



LAND TITLES AMENDMENT ACT 1992

No. 26 of 1992

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AN ACT to amend the *Land Titles Act 1980*

[Royal Assent 28 October 1992]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Land Titles Amendment Act 1992*.

Commencement

2—This Act commences on the day on which it receives the Royal Assent.

Principal Act

3—In this Act, the *Land Titles Act 1980** is referred to as the Principal Act.

Section 32 amended (Land may be described by verbal description if no survey available, &c.)

4—Section 32 of the Principal Act is amended as follows:—

- (a) by omitting from subsection (1) “description.” and substituting “description or by a plan prepared from information contained in a verbal description.”;
- (b) by omitting from subsection (2) “description, or where, under section 143E (1), a balance plan has been prepared from information contained in a verbal description” and substituting “description or by a plan prepared from information contained in a verbal description, or where, under section 143E (1), the remainder of any land included in a title is described by a plan prepared from information contained in a verbal description”;
- (c) by omitting paragraph (a) of subsection (2) and substituting the following paragraph:—

(a) subject to subsection (2A), an action is not to be brought against—

(i) the Recorder; or

(ii) the assurance fund; or

(iii) in the case of a plan prepared by a surveyor—that surveyor—

by reason or in respect of any difference between the area of land or the position or dimensions of the boundaries so described and the actual area, position or dimensions as found by survey; and

* No. 19 of 1980. Amended by No. 46 of 1981, Nos. 9, 51 and 99 of 1982, No. 29 of 1984, No. 51 of 1985, No. 98 of 1986, No. 2 of 1987, Nos. 5, 11 and 48 of 1990 and Nos. 43 and 46 of 1991.

(d) by omitting from paragraph (b) of subsection (2) “from the registered proprietor”;

(e) by inserting the following subsection after subsection (2):—

(2A) Where, pursuant to subsection (1), the Recorder describes land by—

(a) a verbal description; or

(b) a plan prepared from information contained in a verbal description—

subsection (2) (a) does not exempt the Recorder from any liability under section 153 as a result of any omission, mistake or misfeasance of the Recorder or any of the Recorder’s officers in respect of that description.

(f) by omitting from subsection (3) “verbal description” and substituting “verbal description or by a plan prepared from information contained in a verbal description”;

(g) by omitting from subsection (3) “that the description” and substituting “the verbal description or plan”;

(h) by omitting subsections (4) and (4A) and substituting the following subsections:—

(4) The Recorder may, at any time—

(a) add to a verbal description a plan prepared from information contained in that description; or

(b) replace a verbal description with a plan prepared from information contained in that description or with a plan from actual survey; or

(c) replace a plan prepared from information contained in a verbal description with an amended or corrected plan of the same kind or with a plan from actual survey.

(4A) A plan prepared from—

(a) information contained in a verbal description;
or

(b) a plan prepared from information contained
in a verbal description—

is to be endorsed “sketch by way of illustration only”.

(i) by omitting from subsection (5) “description.” and
substituting “description from which it has been
prepared.”.