



TASMANIA

**LAND (MISCELLANEOUS AMENDMENTS) ACT
2021**

No. 23 of 2021

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LAND (MISCELLANEOUS AMENDMENTS) ACT 2021

No. 23 of 2021

An Act to amend the Abandoned Lands Act 1973, the Associations Incorporation Act 1964, the Conveyancing and Law of Property Act 1884, the Conveyancing and Law of Property (Building Title Plans) Regulations 2012, the Homes Act 1935, the Land Acquisition Act 1993, the Land Titles Act 1980, the Land Titles Regulations 2012, the Local Government (Building and Miscellaneous Provisions) Act 1993, the Local Government (Highways) Act 1982, the Nature Conservation Act 2002, the Neighbourhood Disputes About Plants Act 2017, the War Service Land Settlement Act 1950 and the Wellington Park Act 1993

[Royal Assent 29 November 2021]

Be it enacted by Her 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:

Land (Miscellaneous Amendments) Act 2021
Act No. 23 of 2021

s. 1

Part 1 – Preliminary

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Land (Miscellaneous Amendments) Act 2021*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

Land (Miscellaneous Amendments) Act 2021
Act No. 23 of 2021

Part 2 – Abandoned Lands Act 1973 Amended

s. 3

PART 2 – ABANDONED LANDS ACT 1973 AMENDED

3. Principal Act

In this Part, the *Abandoned Lands Act 1973** is referred to as the Principal Act.

4. Section 10 amended (Effect of registration of abandoned land notices)

Section 10(4) of the Principal Act is amended by omitting “shall issue” and substituting “may issue”.

5. Section 11 amended (Compensation in respect of registration of abandoned land notices)

Section 11(11) of the Principal Act is amended by omitting paragraphs (a) and (b) and substituting the following paragraphs:

- (a) the grant, if any, or the certificate of title, if any, to the land has been lodged with the Recorder; or
- (b) where the land is not registered land, all the deeds that collectively evidence a good root of title, including the last conveyance of the land, or document of title, if any, to the land, have been delivered to the Crown Solicitor.

*No. 42 of 1973

Land (Miscellaneous Amendments) Act 2021
Act No. 23 of 2021

s. 6

Part 3 – Associations Incorporation Act 1964 Amended

**PART 3 – ASSOCIATIONS INCORPORATION ACT
1964 AMENDED**

6. Principal Act

In this Part, the *Associations Incorporation Act 1964** is referred to as the Principal Act.

7. Section 13 amended (Vesting of property in incorporated association)

Section 13(3) of the Principal Act is amended by omitting “the certificate of title” and substituting “the folio of the Register, under the *Land Titles Act 1980*, for the land,”.

*No. 64 of 1964

Land (Miscellaneous Amendments) Act 2021
Act No. 23 of 2021

Part 4 – Conveyancing and Law of Property (Building Title Plans)
Regulations 2012 Amended

s. 8

**PART 4 – CONVEYANCING AND LAW OF PROPERTY
(BUILDING TITLE PLANS) REGULATIONS 2012
AMENDED**

8. Principal Regulations

In this Part, the *Conveyancing and Law of Property (Building Title Plans) Regulations 2012** are referred to as the Principal Regulations.

9. Regulation 8 amended (Notification on certificate of title)

Regulation 8 of the Principal Regulations is amended by omitting “each certificate of title issued for a building title plan” and substituting “each folio of the Register, under the *Land Titles Act 1980*, for a building title plan.”.

*S.R. 2012, No. 106

Land (Miscellaneous Amendments) Act 2021
Act No. 23 of 2021

s. 10

Part 5 – Conveyancing and Law of Property Act 1884 Amended

**PART 5 – CONVEYANCING AND LAW OF PROPERTY
ACT 1884 AMENDED**

10. Principal Act

In this Part, the *Conveyancing and Law of Property Act 1884** is referred to as the Principal Act.

11. Section 84D amended (Vesting of blocks subject to rights of way)

Section 84D(8) of the Principal Act is amended as follows:

- (a) by omitting “furnished to him the certificate of title of that land, or an application to dispense therewith, or such evidence as will enable him to bring that land under the *Land Titles Act 1980*.” and substituting “provided to the Recorder –”;
- (b) by inserting the following paragraphs after subsection (8):
 - (a) the certificate of title, if any, of the land; or
 - (b) an application to dispense with the requirement to provide to the Recorder the certificate of title, if any, of the land; or

*No. 19 of 1884

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Part 5 – Conveyancing and Law of Property Act 1884 Amended

s. 11

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- (c) evidence that will enable the Recorder to bring the land under the *Land Titles Act 1980*.

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Act No. 23 of 2021

s. 12

Part 6 – Homes Act 1935 Amended

PART 6 – HOMES ACT 1935 AMENDED

12. Principal Act

In this Part, the *Homes Act 1935** is referred to as the Principal Act.

13. Section 18B amended (Enforcement of restriction on transfers, &c., of land sold)

Section 18B of the Principal Act is amended as follows:

- (a) by inserting in subsection (2) “, if any,” after “of title”;
- (b) by omitting from subsection (4) “him” and substituting “the Recorder”;
- (c) by omitting from subsection (4) “and on the certificate of title of the land”;
- (d) by omitting from subsection (10) “, and, on the production to the Recorder of the certificate of title of the land to which the notification relates, make a corresponding recording on that certificate of title.” and substituting “on the folio of the Register, under the *Land Titles Act 1980*, for the land and may make a corresponding recording on the certificate of title, if any, of the land, if it is produced to the Recorder.”.

*No. 98 of 1935

Land (Miscellaneous Amendments) Act 2021
Act No. 23 of 2021

Part 7 – Land Acquisition Act 1993 Amended

s. 14

PART 7 – LAND ACQUISITION ACT 1993 AMENDED

14. Principal Act

In this Part, the *Land Acquisition Act 1993** is referred to as the Principal Act.

15. Section 21 amended (Notice to former owner after acquisition)

Section 21(2) of the Principal Act is amended by omitting “60 days” and substituting “6 months”.

16. Section 34 amended (Amount of compensation for mortgagee)

Section 34(3)(b) of the Principal Act is amended by omitting “60 days” and substituting “6 months”.

17. Section 66 amended (Public Trustee to represent unascertained owner)

Section 66 of the Principal Act is amended as follows:

- (a) by inserting the following subsection before subsection (1):

(1AA) A reference to an address of a person includes an electronic address that has been indicated by the person, in electronic or other

*No. 23 of 1993

Land (Miscellaneous Amendments) Act 2021
Act No. 23 of 2021

s. 18

Part 7 – Land Acquisition Act 1993 Amended

correspondence to the acquiring authority or the Public Trustee, to be the electronic address to which a notice or other document may be served or given electronically, whether or not the person has consented to the serving on the person, at that address, of any notices, or such notices, under this Act.

(b) by inserting the following subsection after subsection (5):

(6) A notice referred to in subsection (4) may be provided to an owner electronically.

18. Section 80 amended (Signing of notices and other documents)

Section 80 of the Principal Act is amended as follows:

(a) by renumbering the text of the section as subsection (1);

(b) by inserting the following subsections after subsection (1):

(2) If a notice or other document under this Act is served on a person electronically under section 81, the signature of a person (including the clerk of the authority or the Minister) on a

Land (Miscellaneous Amendments) Act 2021
Act No. 23 of 2021

Part 7 – Land Acquisition Act 1993 Amended

s. 19

notice or other document under this Act may be, but is not required to be, an electronic signature.

- (3) If a form approved for the purposes of this Act by the Secretary provides for the signature of a person, the signature of the person may be an electronic signature.

