

PUBLIC WORKS (REAL PROPERTY COMPUTER REGISTER) AMENDMENT ACT, 1979, No. 169

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 169, 1979.

An Act to amend the Public Works Act, 1912, so as to facilitate the keeping of the Register maintained under the Real Property Act, 1900, in a computer and to vary certain provisions relating to the divesting of minerals. [Assented to, 14th December, 1979.]

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BE it enacted by the Queen'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 :—

1. This Act may be cited as the "Public Works (Real Property Computer Register) Amendment Act, 1979". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on the day appointed and notified pursuant to section 2 (2) of the Real Property (Computer Register) Amendment Act, 1979.

3. The Public Works Act, 1912, is amended— Amendment of Act No. 45, 1912.

(a) by omitting from section 46 (2) the words "memorandum of" wherever occurring; Sec. 46 (2). (Conveyances.)

(b) (i) by omitting from section 141 (3) the words "The Governor" and by inserting instead the words "Subject to subsection (3A), the Governor"; Sec. 141. (Constructing Authority entitled to minerals.)

(ii) by inserting after section 141 (3) the following subsection :—

(3A) Where a resumption application relating to land taken under this Act (whether or not pursuant to the authority conferred by any other Act passed before or after the commencement of this subsection) has been lodged under section 31A (2) of the Real Property Act, 1900, with the Registrar-General—

(a) a notification under subsection (3) published in the Gazette after the commencement of this subsection may not

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divest from the Constructing Authority, or other person in whom they are vested, the minerals taken and within that land; and

- (b) any transfer of those minerals after that land has been brought under the provisions of the Real Property Act, 1900, shall, for the purposes of subsection (5), be deemed, upon its registration under that Act, to vest those minerals under this section in the transferee.

- (iii) by omitting section 141 (4) and by inserting instead the following subsections :—

(4) Upon publication of a notification under subsection (3), the Constructing Authority or other person from whom they are declared by the notification to be divested shall, in respect of minerals vested under that subsection by the notification—

- (a) where the minerals so vested are under the provisions of the Real Property Act, 1900, make a request under section 46C of that Act in relation to those minerals and furnish such of the evidence required in connection therewith as may be in his possession or under his control; or
- (b) where the minerals so vested are not under the provisions of the Real Property Act, 1900, forward a copy of the notification of the vesting to the Registrar-General who shall, upon receipt thereof, cause a memorandum of the vesting of those minerals to be prepared and registered in the General Register of Deeds kept under the Registration of Deeds Act, 1897, and, for the purposes

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of that Act, that memorandum shall be deemed to be a registration copy of an instrument duly registered under that Act.

(4A) A request made by the Constructing Authority or another person in compliance with subsection (4) (a) shall be deemed to have been made by the person entitled so to do under section 46C of the Real Property Act, 1900.

(iv) by inserting in section 141 (7) after the word "Authority" the words "or the other person referred to in that subsection";

(v) by omitting section 141 (8) and by inserting instead the following subsection :—

(8) Without limiting the discretion conferred upon the Registrar-General by section 46C of the Real Property Act, 1900, the Registrar-General shall not, when creating a folio of the Register kept under that Act or making recordings in that Register in respect of minerals pursuant to a request made under subsection (4) (a), be required to make any recordings in that Register, other than—

(a) such recordings as may, in his opinion, be necessary with respect to the vesting of the minerals in the person and for the estate specified, in the notification of the vesting of those minerals, as the person in whom, and the estate for which, they were thereby vested; and

(b) any recordings relating to the land described in the notification, being recordings that appeared in that Register

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immediately before the taking of that land, other than recordings relating only to estates or interests excepted in the notification.
