

**STRATA TITLES (REAL PROPERTY COMPUTER REGISTER)  
AMENDMENT BILL, 1979**

**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Real Property (Computer Register) Amendment Bill, 1979.

The objects of this Bill are—

- (a) to amend the Strata Titles Act, 1973 ("the Principal Act") so as to enable the record of titles to land subdivided under that Act to be kept, and certain dealings relating to that land to be recorded, in a computer Register maintained pursuant to the Real Property Act, 1900 (Schedule 1);
- (b) to empower the Registrar-General to issue a certificate of title specifying certain particulars to a body corporate where there is no common property vested in the body corporate (Schedule 1 (6));
- (c) to provide that land under perpetual lease from the Crown may not be subdivided or become common property under the Principal Act (Schedule 2 (1) and (6) (a));
- (d) to specify certain of the persons who are, or are not, required to sign a proposed strata plan, strata plan of subdivision, strata plan of consolidation or building alteration plan before the Registrar-General may register the plan under the Principal Act (Schedule 2 (4));
- (e) to provide that common property vests in a body corporate under the Principal Act freed and discharged from any mortgage, charge, writ or caveat (Schedule 2 (5) (b) and (d));
- (f) to empower the Registrar-General to dispense with the production of certain instruments presently required to be produced to him where a body corporate seeks registration by him of transfers or leases of land accepted by it under section 19 (2) of the Principal Act (Schedule 2 (6) (c));
- (g) to prohibit a proprietor of a lot from dealing with his beneficial interest in common property otherwise than in conjunction with his dealing with the lot (Schedule 2 (7) (b) and (8) (b));



(h) to provide that instruments presently required to be in a form prescribed under the Principal Act and certain other instruments authorised or required to be used by that Act shall be in the form approved under the Real Property Act, 1900 (Schedule 1 (3) (a), (11), (23) (a) and (24) (b)); and

(i) to make other provisions of a saving, transitional, minor or ancillary nature.

(This explanatory Note relates to this Bill as introduced into Parliament.)

The Bill is designed to amend the Real Property Act, 1900 (the Principal Act) and to provide for the making of regulations under that Act.

The object of this Bill is—

(a) to amend the Principal Act so that the Registrar-General may, in relation to certain instruments, require the instrument to be in a form prescribed under the Real Property Act, 1900 (Schedule 1 (3) (a), (11), (23) (a) and (24) (b)); and

(b) to amend the Principal Act so that the Registrar-General may, in relation to certain instruments, require the instrument to be in a form approved under the Real Property Act, 1900 (Schedule 1 (3) (a), (11), (23) (a) and (24) (b)).

(c) to provide that instruments presently required to be in a form prescribed under the Principal Act and certain other instruments authorised or required to be used by that Act shall be in the form approved under the Real Property Act, 1900 (Schedule 1 (3) (a), (11), (23) (a) and (24) (b)).

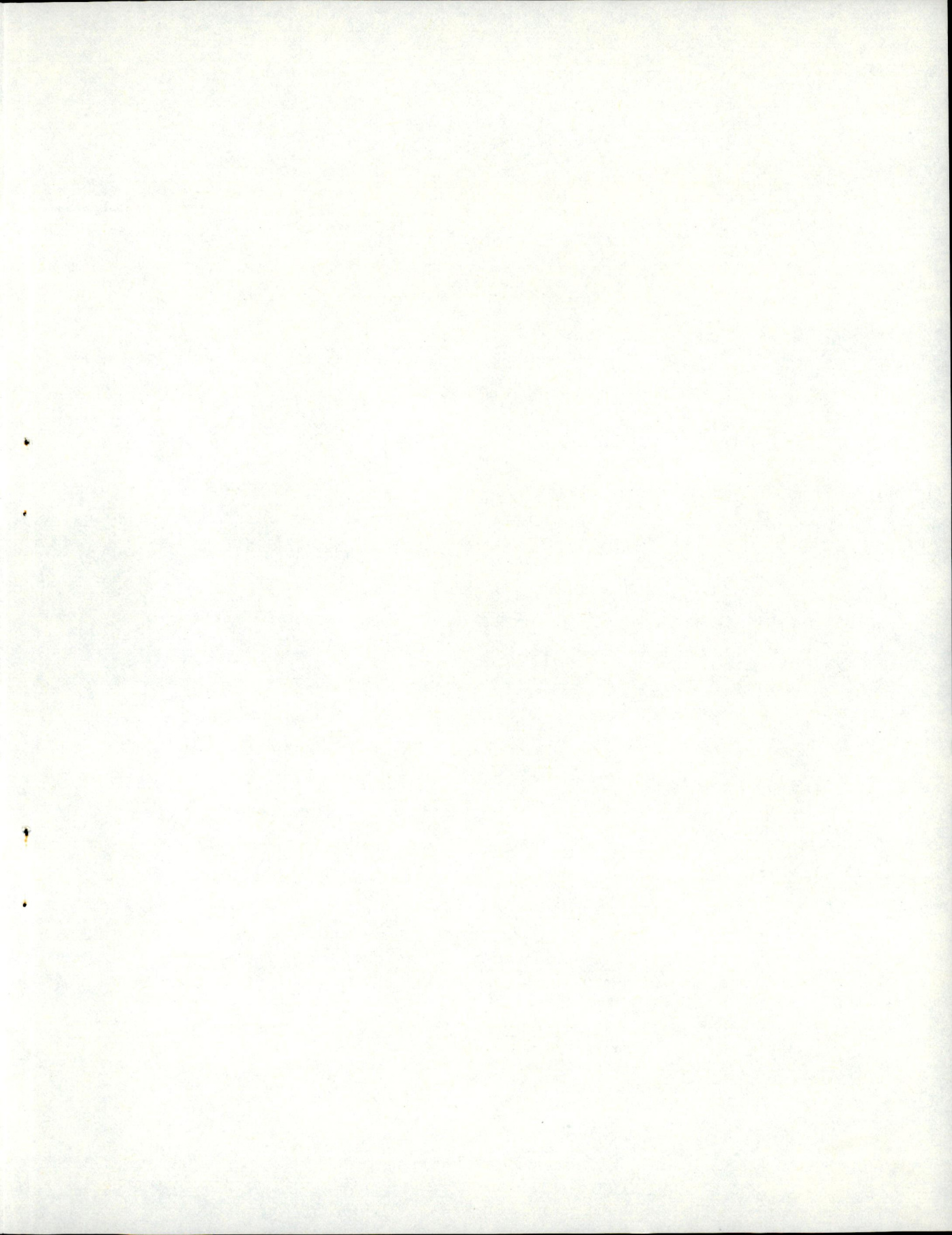
(d) to make other provisions of a saving, transitional, minor or ancillary nature.

(e) to provide that instruments presently required to be in a form prescribed under the Principal Act and certain other instruments authorised or required to be used by that Act shall be in the form approved under the Real Property Act, 1900 (Schedule 1 (3) (a), (11), (23) (a) and (24) (b)).

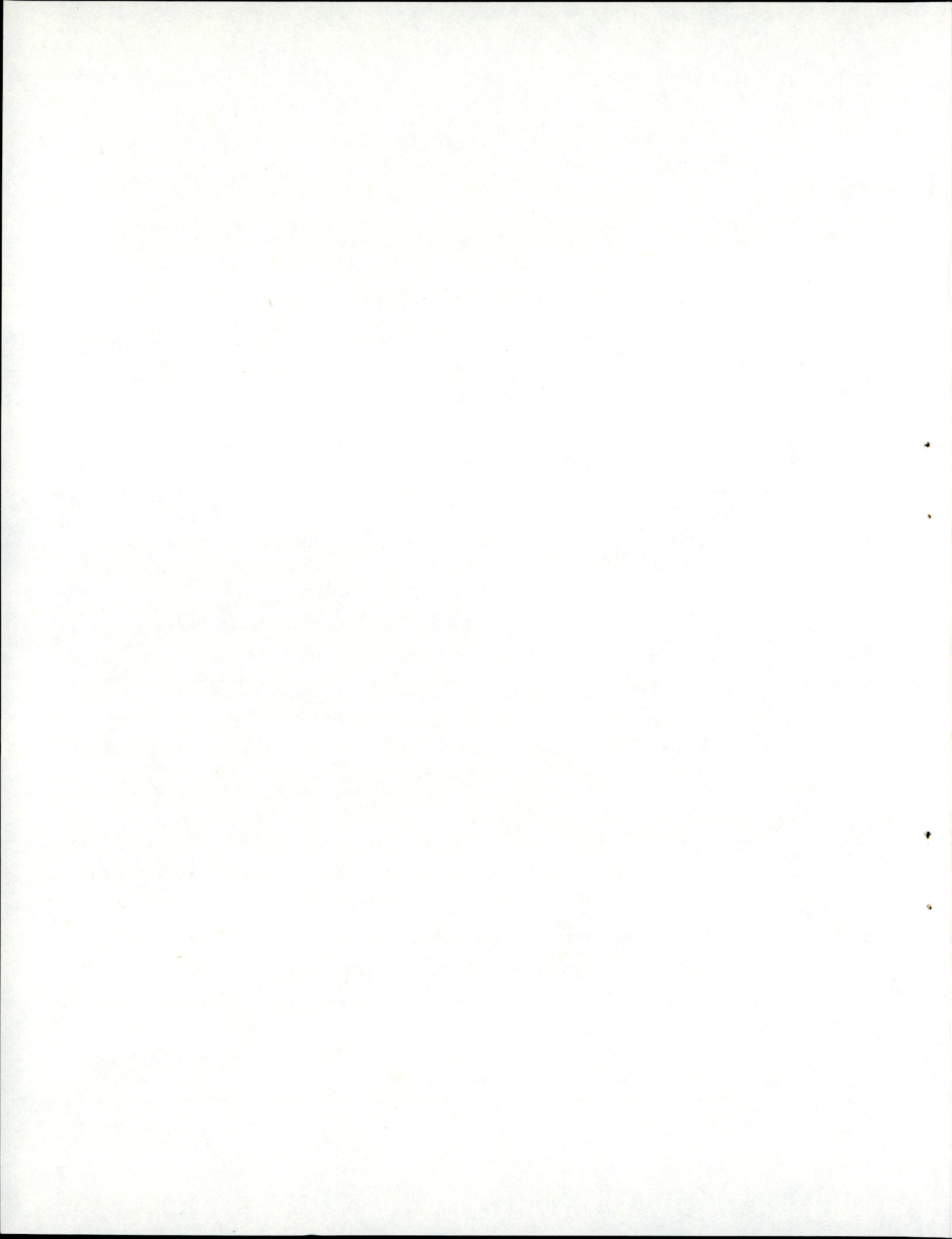
(f) to provide that instruments presently required to be in a form prescribed under the Principal Act and certain other instruments authorised or required to be used by that Act shall be in the form approved under the Real Property Act, 1900 (Schedule 1 (3) (a), (11), (23) (a) and (24) (b)).

(g) to provide that instruments presently required to be in a form prescribed under the Principal Act and certain other instruments authorised or required to be used by that Act shall be in the form approved under the Real Property Act, 1900 (Schedule 1 (3) (a), (11), (23) (a) and (24) (b)).











**STRATA TITLES (REAL PROPERTY COMPUTER REGISTER) AMENDMENT BILL, 1979**

No. , 1979.