19. Section 81 amended (Service of notices and other documents)

Section 81 of the Principal Act is amended as follows:

- (a) by inserting the following subparagraph after subparagraph (ii) in subsection (1)(a):
- (ia) sent electronically to, and received at, an electronic address that has been indicated by the person, in electronic or other correspondence to the person sending or giving the notice or other document, to be the electronic address to which a notice, or other document, may be served, or given, electronically, whether or not the person has consented to the sending or giving of any notices,

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Part 7 – Land Acquisition Act 1993 Amended

or such notices, under this Act, to
that address; or

- (b) by inserting the following subparagraph
after subparagraph (i) in subsection
(1)(b):

(ia) sent electronically to, and
received at, an electronic address
that has been indicated by the
person, in electronic or other
correspondence to the person
sending or giving the notice or
other document, to be the
electronic address to which a
notice, or other document, may
be served, or given,
electronically, whether or not the
person has consented to the
sending or giving of any notices,
or such notices, under this Act, to
that address; or

- (c) by inserting the following subparagraph
after subparagraph (i) in subsection
(2)(a):

(ia) subject to subsection (4), sending
it to an electronic address that is
indicated, on correspondence
from the Secretary to the person
serving or giving the notice or
other document, to be the address
of the Secretary to which a
notice, or other document, under
this Act to the Crown or the

Land (Miscellaneous Amendments) Act 2021
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Part 7 – Land Acquisition Act 1993 Amended

s. 19

Minister, may be served, or
given, electronically; or

(d) by inserting the following subparagraph
after subparagraph (ii) in subsection
(2)(b):

(ia) subject to subsection (4), sending
it to an electronic address that has
been indicated, in correspondence
sent by the acquiring authority to
the person serving or giving the
notice or other document, to be
the address of the acquiring
authority to which a notice, or
other document, under this Act,
to the acquiring authority is to be
served, or given, electronically;
or

(e) by inserting the following subsections
after subsection (3):

(4) Subsection (2)(a)(ia) and
subsection (2)(b)(ia) do not
apply in relation to a notice under
section 7G(6) or section 25(1).

(5) A notice or other document
served, given or provided under
this Act by sending it
electronically to an electronic
address is served, given or
provided, respectively, at the time
at which it reaches the electronic

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Part 7 – Land Acquisition Act 1993 Amended

address and is capable of being
read at that address.

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Part 8 – Land Titles Act 1980 Amended

s. 20

PART 8 – LAND TITLES ACT 1980 AMENDED

20. Principal Act

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

21. Section 4 amended (Appointment of Recorder, &c.)

Section 4(2) of the Principal Act is amended by omitting “he” and substituting “the person”.

22. Section 7 amended (Documents purporting to be sealed or signed by Recorder or Deputy Recorder, &c., to be received in evidence)

Section 7 of the Principal Act is amended by omitting “his seal of office or signed by him” and substituting “the Recorder’s seal of office or signed by the Recorder”.

23. Section 8 amended (Facsimile signature of Recorder or Deputy Recorder, &c.)

Section 8 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “himself”;
- (b) by omitting “his signature” and substituting “the signature of the

*No. 19 of 1980

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Part 8 – Land Titles Act 1980 Amended

Recorder, Deputy Recorder or Assistant
Recorder of Titles, respectively,”;

- (c) by omitting “his” second occurring and substituting “the Recorder’s, Deputy Recorder’s or Assistant Recorder of Titles”.

24. Section 11 amended (Applications to bring land under this Act)

Section 11 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(e) “his making” and substituting “the person making”;
- (b) by omitting from subsection (2)(b)(i) “he” and substituting “the tenant for life, or the person having the powers of a tenant for life,”;
- (c) by omitting from subsection (3) “in his possession or under his control” and substituting “, in the person’s possession or under the person’s control,”.

25. Section 12 amended (Lodgment of dealings)

Section 12 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “in his opinion, justify him” and substituting

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Part 8 – Land Titles Act 1980 Amended

s. 26

“in the opinion of the Recorder, justify the Recorder”;

- (b) by omitting from subsection (2) “he” and substituting “the Recorder”;
- (c) by omitting from subsection (3) “he” and substituting “the Recorder”;
- (d) by omitting from subsection (4) “he” and substituting “the Recorder”.

26. Section 13 amended (Notices)

Section 13 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “one month” and substituting “30 days”;
- (b) by omitting from subsection (1)(b) “one month” and substituting “30 days”;
- (c) by omitting from subsection (2) “his” and substituting “the Recorder’s”;
- (d) by omitting from subsection (3) “one month” and substituting “30 days”.

27. Section 14 amended (Caveat forbidding the bringing of land under this Act)

Section 14(3)(a) of the Principal Act is amended as follows:

- (a) by omitting “his title” and substituting “the caveator’s title”;

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Part 8 – Land Titles Act 1980 Amended

- (b) by omitting “he has” and substituting “the caveator has”.

28. Section 15 amended (Withdrawal of application to bring land under Act)

Section 15 of the Principal Act is amended as follows:

- (a) by omitting “his” and substituting “the applicant’s”;
- (b) by omitting “he” and substituting “the Recorder”.

29. Section 17 amended (Land may be brought under this Act on registration of instruments under the *Registration of Deeds Act 1935*)

Section 17 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(d) “in his possession or under his control” and substituting “, in the person’s possession or under the person’s control,”;
- (b) by omitting from subsection (1A)(b) “in his possession or under his control” and substituting “, in the person’s possession or under the person’s control,”;
- (c) by omitting from subsection (3) “he thinks” and substituting “the Recorder thinks”;

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Part 8 – Land Titles Act 1980 Amended

s. 30

- (d) by omitting from subsection (3)(b) “his custody” and substituting “the Recorder’s custody”.

30. Section 18 amended (Land may be brought under this Act upon subdivision)

Section 18 of the Principal Act is amended as follows:

- (a) by omitting “him” and substituting “the Recorder”;
- (b) by omitting “his discretion” and substituting “the Recorder’s discretion”.

31. Section 19 amended (Land may be brought under this Act at the instance of the Recorder)

Section 19 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “him” and substituting “the person”;
- (b) by omitting from subsection (1)(a) “he” and substituting “the person”;
- (c) by omitting from subsection (1)(b) “he” and substituting “the person”;
- (d) by omitting from subsection (1)(b)(ii) “his title to the land which are in his possession or under his control” and substituting “the person’s title to the land

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Part 8 – Land Titles Act 1980 Amended

that are in the person’s possession or under the person’s control”;

- (e) by omitting from subsection (1)(c) “he claims” and substituting “the person claims”;
- (f) by omitting from subsection (1)(c) “he possesses” and substituting “the person possesses”;
- (g) by omitting from subsection (2) “he may” and substituting “the Recorder may”;
- (h) by omitting from subsection (3) “his powers” and substituting “the Recorder’s powers”.

32. Section 20 amended (Refusal to comply with notice under section 19; making false or misleading statement, &c.)

Section 20 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “to him” and substituting “to the person”;
- (b) by omitting from subsection (2) “his knowledge” and substituting “the person’s knowledge”.

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Part 8 – Land Titles Act 1980 Amended

s. 33

33. Section 21 amended (Qualified title)

Section 21 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a)(i) “he is entitled to the estate he claims” and substituting “the applicant is entitled to the estate that the applicant claims”;
- (b) by omitting from subsection (1)(a)(ii) “him” and substituting “the applicant”;
- (c) by omitting from subsection (2)(a) “his estate” and substituting “the registered proprietor’s estate”;
- (d) by omitting from subsection (2)(b) “his estate” and substituting “the registered proprietor’s estate”;
- (e) by omitting from subsection (2)(b) “his office” and substituting “the office of the Recorder”;
- (f) by omitting from subsection (6) “him of such evidence of title as he” and substituting “the Recorder of such evidence of title as the Recorder”.

34. Section 22 amended (Subsisting estates and interests to be recorded on qualified title)

Section 22(1) of the Principal Act is amended by omitting “him” and substituting “the Recorder”.

Land (Miscellaneous Amendments) Act 2021
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s. 35

Part 8 – Land Titles Act 1980 Amended

35. Section 24 amended (Qualified title may be cancelled or corrected in certain circumstances)

Section 24 of the Principal Act is amended as follows:

(a) by omitting subsection (1) and substituting the following subsection:

(1) If, on application made to the Recorder for that purpose, it appears to the Recorder that the proprietor of an estate or interest in the land comprised in a qualified title has suffered judgment for the recovery of the land or a declaration, injunction, or other judgment destructive of that proprietor's estate or interest wholly or in part, the Recorder –

(a) must cancel or correct the folio of the Register relating to that land; and

(b) must call in and cancel or correct the corresponding certificate of title, if any, as the circumstances may require.

(b) by omitting from subsection (2) “his claim” and substituting “the applicant's claim”;

(c) by inserting in subsection (2) “, if any,” after “of title”;

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- (d) by omitting from subsection (3) “he” and substituting “the person”.

36. Section 27A amended (Certain Crown land may be brought under this Act)

Section 27A of the Principal Act is amended as follows:

- (a) by omitting from subsection (3)(c) “he” and substituting “the Recorder”;
- (b) by omitting from subsection (4) “he” and substituting “the Recorder”;
- (c) by omitting from subsection (6)(a) “he or she” and substituting “the Director-General of Lands”.

