

[CONFIDENTIAL.]
(Rough Draft for Consideration Only.)

No. , 1935.

A BILL

To amend the Real Property Act, 1900, in certain respects; to validate certain matters; 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 :—

1. This Act may be cited as the "Real Property (Amendment) Act, 1935." Short title.

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2. The Real Property Act, 1900, as amended by subsequent Acts, is amended—

Amendment of Act No. 25, 1900.

(a) by inserting at the end of section twelve the following new paragraphs:—

Sec. 12. (Powers of the Registrar-General.)

(f) He may enter a caveat for the protection of the interests of any person who appears to him to be interested in the land.

(g) He may enter in the register book a notification of any charge, right of residence, or other interest to which the land is subject.

Where any such notification is so entered—

(i) the entry of the same shall not give the interest any greater operation or effect than it has under the instrument creating it;

cf. Conveyancing Act, 1919-1932, s. 88 (3).

(ii) the interest notified shall be deemed to be an interest within the meaning of section forty-two of this Act.

(b) by inserting next after subsection one of section ninety-four the following new subsection:—

Sec. 94. (Registration of executors, etc., by transmission.)

(1A) The Registrar-General may, if he thinks fit, accept an application by a person to be registered as proprietor of an estate of freehold in the land of a deceased proprietor where such person claims title otherwise than consequent upon the death, will or intestacy of a deceased proprietor, and may deal with such application under this section.

Any such application shall be accompanied by the consent of the executor or administrator of the deceased proprietor, unless the Registrar-General thinks fit to dispense with such consent.

3. Any caveat or notification entered and any application accepted and dealt with by the Registrar-General before the commencement of this Act which could lawfully have been entered or accepted and dealt with if the amendments made by this Act had then been in operation is hereby validated.

Validation.