

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 25 September, 1974.*

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. , 1974.

An Act to restrict the rights of vendors under contracts for the sale on terms, and mortgagees under mortgages, of certain land; to amend the Real Property Act, 1900, the Conveyancing Act, 1919, in certain respects; and for purposes connected therewith.

BE

Glebe and Other Properties (Special Provisions).

5 **B**E 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 "Glebe and Other Short title. Properties (Special Provisions) Act, 1974".

2. (1) In this Act, except in so far as the context or Interpretation. subject-matter otherwise indicates or requires—

10 "prescribed period", in relation to scheduled land, means—

15 (a) where the land is comprised in a folio or instrument referred to in the definition of "scheduled land" in this subsection, a reference to which folio or instrument is, at the commencement of this Act, included in Part 1 or 2 of the Schedule—the period of two months from that commencement; or

20 (b) where the land is comprised in a folio or instrument so referred to, a reference to which folio or instrument is inserted in the Schedule pursuant to subsection (2)—the period of two months from the date on
25 which the reference is so inserted,

or such extended period as may be notified in respect of that land pursuant to subsection (3);

30 "prescribed right", in relation to scheduled land, means a right to take or enter into possession of that land, to sell or join in the sale of or to offer to sell or join in the sale of that land, to lease or otherwise dispose of or to offer to lease or otherwise dispose of that land, to apply to or request a court for an order

Glebe and Other Properties (Special Provisions).

5 order or direction to sell, lease or otherwise dispose
of that land, to exercise the power of foreclosure in
respect of that land or to apply for an order for
foreclosure in respect of that land, to demand rent
payable under a lease of that land, to exercise any
other power conferred by section 109 (1) (para-
graph (b) excepted) of the Conveyancing Act,
1919, in relation to that land or to do any act which
10 might result directly or indirectly in any person who
is a purchaser on terms under a contract for the
sale of that land being deprived of the right to
possession of that land;

“scheduled land” means—

- 15 (a) any land comprised in a folio of the
Register under the Real Property Act,
1900, a reference to which folio is for the
time being included in Part 1 of the
Schedule; and
- 20 (b) any land comprised in an instrument regis-
tered in the Register kept under the
Registration of Deeds Act, 1897, a
reference to which instrument is for the
time being included in Part 2 of the
Schedule.

25 (2) The Governor may by notification published in
the Gazette amend the Schedule—

- 30 (a) by inserting therein the reference to the folio of
the Register under the Real Property Act, 1900,
or the instrument registered in the Register kept
under the Registration of Deeds Act, 1897, in
which folio or instrument is comprised any land
which is the subject of a contract for the sale of
the land on terms and of a mortgage under which
the vendor or one of the vendors under that
35 contract is the mortgagor or one of two or more
joint mortgagors; or
- (b) by omitting therefrom any reference included
therein.

(3)

Glebe and Other Properties (Special Provisions).

(3) The Governor may, in relation to any scheduled land, by notification published in the Gazette before the expiration of the period referred to in paragraph (a) or (b), as the case may be, of the definition of "prescribed period" in subsection (1) relating to that land or before the expiration of that period as extended under this subsection, extend that period or that period as so extended.

(4) A reference in this Act to a contract for the sale of land on terms is a reference to—

- 10 (a) a contract for the sale of land; or
- (b) any other contract relating to the payment of the consideration, or any part of the consideration, payable under a contract for the sale of land or of any interest payable in respect of that consideration or part,

15 where the consideration, or part of the consideration, payable under the contract referred to in paragraph (a) or the other contract referred to in paragraph (b) or under both of those contracts (whether that consideration or part is by way of purchase moneys, interest, adjustment of outgoings or otherwise) is payable by more than two separate payments.

3. (1) Notwithstanding the provisions—

- 25 (a) of any contract for the sale on terms of any scheduled land, of any other instrument conferring rights on the vendor under such a contract or of any law, a prescribed right of the person who is the vendor under such a contract or of any person taking under or acting on behalf of such a person; or
- 30 (b) of any mortgage of any scheduled land, of any other instrument conferring rights on the mortgagee under such a mortgage or of any law, a prescribed right of the person who is the mortgagee under such a mortgage or of any person taking under or acting on behalf of such a mortgagee,

Restriction on rights of certain vendors and mortgagees.

