

**REAL PROPERTY (COMPUTER REGISTER) AMEND-
MENT ACT, 1979, No. 164**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 164, 1979.

An Act to amend the Real Property Act, 1900, so as to enable the
Register maintained under that Act to be kept in or upon any
medium capable of recording information, to provide for the

See also Public Instruction (Real Property Computer Register) Amendment Act, 1979; Sydney Harbour Trust (Amendment) Act, 1979; Housing (Real Property Computer Register) Amendment Act, 1979; Government Railways (Real Property Computer Register) Amendment Act, 1979; Public Works (Real Property Computer Register) Amendment Act, 1979; Irrigation (Real Property Computer Register) Amendment Act, 1979; Conveyancing (Real Property Computer Register) Amendment Act, 1979; Local Government (Real Property Computer Register) Amendment Act, 1979; Stamp Duties (Real Property Computer Register) Amendment Act, 1979; Strata Titles (Real Property Computer Register) Amendment Act, 1979; Technical and Further Education (Real Property Computer Register) Amendment Act, 1979.

Real Property (Computer Register) Amendment.

creation of manual and computer folios of that Register, to vary the circumstances in which certificates of title will be issued under that Act, to provide for the making of searches of the information contained in that Register and to facilitate the registration of dealings under that Act, and for certain other purposes; and to amend certain other Acts consequentially. [Assented to, 14th December, 1979.]

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 (Computer Register) Amendment Act, 1979".

Commence-
ment.

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

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal
Act.

3. The Real Property Act, 1900, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules :—

SCHEDULE 1.—INSERTION OF HEADING AND AMENDMENTS TO PART 1A OF THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO PART I OF THE PRINCIPAL ACT.

SCHEDULE 3.—AMENDMENTS TO PART II OF THE PRINCIPAL ACT.

Real Property (Computer Register) Amendment.

SCHEDULE 4.—AMENDMENTS TO PART III OF THE
PRINCIPAL ACT.

SCHEDULE 5.—AMENDMENTS TO PART IV OF THE
PRINCIPAL ACT.

SCHEDULE 6.—AMENDMENTS TO PART IVA OF THE
PRINCIPAL ACT.

SCHEDULE 7.—AMENDMENTS TO PART IVB OF THE
PRINCIPAL ACT.

SCHEDULE 8.—REPEAL OF PART V OF THE PRINCIPAL
ACT.

SCHEDULE 9.—AMENDMENTS TO PART VA OF THE
PRINCIPAL ACT.

SCHEDULE 10.—AMENDMENTS TO PART VI OF THE
PRINCIPAL ACT.

SCHEDULE 11.—AMENDMENTS TO PART VIA OF THE
PRINCIPAL ACT.

SCHEDULE 12.—AMENDMENTS TO PART VII OF THE
PRINCIPAL ACT.

SCHEDULE 13.—AMENDMENTS TO PART VIII OF THE
PRINCIPAL ACT.

SCHEDULE 14.—AMENDMENTS TO PART IX OF THE
PRINCIPAL ACT.

SCHEDULE 15.—AMENDMENTS TO PART XI OF THE
PRINCIPAL ACT.

SCHEDULE 16.—INSERTION OF PART XIA INTO THE
PRINCIPAL ACT.

SCHEDULE 17.—AMENDMENTS TO PART XII OF THE
PRINCIPAL ACT.

SCHEDULE 18.—AMENDMENTS TO PART XIV OF THE
PRINCIPAL ACT.

SCHEDULE 19.—AMENDMENTS TO PART XV OF THE
PRINCIPAL ACT.

Real Property (Computer Register) Amendment.

SCHEDULE 20.—AMENDMENTS TO PART XVII OF THE PRINCIPAL ACT.

SCHEDULE 21.—AMENDMENT TO PART XVIII OF THE PRINCIPAL ACT.

SCHEDULE 22.—AMENDMENTS TO OTHER ACTS.

Amendment
of Act No.
25, 1900.

5. (1) The Principal Act is amended in the manner set forth in Schedules 1–21.

Amend-
ments to
other
Acts.

(2) Each Act specified in Column 1 of Schedule 22 is amended in the manner set forth opposite that Act in Column 2 of that Schedule.

Savings.

6. (1) In subsection (2), a reference to the Real Property Act is a reference to the Real Property Act, 1900, as from time to time in force.

(2) On and from the day appointed and notified under section 2 (2), a reference in the Principal Act, as amended by this Act—

- (a) to a folio of the Register—includes a reference to a folio of the register-book or Register kept under the Real Property Act, being a folio constituted before that day by the registration of a grant or certificate of title or by a recording in the Register so kept;
- (b) to an instrument of any kind in the approved form—includes a reference to the same kind of instrument in or to the effect of the form of a Schedule to, or in a form authorised, prescribed or approved under, the Real Property Act before that day;
- (c) to a registered dealing—includes a reference to a dealing registered before that day under the Real Property Act;
- (d) to the lodgment of a dealing—includes a reference to the lodgment of a dealing under the Real Property Act before that day;

Real Property (Computer Register) Amendment.

- (e) to a recording in the Register or upon a grant, certificate of title or duplicate registered dealing—includes a reference to an entry, recording, notification or memorial made or entered before that day in or upon the register-book or Register kept under the Real Property Act or, as the case may be, made or entered before that day in or upon a grant, certificate of title or duplicate registered dealing;
 - (f) to a distinctive reference allocated to a grant, certificate of title, dealing or caveat—includes a reference to the distinctive reference allotted before that day to a grant, certificate of title, dealing or caveat, as the case may be;
 - (g) to a notice given, or caused to be given, in accordance with section 17 or 28U of the Principal Act, as so amended—includes a reference to a notice given, or caused to be given before that day in accordance with the same section of the Real Property Act;
 - (h) to a caveat recorded in accordance with section 28T of the Principal Act, as so amended—includes a reference to a caveat recorded before that day in accordance with section 28T of the Real Property Act;
 - (i) to a certificate in writing issued in accordance with section 28W of the Principal Act, as so amended—includes a reference to a certificate in writing issued before that day in accordance with section 28W of the Real Property Act; and
 - (j) to an application made in the approved form in accordance with section 90, 91 or 101 of the Principal Act, as so amended—includes a reference to an application made before that day under the same section of the Real Property Act.
- (3) A regulation made under the Principal Act—
- (a) that was in force immediately before the commencement of this section; and

Real Property (Computer Register) Amendment.

- (b) that could have been made under the Principal Act, as amended by this Act, had that Act, as so amended, been in force when the regulation was made,

shall be deemed to be a regulation made under the Principal Act, as amended by this Act.

- (4) Nothing in this section affects the operation of section 8 of the Interpretation Act, 1897, with respect to this Act.
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Sec. 5 (1).

SCHEDULE 1.

INSERTION OF HEADING AND AMENDMENTS TO PART IA OF THE
PRINCIPAL ACT.

- (1) Part IA, heading—

Before section 1, insert :—

PART IA.

PRELIMINARY.

- (2) (a) Section 1—

Before the matter relating to Part I, insert :—

PART IA.—PRELIMINARY—ss. 1–3.

- (b) Section 1—

Omit the matter relating to Part I, insert instead :—

PART I.—ADMINISTRATION—ss. 4, 5.

- (c) Section 1—

From the matter relating to Part II, omit “, 12A”, insert instead “–12B”.

Real Property (Computer Register) Amendment.

SCHEDULE 1—*continued.*

INSERTION OF HEADING AND AMENDMENTS TO PART IA OF THE
PRINCIPAL ACT—*continued.*

(d) Section 1—

After the matter relating to Division 2 of Part IV,
insert :—

DIVISION 2A.—*Disposal of certain instruments.*—s.
23A.

(e) Section 1—

From the matter relating to Part IVA, omit “CERTIFI-
CATES OF TITLE”, insert instead “FOLIOS OF THE
REGISTER.”.

(f) Section 1—

From the matter relating to Part IVB, omit “CERTIFI-
CATES OF TITLE”, insert instead “FOLIOS OF THE
REGISTER.”.

(g) Section 1—

Omit the matter relating to Part V.

(h) Section 1—

From the matter relating to Part VI, omit “32”, insert
instead “31B”.

(i) Section 1—

From the matter relating to Division 3 of Part VII,
omit “*encumbrances*”, insert instead “*charges*”.

(j) Section 1—

After the matter relating to Part XI, insert :—

PART XIA.—SEARCHES.—ss. 96A–96I.

Real Property (Computer Register) Amendment.

SCHEDULE 1—*continued.*

INSERTION OF HEADING AND AMENDMENTS TO PART IA OF THE
PRINCIPAL ACT—*continued.*

- (3) (a) Section 3 (a), definitions of “Charge”, “Chargee”, “Charger”, “Computer folio”, “Computer folio certificate”—

After the definition of “Caveator”, insert :—

“Charge”—Any charge on land created for the purpose of securing the payment of an annuity, rent-charge or sum of money other than a debt.

“Chargee”—The proprietor of a charge.

“Charger”—The proprietor of land or of an estate or interest in land that is subject to a charge.

“Computer folio”—A folio of the Register that is not a manual folio.

“Computer folio certificate”—A certificate issued under section 96D.

- (b) Section 3 (a), definition of “Dealing”—

Omit “certificate of title”, insert instead “caveat”.

- (c) Section 3 (a), definition of “Duplicate registered dealing”—

Omit “subsection (10) of section 36”, insert instead “section 36 (10) and any instrument recorded under section 39A (2) (a)”.

- (d) Section 3 (a), definitions of “Encumbrance”, “Encumbrancer”, “Encumbrancee”—

Omit the definitions.

Real Property (Computer Register) Amendment.

SCHEDULE 1—*continued.*

INSERTION OF HEADING AND AMENDMENTS TO PART IA OF THE
PRINCIPAL ACT—*continued.*

(e) Section 3 (a), definition of “Manual folio”—

After the definition of “Land”, insert :—

“Manual folio”—A folio of the Register maintained
by the Registrar-General wholly in the form
of a document in writing.

(f) Section 3 (a), definition of “Mortgage”—

After “securing”, insert “the payment of”.

(g) Section 3 (a), definition of “Mortgagor”—

After “for”, insert “the payment of”.

(h) Section 3 (a), definition of “Regulations”—

After the definition of “Proprietor”, insert :—

“Regulations”—The regulations made under this
Act.

(i) Section 3 (a), definition of “The Register”—

Omit the definition, insert instead :—

“The Register”—The Register required to be main-
tained by section 31B (1).

(j) Section 3 (b)—

Omit “encumbrancer, encumbrancee”, insert instead
“charger, chargee”.

Real Property (Computer Register) Amendment.

SCHEDULE 1—*continued.*INSERTION OF HEADING AND AMENDMENTS TO PART IA OF THE
PRINCIPAL ACT—*continued.*

(k) Section 3 (c), (d)—

After section 3 (b), insert :—

(c) A reference—

(i) to a certificate of title includes a reference
to a grant; and(ii) to the issue of a certificate of title includes
a reference to the issue of a grant after it
has been registered under this Act.(d) A reference to recording includes a reference
to amending, cancelling or deleting.

(l) Section 3 (2)—

At the end of section 3, insert :—

(2) A reference in this or any other Act to a
recording in a folio of the Register includes a refer-
ence to a recording in the Register with respect to
that folio.

Sec. 5 (1).

SCHEDULE 2.

AMENDMENTS TO PART I OF THE PRINCIPAL ACT.

(1) Part I, heading—

Omit "OFFICERS.", insert instead "ADMINISTRATION."

Real Property (Computer Register) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE PRINCIPAL ACT—*continued.*

(2) Section 4—

Omit the section, insert instead :—

4. The office of the Registrar-General shall be the office authorised to carry into execution the provisions of this Act. Adminis-
tration
of this
Act.

(3) Section 5 (1)—

Omit “the said department”, insert instead “the office referred to in section 4”.

SCHEDULE 3.

Sec. 5 (1).

AMENDMENTS TO PART II OF THE PRINCIPAL ACT.

(1) (a) Section 12 (1) (e)—

After “record”, insert “in the Register”.

(b) Section 12 (1) (e)—

Omit “certificate of title or other”, insert instead “folio of the Register or”.

(c) Section 12 (1) (h)—

Omit “paragraph (c) of section 28G”, insert instead “section 28G (c)”.

Real Property (Computer Register) Amendment.

SCHEDULE 3—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(d) Section 12 (1) (i)—

Omit the paragraph, insert instead :—

- (i) He may, where he is satisfied that an estate or interest has been extinguished by merger, make such recording in the Register as he considers appropriate.

(e) Section 12 (1A)—

Omit the subsection, insert instead :—

- (1A) Notwithstanding subsection (1) (h), a notice of intention to bring land under the provisions of this Act or to grant a possessory application may be served by post.