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**A BILL FOR**

**An Act to amend the Strata Titles Act, 1973, so as to facilitate the keeping of the Register maintained under the Real Property Act, 1900, in a computer; to vary certain provisions of the Strata Titles Act, 1973, relating to dealings with lots and common property under that Act, the registration of those dealings and the vesting of common property under that Act; and for certain other purposes.**

[MR CRABTREE—25 October, 1979.]

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*Strata Titles (Real Property Computer Register) Amendment.*

**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 :—

**5** **1.** This Act may be cited as the "Strata Titles (Real Property Computer Register) Amendment Act, 1979". Short title.

**2.** (1) Except as provided in subsections (2) and (3), this Act shall commence on the date of assent to this Act. Commencement.

**10** (2) Section 5 shall, in its application to a provision of Schedule 1 or 2, commence on the day on which the provision commences.

(3) Sections 7 and 8 and Schedule 1 shall commence on the day appointed and notified pursuant to section 2 (2) of the Real Property (Computer Register) Amendment Act, 1979.

**15** **3.** The Strata Titles Act, 1973, is referred to in this Act as the Principal Act. Principal Act.

**4.** This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT  
FACILITATING USE OF A COMPUTER REGISTER.

**20** SCHEDULE 2.—MISCELLANEOUS AMENDMENTS TO THE  
PRINCIPAL ACT.

**5.** The Principal Act is amended in the manner set forth in Schedules 1 and 2. Amendment of Act No. 68. 1973.



*Strata Titles (Real Property Computer Register) Amendment.*

6. (1) Where, by reason of the operation of section 18 (1) or (3) of the Principal Act, as in force before the commencement of this section, common property was, immediately before that commencement, vested in a body corporate subject to a mortgage, 5 encumbrance or writ, the common property shall, on and from that commencement, cease to be subject to the mortgage, encumbrance or writ but nothing in this subsection affects any right, power or remedy that may be exercised by the mortgagee, encumbrancee or judgment creditor under that mortgage, encumbrance 10 or writ otherwise than in relation to that common property.

Certain common property freed from mortgages, etc.

(2) The Registrar-General may make such recordings, with respect to the operation of subsection (1), as he considers appropriate in folios of the Register for common property and in certificates of title issued in respect thereof.

15 (3) Where it appears to the Registrar-General that the estate or interest claimed by a caveator in common property under a caveat lodged with the Registrar-General before the commencement of this section does not exist, he may serve notice on the caveator requiring him, within 14 days from the date of 20 service of the notice, to show cause to the Registrar-General why the caveat should not be removed.

(4) Unless, within that time, the caveator so shows cause to the satisfaction of the Registrar-General, the caveat shall be deemed to have lapsed and the Registrar-General may record in 25 the Register that the caveat has lapsed.

(5) No proceedings shall be brought and no action shall lie against the Registrar-General for the recovery of damages sustained through deprivation of land or any estate or interest therein by reason of any action taken by him pursuant to sub- 30 section (2) or (4).

7. (1) In subsection (2), a reference to the Strata Titles Act is a reference to the Strata Titles Act, 1973, as from time 30 to time in force. Savings, generally.



*Strata Titles (Real Property Computer Register) Amendment.*

(2) On and from the commencement of this section, a reference in the Principal Act, as amended by this Act—

5 (a) to a folio of the Register created under section 22 (1) of the Principal Act, as so amended, includes a reference to—

(i) a folio of the Register constituted before that commencement under section 22 (3) of the Strata Titles Act; and

10 (ii) a folio of the Register corresponding to a certificate deemed, before that commencement, to be a certificate of title by section 22 (5) of the Strata Titles Act;

15 (b) to an instrument registered under the Principal Act, as so amended, in the office of the Registrar-General— includes a reference to an instrument registered in that office before that commencement under the Strata Titles Act; and

20 (c) to a recording made under the Principal Act, as so amended, in the Register or upon a certificate of title or duplicate registered dealing—includes a reference to a recording made under the Strata Titles Act before that commencement in the Register or, as the case may be, made under the Strata Titles Act before that commencement upon a certificate of title or duplicate registered dealing.

25 (3) Nothing in this section affects the operation of section 8 of the Interpretation Act, 1897, with respect to this Act.

8. (1) Any—

30 (a) notice that has been executed under section 13 of the Principal Act before the commencement of this section for the purpose of its being registered as a notice of conversion; or

Saving of certain notices and other instruments.



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*Strata Titles (Real Property Computer Register) Amendment.*

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(b) instrument in writing releasing a lot from a restriction imposed pursuant to section 39 (1) of the Principal Act, being an instrument executed before the commencement of this section for the purpose of its registration under section 44 (3) of that Act,

5 shall, on and from that commencement, be deemed to have been so executed in the form approved under the Real Property Act, 1900.

(2) A notification or notice in or to the effect of a form 10 prescribed for the purposes of section 58 (3) or 61 (2) (b) of the Principal Act—

(a) that was executed before the commencement of this section for the purpose of its being lodged in the office of the Registrar-General under the Principal Act but 15 that has not been so lodged; or

(b) that, before that commencement, had been so lodged, but in respect of which the Registrar-General had not, before that commencement, made a recording pursuant to the Principal Act on a folio of the Register,

20 shall, on and from that commencement, be deemed to be a notification or notice, as the case may be, in the form approved under the Real Property Act, 1900, within the meaning of that Act.

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SCHEDULE 1.

Sec. 5.

25 AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER.

(1) Section 5 (1), definition of “schedule of unit entitlement”—  
From paragraph (a), omit “on”, insert instead “in”.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(2) Section 7 (1), definition of “land”—

- 5 Omit “certificate of title or in a limited certificate of title”,  
insert instead “or limited folio of the Register”.

(3) (a) Section 13 (1)—

After “of a notice”, insert “in the form approved under  
the Real Property Act, 1900, being a notice”.

10 (b) Section 13 (2) (c)—

Omit “encumbrance, current lease, writ or caveat re-  
corded on”, insert instead “charge, current lease,  
caveat or writ recorded in”.

(4) Section 18 (2)—

- 15 Omit “issue in the name of the body corporate a certificate  
of title for”, insert instead “create a folio of the Register  
for the estate or interest of the body corporate in”.

(5) (a) Section 19 (1)—

- 20 Omit “certificate of title or in a limited certificate of  
title”, insert instead “or limited folio of the Register”.

(b) Section 19 (4) (b)—

Omit the subsection, insert instead :—

- 25 (b) the Registrar-General shall make in the  
Register such recordings with respect to the  
land that becomes common property as he  
considers appropriate.

*Strata Titles (Real Property Computer Register) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(c) Section 19 (5) (c)—

5 Omit the paragraph, insert instead :—

(c) the Registrar-General shall make in the Register such recordings with respect to the leasehold interest that becomes common property as he considers appropriate.

10 (d) Section 19 (7)—

Omit “an appropriate recording on the folio of the Register comprising the common property”, insert instead “in the Register such recordings with respect to the surrender as he considers appropriate”.

15 (6) Sections 22, 22A—

Omit section 22, insert instead :—

20 22. (1) Where a strata plan that does not contain common property is registered, the Registrar-General shall create a folio of the Register and record therein, in such manner as he thinks fit—

Folio where no common property.

(a) a statement that the strata scheme concerned does not contain common property;

(b) the name of the body corporate and the address for service of notices on it; and

25 (c) the schedule of unit entitlement in force in respect of the strata scheme concerned.



*Strata Titles (Real Property Computer Register) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

5 (2) During any period for which a folio of the  
Register created under subsection (1) or section 18 (2)  
does not contain common property, the Registrar-General  
shall, in that folio—

10 (a) record any change, from time to time, in the  
address for service of notices on the body cor-  
porate, evidenced by a notice lodged in  
accordance with section 61 (2) (b);

15 (b) record particulars of any amendment or addition  
to, or repeal of, the by-laws from time to time  
in force with respect to the strata scheme con-  
cerned, notification of which has been lodged  
in accordance with section 58 (3); and

(c) make any other recording which, by or under  
this or any other Act, he is required or  
authorised to make in the folio.

20 (3) A reference—

25 (a) in this Act to a folio of the Register or a cer-  
tificate of title comprising common property  
includes respectively a reference to a folio of  
the Register created under subsection (1) or  
section 18 (2) during any period for which it  
does not contain common property or to a cer-  
tificate of title issued under section 22A (2) in  
respect of any such folio; and

30 (b) in the Real Property Act, 1900, to a folio of  
the Register or a certificate of title includes  
respectively a reference to a folio of the Register  
referred to in paragraph (a) during any period  
for which it does not contain common property  
or to a certificate of title referred to in that

*Strata Titles (Real Property Computer Register) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

5 paragraph, except in so far as the provision of  
that Act in which the reference occurs is  
incapable of applying to a folio of the Register  
or a certificate of title so referred to.

10 22A. (1) Upon any common property being vested in, Folios for  
acquired by or divested from, a body corporate for a strata bodies  
scheme in respect of which a folio of the Register has corporate,  
been created under section 18 (2) or 22 (1), the generally.  
Registrar-General shall make such recordings in the  
Register with respect to the common property so vested,  
acquired or divested as he considers appropriate.

15 (2) The Registrar-General may, if he thinks fit,  
and shall, upon the written request of the body corporate,  
issue to a body corporate in respect of which a folio of  
20 the Register has been created under section 18 (2) or  
22 (1), a certificate of title setting forth the information  
contained in that folio.

(7) (a) Section 23 (1)—

Omit “any certificate of title”, insert instead “any  
folio of the Register”.

(b) Section 23 (1)—

25 Omit “certificate of title so issued”, insert instead  
“folio of the Register comprising common property”.

(c) Section 23 (2)—

Omit “issuing a certificate of title comprising”, insert  
instead “creating a folio of the Register for”.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

- (d) Section 23 (2)—  
5 Omit “thereon”, insert instead “therein, in such manner as he thinks fit”.
- (e) Section 23 (2)—  
10 Omit “following registration of any such certificate the Registrar-General shall record on the corresponding folio of the Register”, insert instead “shall, subsequently, in that folio”.
- (f) Section 23 (2) (e)—  
Before “any”, insert “record”.
- (g) Section 23 (2) (f)—  
15 Before “any”, insert “record particulars of”.
- (h) Section 23 (2) (g)—  
Omit the paragraph, insert instead :—  
20 (g) make any other recording which, by or under this or any other Act, he is required or authorised to make in the folio.
- (i) Section 23 (3)—  
Omit “on the folio” wherever occurring, insert instead  
“in the folio”.
- (8) Section 24—  
25 Omit “on the folio”, insert instead “in the folio”.

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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

- (9) (a) Section 25 (4)—  
5 Omit the subsection, insert instead :—  
(4) The Registrar-General shall register a dealing referred to in subsection (1), (2) or (3) by making in the Register such recordings with respect to the dealing as he considers appropriate.
- 10 (b) Section 25 (5)—  
Omit the subsection.
- (10) (a) Section 27 (4)—  
Omit the subsection, insert instead :—  
15 (4) Upon registration, under the Conveyancing Act, 1919, of a plan referred to in subsection (2), the Registrar-General shall make in the Register such recordings, with respect to the effect of that registration, as he considers appropriate.
- (b) Section 27 (5)—  
20 Omit the subsection.
- (11) Section 39 (4)—  
25 Omit “, by instrument in writing, release that lot”, insert instead “execute an instrument, in the form approved under the Real Property Act, 1900, which provides that the lot is released”.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

## (12) (a) Section 41 (2), (3)—

5 Omit the subsections, insert instead :—

10 (2) A plan is registered as a strata plan, strata plan of subdivision, strata plan of consolidation or building alteration plan when the Registrar-General makes on the plan, in the Register or in another record maintained by him, such recordings with respect to the plan as he considers appropriate.

