



Australian Capital Territory

Registration of Deeds Act 1957 No 13

Republication No 4

Effective: 9 September 2003 - 11 April 2007

Republication date: 9 September 2003

Last amendment made by A2003-39

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Registration of Deeds Act 1957* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 9 September 2003. It also includes any amendment, repeal or expiry affecting the republished law to 9 September 2003.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Registration of Deeds Act 1957

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R4
09/09/03

Registration of Deeds Act 1957
Effective: 09/09/03-11/04/07

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Australian Capital Territory

Registration of Deeds Act 1957

An Act providing for the registration of deeds and other documents

R4
09/09/03

Registration of Deeds Act 1957
Effective: 09/09/03-11/04/07

page 1

1 Short title

This Act may be cited as the *Registration of Deeds Act 1957*.

2 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

deed includes any instrument or document, whether under seal or not, other than—

- (a) a will; or
- (b) an instrument (not being a lease, or a sublease, for a term of years not exceeding 3 years) that is in accordance with the provisions of the *Land Titles Act 1925* and purports to transfer or otherwise deal with or affect an estate or interest in land under the provisions of that Act; or
- (c) a document that evidences, or purports to evidence, a change of the name of a person.

the register means the general register of deeds.

registration copy means—

- (a) in relation to a deed that is deposited with the registrar-general upon the registration of the deed under this Act—the deed; and
- (b) in relation to any other deed—the copy of the deed deposited with the registrar-general upon the registration of the deed under this Act.

3 General register of deeds

- (1) The registrar-general shall keep a register, to be called the general register of deeds, in such form as the Minister directs.

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- (2) The register of powers of attorney established by the *Powers of Attorney Act 1956* shall be incorporated with and form part of the register.
 - (3) A power of attorney that, immediately before the commencement of this Act, was, by virtue of the *Powers of Attorney Act 1956*, section 10, deemed to be registered under that Act shall be deemed to be registered under this Act.

4 Registration of deeds

- (1) Subject to this section, a person may register a deed in the register, whether the deed was executed before, or is executed after, the commencement of this Act—
 - (a) by depositing the deed with the registrar-general;
 - (b) by producing the deed to the registrar-general and depositing with the registrar-general a copy of the deed verified as a true copy by the statutory declaration of a person who has compared the copy with the original deed of which it purports to be a true copy; or
 - (c) if the person is unable to produce the deed to the registrar-general by reason of the fact that the deed has been registered by, or filed or deposited with, an officer of a State or Territory under a law of that State or Territory—by depositing with the registrar-general a copy of the deed, being a copy of the deed certified as a true copy by the officer having the custody of the deed, or being a copy of the deed that is, by virtue of the law of the State or Territory under which the deed was so registered, filed or deposited, evidence of the contents of the deed in the State or Territory.

Note A fee may be determined under s 8 (Determination of fees) for this section.

- (2) A deed shall not be registered under this Act by being deposited with the registrar-general—

- (a) unless the deed has endorsed on it, or attached to it, a statutory declaration made by a party to it verifying the due execution of the deed; and
 - (b) unless the deed and the statutory declaration verifying its execution, in the opinion of the registrar-general—
 - (i) are legibly written; and
 - (ii) are on paper of a size and standard approved by him or her; and
 - (iii) will, if bound in the register, be, and continue to be, easily readable.
- (3) The registrar-general may refuse to accept the deposit, under subsection (1) (b) or (c), of a copy of a deed if, in his or her opinion, the copy—
- (a) is not legibly written; or
 - (b) is not on paper of a size and standard approved by him or her; or
 - (c) will not, if bound in the register, be, and continue to be, easily readable.
- (4) Where, in the copy of a deed, not being a copy which is, by virtue of the law of the State or Territory under which the deed was registered, filed or deposited, evidence of the contents of the deed in the State or Territory, there is an interlineation, alteration or erasure, the copy shall not be deposited with the registrar-general under subsection (1) (b) or (c) unless—
- (a) the interlineation or alteration, not being an alteration by erasure, is authenticated by the initials of the person verifying or certifying the copy as a true copy; and
 - (b) in the case of an erasure—the words or figures appearing, at the time the copy was verified or certified to be a true copy, to be written on the erasure are rewritten and signed

or initialed in the margin of the copy by the person verifying or certifying it to be a true copy.

- (5) Upon registering a deed in the register, the registrar-general shall endorse on the registration copy of the deed a memorandum of the registration of the deed and of the date and time of registration and—
- (a) shall, if the original deed has been produced to him or her but has not been deposited with him or her, endorse such a memorandum on the deed; or
 - (b) shall, if a copy of the deed has been deposited with him or her under subsection (1) (c) and the person depositing the copy so requests and produces to the registrar-general a further copy of the deed duly verified to be a copy, endorse such a memorandum on the further copy.

4A Priority according to registration

- (1) All deeds affecting any land, estate or interest in land, or other property, in the Territory which are executed or made in good faith and for valuable consideration and are registered under this Act, shall have priority according to the sequence of their registration only.
- (2) A deed registered under this Act shall not lose any priority to which it would otherwise be entitled by reason only of bad faith in the conveying party if the party beneficially taking under that deed acted in good faith and there was valuable consideration given.

