

AUSTRALIAN CAPITAL TERRITORY

467

No. 33 of 1975

AN ORDINANCE

To amend the *Real Property Ordinance 1925-1972*.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1973*.

Dated this second day of October, 1975.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

KEP. ENDERBY
Attorney-General.

REAL PROPERTY ORDINANCE 1975

1. (1) This Ordinance may be cited as the *Real Property Ordinance 1975*.^{*} Short title and citation.

(2) The *Real Property Ordinance 1925-1972*[†] is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Real Property Ordinance 1925-1975*.

2. This Ordinance shall come into operation on a date to be fixed by the Minister of State for the Capital Territory by notice published in the *Gazette*. Commencement.

3. Section 14 of the Principal Ordinance is amended— Powers of Registrar.

(a) by omitting from paragraph (1)(e) the words "fraud or improper dealing." and substituting the words "fraud or improper dealing; and"; and

(b) by adding at the end of sub-section (1) the following paragraph:—

"(f) he may, without erasing or rendering illegible the original measurements, alter—

(i) grants, certificates of title, the Register Book and entries made therein; and

^{*} Notified in the *Australian Government Gazette* on 7 October 1975.

[†] Ordinance No. 1, 1925, as amended by No. 12, 1925; No. 8, 1926; Nos. 15 and 21, 1927; No. 19, 1930; Nos. 26 and 34, 1933; No. 14, 1934; No. 15, 1936; No. 27, 1937; Nos. 15, 25 and 35, 1938; No. 16, 1940; No. 15, 1942; No. 9, 1951; No. 16, 1956; No. 12, 1957; No. 7, 1961; No. 6, 1963; No. 46, 1967; No. 9, 1969; No. 6, 1970; and No. 11, 1972.

- (ii) any maps, plans, documents and instruments deposited or lodged with him, whether under this or any other Ordinance,

so as to express in metric units, to the third decimal place, any measurements contained therein that are expressed in imperial units.”.

One certificate may be issued for lands not contiguous.

4. Section 45 of the Principal Ordinance is amended by omitting from sub-section (3) the words “one acre” and substituting the words “5,000 square metres”.

Registrar may require map to be deposited.

5. Section 64 of the Principal Ordinance is amended—

- (a) by omitting sub-sections (2), (3), (4) and (5) and substituting the following sub-sections:—

“(1A) A map or plan deposited in accordance with sub-section (1) shall be in a form approved by the Registrar.

“(2) If the land or the portion thereof proposed to be transferred or dealt with is of an area not exceeding 5,000 square metres, the map or plan shall be on a scale of not less than 1 to 2,000.

“(3) If the land or the portion thereof proposed to be transferred or dealt with is of an area exceeding 5,000 square metres but not exceeding two hectares, the map or plan shall be on a scale of not less than 1 to 4,000.

“(4) If the land or the portion thereof proposed to be transferred or dealt with is of an area exceeding 2 hectares but not exceeding 30 hectares, the map or plan shall be on a scale of not less than 1 to 8,000.

“(5) If the land or the portion thereof proposed to be transferred or dealt with is of an area exceeding 30 hectares, the map or plan shall be on a scale of 1 to 20,000.”;

- (b) by omitting from sub-section (6) the words “Commonwealth Surveyor-General or by an officer appointed by him” and substituting the words “Surveyor-General for Australia, or an officer appointed by him”; and

- (c) by omitting sub-section (7).

In case of default, order for foreclosure.

6. Section 97 of the Principal Ordinance is amended by omitting from sub-section (2) the words “within three miles” and substituting the words “within 5 kilometres”.

First Schedule.

7. The First Schedule to the Principal Ordinance is amended by omitting the words “number of acres” and substituting the words “number of hectares”.

8. The Eighteenth Schedule to the Principal Ordinance is amended by omitting item 5 and substituting the following item:— Eighteenth Schedule.

" 5 | For each page of a certified copy under section 65 | 0.40".

9. The Principal Ordinance is amended as set out in the Schedule. Schedule.

SCHEDULE

Section 9

Amendments of the Principal Ordinance

Provision amended	Omit—
The Fourth Schedule	containing [<i>area in acres, roods and perches</i>],
The Fifth Schedule	containing [<i>area in acres, roods and perches</i>],
The Sixth Schedule	containing [<i>area in acres, roods and perches</i>]
The Eighth Schedule	containing [<i>acres, roods and perches</i>],
The Ninth Schedule	containing [<i>area in acres, roods and perches</i>],
The Tenth Schedule	containing [<i>area in acres, roods and perches</i>],
The Eleventh Schedule	containing [<i>area, in acres, roods and perches</i>],