15 (3) A notice is registered as a notice of conversion when the Registrar-General makes in the Register such recordings with respect to the notice as he considers appropriate.

## (b) Section 41 (4)—

Omit the subsection.

## (13) Section 43—

20 Omit “on the folio” wherever occurring, insert instead “in the folio”.

## (14) (a) Section 44 (1)—

Omit “issuing a certificate of title”, insert instead “creating a folio of the Register”.

## (b) Section 44 (1)—

25 Omit “thereon”, insert instead “therein”.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

## (c) Section 44 (2), (3)—

5 Omit the subsections, insert instead :—

(2) A condition recorded pursuant to subsection (1) is an interest within the meaning of section 42 of the Real Property Act, 1900.

10 (3) Upon lodgment in his office of an instrument referred to in section 39 (4), the Registrar-General shall make such recordings in the Register with respect to it as he considers appropriate and thereupon the utility lot to which the instrument relates is released from the restriction referred to in it.

## 15 (15) Section 45 (a)—

Omit “issue a certificate of title”, insert instead “create a folio of the Register”.

## (16) (a) Section 46 (1) (b)—

20 Omit “issue a new certificate of title”, insert instead “create a folio of the Register”.

## (b) Section 46 (1) (c)—

Omit the paragraph, insert instead :—

25 (c) amend the schedule of unit entitlement recorded in the folio of the Register comprising the common property the subject of the strata scheme concerned by making such recordings in that folio as he thinks fit.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

- 5 (c) Section 46 (2) (a)—  
Omit the paragraph.
- (d) Section 46 (2) (c)—  
Omit the paragraph, insert instead :—  
10 (c) amend the schedule of unit entitlement recorded in the folio of the Register comprising the common property the subject of the strata scheme concerned by making such recordings in that folio as he thinks fit.
- (e) Section 46 (3)—  
Omit the subsection.
- 15 (17) (a) Section 47 (1)—  
Omit “on the folio”, insert instead “in the folio”.
- (b) Section 47 (2) (b)—  
Omit “issue a new certificate of title”, insert instead  
“create a folio of the Register”.
- 20 (c) Section 47 (2) (c)—  
Omit the paragraph, insert instead :—  
25 (c) amend the schedule of unit entitlement recorded in the folio of the Register comprising the common property the subject of the strata scheme concerned by making such recordings in that folio as he thinks fit.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

- (18) (a) Section 48 (1)—  
5 Omit “on the folio”, insert instead “in the folio”.
- (b) Section 48 (2)—  
Omit “issue such certificates of title”, insert instead  
“create such folios of the Register”.
- (19) Section 49 (3), (4)—  
10 Omit the subsections, insert instead :—
- (3) Upon recording a schedule of unit entitlement in  
a folio of the Register comprising common property or  
upon amending any such schedule, the Registrar-General  
shall forward in duplicate to—
- 15 (a) each authority referred to in subsection (1);  
(b) the Commissioner for Land Tax; and  
(c) the body corporate,  
particulars of the schedule of unit entitlement or of the  
amended schedule of unit entitlement, as the case may be.
- 20 (4) A copy of a plan forwarded under this section  
may be on a scale the same as or different from the  
original.
- (20) Section 50 (6) (c)—  
Omit the paragraph, insert instead :—
- 25 (c) the transfer to or vesting in the body corporate,  
free from mortgages, charges and writs, of the  
interests of proprietors of lots which have been  
wholly or partly destroyed;



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(21) (a) Section 51 (7)—

5 Omit “recorded on” wherever occurring, insert instead  
“recorded in”.

(b) Section 51 (7) (a)—

10 Omit “on the relevant folio of the Register constituted  
under section 22 (3)”, insert instead “in the relevant  
folio of the Register created under section 22 (1)”.

(c) Section 51 (7) (b) (ii)—

Omit the subparagraph, insert instead :—

(ii) the relevant folio of the Register created under  
section 22 (1),

15 (22) Section 53 (2)—

Omit the subsection, insert instead :—

20 (2) Where, by reason of his receipt of a certified or  
office copy of the minute of an order made under section  
51, the Registrar-General is required by subsection (1) to  
make recordings in the Register, he shall—

(a) cancel the folios of the Register which evidence  
title to the lots and common property the subject  
of the former strata scheme; and

25 (b) create a folio of the Register for the estate or  
interest in the former parcel, being the estate or  
interest vested in the body corporate upon the  
order taking effect.

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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

- (23) (a) Section 58 (3)—  
5 Omit “prescribed form”, insert instead “form approved under the Real Property Act, 1900”.
- (b) Section 58 (3)—  
10 Omit “recorded the notification on the folio”, insert instead “made an appropriate recording with respect to the notification in the folio”.
- (24) (a) Section 61—  
Omit “on the folio” wherever occurring, insert instead “in the folio”.
- (b) Section 61 (2) (b)—  
15 Omit “prescribed form”, insert instead “form approved under the Real Property Act, 1900”.
- (c) Section 61 (2)—  
Omit “on that folio”, insert instead “in that folio”.
- (25) (a) Section 69 (3) (b)—  
20 Omit “and address” where firstly occurring.
- (b) Section 69 (3) (b)—  
Omit “on the folio”, insert instead “in the folio”.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(c) Section 69 (3) (b)—

5           After “plan”, insert “, and his address,”.

(26) (a) Section 141 (1)—

10           Omit “record the order on the folio of the Register  
comprising the common property the subject of the  
strata scheme to which the order relates”, insert in-  
stead “make such recordings in the Register with  
respect to the order as appear to him to be necessary  
or proper to give effect to the order”.

(b) Section 141 (3)—

Omit the subsection, insert instead :—

15           (3) The Registrar-General shall, upon lodgment  
in his office pursuant to subsection (1) of a copy of  
an order under section 119, amend the schedule of  
unit entitlement recorded in the folio of the Register  
20           comprising the common property to which the order  
relates, to the extent necessary to give effect to the  
order.

(c) Section 141 (4)—

25           Omit “on a folio of the Register comprising the com-  
mon property”, insert instead “in the folio of the  
Register comprising the common property to which  
that order relates”.

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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(d) Section 141 (5)—

- 5 Omit “register a copy of an order lodged as referred to in subsection (1) (b) unless it”, insert instead “make recordings in the Register under subsection (1) or (4) with respect to a copy of an order unless the copy”.

10 (27) Section 153 (2) (b)—

Omit “on”, insert instead “in”.

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SCHEDULE 2.

Sec. 5.

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 5 (1), definition of “original proprietor”—

- 15 Omit “or under a perpetual lease from the Crown”.

(b) Section 5 (1), definition of “proprietor”—

From paragraph (a), omit “or under perpetual lease from the Crown”.

(2) Section 7 (1), definition of “land”—

- 20 Omit “or under perpetual lease from the Crown”.

(3) Section 13 (2) (c)—

After “lease”, insert “, writ”.



Strata Titles (Real Property Computer Register) Amendment.SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

## (4) Section 16—

5 Omit the section, insert instead :—

16. (1) Where a plan is lodged in the office of the Registrar-General for registration as a strata plan, a strata plan of subdivision, a strata plan of consolidation or a building alteration plan, it shall not be registered unless it is signed by every person having a sufficient estate or interest to transfer the land comprised in the plan. <sup>Plans to be signed.</sup>

(2) For the purposes only of subsection (1)—

- 15 (a) a mortgagee or chargee under a mortgage or charge recorded in the Register;
- (b) a judgment creditor under a writ recorded in the Register; or
- (c) a caveator under a caveat lodged with the Registrar-General,

20 shall be deemed to be a person having, within the meaning of subsection (1), a sufficient estate or interest to transfer the land comprised in a plan lodged as referred to in that subsection, where the mortgage, charge or writ is recorded in respect of that land or the caveat relates to that land, as the case may require, but a person having an interest in an easement in gross or in land having the benefit of any easement or restriction as to user affecting that land does not, by reason only of that interest, have, within the meaning of that subsection, a sufficient estate or interest to transfer that land.

30 (3) Upon registration of a plan lodged as referred to in subsection (1), so much of the land comprised in the plan as thereby vests in the body corporate as common property ceases to be subject to the interest of any mortgagee, chargee, judgment creditor or caveator who has

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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

5 signed the plan but nothing in this subsection affects any  
right, power or remedy that may be exercised by the  
mortgagee, chargee or judgment creditor under the  
mortgage, charge or writ or by the caveator, otherwise  
than in relation to that common property.

(5) (a) Section 18 (1)—

10 Omit “shown”.

(b) Section 18 (1)—

Omit “immediately before its registration”, insert  
instead “but freed and discharged from any mortgage,  
charge, writ or caveat affecting that land immediately  
15 before registration of that plan”.

(c) Section 18 (3)—

Omit “or a notice of conversion, the common  
property so created or resulting from the conversion”,  
insert instead “, the common property so created”.

20 (d) Section 18 (3)—

Omit “or notice immediately before its registration”,  
insert instead “but freed and discharged from any  
mortgage, charge, writ or caveat affecting that land  
immediately before registration of that plan”.

25 (e) Section 18 (4)—

After section 18 (3), insert :—

(4) Upon registration of a notice of conversion,  
any lot thereby converted into common property vests  
in the body corporate for the estate or interest



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

- 5           evidenced by the folio of the Register comprising the  
land the subject of that notice at the time when the  
notice is registered.
- (6) (a) Section 19 (1)—  
After “limited certificate of title”, insert “or a per-  
petual lease from the Crown”.
- 10       (b) Section 19 (2)—  
After “parcel” where secondly occurring, insert “but  
which is not subject to a mortgage, charge or writ,”.
- (c) Section 19 (3)—  
15       Omit “A transfer or lease referred to in subsection  
(2) shall not be registered under the Real Property  
Act, 1900, unless”, insert instead “The Registrar-  
General may refuse to register under the Real Property  
Act, 1900, a transfer or lease referred to in subsection  
(2), if”.
- 20       (d) Section 19 (3)—  
Before “accompanied” wherever occurring, insert  
“not”.
- (e) Section 19 (3) (b)—  
Omit “and”, insert instead “or”.
- 25       (f) Section 19 (3) (c)—  
Omit “or under perpetual lease from the Crown”.

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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

(g) Section 19 (3) (c)—

5           After “there has”, insert “not”.

(7) (a) Section 23 (2) (g)—

          After “make”, insert “on the folio”.

(b) Section 23 (4)—

          Omit the subsection, insert instead :—

10           (4) Notwithstanding any provision of the Real  
Property Act, 1900, the Registrar-General shall not  
record any mortgage, charge or writ in the folio of  
the Register comprising the common property but any  
15           such mortgage, charge or writ recorded in the folio of  
the Register comprising a lot the subject of the strata  
scheme concerned affects the beneficial interest of the  
proprietor of that lot in the estate or interest in the  
common property held by the body corporate as agent  
for that proprietor in the same way as if that mortgage,  
20           charge or writ were recorded by the Registrar-General  
in the folio of the Register comprising that common  
property.

