

**REAL PROPERTY (QUALIFIED TITLES) AMENDMENT ACT
1990 No. 57**

NEW SOUTH WALES



TABLE OF PROVISIONS

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2. Commencement
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SCHEDULE 1 - AMENDMENTS

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT



PHYSICS 309

LECTURE NOTES

BY [Name]

**REAL PROPERTY (QUALIFIED TITLES) AMENDMENT ACT
1990 No. 57**

NEW SOUTH WALES



Act No. 57, 1990

An Act to amend the Real Property Act 1900 with respect to qualified folios of the Register. [Assented to 26 September 1990]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Real Property (Qualified Titles) Amendment Act 1990.

Commencement

2. This Act commences on the date of assent.

Amendment of Real Property Act 1900 No. 25

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

SCHEDULE 1 - AMENDMENTS

(Sec. 3)

Section 28M (Lapsing of caution):

(a) After section 28M (4A), insert:

(4B) The registered proprietor of land comprised in a qualified folio may apply to the Registrar-General in the approved form for cancellation of the caution recorded in that folio and the Registrar-General may cancel the caution if:

- (a) the application is accompanied by an office copy of a certificate of the results of a search relating to the land under section 197 of the Conveyancing Act 1919 and such other evidence as the Registrar-General may request; and
- (b) the Registrar-General is satisfied that all estates and interests in the land are held free from any subsisting interests, other than those referred to in subsection (6).

(4C) For the purposes only of enabling a search to be carried out under section 197 of the Conveyancing Act 1919 in relation to an application under subsection (4B), land comprised in a qualified folio is not to be considered to be land subject to the provisions of this Act.

(b) From section 28M (6), omit "or (8)", insert instead ", (4B) or (8)".

*[Minister's second reading speech made in -
Legislative Assembly on 9 May 1990
Legislative Council on 13 September 1990]*

FIRST PRINT

**REAL PROPERTY (QUALIFIED TITLES) AMENDMENT BILL
1990**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Real Property Act 1900 to enable the Registrar-General to convert a qualified folio of the Torrens title Register to an ordinary folio if satisfied (on the basis of an official title search and any other evidence that the Registrar-General requests) that there are no subsisting interests affecting the land concerned other than those recorded in the Register and those preserved by the operation of section 42 of that Act.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on the date of assent.

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

SCHEDULE 1 - AMENDMENTS

Schedule 1 inserts a new provision into the Real Property Act 1900 that will enable the Registrar-General to cancel a caution (relating to the possibility of subsisting interests) recorded in a qualified folio of the Register in the circumstances referred to above.

Cancellation of the caution operates to convert a qualified folio to an ordinary (unqualified) folio and results in the registered proprietor of the land holding it free from all subsisting interests other than those recorded in the Register and those preserved by the operation of section 42 (Estate of registered proprietor paramount) of the Act.

Real Property (Qualified Titles) Amendment 1990

An application for cancellation of a caution will have to be accompanied by a copy of an official title search carried out by the Land Titles Office and such other evidence as the Registrar-General requests.

The Registrar-General currently has a similar power under section 28EA of the Act to create an ordinary folio for land not already under the provisions of the Act.