35 may not be exercised during the prescribed period relating to that land and no court shall have jurisdiction during that period to effectuate any such right. (2)

Glebe and Other Properties (Special Provisions).

(2) Nothing in subsection (1) prevents a vendor referred to in subsection (1) (a) or a mortgagee referred to in subsection (1) (b) or a person taking under or acting on behalf of such a vendor or mortgagee from exercising a prescribed right in relation to scheduled land or a court from exercising jurisdiction in respect of any such right if the person who was the purchaser of the land at the time it became scheduled land or who is an assignee under an assignment executed by that purchaser of that purchaser's interest in the land agrees in writing to the exercise of that right and the instrument by which that agreement is evidenced is witnessed by a solicitor instructed and employed independently of the vendor under the contract for the sale of the land and of any mortgagee under a mortgage of the land and bears a certificate by that solicitor that he explained the effect of this Act and of the agreement to that purchaser.

4. (1) The Registrar-General shall cause—

Duties of Registrar-General.

- (a) to be entered in the Register under the Real Property Act, 1900, his caveat forbidding dealings with any scheduled land under that Act except with the consent of the Minister; and
- (b) to be registered in the Register kept under the Registration of Deeds Act, 1897, and indexed in such manner as the Registrar-General considers appropriate, a copy of this Act.

(2) The caveat referred to in subsection (1) (a) ceases to have effect in relation to any land upon that land ceasing to be scheduled land.

5. (1) Where, before land became scheduled land, the vendor under a contract for the sale on terms of that land or a mortgagee of that land exercised any prescribed right in relation to that land and the purchaser under that contract has ceased to have possession of that land, the Governor may by notification published in the Gazette direct that that purchaser be restored to possession of that land.

Direction for restoration of purchaser on terms to possession of scheduled land.

(2)

Glebe and Other Properties (Special Provisions).

(2) The purchaser referred to in subsection (1) of scheduled land in respect of which an order has been made under subsection (1) is, notwithstanding the provisions of the contract or mortgage referred to in subsection (1), any other instrument conferring rights on the vendor under that contract or on the mortgagee under that mortgage or any other law, entitled to possession of the scheduled land.

6. This Act is repealed on and from a day to be Repeal appointed by the Governor in respect thereof and notified by 10 proclamation published in the Gazette.

SCHEDULE.

PART 1

	VOLUME	FOLIO	VOLUME	FOLIO
	746 ..	.. 133	4193 ..	.. 143
15	814 ..	.. 46	4277 ..	.. 1
	940 ..	.. 182	4302 ..	.. 126
	940 ..	.. 183	4725 ..	.. 80
	1197 ..	.. 132	4890 ..	.. 189
	1242 ..	.. 119	5599 ..	.. 111
20	1474 ..	.. 146	6117 ..	.. 202
	1522 ..	.. 8	6182 ..	.. 118
	1661 ..	.. 47	6247 ..	.. 146
	1892 ..	.. 79	6394 ..	.. 231
	1944 ..	.. 92	6824 ..	.. 146
25	2530 ..	.. 139	6962 ..	.. 237
	2714 ..	.. 158	7153 ..	.. 88
	3353 ..	.. 171	7168 ..	.. 189
	3571 ..	.. 215	7253 ..	.. 207
	3647 ..	.. 134	7331 ..	.. 127
30	3658 ..	.. 90	7498 ..	.. 50
	3803 ..	.. 172	7545 ..	.. 41
	4027 ..	.. 124	7596 ..	.. 135
	4056 ..	.. 22	7601 ..	.. 234
	4074 ..	.. 203	7771 ..	.. 115
35	4193 ..	.. 142	7834 ..	.. 112

SCHEDULE

*Glebe and Other Properties (Special Provisions).*SCHEDULE—*continued.*PART 1—*continued.*

