



REAL PROPERTY

No. 61 of 1974

ANALYSIS

1. Short title and citation.
2. Possession not to affect registered title until application lodged.
3. Saving for rights of adverse possessor in respect of subsequent registered dealings.
4. Priority notices.

AN ACT to amend the Real Property Act 1862.

[31 October 1974]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

- 1**—(1) This Act may be cited as the *Real Property Act 1974*. Short title and citation.
- (2) The *Real Property Act 1862*, as subsequently amended, is in this Act referred to as the Principal Act.

Possession not to affect registered title until application lodged.

2 Section 156 of the Principal Act is amended by omitting the word “ The ” (first occurring) and substituting therefor the words “ Subject to section 156A, the ”.

3 After section 156 of the Principal Act the following section is inserted:—

Saving for rights of adverse possessor in respect of subsequent registered dealings.

“ 156A—(1) The right of a person to acquire a title by possession to any land is not affected—

- (a) by the registration of any dealing by, or the registration of the transmission of the title of, the registered proprietor thereof; or
- (b) by the recertification by the Recorder of the fee simple estate in the land in the course of the administration of this Act.

“(2) Subsection (1) applies in respect of the possession of land, notwithstanding that it began before the commencement of this section or that any such registration or recertification as is referred to therein was effected before that commencement, except that it does not so apply unless the possession continued after that commencement.”.

Priority notices.

4 Section 157 of the Principal Act is amended by inserting in subsection (1) (c), after the word “ person ”, the words “ who has contracted in good faith and for value to deal with a person referred to in paragraph (a) or paragraph (b) of this subsection or is ”.