



ANNO TRICESIMO SECUNDO

# ELIZABETHAE II REGINAE

A.D. 1983

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No. 96 of 1983

**An Act to amend the Real Property Act, 1886.**

*[Assented to 15 December 1983]*

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title.

1. (1) This Act may be cited as the "Real Property Act Amendment Act (No. 2), 1983".

(2) The Real Property Act, 1886, is in this Act referred to as "the principal Act".

Commencement.

2. This Act shall be deemed to have come into operation at the time at which the Real Property Act Amendment Act, 1982, came into operation.

Amendment of  
s. 223mc—  
Strata plans for  
new and existing  
building unit  
schemes.

3. Section 223mc of the principal Act is amended—

(a) by striking out subsection (3) and substituting the following subsection:

(3) Where—

(a) immediately before the commencement of the Real Property Act Amendment (Strata Titles) Act, 1967, land and a building on that land were divided in accordance with a building unit scheme into two or more building units each designed for separate occupation;

and

(b) the building is situated upon land comprised in one or more certificates,

a strata plan of the land, and of the building, may be lodged with the Registrar-General for deposit in the Lands Titles Registration Office.;

and

(b) by striking out from subsection (4) the passage "A strata plan to which subsection (3) of this section applies, when so lodged with the Registrar-General," and substituting the passage "A strata plan lodged with the Registrar-General pursuant to subsection (3)".

4. Section 223md of the principal Act is amended—

(a) by striking out from subsection (6) the passage "The Commission" and substituting the passage "Subject to subsections (6a) and (6b), the Commission";

Amendment of  
s. 223md—  
Certificate in  
relation to strata  
plan.

and

(b) by inserting after subsection (6) the following subsections:

(6a) Where a strata plan will be lodged with the Registrar-General pursuant to section 223mc (3), a contribution is not payable pursuant to subsection (6) unless the plan divides the land concerned and the building on the land into more units than existed at the commencement of the Real Property Act Amendment (Strata Titles) Act, 1967, and, in that case, the contribution shall be calculated only in respect of the additional units.

(6b) Where a strata plan will be lodged with the Registrar-General in substitution for a strata plan previously lodged with him, a contribution is not payable pursuant to subsection (6) unless the plan provides for more units than the number provided by the previous plan, and, in that case, the contribution shall be calculated only in respect of the additional units.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor