

REAL PROPERTY (AMENDMENT) ACT 1989 No. 15

NEW SOUTH WALES



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REAL PROPERTY (AMENDMENT) ACT 1989 No. 15

NEW SOUTH WALES



Act No. 15, 1989

An Act to amend the Real Property Act 1900 so as to extend the time for registering certain interests and to facilitate the administration of that Act; and for other purposes. [Assented to 18 April 1989]

*Real Property (Amendment) 1989***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Real Property (Amendment) Act 1989.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Real Property Act 1900 No. 25

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

Transitional

4. (1) Section 13M (1) (c) of the Real Property Act 1900, as amended by this Act, applies to folios of the Register created within the last 5 years before the commencement of Schedule 1 (1) as well as to subsequently created folios.

(2) Section 28H (2) (c) of the Real Property Act 1900, as amended by this Act, applies to qualified folios of the Register created at any time before the commencement of Schedule 1 (2) as well as to subsequently created qualified folios.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

- (1) Section 13M (**Registration of instruments executed before creation of folio**)—

From section 13M (1) (c), omit “6 months”, insert instead “5 years”.

- (2) Section 28H (**Recording on qualified folio of registered deeds executed before creation**)—

Omit section 28H (2) (c), insert instead:

(c) is so presented before the caution recorded under section 28J in the folio has lapsed or been cancelled.

- (3) Section 96B (**Access to the Register**)—

Omit section 96B (2) and (3), insert instead:

(2) Without affecting any duty imposed by or under this Act, information in the Register may also be made available in accordance with such conditions as the Registrar-General, with the approval of the Minister, determines.

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SCHEDULE 1—AMENDMENTS—*continued*

- (3) The conditions may—
- (a) require the payment, whether on a periodic or any other basis, of fees and other charges; and
 - (b) restrict access to information in the Register or any part of the Register.

- (4) Sections 96C (**Official search of manual folio**), 96D (**Official search of computer folio**), 96F (**Final search of computer folio**), 96G (**Search of historical record**)—

Omit paragraphs (b) and (c) from each of those sections, insert instead:

and

- (b) the requisition complies with the regulations,

- (5) Section 96J—

After section 96I, insert:

Search fees

96J. The Registrar-General is not required to issue a certificate under this Part, or to have any search carried out for the purpose of issuing any such certificate, unless—

- (a) the fee prescribed in respect of the requisition for the certificate or search has been paid; or
- (b) the Registrar-General is satisfied that the fee will be paid in accordance with arrangements approved by the Registrar-General.

- (6) Part 13 (**Fees—s. 120 (Registrar-General to pay moneys into Treasury and to render accounts)**)—

Omit the Part.

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SCHEDULE 1—AMENDMENTS—*continued*

(7) Section 144 (**Regulations**)—

Omit section 144 (1) (b) and (c), insert instead:

- (b) the refund or waiver of any such fees, charges or expenses;
and

[*Minister's second reading speech made in—
Legislative Assembly on 22 February 1989
Legislative Council on 11 April 1989*]