

## REAL PROPERTY.

No. 60 of 1955.

### AN ACT to amend the *Real Property Act 1862*. [15 December, 1955.]

**B**E it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title,  
citation, and  
commence-  
ment.

**1**—(1) This Act may be cited as the *Real Property Act 1955*.

(2) The *Real Property Act 1862*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on the first day of January 1956.

**2** Section one hundred and eight of the Principal Act is repealed and the following section is substituted therefor:—

Fees payable  
to Recorder.

“ 108 There shall be payable to the Recorder—

I The respective fees specified in, or fixed under, the second schedule in respect of the several matters therein enumerated: or

II Such other fees in lieu thereof or in addition thereto as may be prescribed.”.

**3** After section one hundred and sixty-one of the Principal Act the following section is inserted:—

Regulations.

“ 162 The Governor may make regulations under this Act.”.

The second  
schedule.

**4** The second schedule to the Principal Act is amended by omitting Part III and substituting therefor the following Part:—

### “ PART III.

#### GENERAL FEES TO BE PAID TO THE RECORDER OF TITLES.

	£	s.	d.
(1) <i>Applications and requests.</i>			
1. On lodgment of an application to bring land under this Act .....	2	0	0
2. On lodgment of an application for a registration abstract .....	2	0	0
3. On lodgment of an application for cancellation of a registration abstract .....	0	10	0

	£	s.	d.
4. On lodgment of an application to be registered as proprietor by transmission—			
I By an official receiver or trustee in bankruptcy under section 76	1	0	0
II Of any mortgage, incumbrance, or lease under section 79	1	0	0
III By the devisee or other person claiming an estate of freehold under section 80	1	10	0
IV By a personal representative under section 63 of the <i>Administration and Probate Act 1935</i>	1	0	0
5. On lodgment of an application to be registered proprietor of an estate in remainder under section 89	1	0	0
6. On lodgment of an application to note the determination of a life estate, or for entry of survivors or other persons as proprietors in cases of joint proprietorship	1	0	0
7. On lodgment of an application for foreclosure of mortgage	3	0	0
8. On lodgment of an application for a vesting order under section 146 of this Act or section 14 of the <i>Real Property Act 1893</i>	3	0	0
9. On lodgment of an application for order declaring mortgage or incumbrance discharged under section 158	3	0	0
10. On lodgment of an application to dispense with production of duplicate instrument	1	10	0
11. On lodgment of an application for stay of registration under section 157	0	15	0
12. On lodgment of a request to note determination of lease by any means other than by expiry by effluxion of time	1	10	0
13. On lodgment of an application for vesting of lease in mortgagee on refusal of assignees to accept the same	1	10	0
14. On lodgment of an application or request for which no fee is otherwise provided	1	0	0

(2) *Caveats.*

15. On lodgment of a caveat	1	0	0
16. On lodgment of withdrawal of a caveat	0	10	0
17. For preparing and serving notice to caveator of an application for registration of dealing, each notice	0	10	0

(3) *Certificates of title.*

18. For every certificate of title (including one simple diagram and not exceeding six folios of seventy-two words)	2	0	0
For every folio or part thereof after the first six	0	2	6
Where more than one simple diagram or any diagram other than a simple diagram is required	Such extra fee as may be fixed by the Recorder in any particular case.		
19. On lodgment of an application to consolidate in one certificate of title lands included in two or more grants or certificates—in addition to fee for new certificate, for each grant or certificate to be consolidated	0	5	0
20. On lodgment of an application for provisional certificate of title—in addition to fee for certificate of title	1	10	0

(4) *Certified copies.*

21. For every certified copy—			
I If written—			
(a) Minimum fee	0	10	0
(b) For every folio of seventy-two words in excess of five folios	0	1	0
(c) For—			
(i) Every simple diagram thereon	0	5	0
(ii) Every other diagram	Such fee as may be fixed by the Recorder.		

II For a photographic reproduction and certification thereof .....	£ s. d. Such fee (being not less than ten shillings) as may be fixed by the Recorder.
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(5) Dealings.

22. On lodgment for registration of a memorandum of transfer—	
I Where the purchase or consideration money—	
Does not exceed £500 .....	0 10 0
Exceeds £500 but does not exceed £1000 .....	1 10 0
Exceeds £1000 but does not exceed £2500 .....	2 0 0
Exceeds £2500 but does not exceed £5000 .....	4 0 0
Exceeds £5000 .....	6 0 0
II Where the transfer is by way of assent or effects a grant of easement only, or is to a person entitled in equity .....	0 10 0
23. On lodgment for registration of a memorandum of transfer—	
I Affecting part only of the land in a grant or certificate—in addition to any other fee .....	0 15 0
II In any way creating an easement or easements—in addition to the fee payable under paragraph I of item 22 .....	0 10 0
III In any way purporting to restrict or affect the user of any land—in addition to any other fee .....	0 10 0
24. On lodgment for registration of a memorandum of mortgage—	
I To a bank .....	2 0 0
II In any other case, where the amount secured—	
Does not exceed £500 .....	0 10 0
Exceeds £500 but does not exceed £1000 .....	1 10 0
Exceeds £1000 but does not exceed £2500 .....	2 0 0
Exceeds £2500 but does not exceed £5000 .....	4 0 0
Exceeds £5000, or is unlimited .....	6 0 0
25. On lodgment for registration of a memorandum of incumbrance or lease, or transfer, discharge (wholly or partially), or extension of mortgage or of incumbrance, or transfer, extension, or surrender of lease .....	1 0 0

(6) Grants.