4B Mistakes in registration

The registration of a deed under this Act shall not be defeated or made ineffectual by reason of any omission, misdescription or error if the identity of the deed is established and the requirements of this Act have been substantially complied with in relation to the registration of that deed.

5 Index

The registrar-general shall keep an index of deeds registered in, or forming part of, the register.

6 Searches

A person may search in the index kept by the registrar-general under section 5 and examine the registration copy of any deed registered in the register.

7 Certified copies

The registrar-general shall, upon receipt of an application specifying the particular deed, being a deed registered in the register, of which the person making the application desires to have issued to him or her a certified copy, issue to that person a copy of the registration copy of the deed certified by the registrar-general to be a true copy of the registration copy of the deed.

Note 1 A fee may be determined under s 8 (Determination of fees) for this section.

Note 2 If a form is approved under s 9 (Approved forms) for an application, the form must be used.

8 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

9 Approved forms

- (1) The registrar-general may, in writing, approve forms for this Act.

- (2) If the registrar-general approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Registration of Deeds Ordinance 1957* No 13 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

Legislation before becoming Territory enactment

Registration of Deeds Act 1957 No 13

notified 21 November 1957

commenced 21 November 1957

as amended by

Ordinances Revision (Decimal Currency) Ordinance 1966 No 19

notified 23 December 1966

commenced 23 December 1966

Ordinances Revision (Administrative Arrangements) Ordinance 1977 No 18

notified 21 June 1977

commenced 21 June 1977

Registration of Deeds (Amendment) Ordinance 1977 No 49

notified 27 September 1977

commenced 3 October 1977

Registration of Deeds (Amendment) Ordinance 1978 No 25

notified 5 September 1978

commenced 3 October 1978

Endnotes

3 Legislation history

Registration of Deeds (Amendment) Ordinance 1980 No 14

notified 15 May 1980
commenced 1 July 1980

Registration of Deeds (Amendment) Ordinance 1982 No 79

notified 1 October 1982
commenced 1 October 1982

Registration of Deeds (Amendment) Ordinance 1983 No 40

notified 29 September 1983
commenced 1 October 1983

Registration of Deeds (Amendment) Ordinance 1985 No 22

notified 7 June 1985
commenced 7 June 1985

Legislation after becoming Territory enactment

**Registrar-General (Consequential Provisions) Act 1993 No 64
sch 1**

notified 6 September 1993 (Gaz 1993 No S172)
s 1, s 2 commenced 6 September 1993 (s 2 (1))
sch 1 commenced 1 October 1993 (s 2 (2) and Gaz 1993 No
S207)

**Land Titles (Consequential Amendments) Act 1995 No 54 sch pt
1**

notified 20 December 1995 (Gaz 1995 No S313)
sch pt 1 commenced 20 June 1996 (s 2)

**Births, Deaths and Marriages Registration (Consequential
Provisions) Act 1997 No 113 sch**

notified 24 December 1997 (Gaz 1997 No S420)
s 1, s 2 commenced 24 December 1997 (s 2 (1))
sch commenced 24 June 1998 (s 2 (2))

Legislation (Consequential Amendments) Act 2001 No 44 pt 327

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 327 commenced 12 September 2001 (s 2 and Gaz 2001 No
S65)

Registration of Deeds Amendment Act 2003 A2003-39

notified LR 8 September 2003

s 1, s 2 commenced 8 September 2003 (LA s 75 (1))

remainder commenced 9 September 2003 (s 2)

4 Amendment history**Definitions for Act**

s 2 def *deed* am 1993 No 64 sch 1; 1995 No 54 sch pt 1; 1997 No 113 sch; A2003-39 s 4
 def *determined fee* ins 1984 No 40 s 4 om 2001 No 44 amdt 1.3604
 def *the Registrar* om 1993 No 64 sch 1

General register of deeds

s 3 am 1977 No 18; 1993 No 64 sch 1

Registration of deeds

s 4 am 1966 No 19; 1977 No 49; 1978 No 25; 1980 No 14; 1982 No 79; 1983 No 40; 1993 No 64 sch 1; 2001 No 44 amdt 1.3605, amdt 1.3606

Priority according to registration

s 4A ins 1985 No 22

Mistakes in registration

s 4B ins 1985 No 22

Index

s 5 am 1993 No 64 sch 1

Searches

s 6 am 1966 No 19; 1977 No 49; 1993 No 64 sch 1

Certified copies

s 7 am 1966 No 19; 1977 No 49; 1983 No 40; 1993 No 64 sch 1; 2001 No 44 amdts 1.3607-1.3610

Determination of feess 8 ins 1983 No 40
sub 2001 No 44 amdt 1.3611**Approved forms**

s 9 ins 2001 No 44 amdt 1.3611

The Schedulesch am 1993 No 64 sch 1
om 2001 No 44 amdt 1.3612

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	ord 1985 No 22	31 October 1990
2	Act 1997 No 113	31 January 1998
3	A2001-44	12 September 2001

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