(f) Section 12 (3)—

Omit “paragraph (d) of subsection (1)”, insert instead “subsection (1) (d)”.

(g) Section 12 (3) (a)—

After “shall”, insert “, by an appropriate recording in the Register,”.

(h) Section 12 (4)—

Omit “paragraph (f) of subsection (1)”, insert instead “subsection (1) (f)”.

(i) Section 12 (5)—

Omit “paragraph (i) of subsection (1)”, insert instead “subsection (1) (i)”.

Real Property (Computer Register) Amendment.

SCHEDULE 3—*continued.*

AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(2) Section 12A (1)—

Omit “direct that notice of the dealing be given”, insert instead “give notice of the dealing”.

(3) Section 12B—

After section 12A, insert :—

12B. (1) Where it appears to the Registrar-General that the legal estate in land is vested in a mortgagee and he creates under any provision of this Act, other than section 17 (2), a folio of the Register for the land, he may record the mortgagee or the mortgagor in the folio as registered proprietor of the land. Mortgagee or mortgagor may be recorded as registered proprietor.

(2) Where, pursuant to subsection (1) or section 17 (2), the Registrar-General records a mortgagee as registered proprietor in a folio of the Register for any land, he shall record in the folio his caveat forbidding the recording in the Register of any dealing relating to that land by the mortgagee other than a dealing giving effect to an exercise of his powers as mortgagee.

Real Property (Computer Register) Amendment.

Sec. 5 (1).

SCHEDULE 4.**AMENDMENTS TO PART III OF THE PRINCIPAL ACT.****(1) Section 13 (2), (2A)—**

Omit section 13 (2), insert instead :—

(2) Each grant prepared after the commencement of Schedule 4 to the Real Property (Computer Register) Amendment Act, 1979, shall, in addition to containing proper words of description, illustrate the land thereby granted.

(2A) The Registrar-General shall register a grant by creating a folio of the Register for the land described and illustrated in the grant.

(2) Section 13 (8)—

Omit “116”, insert instead “96B”.

Sec. 5 (1).

SCHEDULE 5.**AMENDMENTS TO PART IV OF THE PRINCIPAL ACT.****(1) (a) Section 14 (2) (c)—**

Omit “issue of the certificate of title to the object of the power”, insert instead “that the object of the power be named as proprietor in the folio of the Register to be created for that land”.

(b) Section 14 (6)—

Omit “, when it becomes available to the Registrar-General, upon any relevant grant or certificate of title”, insert instead “may make any such recordings upon any relevant certificate of title when it becomes available to him”.

Real Property (Computer Register) Amendment.

SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE PRINCIPAL ACT—*continued.*

(c) Section 14 (7)—

Omit the subsection, insert instead :—

(7) No folio of the Register shall be created for an easement alone.

(2) (a) Section 17 (1)—

Omit “issue a certificate of title”, insert instead “create a folio of the Register”.

(b) Section 17 (1)—

Omit “the certificate of title will not be issued”, insert instead “that folio will not be created”.

(c) Section 17 (2)–(4)—

Omit the subsections, insert instead :—

(2) Subject to subsection (3), the Registrar-General may bring land, the subject of a primary application, under the provisions of this Act by creating for the land a folio of the Register in which—

(a) the primary applicant;

(b) where the primary applicant has directed that a person other than himself be recorded as the registered proprietor of the land—that person; or

(c) where, in the opinion of the Registrar-General, a person not referred to in paragraph (a) or (b) is entitled to the land—that person,

is recorded as the registered proprietor of the land.

Real Property (Computer Register) Amendment.

SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE PRINCIPAL ACT—*continued.*

(3) The Registrar-General shall not create a folio of the Register under subsection (2) for land if—

- (a) he has given notice of intention to create the folio and the period specified in the notice pursuant to subsection (1) has not expired; or
- (b) there is in force under section 24 a caveat forbidding the bringing of the land under the provisions of this Act.

(3) Section 23 (1)—

Omit “certificate of title be issued, withdraw his primary application before issue of the certificate of title in respect thereof”, insert instead “folio of the Register be created, withdraw his primary application before that folio is created”.

(4) Part IV, Division 2A—

After section 23, insert :—

DIVISION 2A.—*Disposal of certain instruments.*

Instruments
of title,
how to be
dealt with.

23A. (1) For the purposes of this section, “instrument”, in relation to a primary application or a primary applicant, means an instrument deposited with the Registrar-General that relates to land the subject of the primary application, whether so deposited by the primary applicant or by some other person and whether so deposited pursuant to section 64 of the Conveyancing Act, 1919, or otherwise.

Real Property (Computer Register) Amendment.

SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE PRINCIPAL ACT—*continued.*

(2) Upon creating a folio of the Register under this Part, the Registrar-General shall endorse on each instrument relating to the primary application pursuant to which he created the folio a memorial cancelling it in so far as it relates to land under the provisions of this Act.

(3) Subject to subsection (4), upon creating a folio of the Register under this Part, the Registrar-General—

- (a) shall retain in his office every instrument relating to the primary application pursuant to which the folio was created until it is delivered or destroyed pursuant to this section, and no person shall be entitled to the production of an instrument so retained except upon the written order of the primary applicant, or of some person claiming through or under him, or upon the order of the Supreme Court;
- (b) shall deliver to the primary applicant or other person entitled thereto any instrument that relates to land not under the provisions of this Act; and
- (c) subject to paragraph (b), may destroy any instrument or may deliver it to the primary applicant or other person entitled thereto or to any person who has satisfied the Registrar-General that he bona fide intends to preserve the instrument for historical purposes.

(4) The provisions of subsection (3)—

- (a) apply to instruments relating to primary applications pursuant to which folios of the Register were created before or after the commencement of the Real Property (Amendment) Act, 1970;

Real Property (Computer Register) Amendment.

SCHEDULE 5—*continued.*AMENDMENTS TO PART IV OF THE PRINCIPAL ACT—*continued.*

- (b) do not apply to instruments deposited pursuant to section 64 of the Conveyancing Act, 1919; and
- (c) are subject to the provisions of section 14 of the Archives Act, 1960.

(5) Section 24 (1)—

Omit the subsection, insert instead :—

(1) A person claiming an estate or interest in land the subject of a primary application, or any part of that land, may, at any time before a folio of the Register is created for the land or that part under section 17 (2), lodge with the Registrar-General a caveat in the approved form forbidding the bringing of the land or that part, as the case may be, under the provisions of this Act.

(6) Section 26 (a)—

Before “interest”, insert “estate or”.

(7) (a) Section 28—

Omit “the solicitor whose name appears on the caveat”, insert instead “any solicitor, agent or attorney of the caveator who appears to the Registrar-General to have signed the caveat”.

(b) Section 28—

Omit “the twenty-fifth section”, insert instead “section 17 (3)”.

Real Property (Computer Register) Amendment.

SCHEDULE 6.

Sec. 5 (1).

AMENDMENTS TO PART IVA OF THE PRINCIPAL ACT.

(1) Part IVA, heading—

Omit “CERTIFICATES OF TITLE”, insert instead “FOLIOS OF THE REGISTER”.

(2) (a) Section 28A, definitions of “Ordinary folio of the Register”, “Qualified folio of the Register”—

Omit the definitions of “Ordinary certificate of title” and “Qualified certificate of title”, insert instead :—

“Ordinary folio of the Register” means a folio of the Register that is not a qualified folio of the Register.

“Qualified folio of the Register” means a folio of the Register upon which is recorded a caution that has not been cancelled.

(b) Section 28A, definition of “Registered deed”—

Omit “or mortgage”, insert instead “, mortgage or charge”.

(c) Section 28A, definition of “Registered deed”—

Omit “, as amended by subsequent Acts”.

(d) Section 28A, definition of “Subsisting interest”—

Omit the definition, insert instead :—

“Subsisting interest”, in relation to land for which a qualified folio of the Register has been created, means—

- (a) any contingent or vested estate or interest in that land that was in existence at the date on which the qualified

Real Property (Computer Register) Amendment.

SCHEDULE 6—*continued.*AMENDMENTS TO PART IVA OF THE PRINCIPAL ACT—*continued.*

folio of the Register was created and would have been enforceable against the person for the time being registered in that qualified folio as the proprietor had that qualified folio not been created and had any dealing registered therein been effected by a corresponding instrument duly registered under the Registration of Deeds Act, 1897, at the same time as the dealing became registered in the Register; and

- (b) any estate or interest in that land, arising by prescription or under any statute of limitations, that was in existence or in the course of being acquired at the date on which the qualified folio of the Register was created.

(3) Section 28B—

Omit “issue, in accordance with the provisions of this Part, a qualified certificate of title”, insert instead “create, in accordance with the provisions of this Part, a qualified folio of the Register”.

(4) (a) Section 28C (1)—

Omit “as amended by subsequent Acts,”.

(b) Section 28C (2)—

Omit “issue, in accordance with the provisions of this Part, a qualified certificate of title”, insert instead “create, in accordance with the provisions of this Part, a qualified folio of the Register”.

Real Property (Computer Register) Amendment.

SCHEDULE 6—*continued.*

AMENDMENTS TO PART IVA OF THE PRINCIPAL ACT—*continued.*

(5) (a) Section 28D (a)—

Omit “issue, in accordance with the provisions of this Part, a qualified certificate of title”, insert instead “create, in accordance with the provisions of this Part, a qualified folio of the Register”.

(b) Section 28D (b)—

Omit “issuing a qualified certificate of title”, insert instead “creating a qualified folio of the Register”.

(6) (a) Section 28E (2)—

Omit “issue”, insert instead “create a qualified folio of the Register”.

(b) Section 28E (2)—

Omit “a qualified certificate of title”.

(c) Section 28E (3)—

Omit “subsection (1) of section 141”, insert instead “section 141 (1)”.

(7) (a) Section 28EA (1)—

Omit “issuing”, insert instead “creating”.

(b) Section 28EA (1)—

Omit “certificate of title” wherever occurring, insert instead “folio of the Register”.

(c) Section 28EA (1)—

Omit “issue” wherever occurring, insert instead “create”.

Real Property (Computer Register) Amendment.

SCHEDULE 6—*continued.*AMENDMENTS TO PART IVA OF THE PRINCIPAL ACT—*continued.*

(d) Section 28EA (1) (c)—

Omit “on”, insert instead “in”.

(e) Section 28EA (2)—

Omit the subsection.

(8) Section 28F—

Omit the section.

(9) (a) Section 28G—

Omit “issuing a qualified certificate of title”, insert instead “creating a qualified folio of the Register for that land”.

(b) Section 28G (a)—

Omit “issue of the qualified certificate of title”, insert instead “creation of the qualified folio”.

(c) Section 28G (b)—

Omit “certificate of title”, insert instead “folio”.

(d) Section 28G (c)—

Omit “issue”, insert instead “creation of the qualified folio”.

(e) Section 28G (d)—

Omit “issue of the qualified certificate of title”, insert instead “creation of the qualified folio”.

Real Property (Computer Register) Amendment.

SCHEDULE 6—*continued.*

AMENDMENTS TO PART IVA OF THE PRINCIPAL ACT—*continued.*

(10) (a) Section 28GA—

Omit “issuing” wherever occurring, insert instead “creating”.

(b) Section 28GA—

Omit “certificate of title” where firstly and secondly occurring, insert instead “folio of the Register”.

(c) Section 28GA—

Omit “issue of the certificate of title”, insert instead “creation of the qualified folio or ordinary folio, as the case may be,”.

(11) Section 28H (2)—

Omit the subsection, insert instead :—

(2) The Registrar-General may record in a qualified folio of the Register any registered deed that affects the land for which the qualified folio was created if the deed—

- (a) was executed, before the qualified folio was created, by the registered proprietor for the time being recorded therein;
- (b) is presented to the Registrar-General, together with an application in the approved form, in the same manner as that in which a similar dealing would be required to be presented to him for lodgment if the dealing related to land for which an ordinary folio of the Register had been created; and
- (c) is so presented within 6 months next after the creation of the qualified folio.

Real Property (Computer Register) Amendment.

SCHEDULE 6—*continued.*AMENDMENTS TO PART IVA OF THE PRINCIPAL ACT—*continued.*

(12) (a) Section 28I (1)—

Omit “bringing land under the provisions of this Act by issuing a qualified certificate of title, the Registrar-General shall record on the relevant folio of the Register”, insert instead “creating a qualified folio of the Register for any land, the Registrar-General shall record in that folio”.

(b) Section 28I (2)—

Omit “issue of a qualified certificate of title, record on the relevant folio of the Register”, insert instead “creation of a qualified folio of the Register, record in that folio”.

(13) (a) Section 28J (1)—

Omit “issuing a qualified certificate of title, the Registrar-General shall record on the relevant folio of the Register”, insert instead “creating a qualified folio of the Register for any land, the Registrar-General shall record in that folio”.

(b) Section 28J (1)—

Omit “thereon”, insert instead “therein”.

(c) Section 28J (2)—

Omit the subsection, insert instead :—

(2) In any caution recorded under subsection (1) in a qualified folio of the Register, the Registrar-General may indicate that, for the purpose of creating an ordinary folio of the Register for other land, a chain of title evidencing the title to land for which

Real Property (Computer Register) Amendment.

SCHEDULE 6—*continued.*

AMENDMENTS TO PART IVA OF THE PRINCIPAL ACT—*continued.*

the qualified folio was created has been accepted by the Registrar-General up to a specified deed registered under the Registration of Deeds Act, 1897.

(d) Section 28J (3)—

Omit “certificate of title”, insert instead “folio of the Register”.

(e) Section 28J (3)—

Omit “as amended by subsequent Acts,”.

(f) Section 28J (3)—

Omit “on the relevant folio of the register”, insert instead “in that folio”.

(14) Section 28K—

Omit the section, insert instead :—

28K. The registered proprietor of land for which a qualified folio of the Register has been created may lodge with the Registrar-General a memorandum in the approved form setting out particulars of any subsisting interest affecting that land and not already recorded in that folio, and the Registrar-General shall thereupon make such recording in that folio in respect of that subsisting interest as he considers appropriate.

Additional
subsisting
interests
may be
notified.

(15) (a) Section 28L—

Omit “The registered proprietor named in a qualified certificate of title who has knowledge of a subsisting interest that affects land comprised therein and is not

Real Property (Computer Register) Amendment.

SCHEDULE 6—*continued.*AMENDMENTS TO PART IVA OF THE PRINCIPAL ACT—*continued.*

recorded on the relevant folio of the Register”, insert instead “A registered proprietor of land comprised in a qualified folio of the Register who has knowledge of a subsisting interest that affects that land and is not recorded in that folio”.

(b) Section 28L—

Omit “subsection (1) of section 141”, insert instead “section 141 (1)”.

(16) (a) Section 28M (1), (2)—

Omit the subsections.

(b) Section 28M (3)—

Omit the subsection, insert instead :—

(3) After the expiration of the period of 6 years that next succeeds the date on which a qualified folio of the Register is created for land, the caution recorded in the folio lapses as regards any estate or interest in that land of which, after that date, a person became or becomes, or is deemed by section 36 (8) to have become, registered as proprietor—

(a) for valuable consideration given after that date; and

(b) without fraud to which he is a party.

(c) Section 28M (3A)—

Omit “issue of a qualified certificate of title”, insert instead “creation of a qualified folio of the Register”.

Real Property (Computer Register) Amendment.

SCHEDULE 6—*continued.*

AMENDMENTS TO PART IVA OF THE PRINCIPAL ACT—*continued.*

(d) Section 28M (4)—

Omit “certificate of title”, insert instead “folio of the Register”.

(e) Section 28M (4)—

Omit “on the relevant folio of the register”, insert instead “in that folio”.

(f) Section 28M (5) (a) (i)—

Omit “on the relevant”, insert instead “in the qualified”.

(g) Section 28M (5) (a) (ii)—

Omit “qualified certificate of title”, insert instead “qualified folio of the Register”.

(h) Section 28M (6) (a)—

Omit “on the relevant”, insert instead “in the qualified”.

(i) Section 28M (7) (b)—

Omit “registers”, insert instead “records”.

(j) Section 28M (7)—

Omit “certificate of title” where firstly occurring, insert instead “folio of the Register”.

(k) Section 28M (7) (c)—

Omit “on the relevant folio of the Register”, insert instead “in that folio”.

Real Property (Computer Register) Amendment.

SCHEDULE 6—continued.**AMENDMENTS TO PART IVA OF THE PRINCIPAL ACT—continued.****(l) Section 28M (8)—**

Omit “issue of a qualified certificate of title”, insert instead “creation of a qualified folio of the Register”.

(m) Section 28M (8)—

Omit “issue of the certificate of title”, insert instead “creation of the folio”.

(n) Section 28M (8)—

Omit “issued”, insert instead “created”.

(o) Section 28M (8)—

Omit “that certificate of title”, insert instead “that folio”.

(p) Section 28M (9)—

Omit “issue of a qualified certificate of title”. insert instead “creation of a qualified folio of the Register”.

(q) Section 28M (10)—

Omit “28F (2)”, insert instead “12B (2)”.

(17) (a) Section 28N—

Before “the Register”, insert “a qualified folio of”.

(b) Section 28N—

Omit “issue of the qualified certificate of title affected by the caution”, insert instead “creation of the folio”.

Real Property (Computer Register) Amendment.

SCHEDULE 6—continued.

AMENDMENTS TO PART IVA OF THE PRINCIPAL ACT—continued.

(c) Section 28N—

Omit “comprised therein”, insert instead “for which the folio was created”.

(18) Section 28O—

Omit “issue a qualified certificate of title”, insert instead “create a qualified folio of the Register”.

(19) (a) Section 28P (1)—

Omit “certificate of title” wherever occurring, insert instead “folio of the Register”.

(b) Section 28P (1) (b)—

Omit “certificates of title” wherever occurring, insert instead “folios of the Register”.

(c) Section 28P (2) (a)—

Omit “land in a qualified certificate of title”, insert instead “land comprised in a qualified folio of the Register”.

(d) Section 28P (2) (a)—

Omit “an ordinary certificate of title” where firstly occurring, insert instead “the creation of an ordinary folio of the Register”.

(e) Section 28P (2) (a)—

Omit :—

- (c) where a legal estate in any such land is vested in a mortgagee, by that mortgagee in the name of the mortgagor as if the mortgagor were the

Real Property (Computer Register) Amendment.

SCHEDULE 6—*continued.*AMENDMENTS TO PART IVA OF THE PRINCIPAL ACT—*continued.*

person in whom that estate was vested, had authorised the application to be made by the mortgagee and had directed the issue of a certificate of title in respect of the land to the mortgagee.

insert instead :—

- (c) where a mortgage or charge is recorded in the qualified folio of the Register, by the mortgagee or chargee thereunder.

(f) Section 28P (2) (a)—

Omit :—

- (a) issue an ordinary certificate of title for the land and cancel the qualified certificate of title for the land; or

insert instead :—

- (a) cancel the qualified folio of the Register for the land and create an ordinary folio of the Register for the land; or

(g) Section 28P (2) (a)—

Omit “on the relevant folio of the Register”, insert instead “in the qualified folio of the Register in respect of which the application was made”.

(h) Section 28P (2) (c1)—

Omit “subparagraph (i) of paragraph (a) of subsection (1) of section 32”, insert instead “section 32 (1) (c)”.

Real Property (Computer Register) Amendment.

SCHEDULE 6—*continued.*

AMENDMENTS TO PART IVA OF THE PRINCIPAL ACT—*continued.*

- (i) Section 28P (2) (e)—
Omit “subsections (2) and (3) of section 43A”, insert instead “section 43A (2) or (3)”.
- (j) Section 28P (2) (e)—
Omit “certificate of title”, insert instead “folio of the Register”.
- (k) Section 28P (2) (f)—
Omit “certificate of title”, insert instead “folio of the Register”.
- (l) Section 28P (2) (g)—
Omit “subsection (1) of section 72”, insert instead “section 72 (1)”.
- (m) Section 28P (2) (g)—
Omit “a qualified certificate of title”, insert instead “a qualified folio of the Register”.
- (n) Section 28P (2) (g)—
Omit “on that qualified certificate of title”, insert instead “in that qualified folio of the Register”.
- (o) Section 28P (2) (h)—
Omit “certificate of title”, insert instead “folio of the Register”.
- (p) Section 28P (2) (h)—
Omit “as amended by subsequent Acts,”.

Real Property (Computer Register) Amendment.

SCHEDULE 6—*continued.*

AMENDMENTS TO PART IVA OF THE PRINCIPAL ACT—*continued.*

(q) Section 28P (2) (i)—

Omit “certificate of title”, insert instead “folio of the Register”.

(20) Section 28Q—

Omit “certificate of title” wherever occurring, insert instead “folio of the Register”.

(21) Section 28R—

Omit “certificate of title”, insert instead “folio of the Register”.

SCHEDULE 7.

AMENDMENTS TO PART IVB OF THE PRINCIPAL ACT.

(1) Part IVB, heading—

Omit “CERTIFICATES OF TITLE”, insert instead “FOLIOS OF THE REGISTER”.

(2) (a) Section 28s (1), definition of “limited folio of the Register”—

Omit the definition of “limited certificate of title”, insert instead :—

“limited folio of the Register” means a folio of the Register in which is recorded a limitation caveat which has not been withdrawn, whether or not that folio is a qualified folio of the Register;

Real Property (Computer Register) Amendment.

SCHEDULE 7—*continued.*

AMENDMENTS TO PART IVB OF THE PRINCIPAL ACT—*continued.*

- (b) Section 28s (1), definitions of “ordinary folio of the Register”, “qualified folio of the Register”—

Omit the definitions of “ordinary certificate of title” and “qualified certificate of title”, insert instead :—

“ordinary folio of the Register” means a folio of the Register that is not a qualified folio of the Register or a limited folio of the Register;

“qualified folio of the Register” has the same meaning as it has in Part IVA;

- (3) (a) Section 28T (1)—

Omit “issue a qualified certificate of title” where firstly occurring, insert instead “create a qualified folio of the Register”.

- (b) Section 28T (1) (a)—

Omit the paragraph, insert instead :—

- (a) create a qualified folio of the Register for the estate or interest in any of that land of the person for whose estate or interest in the land he could have created a qualified folio of the Register under section 28C or 28D, as the case may be, if no further survey definition had been necessary adequately to define the boundaries of the land; and

- (c) Section 28T (1) (b)—

Omit “issuing a certificate of title”, insert instead “creating a folio of the Register”.

Real Property (Computer Register) Amendment.

SCHEDULE 7—*continued.*AMENDMENTS TO PART IVB OF THE PRINCIPAL ACT—*continued.*

(d) Section 28T (2)—

Omit “issue a qualified certificate of title to the person to whom”, insert instead “create a qualified folio of the Register for the estate or interest in any of that land of the person for whose estate or interest in the land he could have created a qualified folio of the Register under section 28E”.

(e) Section 28T (2)—

Omit “, he could have issued a qualified certificate of title under section 28E”.

(f) Section 28T (3)—

Omit “issue an ordinary certificate of title”, insert instead “create an ordinary folio of the Register”.

(g) Section 28T (3)—

Omit “issue a certificate of title to the person to whom”, insert instead “create a folio of the Register for the estate or interest in any of that land of the person for whose estate or interest in the land he could have created an ordinary folio of the Register under section 28EA”.

(h) Section 28T (3)—

Omit “, he could have issued an ordinary certificate of title under section 28EA”.

(i) Section 28T (4)—

Omit “issuing a certificate of title”, insert instead “creating a folio of the Register”.

Real Property (Computer Register) Amendment.

SCHEDULE 7—*continued.*

AMENDMENTS TO PART IVB OF THE PRINCIPAL ACT—*continued.*

(j) Section 28T (4)—

Omit “on the relevant folio of the Register”, insert instead “in that folio”.

(k) Section 28T (4) (c)—

Omit “the certificate of title”, insert instead “that folio”.

(l) Section 28T (5)—

Omit the subsection.

(m) Section 28T (6)—

Omit “certificate of title issued” wherever occurring, insert instead “folio of the Register created”.

(n) Section 28T (7)—

Omit “certificate of title” wherever occurring, insert instead “folio of the Register”.

(o) Section 28T (7)—

Omit “issued” wherever occurring, insert instead “created”.

(p) Section 28T (8)—

Omit “certificate of title” wherever occurring, insert instead “folio of the Register”.

(q) Section 28T (8) (b)—

Omit “certificates of title” wherever occurring, insert instead “folios of the Register”.

Real Property (Computer Register) Amendment.

SCHEDULE 7—*continued.*AMENDMENTS TO PART IVB OF THE PRINCIPAL ACT—*continued.*

(4) (a) Section 28U (2)—

Omit “issuing a limited certificate of title”, insert instead “creating a limited folio of the Register”.

(b) Section 28U (2)—

Omit “that certificate of title”, insert instead “that folio”.

(c) Section 28U (2) (b)—

Omit “certificate of title”, insert instead “folio of the Register”.

(d) Section 28U (3)—

Omit “issuing a limited certificate of title”, insert instead “creating a limited folio of the Register”.

(e) Section 28U (3)—

Omit “that certificate of title”, insert instead “that folio”.

(f) Section 28U (3) (a), (b)—

Omit the paragraphs, insert instead :—

- (a) to the person for whose estate or interest he intends to create the limited folio; and
- (b) to the person for whose estate or interest in the conterminous land he could create a qualified folio of the Register under Part IVA, if no further survey definition were necessary adequately to define the boundaries of that conterminous land.

(g) Section 28U (4) (a)—

Omit “certificate of title will not be issued”, insert instead “folio of the Register will not be created”.

Real Property (Computer Register) Amendment.

SCHEDULE 7—*continued.*

AMENDMENTS TO PART IVB OF THE PRINCIPAL ACT—*continued.*

(h) Section 28U (4) (b)—

Omit “the certificate of title should not be issued”, insert instead “that occupational boundary should not be adopted”.

(i) Section 28U (5)—

Omit “issue of the limited certificate of title”, insert instead “creation of the limited folio of the Register”.

(j) Section 28U (7)—

Omit “certificate of title” where firstly occurring, insert instead “folio of the Register”.

(k) Section 28U (7)—

Omit “issue of the certificate of title”, insert instead “creation of that limited folio”.

(l) Section 28U (7) (a)—

Omit “named in the limited certificate of title”, insert instead “recorded in the limited folio”.

(m) Section 28U (7) (b)—

Omit “certificate of title”, insert instead “folio”.

(n) Section 28U (7)—

Omit “certificate of title” where lastly occurring, insert instead “folio”.

(5) (a) Section 28v (2)—

Omit “certificate of title” wherever occurring, insert instead “folio of the Register”.

Real Property (Computer Register) Amendment.

SCHEDULE 7—*continued.*AMENDMENTS TO PART IVB OF THE PRINCIPAL ACT—*continued.*

(b) Section 28v (2) (a)—

Omit “certificates of title”, insert instead “folios”.

(c) Section 28v (2) (a)—

Omit “shown in the relevant folios of the Register”.

(6) (a) Section 28w (1)—

Omit “certificate of title” wherever occurring, insert instead “folio of the Register”.

(b) Section 28w (4)—

Omit “certificate of title”, insert instead “folio of the Register”.

(c) Section 28w (4)—

Omit “on the relevant folio of the Register”, insert instead “in that folio”.

(7) Section 28x (1)—

Omit “certificate of title”, insert instead “folio of the Register”.

(8) (a) Section 28y (1) (a)—

Omit “certificate of title”, insert instead “folio of the Register”.

(b) Section 28y (2)—

Omit “certificate of title”, insert instead “folio of the Register”.

Real Property (Computer Register) Amendment.

SCHEDULE 7—*continued.*

AMENDMENTS TO PART IVB OF THE PRINCIPAL ACT—*continued.*

(9) Section 28Z (a)—

Omit “certificate of title”, insert instead “folio of the Register”.

SCHEDULE 8.

Sec. 5 (1).

REPEAL OF PART V OF THE PRINCIPAL ACT.

Part V—

Omit the Part.

SCHEDULE 9.

Sec. 5 (1).

AMENDMENTS TO PART VA OF THE PRINCIPAL ACT.

(1) (a) Section 31A (2) (a)—

Omit “issue to”, insert instead “create a folio of the Register for the estate or interest of”.

(b) Section 31A (2) (a)—

Omit “a certificate of title under this Act”.

(c) Section 31A (2) (a)—

Omit “except so far as may be necessary to give effect to paragraph (b);”, insert instead “otherwise than to satisfy himself that the land described in the resumption application is included in the resumed land; and”.

Real Property (Computer Register) Amendment.

SCHEDULE 9—*continued.*AMENDMENTS TO PART VA OF THE PRINCIPAL ACT—*continued.*

(d) Section 31A (2) (b)—

Omit the paragraph.

(e) Section 31A (2) (c)—

Omit “certificate of title issued”, insert instead “folio of the Register created”.

(2) Section 31A (2A)—

Omit “, when it becomes available to the Registrar-General, upon any relevant grant or certificate of title”, insert instead “may make like recordings upon the relevant certificate of title when it becomes available to him”.

(3) Section 31A (2B)—

Omit “issue of a certificate of title”, insert instead “creation of a folio of the Register”.

(4) (a) Section 31A (3) (b)—

Omit “application;”, insert instead “application; and”.

(b) Section 31A (3) (c)—

Omit the paragraph.

(5) (a) Section 31A (5)—

Omit “register”, insert instead “give effect, under this section, to”.

Real Property (Computer Register) Amendment.

SCHEDULE 9—*continued.*

AMENDMENTS TO PART VA OF THE PRINCIPAL ACT—*continued.*

(b) Section 31A (5)—

Omit “directs service of”, insert instead “gives”.

(c) Section 31A (5)—

Omit “withhold registration of”, insert instead “delay giving effect, under this section, to”.

SCHEDULE 10.

Sec. 5 (1).

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT.

(1) Section 31B—

Before section 32, insert :—

31B. (1) The Registrar-General shall cause a Register ^{The} to be maintained for the purposes of this Act. _{Register.}

(2) The Register shall be comprised of—

- (a) folios;
- (b) dealings registered therein under this or any other Act;
- (c) the record required to be kept pursuant to section 32 (7);
- (d) instruments of a prescribed class; and
- (e) records required by the regulations to be kept as part of the Register.

Real Property (Computer Register) Amendment.

SCHEDULE 10—*continued.*AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(3) The Register may be maintained in or upon any medium or combination of mediums capable of having information recorded in or upon it or them.

(4) The Registrar-General may, from time to time, vary the manner or form in which the whole or any part of the Register is maintained.

(2) Section 32—

Omit the section, insert instead :—

Folios
of the
Register.

32. (1) The Registrar-General creates a folio of the Register for land by making a record of—

- (a) a description of the land and of the estate or interest therein for which it is created;
- (b) a description of the proprietor for the time being of the estate or interest and particulars of the date of birth of any such proprietor the Registrar-General knows to be a minor; and
- (c) such particulars, as the Registrar-General thinks fit, of—
 - (i) other estates or interests, if any, affecting the land; and
 - (ii) other information, if any, that relates to the land or any estate or interest therein and is included in that record pursuant to this or any other Act (including an Act of the Parliament of the Commonwealth) or an instrument made under any such Act,

and by allocating a distinctive reference to the record so made.

Real Property (Computer Register) Amendment.

SCHEDULE 10—*continued.*

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(2) Subsection (1) does not apply in respect of a folio of the Register constituted under section 22 or 23 of the Strata Titles Act, 1973.

(3) Where a person is registered as proprietor of a lease registered under this Act, the Registrar-General may, if he thinks fit so to do, create a folio or folios of the Register for the estate or interest of that person in some or all of the land leased and may, for the purposes of this subsection, require—

- (a) the production to him of the duplicate registered lease; and
- (b) the deposit in his office of a plan of the land, together with copies thereof, which plan, if the Registrar-General so requires, shall be a plan of survey within the meaning of the Survey Practice Regulations, 1933.

(4) The Registrar-General may, if he thinks fit so to do, create a new folio or new folios of the Register for the whole or any part of the land comprised in one or more of the folios of the Register.

(5) Where, under this Act, the Registrar-General creates a new folio of the Register for land contained in a previously created folio of the Register, he shall appropriately cancel the previously created folio and may, for the purposes of this subsection, require the production to him of any certificate of title or duplicate registered dealing.

(6) The Registrar-General shall have, and shall be deemed always to have had, power to cancel in such manner as he considers proper any recording in the Register that he is satisfied does not affect the land to which the recording purports to relate.

Real Property (Computer Register) Amendment.

SCHEDULE 10—*continued.*

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(7) The Registrar-General shall maintain a record of all dealings recorded in, or action taken in respect of, a computer folio and such other information, if any, relating to the folio as he thinks fit.

(3) Section 33—

Omit the section, insert instead :—

Issue of
certificates
of title.

33. (1) The Registrar-General may, if he thinks fit so to do, from time to time issue a certificate of title for the land comprised in any folio of the Register and may, for the purposes of subsection (4), require the production to him of any certificate of title or duplicate registered dealing.

(2) A certificate of title shall be in an approved form.

(3) The Registrar-General shall not issue a certificate of title unless there is endorsed on the certificate of title the distinctive reference allocated to the folio of the Register to which it relates.

(4) When he issues a certificate of title, the Registrar-General shall cancel, wholly or partially as the case may require, any certificate of title thereby superseded and that has been produced, or is otherwise available, to him.

(5) Notwithstanding subsection (1) but subject to subsection (6), the Registrar-General shall issue a certificate of title for the land comprised in a folio of the Register upon the written request of—

- (a) the registered proprietor of that land; or
- (b) any registered mortgagee or registered chargee of that land.

Real Property (Computer Register) Amendment.

SCHEDULE 10—*continued.*

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(6) A request made under subsection (5) does not require the Registrar-General to issue a certificate of title for the land comprised in a folio of the Register if a certificate of title for that land has been issued but has not been lodged with the Registrar-General.

(4) Section 33A (4)–(4C)—

Omit section 33A (4), insert instead :—

(4) Subject to subsections (4A) and (4B), for the purposes of subsections (1) (a) and (2) (a)—

(a) a grant that has been registered under section 13 (2A) shall be deemed to have been lodged by the grantee named therein; and

(b) a certificate of title shall—

(i) where it is the first certificate of title issued in respect of land for which a folio of the Register has been created under section 17 (2)—be deemed to have been lodged by the person who lodged the primary application pursuant to which the folio was created or, where the folio was created in accordance with a direction or conveyance by the primary applicant, by the person who lodged the direction or conveyance;

(ii) where it is the first certificate of title issued in respect of land for which a folio of the Register has been created under section 28B, 28C (2), 28D, 28E (2), 28EA (1) or 28T (1), (2) or (3)—be

Real Property (Computer Register) Amendment.

SCHEDULE 10—*continued.*AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

deemed to have been lodged by the person nominated by the registered proprietor named therein as entitled to take delivery thereof;

- (iii) where it is the first certificate of title issued after the total or partial cancellation of a superseded certificate of title under section 33 (4)—be deemed to have been lodged by the person who, in the opinion of the Registrar-General, would have been entitled to take delivery of the superseded certificate of title had it not been cancelled wholly or partially, as the case may be;
- (iv) where it is the first certificate of title issued pursuant to the grant of a possessory application—be deemed to have been lodged by the person who lodged the possessory application; and
- (v) where it is issued pursuant to section 111—be deemed to have been lodged by the person who lodged the application for issue of the certificate of title.

(4A) Subject to subsection (4B), for the purposes of subsections (1) (a) and (2) (a), a grant or certificate of title referred to in subsection (4) issued in respect of land that is subject to a mortgage or charge shall be deemed to have been lodged by the registered proprietor of the mortgage or charge affecting the land over which no other mortgage or charge has priority.

(4B) Subsections (4) and (4A) do not apply in respect of a grant or certificate of title that has in fact been lodged with the Registrar-General.

Real Property (Computer Register) Amendment.

SCHEDULE 10—*continued.*

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(4C) No person shall be entitled to require delivery to himself of any certificate of title that has been partially cancelled but the Registrar-General may, if he thinks fit so to do, deliver a partially cancelled certificate of title under subsection (1).

(5) (a) Section 36 (1), (1A), (1B), (1C), (1D), (2), (3)—

Omit section 36 (1), (2) and (3), insert instead :—

(1) In this section, “caveat” means a caveat referred to in section 45H or 72.

(1A) When the Registrar-General accepts a dealing or caveat presented for lodgment, he shall allot thereto a distinctive reference.

(1B) A dealing or caveat is lodged, within the meaning of this Act, only when the Registrar-General has, under subsection (1A), allotted thereto a distinctive reference.

(1C) The Registrar-General may refuse to accept a dealing or caveat presented for lodgment if it does not comply with any requirement made, with respect to the dealing or caveat, by or under this or any other Act.

(1D) Without affecting the generality of subsection (1C), the Registrar-General may refuse to accept a dealing or caveat presented for lodgment—

(a) that does not recite the distinctive reference allotted under this Act to the folio of the Register or to the registered dealing intended to be affected by the dealing or caveat;

Real Property (Computer Register) Amendment.

SCHEDULE 10—*continued.*AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

- (b) unless the regulations otherwise provide, that is not attested by a witness who is not a party to the dealing or caveat; or
- (c) that is not lodged in such a manner, or is not accompanied by such number of complete copies thereof, as may be prescribed.

(2) Where a dealing or caveat presented for lodgment purports to have been executed under a power of attorney, the Registrar-General may refuse—

- (a) to accept it for lodgment; or
- (b) to make any recording or entry in the Register or take any other action in respect of it,

unless the power of attorney has been registered as provided for by the Conveyancing Act, 1919.

