

TASMANIA.



1926.

ANNO SEXTO DECIMO

GEORGII V. REGIS.

No. 81.

ANALYSIS.

- 1. Short title.
Principal Act.
- 2. Amendment of Section 5 of the Principal Act.
- 3. Amendment of Section 23 of the Principal Act.
- 4. Amendment of Section 83 of the Principal Act.
- 5. Amendment of Section 84 of the Principal Act.
- 6. Repeal of Section 108 of the Principal Act, and substitution of new section.
- 7. Repeal of Schedule P to the Principal Act, and substitution of new schedule.
- 8. Repeal of 31 Vict. No. 17.



AN ACT to amend the Real Property Act. A.D. 1926.
[9 April, 1926.]

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, 1926.” Short title.
- (2) The Real Property Act is herein called “the Principal Act.” Principal Act.
- 2 Section Five of the Principal Act is hereby amended by inserting the words “Part I. of” after the word “in” in the tenth line thereof. 25 Vict. No. 16.
- Amendment of Section 5 of the Principal Act.

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Amendment of
Section 28 of the
Principal Act.

3 Section Twenty-eight of the Principal Act is hereby amended by inserting the words "Part II. of" after the word "in" in the seventh line thereof.

Amendment of
Section 83 of the
Principal Act.

4 Section Eighty-three of the Principal Act is hereby amended by inserting after the word "fit" in the thirteenth line thereof the following words:—"and to determine by whom the costs of, and incidental to, the summons and the proceedings thereon, and the entering and removal of the caveat, shall be borne."

Amendment of
Section 84 of the
Principal Act.

5 Section Eighty-four of the Principal Act is hereby amended by inserting at the end thereof the following proviso:—

"Provided that nothing in this section hereinbefore contained shall prevent the completion of the registration of any instrument affecting such land, estate, or interest as aforesaid which has been produced for registration prior to the lodging of such caveat."

Repeal of Section
108 of the Prin-
cipal Act, and
substitution of
new section.

6 Section One hundred and eight of the Principal Act is hereby repealed, and the following section substituted therefor:—

"**108** There shall be payable to the Recorder of Titles the fees specified in Part III. of the schedule hereto marked P, in respect of the several matters therein mentioned or referred to."

Repeal of
Schedule P to the
Principal Act,
and substitution
of new schedule.

7 Schedule P to the Principal Act is hereby repealed, and the words and figures set out in the schedule to this Act are hereby substituted therefor and shall be read as Schedule P to the Principal Act.

Repeal of 31 Vict
No. 17.

8 The Real Property Act, No. 3, is hereby repealed.

SCHEDULE.**P.****FEES PAYABLE FOR THE PERFORMANCE OF THE SEVERAL ACTS, MATTERS, AND THINGS HEREINAFTER SPECIFIED.****PART I.****COMMISSIONERS' FEES.**

Section 5.

For the bringing of land under the provisions of the Real Property Act, to be paid to the Lands' Titles Commissioners, over and above the cost of all prescribed advertisements.

	£	s.	d.
Where the title consists of a grant, and none of the land included therein has been dealt with	0	2	0
Where the title is of any other description, and the value of the land—			
Does not exceed £100	0	5	0
Exceeds £100 and does not exceed £200	0	10	0
Exceeds £200 and does not exceed £300	0	15	0
Exceeds £300	1	0	0

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PART II.

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ASSURANCE FUND CONTRIBUTIONS.

	£	s.	d.	Section 28.
Contributions to assurance fund, to be paid to the Recorder of Titles, upon first bringing land under this Act, and upon the registration of an estate of freehold in possession derived by settlement, will, or intestacy, or in case of a vesting order, in the pound.....	0	0	0 $\frac{1}{4}$	

PART III.

GENERAL FEES TO BE PAID TO THE RECORDER OF TITLES.

