

TASMANIA

**LAND (MISCELLANEOUS AMENDMENTS) BILL
2020**

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement

PART 2 – ABANDONED LANDS ACT 1973 AMENDED

3. Principal Act
4. Section 10 amended (Effect of registration of abandoned land notices)
5. Section 11 amended (Compensation in respect of registration of abandoned land notices)

PART 3 – ASSOCIATIONS INCORPORATION ACT 1964 AMENDED

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

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

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

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

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

PART 6 – HOMES ACT 1935 AMENDED

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

PART 7 – LAND ACQUISITION ACT 1993 AMENDED

14. Principal Act
15. Section 21 amended (Notice to former owner after acquisition)
16. Section 34 amended (Amount of compensation for mortgagee)
17. Section 66 amended (Public Trustee to represent unascertained owner)
18. Section 80 amended (Signing of notices and other documents)
19. Section 81 amended (Service of notices and other documents)

PART 8 – LAND TITLES ACT 1980 AMENDED

20. Principal Act
21. Section 13 amended (Notices)
22. Section 24 amended (Qualified title may be cancelled or corrected in certain circumstances)
23. Section 31 amended (Persons to produce deeds)
24. Section 35 amended (Lost certificate of title, folio of the Register, or duplicate registered dealing)
25. Section 50 amended (Dealings not to be registered except in accordance with this Act)
26. Section 51 amended (Recording of dealing on certificate of title, &c.)
27. Section 52 amended (Priority notices)
28. Section 52A amended (Attorney-General to give notice of forfeiture orders)

29. Section 54 amended (Delivery of certificate of title or duplicate registered dealing)
30. Section 61 amended (Sale under writ)
31. Section 63 amended (Severance of joint tenancy)
32. Section 67 amended (Powers in lessor)
33. Section 77 amended (Procedure in case of default)
34. Section 85 amended (Mortgagee may apply to Recorder for order for foreclosure)
35. Section 86 amended (Order for foreclosure)
36. Section 87 amended (First mortgagee or encumbrancee to produce title for registration of subsequent dealing)
37. Section 93 amended (Registration of order)
38. Section 94 amended (Recording of satisfaction of encumbrance)
39. Section 98 amended (Transmission on death (old procedure))
40. Section 101 amended (Re-entry determining fee)
41. Section 126 amended (Registration of acquiring authority as proprietor)
42. Section 133 amended (Caveat against dealings)
43. Section 134 amended (Caveat may be lodged by judgment creditor)
44. Section 136A amended (Cancellation of caveat on application of proprietor of estate or interest)
45. Section 138A amended (Registration as proprietor of person entitled to land by operation of any Act)
46. Section 138D amended (Recorder may make vesting order in certain circumstances when purchaser in possession)
47. Section 138J amended (Acquisition of easements by possession)
48. Section 138L amended (Requirements for application)
49. Section 138Q amended (Power of Recorder to make recordings, &c.)
50. Section 138W amended (Registered proprietor to hold land on trust)
51. Section 138ZA amended (Restriction on renewal of caveats)
52. Section 139 amended (Correction of errors)

- 53. Section 140 amended (Cancellation of superfluous recordings)
- 54. Section 143A amended (Recorder may specify format, &c., of certain plans)
- 55. Section 143B amended (Recorder may require information, &c., in respect of plans, &c.)
- 56. Section 144 amended (Proprietor if dissatisfied may summon Recorder to show cause)
- 57. Section 146 amended (Mortgagee, encumbrancee or lessor may obtain possession in certain cases)
- 58. Section 147 amended (Right of mortgagee of lease not to be barred)
- 59. Section 152 amended (Compensation for party deprived of land)
- 60. Section 156 amended (Notice of action)
- 61. Section 160 amended (General powers of Recorder)
- 62. Section 169A amended (Power of Recorder to approve forms)

PART 9 – LAND TITLES REGULATIONS 2012 AMENDED

- 63. Principal Regulations
- 64. Regulation 12 amended (Lodgment of dealings)
- 65. Regulation 13 amended (General requirements)
- 66. Regulation 14 amended (Execution and lodgment of instruments under section 49(2))
- 67. Regulation 18A inserted
 - 18A. Prescribed period for purposes of section 52(2)(b)
- 68. Regulation 21 substituted
 - 21. Forms approved by Recorder

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

- 69. Principal Act
- 70. Section 244 amended (Registering preservation order)

PART 11 – LOCAL GOVERNMENT (HIGHWAYS) ACT 1982 AMENDED

- 71. Principal Act

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

PART 12 – NEIGHBOURHOOD DISPUTES ABOUT PLANTS ACT 2017 AMENDED

73. Principal Act
74. Section 23 amended (Application to Appeal Tribunal)

PART 13 – WAR SERVICE LAND SETTLEMENT ACT 1950 AMENDED

75. Principal Act
76. Section 39D amended (Issue of certificates of title)
77. Section 39E amended (Registration of grants)
78. Section 39J amended (Release of seignior)

PART 14 – WELLINGTON PARK ACT 1993 AMENDED

79. Principal Act
80. Schedule 2 amended (Registration of Proclamations)

PART 15 – CONCLUDING PROVISION

81. Repeal of Act

**LAND (MISCELLANEOUS AMENDMENTS) BILL
2020**

*(Brought in by the Minister for Primary Industries and Water,
the Honourable Guy Barnett)*

A BILL FOR

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 *Neighbourhood Disputes About Plants Act 2017*, the *War Service Land Settlement Act 1950* and the *Wellington Park Act 1993*

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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Land (Miscellaneous Amendments) Act 2020*.