(3) Where a plan intended to be registered pursuant to the provisions of the Strata Titles Act, 1973, or a dealing, caveat or other document purports to have been signed or otherwise executed under a power of attorney or under any other power or authority, whether statutory or not, the Registrar-General may assume that the plan, dealing, caveat or other document was so signed or otherwise executed and that there was sufficient power or authority for its being signed or otherwise executed.

- (b) Section 36 (4)—

After “land”, insert “have been lodged and”.

- (c) Section 36 (6) (a)—

After “re-lodged”, insert “in the prescribed manner and”.

Real Property (Computer Register) Amendment.

SCHEDULE 10—*continued.*

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(d) Section 36 (6) (b) (i)—

Omit “subsection (2) or (3) of section 39”, insert instead “section 39 (3)”.

(e) Section 36 (6) (b) (ii)—

Omit “grant,”.

(f) Section 36 (6) (c)—

Omit the paragraph, insert instead :—

(c) notwithstanding that it may have been accepted for lodgment by the Registrar-General, a dealing that is not in registrable form shall, where it is not uplifted, be deemed not to have been lodged with the Registrar-General until it is in registrable form.

(g) Section 36 (6A)—

After section 36 (6), insert :—

(6A) A dealing is registered when the Registrar-General has made such recording in the Register with respect to the dealing as he thinks fit.

(h) Section 36 (7)—

Omit “which affect the same land”, insert instead “that affect the same land have been lodged and”.

(i) Section 36 (7)—

Omit “a single recording in the Register, referring in the recording to the lodgment numbers of those dealings or otherwise identifying them”, insert instead “one or more recordings in such part or parts of the Register as he considers appropriate”.

Real Property (Computer Register) Amendment.

SCHEDULE 10—*continued.*AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(j) Section 36 (10)—

Omit “subsection (4) of section 38”, insert instead “section 38 (4)”.

(6) (a) Section 38 (1)–(3)—

Omit the subsections, insert instead :—

(1) The Registrar-General may refuse—

(a) to accept for registration; or

(b) to register,

a dealing that relates to land in respect of which he has delivered a certificate of title or a duplicate registered dealing, where he has requested production of either or both of those instruments for the purpose of registration of the dealing and that request, or a requirement under subsection (2), has not been complied with.

(2) Where a certificate of title or duplicate registered dealing is not produced in response to a request made by him under subsection (1), the Registrar-General may require that the dealing in respect of which the request was made be accompanied by an application in the approved form to dispense with the production of the certificate of title or duplicate registered dealing, as the case may be, together with such evidence as he requires.

(3) Where he makes a recording in the Register in respect of a dealing, the Registrar-General may also make a like recording upon any certificate of title or duplicate registered dealing produced to him for the purpose of registration of the dealing or that otherwise becomes available to him.

Real Property (Computer Register) Amendment.

SCHEDULE 10—*continued.*

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(b) Section 38 (5)—

Omit “Subject to the Archives Act, 1960, where an instrument that is a grant,”, insert instead “Where an instrument that is a”.

(c) Section 38 (5)—

Omit “, notwithstanding the other provisions of this section”.

(d) Section 38 (5) (b)—

Before “destroy”, insert “subject to the Archives Act, 1960,”.

(e) Section 38 (6)—

Omit the subsection, insert instead :—

(6) Subject to the Archives Act, 1960, the Registrar-General may—

- (a) destroy any part of the Register that is in the form of a document and does not evidence a subsisting interest if the document will not, in his opinion, be required for the purpose of recording thereon the effect of any dealing; or
- (b) deliver to a person who, in his opinion, intends to preserve it for historical purposes any part of the Register that he is empowered to destroy by paragraph (a) or any

Real Property (Computer Register) Amendment.

SCHEDULE 10—*continued.*AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

certificate of title, duplicate registered dealing or other document in his possession that is not part of the Register and that he is not under a duty to preserve or to deliver or issue to any other person.

(7) (a) Section 39 (1)—

Omit “nor unless such dealing be in accordance with the provisions hereof, and he may reject any dealing which is not in accordance with the provisions hereof or which the Registrar-General”, insert instead “and he may reject any dealing which he”.

(b) Section 39 (1A)—

After section 39 (1), insert :—

(1A) The Registrar-General—

(a) may refuse to register, or may reject, any dealing lodged for registration; and

(b) may reject any caveat lodged with him, that does not comply with any requirement made, with respect to the dealing or caveat, as the case may be, by or under this or any other Act.

(c) Section 39 (2)—

Omit “Notwithstanding subsection (1), the”, insert instead “The”.

(d) Section 39 (2)—

Omit “in or omission from its memorandum of prior encumbrances”, insert instead “therein or omission therefrom”.

Real Property (Computer Register) Amendment.

SCHEDULE 10—*continued.*

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(e) Section 39 (3)—

Omit “Notwithstanding subsection (1), instead”,
insert instead “Instead”.

(8) Section 39A—

After section 39, insert :—

39A. (1) In this section, “prescribed instrument” means an instrument—

Treatment
of certain
instruments
not in
approved
form.

- (a) that affects land not subject to the provisions of this Act;
- (b) that has been registered in the General Register of Deeds kept pursuant to the Registration of Deeds Act, 1897; and
- (c) that, in the opinion of the Registrar-General, could have been registered under the provisions of this Act as a mortgage or a charge if, at the time of its execution, the land it affects had been subject to the provisions of this Act and the instrument had been drawn in a form approved by the Registrar-General.

(2) When land that is affected by a prescribed instrument is brought under the provisions of this Act by the creation of a folio of the Register for the estate or interest of a person other than the mortgagee or chargee entitled under the instrument—

- (a) unless the mortgagee or chargee otherwise directs, the Registrar-General shall record the instrument in the Register in such manner as he considers appropriate;

Real Property (Computer Register) Amendment.

SCHEDULE 10—*continued.*AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

- (b) the mortgagee or chargee, as the case may be, named in a recording made under paragraph (a) shall be deemed to be registered under the provisions of this Act as proprietor of a mortgage or charge registered under this Act in respect of the land; and
- (c) a person deemed by paragraph (b) to be a registered proprietor of a mortgage or charge shall be entitled to exercise the same rights, powers and remedies as if the mortgage or charge had been drawn in the approved form and registered in the manner provided by this Act in respect of mortgages or charges, as the case may be.

(3) Except where the Registrar-General dispenses with this requirement, all dealings, whether by way of transfer, discharge or otherwise, with the interest of a person deemed by subsection 2 (b) to be a registered proprietor of a mortgage or charge shall be in accordance with the forms approved for corresponding dealings with land under the provisions of this Act and be recorded as in this Act provided.

(4) Where a power of sale becomes exercisable in respect of a prescribed instrument recorded under subsection (2) (a), the power may be exercised and the estate or interest sold may be transferred only in accordance with this Act.

(5) Subject to section 101 of the Conveyancing Act, 1919, where a mortgage is recorded under subsection (2) (a), any foreclosure of the mortgage, in so far as it relates to land under the provisions of this Act, shall be in accordance with those provisions, and not otherwise.

Real Property (Computer Register) Amendment.

SCHEDULE 10—*continued.*

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(6) Subsections (2), (3), (4) and (5) apply to and in respect of a prescribed instrument that purports to be recorded in the Register at the commencement of this section, after having been recorded by the Registrar-General before that commencement, in the same way as those subsections apply to a prescribed instrument that is recorded in the Register after that commencement and shall so apply as if the recording had been made under subsection (2) (a).

(7) When the Registrar-General makes a recording in respect of a prescribed instrument under subsection (2) (a) after the commencement of this section, he shall cause such notification in respect of the instrument as he thinks fit to be entered, in such manner as he considers appropriate, in the index to the General Register of Deeds kept pursuant to the Registration of Deeds Act, 1897.

(8) Nothing in subsection (2) requires the Registrar-General, when bringing land under the provisions of this Act, to create a folio of the Register for the estate or interest of a mortgagor or charger.

(9) (a) Section 40 (1)—

Omit “folio of the Register”, insert instead “manual folio”.

(b) Section 40 (1)—

Omit “therein named as seised of or as taking an estate or interest in the land comprised in that folio is seised or possessed of or entitled to that land for”, insert instead “recorded in the folio as the registered proprietor of an estate or interest in the land comprised in the folio is the registered proprietor of”.

Real Property (Computer Register) Amendment.

SCHEDULE 10—*continued.*AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(c) Section 40 (1A), (1B)—

After section 40 (1), insert :—

(1A) Where a computer folio certificate is issued in respect of a folio of the Register—

- (a) the certificate is evidence of the particulars recorded in that folio; and
- (b) it shall be conclusively presumed that—
 - (i) the certificate contains all the information that was recorded in that folio at the time specified in the certificate;
 - (ii) the land to which the certificate relates was, at that time, under the provisions of this Act; and
 - (iii) a person recorded in the certificate as the registered proprietor of an estate or interest in the land to which the certificate relates was, at that time, the registered proprietor of that estate or interest.

(1B) Where, in a manual folio or computer folio certificate, the estate or interest of a registered proprietor is expressed to be subject to—

- (a) an estate or interest evidenced by an instrument;
- (b) a provision of an instrument; or
- (c) an enumerated provision of an Act or of an Act of the Parliament of the Commonwealth,

Real Property (Computer Register) Amendment.

SCHEDULE 10—*continued.*

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

the whole of the contents of the instrument, provision or enumerated provision, as the case may be, shall be deemed to be set forth at length in the folio or certificate.

(d) Section 40 (3)—

Omit “named”, insert instead “recorded”.

(10) Section 40A—

After section 40, insert :—

40A. Where the Registrar-General is required by law to produce at any place or to any person a computer folio, he shall comply with that requirement by issuing a computer folio certificate in respect of the folio and by causing the certificate to be produced at that place or to that person. **Production of computer folio to courts, etc.**

(11) Section 41 (1)—

Omit “manner hereinbefore prescribed” wherever occurring, insert instead “the manner provided by this Act”.

(12) (a) Section 42—

Omit “of land under the provisions of this Act”, insert instead “for the time being of any estate or interest in land recorded in a folio of the Register”.

(b) Section 42—

Omit “encumbrances, liens, estates, or interests as may be recorded in the Register, but absolutely free from all other encumbrances, liens, estates or interests whatsoever”, insert instead “other estates and interests

Real Property (Computer Register) Amendment.

SCHEDULE 10—continued.**AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—continued.**

and such entries, if any, as are recorded in that folio, but absolutely free from all other estates and interests that are not so recorded”.

(c) Section 42 (a)—

Omit the paragraph, insert instead :—

- (a) the estate or interest recorded in a prior folio of the Register by reason of which another proprietor claims the same land;

(d) Section 42 (b)—

Omit “and”.

(e) Section 42 (2)—

At the end of section 42, insert :—

(2) In subsection (1), a reference to an estate or interest in land recorded in a folio of the Register includes a reference to an estate or interest recorded in a registered mortgage, charge or lease that may be directly or indirectly identified from a distinctive reference in that folio.

(13) (a) Section 43B (2) (b)—

Omit “on the folio of the Register comprising”, insert instead “in the folio of the Register for”.

(b) Section 43B (5)—

Omit “certificate of title issues”, insert instead “folio of the Register is created”.

(14) (a) Section 44—

Omit “certifying”, insert instead “or a computer folio certificate evidencing”.

Real Property (Computer Register) Amendment.

SCHEDULE 10—*continued.*

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

(b) Section 44—

Omit “shall entitle”, insert instead “production to the Court of any such folio or certificate, as the case may be, shall entitle”.

(15) (a) Section 45A (2)—

Omit “issue of a certificate of title relating”, insert instead “title”.

(b) Section 45A (3)—

Omit the subsection.

SCHEDULE 11.

Sec. 5 (1).

AMENDMENTS TO PART VIA OF THE PRINCIPAL ACT.

(1) (a) Section 45B (1), definition of “ordinary folio of the Register”—

Omit the definition of “ordinary certificate of title”, insert instead :—

“ordinary folio of the Register” has the same meaning as it has in Part IVA;

(b) Section 45B (1), definition of “whole parcel of land”—

Omit “certificate of title or a Crown grant” wherever occurring, insert instead “folio of the Register”.

(2) (a) Section 45D (1) (c)—

Omit “a Crown grant or an ordinary certificate of title”, insert instead “an ordinary folio of the Register”.

Real Property (Computer Register) Amendment.

SCHEDULE 11—*continued.*AMENDMENTS TO PART VIA OF THE PRINCIPAL ACT—*continued.*

(b) Section 45D (1) (c)—

Omit “certificate of title and”, insert instead “folio of the Register and”.

