

REAL PROPERTY (OYSTER LEASES) AMENDMENT BILL 1990

NEW SOUTH WALES



EXPLANATORY NOTE

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

The Fisheries and Oyster Farms (Oyster Leases) Amendment Bill 1990 is cognate with this Bill.

The object of this Bill is to provide for the registration, under the Real Property Act 1900, of oyster leases.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a proclaimed day or days.

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

Clause 4 is a formal provision that gives effect to the Schedule of amendments by way of statute law revision.

SCHEDULE 1 - AMENDMENTS CONCERNING OYSTER LEASES

Land comprised in oyster leases

Schedule 1 (3) amends Schedule 2 to the Principal Act to include a reference to Crown lands dealt with under Part 5 of the Fisheries and Oyster Farms Act 1935 (that is, land for the most part comprised in oyster leases). The effect is to apply section 13 of the Principal Act to those lands, so that they may be brought under the provisions of the Principal Act.

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Consequential amendments

Schedule 1 (1) amends section 13F of the Principal Act in order to allow the Registrar-General to record an interest in an oyster lease when the land comprised in the lease has been brought under the provisions of the Principal Act.

Schedule 1 (2) inserts a new section 28F into the Principal Act in order to allow the Registrar-General, when creating a folio of the Register in the name of the holder of an lease, to create the folio as a qualified folio so as to preserve interests of which the Registrar-General was without notice at the time the folio was created.

SCHEDULE 2 - AMENDMENTS BY WAY OF STATUTE LAW REVISION

The opportunity has been taken to repeal and re-enact the provisions contained in sections 13F, 13K, 13M and 39A of the Principal Act in order to make those provisions more explicit.
