

No. , 1912.

A BILL

To amend the Real Property Act, 1900, and the Conveyancing and Law of Property Act, 1898, and other Acts; to validate certain Acts of the Deputy Registrar of Deeds; and for other purposes.

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 and Conveyancing (Amendment) Act, 1912.” Short title.

2. Subsection one of section fourteen of the Real Property Act, 1900, is repealed, and the following subsection substituted therefor:— New subsection (1) of s. 14 of Real Property Act.

(1) Land not subject to the provisions of this Act may be brought under its provisions.

3. Subsection one of section seventeen of the said Act is amended by adding the following at the end of the subsection:—
“The examiners, if so directed by the Registrar-General, may confine their examination of the title to matters occurring within such period, not being less than twenty-one years before the making of the application, as the Registrar-General considers sufficient.”

Amendment of s. 17 (1).

4. Section nineteen of the said Act is amended by adding the following proviso:—“Provided that the Registrar-General may, in his discretion, notwithstanding that certain persons are not parties to the application, or that the evidence of title set forth by the applicant is imperfect, take the steps in the last preceding section provided, and may bring the land under the provisions of this Act; but in such case he may, notwithstanding section one hundred and nineteen, require payment to him of such special fee as he considers adequate in addition to that provided in the Nineteenth Schedule.”

Amendment of s. 19.

5. (1) Section eighty-eight of the said Act is amended as follows:—

Amendment of s. 88.

- (a) Omit “in any form heretofore in use for the like purpose” insert the words “of attorney under seal.”
- (b) Omit all words following “Registrar-General” and add the following:—“A separate register of such powers of attorney shall be kept by the Registrar-General, and whenever any such power of attorney is produced for filing as aforesaid the Registrar-General shall enter in such register a memorandum of the particulars of such power of attorney and the date and hour when it was so produced.”

(2) Section eighty-nine of the said Act is amended by adding thereto the following proviso:—“Provided that where a power of attorney, as to which a memorandum has under the last preceding section been entered in the separate register of powers of attorney, is revoked, the particulars above mentioned shall, instead of being entered in the register-book, be entered in the separate register of powers of attorney, together with the date and hour on which the entry was made.”

Amendment of s. 89.

6. Subsection three of section ninety-four of the said Act is repealed, and the following is substituted therefor:—

New subsection (3) of s. 94.

(3) The Registrar-General may if he thinks fit, upon production of such other evidence of the death as appears to him sufficient, dispense with the said certificate of death.

7. Subsection five of section ninety-four of the said Act is amended by omitting “and the examiners,” and by inserting the word “been” after the word “have.”

Amendment of subsection (5) of s. 94.

8. (1) Subsection one of section ninety-five of the said Act is repealed, and the following substituted therefor:—

New subsection (1) of s. 95.

(1) The Registrar-General may—

(a) reject such application altogether; or

(b)

- (b) cause notice thereof by advertisement, or the serving or posting of notices to be given as he thinks fit; or
- (c) dispense with the giving of any such notice.

(2) Subsection two of the same section is amended by omitting “not less than one month from the date of the advertisement in the Gazette.” Amendment of subsection (2)

(3) Subsection six of the same section is repealed. Repeal of subsection (6).

9. Section one hundred and nineteen of the said Act is amended by inserting the following at the end of subsection one:— Amendment of s. 119.
“Provided that no such sum shall be so payable on the registration of the transmission of the estate of a deceased registered proprietor to an executor or administrator to whom probate of the will or letters of administration of the estate of such registered proprietor has been granted.”

10. (1) Section one hundred and twenty-one of the said Act is amended as follows:— Provisions as to costs of proceedings under ss. 121, 122_i and 123.

- (a) In subsection one omit the words “at his own costs.”
- (b) In subsection three omit the words “and all expenses attendant upon any such proceedings shall be borne and paid by the applicant or other person preferring such complaint, unless the judge or court shall certify that there were no probable grounds for such refusal or direction as aforesaid.”

(2) Section one hundred and twenty-two of the said Act is amended by omitting subsection four.

(3) The following new section is inserted next after section one hundred and twenty-three of the said Act:—

123A. Upon any summons or proceeding under the three last preceding sections the court may make such order as to the costs and expenses of and attendant upon such summons or proceeding as it deems just, and all costs and expenses to be paid by the Registrar-General under such order shall be paid out of the closer settlement fund.

11. (1) Where before the commencement of this Act, and acting or purporting to act for or on behalf of or with the sanction of the Registrar-General, and for the purpose of exercising any power conferred, or performing any duty imposed on the Registrar-General by or under any Statute, a Deputy Registrar of Deeds has done any acts or things, such acts or things shall be deemed to have been and to be as valid as if done by the Registrar-General. Validation of Acts of Deputy Registrar of Deeds.

(2) Subsection three of section twenty-six of the Conveyancing and Law of Property Act, 1898, is amended by inserting after “the Registrar-General or his deputy or ” the words “a Deputy Registrar of Deeds or ” Amendment of s. 26 (3) of Conveyancing and Law of Property Act.