37. Section 28 amended (How certain estates and interests dealt with when land brought under this Act)

Section 28 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(b) “he” and substituting “the Recorder”;
- (b) by omitting from subsection (2) “he may” and substituting “the Recorder may”;
- (c) by omitting from subsection (4)(a)(ii) “he shall” and substituting “the Recorder shall”;

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- (d) by omitting from subsection (4)(a)(iii) “he” and substituting “the Recorder”;
- (e) by omitting from subsection (4)(a)(iii) “him” and substituting “the Recorder”;
- (f) by omitting from subsection (4)(c) “him” and substituting “the proprietor”;
- (g) by omitting from subsection (10) “he” and substituting “the Recorder”;
- (h) by omitting from subsection (11)(a) “his” and substituting “the Recorder’s”;
- (i) by omitting from subsection (13)(a) “his satisfaction” and substituting “the Recorder’s satisfaction”;
- (j) by omitting from subsection (13)(a) “his legal practitioner for him and on his behalf” and substituting “the person’s legal practitioner for the person and on the person’s behalf”.

38. Section 30 amended (Disposal of antecedent documents of title)

Section 30 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “he” and substituting “the Recorder”;
- (b) by omitting from subsection (1)(b)(i) “his office” and substituting “the office of the Recorder”;

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- (c) by omitting from subsection (3) “he intends” and substituting “the person intends”.

39. Section 31 amended (Persons to produce deeds)

Section 31 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “his” and substituting “the proprietor’s”;
- (b) by omitting from subsection (2) “his possession or under his control” and substituting “the person’s possession or under the person’s control”;
- (c) by omitting subsection (4) and substituting the following subsections:
 - (4) A person producing instruments to the Recorder under subsection (1) may do so subject to the condition that, upon the bringing under this Act of the land, or any part of the land, to which the instruments relate, the Recorder must create for that land a folio of the Register.
 - (5) An order made under subsection (2) may contain a similar condition to the condition referred to in subsection (4).

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

Section 32 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “he” and substituting “the Recorder”;
- (b) by omitting from subsection (2)(c) “he” and substituting “the Recorder”;
- (c) by omitting from subsection (3) “he” and substituting “the Recorder”.

41. Section 33 amended (The Register, certificates of title and registration)

Section 33 of the Principal Act is amended as follows:

- (a) by omitting from subsection (6) “he” and substituting “the Recorder”;
- (b) by omitting from subsection (11) “his” and substituting “the Recorder’s”;
- (c) by omitting from subsection (13) “he” and substituting “the Recorder”;
- (d) by omitting from subsection (13) “him” and substituting “the Recorder”;
- (e) by omitting from subsection (14) “his powers” and substituting “the Recorder’s powers”;

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- (f) by omitting from subsection (16) “he” and substituting “the Recorder”;
 - (g) by omitting from subsection (17) “he” first occurring and substituting “the Recorder”;
 - (h) by omitting from subsection (17) “he has” and substituting “the Recorder has”;
 - (i) by omitting from subsection (18) “he considers” and substituting “the Recorder considers”;
 - (j) by omitting from subsection (18)(b) “he has” and substituting “the Recorder has”.

42. Section 34 amended (Power of Recorder to make transparencies)

Section 34 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “his possession or custody or under his control” and substituting “the Recorder’s possession or custody or under the Recorder’s control”;
- (b) by omitting from subsection (2) “he” first occurring and substituting “the Recorder”;
- (c) by omitting from subsection (2)(a) “he intends” and substituting “the person intends”.

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43. Section 35 amended (Lost certificate of title, folio of the Register, or duplicate registered dealing)

Section 35 of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsections:

(1) If the Recorder –

- (a) receives proof to the Recorder's satisfaction that a certificate of title or duplicate grant has been lost, mislaid or destroyed; and
- (b) accepts an application for the issue of a new certificate of title under this subsection –

the Recorder may issue a new certificate of title.

(1A) The Recorder may, before issuing a new certificate of title under subsection (1), require the applicant to give an advertisement, notice, or indemnity, to the satisfaction of the Recorder.

(1B) If the Recorder issues a new certificate of title under subsection (1), the Recorder must

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record on the relevant folio of the Register that the Recorder has done so pursuant to this section.

- (b) by omitting from subsection (3) “him” and substituting “the Recorder”;
- (c) by omitting from subsection (3) “he creates a substituted folio or dealing he” and substituting “the Recorder creates a substituted folio or dealing the Recorder”;
- (d) by omitting from subsection (5) “his” and substituting “the Recorder’s”;
- (e) by omitting from subsection (5) “he” first occurring and substituting “the Recorder”;
- (f) by omitting from subsection (5) “he issues a substituted duplicate registered dealing he” and substituting “the Recorder issues a substituted duplicate registered dealing the Recorder”.

44. Section 37 amended (Copies of public records)

Section 37(1) of the Principal Act is amended by omitting “his” and substituting “the Recorder’s”.

45. Section 40 amended (Estate of registered proprietor indefeasible)

Section 40 of the Principal Act is amended as follows:

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- (a) by omitting from subsection (3)(a) “he” and substituting “the person”;
- (b) by omitting from subsection (4) “his estate” and substituting “the estate of the registered proprietor”.

46. Section 42 amended (Purchasers and mortgagees protected)

Section 42 of the Principal Act is amended as follows:

- (a) by omitting “he” and substituting “the purchaser or mortgagee”;
- (b) by omitting “his” and substituting “the purchaser’s or mortgagee’s”.

47. Section 48 amended (Dealings to be attested; order of registration; priority of dealings)

Section 48 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “he” and substituting “the Recorder”;
- (b) by omitting from subsection (3) “him” and substituting “the Recorder”;
- (c) by omitting from subsection (6) “him” and substituting “the Recorder”.

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48. Section 48B amended (Authority for lodgment by electronic process)

Section 48B(3) of the Principal Act is amended by omitting “he or she” and substituting “the person”.

49. Section 49 amended (Instruments not effectual until registered)

Section 49(2) of the Principal Act is amended by omitting “he is himself” and substituting “the person is”.

50. Section 50 amended (Dealings not to be registered except in accordance with this Act)

Section 50 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(b) “himself”;
- (b) by omitting from subsection (3) “his” and substituting “the Recorder’s”;
- (c) by omitting from subsection (4) “his” and substituting “the person’s”;
- (d) by omitting from subsection (5) “he” first occurring and substituting “the Recorder”;
- (e) by omitting from subsection (5) “he had” and substituting “the Recorder had”;

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- (f) by omitting from subsection (6) “his” and substituting “the Recorder’s”;
- (g) by omitting from subsection (7) “his” and substituting “the Recorder’s”;
- (h) by omitting from subsection (8) “he” and substituting “the Recorder”;
- (i) by omitting from subsection (8) “his agent of his refusal” and substituting “the person’s agent of the Recorder’s refusal”;
- (j) by omitting from subsection (9) “he” and substituting “the Recorder”;
- (k) by omitting from subsection (9) “him” and substituting “the Recorder”;
- (l) by omitting from subsection (9) “his” and substituting “the Recorder’s”;
- (m) by omitting from subsection (11) “he or she” and substituting “the Recorder”;
- (n) by omitting from subsection (12) “he” and substituting “the Recorder”;
- (o) by omitting from subsection (12) “his” and substituting “the person’s”;
- (p) by omitting “3 months” from paragraph (b) of the definition of *the prescribed period* in subsection (16) and substituting “90 days”.

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51. Section 51 amended (Recording of dealing on certificate of title, &c.)

Section 51 of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:

- (1) The Recorder must not register a dealing unless –

- (a) the certificate of title, if any; or
- (b) the grant, if any; or
- (c) the duplicate registered dealing, if any –

to be affected by the dealing has been lodged with the Recorder for the purpose of registering that dealing.

- (b) by inserting in subsection (2)(f) “, if any,” after “registered dealing”;

- (c) by omitting paragraphs (a) and (b) from subsection (3) and substituting the following paragraphs:

- (a) where the Recorder dispenses, pursuant to section 160(5), with production of –
 - (i) a certificate of title, if any; or

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- (ii) a grant, if any; or
 - (iii) a duplicate registered dealing, if any; or
- (b) where by the provisions of this or any other Act the Recorder is, expressly or by necessary implication, required or authorized to make the recording without production of –
 - (i) a certificate of title, if any; or
 - (ii) a grant, if any; or
 - (iii) a duplicate registered dealing, if any.
- (d) by omitting from subsection (5) “before he registers a dealing, the Recorder shall,” and substituting “before the Recorder registers a dealing, the Recorder may,”;
- (e) by omitting paragraph (a) from subsection (5) and substituting the following paragraph:
 - (a) make the same recording on –
 - (i) the relevant certificate of title, if any; or
 - (ii) the grant, if any; or

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(iii) the duplicate registered dealing, if any –

as the Recorder has made on the folio of the Register or registered dealing to give effect to the dealing; or

(f) by omitting subsections (6) and (7) and substituting the following subsections:

(6) Where the Recorder has registered a dealing without the certificate of title, grant or duplicate registered dealing being produced to the Recorder, then, when the certificate of title, grant or duplicate registered dealing is next produced to the Recorder for any purpose, the Recorder may act as provided in subsection (5).