	VOLUME	FOLIO	VOLUME	FOLIO
	7834 ..	.. 118	10672 ..	.. 211
5	7896 ..	.. 183	10697 ..	.. 177
	8303 ..	.. 223	11036 ..	.. 38
	8486 ..	.. 77	11036 ..	.. 39
	9020 ..	.. 29	11286 ..	.. 31
	9020 ..	.. 30	11312 ..	.. 247
10	9298 ..	.. 140	11376 ..	.. 231
	9337 ..	.. 91	11397 ..	.. 207
	9372 ..	.. 191	11671 ..	.. 119
	9474 ..	.. 73	11671 ..	.. 120
	9527 ..	.. 57	11719 ..	.. 56
15	9558 ..	.. 156	11719 ..	.. 57
	9833 ..	.. 223	11719 ..	.. 58
	9905 ..	.. 205	11719 ..	.. 59
	9905 ..	.. 206	11719 ..	.. 60
	9905 ..	.. 207	11719 ..	.. 61
20	9905 ..	.. 208	11765 ..	.. 105
	9905 ..	.. 209	11894 ..	.. 92
	10336 ..	.. 242	11894 ..	.. 93
	10336 ..	.. 243	11894 ..	.. 94
	10469 ..	.. 194	11894 ..	.. 95
25	10469 ..	.. 195	11969 ..	.. 113
	10469 ..	.. 196	12148 ..	.. 87
	10667 ..	.. 111		

PART 2

	BOOK	NUMBER	BOOK	NUMBER
30	3016 ..	.. 170	3112 ..	.. 103
	3051 ..	.. 722	3114 ..	.. 682
	3054 ..	.. 878	3127 ..	.. 913
	3060 ..	.. 18	3132 ..	.. 140
	3063 ..	.. 703	3134 ..	.. 258
35	3068 ..	.. 536	3138 ..	.. 496
	3080 ..	.. 805	3148 ..	.. 615
	3103 ..	.. 855		

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

Global and Other Special Collections

PART 1 - continued

Volume	Page	Volume	Page
1007	11	1007	11
1008	12	1008	12
1009	13	1009	13
1010	14	1010	14
1011	15	1011	15
1012	16	1012	16
1013	17	1013	17
1014	18	1014	18
1015	19	1015	19
1016	20	1016	20
1017	21	1017	21
1018	22	1018	22
1019	23	1019	23
1020	24	1020	24
1021	25	1021	25
1022	26	1022	26
1023	27	1023	27
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1028	32	1028	32
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1030	34	1030	34
1031	35	1031	35
1032	36	1032	36
1033	37	1033	37
1034	38	1034	38
1035	39	1035	39
1036	40	1036	40
1037	41	1037	41
1038	42	1038	42
1039	43	1039	43
1040	44	1040	44
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1045	49	1045	49
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1047	51	1047	51
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1053	57	1053	57
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1087	91	1087	91
1088	92	1088	92
1089	93	1089	93
1090	94	1090	94
1091	95	1091	95
1092	96	1092	96
1093	97	1093	97
1094	98	1094	98
1095	99	1095	99
1096	100	1096	100

PART 2

Book	Number	Book	Number
1097	101	1097	101
1098	102	1098	102
1099	103	1099	103
1100	104	1100	104
1101	105	1101	105
1102	106	1102	106
1103	107	1103	107
1104	108	1104	108
1105	109	1105	109
1106	110	1106	110
1107	111	1107	111
1108	112	1108	112
1109	113	1109	113
1110	114	1110	114
1111	115	1111	115
1112	116	1112	116
1113	117	1113	117
1114	118	1114	118
1115	119	1115	119
1116	120	1116	120
1117	121	1117	121
1118	122	1118	122
1119	123	1119	123
1120	124	1120	124
1121	125	1121	125
1122	126	1122	126
1123	127	1123	127
1124	128	1124	128
1125	129	1125	129
1126	130	1126	130
1127	131	1127	131
1128	132	1128	132
1129	133	1129	133
1130	134	1130	134
1131	135	1131	135
1132	136	1132	136
1133	137	1133	137
1134	138	1134	138
1135	139	1135	139
1136	140	1136	140
1137	141	1137	141
1138	142	1138	142
1139	143	1139	143
1140	144	1140	144
1141	145	1141	145
1142	146	1142	146
1143	147	1143	147
1144	148	1144	148
1145	149	1145	149
1146	150	1146	150

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 53, 1974.

An Act to restrict the rights of vendors under contracts for the sale on terms, and mortgagees under mortgages, of certain land; to amend the Real Property Act, 1900, the Conveyancing Act, 1919, in certain respects; and for purposes connected therewith. [Assented to, 27th September, 1974.]

BE

Glebe and Other Properties (Special Provisions).

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:—

Short title. **1.** This Act may be cited as the "Glebe and Other Properties (Special Provisions) Act, 1974".

