

**REAL PROPERTY (FORESTRY RIGHTS) AMENDMENT  
ACT 1987 No. 243**

NEW SOUTH WALES



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**REAL PROPERTY (FORESTRY RIGHTS) AMENDMENT ACT 1987**  
**No. 243**

NEW SOUTH WALES



**Act No. 243, 1987**

An Act to amend the Real Property Act 1900 so as to provide for the registration of profits à prendre. [Assented to 16 December 1987]

*Real Property (Forestry Rights) Amendment 1987*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Real Property (Forestry Rights) Amendment Act 1987.

**Commencement**

2. (1) Except as provided by this section, this Act shall commence on the commencement of the Conveyancing (Forestry Rights) Amendment Act 1987.

(2) Schedule 1 (10), and section 3 in its application to that item, shall commence on—

- (a) the commencement of the Conveyancing (Forestry Rights) Amendment Act 1987; or
- (b) the commencement of the Real Property (Caveats) Amendment Act 1986,

whichever is the later.

**Amendment of Act No. 25, 1900**

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

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

- (1) Section 13K (**Conversions, purchases, extensions of term, subdivisions etc.**)—
  - Section 13K (4)—
    - After “easement,” insert “profit à prendre”.
- (2) Section 14 (**Application to bring land under the Act**)—
  - Section 14—
    - After “easement” wherever occurring, insert “or profit à prendre”.
- (3) Section 14A (**Consolidation with adjoining land in certain cases**)—
  - (a) Section 14A (3)—
    - Omit “or easements”, insert instead “, easements or profits à prendre”.
  - (b) Section 14A (3)—
    - Omit “and easements”, insert instead “, easements and profits à prendre”.

*Real Property (Forestry Rights) Amendment 1987*SCHEDULE 1—AMENDMENTS—*continued*

- (4) Section 31A (**Creation of folio for resumed land**)—  
Section 31A—  
After “easement” wherever occurring, insert “or profit à prendre”.
- (5) Section 42 (**Estate of registered proprietor paramount**)—  
Section 42 (1) (b)—  
Omit “right-of-way or other easement”, insert “easement or profit à prendre”.
- (6) Section 45E (**Grant of possessory application**)—  
(a) Section 45E (4) (a)—  
After “any easement”, insert “or profit à prendre”.  
(b) Section 45E (4) (a)—  
After “an easement”, insert “, profit à prendre”.  
(c) Section 45E (4)—  
After “the easement”, insert “, profit à prendre”.
- (7) Section 46 (**Transfers**)—  
Section 46—  
After “easement”, insert “or profit à prendre”.
- (8) Section 47 (**Creation of easements etc.**)—  
(a) Section 47 (subsection (6A) excepted)—  
After “easement” wherever occurring, insert “or profit à prendre”.  
(b) Section 47 (6A)—  
After “easement” where firstly, secondly, fourthly and fifthly occurring, insert “or profit à prendre”.  
(c) Section 47 (7)—  
Before “recorded”, insert “(being an easement or profit à prendre that benefits land)”.  
(d) Section 47 (8)—  
After “easements” wherever occurring, insert “and profits à prendre”.
- (9) Section 56 (**Lands under this Act: how mortgaged or encumbered**)—  
Section 56—  
After “easement” wherever occurring, insert “or profit à prendre”.
- (10) Section 74H (**Effect of caveat lodged under section 74F**)—  
Section 74H (5) (m)—  
After “easements”, insert “, profits à prendre”.

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SCHEDULE 1—AMENDMENTS—*continued*

(11) Section 105A (**Effect of recording a writ**)—

Section 105A (7)—

After “easement” wherever occurring, insert “or profit à prendre”.