FIRST PRINT

**REAL PROPERTY (QUALIFIED TITLES) AMENDMENT BILL
1990**

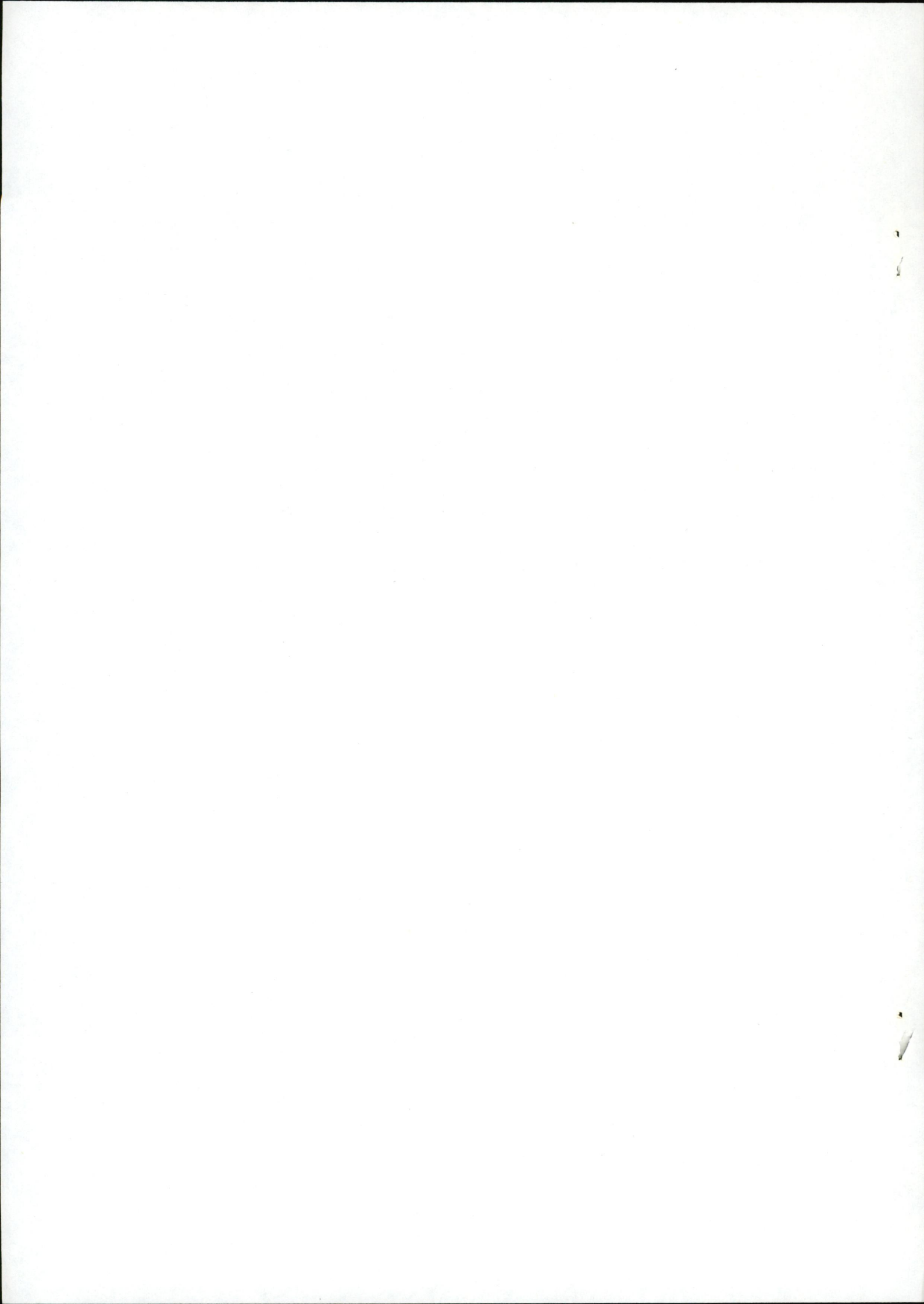
NEW SOUTH WALES



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SCHEDULE 1 - AMENDMENTS



**REAL PROPERTY (QUALIFIED TITLES) AMENDMENT BILL
1990**

NEW SOUTH WALES



No. , 1990

A BILL FOR

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Commencement

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Amendment of Real Property Act 1900 No. 25

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

SCHEDULE 1 - AMENDMENTS

(Sec. 3)

Section 28M (Lapsing of caution):

(a) After section 28M (4A), insert:

(4B) The registered proprietor of land comprised in a qualified folio may apply to the Registrar-General in the approved form for cancellation of the caution recorded in that folio and the Registrar-General may cancel the caution if:

- (a) the application is accompanied by an office copy of a certificate of the results of a search relating to the land under section 197 of the Conveyancing Act 1919 and such other evidence as the Registrar-General may request; and
- (b) the Registrar-General is satisfied that all estates and interests in the land are held free from any subsisting interests, other than those referred to in subsection (6).

(4C) For the purposes only of enabling a search to be carried out under section 197 of the Conveyancing Act 1919 in relation to an application under subsection (4B), land comprised in a qualified folio is not to be considered to be land subject to the provisions of this Act.

(b) From section 28M (6), omit "or (8)", insert instead ", (4B) or (8)".
