

Act No. 68, 1901.

An Act to give certain officers and persons the powers and duties of the Registrar-General; to prescribe the oath to be taken by deputy registrars-general; to provide that statutory declarations and the oath of a sworn valuator may be made and taken before certain officers; and to validate certain acts, acknowledgments, instruments, documents, writings, declarations, and oaths. [27th December, 1901.]

REAL PROPERTY
AND CONVEYANCING
(AMENDMENT).

BE it enacted by the King'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 "Real Property and Conveyancing (Amendment) Act, 1901." Short title.

2.

Real Property and Conveyancing (Amendment).

Definitions.

2. In this Act—

“Deputy registrar-general” means a person appointed deputy registrar-general under the Real Property Act or the Real Property Act, 1900.

“Deputy registrar” means a person appointed deputy registrar under the Act twentieth Victoria number twenty-seven, or the Registration of Deeds Act, 1897.

“Justice” means justice of the peace.

Certain persons to have the powers of the Registrar-General.

3. (1) Any deputy registrar-general appointed before or after the commencement of this Act, and any person to be appointed by the Governor in that behalf by notification in the Gazette, may exercise any power conferred and perform any duty imposed on the Registrar-General by or under any statute, or by virtue of any office vested in the Registrar-General by or under any statute.

Validation of things done by a deputy registrar-general or deputy registrar.

(2) Where before the commencement of this Act, and acting or purporting to act for or on behalf of or with the sanction of the Registrar-General and for the purpose of exercising any power conferred or performing any duty imposed on the Registrar-General by or under any statute, a deputy registrar-general or a deputy registrar has done any acts or things, such acts or things shall be deemed to have been and to be as valid as if done by the Registrar-General.

Oath by deputy registrar-general.

4. Every deputy registrar-general appointed after the commencement of this Act shall, before entering upon the duties of his office, take the following oath before a Judge of the Supreme Court:—

“I do solemnly swear that I will faithfully and to the best of my ability execute and perform the office and duties of deputy registrar-general for the State of New South Wales. So help me God.”

Omission of seal, or informality in affixing seal.

5. Where before or after the commencement of this Act, and acting or purporting to act under the authority of any statute,—

(a) any person has made any acknowledgment; or

(b) the Registrar-General or any deputy registrar-general or deputy registrar has issued, signed, or made any instrument, document, or writing,

such acknowledgment, instrument, document, or writing shall not be deemed to have been or to be invalid by reason only of any informality in the manner or time of affixing, impressing, or printing any seal on such acknowledgment, instrument, document, or writing, or of the omission to affix, impress, or print any seal as aforesaid.

Statutory declaration made before Registrar-General, &c.

6. (1) A statutory declaration may be made before the Registrar-General or before any deputy registrar-general, deputy registrar, or commissioner for affidavits, and when so made shall have the same effect as if made before a justice.

(2) Where before the commencement of this Act any person has made before the Registrar-General or any deputy registrar-general, deputy

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deputy registrar, or commissioner for affidavits, any statutory declaration, or declaration in the form of a statutory declaration, such declaration shall be deemed to have had and shall have the same effect as if made before a justice.

7. Where a sworn valuator under the Real Property Act, 1900, ^{Oath by sworn valuator.} is resident at some place outside the county of Cumberland he may take the oath required by section nine of the said Act before any justice or commissioner for affidavits.

Where before the commencement of this Act any sworn valuator under the Real Property Act or the Real Property Act, 1900, resident as aforesaid, has taken the oath required by such justice or commissioner for affidavits, such oath so taken shall be deemed to have been, and shall be, as valid and of the same effect as if taken before the Registrar-General.

8. Nothing in this Act shall affect any proceedings pending at ^{Saving clause.} the commencement of this Act.
