

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 21 of 1927.

AN ORDINANCE

To amend the Real Property Ordinance 1925-1927.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act* 1909, and the *Seat of Government (Administration) Act* 1910, as follows:—

1.—(1.) This Ordinance may be cited as the *Real Property Ordinance* (No. 2) 1927. Short title and citation.

(2.) The *Real Property Ordinance* 1925-1926, as amended by the *Real Property Ordinance* 1927, is in this Ordinance referred to as the Principal Ordinance.

(3.) Sub-section (3.) of section one of the *Real Property Ordinance* 1927 is repealed.

(4.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Real Property Ordinance* 1925-1927.

2. Section six of the Principal Ordinance is amended— Definitions.

(a) by adding at the end of the definition of “ Crown Lease ” the words “ or by the Commission ”; and

(b) by inserting in the definition of “ Grant ”, after the word “ Commonwealth ”, the words “ or by the Commission ”.

3.—(1.) Section seven of the Principal Ordinance is amended— Registrars, Deputy Registrars, etc.

(a) by omitting from sub-section (2.) the words “ and shall have the qualifications of a barrister or solicitor of the High Court of Australia, or of the Supreme Court of a State ”; and

(b) by adding at the end thereof the following sub-section:—

“ (5.) The Commission may appoint any person to be a Deputy Registrar.”

(2.) Where before the commencement of this section the Commission has purported to appoint a person to be a Deputy Registrar, that appointment shall be deemed to be, and to have been at all times, as good and valid as if this section had been in force at the time of the appointment and the appointment had been made in pursuance thereof, and anything done by any Deputy Registrar so appointed shall be of as full force and effect as if his appointment had been made in pursuance of law.

Crown grants and certain Crown leases to be subject to provisions of Ordinance.

4. Section seventeen of the Principal Ordinance is amended by inserting in sub-section (1.), after the word "Commonwealth", the words "or by the Commission".

5. After section fifty of the Principal Ordinance the following section is inserted:—

Power to issue duplicate lease, mortgage or charge in lieu of lost or destroyed duplicate.
Vic. No. 2966,
s. 2.

"50A.—(1.) When a duplicate memorandum of lease, mortgage or encumbrance has been lost or destroyed, the Registrar upon being satisfied as to the loss or destruction may issue a certificate of lease, mortgage or encumbrance, as the case may be, in place thereof.

"(2.) A certificate of lease, mortgage or encumbrance shall be in accordance with the form in the Twentieth Schedule or a form to the like effect, and shall contain a memorial of every instrument purporting in any way to affect the lease, mortgage or encumbrance.

"(3.) The issue of the certificate shall be subject to such conditions as to advertisement, notice and indemnity as the Registrar thinks fit.

"(4.) Upon the issue of a certificate in pursuance of this section, the Registrar shall endorse on the original memorandum of lease, mortgage or encumbrance, as the case may be, a memorandum that the certificate has been issued, and thereafter the certificate shall be produced to the Registrar on every occasion upon which production of the duplicate lease, mortgage or encumbrance would be required if the certificate had not been issued, and the Registrar shall record thereon every memorial which he would have been required to record on the duplicate lease, mortgage or encumbrance upon such production."

Provision in case of lost grant.

6. Section sixty-two of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) all words after the word "applicant", and inserting in their stead the words "a certificate of title of the land, which certificate of title shall contain a memorial of every instrument purporting in any way to affect the land, and shall enter on the folium of the Registrar Book constituted by the grant or certificate of title which has been lost, mislaid or destroyed, a memorandum recording the issue of the certificate of title."

(b) by omitting from sub-section (2.) the word, “provisional”; and

(c) by omitting from sub-section (3.) the word “provisional”.

7. After section sixty-two of the Principal Ordinance the following section is inserted:—

“ 62A.—(1.) Wherever the condition of a duplicate grant or certificate of title lodged with the Registrar for any purpose is such that the Registrar deems it inadvisable to re-issue it, the Registrar may require a new certificate of title to be taken out.

Power of Registrar to issue new certificates.

“(2.) The Registrar may, upon the delivery up to him of a duplicate grant or certificate of title, issue a new certificate of title in the place of the existing grant or certificate of title which shall thereupon be cancelled.”.

8. Section seventy of the Principal Ordinance is amended by inserting, after the word “Commonwealth”, the words “or by the Commission”.

Registration of Crown leases.

9. Section seventy-five of the Principal Ordinance is amended by omitting the proviso to sub-section (3.).

Procedure as regards dealing with certificate of title in case of transfer.

10. Section eighty-four of the Principal Ordinance is amended by omitting the words “executed after the registration of the mortgage or encumbrance.”.

Mortgagee, &c., not bound by lease unless he consents.

11. Section eighty-six of the Principal Ordinance is amended by inserting in the proviso to sub-section (2.), after the word “Commonwealth” (wherever occurring), the words “or the Commission”.

Lease may be surrendered by endorsement signed by lessee and lessor.

12. Section one hundred and thirty-seven of the Principal Ordinance is amended by omitting sub-section (5.).

Powers of Registrar in dealing with applications of executors and administrators.

13.—(1.) After section one hundred and forty-two of the Principal Ordinance the following section is inserted:—

Remission of fees.

“ 142A. The Commission may remit the payment of any fee or portion of a fee under this Ordinance or the regulations thereunder, in any case where the Commission is satisfied that it would be inequitable to require that payment.”.

(2.) This section shall be deemed to have commenced on the same date as the *Real Property Ordinance 1925*.

Twentieth
Schedule.

14. After the Nineteenth Schedule to the Principal Ordinance the following Schedule is added :—

“The Twentieth Schedule.

Section 50A.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

FEDERAL CAPITAL COMMISSION.

Real Property Ordinance 1925.

CERTIFICATE OF LEASE (or MORTGAGE or ENCUMBRANCE).

This is to certify that.....of.....is registered as the proprietor of a.....registered the.....day of.....19.... No..... made and given by one.....subject nevertheless to such encumbrances, liens and interests as are notified by memorial underwritten or endorsed hereon.

Encumbrances, liens and interests above referred to.

The Registrar of Titles, being satisfied that the duplicate of the said lease (or mortgage or encumbrance) has been lost (or destroyed), hereby issues this certificate in place of the said duplicate lease (or mortgage or encumbrance).

Dated this.....day of.....192....

Registrar of Titles.”

Dated this twenty-second day of December, One thousand nine hundred and twenty-seven.

STONEHAVEN

Governor-General.

By His Excellency's Command,

H. E. PRATTEN

for Minister of State for Home and Territories.

By Authority: H. J. GREEN, Government Printer, Canberra.