(7) Nothing in this section affects any power of the Recorder to compel production to the Recorder of the certificate of title, if any, the grant, if any, or the duplicate registered dealing, if any.

(g) by omitting from subsection (9)(a) “certificate of title or grant” and substituting “certificate of title, if any, or a grant, if any”;

(h) by inserting in subsection (9)(b) “, if any” after “duplicate registered dealing”.

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52. Section 52 amended (Priority notices)

Section 52 of the Principal Act is amended as follows:

(a) by omitting paragraph (b) from subsection (2) and substituting the following paragraph:

(b) except as provided by subsection (5A), limits a period, which –

(i) takes effect immediately at the time at which, on the day on which, the priority notice is lodged with the Recorder; and

(ii) extends from that time on that day, for the remainder of that day and for the prescribed period beginning immediately after that day; and

(iii) ends at midnight on the day that is the last day of the prescribed period –

during which priority shall be reserved for lodgment of the dealing specified in the notice;

(b) by omitting from subsection (9) “he” and substituting “the person”;

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- (c) by omitting from subsection (11) “satisfy himself” and substituting “be satisfied”;
- (d) by omitting from subsection (13) “him” and substituting “the judge”;
- (e) by omitting from subsection (15) “him” and substituting “the judge”;
- (f) by omitting from subsection (16) “his” and substituting “the Recorder’s”.

53. Section 52A amended (Attorney-General to give notice of forfeiture orders)

Section 52A of the Principal Act is amended by omitting “registered as the owner of land under this Act” and substituting “recorded under this Act as the registered proprietor of land”.

54. Section 53 amended (Dealing may be registered prior to grant from the Crown)

Section 53(3) of the Principal Act is amended by omitting “his office” and substituting “the office of the Recorder”.

55. Section 54 amended (Delivery of certificate of title or duplicate registered dealing)

Section 54 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

- (1) The Recorder –

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- (a) where the Recorder considers it proper to do so, may deliver, to the person by whom it was lodged, a certificate of title, or duplicate registered dealing, that is in the Recorder's custody, unless that person has given written instructions to the Recorder to deliver the certificate of title or duplicate registered dealing to some other person; and
- (b) shall not, where written instructions have been given as mentioned in paragraph (a), deliver the certificate of title, or duplicate registered dealing, that is in the Recorder's custody, otherwise than in accordance with those instructions or by order of the Supreme Court; and
- (c) where the Recorder is unable to determine to whom a certificate of title, or duplicate registered dealing, in the Recorder's custody, should be delivered, may –
 - (i) deliver it to the person whom the Recorder considers to be best entitled to the certificate of title or duplicate registered dealing; or

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- (ii) retain it in the office of the Recorder.

56. Section 56 amended (General covenants implied in dealings)

Section 56 of the Principal Act is amended by omitting “he will” and substituting “the party will”.

57. Section 58 amended (Transfer)

Section 58(1) of the Principal Act is amended by omitting “his estate” and substituting “the registered proprietor’s estate”.

58. Section 59 amended (Transferee of land subject to mortgage or encumbrance to indemnify transferor)

Section 59 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “he” and substituting “the transferee”;
- (b) by omitting from paragraph (b) “he” and substituting “the transferee”.

59. Section 60 amended (Transfers of mortgages, encumbrances, and leases)

Section 60(1) of the Principal Act is amended by omitting “he would” and substituting “the transferee would”.

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60. Section 61 amended (Sale under writ)

Section 61 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “3 months” and substituting “90 days”;
- (b) by omitting from subsection (4) “3 months” and substituting “90 days”;
- (c) by inserting in subsection (4) “, if any,” after “relevant certificate of title”;
- (d) by inserting in subsection (4) “, if any,” after “any, or duplicate registered dealing”;
- (e) by inserting in subsection (4) “registered dealing” after “title or duplicate”;
- (f) by omitting from subsection (4) “his” and substituting “the Recorder’s”;
- (g) by omitting from subsection (5)(a) “3 months” and substituting “90 days”;
- (h) by omitting from subsection (6) “his or her” and substituting “the person’s”;
- (i) by omitting from subsection (7) “he” and substituting “the Recorder”;
- (j) by omitting from subsection (8) “3 months” and substituting “90 days”.

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61. Section 62 amended (Dealings with lands of the Crown under Act)

Section 62(1) of the Principal Act is amended by omitting “his department” and substituting “the department of the Director-General of Lands”.

62. Section 63 amended (Severance of joint tenancy)

Section 63 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “his” and substituting “the joint tenant’s”;
- (b) by omitting subsections (4) and (5) and substituting the following subsection:

(4) On the severance of a joint tenancy in relation to land –

(a) if there are only 2 registered proprietors of the land – each registered proprietor becomes a tenant in common with the other registered proprietor of the land; or

(b) if there are more than 2 registered proprietors of the land –

(i) the registered proprietor who has severed the joint tenancy becomes a

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tenant in common
with the other
registered
proprietors of the
land who have not
severed the joint
tenancy; and

- (ii) the joint tenancy
of the registered
proprietors, other
than the registered
proprietor who has
severed the
registered
proprietor's
tenancy, is not
severed.

63. Section 67 amended (Powers in lessor)

Section 67 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “may by himself or his agents” and substituting “may, or the lessor’s agents may”;
- (b) by omitting from paragraph (a) “his” second occurring and substituting “the lessee’s”;
- (c) by omitting from paragraph (a) “him” and substituting “the lessee”;

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- (d) by omitting from paragraph (b) “3 months” twice occurring and substituting “90 days”.

64. Section 68 amended (Recovery of possession and determination of lease)

Section 68(1) of the Principal Act is amended as follows:

- (a) by omitting “his” and substituting “the Recorder’s”;
- (b) by omitting from paragraph (b) “by himself or tenants” and substituting “personally or by tenants”.

65. Section 69 amended (Provisions of Act as to leases to apply, with necessary modifications, to subleases)

Section 69(3) of the Principal Act is amended by omitting “his” and substituting “the sublessor’s”.

66. Section 70 amended (Extension or variation of lease)

Section 70(6) of the Principal Act is amended by omitting “he has” and substituting “the mortgagee, or encumbrancee, respectively, has”.

67. Section 74 amended (Covenants implied in every memorandum of mortgage)

Section 74 of the Principal Act is amended by omitting “he” and substituting “the mortgagor”.

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68. Section 77 amended (Procedure in case of default)

Section 77 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “one month” and substituting “30 days”;
- (b) by omitting from subsection (4) “he does” and substituting “the trustee does”.

69. Section 78 amended (Power to sell and appropriation of proceeds)

Section 78 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “he” and substituting “the mortgagee, or encumbrancee, respectively,”;
- (b) by omitting from subsection (2)(d) “he were” and substituting “the mortgagee, or encumbrancee, respectively, were”;
- (c) by omitting from subsection (4) “his” and substituting “the purchaser’s”;
- (d) by omitting from subsection (5) “him” and substituting “the purchaser”;
- (e) by omitting from subsection (10)(a) “he may” and substituting “the mortgagee, or encumbrancee, respectively, may”;
- (f) by omitting from subsection (11) “he is to satisfy claims of persons who have

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lodged caveats, he” and substituting “the mortgagee or encumbrancee is to satisfy claims of persons who have lodged caveats, the mortgagee or encumbrancee, respectively,”.

70. Section 79 amended (Power of mortgagee to sell or lease mortgaged land and other land together)

Section 79(2) of the Principal Act is amended by omitting “his” and substituting “the mortgagee’s”.

71. Section 83 amended (Mortgagee or encumbrancee may distrain for arrears of money secured under mortgage or encumbrance)

Section 83 of the Principal Act is amended by omitting “his tenant” and substituting “the mortgagee’s or encumbrancee’s tenant”.

72. Section 84 amended (Mortgagee or encumbrancee of leasehold entering into possession of rent and profits becomes liable to lessor)

Section 84 of the Principal Act is amended by omitting “him” and substituting “the mortgagee, encumbrancee or person, respectively”.

73. Section 85 amended (Mortgagee may apply to Recorder for order for foreclosure)

Section 85 of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1) “6 months” and substituting “180 days”;
- (b) by omitting from subsection (2)(a) “6 months” and substituting “180 days”.

