

FIRST PRINT

**REAL PROPERTY (PLAN REGISTRATION) AMENDMENT
BILL 1986**

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Conveyancing (Plan Registration) Amendment Bill 1986.

The objects of this Bill are—

- (a) to enable the Registrar-General to require the registration of plans under the Conveyancing Act 1919 before creating folios of the Register kept under the Real Property Act 1900 or issuing certificates of title for any such folio; and
- (b) to make minor amendments to the Principal Act as a consequence of amendments intended to be made to the Conveyancing Act 1919 in relation to the registration of plans.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on the commencement of the proposed Conveyancing (Plan Registration) Amendment Act 1986.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

Schedule 1 (1) and (2) amend sections 28C and 43B of the Principal Act as a consequence of the proposed repeal and re-enactment of Division 3 of Part XXIII of the Conveyancing Act 1919 by the proposed Conveyancing (Plan Registration) Amendment Act 1986.

Schedule 1 (3) repeals and re-enacts section 114 of the Principal Act so as to permit the Registrar-General to refuse to create a folio of the Register kept under the Principal Act, or to issue a certificate of title for any such folio, unless a plan of the relevant land has been registered under the proposed new Division 3 of Part XXIII of the Conveyancing Act 1919.

**REAL PROPERTY (PLAN REGISTRATION)
AMENDMENT BILL 1986**

NEW SOUTH WALES



TABLE OF PROVISIONS

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

SCHEDULE 1—AMENDMENTS TO THE REAL PROPERTY ACT 1900 RELATING
TO THE REGISTRATION OF PLANS

**REAL PROPERTY (PLAN REGISTRATION) AMENDMENT
BILL 1986**

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the Real Property Act 1900 in relation to the registration of plans.

Real Property (Plan Registration) Amendment 1986

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 Short title

1. This Act may be cited as the "Real Property (Plan Registration) Amendment Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this
10 Act.

(2) Except as provided by subsection (1), this Act shall commence on the commencement of the Conveyancing (Plan Registration) Amendment Act 1986.

Amendment of Act No. 25, 1900

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

SCHEDULE 1

(Sec. 3)

20 AMENDMENTS TO THE REAL PROPERTY ACT 1900 RELATING
TO THE REGISTRATION OF PLANS

(1) Section 28C (**Qualified folio may be created on subdivision**)—

Section 28C (1)—

Omit "section 196", insert instead "Division 3 of Part XXIII".

Real Property (Plan Registration) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE REAL PROPERTY ACT 1900 RELATING
TO THE REGISTRATION OF PLANS—*continued*

(2) Section 43B (Statutory restrictions on alienation, etc.)—

Section 43B (5)—

Omit “section 196”, insert instead “Division 3 of Part XXIII”.

(3) Section 114—

5 Omit the section, insert instead:

Registrar-General may require plan to be deposited

114. The Registrar-General may—

- 10 (a) where a person is applying to have land brought under the provisions of this Act, refuse to accept lodgment of or reject the application;
- (b) where a person is seeking to obtain registration of a dealing or to lodge a caveat, refuse to register the dealing or to accept lodgment of the caveat or reject the dealing or caveat; and
- 15 (c) where a person is seeking to obtain the creation of a folio of the Register or the issue of a certificate of title for the land comprised in a folio of the Register, refuse to create the folio or issue the certificate of title,

20 if the person has refused or neglected to comply with a requirement of the Registrar-General—

- 25 (d) to deposit in the office of the Registrar-General a plan (being, where the Registrar-General so specifies, a plan of survey within the meaning of the Survey Practice Regulations 1933) of the relevant land, together with such number of copies of the plan, if any, as the Registrar-General may specify; or

Real Property (Plan Registration) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE REAL PROPERTY ACT 1900 RELATING
TO THE REGISTRATION OF PLANS—*continued*

- (e) to obtain registration or recording, under Division 3 of Part XXIII of the Conveyancing Act 1919, of such a plan.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986

**REAL PROPERTY (PLAN REGISTRATION)
AMENDMENT ACT 1986 No. 152**

NEW SOUTH WALES



TABLE OF PROVISIONS

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

SCHEDULE 1—AMENDMENTS TO THE REAL PROPERTY ACT 1900 RELATING
TO THE REGISTRATION OF PLANS

**REAL PROPERTY (PLAN REGISTRATION)
AMENDMENT ACT 1986 No. 152**

NEW SOUTH WALES



Act No. 152, 1986

An Act to amend the Real Property Act 1900 in relation to the registration of plans. [Assented to, 17 December 1986]

Real Property (Plan Registration) Amendment 1986

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 "Real Property (Plan Registration) Amendment Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the commencement of the Conveyancing (Plan Registration) Amendment Act 1986.

Amendment of Act No. 25, 1900

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

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE REAL PROPERTY ACT 1900 RELATING
TO THE REGISTRATION OF PLANS

(1) Section 28C (**Qualified folio may be created on subdivision**)—

Section 28C (1)—

Omit "section 196", insert instead "Division 3 of Part XXIII".

Real Property (Plan Registration) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE REAL PROPERTY ACT 1900 RELATING
TO THE REGISTRATION OF PLANS—*continued*

(2) Section 43B (**Statutory restrictions on alienation, etc.**)—

Section 43B (5)—

Omit “section 196”, insert instead “Division 3 of Part XXIII”.

(3) Section 114—

Omit the section, insert instead:

Registrar-General may require plan to be deposited

114. The Registrar-General may—

- (a) where a person is applying to have land brought under the provisions of this Act, refuse to accept lodgment of or reject the application;
- (b) where a person is seeking to obtain registration of a dealing or to lodge a caveat, refuse to register the dealing or to accept lodgment of the caveat or reject the dealing or caveat; and
- (c) where a person is seeking to obtain the creation of a folio of the Register or the issue of a certificate of title for the land comprised in a folio of the Register, refuse to create the folio or issue the certificate of title,

if the person has refused or neglected to comply with a requirement of the Registrar-General—

- (d) to deposit in the office of the Registrar-General a plan (being, where the Registrar-General so specifies, a plan of survey within the meaning of the Survey Practice Regulations 1933) of the relevant land, together with such number of copies of the plan, if any, as the Registrar-General may specify; or

Real Property (Plan Registration) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE REAL PROPERTY ACT 1900 RELATING
TO THE REGISTRATION OF PLANS—*continued*

- (e) to obtain registration or recording, under Division 3 of Part XXIII of the Conveyancing Act 1919, of such a plan.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986