26. For the registration of every purchase grant, where the value of the land—	
Does not exceed £50 .....	0 10 0
Exceeds £50 but does not exceed £300 .....	0 15 0
Exceeds £300 .....	1 0 0
27. For every grant issued on application to the Recorder	The same fees as in item 18.

(7) Additional entries of memorials.

28. Where any application, instrument, or caveat purports to deal with or affect land in more than one grant, certificate, or other instrument, for each memorial or entry after the first .....	0 5 0
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(8) Plans and diagrams.

29. On lodgment for registration of every plan .....	1 0 0
30. For examining every plan—for each lot shown thereon .....	0 3 0
31. For furnishing copy of plan or diagram, or tracing	Such fee (being not less than ten shillings) as may be fixed by the Recorder.

## (9) Sealing of instruments.

£ s. d.

32. For examination and sealing of a memorandum of transfer, mortgage, incumbrance, or lease not prepared on a form issued by the Recorder and bearing the imprint of his seal .....	0	5	0
33. On lodgment of a request for the sealing of a printed form .....	1	0	0

## (10) Searches.

34. For every search not exceeding two titles in one name—			
I Where the reference numbers are supplied by the person searching—each title .....	0	3	0
II Where the reference numbers are not supplied by the person searching—each title .....	0	5	0
35. For general search against one name, exceeding two titles—			
I Where the reference numbers are supplied by the person searching .....	0	9	0
II Where the reference numbers are not supplied by the person searching .....	0	14	0

## (11) Writs.

36. On lodgment for entry of a copy writ of fieri facias, or warrant of execution, or direction, decree, or order for sale of land .....	1	0	0
37. On lodgment of a request to note satisfaction of writ, or direction, decree, or order, for each entry .....	0	10	0

## (12) Miscellaneous.

38. For every power of attorney deposited .....	0	10	0
39. For every revocation of a power of attorney .....	0	10	0
40. For every instrument declaratory of trusts deposited .....	1	0	0
41. On lodgment for registration of every proclamation or notification of the compulsory acquisition of any land .....	1	0	0
42. Rectifying certificate of title consequent on misdescription or other error in registered instrument .....	0	10	0
43. Taking affidavit, statutory declaration, or acknowledgement of married woman .....	0	5	0
44. For exhibiting deeds surrendered by applicant .....	0	5	0
45. For entering a memorial or notification not otherwise provided for .....	1	0	0
46. For every requisition notice—			
I Where fees have been incorrectly calculated, or additional fees are payable .....	0	2	0
II Under section 41A, except when paragraph I of this item is applicable .....	0	5	0

For the purposes of this schedule—

- I If a question arises as to whether a diagram is a simple diagram or not, that question shall be determined by the Recorder, whose decision thereon shall be final:
- II Where—

- (a) By a memorandum of transfer, whether voluntary or upon any good and valuable consideration other than a *bona fide* adequate pecuniary consideration, any land is given or settled in any manner, the fee to be paid for the registration thereof shall be the same as the fee payable in respect of a memorandum of transfer the purchase-money or consideration for which is equal to the value of that land: and
- (b) Any land is sold and transferred in consideration wholly or in part of any sum of money charged thereon by way of mortgage or otherwise, and then due and owing to the purchaser, or is sold and transferred subject to any mortgage, bond,

or debt or any gross or entire sum of money agreed to be afterwards paid by the purchaser, that sum of money or debt shall be deemed to be the purchase-money or consideration, or part of the purchase-money or consideration, as the case may be, in respect whereof the registration fee is paid: and

- III Subject to any agreement to the contrary, the party for whose benefit any restriction or condition affecting the user of land is imposed shall, as between him and any other party to a transfer, be liable to the fee payable under paragraph III of item 23."

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## REGISTRATION OF DEEDS.

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No. 61 of 1955.

AN ACT to amend the *Registration of Deeds Act 1935*.

[15 December, 1955.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title,  
citation, and  
commence-  
ment.

**1**—(1) This Act may be cited as the *Registration of Deeds Act 1955*.

(2) The *Registration of Deeds Act 1935*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on the first day of January 1956.

Searches.

**2** Section thirty-seven of the Principal Act is amended by omitting from subsection (2) the words "two shillings and sixpence" and substituting therefor the words "five shillings".

Fees.

**3** Section forty-two of the Principal Act is amended by inserting in subsection (1), after the word "in" (first occurring), the words ", or fixed under,".