



## REAL PROPERTY

—  
**No. 56 of 1976**  
 —

### ANALYSIS

1. Short title, citation, and commencement.
2. Power of Recorder to make transparencies for record purposes and to furnish copies to the public.
3. Searches.
4. Amendment of the first Schedule.
5. Corporation may appoint person to sign certificates of correctness.
6. Destruction of records.

\*\*\*\*\*  
**AN ACT to amend the Real Property Act 1862 and the Real Property Act 1886.**

[11 November 1976]

**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:—

**1—(1)** This Act may be cited as the *Real Property Act 1976*.

Short title,  
citation, and  
commencement.

**(2)** The *Real Property Act 1862*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) Sections 2 and 6 of this Act shall commence on the commencement of the *Evidence Act (No. 2) 1976*.

(4) Section 3 of this Act shall commence on a day to be fixed by proclamation.

**2** Section 105 of the Principal Act is repealed and the following section is substituted:—

Power of Recorder to make transparencies for record purposes and to furnish copies to the public.

“105.—(1) The Recorder may cause to be made a transparency of any instrument or record that is in his possession or custody or under his control and may, subject to the provisions of the *Archives Act 1965*, keep that transparency in lieu of, or in addition to, the instrument or record of which it is a transparency.

“(2) The Recorder shall, on application and payment of the prescribed fee, furnish a person with a certified copy of an instrument registered under this Act.

“(3) A copy for the purposes of subsection (2) may, in the Recorder’s discretion, be—

- (a) in writing;
- (b) made by such photocopying process as the Recorder determines; or
- (c) made partly in accordance with paragraph (a) and partly in accordance with paragraph (b).

“(4) In this section—

- ‘certified’ means certified by the Recorder or by some other officer acting on his behalf;
- ‘machine copy’ has the same meaning in relation to an instrument as, under section 68A of the *Evidence Act 1910*, it has in relation to a document to which Division VA of Part III of that Act applies;
- ‘photocopying process’, in relation to a copy of an instrument, means the process of making a photographic copy or machine copy of the instrument;
- ‘photographic copy’, in relation to an instrument, means a print made from a transparency of the instrument;
- ‘transparency’ has the same meaning in relation to an instrument or record as, under section 68A of the *Evidence Act 1910*, it has in relation to a document to which Division VA of Part III of that Act applies.”.

**3** Sections 106 and 107 of the Principal Act are repealed and the following section is substituted:—

“ 106 The register book shall be a public record, and information Searches.  
in it shall be available—

- (a) during the hours, and on the days, appointed by the Recorder for search;
- (b) in the prescribed manner; and
- (c) on payment of the prescribed fee (if any).”.

**4** The first Schedule to the Principal Act is amended by omitting Amendment of  
forms XVII and XVIII. the first  
Schedule.

**5** Section 30 of the *Real Property Act 1886* is repealed.

Corporation  
may appoint  
person to  
sign certificates  
of correctness.  
Destruction of  
records.

**6** Section 34 of the *Real Property Act 1886* is repealed.