74. Section 86 amended (Order for foreclosure)

Section 86 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “The Recorder, if he does not reject an application under section 85, shall” and substituting “If the Recorder does not reject an application under section 85, the Recorder shall”;
- (b) by omitting from subsection (1) “one month” and substituting “30 days”;
- (c) by omitting from subsection (2) “him” and substituting “the mortgagor”.

75. Section 87 amended (First mortgagee or encumbrancee to produce title for registration of subsequent dealing)

Section 87 of the Principal Act is amended as follows:

- (a) by omitting “he holds the certificate of title or duplicate registered dealing” and substituting “the first mortgagee or encumbrancee, respectively, holds the

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certificate of title, if any, or the duplicate registered dealing, if any,”;

- (b) by omitting “or duplicate” second occurring and substituting “, if any, or duplicate registered dealing, if any,”.

76. Section 88 amended (Variation of terms of mortgage and encumbrance)

Section 88(3) of the Principal Act is amended as follows:

- (a) by omitting “he” and substituting “the subsequent mortgagee or encumbrancee”;
- (b) by omitting “him” and substituting “the subsequent mortgagee or encumbrancee”.

77. Section 90 amended (Recorder may facilitate discharge of mortgage in certain cases)

Section 90 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “his” and substituting “the Recorder’s”;
- (b) by omitting from subsection (2) “he” first occurring and substituting “the Recorder”;
- (c) by omitting from subsection (2)(a) “his satisfaction” and substituting “the Recorder’s satisfaction”;

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- (d) by omitting from subsection (2)(b) “him” and substituting “the Recorder”;
- (e) by omitting from subsection (2)(b) “he had” and substituting “the Recorder had”;
- (f) by omitting from subsection (5) “he” first occurring and substituting “the Recorder”;
- (g) by omitting from subsection (5) “satisfy himself” and substituting “be satisfied”;
- (h) by omitting from subsection (5) “he may” and substituting “the Recorder may”;
- (i) by omitting from subsection (5) “he thinks” second occurring and substituting “the Recorder thinks”.

78. Section 91 amended (Application for order declaring mortgage, &c., discharged)

Section 91 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “he may” and substituting “the Recorder may”;
- (b) by omitting subsections (3) and (4) and substituting the following subsections:
 - (3) The Recorder may reject the application, or may make such requisitions as to any matter

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relating to the application as the Recorder thinks fit, and, at any time before granting the application, despite any direction previously given by the Recorder as to the application, reject the application if the applicant fails to comply to the Recorder's satisfaction with any requisition made by the Recorder within such time as the Recorder considers to be reasonable.

- (4) If the Recorder does not reject the application, the Recorder shall direct that notice of the application, in such form as the Recorder directs, be advertised in such newspaper as the Recorder directs and be given to every person appearing by the Register to have any interest in the mortgage or encumbrance, and to any person named by the Recorder.

79. Section 93 amended (Registration of order)

Section 93(1) of the Principal Act is amended as follows:

- (a) by omitting “he” and substituting “the Recorder”;
- (b) by inserting “if any,” after “title,”;

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- (c) by inserting “if any,” after “grant,”;
- (d) by inserting “if any,” after “dealing,”;
- (e) by inserting “, if any” after “encumbrance”.

80. Section 94 amended (Recording of satisfaction of encumbrance)

Section 94(1) of the Principal Act is amended as follows:

- (a) by inserting “if any,” after “title,”;
- (b) by inserting “if any,” after “grant,”;
- (c) by inserting “, if any,” after “duplicate registered dealing”;
- (d) by inserting “, if any” after “duplicate encumbrance”.

81. Section 97 amended (Disclaimer or lease under Commonwealth Act)

Section 97 of the Principal Act is amended as follows:

- (a) by omitting from subsection (3)(b) “his application” and substituting “the lessor’s application”;
- (b) by omitting from subsection (6)(b) “his application” and substituting “the mortgagee’s application”;

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- (c) by omitting from subsection (6)(b) “himself” and substituting “the mortgagee”.

82. Section 98 amended (Transmission on death (old procedure))

Section 98 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(b)(ii) “he” and substituting “the applicant”;
- (b) by omitting paragraph (b) from subsection (2) and substituting the following paragraph:
 - (b) that the applicant believes the applicant to be entitled to the estate in that land.
- (c) by omitting from subsection (4) “him” and substituting “the applicant”;
- (d) by omitting subsection (5) and substituting the following subsection:
 - (5) Before registering the applicant as proprietor pursuant to subsection (4), the Recorder –
 - (a) may, if the Recorder thinks fit, cause notice of the application to be published and given to such persons (if any) as

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the Recorder thinks fit;
and

- (b) must in each notice appoint a time, not less than 30 days from the day on which all the notices have been published or given, after which the Recorder may register the applicant as proprietor, unless, in the period between the publication or giving of a notice and the time specified in the notice, the Recorder receives a caveat forbidding the Recorder from doing so.

83. Section 99 amended (Transmission on death to personal representative)

Section 99(1)(b) of the Principal Act is amended by omitting “him” and substituting “the applicant”.

84. Section 100 amended (Registration of survivor of joint proprietors, &c.)

Section 100 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “a person registered with him” and substituting

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“another person registered with the person”;

- (b) by omitting “his” and substituting “the Recorder’s”.

85. Section 101 amended (Re-entry determining fee)

Section 101(1) of the Principal Act is amended as follows:

- (a) by omitting “his” and substituting “the Recorder’s”;
- (b) by inserting “, if any” after “title”.

86. Section 102 amended (Covenants which run with freehold registered land)

Section 102(6) of the Principal Act is amended by omitting “he” and substituting “the Recorder”.

87. Section 103 amended (Effect of identity of parties to covenant)

Section 103(2) of the Principal Act is amended by omitting “his” and substituting “the Recorder’s”.

88. Section 105 amended (Creation of easements)

Section 105(2) of the Principal Act is amended as follows:

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- (a) by omitting from paragraph (a) “he” and substituting “the person”;
- (b) by omitting from paragraph (b) “by him” and substituting “by the proprietor”.

89. Section 107 amended (*Profits à prendre*)

Section 107(1)(b) of the Principal Act is amended by omitting “him” and substituting “the grantee”.

90. Section 108 amended (Release and extinguishment of easements and *profits à prendre*)

Section 108(2) of the Principal Act is amended as follows:

- (a) by omitting “his own” and substituting “the Recorder’s own”;
- (b) by omitting “his satisfaction” and substituting “the Recorder’s satisfaction”.

91. Section 109 amended (Effect of unity of seisin on registered easements, &c.)

Section 109(2) of the Principal Act is amended by omitting “his” and substituting “the Recorder’s”.

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92. Section 110 amended (Rectification of easements, &c., in old subdivisions)

Section 110 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “he” and substituting “the Recorder”;
- (b) by omitting from subsection (4) “his” and substituting “the Recorder’s”;
- (c) by omitting from subsection (4) “he” and substituting “the Recorder”;
- (d) by omitting from subsection (7)(a) “him” and substituting “the Recorder”;
- (e) by omitting from subsection (7)(b) “him” and substituting “the Recorder”;
- (f) by omitting from subsection (7)(b)(i) “his proposed” and substituting “the proposed”;
- (g) by omitting from subsection (7)(b)(i) “his new” and substituting “the Recorder’s new”;
- (h) by omitting from subsection (7)(b)(ii) “he thinks proper that he will” and substituting “the Recorder thinks proper that the Recorder will”;
- (i) by omitting from subsection (10)(f) “him” and substituting “the Recorder”;

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- (j) by omitting from subsection (11) “his” and substituting “the Recorder’s”;
- (k) by omitting from subsection (13) “his” and substituting “the Recorder’s”.

93. Section 112 amended (Recording of highways)

Section 112 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “he” and substituting “the Recorder”;
- (b) by omitting from subsection (4) “his grant or certificate of title” and substituting “the registered proprietor’s grant, or certificate of title,”;
- (c) by omitting from subsection (5) “he” and substituting “the registered proprietor”.

94. Section 126 amended (Registration of acquiring authority as proprietor)

Section 126 of the Principal Act is amended as follows:

- (a) by omitting from subsection (3) “him” and substituting “the Recorder”;
- (b) by inserting in subsection (4) “, if any,” after “title”;
- (c) by inserting in subsection (4) “, if any,” after “dealings”;

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- (d) by omitting from subsection (5) “he shall give notice that he” and substituting “the Recorder shall give notice that the Recorder”;
- (e) by omitting from subsection (5A)(b) “him or her” and substituting “the Recorder”;
- (f) by omitting from subsection (5B) “he or she” and substituting “the Recorder”.