(8) (a) Section 24—

          After “dealing” wherever occurring, insert “or caveat”.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

(b) Section 24 (2)—

5 At the end of section 24, insert :—

(2) The beneficial interest of a proprietor of a lot  
in the estate or interest in the common property, if  
any, held by the body corporate as agent for that  
proprietor shall not be capable of being severed from,  
10 or dealt with except in conjunction with, the lot.

(9) Section 32 (4) (d)—

After “vesting”, insert “, freed and discharged from any  
mortgage, charge or writ”.

(10) Section 49 (4)—

15 Omit “to the”, insert instead “from the”.

(11) Section 53 (1)—

Omit “of the effect of”, insert instead “to give effect to”.



# **STRATA TITLES (REAL PROPERTY COMPUTER REGISTER) AMENDMENT BILL, 1979**

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## **EXPLANATORY NOTE**

### **(This Explanatory Note relates to this Bill as introduced into Parliament)**

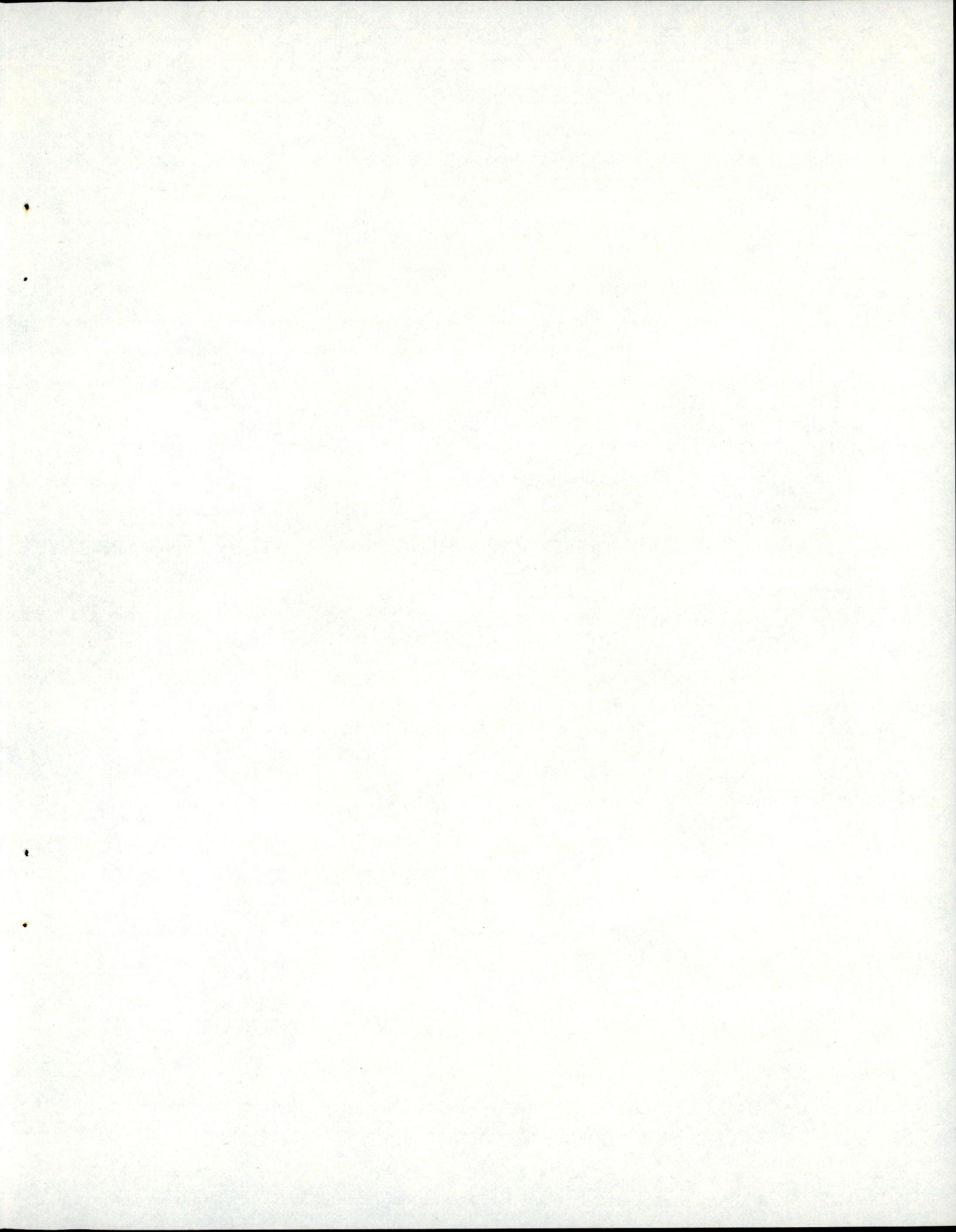
This Bill is cognate with the Real Property (Computer Register) Amendment Bill, 1979.

The objects of this Bill are—

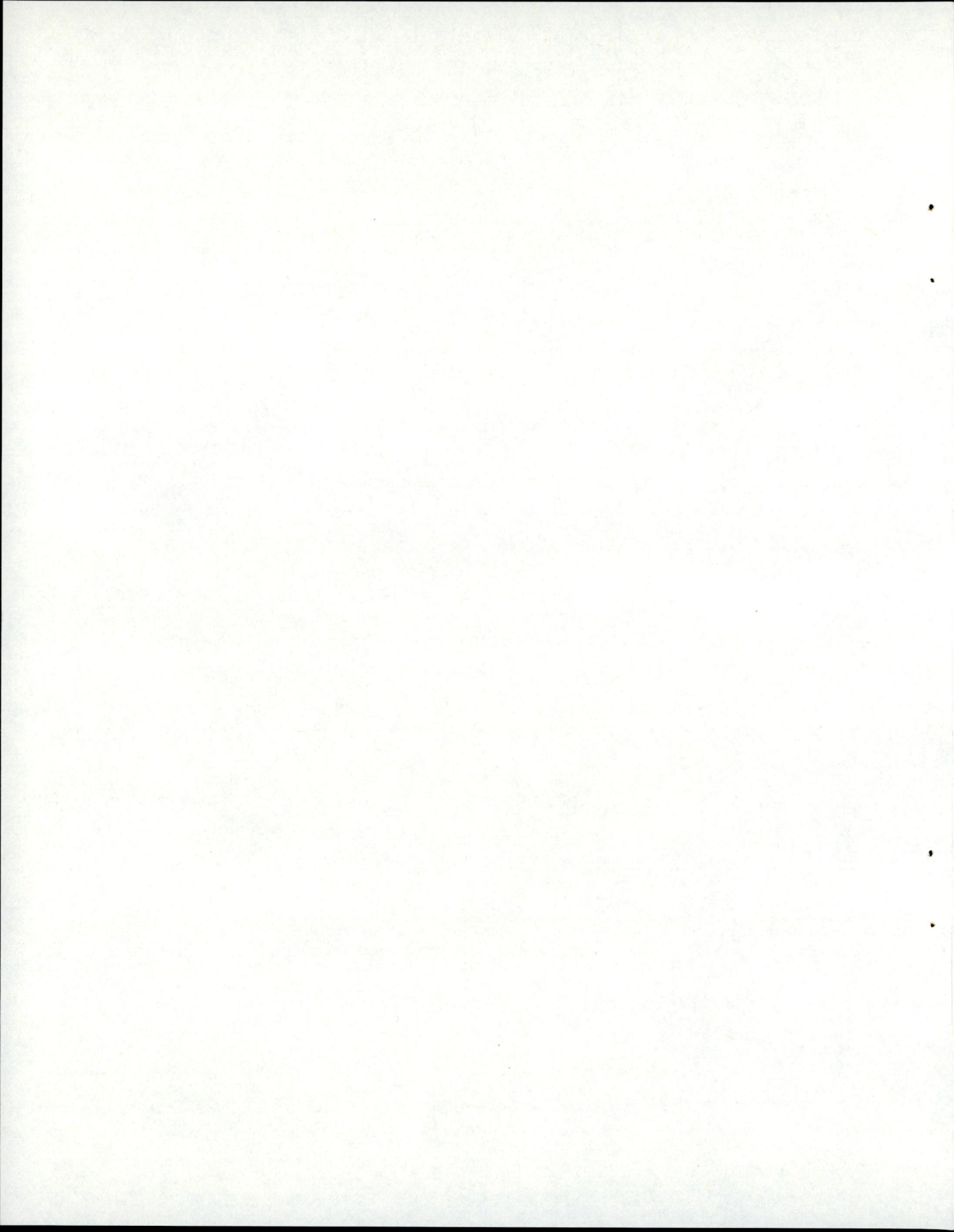
- (a) to amend the Strata Titles Act, 1973 (“the Principal Act”) so as to enable the record of titles to land subdivided under that Act to be kept, and certain dealings relating to that land to be recorded, in a computer Register maintained pursuant to the Real Property Act, 1900 (Schedule 1);
- (b) to empower the Registrar-General to issue a certificate of title specifying certain particulars to a body corporate where there is no common property vested in the body corporate (Schedule 1 (6));
- (c) to provide that land under perpetual lease from the Crown may not be subdivided or become common property under the Principal Act (Schedule 2 (1) and (6) (a));
- (d) to specify certain of the persons who are, or are not, required to sign a proposed strata plan, strata plan of subdivision, strata plan of consolidation or building alteration plan before the Registrar-General may register the plan under the Principal Act (Schedule 2 (4));
- (e) to provide that common property vests in a body corporate under the Principal Act freed and discharged from any mortgage, charge, writ or caveat (Schedule 2 (5) (b) and (d));
- (f) to empower the Registrar-General to dispense with the production of certain instruments presently required to be produced to him where a body corporate seeks registration by him of transfers or leases of land accepted by it under section 19 (2) of the Principal Act (Schedule 2 (6) (c));
- (g) to prohibit a proprietor of a lot from dealing with his beneficial interest in common property otherwise than in conjunction with his dealing with the lot (Schedule 2 (7) (b) and (8) (b));



- (h) to provide that instruments presently required to be in a form prescribed under the Principal Act and certain other instruments authorised or required to be used by that Act shall be in the form approved under the Real Property Act, 1900 (Schedule 1 (3) (a), (11), (23) (a) and (24) (b)); and
- (i) to make other provisions of a saving, transitional, minor or ancillary nature.







**STRATA TITLES (REAL PROPERTY COMPUTER REGISTER) AMENDMENT BILL, 1979**

No. , 1979.

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**A BILL FOR**

**An Act to amend the Strata Titles Act, 1973, so as to facilitate the keeping of the Register maintained under the Real Property Act, 1900, in a computer; to vary certain provisions of the Strata Titles Act, 1973, relating to dealings with lots and common property under that Act, the registration of those dealings and the vesting of common property under that Act; and for certain other purposes.**

[MR CRABTREE—25 October, 1979.]

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*Strata Titles (Real Property Computer Register) Amendment.*

**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 :—

5 **1.** This Act may be cited as the "Strata Titles (Real Property Short title. Computer Register) Amendment Act, 1979".