Interpreta- **2.** (1) In this Act, except in so far as the context or
tion. subject-matter otherwise indicates or requires—

"prescribed period", in relation to scheduled land,
means—

(a) where the land is comprised in a folio or instrument referred to in the definition of "scheduled land" in this subsection, a reference to which folio or instrument is, at the commencement of this Act, included in Part 1 or 2 of the Schedule—the period of two months from that commencement; or

(b) where the land is comprised in a folio or instrument so referred to, a reference to which folio or instrument is inserted in the Schedule pursuant to subsection (2)—the period of two months from the date on which the reference is so inserted,

or such extended period as may be notified in respect of that land pursuant to subsection (3);

"prescribed right", in relation to scheduled land, means a right to take or enter into possession of that land, to sell or join in the sale of or to offer to sell or join in the sale of that land, to lease or otherwise dispose of or to offer to lease or otherwise dispose of that land, to apply to or request a court for an
order

Glebe and Other Properties (Special Provisions).

order or direction to sell, lease or otherwise dispose of that land, to exercise the power of foreclosure in respect of that land or to apply for an order for foreclosure in respect of that land, to demand rent payable under a lease of that land, to exercise any other power conferred by section 109 (1) (paragraph (b) excepted) of the Conveyancing Act, 1919, in relation to that land or to do any act which might result directly or indirectly in any person who is a purchaser on terms under a contract for the sale of that land being deprived of the right to possession of that land;

“scheduled land” means—

- (a) any land comprised in a folio of the Register under the Real Property Act, 1900, a reference to which folio is for the time being included in Part 1 of the Schedule; and
- (b) any land comprised in an instrument registered in the Register kept under the Registration of Deeds Act, 1897, a reference to which instrument is for the time being included in Part 2 of the Schedule.

(2) The Governor may by notification published in the Gazette amend the Schedule—

- (a) by inserting therein the reference to the folio of the Register under the Real Property Act, 1900, or the instrument registered in the Register kept under the Registration of Deeds Act, 1897, in which folio or instrument is comprised any land which is the subject of a contract for the sale of the land on terms and of a mortgage under which the vendor or one of the vendors under that contract is the mortgagor or one of two or more joint mortgagors; or
- (b) by omitting therefrom any reference included therein.

(3)

Glebe and Other Properties (Special Provisions).

(3) The Governor may, in relation to any scheduled land, by notification published in the Gazette before the expiration of the period referred to in paragraph (a) or (b), as the case may be, of the definition of "prescribed period" in subsection (1) relating to that land or before the expiration of that period as extended under this subsection, extend that period or that period as so extended.

(4) A reference in this Act to a contract for the sale of land on terms is a reference to—

- (a) a contract for the sale of land; or
- (b) any other contract relating to the payment of the consideration, or any part of the consideration, payable under a contract for the sale of land or of any interest payable in respect of that consideration or part,

where the consideration, or part of the consideration, payable under the contract referred to in paragraph (a) or the other contract referred to in paragraph (b) or under both of those contracts (whether that consideration or part is by way of purchase moneys, interest, adjustment of outgoings or otherwise) is payable by more than two separate payments.

Restric-
tion on
rights
of certain
vendors and
mortgagees.

3. (1) Notwithstanding the provisions—

- (a) of any contract for the sale on terms of any scheduled land, of any other instrument conferring rights on the vendor under such a contract or of any law, a prescribed right of the person who is the vendor under such a contract or of any person taking under or acting on behalf of such a person; or
- (b) of any mortgage of any scheduled land, of any other instrument conferring rights on the mortgagee under such a mortgage or of any law, a prescribed right of the person who is the mortgagee under such a mortgage or of any person taking under or acting on behalf of such a mortgagee,

may not be exercised during the prescribed period relating to that land and no court shall have jurisdiction during that period to effectuate any such right. (2)

Glebe and Other Properties (Special Provisions).

(2) Nothing in subsection (1) prevents a vendor referred to in subsection (1) (a) or a mortgagee referred to in subsection (1) (b) or a person taking under or acting on behalf of such a vendor or mortgagee from exercising a prescribed right in relation to scheduled land or a court from exercising jurisdiction in respect of any such right if the person who was the purchaser of the land at the time it became scheduled land or who is an assignee under an assignment executed by that purchaser of that purchaser's interest in the land agrees in writing to the exercise of that right and the instrument by which that agreement is evidenced is witnessed by a solicitor instructed and employed independently of the vendor under the contract for the sale of the land and of any mortgagee under a mortgage of the land and bears a certificate by that solicitor that he explained the effect of this Act and of the agreement to that purchaser.