	£	s.	d.	Section 108.
For every application to bring land under the Real Property Act	0	10	0	
For every certificate of title or grant issued on application to the Recorder of Titles for land, the value of which—				
Does not exceed £500	1	0	0	
Exceeds £500 but does not exceed £1000	1	10	0	
Exceeds £1000 but does not exceed £2000	2	0	0	
Exceeds £2000 but does not exceed £3000	2	10	0	
Exceeds £3000 but does not exceed £4000	3	0	0	
Exceeds £4000 but does not exceed £5000	4	0	0	
Exceeds £5000	5	0	0	
For every other certificate of title	1	0	0	
For the registration of every purchase grant, where the value of the land—				
Does not exceed £50.....	0	5	0	
Exceeds £50 but does not exceed £300	0	7	6	
Exceeds £300.....	0	10	0	
Registering memorandum of transfer or mortgage, where the purchase or consideration money or money secured—				
Does not exceed £100	0	5	0	
Exceeds £100 but does not exceed £500	0	10	0	
Exceeds £500 but does not exceed £1000	1	0	0	
Exceeds £1000 but does not exceed £2000	1	10	0	
Exceeds £2000 but does not exceed £3000	2	0	0	
Exceeds £3000 but does not exceed £4000.....	2	10	0	
Exceeds £4000 but does not exceed £5000.....	3	0	0	
Exceeds £5000	4	0	0	
Registering memorandum of mortgage, where the amount secured is unlimited	4	0	0	
NOTE.—Where by any memorandum of transfer, whether voluntary or upon any good or valuable consideration other than a <i>bonâ fide</i> adequate pecuniary consideration, any land is given or settled in any manner whatsoever, the fee to be paid for the registration thereof shall be the same as on a memorandum of transfer, the purchase or consideration money for which is a sum of money equal to the value of such land.				
And where any land is sold and transferred in consideration wholly or in part of any sum of money charged thereon by way of mortgage or otherwise, and then due and owing to the purchaser, or is sold and transferred subject to any mortgage, bond, or other debt, or any gross or entire sum of money agreed to be afterwards paid by the purchaser, such sum of money or debt shall be deemed to be the purchase or consideration money, or part of the purchase or consideration money, as the case may be, in respect whereof the registration fee is to be paid.				
Registering memorandum of encumbrance or lease	0	10	0	
Registering transfer, discharge, or extension of mortgage, or of encumbrance, or transfer, extension, or surrender of lease	0	5	0	
Registering proprietor of any estate or interest derived by settlement or transmission	0	10	0	

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	£	s.	d.
For every power of attorney	0	10	0
For every revocation of power of attorney	0	10	0
For every registration abstract	1	0	0
For cancelling registration abstract	0	5	0
Noting caveat, and service of notice to caveatee... ..	0	10	0
Withdrawal of caveat, or service of notice to caveator	0	5	0
Issuing order for foreclosure.....	1	0	0
For every search (not exceeding two titles), each title	0	2	0
For general search (exceeding two titles).....	0	5	0
For every plan deposited	0	5	0
For every lot on such plan after the first.....	0	1	0
For every instrument declaratory of trusts deposited	0	10	0
For registering recovery by proceeding at law or equity, or re-entry by lessor	0	10	0
For registering vesting of lease in mortgagee consequent on refusal of assignees to accept the same	0	10	0
For entering notice of marriage or death.....	0	10	0
For registering alteration in name of company	0	10	0
For registering every proclamation or notification	0	10	0
Issuing vesting order	1	0	0
Application in case of lost grant, certificate of title, or other instrument	0	10	0
For entering notice of writ or order of Supreme Court	0	10	0
For entering satisfaction of writ or order of Supreme Court	0	5	0
Taking acknowledgment of married woman	0	5	0
Taking affidavit or statutory declaration	0	5	0
Rectifying certificate of title consequent on misdescription, &c., in registered instrument	0	5	0
For exhibiting deeds surrendered by applicant	0	2	0
On application to consolidate in one certificate of title lands included in more than one certificate or title or grant. For every certificate of title or grant after the first two.....	0	2	0
For certified copy—first five folios—per folio of 72 words	0	5	0
For every folio or part folio after the first five	0	0	8
For every such certified copy if drawn on parchment (extra)	0	2	6
When any instrument purports to deal with land included in more than one grant, certificate of title or lease. For each registration memorial after the first	0	2	0
For furnishing plan, diagram, or tracing	Fee to be fixed by Recorder of Titles.		