**2.** (1) Except as provided in subsections (2) and (3), this Commence- Act shall commence on the date of assent to this Act. ment.

(2) Section 5 shall, in its application to a provision of  
10 Schedule 1 or 2, commence on the day on which the provision commences.

(3) Sections 7 and 8 and Schedule 1 shall commence on the day appointed and notified pursuant to section 2 (2) of the Real Property (Computer Register) Amendment Act, 1979.

15 **3.** The Strata Titles Act, 1973, is referred to in this Act as Principal the Principal Act. Act.

**4.** This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT  
FACILITATING USE OF A COMPUTER REGISTER.

20 SCHEDULE 2.—MISCELLANEOUS AMENDMENTS TO THE  
PRINCIPAL ACT.

**5.** The Principal Act is amended in the manner set forth in Amendment Schedules 1 and 2. of Act No. 68. 1973.



*Strata Titles (Real Property Computer Register) Amendment.*

6. (1) Where, by reason of the operation of section 18 (1) or (3) of the Principal Act, as in force before the commencement of this section, common property was, immediately before that commencement, vested in a body corporate subject to a mortgage, 5 encumbrance or writ, the common property shall, on and from that commencement, cease to be subject to the mortgage, encumbrance or writ but nothing in this subsection affects any right, power or remedy that may be exercised by the mortgagee, encumbrancee or judgment creditor under that mortgage, encumbrance 10 or writ otherwise than in relation to that common property.

Certain  
common  
property  
freed from  
mortgages,  
etc.

(2) The Registrar-General may make such recordings, with respect to the operation of subsection (1), as he considers appropriate in folios of the Register for common property and in certificates of title issued in respect thereof.

15 (3) Where it appears to the Registrar-General that the estate or interest claimed by a caveator in common property under a caveat lodged with the Registrar-General before the commencement of this section does not exist, he may serve notice on the caveator requiring him, within 14 days from the date of 20 service of the notice, to show cause to the Registrar-General why the caveat should not be removed.

(4) Unless, within that time, the caveator so shows cause to the satisfaction of the Registrar-General, the caveat shall be deemed to have lapsed and the Registrar-General may record in 25 the Register that the caveat has lapsed.

(5) No proceedings shall be brought and no action shall lie against the Registrar-General for the recovery of damages sustained through deprivation of land or any estate or interest therein by reason of any action taken by him pursuant to sub- 30 section (2) or (4).

7. (1) In subsection (2), a reference to the Strata Titles Act is a reference to the Strata Titles Act, 1973, as from time to time in force. Savings, generally.



*Strata Titles (Real Property Computer Register) Amendment.*

(2) On and from the commencement of this section, a reference in the Principal Act, as amended by this Act—

5 (a) to a folio of the Register created under section 22 (1) of the Principal Act, as so amended, includes a reference to—

(i) a folio of the Register constituted before that commencement under section 22 (3) of the Strata Titles Act; and

10 (ii) a folio of the Register corresponding to a certificate deemed, before that commencement, to be a certificate of title by section 22 (5) of the Strata Titles Act;

15 (b) to an instrument registered under the Principal Act, as so amended, in the office of the Registrar-General— includes a reference to an instrument registered in that office before that commencement under the Strata Titles Act; and

20 (c) to a recording made under the Principal Act, as so amended, in the Register or upon a certificate of title or duplicate registered dealing—includes a reference to a recording made under the Strata Titles Act before that commencement in the Register or, as the case may be, made under the Strata Titles Act before that commencement upon a certificate of title or duplicate registered dealing.

(3) Nothing in this section affects the operation of section 8 of the Interpretation Act, 1897, with respect to this Act.

**8. (1) Any—**

30 (a) notice that has been executed under section 13 of the Principal Act before the commencement of this section for the purpose of its being registered as a notice of conversion; or

Saving of certain notices and other instruments.



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*Strata Titles (Real Property Computer Register) Amendment.*

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5 (b) instrument in writing releasing a lot from a restriction imposed pursuant to section 39 (1) of the Principal Act, being an instrument executed before the commencement of this section for the purpose of its registration under section 44 (3) of that Act,

shall, on and from that commencement, be deemed to have been so executed in the form approved under the Real Property Act, 1900.

10 (2) A notification or notice in or to the effect of a form prescribed for the purposes of section 58 (3) or 61 (2) (b) of the Principal Act—

15 (a) that was executed before the commencement of this section for the purpose of its being lodged in the office of the Registrar-General under the Principal Act but that has not been so lodged; or

(b) that, before that commencement, had been so lodged, but in respect of which the Registrar-General had not, before that commencement, made a recording pursuant to the Principal Act on a folio of the Register,  
20 shall, on and from that commencement, be deemed to be a notification or notice, as the case may be, in the form approved under the Real Property Act, 1900, within the meaning of that Act.

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SCHEDULE 1.

Sec. 5.

25 AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER.

(1) Section 5 (1), definition of "schedule of unit entitlement"—  
From paragraph (a), omit "on", insert instead "in".



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(2) Section 7 (1), definition of “land”—

- 5 Omit “certificate of title or in a limited certificate of title”,  
insert instead “or limited folio of the Register”.

(3) (a) Section 13 (1)—

After “of a notice”, insert “in the form approved under  
the Real Property Act, 1900, being a notice”.

10 (b) Section 13 (2) (c)—

Omit “encumbrance, current lease, writ or caveat re-  
corded on”, insert instead “charge, current lease,  
caveat or writ recorded in”.

(4) Section 18 (2)—

- 15 Omit “issue in the name of the body corporate a certificate  
of title for”, insert instead “create a folio of the Register  
for the estate or interest of the body corporate in”.

(5) (a) Section 19 (1)—

- 20 Omit “certificate of title or in a limited certificate of  
title”, insert instead “or limited folio of the Register”.

(b) Section 19 (4) (b)—

Omit the subsection, insert instead :—

- 25 (b) the Registrar-General shall make in the  
Register such recordings with respect to the  
land that becomes common property as he  
considers appropriate.



*Strata Titles (Real Property Computer Register) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(c) Section 19 (5) (c)—

5 Omit the paragraph, insert instead :—

(c) the Registrar-General shall make in the Register such recordings with respect to the leasehold interest that becomes common property as he considers appropriate.

10 (d) Section 19 (7)—

Omit “an appropriate recording on the folio of the Register comprising the common property”, insert instead “in the Register such recordings with respect to the surrender as he considers appropriate”.

15 (6) Sections 22, 22A—

Omit section 22, insert instead :—

20 22. (1) Where a strata plan that does not contain common property is registered, the Registrar-General shall create a folio of the Register and record therein, in such manner as he thinks fit—

- (a) a statement that the strata scheme concerned does not contain common property;
- (b) the name of the body corporate and the address for service of notices on it; and
- 25 (c) the schedule of unit entitlement in force in respect of the strata scheme concerned.



*Strata Titles (Real Property Computer Register) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

5 (2) During any period for which a folio of the  
Register created under subsection (1) or section 18 (2)  
does not contain common property, the Registrar-General  
shall, in that folio—

10 (a) record any change, from time to time, in the  
address for service of notices on the body cor-  
porate, evidenced by a notice lodged in  
accordance with section 61 (2) (b);

15 (b) record particulars of any amendment or addition  
to, or repeal of, the by-laws from time to time  
in force with respect to the strata scheme con-  
cerned, notification of which has been lodged  
in accordance with section 58 (3); and

(c) make any other recording which, by or under  
this or any other Act, he is required or  
authorised to make in the folio.

20 (3) A reference—

25 (a) in this Act to a folio of the Register or a cer-  
tificate of title comprising common property  
includes respectively a reference to a folio of  
the Register created under subsection (1) or  
section 18 (2) during any period for which it  
does not contain common property or to a cer-  
tificate of title issued under section 22A (2) in  
respect of any such folio; and

30 (b) in the Real Property Act, 1900, to a folio of  
the Register or a certificate of title includes  
respectively a reference to a folio of the Register  
referred to in paragraph (a) during any period  
for which it does not contain common property  
or to a certificate of title referred to in that



*Strata Titles (Real Property Computer Register) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

5 paragraph, except in so far as the provision of  
that Act in which the reference occurs is  
incapable of applying to a folio of the Register  
or a certificate of title so referred to.

10 22A. (1) Upon any common property being vested in,  
acquired by or divested from, a body corporate for a strata  
scheme in respect of which a folio of the Register has  
been created under section 18 (2) or 22 (1), the  
Registrar-General shall make such recordings in the  
Register with respect to the common property so vested,  
acquired or divested as he considers appropriate.

Folios for  
bodies  
corporate,  
generally.

15 (2) The Registrar-General may, if he thinks fit,  
and shall, upon the written request of the body corporate,  
issue to a body corporate in respect of which a folio of  
the Register has been created under section 18 (2) or  
20 22 (1), a certificate of title setting forth the information  
contained in that folio.

(7) (a) Section 23 (1)—

Omit “any certificate of title”, insert instead “any  
folio of the Register”.

(b) Section 23 (1)—

25 Omit “certificate of title so issued”, insert instead  
“folio of the Register comprising common property”.

(c) Section 23 (2)—

Omit “issuing a certificate of title comprising”, insert  
instead “creating a folio of the Register for”.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(d) Section 23 (2)—

5 Omit “thereon”, insert instead “therein, in such  
manner as he thinks fit”.

(e) Section 23 (2)—

10 Omit “following registration of any such certificate  
the Registrar-General shall record on the correspond-  
ing folio of the Register”, insert instead “shall,  
subsequently, in that folio”.

(f) Section 23 (2) (e)—

Before “any”, insert “record”.

(g) Section 23 (2) (f)—

15 Before “any”, insert “record particulars of”.

(h) Section 23 (2) (g)—

Omit the paragraph, insert instead :—

20 (g) make any other recording which, by or under  
this or any other Act, he is required or  
authorised to make in the folio.

(i) Section 23 (3)—

Omit “on the folio” wherever occurring, insert instead  
“in the folio”.

(8) Section 24—

25 Omit “on the folio”, insert instead “in the folio”.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(9) (a) Section 25 (4)—

5 Omit the subsection, insert instead :—

(4) The Registrar-General shall register a dealing referred to in subsection (1), (2) or (3) by making in the Register such recordings with respect to the dealing as he considers appropriate.

10 (b) Section 25 (5)—

Omit the subsection.

(10) (a) Section 27 (4)—

Omit the subsection, insert instead :—

15 (4) Upon registration, under the Conveyancing Act, 1919, of a plan referred to in subsection (2), the Registrar-General shall make in the Register such recordings, with respect to the effect of that registration, as he considers appropriate.

(b) Section 27 (5)—

20 Omit the subsection.

(11) Section 39 (4)—

25 Omit “, by instrument in writing, release that lot”, insert instead “execute an instrument, in the form approved under the Real Property Act, 1900, which provides that the lot is released”.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(12) (a) Section 41 (2), (3)—

5 Omit the subsections, insert instead :—

(2) A plan is registered as a strata plan, strata  
plan of subdivision, strata plan of consolidation or  
building alteration plan when the Registrar-General  
10 makes on the plan, in the Register or in another  
record maintained by him, such recordings with  
respect to the plan as he considers appropriate.

(3) A notice is registered as a notice of conversion  
when the Registrar-General makes in the Register such  
15 recordings with respect to the notice as he considers  
appropriate.

