

**REAL PROPERTY (FORESTRY RIGHTS) AMENDMENT
BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Conveyancing (Forestry Rights) Amendment Bill 1987.

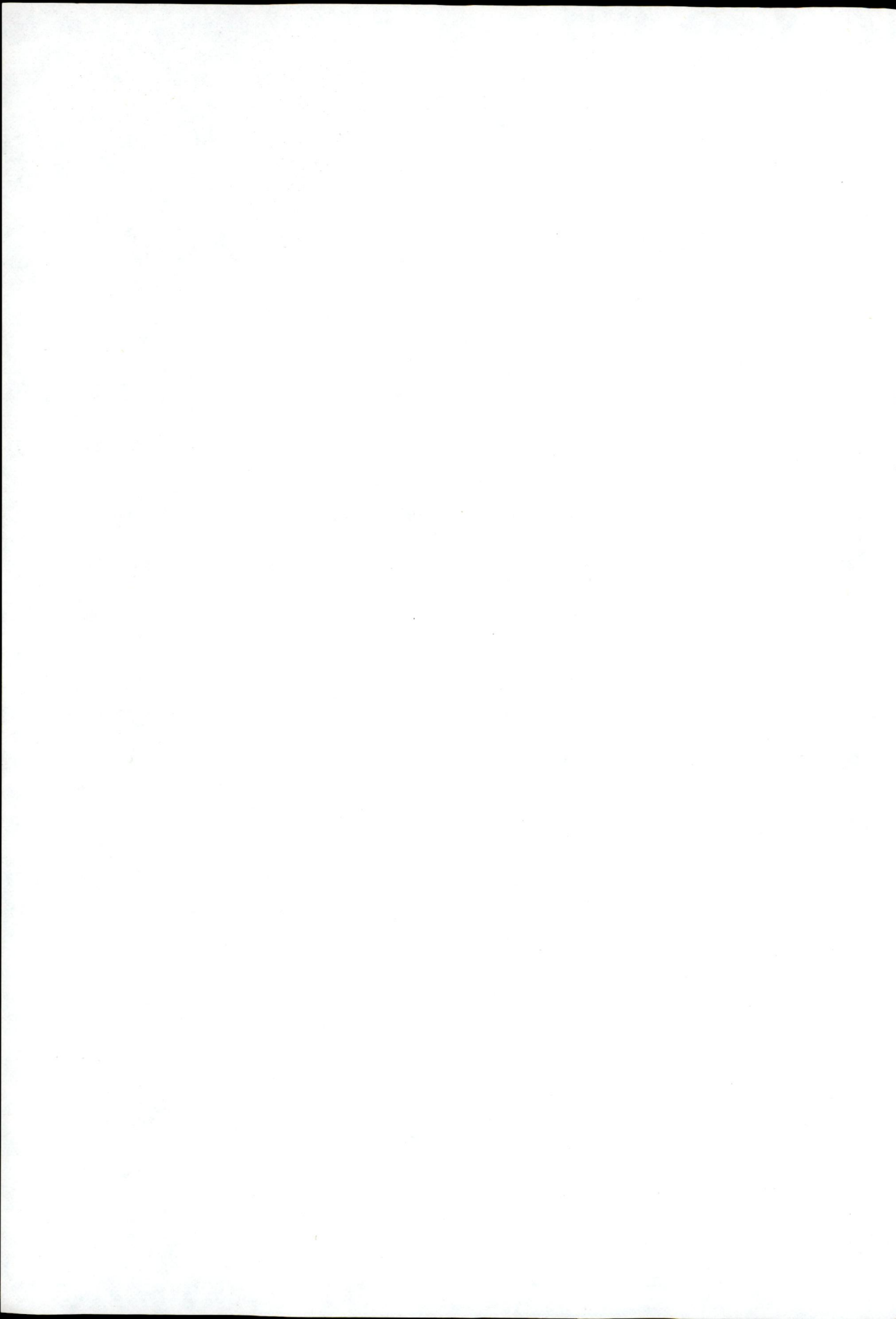
The object of this Bill is to amend the Real Property Act 1900 so as to provide for the registration under that Act of profits à prendre.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with a minor exception, commence on the commencement of the proposed Conveyancing (Forestry Rights) Amendment Act 1987.

Clause 3 gives effect to the Schedule of amendments to the Principal Act.

Schedule 1 (1)–(11) amend sections 13K, 14, 14A, 31A, 42, 45E, 46, 47, 56, 74H and 105A of the Principal Act so as to give effect to the object referred to above.



REAL PROPERTY (FORESTRY RIGHTS) AMENDMENT BILL 1987

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 25, 1900

SCHEDULE 1—AMENDMENTS



**REAL PROPERTY (FORESTRY RIGHTS) AMENDMENT
BILL 1987**

NEW SOUTH WALES



No. . , 1987

A BILL FOR

An Act to amend the Real Property Act 1900 so as to provide for the registration of profits à prendre.

Real Property (Forestry Rights) Amendment 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Real Property (Forestry Rights) Amendment Act 1987.

5 Commencement

2. (1) Except as provided by this section, this Act shall commence on the commencement of the Conveyancing (Forestry Rights) Amendment Act 1987.

(2) Schedule 1 (10), and section 3 in its application to that item, shall
10 commence on—

(a) the commencement of the Conveyancing (Forestry Rights) Amendment Act 1987; or

(b) the commencement of the Real Property (Caveats) Amendment Act 1986,

15 whichever is the later.

Amendment of Act No. 25, 1900

3. The Real Property Act 1900 is amended in the manner set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

20

(Sec. 3)

(1) Section 13K (**Conversions, purchases, extensions of term, subdivisions etc.**)—

Section 13K (4)—

After “easement,” insert “profit à prendre.”

25 (2) Section 14 (**Application to bring land under the Act**)—

Section 14—

After “easement” wherever occurring, insert “or profit à prendre”.

(3) Section 14A (**Consolidation with adjoining land in certain cases**)—

(a) Section 14A (3)—

30 Omit “or easements”, insert instead “, easements or profits à prendre”.

(b) Section 14A (3)—

Omit “and easements”, insert instead “, easements and profits à prendre”.

*Real Property (Forestry Rights) Amendment 1987*SCHEDULE 1—AMENDMENTS—*continued*

- (4) Section 31A (**Creation of folio for resumed land**)—
 Section 31A—
 After “easement” wherever occurring, insert “or profit à prendre”.
- 5 (5) Section 42 (**Estate of registered proprietor paramount**)—
 Section 42 (1) (b)—
 Omit “right-of-way or other easement”, insert “easement or profit à prendre”.
- (6) Section 45E (**Grant of possessory application**)—
 (a) Section 45E (4) (a)—
 10 After “any easement”, insert “or profit à prendre”.
 (b) Section 45E (4) (a)—
 After “an easement”, insert “, profit à prendre”.
 (c) Section 45E (4)—
 After “the easement”, insert “, profit à prendre”.
- 15 (7) Section 46 (**Transfers**)—
 Section 46—
 After “easement”, insert “or profit à prendre”.
- (8) Section 47 (**Creation of easements etc.**)—
 (a) Section 47 (subsection (6A) excepted)—
 20 After “easement” wherever occurring, insert “or profit à prendre”.
 (b) Section 47 (6A)—
 After “easement” where firstly, secondly, fourthly and fifthly occurring, insert “or profit à prendre”.
 (c) Section 47 (7)—
 25 Before “recorded”, insert “(being an easement or profit à prendre that benefits land)”.
 (d) Section 47 (8)—
 After “easements” wherever occurring, insert “and profits à prendre”.
- 30 (9) Section 56 (**Lands under this Act: how mortgaged or encumbered**)—
 Section 56—
 After “easement” wherever occurring, insert “or profit à prendre”.
- (10) Section 74H (**Effect of caveat lodged under section 74F**)—
 Section 74H (5) (m)—
 35 After “easements”, insert “, profits à prendre”.

