

South Australia



**REAL PROPERTY (WITNESSING AND LAND GRANTS) AMENDMENT
ACT 1995**

No. 11 of 1995

SUMMARY OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of s. 3—Interpretation
4. Insertion of s. 66A
 - 66A. Lodgement of land grant
5. Amendment of s. 112—Dealings before issue of certificate
6. Substitution of ss. 267 to 269
 267. Witnessing of instruments
 268. Improper witnessing
7. Repeal of eighteenth and nineteenth schedules



ANNO QUADRAGESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1995

No. 11 of 1995

An Act to amend the Real Property Act 1886.

[Assented to 23 March 1995]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Real Property (Witnessing and Land Grants) Amendment Act 1995*.

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

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 3—Interpretation

3. Section 3 of the principal Act is amended by inserting "and before the commencement of the *Real Property (Witnessing and Land Grants) Amendment Act 1995*" after "1857-58" in the definition of "certificate".

Insertion of s. 66A

4. The following section is inserted in Division III of Part V of the principal Act after section 66:

Lodgement of land grant

66A. If a grant of Crown land is lodged in the Lands Titles Registration Office, the Registrar-General must register title to the land.

Amendment of s. 112—Dealings before issue of certificate

5. Section 112 of the principal Act is amended by striking out "grant of" wherever occurring and substituting, in each case, "certificate for".

**Real Property (Witnessing and Land Grants)
Amendment Act 1995**

No. 11 of 1995

Substitution of ss. 267 to 269

6. Sections 267, 268 and 269 of the principal Act are repealed and the following sections are substituted:

Witnessing of instruments

267. (1) The execution of an instrument by or on behalf of a party to the instrument must be witnessed by a person who either knows the person executing the instrument personally or is satisfied as to his or her identity.

(2) The witness—

(a) must be aged 18 years or over;

and

(b) must not be a party to the instrument.

(3) The witness must sign his or her name as witness and the full name and address of the witness and a telephone number at which he or she can ordinarily be contacted during business hours must be legibly printed under the witness' signature.

(4) The Registrar-General may, whether he or she suspects that an instrument has been improperly executed or not, require the execution of the instrument to be verified in any manner he or she thinks fit.

Improper witnessing

268. If a witness signs an instrument as witness but—

(a) does not know the person executing the instrument personally and has no reasonable ground on which to be satisfied as to the person's identity;

or

(b) knows or has reasonable grounds for suspecting that the person signing the instrument—

(i) if signing as a party—is not a party to the instrument;

or

(ii) if signing on behalf of a party—does not have authority to sign on behalf of the party,

the witness is guilty of an offence.

Penalty: \$2 000 or imprisonment for 6 months.

**Real Property (Witnessing and Land Grants)
Amendment Act 1995**

No. 11 of 1995

Repeal of eighteenth and nineteenth schedules

7. The eighteenth and nineteenth schedules of the principal Act are repealed.

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

ROMA MITCHELL Governor