(b) Section 41 (4)—

Omit the subsection.

(13) Section 43—

20 Omit “on the folio” wherever occurring, insert instead “in  
the folio”.

(14) (a) Section 44 (1)—

Omit “issuing a certificate of title”, insert instead  
“creating a folio of the Register”.

(b) Section 44 (1)—

25 Omit “thereon”, insert instead “therein”.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(c) Section 44 (2), (3)—

5 Omit the subsections, insert instead :—

(2) A condition recorded pursuant to subsection  
(1) is an interest within the meaning of section 42  
of the Real Property Act, 1900.

10 (3) Upon lodgment in his office of an instrument  
referred to in section 39 (4), the Registrar-General  
shall make such recordings in the Register with respect  
to it as he considers appropriate and thereupon the  
utility lot to which the instrument relates is released  
from the restriction referred to in it.

15 (15) Section 45 (a)—

Omit “issue a certificate of title”, insert instead “create a  
folio of the Register”.

(16) (a) Section 46 (1) (b)—

20 Omit “issue a new certificate of title”, insert instead  
“create a folio of the Register”.

(b) Section 46 (1) (c)—

Omit the paragraph, insert instead :—

25 (c) amend the schedule of unit entitlement  
recorded in the folio of the Register com-  
prising the common property the subject of  
the strata scheme concerned by making such  
recordings in that folio as he thinks fit.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(c) Section 46 (2) (a)—

5 Omit the paragraph.

(d) Section 46 (2) (c)—

Omit the paragraph, insert instead :—

10 (c) amend the schedule of unit entitlement  
recorded in the folio of the Register com-  
prising the common property the subject of  
the strata scheme concerned by making such  
recordings in that folio as he thinks fit.

(e) Section 46 (3)—

Omit the subsection.

15 (17) (a) Section 47 (1)—

Omit “on the folio”, insert instead “in the folio”.

(b) Section 47 (2) (b)—

Omit “issue a new certificate of title”, insert instead  
“create a folio of the Register”.

20 (c) Section 47 (2) (c)—

Omit the paragraph, insert instead :—

25 (c) amend the schedule of unit entitlement  
recorded in the folio of the Register com-  
prising the common property the subject of  
the strata scheme concerned by making such  
recordings in that folio as he thinks fit.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

- (18) (a) Section 48 (1)—  
5 Omit “on the folio”, insert instead “in the folio”.
- (b) Section 48 (2)—  
Omit “issue such certificates of title”, insert instead  
“create such folios of the Register”.
- (19) Section 49 (3), (4)—  
10 Omit the subsections, insert instead :—  
(3) Upon recording a schedule of unit entitlement in  
a folio of the Register comprising common property or  
upon amending any such schedule, the Registrar-General  
shall forward in duplicate to—  
15 (a) each authority referred to in subsection (1);  
(b) the Commissioner for Land Tax; and  
(c) the body corporate,  
particulars of the schedule of unit entitlement or of the  
amended schedule of unit entitlement, as the case may be.
- 20 (4) A copy of a plan forwarded under this section  
may be on a scale the same as or different from the  
original.
- (20) Section 50 (6) (c)—  
Omit the paragraph, insert instead :—  
25 (c) the transfer to or vesting in the body corporate,  
free from mortgages, charges and writs, of the  
interests of proprietors of lots which have been  
wholly or partly destroyed;



*Strata Titles (Real Property Computer Register) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(21) (a) Section 51 (7)—

5 Omit “recorded on” wherever occurring, insert instead  
“recorded in”.

(b) Section 51 (7) (a)—

10 Omit “on the relevant folio of the Register constituted  
under section 22 (3)”, insert instead “in the relevant  
folio of the Register created under section 22 (1)”.

(c) Section 51 (7) (b) (ii)—

Omit the subparagraph, insert instead :—

(ii) the relevant folio of the Register created under  
section 22 (1),

15 (22) Section 53 (2)—

Omit the subsection, insert instead :—

20 (2) Where, by reason of his receipt of a certified or  
office copy of the minute of an order made under section  
51, the Registrar-General is required by subsection (1) to  
make recordings in the Register, he shall—

- 25 (a) cancel the folios of the Register which evidence  
title to the lots and common property the subject  
of the former strata scheme; and
- (b) create a folio of the Register for the estate or  
interest in the former parcel, being the estate or  
interest vested in the body corporate upon the  
order taking effect.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

- (23) (a) Section 58 (3)—
- 5 Omit “prescribed form”, insert instead “form approved under the Real Property Act, 1900,”.
- (b) Section 58 (3)—
- 10 Omit “recorded the notification on the folio”, insert instead “made an appropriate recording with respect to the notification in the folio”.
- (24) (a) Section 61—
- Omit “on the folio” wherever occurring, insert instead “in the folio”.
- (b) Section 61 (2) (b)—
- 15 Omit “prescribed form”, insert instead “form approved under the Real Property Act, 1900,”.
- (c) Section 61 (2)—
- Omit “on that folio”, insert instead “in that folio”.
- (25) (a) Section 69 (3) (b)—
- 20 Omit “and address” where firstly occurring.
- (b) Section 69 (3) (b)—
- Omit “on the folio”, insert instead “in the folio”.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(c) Section 69 (3) (b)—

5           After “plan”, insert “, and his address,”.

(26) (a) Section 141 (1)—

10           Omit “record the order on the folio of the Register  
comprising the common property the subject of the  
strata scheme to which the order relates”, insert in-  
stead “make such recordings in the Register with  
respect to the order as appear to him to be necessary  
or proper to give effect to the order”.

(b) Section 141 (3)—

Omit the subsection, insert instead :—

15           (3) The Registrar-General shall, upon lodgment  
in his office pursuant to subsection (1) of a copy of  
an order under section 119, amend the schedule of  
unit entitlement recorded in the folio of the Register  
comprising the common property to which the order  
20           relates, to the extent necessary to give effect to the  
order.

(c) Section 141 (4)—

25           Omit “on a folio of the Register comprising the com-  
mon property”, insert instead “in the folio of the  
Register comprising the common property to which  
that order relates”.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(d) Section 141 (5)—

- 5 Omit “register a copy of an order lodged as referred to in subsection (1) (b) unless it”, insert instead “make recordings in the Register under subsection (1) or (4) with respect to a copy of an order unless the copy”.

10 (27) Section 153 (2) (b)—

Omit “on”, insert instead “in”.

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SCHEDULE 2.

Sec. 5.

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 5 (1), definition of “original proprietor”—

- 15 Omit “or under a perpetual lease from the Crown”.

(b) Section 5 (1), definition of “proprietor”—

From paragraph (a), omit “or under perpetual lease from the Crown”.

(2) Section 7 (1), definition of “land”—

- 20 Omit “or under perpetual lease from the Crown”.

(3) Section 13 (2) (c)—

After “lease”, insert “, writ”.



*Strata Titles (Real Property Computer Register) Amendment.*SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

## (4) Section 16—

5 Omit the section, insert instead :—

16. (1) Where a plan is lodged in the office of the Registrar-General for registration as a strata plan, a strata plan of subdivision, a strata plan of consolidation or a building alteration plan, it shall not be registered unless it is signed by every person having a sufficient estate or interest to transfer the land comprised in the plan. Plans to be signed.

(2) For the purposes only of subsection (1)—

- (a) a mortgagee or chargee under a mortgage or charge recorded in the Register;
- 15 (b) a judgment creditor under a writ recorded in the Register; or
- (c) a caveator under a caveat lodged with the Registrar-General,

20 shall be deemed to be a person having, within the meaning of subsection (1), a sufficient estate or interest to transfer the land comprised in a plan lodged as referred to in that subsection, where the mortgage, charge or writ is recorded in respect of that land or the caveat relates to that land, as the case may require, but a person having an interest in an easement in gross or in land having the benefit of any easement or restriction as to user affecting that land does not, by reason only of that interest, have, within the meaning of that subsection, a sufficient estate or interest to transfer that land.

30 (3) Upon registration of a plan lodged as referred to in subsection (1), so much of the land comprised in the plan as thereby vests in the body corporate as common property ceases to be subject to the interest of any mortgagee, chargee, judgment creditor or caveator who has



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

- 5 signed the plan but nothing in this subsection affects any  
right, power or remedy that may be exercised by the  
mortgagee, chargee or judgment creditor under the  
mortgage, charge or writ or by the caveator, otherwise  
than in relation to that common property.
- 10 (5) (a) Section 18 (1)—  
Omit “shown”.
- 15 (b) Section 18 (1)—  
Omit “immediately before its registration”, insert  
instead “but freed and discharged from any mortgage,  
charge, writ or caveat affecting that land immediately  
before registration of that plan”.
- (c) Section 18 (3)—  
Omit “or a notice of conversion, the common  
property so created or resulting from the conversion”,  
insert instead “, the common property so created”.
- 20 (d) Section 18 (3)—  
Omit “or notice immediately before its registration”,  
insert instead “but freed and discharged from any  
mortgage, charge, writ or caveat affecting that land  
immediately before registration of that plan”.
- 25 (e) Section 18 (4)—  
After section 18 (3), insert :—
- (4) Upon registration of a notice of conversion,  
any lot thereby converted into common property vests  
in the body corporate for the estate or interest



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

5                   evidenced by the folio of the Register comprising the  
land the subject of that notice at the time when the  
notice is registered.

## (6) (a) Section 19 (1)—

After “limited certificate of title”, insert “or a per-  
petual lease from the Crown”.

## 10                   (b) Section 19 (2)—

After “parcel” where secondly occurring, insert “but  
which is not subject to a mortgage, charge or writ,”.

## (c) Section 19 (3)—

15                   Omit “A transfer or lease referred to in subsection  
(2) shall not be registered under the Real Property  
Act, 1900, unless”, insert instead “The Registrar-  
General may refuse to register under the Real Property  
Act, 1900, a transfer or lease referred to in subsection  
(2), if”.

## 20                   (d) Section 19 (3)—

Before “accompanied” wherever occurring, insert  
“not”.

## (e) Section 19 (3) (b)—

Omit “and”, insert instead “or”.

## 25                   (f) Section 19 (3) (c)—

Omit “or under perpetual lease from the Crown”.

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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

(g) Section 19 (3) (c)—

5           After “there has”, insert “not”.

(7) (a) Section 23 (2) (g)—

          After “make”, insert “on the folio”.

(b) Section 23 (4)—

          Omit the subsection, insert instead :—

10           (4) Notwithstanding any provision of the Real  
          Property Act, 1900, the Registrar-General shall not  
          record any mortgage, charge or writ in the folio of  
          the Register comprising the common property but any  
15           such mortgage, charge or writ recorded in the folio of  
          the Register comprising a lot the subject of the strata  
          scheme concerned affects the beneficial interest of the  
          proprietor of that lot in the estate or interest in the  
          common property held by the body corporate as agent  
20           for that proprietor in the same way as if that mortgage,  
          charge or writ were recorded by the Registrar-General  
          in the folio of the Register comprising that common  
          property.

(8) (a) Section 24—

          After “dealing” wherever occurring, insert “or caveat”.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

(b) Section 24 (2)—

5 At the end of section 24, insert :—

10 (2) The beneficial interest of a proprietor of a lot in the estate or interest in the common property, if any, held by the body corporate as agent for that proprietor shall not be capable of being severed from, or dealt with except in conjunction with, the lot.

