

**LAND COMMISSION (AMENDMENT) ACT, 1980,
No. 124**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 124, 1980.

An Act to amend the Land Commission Act, 1976, with respect to the imposition by the Land Commission of New South Wales of certain conditions or restrictions on land of which the Commission is the registered proprietor under the Real Property Act, 1900, and to extend the power of the Commission to delegate the exercise or performance of its functions. [Assented to, 27th November, 1980.]

Land Commission (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 :—

1. This Act may be cited as the "Land Commission Short title. (Amendment) Act, 1980".

2. The Land Commission Act, 1976, is amended—

Amendment
of Act No.
62, 1976.

(a) by inserting after section 14 the following sections :— Secs.
14A-14C.

14A. (1) In this section, a reference to a purchaser, in relation to land, is a reference to a purchaser from the Commission of the land. Imposition
of
conditions
re sale of
certain land.

(2) The Registrar-General shall, at the request of the Commission made in a manner approved by the Registrar-General, and on payment of the fee prescribed under the Real Property Act, 1900, make in the Register kept under that Act a recording appropriate to signify—

(a) that land specified in the request, being land of which the Commission is then the registered proprietor, is, upon a sale to a purchaser, to be held by him subject to conditions specified or referred to in the request; or

(b) that a recording made pursuant to paragraph (a) has ceased to have effect.

(3) The conditions referred to in subsection (2) (a) may include, in relation to the land so referred to, conditions for or with respect to—

(a) the erection of any building on the land by the purchaser within a specified period;

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- (b) conferring on the Commission an option or right to repurchase the land if the purchaser has failed to comply with a condition referred to in paragraph (a);
- (c) conferring on the Commission an option or right to repurchase the land if the purchaser wishes to sell or otherwise dispose of the land before the expiration of a specified period or requiring the purchaser to pay to the Commission a sum determined in a specified manner where the Commission does not exercise that option or right; or
- (d) the determination of the repurchase price payable by the Commission pursuant to a condition referred to in paragraph (b) or (c).

(4) Where a recording pursuant to subsection (2) (a) has been made in respect of any land (being a recording that has not ceased to have effect) and the Commission subsequently enters into a contract for the sale of the land, each condition to which the recording relates has effect as a condition of the contract for the sale of the land.

(5) Section 14 (3) applies to and in respect of a condition referred to in subsection (4) in the same way as it applies to and in respect of a condition included in a contract of sale pursuant to section 14 (2).

Restrictions on transfer of certain land.

14B. The Registrar-General shall, at the request of the Commission made in a manner approved by the Registrar-General, and on payment of the fee prescribed under the Real Property Act, 1900, make in the Register kept under that Act a recording appropriate to signify—

- (a) that land specified in the request, being land of which the Commission is then the registered proprietor, is held subject to the restriction

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that the land may not be transferred, without a specified building or building of a specified class or description having been erected thereon, without the consent of the Commission; or

(b) that a recording made pursuant to paragraph (a) has ceased to have effect.

14C. Where a recording pursuant to section 14A (2) Effect of recording.
(a) or 14B (a) has been made in respect of any land, the Registrar-General shall not register under the Real Property Act, 1900, a transfer of the land to or by a person other than the Commission unless it would be so registrable if this section had not been enacted and unless—

(a) a recording has been made pursuant to section 14A (2) (b) or 14B (b), as the case may require, appropriate to signify that the recording made pursuant to section 14A (2) (a) or 14B (a) has ceased to have effect in respect of the land; or

(b) the consent of the Commission to the transfer has been endorsed thereon.

(b) by omitting from section 29 (1) the words “to a commissioner or an officer or employee of the Commission (Delegation.) the exercise” and by inserting instead the following words :—

to—

(a) a commissioner;

(b) an officer or employee of the Commission; or

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(c) an officer, employee or servant of any Department of the Government or public authority of whose services the Commission makes use pursuant to this Act,

the exercise