95. Section 131 amended (*Application of Settled Land Act 1884 to land held under this Act*)

Section 131(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (d) “he is himself or they are themselves” and substituting “the registered proprietor or registered proprietors are”;
- (b) by omitting from paragraph (d) “to his or their” and substituting “to the registered proprietor’s or registered proprietors”;
- (c) by omitting from paragraph (g) “he shall be bound to give effect to the contract in the same manner as if he had made it himself” and substituting “the registered proprietor shall be bound to give effect to the contract in the same manner as if the registered proprietor had made the contract”.

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96. Section 132 amended (Trusts)

Section 132 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(b) “he” and substituting “the person”;
- (b) by omitting from subsection (3) “his” and substituting “the Recorder’s”;
- (c) by omitting from subsection (3)(a) “he” and substituting “the proprietor”;
- (d) by omitting subsection (5) and substituting the following subsection:
 - (5) A registered proprietor of an estate or interest who is a trustee of the estate or interest shall hold the estate or interest in trust for the persons and purposes to which it is applicable by virtue of the instrument creating the trust, but for the purpose of a dealing with the estate or interest the registered proprietor shall be deemed to be the absolute proprietor of the estate or interest.

97. Section 133 amended (Caveat against dealings)

Section 133 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “his” and substituting “the caveator’s”;

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- (b) by omitting from subsection (3) “he” and substituting “the Recorder”;
 - (c) by omitting from subsection (4) “his address” and substituting “the caveator’s address”;
 - (d) by inserting in subsection (5) “in the manner approved by the Recorder or the approved form” after “withdrawn”;
 - (e) by omitting paragraph (a) from subsection (5) and substituting the following paragraph:
 - (a) by the caveator or, on the caveator’s behalf, by –
 - (i) the caveator’s legal practitioner; or
 - (ii) an agent authorized in writing by the caveator to withdraw the caveat;
 - (f) by omitting from subsection (5)(b)(i) “his personal” and substituting “the caveator’s personal”;
 - (g) by omitting from subsection (6) “satisfy himself” and substituting “be satisfied”.

98. Section 134 amended (Caveat may be lodged by judgment creditor)

Section 134 of the Principal Act is amended as follows:

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- (a) by omitting from subsection (2)(a) “a copy” and substituting “an office copy”;
- (b) by omitting from subsection (8) “he or she” and substituting “the judgment creditor”.

99. Section 136 amended (Lapsing of caveat on registration of dealing)

Section 136(1) of the Principal Act is amended by omitting “his” and substituting “the Recorder’s”.

100. Section 136A amended (Cancellation of caveat on application of proprietor of estate or interest)

Section 136A of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “(other than under section 134)” after “lodged”;
- (b) by omitting subsection (4) and substituting the following subsection:

(4) If –

- (a) an order referred to in subsection (3) has not been obtained and lodged with the Recorder before the expiry of the 28-day period referred to in subsection (3), the Recorder is, unless

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paragraph (b) applies, to cancel the caveat on the expiry of that 28-day period; or

- (b) where the period referred to in paragraph (a) expires on a day on which the office of the Recorder is closed and an order referred to in subsection (3) has not been obtained and lodged with the Recorder before the end of the next day on which the office is open, the Recorder is to cancel the caveat on the expiry of that next day.

101. Section 137 amended (No registration affecting land in respect of which caveat lodged)

Section 137(3)(c) of the Principal Act is amended by omitting “him” and substituting “the mortgagee or encumbrancee”.

102. Section 138 amended (Compensation for lodging caveat without sufficient cause)

Section 138(2) of the Principal Act is amended by omitting “him” and substituting “the judge”.

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103. Section 138A amended (Registration as proprietor of person entitled to land by operation of any Act)

Section 138A of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “his or her” twice occurring and substituting “the Recorder’s”;
- (b) by omitting from subsection (2)(a) “he or she” and substituting “that person”;
- (c) by omitting from subsection (2)(b) “he or she” and substituting “that person”;
- (d) by omitting from subsection (2)(b) “him or her” and substituting “that person”;
- (e) by inserting in subsection (3) “may” after “Register, and”;
- (f) by omitting from subsection (3) “him or her” and substituting “the Recorder”.

104. Section 138B amended (Recorder to carry out order of Supreme Court vesting trust estate)

Section 138B(1) of the Principal Act is amended by omitting “he or she” and substituting “the Recorder”.

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105. Section 138D amended (Recorder may make vesting order in certain circumstances when purchaser in possession)

Section 138D of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “his or her” first occurring and substituting “the Recorder’s”;
- (b) by omitting from subsection (1)(a) “his or her” and substituting “the registered proprietor’s”;
- (c) by omitting from subsection (1)(c) “his or her” and substituting “the registered proprietor’s”;
- (d) by omitting from subsection (1) “his or her” fourth occurring and substituting “the Recorder’s”;
- (e) by omitting from subsection (4)(b) “he or she” and substituting “the Recorder”;
- (f) by omitting from subsection (5) “he or she” and substituting “the Recorder”;
- (g) by omitting from subsection (5)(b) “one month” and substituting “30 days”;
- (h) by omitting from subsection (7) “one month” and substituting “30 days”;
- (i) by omitting from subsection (8) “one month” and substituting “30 days”;

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- (j) by omitting from subsection (9) “him or her” twice occurring and substituting “the Recorder”;
- (k) by omitting from subsection (9) “his or her” and substituting “the Recorder’s”;
- (l) by omitting from subsection (10)(a) “he or she” and substituting “the Recorder”.

106. Section 138G amended (Interpretation)

Section 138G of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(a) “he or she” and substituting “the person”;
- (b) by omitting from subsection (2)(b) “he or she” and substituting “the person”;
- (c) by omitting from subsection (2)(b) “his or her” and substituting “the person’s”;
- (d) by omitting from subsection (3) “his or her” first occurring and substituting “the person’s”;
- (e) by omitting from subsection (3)(a) “he or she” and substituting “the person”;
- (f) by omitting from subsection (3)(b) “his or her” and substituting “the person’s”;
- (g) by omitting from subsection (3)(c) “his or her” and substituting “the person’s”.

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107. Section 138J amended (Acquisition of easements by possession)

Section 138J(3)(c) of the Principal Act is amended by omitting “6 months” and substituting “180 days”.

108. Section 138K amended (Applicant to notify owner of servient tenement)

Section 138K of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “he or she” and substituting “the applicant”;
- (b) by omitting from subsection (4) “he or she” and substituting “the Recorder”.

109. Section 138L amended (Requirements for application)

Section 138L of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “he or she” and substituting “the applicant”;
- (b) by omitting from subsection (1)(e) “his or her” and substituting “the owner’s”;
- (c) by omitting from subsection (2) “*Land Surveyors Act 1909*” and substituting “*Surveyors Act 2002*”;

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- (d) by omitting from subsection (3)(b) “he or she” and substituting “the Recorder”.

110. Section 138M amended (Tenants in common)

Section 138M of the Principal Act is amended by omitting “he or she” and substituting “that applicant”.

111. Section 138P amended (Character of easement)

Section 138P(2) of the Principal Act is amended by omitting “he or she” and substituting “the person”.

112. Section 138Q amended (Power of Recorder to make recordings, &c.)

Section 138Q of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “he or she” and substituting “the Recorder”;
- (b) by inserting in paragraph (b) “, if any,” after “dealings”.

113. Section 138W amended (Registered proprietor to hold land on trust)

Section 138W of the Principal Act is amended as follows:

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- (a) by omitting from subsection (4) “him or her” first occurring and substituting “the person”;
 - (b) by omitting from subsection (4) “him or her the legal estate which he or she” and substituting “the person the legal estate which the person”;
 - (c) by omitting from subsection (5) “his or her” and substituting “the person’s”;
 - (d) by omitting from subsection (7) “*Land Surveyors Act 1909*” and substituting “*Surveyors Act 2002*”;
 - (e) by omitting from subsection (8)(d) “one month” and substituting “30 days”;
 - (f) by omitting from subsection (9) “2 months” and substituting “60 days”;
 - (g) by omitting from subsection (11)(b) “he or she” and substituting “the Recorder”;
 - (h) by omitting from subsection (12) “his or her” and substituting “the Recorder’s”.

114. Section 138X amended (Power of Recorder to make vesting order)

Section 138X of the Principal Act is amended as follows:

- (a) by omitting from subsection (3)(a) “he or she” and substituting “the Recorder”;

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- (b) by omitting from subsection (4) “his or her” and substituting “the registered proprietor’s”;
- (c) by omitting from subsection (4) “him or her” and substituting “the registered proprietor”;
- (d) by omitting from subsection (5) “he or she” and substituting “the Recorder”.