(9) Section 32 (4) (d)—

After “vesting”, insert “, freed and discharged from any mortgage, charge or writ,”.

(10) Section 49 (4)—

15 Omit “to the”, insert instead “from the”.

(11) Section 53 (1)—

Omit “of the effect of”, insert instead “to give effect to”.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1979

[48c]

**STRATA TITLES (REAL PROPERTY COMPUTER REGISTER) AMENDMENT ACT, 1979, No. 174**

**New South Wales**



ANNO VICESIMO OCTAVO

**ELIZABETHÆ II REGINÆ**

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**Act No. 174, 1979.**

An Act to amend the Strata Titles Act, 1973, so as to facilitate the keeping of the Register maintained under the Real Property Act, 1900, in a computer; to vary certain provisions of the Strata Titles Act, 1973, relating to dealings with lots and common property under that Act, the registration of those dealings and the vesting of common property under that Act; and for certain other purposes. [Assented to, 14th December, 1979.]



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*Strata Titles (Real Property Computer Register) Amendment.*

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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 :—

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

Commence-     **2.** (1) Except as provided in subsections (2) and (3), this  
ment.     Act shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedule 1 or 2, commence on the day on which the provision commences.

(3) Sections 7 and 8 and Schedule 1 shall commence on the day appointed and notified pursuant to section 2 (2) of the Real Property (Computer Register) Amendment Act, 1979.

Principal     **3.** The Strata Titles Act, 1973, is referred to in this Act as  
Act.     the Principal Act.

Schedules.     **4.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT  
FACILITATING USE OF A COMPUTER REGISTER.

SCHEDULE 2.—MISCELLANEOUS AMENDMENTS TO THE  
PRINCIPAL ACT.

Amendment     **5.** The Principal Act is amended in the manner set forth in  
of Act No.     Schedules 1 and 2.  
68, 1973.

*Strata Titles (Real Property Computer Register) Amendment.*

6. (1) Where, by reason of the operation of section 18 (1) or (3) of the Principal Act, as in force before the commencement of this section, common property was, immediately before that commencement, vested in a body corporate subject to a mortgage, encumbrance or writ, the common property shall, on and from that commencement, cease to be subject to the mortgage, encumbrance or writ but nothing in this subsection affects any right, power or remedy that may be exercised by the mortgagee, encumbrancee or judgment creditor under that mortgage, encumbrance or writ otherwise than in relation to that common property.

Certain common property freed from mortgages, etc.

(2) The Registrar-General may make such recordings, with respect to the operation of subsection (1), as he considers appropriate in folios of the Register for common property and in certificates of title issued in respect thereof.

(3) Where it appears to the Registrar-General that the estate or interest claimed by a caveator in common property under a caveat lodged with the Registrar-General before the commencement of this section does not exist, he may serve notice on the caveator requiring him, within 14 days from the date of service of the notice, to show cause to the Registrar-General why the caveat should not be removed.

(4) Unless, within that time, the caveator so shows cause to the satisfaction of the Registrar-General, the caveat shall be deemed to have lapsed and the Registrar-General may record in the Register that the caveat has lapsed.

(5) No proceedings shall be brought and no action shall lie against the Registrar-General for the recovery of damages sustained through deprivation of land or any estate or interest therein by reason of any action taken by him pursuant to subsection (2) or (4).

7. (1) In subsection (2), a reference to the Strata Titles Act is a reference to the Strata Titles Act, 1973, as from time to time in force.

Savings, generally.



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*Strata Titles (Real Property Computer Register) Amendment.*

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(2) On and from the commencement of this section, a reference in the Principal Act, as amended by this Act—

- (a) to a folio of the Register created under section 22 (1) of the Principal Act, as so amended, includes a reference to—
  - (i) a folio of the Register constituted before that commencement under section 22 (3) of the Strata Titles Act; and
  - (ii) a folio of the Register corresponding to a certificate deemed, before that commencement, to be a certificate of title by section 22 (5) of the Strata Titles Act;
- (b) to an instrument registered under the Principal Act, as so amended, in the office of the Registrar-General—includes a reference to an instrument registered in that office before that commencement under the Strata Titles Act; and
- (c) to a recording made under the Principal Act, as so amended, in the Register or upon a certificate of title or duplicate registered dealing—includes a reference to a recording made under the Strata Titles Act before that commencement in the Register or, as the case may be, made under the Strata Titles Act before that commencement upon a certificate of title or duplicate registered dealing.

(3) Nothing in this section affects the operation of section 8 of the Interpretation Act, 1897, with respect to this Act.

Saving of  
certain  
notices and  
other in-  
struments.

8. (1) Any—
- (a) notice that has been executed under section 13 of the Principal Act before the commencement of this section for the purpose of its being registered as a notice of conversion; or

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*Strata Titles (Real Property Computer Register) Amendment.*

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- (b) instrument in writing releasing a lot from a restriction imposed pursuant to section 39 (1) of the Principal Act, being an instrument executed before the commencement of this section for the purpose of its registration under section 44 (3) of that Act,

shall, on and from that commencement, be deemed to have been so executed in the form approved under the Real Property Act, 1900.

(2) A notification or notice in or to the effect of a form prescribed for the purposes of section 58 (3) or 61 (2) (b) of the Principal Act—

- (a) that was executed before the commencement of this section for the purpose of its being lodged in the office of the Registrar-General under the Principal Act but that has not been so lodged; or
- (b) that, before that commencement, had been so lodged. but in respect of which the Registrar-General had not before that commencement, made a recording pursuant to the Principal Act on a folio of the Register,

shall, on and from that commencement, be deemed to be a notification or notice, as the case may be, in the form approved under the Real Property Act, 1900, within the meaning of that Act.

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SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER.

- (1) Section 5 (1), definition of “schedule of unit entitlement”—  
From paragraph (a), omit “on”, insert instead “in”.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

## (2) Section 7 (1), definition of “land”—

Omit “certificate of title or in a limited certificate of title”,  
insert instead “or limited folio of the Register”.

## (3) (a) Section 13 (1)—

After “of a notice”, insert “in the form approved under  
the Real Property Act, 1900, being a notice”.

## (b) Section 13 (2) (c)—

Omit “encumbrance, current lease, writ or caveat re-  
corded on”, insert instead “charge, current lease,  
caveat or writ recorded in”.

## (4) Section 18 (2)—

Omit “issue in the name of the body corporate a certificate  
of title for”, insert instead “create a folio of the Register  
for the estate or interest of the body corporate in”.

## (5) (a) Section 19 (1)—

Omit “certificate of title or in a limited certificate of  
title”, insert instead “or limited folio of the Register”.

## (b) Section 19 (4) (b)—

Omit the subsection, insert instead :—

- (b) the Registrar-General shall make in the  
Register such recordings with respect to the  
land that becomes common property as he  
considers appropriate.

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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(c) Section 19 (5) (c)—

Omit the paragraph, insert instead :—

- (c) the Registrar-General shall make in the Register such recordings with respect to the leasehold interest that becomes common property as he considers appropriate.

(d) Section 19 (7)—

Omit “an appropriate recording on the folio of the Register comprising the common property”, insert instead “in the Register such recordings with respect to the surrender as he considers appropriate”.

(6) Sections 22, 22A—

Omit section 22, insert instead :—

22. (1) Where a strata plan that does not contain common property is registered, the Registrar-General shall create a folio of the Register and record therein, in such manner as he thinks fit—

Folio where no common property.

- (a) a statement that the strata scheme concerned does not contain common property;
- (b) the name of the body corporate and the address for service of notices on it; and
- (c) the schedule of unit entitlement in force in respect of the strata scheme concerned.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(2) During any period for which a folio of the Register created under subsection (1) or section 18 (2) does not contain common property, the Registrar-General shall, in that folio—

- (a) record any change, from time to time, in the address for service of notices on the body corporate, evidenced by a notice lodged in accordance with section 61 (2) (b);
- (b) record particulars of any amendment or addition to, or repeal of, the by-laws from time to time in force with respect to the strata scheme concerned, notification of which has been lodged in accordance with section 58 (3); and
- (c) make any other recording which, by or under this or any other Act, he is required or authorised to make in the folio.

(3) A reference—

- (a) in this Act to a folio of the Register or a certificate of title comprising common property includes respectively a reference to a folio of the Register created under subsection (1) or section 18 (2) during any period for which it does not contain common property or to a certificate of title issued under section 22A (2) in respect of any such folio; and
- (b) in the Real Property Act, 1900, to a folio of the Register or a certificate of title includes respectively a reference to a folio of the Register referred to in paragraph (a) during any period for which it does not contain common property or to a certificate of title referred to in that

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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

paragraph, except in so far as the provision of that Act in which the reference occurs is incapable of applying to a folio of the Register or a certificate of title so referred to.

22A. (1) Upon any common property being vested in, acquired by or divested from, a body corporate for a strata scheme in respect of which a folio of the Register has been created under section 18 (2) or 22 (1), the Registrar-General shall make such recordings in the Register with respect to the common property so vested, acquired or divested as he considers appropriate.

Folios for  
bodies  
corporate,  
generally.

(2) The Registrar-General may, if he thinks fit, and shall, upon the written request of the body corporate, issue to a body corporate in respect of which a folio of the Register has been created under section 18 (2) or 22 (1), a certificate of title setting forth the information contained in that folio.

(7) (a) Section 23 (1)—

Omit “any certificate of title”, insert instead “any folio of the Register”.

(b) Section 23 (1)—

Omit “certificate of title so issued”, insert instead “folio of the Register comprising common property”.

(c) Section 23 (2)—

Omit “issuing a certificate of title comprising”, insert instead “creating a folio of the Register for”.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

## (d) Section 23 (2)—

Omit “thereon”, insert instead “therein, in such manner as he thinks fit”.

## (e) Section 23 (2)—

Omit “following registration of any such certificate the Registrar-General shall record on the corresponding folio of the Register”, insert instead “shall, subsequently, in that folio”.

## (f) Section 23 (2) (e)—

Before “any”, insert “record”.

## (g) Section 23 (2) (f)—

Before “any”, insert “record particulars of”.

## (h) Section 23 (2) (g)—

Omit the paragraph, insert instead :—

(g) make any other recording which, by or under this or any other Act, he is required or authorised to make in the folio.

## (i) Section 23 (3)—

Omit “on the folio” wherever occurring, insert instead “in the folio”.

## (8) Section 24—

Omit “on the folio”, insert instead “in the folio”.

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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(9) (a) Section 25 (4)—

Omit the subsection, insert instead :—

(4) The Registrar-General shall register a dealing referred to in subsection (1), (2) or (3) by making in the Register such recordings with respect to the dealing as he considers appropriate.

(b) Section 25 (5)—

Omit the subsection.

(10) (a) Section 27 (4)—

Omit the subsection, insert instead :—

(4) Upon registration, under the Conveyancing Act, 1919, of a plan referred to in subsection (2), the Registrar-General shall make in the Register such recordings, with respect to the effect of that registration, as he considers appropriate.

(b) Section 27 (5)—

Omit the subsection.

