

REGISTRATION OF DEEDS (AMENDMENT)
ORDINANCE 1985
No. 22 of 1985
EXPLANATORY STATEMENT

The Registration of Deeds Ordinance 1957 empowers the Registrar of Titles to maintain a register of deeds and other documents in the Australian Capital Territory. The operation of the Ordinance was complemented by the provisions of the New South Wales Registration of Deeds Act 1897 (the New South Wales Act) which continued in force in the Australian Capital Territory by virtue of the Seat of Government Acceptance Act 1909 and the Seat of Government (Administration) Act 1910. Under the New South Wales Act certain documents were afforded the advantages of priority by registration.

The Registration of Deeds (Amendment) Ordinance 1985 incorporates the relevant provisions of the New South Wales Act into the Registration of Deeds Ordinance 1957. The New South Wales Act ceases to apply in the Australian Capital Territory. Details of the Ordinance are set out below.

Section 1 is an interpretation section.

Section 2 of the Ordinance repeals the operation of the Registration of Deeds Act 1897 of New South Wales in its application to the Territory.

Section 3 of the Ordinance amends the Registration of Deeds Ordinance 1957 by the insertion of two new sections, sections 4A and 4B, which substantially re-enact sections 12 and 13 of the New South Wales Registration of Deeds Act 1897.

Section 4A provides that all deeds affecting any lands or other property in the Territory which are executed bona fide and for valuable consideration and are duly registered under the Ordinance shall have and take priority according to the sequence of registration. Furthermore, this priority is not affected by reason only of bad faith^{!!} if the conveying party beneficially taking under the deed acted bona fide and if valuable consideration was given for the conveyance.

Section 4B provides that no registration of any deed should be defeated or made ineffectual by reason of any omission misdescription or error in any case where the identity of the instrument is established and there has been a substantial compliance with the requirements of the Ordinance.

ORD 9/85