115. Section 138ZA amended (Restriction on renewal of caveats)

Section 138ZA(2) of the Principal Act is amended by omitting “A copy” and substituting “An office copy”.

116. Section 139 amended (Correction of errors)

Section 139 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “him” and substituting “the Recorder”;
- (b) by omitting from subsection (2)(a) “he shall” and substituting “the Recorder shall”.

117. Section 140 amended (Cancellation of superfluous recordings)

Section 140 of the Principal Act is amended as follows:

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- (a) by omitting “he considers” and substituting “the Recorder considers”;
- (b) by omitting “he is” and substituting “the Recorder is”.

118. Section 142 amended (Rectification of boundaries, area or position of land)

Section 142 of the Principal Act is amended as follows:

- (a) by omitting from subsection (4) “his or her” and substituting “the Recorder’s”;
- (b) by omitting from subsection (5) “he or she” and substituting “the Recorder”;
- (c) by omitting from subsection (11) “he or she” and substituting “the Recorder”;
- (d) by omitting from subsection (14)(j) “he or she” and substituting “the Recorder”;
- (e) by omitting from subsection (14)(k) “his or her” and substituting “the Recorder’s”;
- (f) by omitting from subsection (15) “his or her” and substituting “the Recorder’s”;
- (g) by omitting from subsection (18)(d) “he or she” and substituting “the Recorder”.

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119. Section 143A amended (Recorder may specify format, &c., of certain plans)

Section 143A(1) of the Principal Act is amended by omitting “*Land Surveyors Act 1909*” and substituting “*Surveyors Act 2002*”.

120. Section 143B amended (Recorder may require information, &c., in respect of plans, &c.)

Section 143B of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “3 months” and substituting “90 days”;
- (b) by omitting from subsection (3) “3 months” and substituting “90 days”.

121. Section 143I amended (Power of Recorder to rearrange plans)

Section 143I of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “him or her” and substituting “the Recorder”;
- (b) by omitting from subsection (2) “his or her” and substituting “the Recorder’s”.

122. Section 144 amended (Proprietor if dissatisfied may summon Recorder to show cause)

Section 144 of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1)(a) “he is” and substituting “the Recorder is”;
 - (b) by omitting from subsection (1)(b) “his own motion or upon an application while exercising his powers” and substituting “the Recorder’s own motion or upon an application while exercising the Recorder’s powers”;
 - (c) by omitting from subsection (1) “himself to be” and substituting “that person to be”;
 - (d) by omitting from subsection (1) “his refusal” and substituting “the Recorder’s refusal”;
 - (e) by omitting from subsection (1A) “3 months” and substituting “90 days”;
 - (f) by omitting from subsection (2) “him to justify his” and substituting “the Recorder to justify the Recorder’s”;
 - (g) by omitting from subsection (4) “his” and substituting “the Recorder’s”.

123. Section 145 amended (Action by person claiming as beneficiary may be brought in name of trustee)

Section 145 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “his name” and substituting “the person’s name”;

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- (b) by omitting from subsection (2) “his” twice occurring and substituting “the person’s”.

124. Section 146 amended (Mortgagee, encumbrancee or lessor may obtain possession in certain cases)

Section 146(5) of the Principal Act is amended by omitting “4 weeks” and substituting “28 days”.

125. Section 147 amended (Right of mortgagee of lease not to be barred)

Section 147 of the Principal Act is amended by omitting “6 months” and substituting “180 days”.

126. Section 150 amended (The assurance fund)

Section 150(2) of the Principal Act is amended by omitting “him” and substituting “the Recorder”.

127. Section 151 amended (Assurance fund not liable in certain cases)

Section 151(4)(a) of the Principal Act is amended by omitting “he or she acquired that interest, he or she” and substituting “the person acquired that interest, the person”.

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128. Section 152 amended (Compensation for party deprived of land)

Section 152 of the Principal Act is amended as follows:

- (a) by inserting in subsection (6) “, if any,” after “title”;
- (b) by omitting from subsection (7) “his application or an instrument executed by him” and substituting “the person’s application or an instrument executed by the person”;
- (c) by omitting from subsection (7) “him” second occurring and substituting “the person”;
- (d) by omitting from subsection (9) “he claims before he” and substituting “the claimant claims before the claimant”.

129. Section 153 amended (When action may lie against Recorder as nominal defendant)

Section 153 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “his” and substituting “the Recorder’s”;
- (b) by omitting from subsection (2) “he claims before he” and substituting “the claimant claims before the claimant”.

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130. Section 154 amended (Date of deprivation in certain cases)

Section 154 of the Principal Act is amended as follows:

- (a) by omitting “he” first occurring and substituting “the first-mentioned person”;
- (b) by omitting from paragraph (a) “he or his” and substituting “the first-mentioned person or the first-mentioned person’s”.

131. Section 155 amended (Person sustaining loss may apply for compensation)

Section 155 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “he” and substituting “the person”;
- (b) by omitting from subsection (2)(a) “his or her” and substituting “the Minister’s”;
- (c) by omitting from subsection (2)(b) “his or her” and substituting “the Governor’s”.

132. Section 156 amended (Notice of action)

Section 156 of the Principal Act is amended by omitting “one month” and substituting “30 days”.

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133. Section 158 amended (Limitation of actions)

Section 158(2) of the Principal Act is amended by omitting “he” and substituting “the plaintiff”.

134. Section 160 amended (General powers of Recorder)

Section 160 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “him” twice occurring and substituting “the Recorder”;
- (b) by omitting from subsection (1) “he may” and substituting “the Recorder may”;
- (c) by omitting from subsection (1) “he is” and substituting “the person is”;
- (d) by omitting from subsection (2) “him” and substituting “the Recorder”;
- (e) by omitting from subsection (2) “he is” and substituting “the person is”;
- (f) by omitting from subsection (3) “him” and substituting “the Recorder”;
- (g) by omitting from subsection (3) “in” and substituting “on a folio of the Register or”;
- (h) by omitting from subsection (4) “him” and substituting “the Recorder”;

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- (i) by omitting from subsection (4) “he” and substituting “the Recorder”;
- (j) by omitting from subsection (5) “his discretion dispense with the production to him” and substituting “the Recorder’s discretion dispense with the production to the Recorder”.

135. Section 161 amended (Recorder may state case for Supreme Court)

Section 161(1) of the Principal Act is amended by omitting “him” and substituting “the Recorder”.

136. Section 163 amended (Power of Recorder to call in certificate of title, &c., in certain cases)

Section 163 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(e) “him” and substituting “the Recorder”;
- (b) by omitting from subsection (1) “him” second occurring and substituting “the Recorder”;
- (c) by omitting from subsection (1) “he” and substituting “the Recorder”;
- (d) by omitting from subsection (3)(a) “him” and substituting “the person”;

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- (e) by omitting from subsection (3) “his opinion” and substituting “the Recorder’s opinion”.

137. Section 164 amended (Powers of Court and Recorder)

Section 164(2) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “he” and substituting “the person”;
- (b) by omitting “his” and substituting “the Recorder’s”.

138. Section 165 amended (Protection of Recorder)

Section 165 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(c) “he” and substituting “the Recorder”;
- (b) by omitting from subsection (2) “him” and substituting “the person”;
- (c) by omitting from subsection (2) “he has notice or not of its contents, he” and substituting “the Recorder has notice or not of its contents, the Recorder”;
- (d) by omitting from subsection (2) “his powers” and substituting “the personal representative’s powers”;

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- (e) by omitting from subsection (3) “his” and substituting “the Recorder’s”.

139. Section 168 amended (Service, &c., of notices)

Section 168 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “his address for service (within the meaning of this section) or to his” and substituting “the person’s address for service (within the meaning of this section) or to the person’s”;
- (b) by omitting from subsection (1)(b) “his address for service (within the meaning of this section) or at his” and substituting “the person’s address for service (within the meaning of this section) or at the person’s”;
- (c) by omitting from subsection (3) “he” and substituting “the proprietor”;
- (d) by omitting from subsection (4) “he” first occurring and substituting “the Recorder”;
- (e) by omitting from subsection (4) “he may” second occurring and substituting “the Recorder may”;
- (f) by omitting from subsection (5) “he or she” and substituting “the Recorder”;

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- (g) by omitting from subsection (6) “he or she” and substituting “the Recorder”.

140. Section 169A amended (Power of Recorder to approve forms)

Section 169A of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “at any time” after “may”;
- (b) by omitting subparagraph (i) from subsection (3)(a).

141. Section 170A amended (Combination of forms)

Section 170A(3) of the Principal Act is amended by omitting “his or her” and substituting “the Recorder’s”.