4. (1) The Registrar-General shall cause—

Duties of
Registrar-
General.

- (a) to be entered in the Register under the Real Property Act, 1900, his caveat forbidding dealings with any scheduled land under that Act except with the consent of the Minister; and
- (b) to be registered in the Register kept under the Registration of Deeds Act, 1897, and indexed in such manner as the Registrar-General considers appropriate, a copy of this Act.

(2) The caveat referred to in subsection (1) (a) ceases to have effect in relation to any land upon that land ceasing to be scheduled land.

5. (1) Where, before land became scheduled land, the vendor under a contract for the sale on terms of that land or a mortgagee of that land exercised any prescribed right in relation to that land and the purchaser under that contract has ceased to have possession of that land, the Governor may by notification published in the Gazette direct that that purchaser be restored to possession of that land.

Direction
for
restoration
of purchaser
on terms
to
possession of
scheduled
land.

(2)

Glebe and Other Properties (Special Provisions).

(2) The purchaser referred to in subsection (1) of scheduled land in respect of which an order has been made under subsection (1) is, notwithstanding the provisions of the contract or mortgage referred to in subsection (1), any other instrument conferring rights on the vendor under that contract or on the mortgagee under that mortgage or any other law, entitled to possession of the scheduled land.

Repeal.

6. This Act is repealed on and from a day to be appointed by the Governor in respect thereof and notified by proclamation published in the Gazette.

SCHEDULE.

PART 1

VOLUME	FOLIO	VOLUME	FOLIO
746	133	4193	143
814	46	4277	1
940	182	4302	126
940	183	4725	80
1197	132	4890	189
1242	119	5599	111
1474	146	6117	202
1522	8	6182	118
1661	47	6247	146
1892	79	6394	231
1944	92	6824	146
2530	139	6962	237
2714	158	7153	88
3353	171	7168	189
3571	215	7253	207
3647	134	7331	127
3658	90	7498	50
3803	172	7545	41
4027	124	7596	135
4056	22	7601	234
4074	203	7771	115
4193	142	7834	112

SCHEDULE

Glebe and Other Properties (Special Provisions).

SCHEDULE—*continued.*PART 1—*continued.*

VOLUME	FOLIO	VOLUME	FOLIO
7834	118	10672	211
7896	183	10697	177
8303	223	11036	38
8486	77	11036	39
9020	29	11286	31
9020	30	11312	247
9298	140	11376	231
9337	91	11397	207
9372	191	11671	119
9474	73	11671	120
9527	57	11719	56
9558	156	11719	57
9833	223	11719	58
9905	205	11719	59
9905	206	11719	60
9905	207	11719	61
9905	208	11765	105
9905	209	11894	92
10336	242	11894	93
10336	243	11894	94
10469	194	11894	95
10469	195	11969	113
10469	196	12148	87
10667	111		

PART 2

BOOK	NUMBER	BOOK	NUMBER
3016	170	3112	103
3051	722	3114	682
3054	878	3127	913
3060	18	3132	140
3063	703	3134	258
3068	536	3138	496
3080	805	3148	615
3103	855		

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

Table 1. (continued)

Year	1970	1971	1972	1973
1	1100	1100	1100	1100
2	1100	1100	1100	1100
3	1100	1100	1100	1100
4	1100	1100	1100	1100
5	1100	1100	1100	1100
6	1100	1100	1100	1100
7	1100	1100	1100	1100
8	1100	1100	1100	1100
9	1100	1100	1100	1100
10	1100	1100	1100	1100
11	1100	1100	1100	1100
12	1100	1100	1100	1100
13	1100	1100	1100	1100
14	1100	1100	1100	1100
15	1100	1100	1100	1100
16	1100	1100	1100	1100
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18	1100	1100	1100	1100
19	1100	1100	1100	1100
20	1100	1100	1100	1100
21	1100	1100	1100	1100
22	1100	1100	1100	1100
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96	1100	1100	1100	1100
97	1100	1100	1100	1100
98	1100	1100	1100	1100
99	1100	1100	1100	1100
100	1100	1100	1100	1100

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 25 September, 1974.*

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 53, 1974.

