title, he may make out to the registered proprietor of the land included in such grant or certificate of title, at the cost of such proprietor, a new certificate of title for such land, and such grant or certificate of title shall be deemed to have been delivered up and the new certificate of title issued upon the application of the registered proprietor under section one hundred and ten.

New certificate to be issued in certain cases.

5. The Real Property (Amendment) Act, 1921, is amended by adding at the end of section fourteen the following new subsection:— Amendment of Act 1921 No. 3, s. 14.

(4) Where the Registrar-General enters in the register book, upon the appropriate grant, certificate of title or memorandum of mortgage, encumbrance or lease, a memorandum of any such vesting as is mentioned in this section, the person in the memorandum of vesting expressed to be the proprietor or the person in whom the land is vested shall be deemed to be at the time of entry the registered proprietor of the land.

This

Real Property (Amendment).

4

This subsection applies in respect of entries made before as well as after the commencement of this Act.

6. Nothing in this Act shall affect the rights of any ^{Saving.} party to any proceedings at law or in equity commenced before or pending at the passing of this Act.