142. Section 170B amended (Duty of Recorder to transmit certain information)

Section 170B of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “him or her” and substituting “the Commissioner of State Revenue”;
- (b) by omitting from subsection (3) “him or her” and substituting “the Valuer-General”.

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Part 8 – Land Titles Act 1980 Amended

143. Section 172 amended (Transitional provision)

Section 172(1) of the Principal Act is amended by omitting “he or she” and substituting “the Recorder”.

**PART 9 – LAND TITLES REGULATIONS 2012
AMENDED**

144. Principal Regulations

In this Part, the *Land Titles Regulations 2012** are referred to as the Principal Regulations.

145. Regulation 12 amended (Lodgment of dealings)

Regulation 12 of the Principal Regulations is amended by omitting subregulation (2).

146. Regulation 13 amended (General requirements)

Regulation 13 of the Principal Regulations is amended as follows:

- (a) by inserting in subregulation (1)(a) “on one side of each page only” after “printed”;
- (b) by inserting in subregulation (1)(i) “or full workplace” after “residential”;
- (c) by omitting from subregulation (2)(e) “dealing.” and substituting “dealing; and”;
- (d) by inserting the following paragraph after paragraph (e) in subregulation (2):
 - (f) if the information is a copy of a document, must comply with the

*S.R. 2012, No. 111

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Part 9 – Land Titles Regulations 2012 Amended

requirements under the Act in relation to an office copy.

(e) by inserting the following subregulations after subregulation (2):

(2A) An application or dealing that is lodged for registration, and any document that forms part of, or is provided in relation to, the dealing, must –

(a) be in the English language; or

(b) if it is not in the English language, be accompanied by the relevant documents in relation to the application, dealing or document.

(2B) For the purposes of subregulation (2A), the relevant documents in relation to an application, dealing or document are –

(a) a full written translation, into the English language, of the application, dealing or document, that has been –

(i) made by a person who the Recorder is satisfied is

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-
- suitably qualified
to provide such a
translation; and
- (ii) certified, in a form
approved by the
Recorder or
otherwise to the
satisfaction of the
Recorder, by the
person who
translated it, to be
an accurate and
complete
translation of the
application,
dealing or
document; and
- (b) any other information that
the Recorder, in the
Recorder's discretion,
requires.
- (f) by omitting from subregulation (3)(b)
“material.” and substituting “material;
and”;
- (g) by inserting the following paragraph after
paragraph (b) in subregulation (3):
- (c) must be initialled, and the date on
which the initialling occurs must
be added next to the initialling,
by or on behalf of each signatory

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Part 9 – Land Titles Regulations 2012 Amended

to the application, dealing or annexure.

(h) by inserting the following subregulation after subregulation (3):

(3A) Where an alteration to an application, dealing or annexure is made by a person on behalf of a signatory to the application, dealing or annexure –

- (a) the person must state, on the application, dealing or annexure, the person's name and the capacity in which the person is acting on behalf of the signatory; and
- (b) the person, in dating and initialling the application, dealing or annexure, is to be taken to be representing that the person has full legal authority to do so on behalf of the signatory; and
- (c) the Recorder is entitled to rely on the representation without making further enquiry as to whether the person has full legal authority to date and

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initial the application,
dealing or annexure on
behalf of the signatory.

147. Regulation 14 amended (Execution and lodgment of instruments under section 49(2))

Regulation 14(3) of the Principal Regulations is amended as follows:

- (a) by inserting “, if any, that has been issued by the Recorder and that is” after “dealing”;
- (b) by omitting “available to” and substituting “provided to”.

148. Regulation 18A inserted

After regulation 18 of the Principal Regulations, the following regulation is inserted in Division 3:

18A. Prescribed period for purposes of section 52(2)(b)

For the purposes of section 52(2)(b) of the Act, the period of 90 days is prescribed.

149. Regulation 21 substituted

Regulation 21 of the Principal Regulations is rescinded and the following regulation is substituted:

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Part 9 – Land Titles Regulations 2012 Amended

21. Forms approved by Recorder

The following must be made in a form approved from time to time by the Recorder:

- (a) an application under the Act;
- (b) a consent to the recording of a highway under section 112(2) of the Act.

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Part 10 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

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**PART 10 – LOCAL GOVERNMENT (BUILDING AND
MISCELLANEOUS PROVISIONS) ACT 1993
AMENDED**

150. Principal Act

In this Part, the *Local Government (Building and
Miscellaneous Provisions) Act 1993** is referred
to as the Principal Act.

**151. Section 244 amended (Registering preservation
order)**

Section 244(2) of the Principal Act is amended
by omitting paragraph (b) and substituting the
following paragraph:

- (b) endorse the memorial on the folio of the
Register, under the *Land Titles Act 1980*,
for the land.

*No. 96 of 1993

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Part 11 – Local Government (Highways) Act 1982 Amended

**PART 11 – LOCAL GOVERNMENT (HIGHWAYS) ACT
1982 AMENDED**

152. Principal Act

In this Part, the *Local Government (Highways) Act 1982** is referred to as the Principal Act.

153. Section 60 amended (Restrictive covenants for benefit of highway)

Section 60(5) of the Principal Act is amended by omitting “the memorandum of the lease burdened by the covenant” and substituting “the folio of the Register, under the *Land Titles Act 1980*, for the land and any folio of the Register, under the *Land Titles Act 1980*, for the lease”.

*No. 57 of 1982

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Part 12 – Nature Conservation Act 2002 Amended

s. 154

PART 12 – NATURE CONSERVATION ACT 2002
AMENDED

154. Principal Act

In this Part, the *Nature Conservation Act 2002** is referred to as the Principal Act.

155. Section 32A amended (Amendment of Schedules)

Section 32A(1) of the Principal Act is amended by omitting “Schedules 1, 2, 3, 4, 5, 6 and 7 to the *Wildlife (General) Regulations 2010*” and substituting “any Schedule to regulations made under this Act”.

*No. 63 of 2002

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Part 13 – Neighbourhood Disputes About Plants Act 2017 Amended

**PART 13 – NEIGHBOURHOOD DISPUTES ABOUT
PLANTS ACT 2017 AMENDED**

156. Principal Act

In this Part, the *Neighbourhood Disputes About Plants Act 2017** is referred to as the Principal Act.

157. Section 23 amended (Application to Appeal Tribunal)

Section 23(5)(b) of the Principal Act is amended by omitting “a certificate of title in relation to the affected land” and substituting “the folio of the Register, under the *Land Titles Act 1980*, for the affected land”.

*No. 32 of 2017

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Part 14 – War Service Land Settlement Act 1950 Amended

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**PART 14 – WAR SERVICE LAND SETTLEMENT ACT
1950 AMENDED**

158. Principal Act

In this Part, the *War Service Land Settlement Act 1950** is referred to as the Principal Act.

159. Section 39D amended (Issue of certificates of title)

Section 39D of the Principal Act is amended by omitting “shall” and substituting “may”.

160. Section 39E amended (Registration of grants)

Section 39E of the Principal Act is amended as follows:

- (a) by inserting “, if any,” after “up the grant”;
- (b) by inserting “, if any,” after “title”.

161. Section 39J amended (Release of seignior)

Section 39J(2) of the Principal Act is amended as follows:

- (a) by inserting “, if any,” after “grant”;
- (b) by inserting “, if any,” after “or certificate of title”;

*No. 82 of 1950

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Part 14 – War Service Land Settlement Act 1950 Amended

- (c) by omitting “his” and substituting “the tenant’s”;
- (d) by inserting “, if any,” after “certificate of title” second occurring.

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Part 15 – Wellington Park Act 1993 Amended

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PART 15 – WELLINGTON PARK ACT 1993 AMENDED

162. Principal Act

In this Part, the *Wellington Park Act 1993** is referred to as the Principal Act.

163. Schedule 2 amended (Registration of Proclamations)

Schedule 2 to the Principal Act is amended as follows:

- (a) by inserting in clause 1(3) “if any,” after “title,”;
- (b) by inserting in clause 1(3) “, if any,” after “grant”;
- (c) by inserting in clause 1(3) “, if any,” after “dealing”;
- (d) by inserting in clause 4(3) “if any,” after “title,”;
- (e) by inserting in clause 4(3) “, if any,” after “grant”;
- (f) by inserting in clause 4(3) “, if any,” after “dealing”.

*No. 59 of 1993

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Part 16 – Concluding Provision

PART 16 – CONCLUDING PROVISION

164. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.

*[Second reading presentation speech made in:–
House of Assembly on 12 October 2021
Legislative Council on 28 October 2021]*