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 2

Part 1 – Preliminary

2. Commencement

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

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 2020
Act No. of 2020

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 2020
Act No. of 2020

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 the building title plan.”.

*S.R. 2012, No. 106

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

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

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 5 – Conveyancing and Law of Property Act 1884 Amended

s. 11

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

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

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 inserting in subsection (4) “or her” after “him”;
- (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

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 2020
Act No. of 2020

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 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 2020
Act No. of 2020

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, 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

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 19

Part 7 – Land Acquisition Act 1993 Amended

- (b) by inserting the following subparagraph after subparagraph (i) in subsection (1)(b):
 - (ia) subject to subsection (4), 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, 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, to be the address of the Secretary to which a notice, or other document, under this Act to the Crown or the Minister, may be served, or given, electronically; or

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 7 – Land Acquisition Act 1993 Amended

s. 19

- (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, 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 address and is capable of being read at that address.

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 20

Part 8 – Land Titles Act 1980 Amended

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 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 (3) “one month” and substituting “30 days”.

22. 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

*No. 19 of 1980

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 8 – Land Titles Act 1980 Amended

s. 23

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”.

23. Section 31 amended (Persons to produce deeds)

Section 31 of the Principal Act is amended 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

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 24

Part 8 – Land Titles Act 1980 Amended

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).

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

Section 35 of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:

- (1) If the Recorder –
- (a) receives proof to his or her 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

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 8 – Land Titles Act 1980 Amended

s. 25

must record on the relevant folio of the Register that he or she has done so pursuant to this section.

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

Section 50(16) of the Principal Act is amended by omitting “3 months” from paragraph (b) of the definition of *the prescribed period* and substituting “90 days”.

26. 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.

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 26

Part 8 – Land Titles Act 1980 Amended

- (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
 - (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 he or she registers a dealing, the Recorder may,”;

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 8 – Land Titles Act 1980 Amended

s. 26

(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

(iii) the duplicate registered dealing, if any –

as he or she 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 him or her, he or she may act as provided in subsection (5) when the certificate of title, grant or duplicate registered dealing is next produced to him or her for any purpose.

(7) Nothing in this section affects any power of the Recorder to compel production to him or her of the certificate of title, if any,

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 27

Part 8 – Land Titles Act 1980 Amended

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”.

27. Section 52 amended (Priority notices)

Section 52(2) of the Principal Act is amended by omitting paragraph (b) 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 –

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 8 – Land Titles Act 1980 Amended

s. 28

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

28. 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”.

29. 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 –

- (a) where he or she 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) must not, where written instructions have been given as

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 30

Part 8 – Land Titles Act 1980 Amended

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
 - (ii) retain it in the Recorder’s office.

30. 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”;

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 8 – Land Titles Act 1980 Amended

s. 31

-
- (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 inserting in subsection (4) “or her” after “his”;
 - (g) by omitting from subsection (5)(a) “3 months” and substituting “90 days”;
 - (h) by omitting from subsection (8) “3 months” and substituting “90 days”.

31. Section 63 amended (Severance of joint tenancy)

Section 63 of the Principal Act is amended 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 proprietors of the land;
or
 - (b) if there are more than 2 registered proprietors of the land –

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 32

Part 8 – Land Titles Act 1980 Amended

- (i) the registered proprietor who has severed the joint tenancy becomes a 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 his or her tenancy, is not severed.

32. Section 67 amended (Powers in lessor)

Section 67(b) of the Principal Act is amended by omitting “3 months” twice occurring and substituting “90 days”.

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

Section 77(1) of the Principal Act is amended by omitting “one month” and substituting “30 days”.

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

Section 85 of the Principal Act is amended as follows:

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 8 – Land Titles Act 1980 Amended

s. 35

- (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”.

35. Section 86 amended (Order for foreclosure)

Section 86(1) of the Principal Act is amended as follows:

- (a) by inserting “or she” after “he”;
- (b) by omitting “one month” and substituting “30 days”.

36. 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 “he or she holds the 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,”.

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 37

Part 8 – Land Titles Act 1980 Amended

37. Section 93 amended (Registration of order)

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

- (a) by inserting “or she” after “he”;
- (b) by inserting “if any,” after “title,”;
- (c) by inserting “if any,” after “grant,”;
- (d) by inserting “if any” after “dealing,”;
- (e) by inserting “, if any” after “encumbrance”.