(11) Section 39 (4)—

Omit “, by instrument in writing, release that lot”, insert instead “execute an instrument, in the form approved under the Real Property Act, 1900, which provides that the lot is released”.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

## (12) (a) Section 41 (2), (3)—

Omit the subsections, insert instead :—

(2) A plan is registered as a strata plan, strata plan of subdivision, strata plan of consolidation or building alteration plan when the Registrar-General makes on the plan, in the Register or in another record maintained by him, such recordings with respect to the plan as he considers appropriate.

(3) A notice is registered as a notice of conversion when the Registrar-General makes in the Register such recordings with respect to the notice as he considers appropriate.

## (b) Section 41 (4)—

Omit the subsection.

## (13) Section 43—

Omit “on the folio” wherever occurring, insert instead “in the folio”.

## (14) (a) Section 44 (1)—

Omit “issuing a certificate of title”, insert instead “creating a folio of the Register”.

## (b) Section 44 (1)—

Omit “thereon”, insert instead “therein”.

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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(c) Section 44 (2), (3)—

Omit the subsections, insert instead :—

(2) A condition recorded pursuant to subsection (1) is an interest within the meaning of section 42 of the Real Property Act, 1900.

(3) Upon lodgment in his office of an instrument referred to in section 39 (4), the Registrar-General shall make such recordings in the Register with respect to it as he considers appropriate and thereupon the utility lot to which the instrument relates is released from the restriction referred to in it.

(15) Section 45 (a)—

Omit “issue a certificate of title”, insert instead “create a folio of the Register”.

(16) (a) Section 46 (1) (b)—

Omit “issue a new certificate of title”, insert instead “create a folio of the Register”.

(b) Section 46 (1) (c)—

Omit the paragraph, insert instead :—

(c) amend the schedule of unit entitlement recorded in the folio of the Register comprising the common property the subject of the strata scheme concerned by making such recordings in that folio as he thinks fit.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(c) Section 46 (2) (a)—

Omit the paragraph.

(d) Section 46 (2) (c)—

Omit the paragraph, insert instead :—

(c) amend the schedule of unit entitlement recorded in the folio of the Register comprising the common property the subject of the strata scheme concerned by making such recordings in that folio as he thinks fit.

(e) Section 46 (3)—

Omit the subsection.

(17) (a) Section 47 (1)—

Omit “on the folio”, insert instead “in the folio”.

(b) Section 47 (2) (b)—

Omit “issue a new certificate of title”, insert instead “create a folio of the Register”.

(c) Section 47 (2) (c)—

Omit the paragraph, insert instead :—

(c) amend the schedule of unit entitlement recorded in the folio of the Register comprising the common property the subject of the strata scheme concerned by making such recordings in that folio as he thinks fit.

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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(18) (a) Section 48 (1)—

Omit “on the folio”, insert instead “in the folio”.

(b) Section 48 (2)—

Omit “issue such certificates of title”, insert instead  
“create such folios of the Register”.

(19) Section 49 (3), (4)—

Omit the subsections, insert instead :—

(3) Upon recording a schedule of unit entitlement in a folio of the Register comprising common property or upon amending any such schedule, the Registrar-General shall forward in duplicate to—

- (a) each authority referred to in subsection (1);
- (b) the Commissioner for Land Tax; and
- (c) the body corporate,

particulars of the schedule of unit entitlement or of the amended schedule of unit entitlement, as the case may be.

(4) A copy of a plan forwarded under this section may be on a scale the same as or different from the original.

(20) Section 50 (6) (c)—

Omit the paragraph, insert instead :—

- (c) the transfer to or vesting in the body corporate, free from mortgages, charges and writs, of the interests of proprietors of lots which have been wholly or partly destroyed;



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

## (21) (a) Section 51 (7)—

Omit “recorded on” wherever occurring, insert instead “recorded in”.

## (b) Section 51 (7) (a)—

Omit “on the relevant folio of the Register constituted under section 22 (3)”, insert instead “in the relevant folio of the Register created under section 22 (1)”.

## (c) Section 51 (7) (b) (ii)—

Omit the subparagraph, insert instead :—

- (ii) the relevant folio of the Register created under section 22 (1),

## (22) Section 53 (2)—

Omit the subsection, insert instead :—

(2) Where, by reason of his receipt of a certified or office copy of the minute of an order made under section 51, the Registrar-General is required by subsection (1) to make recordings in the Register, he shall—

- (a) cancel the folios of the Register which evidence title to the lots and common property the subject of the former strata scheme; and
- (b) create a folio of the Register for the estate or interest in the former parcel, being the estate or interest vested in the body corporate upon the order taking effect.

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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(23) (a) Section 58 (3)—

Omit “prescribed form”, insert instead “form approved under the Real Property Act, 1900.”.

(b) Section 58 (3)—

Omit “recorded the notification on the folio”, insert instead “made an appropriate recording with respect to the notification in the folio”.

(24) (a) Section 61—

Omit “on the folio” wherever occurring, insert instead “in the folio”.

(b) Section 61 (2) (b)—

Omit “prescribed form”, insert instead “form approved under the Real Property Act, 1900.”.

(c) Section 61 (2)—

Omit “on that folio”, insert instead “in that folio”.

(25) (a) Section 69 (3) (b)—

Omit “and address” where firstly occurring.

(b) Section 69 (3) (b)—

Omit “on the folio”, insert instead “in the folio”.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

## (c) Section 69 (3) (b)—

After “plan”, insert “, and his address.”.

## (26) (a) Section 141 (1)—

Omit “record the order on the folio of the Register comprising the common property the subject of the strata scheme to which the order relates”, insert instead “make such recordings in the Register with respect to the order as appear to him to be necessary or proper to give effect to the order”.

## (b) Section 141 (3)—

Omit the subsection, insert instead :—

(3) The Registrar-General shall, upon lodgment in his office pursuant to subsection (1) of a copy of an order under section 119, amend the schedule of unit entitlement recorded in the folio of the Register comprising the common property to which the order relates, to the extent necessary to give effect to the order.

## (c) Section 141 (4)—

Omit “on a folio of the Register comprising the common property”, insert instead “in the folio of the Register comprising the common property to which that order relates”.

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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT FACILITATING USE OF A  
COMPUTER REGISTER—*continued.*

(d) Section 141 (5)—

Omit “register a copy of an order lodged as referred to in subsection (1) (b) unless it”, insert instead “make recordings in the Register under subsection (1) or (4) with respect to a copy of an order unless the copy”.

(27) Section 153 (2) (b)—

Omit “on”, insert instead “in”.

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SCHEDULE 2.

Sec. 5.

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 5 (1), definition of “original proprietor”—

Omit “or under a perpetual lease from the Crown”.

(b) Section 5 (1), definition of “proprietor”—

From paragraph (a), omit “or under perpetual lease from the Crown”.

(2) Section 7 (1), definition of “land”—

Omit “or under perpetual lease from the Crown,”.

(3) Section 13 (2) (c)—

After “lease”, insert “, writ”.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

(4) Section 16—

Omit the section, insert instead :—

Plans to be  
signed.

**16.** (1) Where a plan is lodged in the office of the Registrar-General for registration as a strata plan, a strata plan of subdivision, a strata plan of consolidation or a building alteration plan, it shall not be registered unless it is signed by every person having a sufficient estate or interest to transfer the land comprised in the plan.

(2) For the purposes only of subsection (1)—

- (a) a mortgagee or chargee under a mortgage or charge recorded in the Register;
- (b) a judgment creditor under a writ recorded in the Register; or
- (c) a caveator under a caveat lodged with the Registrar-General,

shall be deemed to be a person having, within the meaning of subsection (1), a sufficient estate or interest to transfer the land comprised in a plan lodged as referred to in that subsection, where the mortgage, charge or writ is recorded in respect of that land or the caveat relates to that land, as the case may require, but a person having an interest in an easement in gross or in land having the benefit of any easement or restriction as to user affecting that land does not, by reason only of that interest, have, within the meaning of that subsection, a sufficient estate or interest to transfer that land.

(3) Upon registration of a plan lodged as referred to in subsection (1), so much of the land comprised in the plan as thereby vests in the body corporate as common property ceases to be subject to the interest of any mortgagee, chargee, judgment creditor or caveator who has

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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

signed the plan but nothing in this subsection affects any right, power or remedy that may be exercised by the mortgagee, chargee or judgment creditor under the mortgage, charge or writ or by the caveator, otherwise than in relation to that common property.

(5) (a) Section 18 (1)—

Omit “shown”.

(b) Section 18 (1)—

Omit “immediately before its registration”, insert instead “but freed and discharged from any mortgage, charge, writ or caveat affecting that land immediately before registration of that plan”.

(c) Section 18 (3)—

Omit “or a notice of conversion, the common property so created or resulting from the conversion”, insert instead “, the common property so created”.

(d) Section 18 (3)—

Omit “or notice immediately before its registration”, insert instead “but freed and discharged from any mortgage, charge, writ or caveat affecting that land immediately before registration of that plan”.

(e) Section 18 (4)—

After section 18 (3), insert :—

(4) Upon registration of a notice of conversion, any lot thereby converted into common property vests in the body corporate for the estate or interest



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

evidenced by the folio of the Register comprising the land the subject of that notice at the time when the notice is registered.

## (6) (a) Section 19 (1)—

After “limited certificate of title”, insert “or a perpetual lease from the Crown”.

## (b) Section 19 (2)—

After “parcel” where secondly occurring, insert “but which is not subject to a mortgage, charge or writ,”.

## (c) Section 19 (3)—

Omit “A transfer or lease referred to in subsection (2) shall not be registered under the Real Property Act, 1900, unless”, insert instead “The Registrar-General may refuse to register under the Real Property Act, 1900, a transfer or lease referred to in subsection (2), if”.

## (d) Section 19 (3)—

Before “accompanied” wherever occurring, insert “not”.

## (e) Section 19 (3) (b)—

Omit “and”, insert instead “or”.

## (f) Section 19 (3) (c)—

Omit “or under perpetual lease from the Crown”.

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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

(g) Section 19 (3) (c)—

After “there has”, insert “not”.

(7) (a) Section 23 (2) (g)—

After “make”, insert “on the folio”.

(b) Section 23 (4)—

Omit the subsection, insert instead :—

(4) Notwithstanding any provision of the Real Property Act, 1900, the Registrar-General shall not record any mortgage, charge or writ in the folio of the Register comprising the common property but any such mortgage, charge or writ recorded in the folio of the Register comprising a lot the subject of the strata scheme concerned affects the beneficial interest of the proprietor of that lot in the estate or interest in the common property held by the body corporate as agent for that proprietor in the same way as if that mortgage, charge or writ were recorded by the Registrar-General in the folio of the Register comprising that common property.

(8) (a) Section 24—

After “dealing” wherever occurring, insert “or caveat”.



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*Strata Titles (Real Property Computer Register) Amendment.*

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SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

## (b) Section 24 (2)—

At the end of section 24, insert :—

(2) The beneficial interest of a proprietor of a lot in the estate or interest in the common property, if any, held by the body corporate as agent for that proprietor shall not be capable of being severed from, or dealt with except in conjunction with, the lot.

## (9) Section 32 (4) (d)—

After “vesting”, insert “, freed and discharged from any mortgage, charge or writ”.

## (10) Section 49 (4)—

Omit “to the”, insert instead “from the”.

## (11) Section 53 (1)—

Omit “of the effect of”, insert instead “to give effect to”.

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

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 14th December, 1979.*