Real Property (Forestry Rights) Amendment 1987

SCHEDULE 1—AMENDMENTS—*continued*

(11) Section 105A (**Effect of recording a writ**)—

Section 105A (7)—

After “easement” wherever occurring, insert “or profit à prendre”.

**REAL PROPERTY (FORESTRY RIGHTS) AMENDMENT
ACT 1987 No. 243**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 25, 1900

SCHEDULE 1—AMENDMENTS

REAL PROPERTY (FORESTRY RIGHTS) AMENDMENT ACT 1987
No. 243

NEW SOUTH WALES



Act No. 243, 1987

An Act to amend the Real Property Act 1900 so as to provide for the registration of profits à prendre. [Assented to 16 December 1987]

Real Property (Forestry Rights) Amendment 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Real Property (Forestry Rights) Amendment Act 1987.

Commencement

2. (1) Except as provided by this section, this Act shall commence on the commencement of the Conveyancing (Forestry Rights) Amendment Act 1987.

(2) Schedule 1 (10), and section 3 in its application to that item, shall commence on—

- (a) the commencement of the Conveyancing (Forestry Rights) Amendment Act 1987; or
- (b) the commencement of the Real Property (Caveats) Amendment Act 1986,

whichever is the later.

Amendment of Act No. 25, 1900

3. The Real Property Act 1900 is amended in the manner set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

- (1) Section 13K (Conversions, purchases, extensions of term, subdivisions etc.)—
 - Section 13K (4)—
 - After “easement,” insert “profit à prendre.”
- (2) Section 14 (Application to bring land under the Act)—
 - Section 14—
 - After “easement” wherever occurring, insert “or profit à prendre”.
- (3) Section 14A (Consolidation with adjoining land in certain cases)—
 - (a) Section 14A (3)—
 - Omit “or easements”, insert instead “, easements or profits à prendre”.
 - (b) Section 14A (3)—
 - Omit “and easements”, insert instead “, easements and profits à prendre”.

*Real Property (Forestry Rights) Amendment 1987*SCHEDULE 1—AMENDMENTS—*continued*

- (4) Section 31A (**Creation of folio for resumed land**)—
 Section 31A—
 After “easement” wherever occurring, insert “or profit à prendre”.
- (5) Section 42 (**Estate of registered proprietor paramount**)—
 Section 42 (1) (b)—
 Omit “right-of-way or other easement”, insert “easement or profit à prendre”.
- (6) Section 45E (**Grant of possessory application**)—
 (a) Section 45E (4) (a)—
 After “any easement”, insert “or profit à prendre”.
 (b) Section 45E (4) (a)—
 After “an easement”, insert “, profit à prendre”.
 (c) Section 45E (4)—
 After “the easement”, insert “, profit à prendre”.
- (7) Section 46 (**Transfers**)—
 Section 46—
 After “easement”, insert “or profit à prendre”.
- (8) Section 47 (**Creation of easements etc.**)—
 (a) Section 47 (subsection (6A) excepted)—
 After “easement” wherever occurring, insert “or profit à prendre”.
 (b) Section 47 (6A)—
 After “easement” where firstly, secondly, fourthly and fifthly occurring, insert “or profit à prendre”.
 (c) Section 47 (7)—
 Before “recorded”, insert “(being an easement or profit à prendre that benefits land)”.
 (d) Section 47 (8)—
 After “easements” wherever occurring, insert “and profits à prendre”.
- (9) Section 56 (**Lands under this Act: how mortgaged or encumbered**)—
 Section 56—
 After “easement” wherever occurring, insert “or profit à prendre”.
- (10) Section 74H (**Effect of caveat lodged under section 74F**)—
 Section 74H (5) (m)—
 After “easements”, insert “, profits à prendre”.

Real Property (Forestry Rights) Amendment 1987

SCHEDULE 1—AMENDMENTS—*continued*

(11) Section 105A (**Effect of recording a writ**)—

Section 105A (7)—

After “easement” wherever occurring, insert “or profit à prendre”.