38. 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”.

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 8 – Land Titles Act 1980 Amended

s. 39

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

Section 98 of the Principal Act is amended 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 he or she thinks fit, cause notice of the application to be published and given to such persons (if any) as he or she 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.

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

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

- (a) by inserting “or her” after “his”;

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 41

Part 8 – Land Titles Act 1980 Amended

(b) by inserting “, if any” after “title”.

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

Section 126(4) of the Principal Act is amended as follows:

(a) by inserting “, if any,” after “title”;

(b) by inserting “, if any,” after “dealings”.

42. Section 133 amended (Caveat against dealings)

Section 133(5) of the Principal Act is amended as follows:

(a) by inserting “in the manner approved by the Recorder or the approved form” after “withdrawn”;

(b) by omitting paragraph (a) 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;

(c) by inserting in paragraph (b)(i) “or her” after “his”.

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 8 – Land Titles Act 1980 Amended

s. 43

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

Section 134(2)(a) of the Principal Act is amended by omitting “a copy” and substituting “an office copy”.

44. 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 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

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 45

Part 8 – Land Titles Act 1980 Amended

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.

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

Section 138A(3) of the Principal Act is amended by inserting “may” after “Register, and”.

46. 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 (5)(b) “one month” and substituting “30 days”;
- (b) by omitting from subsection (7) “one month” and substituting “30 days”;
- (c) by omitting from subsection (8) “one month” and substituting “30 days”.

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 8 – Land Titles Act 1980 Amended

s. 47

47. 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”.

48. Section 138L amended (Requirements for application)

Section 138L(2) of the Principal Act is amended by omitting “*Land Surveyors Act 1909*” and substituting “*Surveyors Act 2002*”.

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

Section 138Q(b) of the Principal Act is amended by inserting “, if any,” after “dealings”.

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

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

- (a) by omitting from subsection (7) “*Land Surveyors Act 1909*” and substituting “*Surveyors Act 2002*”;
- (b) by omitting from subsection (8)(d) “one month” and substituting “30 days”;
- (c) by omitting from subsection (9) “2 months” and substituting “60 days”.

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 51

Part 8 – Land Titles Act 1980 Amended

51. 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”.

52. Section 139 amended (Correction of errors)

Section 139 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “or her” after “him”;
- (b) by inserting in subsection (2)(a) “or she” after “he”.

53. Section 140 amended (Cancellation of superfluous recordings)

Section 140 of the Principal Act is amended as follows:

- (a) by inserting “or she” after “as he”;
- (b) by inserting “or she” after “which he”.

54. 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*”.

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 8 – Land Titles Act 1980 Amended

s. 55

55. 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”.

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

Section 144(1A) of the Principal Act is amended by omitting “3 months” and substituting “90 days”.

57. 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”.

58. 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”.

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 59

Part 8 – Land Titles Act 1980 Amended

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

Section 152(6) of the Principal Act is amended by inserting “, if any,” after “title”.

60. Section 156 amended (Notice of action)

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

61. Section 160 amended (General powers of Recorder)

Section 160(3) of the Principal Act is amended as follows:

- (a) by inserting “or her” after “him”;
- (b) by omitting “in” and substituting “on a folio of the register or”.

62. 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).

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

63. Principal Regulations

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

64. Regulation 12 amended (Lodgment of dealings)

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

65. 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

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 65

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 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

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 9 – Land Titles Regulations 2012 Amended

s. 65

- 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 his or her 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 to the application, dealing or annexure.

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 65

Part 9 – Land Titles Regulations 2012 Amended

(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, his or her name and the capacity in which he or she 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 initial the application, dealing or annexure on behalf of the signatory.

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 9 – Land Titles Regulations 2012 Amended

s. 66

66. 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”.

67. 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.

68. Regulation 21 substituted

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

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 68

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.

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

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

s. 69

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

69. Principal Act

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

70. 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

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 71

Part 11 – Local Government (Highways) Act 1982 Amended

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

71. Principal Act

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

72. 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

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 12 – Neighbourhood Disputes About Plants Act 2017 Amended

s. 73

**PART 12 – NEIGHBOURHOOD DISPUTES ABOUT
PLANTS ACT 2017 AMENDED**

73. Principal Act

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

74. 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

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 75

Part 13 – War Service Land Settlement Act 1950 Amended

**PART 13 – WAR SERVICE LAND SETTLEMENT ACT
1950 AMENDED**

75. Principal Act

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

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

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

77. 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”.

78. 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”;
- (c) by inserting “or her” after “his”;

*No. 82 of 1950

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 13 – War Service Land Settlement Act 1950 Amended

s. 78

- (d) by inserting “, if any,” after “her certificate of title”.

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 79

Part 14 – Wellington Park Act 1993 Amended

PART 14 – WELLINGTON PARK ACT 1993 AMENDED

79. Principal Act

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

80. 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

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 15 – Concluding Provision

s. 81

PART 15 – CONCLUDING PROVISION

81. Repeal of Act

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