

Real Property Amendment (Land Transactions) Act 2009 No 71

[2009-71]



New South Wales

Status Information

Currency of version

Repealed version for 28 October 2009 to 1 March 2010 (accessed 28 December 2024 at 21:47)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 2.3.2010.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Real Property Amendment (Land Transactions) Act 2009 No 71



New South Wales

An Act to amend the *Real Property Act 1900* in relation to the lodgment and registration of dealings; and for other purposes.

1 Name of Act

This Act is the *Real Property Amendment (Land Transactions) Act 2009*.

2 Commencement

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

Schedule 1 Amendment of *Real Property Act 1900* No 25

[1] Section 39 Treatment of dealings that do not comply with requirements

Insert after section 39 (1B):

(1C) For the purposes of subsection (1B), a dealing or application is taken to be accompanied by a notice in the approved form if, before the presentation of the dealing or application, a notice relating to the dealing or application is lodged electronically in a form and in the manner approved by the Registrar-General.

[2] Section 117 Certificate of correctness

Insert “application,” after “by whom the” in section 117 (1) (a).

[3] Section 117 (1A) and (1B)

Insert after section 117 (1):

(1A) The Registrar-General may reject, or may refuse to accept or to take any action in relation to, any dealing accompanied by a notice (in accordance with section 39 (1B)) unless:

(a) in the case of a notice lodged electronically—the dealing is accompanied by a

certificate to the effect that the notice has been lodged electronically in a form and in the manner approved by the Registrar-General and that the notice is correct for the purposes of this Act, and

(b) in any other case—the notice bears a certificate to the effect that the notice is correct for the purposes of this Act.

(1B) A certificate referred to in subsection (1A) must be signed by:

(a) the person lodging the dealing, or

(b) a party to the dealing, or

(c) a solicitor or agent acting for the person lodging, or a party to, the dealing.

[4] Section 117 (2)

Omit “any such application, dealing or caveat”.

Insert instead “any application, dealing, caveat or notice referred to in this section”.

[5] Section 129 Circumstances in which compensation payable

Insert at the end of section 129 (1) (f):

or

(g) any error of the Registrar-General in recording details supplied in the notice referred to in section 39 (1B),

[6] Section 129 (2) (p)

Insert at the end of section 129 (2) (o):

, or

(p) where the loss or damage arises from the provision by the Registrar-General of information supplied in the notice referred to in section 39 (1B) (subject to subsection (1) (g)).

[7] Section 144 Regulations

Insert “and” at the end of section 144 (1) (a).

[8] Schedule 3 Savings and transitional provisions

Insert at the end of clause 1 (1):

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[9] Schedule 3, Part 9

Insert after Part 8:

Part 9 Real Property Amendment (Land Transactions) Act 2009

24 Application of amendments

- (1) Sections 39 (1C) and 117 (1A) or (1B), as inserted by the *Real Property Amendment (Land Transactions) Act 2009*, apply in respect of a dealing only if the relevant date for that dealing occurs after the commencement of the relevant subsection.
- (2) In this clause, **relevant date** means:
 - (a) if a contract has resulted in the execution of the dealing—the date of the contract, or
 - (b) in any other case—the date of the acquisition of the land or other event that gave rise to the dealing concerned.