(c) Section 45D (1) (c)—

Omit “issue of the qualified certificate of title”, insert instead “creation of the qualified folio of the Register”.

(3) Section 45K—

Omit “the solicitor whose name appears on the caveat”, insert instead “any solicitor, agent or attorney of the caveator who appears to the Registrar-General to have signed the caveat”.

AMENDMENTS TO PART VII OF THE PRINCIPAL ACT.

(1) Section 46—

Omit “memorandum of”.

(2) (a) Section 46C (1)—

Omit “, or who has become so entitled,” wherever occurring.

Real Property (Computer Register) Amendment.

SCHEDULE 12—*continued.*

AMENDMENTS TO PART VII OF THE PRINCIPAL ACT—*continued.*

(b) Section 46c (1)—

Omit “, and issue such certificates of title,” insert instead “and create such folios of the Register.”.

(c) Section 46c (2)—

Omit the subsection.

(d) Section 46c (3)—

Omit “grant,” wherever occurring.

(3) (a) Section 47 (1)—

Omit “upon”, insert instead “in”.

(b) Section 47 (2)—

Omit “memorandum of”.

(c) Section 47 (3)—

Omit “memorandum of”.

(d) Section 47 (4), (5)—

Omit the subsections, insert instead :—

(4) On registration of a lease that grants or reserves an easement, the Registrar-General shall make such recordings in the Register in respect of the easement as he considers appropriate.

(5) The Registrar-General may record a dealing effecting a disposition of a registered easement in gross by making such recordings in the Register as he considers appropriate.

(e) Section 47 (6A)—

Omit “on any folio”, insert instead “in any folio”.

Real Property (Computer Register) Amendment.

SCHEDULE 12—*continued.*AMENDMENTS TO PART VII OF THE PRINCIPAL ACT—*continued.*

(f) Section 47 (6A)—

Omit “grant or”.

(4) Section 49 (2)—

Omit the subsection, insert instead :—

(2) Where the Registrar-General becomes aware, whether by lodgment of a dealing or otherwise, that land comprised in a folio of the Register has become Crown land, he shall make such recordings in the Register as he considers appropriate and may make like recordings upon any relevant certificate of title when it becomes available to him.

(5) Section 51—

Omit “encumbrancee,” insert instead “chargee”.

(6) Section 52 (1)—

Omit “memorandum of”.

(7) (a) Section 52A (1)—

Omit “encumbrancee” wherever occurring, insert instead “chargee”.

(b) Section 52A (1)—

Omit “encumbrancer”, insert instead “charger”.

(c) Section 52A (1)—

Omit “or encumbrance of”, insert instead “of, or charge on,”.

Real Property (Computer Register) Amendment.

SCHEDULE 12—*continued.*

AMENDMENTS TO PART VII OF THE PRINCIPAL ACT—*continued.*

(d) Section 52A (1)—

Omit “encumbrance” where secondly occurring, insert instead “charge”.

(e) Section 52A (2)—

Omit “encumbrancer”, insert instead “charger”.

(f) Section 52A (2)—

Omit “encumbrance”, insert instead “charge”.

(g) Section 52A (3)—

Omit “encumbrances”, insert instead “charges”.

(h) Section 52A (4)—

Omit “encumbered”, insert instead “charged”.

(i) Section 52A (5)—

Omit “encumbrance”, insert instead “charge”.

(8) (a) Section 53 (1)—

Omit “memorandum of”.

(b) Section 53 (4)—

Omit “encumbered”, insert instead “charged”.

(c) Section 53 (4)—

Omit “encumbrancee” wherever occurring, insert instead “chargee”.

Real Property (Computer Register) Amendment.

SCHEDULE 12—*continued.*AMENDMENTS TO PART VII OF THE PRINCIPAL ACT—*continued.*

(9) (a) Section 54 (1)—

Omit “or demise”.

(b) Section 54 (1)—

Omit “memorandum of surrender of”, insert instead “surrender of the”.

(c) Section 54 (2)—

Omit the subsection.

(d) Section 54 (3)—

Omit “Upon a surrender having been recorded under subsection (2)”, insert instead “Upon registration of any such surrender”.

(e) Section 54 (5)—

Omit “encumbrance”, insert instead “charge”.

(f) Section 54 (5)—

Omit “encumbrancee”, insert instead “chargee”.

(10) Section 55—

Omit “record the re-entry and recovery in the Register”, insert instead “make such recording in the Register with respect to the re-entry and recovery as he thinks fit”.

(11) Part VII, Division 3, heading—

Omit “*encumbrances*”, insert instead “*charges*”.

Real Property (Computer Register) Amendment.

SCHEDULE 12—*continued.*

AMENDMENTS TO PART VII OF THE PRINCIPAL ACT—*continued.*

(12) (a) Section 56 (1)—

Omit “or made security”, insert instead “with, or made security for, the payment of a debt,”.

(b) Section 56 (1)—

Omit “memorandum of”.

(c) Section 56 (2)—

After “money”, insert “other than a debt,”.

(d) Section 56 (2)—

Omit “memorandum of encumbrance”, insert instead “charge”.

(e) Section 56 (4)—

Omit “memorandum of” wherever occurring.

(f) Section 56 (4)—

Omit “encumbrance” wherever occurring, insert instead “charge”.

(g) Section 56 (4)—

Omit “encumbered”, insert instead “charged”.

(h) Section 56 (4)—

Omit “encumbrancer”, insert instead “charger”.

(i) Section 56 (5)—

Omit “memorandum of” wherever occurring.

(j) Section 56 (5)—

Omit “encumbrance”, insert instead “charge”.

Real Property (Computer Register) Amendment.

SCHEDULE 12—*continued.*AMENDMENTS TO PART VII OF THE PRINCIPAL ACT—*continued.*

(k) Section 56 (5)—

Omit “record particulars of the easement upon the folio of the Register or, as the case may be, the registered lease, evidencing title to the land burdened by the easement”, insert instead “make such recording in the Register with respect to the easement as he thinks fit”.

(l) Section 56 (6)—

Omit “memorandum of” wherever occurring.

(m) Section 56 (6)—

Omit “encumbrance”, insert instead “charge”.

(n) Section 56 (6)—

Omit “encumbered”, insert instead “charged”.

(o) Section 56 (6)—

Omit “encumbrancee” wherever occurring, insert instead “chargee”.

(p) Section 56 (6)—

Omit “in favour of, or lease or transfer by,”, insert instead “by the mortgagee or lease or transfer by”.

(q) Section 56 (6)—

Omit “or judgment”.

Real Property (Computer Register) Amendment.

SCHEDULE 12—*continued.*

AMENDMENTS TO PART VII OF THE PRINCIPAL ACT—*continued.*

(13) Section 56A (3)—

Omit the subsection, insert instead :—

(3) The Registrar-General shall register a memorandum under this section by making such recording in the Register with respect to the memorandum as he thinks fit.

(14) (a) Section 57—

Omit “encumbrance” wherever occurring, insert instead “charge”.

(b) Section 57—

Omit “encumbered” wherever occurring, insert instead “charged”.

(c) Section 57 (2)—

Omit “encumbrancee”, insert instead “chargee”.

(d) Section 57—

Omit “encumbrancer” wherever occurring, insert instead “charger”.

(15) (a) Section 58—

Omit “encumbrancee” wherever occurring, insert instead “chargee”.

(b) Section 58 (1)—

Omit “encumbered”, insert instead “charged”.

Real Property (Computer Register) Amendment.

SCHEDULE 12—*continued.*AMENDMENTS TO PART VII OF THE PRINCIPAL ACT—*continued.*

(c) Section 58—

Omit “encumbrancer” wherever occurring, insert instead “charger”.

(d) Section 58 (3)—

Omit “encumbrances”, insert instead “charges”.

(16) (a) Section 58A—

Omit “encumbrance” wherever occurring, insert instead “charge”.

(b) Section 58A (2)—

Omit “encumbrances”, insert instead “charges”.

(17) (a) Section 59—

Omit “encumbrancee”, insert instead “chargee”.

(b) Section 59—

Omit “encumbrancer”, insert instead “charger”.

(c) Section 59—

Omit “encumbrance” wherever occurring, insert instead “charge”.

(18) (a) Section 60—

Omit “encumbrancee”, insert instead “chargee”.

(b) Section 60—

Omit “encumbrance” wherever occurring, insert instead “charge”.

Real Property (Computer Register) Amendment.

SCHEDULE 12—*continued.*

AMENDMENTS TO PART VII OF THE PRINCIPAL ACT—*continued.*

(c) Section 60—

Omit “encumbered” wherever occurring, insert instead “charged”.

(d) Section 60 (c)—

Omit “for possession, or an action of ejectment in a District Court of competent jurisdiction, to recover”, insert instead “or the District Court for possession of”.

(e) Section 60 (c)—

Omit “memorandum of mortgage or of”, insert instead “mortgage or”.

(f) Section 60—

Omit “or action”.

(g) Section 60—

Omit “or annuity”, insert instead “, interest, annuity, or rent-charge”.

(19) (a) Section 61 (1)—

Omit “memorandum of”, insert instead “a”.

(b) Section 61 (1)—

Omit “writing”, insert instead “the approved form”.

(c) Section 61 (2A) (c)—

Omit “-1939”.

Real Property (Computer Register) Amendment.

SCHEDULE 12—*continued.*AMENDMENTS TO PART VII OF THE PRINCIPAL ACT—*continued.*

(20) (a) Section 63—

Omit “encumbrancee” wherever occurring, insert instead “chargee”.

(b) Section 63 (1)—

Omit “encumbered”, insert instead “charged”.

(c) Section 63—

Omit “encumbrancer” wherever occurring, insert instead “charger”.

(d) Section 63 (1)—

Omit “be withdrawn”, insert instead “is withdrawn”.

(e) Section 63 (1)—

Omit “encumbrance shall be”, insert instead “charge is”.

(21) Section 64—

Omit “encumbrancee” wherever occurring, insert instead “chargee”.

(22) (a) Section 65—

Omit “encumbrance” wherever occurring, insert instead “charge”.

(b) Section 65 (1)—

Omit “encumbrancee”, insert instead “chargee”.

(c) Section 65 (2)—

Omit “encumbered”, insert instead “charged”.

Real Property (Computer Register) Amendment.

SCHEDULE 12—*continued.*

AMENDMENTS TO PART VII OF THE PRINCIPAL ACT—*continued.*

(23) (a) Section 66 (1)—

Omit “memorandum of encumbrance”, insert instead “charge”.

(b) Section 66 (1)—

After “the annuity”, insert “, rent-charge”.

(c) Section 66 (1)—

Omit “and interest or money”, insert instead “, rent-charge or sum of money (together with interest, if any)”.

(d) Section 66 (1)—

Omit “record in the Register that such annuity or sum of money is satisfied or discharged, and shall cancel such instrument”, insert instead “make in the Register such recording with respect to the payment, satisfaction or discharge as he thinks fit”.

(e) Section 66 (2)—

After “annuity”, insert “, rent-charge”.

(24) (a) Section 72 (3)—

After “caveat” where thirdly occurring, insert “or in the Register”.

Real Property (Computer Register) Amendment.

SCHEDULE 12—*continued.*AMENDMENTS TO PART VII OF THE PRINCIPAL ACT—*continued.*

(b) Section 72 (4)—

Omit the subsection, insert instead :—

(4) A notice relating to a caveat, or to any proceedings in respect thereof, is duly served if it is served—

(a) at—

(i) the address stated in the caveat under subsection (2) (b); or

(ii) where an address has been notified under subsection (3) by a person entitled to withdraw the caveat—that address or, if more than one address has been so notified, the last address so notified; or

(b) where the caveat was signed by a solicitor, known agent or attorney of the caveator, at the office of that solicitor or at the address of that known agent or attorney.

(c) Section 72 (7)—

After “record”, insert “on the caveat or”.

(25) (a) Section 73A—

Omit “The notice shall be forwarded by post in a registered letter addressed to the caveator at the address mentioned in the caveat, or at the office of the solicitor, known agent, or attorney, who may have signed the caveat, and shall be deemed to have been duly served when the registered letter would in the ordinary course be delivered.”.

Real Property (Computer Register) Amendment.

SCHEDULE 12—*continued.*

AMENDMENTS TO PART VII OF THE PRINCIPAL ACT—*continued.*

(b) Section 73A (2)—

At the end of section 73A, insert :—

(2) Service of a notice referred to in subsection (1) shall be effected by posting the notice—

(a) to—

(i) the address stated under section 72 (2) (b) in the caveat to which the notice relates; or

(ii) where an address has been notified under section 72 (3) by a person entitled to withdraw the caveat—that address or, if more than one address has been so notified, the last address so notified; or

(b) where the caveat was signed by a solicitor, known agent or attorney of the caveator, to the office of that solicitor or to the address of that known agent or attorney,

and, notwithstanding section 72 (4), the notice shall be deemed to have been duly served at the time when it would be delivered in the ordinary course of post.