An Act to restrict the rights of vendors under contracts for the sale on terms, and mortgagees under mortgages, of certain land; to amend the Real Property Act, 1900, the Conveyancing Act, 1919, in certain respects; and for purposes connected therewith. [Assented to, 27th September, 1974.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

Glebe and Other Properties (Special Provisions).

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:—

Short title. **1.** This Act may be cited as the "Glebe and Other Properties (Special Provisions) Act, 1974".

Interpretation. **2.** (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"prescribed period", in relation to scheduled land, means—

(a) where the land is comprised in a folio or instrument referred to in the definition of "scheduled land" in this subsection, a reference to which folio or instrument is, at the commencement of this Act, included in Part 1 or 2 of the Schedule—the period of two months from that commencement; or

(b) where the land is comprised in a folio or instrument so referred to, a reference to which folio or instrument is inserted in the Schedule pursuant to subsection (2)—the period of two months from the date on which the reference is so inserted,

or such extended period as may be notified in respect of that land pursuant to subsection (3);

"prescribed right", in relation to scheduled land, means a right to take or enter into possession of that land, to sell or join in the sale of or to offer to sell or join in the sale of that land, to lease or otherwise dispose of or to offer to lease or otherwise dispose of that land, to apply to or request a court for an order

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order or direction to sell, lease or otherwise dispose of that land, to exercise the power of foreclosure in respect of that land or to apply for an order for foreclosure in respect of that land, to demand rent payable under a lease of that land, to exercise any other power conferred by section 109 (1) (paragraph (b) excepted) of the Conveyancing Act, 1919, in relation to that land or to do any act which might result directly or indirectly in any person who is a purchaser on terms under a contract for the sale of that land being deprived of the right to possession of that land;

“scheduled land” means—

- (a) any land comprised in a folio of the Register under the Real Property Act, 1900, a reference to which folio is for the time being included in Part 1 of the Schedule; and
 - (b) any land comprised in an instrument registered in the Register kept under the Registration of Deeds Act, 1897, a reference to which instrument is for the time being included in Part 2 of the Schedule.
- (2) The Governor may by notification published in the Gazette amend the Schedule—
- (a) by inserting therein the reference to the folio of the Register under the Real Property Act, 1900, or the instrument registered in the Register kept under the Registration of Deeds Act, 1897, in which folio or instrument is comprised any land which is the subject of a contract for the sale of the land on terms and of a mortgage under which the vendor or one of the vendors under that contract is the mortgagor or one of two or more joint mortgagors; or
 - (b) by omitting therefrom any reference included therein.

(3)

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(3) The Governor may, in relation to any scheduled land, by notification published in the Gazette before the expiration of the period referred to in paragraph (a) or (b), as the case may be, of the definition of "prescribed period" in subsection (1) relating to that land or before the expiration of that period as extended under this subsection, extend that period or that period as so extended.

(4) A reference in this Act to a contract for the sale of land on terms is a reference to—

- (a) a contract for the sale of land; or
- (b) any other contract relating to the payment of the consideration, or any part of the consideration, payable under a contract for the sale of land or of any interest payable in respect of that consideration or part,

where the consideration, or part of the consideration, payable under the contract referred to in paragraph (a) or the other contract referred to in paragraph (b) or under both of those contracts (whether that consideration or part is by way of purchase moneys, interest, adjustment of outgoings or otherwise) is payable by more than two separate payments.

Restriction on rights of certain vendors and mortgagees.

3. (1) Notwithstanding the provisions—

- (a) of any contract for the sale on terms of any scheduled land, of any other instrument conferring rights on the vendor under such a contract or of any law, a prescribed right of the person who is the vendor under such a contract or of any person taking under or acting on behalf of such a person; or
- (b) of any mortgage of any scheduled land, of any other instrument conferring rights on the mortgagee under such a mortgage or of any law, a prescribed right of the person who is the mortgagee under such a mortgage or of any person taking under or acting on behalf of such a mortgagee,

may not be exercised during the prescribed period relating to that land and no court shall have jurisdiction during that period to effectuate any such right. (2)

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(2) Nothing in subsection (1) prevents a vendor referred to in subsection (1) (a) or a mortgagee referred to in subsection (1) (b) or a person taking under or acting on behalf of such a vendor or mortgagee from exercising a prescribed right in relation to scheduled land or a court from exercising jurisdiction in respect of any such right if the person who was the purchaser of the land at the time it became scheduled land or who is an assignee under an assignment executed by that purchaser of that purchaser's interest in the land agrees in writing to the exercise of that right and the instrument by which that agreement is evidenced is witnessed by a solicitor instructed and employed independently of the vendor under the contract for the sale of the land and of any mortgagee under a mortgage of the land and bears a certificate by that solicitor that he explained the effect of this Act and of the agreement to that purchaser.

