

## TRANSFER OF LAND.

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No. 28 of 1969.

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### AN ACT to amend the Transfer of Land Act, 1893-1965.

[Assented to 16th May, 1969.]

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Transfer of Land Act Amendment Act, 1969.* Short title and citation.

(2) In this Act the Transfer of Land Act, 1893-1965 is referred to as the principal Act. Reprinted Vol. 16 Reprinted Acts as amended by Act No. 113 of 1965.

(3) The principal Act as amended by this Act may be cited as the Transfer of Land Act, 1893-1969.

Amendment  
to s. 10.  
(Seal of  
office.)

2. Section 10 of the principal Act is amended—

- (a) by adding after the section number “10.” the subsection designation “(1)”;
- (b) by deleting the words “bearing the impression of the Royal Arms and” in line two;
- (c) by adding after the word “signed” in line six the words “or initialled”; and
- (d) by adding the following subsections—

(2) Without limiting the generality of subsection (1) of this section, if the seal referred to in that subsection or facsimile signature of the Registrar together with the signature or initials of the officer (whether or not that officer is the Commissioner, the Registrar or an Assistant Registrar) affixing the seal or facsimile signature, appear—

- (a) on any entry or memorandum entered in the Register Book; or
- (b) on any registered instrument or duplicate thereof,

such entry or memorandum shall be received in all courts as conclusive evidence that the instrument to which the entry or memorandum relates has been duly registered or that the entry or memorandum has been duly entered.

(3) All courts, judges and persons acting judicially shall take judicial notice of the seal or facsimile signature and signature or initials referred to in subsection (2) of this section, appearing on any entry or memorandum entered in the Register Book or on any registered instrument or duplicate thereof and shall presume that the seal or facsimile signature and signature or initials were duly affixed thereto. .

3. Section 11 of the principal Act is amended by adding the words "or initialled" after the word "signed" where it occurs in lines two, three and five.

Amendment to s. 11. (Powers of Assistant Registrar.)

4. Section 54 of the principal Act is amended—

Amendment to s. 54.

- (a) by substituting for the words "perforated through" in lines seven and eight, the words "stamped on the front page of";
- (b) by substituting for the words "perforated through" in line nine, the words "stamped on the front page of";
- (c) by substituting for the word "through" in line ten, the words "shall be stamped on the front page of";
- (d) by substituting for the words "perforated through" in line twelve, the words "shall be stamped on the front page of"; and
- (e) by substituting for the word "through" in line thirteen the words "shall be stamped on the front page of".

(Leases and mortgages may be in triplicate.)

5. Section 56 of the principal Act is repealed and re-enacted as follows—

S. 56 repealed and re-enacted.

56. Every memorandum entered in the Register Book shall state the date of lodgment for registration of the instrument to which the memorandum relates and such other particulars as the Registrar directs. .

Memorandum to state certain particulars.

6. Section 57 of the principal Act is repealed and re-enacted as follows—

S. 57 repealed and re-enacted.

57. When and as often as a memorandum of any instrument is entered in the Register Book, the Registrar shall enter the like memorandum on the duplicate certificate of title or instrument, if any, to which the memorandum relates and shall endorse on each instrument registered a certificate that the memorandum was entered in the Register Book. .

Memorandum to be entered on duplicate instrument.

Amendment  
to s. 166.  
(Proprietor  
subdividing  
to deposit  
map if  
required.)

7. Section 166 of the principal Act is amended—

- (a) by adding after the section number "166." the subsection designation "(1)";
- (b) by substituting for the word "map" in line four, the words "plan or diagram";
- (c) by adding before the word "Such" where secondly occurring in line four, the subsection designation "(2)";
- (d) by substituting for the word "map" in line five, the words "plan or diagram";
- (e) by substituting for the words "In case" in line fourteen the passage "(3) Where"; and
- (f) by adding a subsection as follows—

(4) The Registrar may require such proprietor to apply for a new certificate or certificates for the land the subject of the plan or diagram. .

Amendment  
to s. 192.  
(Defective  
instrument  
or document  
lodged if not  
amended on  
notice within  
twenty-one  
days may be  
rejected.)  
See s. 31  
Act No. 30  
of 1918.

8. Section 192 of the principal Act is amended by substituting for the passage commencing with the word "after" in line nine and ending with the word "notice" in line seventeen, the passage "such error or defect is not duly amended within the time allowed by the Registrar, after notice of the error or defect and the time so allowed has been given to the person," .

Amendment  
to s. 239.  
(Searches  
and certi-  
fied copies.)

9. Paragraph (a) of subsection (2) of section 239 is amended by deleting the passage "if the Register Book is not readily available," in line three.