(26) (a) Section 74 (2)—

Omit “subsection (6) of section 36”, insert instead “section 36 (6)”.

(b) Section 74 (3) (h)—

Omit “encumbrance”, insert instead “charge”.

Real Property (Computer Register) Amendment.

Sec. 5 (1).

SCHEDULE 13.**AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT.****(1) Section 76—**

Omit “encumbrance” wherever occurring, insert instead “charge”.

(2) Section 80 (2)—

Omit “memorandum of”.

Sec. 5 (1).

SCHEDULE 14.**AMENDMENTS TO PART IX OF THE PRINCIPAL ACT.****(1) Section 84—**

Omit “the sanction of the Supreme Court”, insert instead “an order of the Supreme Court sanctioning that action”.

(2) Section 86 (2)—

Omit “it purports”, insert instead “the order purports”.

(3) (a) Section 87 (1)—

Omit “for possession, or an action of ejectment in a District Court, for recovery”, insert instead “or the District Court for possession”.

Real Property (Computer Register) Amendment.

SCHEDULE 14—*continued.*

AMENDMENTS TO PART IX OF THE PRINCIPAL ACT—*continued.*

- (b) Section 87 (1)—
Omit “or action of ejectment”.
 - (c) Section 87 (2)—
Omit “or action”.
-

SCHEDULE 15.

Sec. 5 (1).

AMENDMENTS TO PART XI OF THE PRINCIPAL ACT.

- (1) (a) Section 90 (2)—
After “apply”, insert “in the approved form”.
 - (b) Section 90 (2)—
Omit “in writing”.
 - (c) Section 90 (3)—
Omit “in the Register that the applicant is so registered”, insert instead “the applicant in the Register as proprietor”.
-
- (2) (a) Section 91 (1) (c)—
Omit “subsection (9) of section 133”, insert instead “section 133 (9)”.
 - (b) Section 91 (3)—
After “lessor applies”, insert “in the approved form”.

Real Property (Computer Register) Amendment.

SCHEDULE 15—*continued.*AMENDMENTS TO PART XI OF THE PRINCIPAL ACT—*continued.*

(c) Section 91 (4)—

Omit “on the folio of the Register or on the registered lease, as the case may be, evidencing”, insert instead “in the folio of the Register or on the registered lease that evidences”.

(d) Section 91 (6)—

After “mortgagee applies”, insert “in the approved form”.

(e) Section 91 (7)—

Omit “on the registered lease”, insert instead “, in the folio of the Register or on the registered lease that evidences the title of the lessee,”.

(f) Section 91 (7)—

After “and that”, insert “folio or”.

(3) (a) Section 93 (3)—

Omit “register him”, insert instead “record the applicant in the Register”.

(b) Section 93 (4)—

Omit “paragraph (b) of subsection (2)”, insert instead “subsection (2) (b)”.

Real Property (Computer Register) Amendment.

SCHEDULE 16.

Sec. 5 (1).

INSERTION OF PART XIA INTO THE PRINCIPAL ACT.

Part XIA—

After Part XI, insert :—

PART XIA.

SEARCHES.

96A. In this Part, “official search” means—

Interpreta-
tion:
Pt. XIA.

- (a) a certificate issued under section 96C (e), 96F or 96G; or
- (b) a computer folio certificate.

96B. The Register shall be a public record and information therein shall be made available at the prescribed times, in the prescribed manner and upon payment of the prescribed fee, if any.

Register
a public
record.

96C. Where—

Official
search
of manual
folio.

- (a) a requisition is lodged for a search to be made by him in respect of the title to the whole or any part of the land comprised in a manual folio specified in the requisition;
- (b) the requisition complies with the regulations; and
- (c) the fee prescribed in respect of the requisition has been paid,

the Registrar-General shall, if the records kept by him enable him to comply with the requisition, cause—

- (d) the required search to be made; and
- (e) a certificate of the result of the search to be issued to the person who lodged the requisition.

Real Property (Computer Register) Amendment.

SCHEDULE 16—continued.**INSERTION OF PART XIA INTO THE PRINCIPAL ACT—continued.**

Search of
computer
folio.

96D. Where—

- (a) a requisition is lodged for a search to be made by him in respect of the title to the whole or any part of land comprised in a computer folio specified in the requisition;
- (b) the requisition complies with the regulations; and
- (c) the fee prescribed in respect of the requisition has been paid,

the Registrar-General shall issue to the person who lodged the requisition a computer folio certificate setting forth the information recorded in the folio, pursuant to or under this or any other Act, at the time specified in the certificate.

Searches to
disclose
recordings
on
mortgages,
etc.

96E. In any—

- (a) certificate issued under section 96C (e); or
- (b) computer folio certificate,

the Registrar-General shall cause to be disclosed particulars of any recording—

- (c) evidencing a subsisting estate or interest and made by him upon any registered mortgage, charge or lease; or
- (d) made by him pursuant to section 72 (3) upon any caveat,

being a registered mortgage, charge or lease, or a caveat, that affects the folio of the Register in respect of which the certificate was issued.

Final
search of
computer
folio.

96F. Where—

- (a) a requisition is lodged with him for the issue, under this section, of a certificate in respect of the registration of dealings and plans and the entry of caveats affecting a computer folio specified in the requisition;

Real Property (Computer Register) Amendment.

SCHEDULE 16—*continued.*

INSERTION OF PART XIA INTO THE PRINCIPAL ACT—*continued.*

- (b) the requisition complies with the regulations; and
- (c) the fee prescribed in respect of the requisition has been paid,

the Registrar-General shall issue to the person who lodged the requisition a certificate setting forth particulars of—

- (d) any dealings and caveats that affect land comprised in that folio and have been registered or entered in the Register during the period specified in the certificate;
- (e) any dealings and caveats that—
 - (i) purport to affect land comprised in that folio;
 - (ii) have not been registered or entered in the Register; and
 - (iii) are held by the Registrar-General at the end of the period specified in the certificate;
- (f) any plans by reason of the registration of which, during the period specified in the certificate, a change has been or is to be made in the information recorded in that folio; and
- (g) any unregistered plans that—
 - (i) purport to affect land comprised in that folio;
 - (ii) are held by the Registrar-General at the end of the period specified in the certificate; and
 - (iii) if registered, may cause a change to be made in the information recorded in that folio.

Real Property (Computer Register) Amendment.

SCHEDULE 16—*continued.*INSERTION OF PART XIA INTO THE PRINCIPAL ACT—*continued.*

Search of
historical
record.

96G. Where—

- (a) a requisition is lodged with him for the issue, under this section, of a certificate in respect of any part of the record required, by section 32 (7), to be maintained by him;
- (b) the requisition complies with the regulations;
and
- (c) the fee prescribed in respect of the requisition has been paid,

the Registrar-General shall issue to the person who lodged the requisition a certificate setting forth particulars of that part of that record.

Authenti-
cation of
official
searches.

96H. An official search shall be authenticated in such manner as the Registrar-General considers appropriate.

Effect of
official
searches.

96I. (1) Where—

- (a) a person purchases, disposes of or otherwise deals with land in reliance on the correctness of an official search; and
- (b) as a result of an error in, or omission from, that official search he suffers loss or damage in so acting,

he may bring an action against the Registrar-General for recovery of damages.

(2) Where a solicitor acts for a person referred to in subsection (1) and in so acting relies on the correctness of an official search, that person has no cause of action against the solicitor for any loss or damage suffered as a result of an error in, or omission from, that official search.

Real Property (Computer Register) Amendment.

SCHEDULE 16—*continued.*

INSERTION OF PART XI^A INTO THE PRINCIPAL ACT—*continued.*

(3) A person employed in the office of the Registrar-General shall not—

- (a) commit, or be party or privy to, any fraudulent act in relation to an official search; or
- (b) be wilfully negligent in the making of, or otherwise in relation to, an official search.

Penalty for a contravention of this subsection: \$1,000.

SCHEDULE 17.

Sec. 5 (1).

AMENDMENTS TO PART XII OF THE PRINCIPAL ACT.

(1) (a) Section 97 (1A)—

After section 97 (1), insert :—

(1A) For the purpose only of acknowledging the receipt of a caveat lodged with him pursuant to section 45H or 72, the Registrar-General shall, if he is satisfied that the caveat complies with the requirements made in respect of it by and under this Act, enter such particulars of the caveat as he thinks fit—

- (a) in the folio of the Register—
 - (i) to which the caveat relates; or
 - (ii) to which the registered dealing affected by the caveat relates; or
- (b) where the Registrar-General does not make an entry with respect to the caveat in a folio of the Register pursuant to paragraph (a), on the registered dealing to which the caveat relates.

Real Property (Computer Register) Amendment.

SCHEDULE 17—*continued.*AMENDMENTS TO PART XII OF THE PRINCIPAL ACT—*continued.*

(b) Section 97 (2)—

After “section 24”, insert “, 45H”.

(2) (a) Section 100 (2)—

Omit “undivided” wherever occurring.

(b) Section 100 (2)—

Omit “Act,”, insert instead “Act (other than land comprised in a folio of the Register created pursuant to section 32 (3)),”.

(c) Section 100 (2) (a)–(c)—

Omit the paragraphs, insert instead :—

- (a) create separate folios of the Register and issue separate certificates of title;
- (b) create a folio or folios of the Register and issue such certificate or certificates of title as he thinks proper; or
- (c) deliver any existing certificate of title after making thereon and in the Register such recording as may be required by this Act.

(d) Section 100 (3)—

Omit “paragraph (a) of subsection (2)”, insert instead “subsection (2) (a)”.

(3) Section 101 (1)—

Omit “the application of”, insert instead “application in the approved form by”.

Real Property (Computer Register) Amendment.

SCHEDULE 17—*continued.*

AMENDMENTS TO PART XII OF THE PRINCIPAL ACT—*continued.*

(4) (a) Section 105 (4)—

Omit the subsection, insert instead :—

(4) A writ recorded in the Register with respect to a registered mortgage, charge or lease may be executed by the sale and transfer, in the approved form, of the mortgage, charge or lease.

(b) Section 105 (5)—

Omit “upon the folio”, insert instead “in the folio”.

(5) (a) Section 105A (1) (f)—

Omit “encumbrancee”, insert instead “chargee”.

(b) Section 105A (1) (f)—

Omit “encumbrance”, insert instead “charge”.

(c) Section 105A (1) (i)—

Omit “or sum of money secured by a registered encumbrance”, insert instead “, rent-charge or sum of money secured by a registered charge”.

(d) Section 105A (7) (f)—

Omit “the memorandum”, insert instead “a memorandum”.

(e) Section 105A (7) (g) (ii)—

Omit “the memorandum”, insert instead “a memorandum”.

(f) Section 105A (8) (g)—

Omit “the memorandum”, insert instead “a memorandum”.

Real Property (Computer Register) Amendment.

SCHEDULE 17—*continued.*AMENDMENTS TO PART XII OF THE PRINCIPAL ACT—*continued.*

(6) (a) Section 105B (1)—

Omit the subsection, insert instead :—

(1) A transfer pursuant to a sale under a writ is registered when it is recorded in the Register and the Registrar-General may make a like recording on the relevant certificate of title or duplicate registered dealing when it becomes available to him.

(b) Section 105B (2)—

Omit “encumbrances, liens, estates or interests”, insert instead “estates and interests”.

(c) Section 105B (2) (a)—

Omit “on” where firstly occurring, insert instead “in”.

(d) Section 105B (2) (c)—

Omit “certificate of title”, insert instead “folio of the Register”.

(e) Section 105B (4)—

After section 105B (3), insert :—

(4) In this section, “transfer” means a transfer in the approved form.

(7) (a) Section 106—

Omit “transferring or otherwise”.

(b) Section 106—

Omit “prescribed”.

Real Property (Computer Register) Amendment.

SCHEDULE 17—*continued.*

AMENDMENTS TO PART XII OF THE PRINCIPAL ACT—*continued.*

(c) Section 106 (2)—

At the end of section 106, insert :—

(2) Where—

- (a) a seal purporting to be the seal of a corporation, whether sole or aggregate, has been affixed to a plan intended to be registered pursuant to the Strata Titles Act, 1973, or to a dealing, caveat or other document; and
- (b) the affixing of the seal purports to have been attested by a person or persons holding office in the corporation or by a person or persons authorised to attest the affixing of the seal,

the Registrar-General may assume—

- (c) that the seal and attestation are genuine and were lawfully affixed or subscribed, as the case may be, to or on the plan, dealing, caveat or other document; and
- (d) that the person or persons purporting to have attested the affixing of the seal had sufficient authority to attest the affixing of the seal in the capacity in which he or they purported so to do.