4. (1) The Registrar-General shall cause—

Duties of
Registrar-
General.

- (a) to be entered in the Register under the Real Property Act, 1900, his caveat forbidding dealings with any scheduled land under that Act except with the consent of the Minister; and
- (b) to be registered in the Register kept under the Registration of Deeds Act, 1897, and indexed in such manner as the Registrar-General considers appropriate, a copy of this Act.

(2) The caveat referred to in subsection (1) (a) ceases to have effect in relation to any land upon that land ceasing to be scheduled land.

5. (1) Where, before land became scheduled land, the vendor under a contract for the sale on terms of that land or a mortgagee of that land exercised any prescribed right in relation to that land and the purchaser under that contract has ceased to have possession of that land, the Governor may by notification published in the Gazette direct that that purchaser be restored to possession of that land.

Direction
for
restoration
of purchaser
on terms
to
possession of
scheduled
land.

(2)

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(2) The purchaser referred to in subsection (1) of scheduled land in respect of which an order has been made under subsection (1) is, notwithstanding the provisions of the contract or mortgage referred to in subsection (1), any other instrument conferring rights on the vendor under that contract or on the mortgagee under that mortgage or any other law, entitled to possession of the scheduled land.

Repeal.

6. This Act is repealed on and from a day to be appointed by the Governor in respect thereof and notified by proclamation published in the Gazette.

SCHEDULE.

PART 1

VOLUME	FOLIO	VOLUME	FOLIO
746 ..	.. 133	4193 ..	.. 143
814 ..	.. 46	4277 ..	.. 1
940 ..	.. 182	4302 ..	.. 126
940 ..	.. 183	4725 ..	.. 80
1197 ..	.. 132	4890 ..	.. 189
1242 ..	.. 119	5599 ..	.. 111
1474 ..	.. 146	6117 ..	.. 202
1522 ..	.. 8	6182 ..	.. 118
1661 ..	.. 47	6247 ..	.. 146
1892 ..	.. 79	6394 ..	.. 231
1944 ..	.. 92	6824 ..	.. 146
2530 ..	.. 139	6962 ..	.. 237
2714 ..	.. 158	7153 ..	.. 88
3353 ..	.. 171	7168 ..	.. 189
3571 ..	.. 215	7253 ..	.. 207
3647 ..	.. 134	7331 ..	.. 127
3658 ..	.. 90	7498 ..	.. 50
3803 ..	.. 172	7545 ..	.. 41
4027 ..	.. 124	7596 ..	.. 135
4056 ..	.. 22	7601 ..	.. 234
4074 ..	.. 203	7771 ..	.. 115
4193 ..	.. 142	7834 ..	.. 112

SCHEDULE

*Glebe and Other Properties (Special Provisions).*SCHEDULE—*continued.*PART 1—*continued.*

VOLUME	FOLIO	VOLUME	FOLIO
7834	118	10672	211
7896	183	10697	177
8303	223	11036	38
8486	77	11036	39
9020	29	11286	31
9020	30	11312	247
9298	140	11376	231
9337	91	11397	207
9372	191	11671	119
9474	73	11671	120
9527	57	11719	56
9558	156	11719	57
9833	223	11719	58
9905	205	11719	59
9905	206	11719	60
9905	207	11719	61
9905	208	11765	105
9905	209	11894	92
10336	242	11894	93
10336	243	11894	94
10469	194	11894	95
10469	195	11969	113
10469	196	12148	87
10667	111		

PART 2

BOOK	NUMBER	BOOK	NUMBER
3016	170	3112	103
3051	722	3114	682
3054	878	3127	913
3060	18	3132	140
3063	703	3134	258
3068	536	3138	496
3080	805	3148	615
3103	855		

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 27th September, 1974.*

