

**REAL PROPERTY (QUALIFIED TITLES) AMENDMENT BILL
1990**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Real Property Act 1900 to enable the Registrar-General to convert a qualified folio of the Torrens title Register to an ordinary folio if satisfied (on the basis of an official title search and any other evidence that the Registrar-General requests) that there are no subsisting interests affecting the land concerned other than those recorded in the Register and those preserved by the operation of section 42 of that Act.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on the date of assent.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

SCHEDULE 1—AMENDMENTS

Schedule 1 inserts a new provision into the Real Property Act 1900 that will enable the Registrar-General to cancel a caution (relating to the possibility of subsisting interests) recorded in a qualified folio of the Register in the circumstances referred to above.

Cancellation of the caution operates to convert a qualified folio to an ordinary (unqualified) folio and results in the registered proprietor of the land holding it free from all subsisting interests other than those recorded in the Register and those preserved by the operation of section 42 (Estate of registered proprietor paramount) of the Act.

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An application for cancellation of a caution will have to be accompanied by a copy of an official title search carried out by the Land Titles Office and such other evidence as the Registrar-General requests.

The Registrar-General currently has a similar power under section 28EA of the Act to create an ordinary folio for land not already under the provisions of the Act.