(8) Section 107 (2) (d)—

Omit “place;” insert instead “place; or”.

(9) (a) Section 111 (1)—

Omit “grant or”.

Real Property (Computer Register) Amendment.

SCHEDULE 17—*continued.*

AMENDMENTS TO PART XII OF THE PRINCIPAL ACT—*continued.*

(b) Section 111 (3)—

Omit the subsection, insert instead :—

(3) The Registrar-General, if satisfied that a certificate of title has been lost, mislaid or destroyed, may issue a new certificate of title or new certificates of title for the land comprised in the firstmentioned certificate of title and may record in the Register that the new certificate of title or new certificates of title has or have been issued pursuant to this section.

(10) (a) Section 112 (6)—

After “the grant”, insert “and in the Register”.

(b) Section 112 (7) (a)—

Omit “in accordance with the requirements of section 32”, insert instead “pursuant to section 13 (2A)”.

(11) Section 116 (1)—

Omit the subsection.

(12) (a) Section 117 (1)—

Omit the subsection, insert instead :—

(1) The Registrar-General—

(a) may refuse to accept a primary application, dealing or caveat presented for lodgment; and

(b) may—

(i) where a primary application has been lodged with him—refuse to proceed with, or reject, the application;

Certificate
of correct-
ness.

Real Property (Computer Register) Amendment.

SCHEDULE 17—*continued.*

AMENDMENTS TO PART XII OF THE PRINCIPAL ACT—*continued.*

(ii) where a dealing has been lodged with him for registration—refuse to register, or reject, the dealing; or

(iii) where a caveat has been lodged with him—reject the caveat,

if the application, dealing or caveat, as the case may be, does not bear a certificate that it is correct for the purposes of this Act signed by each person who has executed the application, dealing or caveat, his solicitor or his agent authorised in that behalf.

(b) Section 117 (2)—

Omit “or other dealing”, insert instead “, dealing or caveat”.

(c) Section 117 (3)—

Omit “or other dealing”, insert instead “, dealing or caveat”.

SCHEDULE 18.

Sec. 5 (1).

AMENDMENTS TO PART XIV OF THE PRINCIPAL ACT.

(1) (a) Section 124—

Omit “for possession, or action of ejectment in a District Court”, insert instead “or the District Court for possession of any land”.

(b) Section 124 (b)—

Omit the paragraph, insert instead:—

(b) The case of a chargee as against a charger in default.

Real Property (Computer Register) Amendment.

SCHEDULE 18—*continued.*AMENDMENTS TO PART XIV OF THE PRINCIPAL ACT—*continued.*

(c) Section 124 (e)—

Omit “grant or certificate of title of”, insert instead “folio of the Register for”.

(d) Section 124 (f)—

Omit the paragraph, insert instead:—

- (f) The case of a registered proprietor claiming under a folio of the Register created before a subsequent folio of the Register was created, in any case where the two folios were created for the same land.

(e) Section 124—

Omit “registered grant, certificate of title or lease”, insert instead “folio of the Register, if it is a manual folio, or the production of a computer folio certificate relating to the folio, if it is a computer folio”.

(f) Section 124—

After “action” where lastly occurring, insert “instituted before the production of the folio, if it is a manual folio, or before the time specified in the computer folio certificate, if it is a computer folio,”.

(g) Section 124—

Omit “such instrument”, insert instead “that folio or certificate”.

Real Property (Computer Register) Amendment.

SCHEDULE 18—*continued.*

AMENDMENTS TO PART XIV OF THE PRINCIPAL ACT—*continued.*

(2) (a) Section 125 (1)—

Omit “for possession, or an action of ejectment in a District Court”, insert instead “or the District Court for possession of land”.

(b) Section 125 (1)—

Omit “or person holding a grant or certificate of title”.

(c) Section 125 (1)—

Omit “since obtaining a certificate of title thereto”, insert instead “prior to the commencement of the proceedings or action”.

(d) Section 125 (5)—

After “erroneous certificates”, insert “of title”.

(3) (a) Section 126 (2)—

Omit “grants, or a grant in respect of that land has otherwise incorrectly issued”, insert instead “folios of the Register created under section 13 (2A), or a folio of the Register has otherwise incorrectly been created under section 13 (2A)”.

(b) Section 126 (2)—

Omit “Under Secretary for Lands”, insert instead “Registrar-General”.

(c) Section 126 (3)—

Omit “certificate of title was issued to the transferee”, insert instead “transferee was recorded as registered proprietor in the folio of the Register”.

Real Property (Computer Register) Amendment.

SCHEDULE 18—*continued.*AMENDMENTS TO PART XIV OF THE PRINCIPAL ACT—
continued.

(4) (a) Section 127 (1)—

Omit “for possession, or an action of ejectment in a District Court”, insert instead “or the District Court for possession of that land”.

(b) Section 127 (2)—

Omit “Subject to the limitation imposed by section 130, this”, insert instead “This”.

(5) Section 133 (c)—

After “same”, insert “folio of the Register or”.

(6) Section 135—

Omit “for possession or action of ejectment in a District Court”, insert instead “or the District Court for possession of land”.

Real Property (Computer Register) Amendment.

SCHEDULE 19.

Sec. 5 (1).

AMENDMENTS TO PART XV OF THE PRINCIPAL ACT.

(1) (a) Section 136 (1) (a)—

Omit “or grant”.

(b) Section 136 (1)—

Omit “grant,” wherever occurring.

(c) Section 136 (1)—

Omit “comprised in a certificate of title or”, insert instead “comprised in a folio of the Register for which a certificate of title has been issued,”.

(d) Section 136 (1)—

Omit “or grant showing”, insert instead “or duplicate registered dealing showing”.

(e) Section 136 (2)—

Omit “grant,”.

(f) Section 136 (7)—

Omit “grant,”.

(2) (a) Section 137—

Omit “grant,” wherever occurring.

(b) Section 137—

After “it,”, insert “dispense with its production or”.

(c) Section 137—

Omit “subsection (3) of section 38, or by section 111”, insert instead “section 111 (3)”.

Real Property (Computer Register) Amendment.

SCHEDULE 19—*continued.*AMENDMENTS TO PART XV OF THE PRINCIPAL ACT—*continued.*

(3) Section 138 (1)—

After “therein”, insert “, the creation of a folio thereof”.

Sec. 5 (1).

SCHEDULE 20.

AMENDMENTS TO PART XVII OF THE PRINCIPAL ACT.

(1) Section 141 (1) (a)—

Omit the paragraph, insert instead :—

(a) fraudulently procures, assists in fraudulently procuring or is privy to the fraudulent procuring of—

- (i) the creation of a folio of the Register;
- (ii) the issue or delivery of a certificate of title;
- (iii) a recording in the Register; or
- (iv) any alteration in any instrument or form issued by the Registrar-General;

(2) Section 141 (2)—

Omit the subsection, insert instead :—

(2) Any folio of the Register, certificate of title, recording or alteration the creation of which, issue or delivery of which or the making of which, as the case may be, has been procured by fraud shall be void as between all parties or privies to the fraud.

Real Property (Computer Register) Amendment.

SCHEDULE 21.

Sec. 5 (1).

AMENDMENT TO PART XVIII OF THE PRINCIPAL ACT.

Section 144 (3)—

After section 144 (2), insert :—

(3) Section 41 of the Interpretation Act, 1897, applies to and in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

SCHEDULE 22.

Sec. 5 (2).

AMENDMENTS TO OTHER ACTS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1898, No. 13	Wills, Probate and Administration Act, 1898	<p>Section 58 (3)— Omit the subsection, insert instead:— (3) In the case of land subject to the provisions of the Real Property Act, 1900, the Registrar-General, on being served with an office copy of any such award so signed and confirmed, shall create a folio of the Register kept under that Act for the land so allotted to each allottee.</p> <p>Section 58 (5)— Omit the subsection, insert instead:— (5) In the case of land subject to the provisions of the Real Property Act, 1900, the Registrar-General, when creating under subsection (3) a folio of the Register kept under that Act as a consequence of an allotment made under subsection (2), shall make in the folio such recording as he considers appropriate with respect to any charge referred to in subsection (4) that relates to the allotment and that is unsatisfied.</p>

*Real Property (Computer Register) Amendment.*SCHEDULE 22—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1913, No. 7	Crown Lands Consolidation Act, 1913	<p>Section 93 (6)—</p> <p>(a) Omit “an entry of such forfeiture upon the folium of the register containing such grant”, insert instead “, in the Register kept under the Real Property Act, 1900, such recordings with respect to the forfeiture as he considers appropriate”.</p> <p>(b) Omit “of such grant”, insert instead “of the grant or any certificate of title issued to replace it”.</p> <p>Section 142 (6) (g)—</p> <p>Omit “entries to be made in the register book”, insert instead “recordings to be made in the Register kept under the Real Property Act, 1900”.</p> <p>Section 142B (11)—</p> <p>Omit “entries and notifications in the register book”, insert instead “recordings in the Register kept under the Real Property Act, 1900”.</p> <p>Section 142D (9A) (b)—</p> <p>Omit “entries to be made in the register book”, insert instead “recordings to be made in the Register kept under the Real Property Act, 1900”.</p> <p>Section 142D (11)—</p> <p>Omit “entries and notifications in the register book”, insert instead “recordings in the Register kept under the Real Property Act, 1900”.</p> <p>Section 145B (4)—</p> <p>Omit “entries and notifications in the register book”, insert instead “recordings in the Register kept under the Real Property Act, 1900”.</p> <p>Section 182 (2)—</p> <p>Omit “entries on the grant or any certificate of title”, insert instead “recordings in the Register kept under the Real Property Act, 1900”.</p> <p>Section 195 (5)—</p> <p>Omit “an entry of any such instrument shall be made in the register”, insert instead “a recording with respect to any such instrument shall be made in the Register kept”.</p>

*Real Property (Computer Register) Amendment.*SCHEDULE 22—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1913, No. 7— <i>continued.</i>	Crown Lands Consolidation Act, 1913— <i>continued.</i>	<p>Section 235A (7)— Omit “certificate of title under the Real Property Act, 1900, issued”, insert instead “folio of the Register kept under the Real Property Act, 1900, created”.</p> <p>Section 257—</p> <p>(a) Omit “issue separate certificates of title for such portions”, insert instead “create for each of those portions a folio of the Register kept under the Real Property Act, 1900”.</p> <p>(b) Omit “entries on the grant or any certificate of title”, insert instead “recordings in that Register and on the relevant grant or certificate of title”.</p> <p>(c) Omit “A certificate of title issued for portion of a homestead grant”, insert instead “A folio of that Register created for portion of a homestead grant, other than a folio created for a lot in a strata plan registered under the Strata Titles Act, 1973,”.</p> <p>(d) Omit “certificate of title for portion”, insert instead “folio of that Register for portion”.</p> <p>(e) Omit “A certificate of title issued by”, insert instead “A folio of that Register created by”.</p> <p>(f) Omit “in the certificate”, insert instead “in the folio”.</p>
1924, No. 31 ..	Prickly-pear Act, 1924	<p>Section 21B (4A)—</p> <p>(a) Omit “issue separate certificates of title for such portions”, insert instead “create for each of those portions a folio of the Register kept under the Real Property Act, 1900”.</p> <p>(b) Omit “entries on the grant or any certificate of title as may be necessary”, insert instead “recordings in that Register and on the relevant grant or certificate of title as he considers appropriate”.</p> <p>(c) Omit “A certificate of title”, insert instead “A folio of the Register created”.</p>

*Real Property (Computer Register) Amendment.*SCHEDULE 22—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1943, No. 38 ..	Closer Settlement Amendment (Conversion) Act, 1943	Section 9p (3)— Omit "every such entry, cancellation and correction in the register book", insert instead "such recordings in the Register kept under the Real Property Act, 1900,".
1961, No. 71 ..	Companies Act, 1961	Section 233 (4)— Omit "—1954". Section 233 (4) (a)— Omit "register book under that Act all such entries", insert instead "Register kept under that Act all such recordings".
1964, No. 12 ..	Land Sales Act, 1964	Section 16 (1) (c)— After "procure", insert "the creation of a folio of the Register kept under the Real Property Act, 1900, and the". Fourth Schedule— Omit "volume and folium of the certificate of title or Crown grant", insert instead "distinctive reference allocated to the folio of the Register kept under the Real Property Act, 1900,".
1969, No. 31 ..	Limitation Act, 1969	Section 11 (1), definition of "Mortgage"— Omit "an encumbrance", insert instead "a charge".