

REAL PROPERTY (AMENDMENT) ACT 1987 No. 37

NEW SOUTH WALES



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REAL PROPERTY (AMENDMENT) ACT 1987 No. 37

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Act No. 37, 1987

An Act to amend the Real Property Act 1900 so as to enable the creation of limited folios for Crown land and to facilitate access to the Register kept under that Act. [Assented to 15 May 1987]

Real Property (Amendment) 1987

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 (Amendment) Act 1987".

Amendment of Act No. 25, 1900

2. The Real Property Act 1900 is amended in the manner set forth in Schedules 1 and 2.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE REAL PROPERTY ACT 1900 ENABLING
THE CREATION OF LIMITED FOLIOS FOR CROWN LAND

- (1) Section 13D (**Bringing of other Crown land under Act**)—

Section 13D (2)—

Omit "under subsection (1)", insert instead "in respect of land to which subsection (1) applies".

- (2) Section 13J (**Estate in land where the State is recorded as proprietor**)—

Omit "Part", insert instead "Act".

- (3) Section 13N—

After section 13M, insert:

Restriction on creation of folios

13N. The Registrar-General shall not create a folio of the Register under this Part if, in the opinion of the Registrar-General, further survey definition is necessary adequately to define the boundaries of the land.

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SCHEDULE 1—*continued*

AMENDMENTS TO THE REAL PROPERTY ACT 1900 ENABLING
THE CREATION OF LIMITED FOLIOS FOR CROWN LAND—
continued

(4) Section 28s (**Interpretation**)—

Section 28s (1), definition of “limitation caveat”—

Omit the definition.

(5) Section 28T (**Creation of limited folio**)—

(a) Section 28T (1A)—

Before section 28T (1), insert:

(1A) Where the boundaries of land to which Part III applies are not sufficiently defined to enable the Registrar-General to create an ordinary folio of the Register under that Part, the Registrar-General may, subject to subsection (4), create a folio of the Register—

- (a) in the case of land to which section 13A or 13B applies, being a folio for the estate or interest in any of that land of the person for whose estate or interest the Registrar-General could otherwise have created an ordinary folio of the Register under that section;
- (b) in the case of land to which section 13D (1) applies, being a folio in which “The State of New South Wales” is recorded as the proprietor of that land; or
- (c) in the case of a lease described in section 13D (3) of land to which section 13D (1) applies, being a folio in the name of the person who, in the Registrar-General’s opinion, is entitled to be registered proprietor of the lease.

(b) Section 28T (4)—

After “subsection”, insert “(1A),”.

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continued

(c) Section 28T (5)—

After section 28T (4), insert:

(5) Part III (sections 13A, 13B, 13D (1) and (3) and 13N excepted) applies to and in respect of a folio of the Register created under subsection (1A) (whether or not it ceases to be a limited folio of the Register) in the same way as it applies to and in respect of a folio of the Register created under Part III.

(d) Section 28T (7)—

Omit “and 28EA”, insert instead “, 28EA and 28QA”.

(e) Section 28T (7)—

Omit “this Part”, insert instead “subsection (1) or (2)”.

SCHEDULE 2

(Sec. 2)

AMENDMENT TO THE REAL PROPERTY ACT 1900 RELATING TO
ACCESSING THE COMPUTER REGISTERSection 96B (**Access to the Register**)—

Section 96B (2), (3)—

At the end of section 96B, insert:

(2) Without affecting any duty imposed by or under this Act, information in the Register—

- (a) in such cases as the Minister directs, shall be made available in such manner and in accordance with such conditions as the Minister considers appropriate; and

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SCHEDULE 2—*continued*

AMENDMENT TO THE REAL PROPERTY ACT 1900 RELATING TO
ACCESSING THE COMPUTER REGISTER—*continued*

- (b) in any other case, may be made available in such manner and in accordance with such conditions as the Registrar-General considers appropriate.
- (3) Conditions imposed under subsection (2) may—
 - (a) require the payment, whether on a periodic or any other basis, of fees and other charges which are—
 - (i) agreed to by the Minister; or
 - (ii) fixed by the Registrar-General with the approval of the Minister; and
 - (b) restrict access to the information or any part of it.