

## An Ordinance to amend the Real Property Act 1886 of the State of South Australia in its application to the Northern Territory.

1 This Ordinance may be cited as the *Real Property Ordinance* 1918-1955.\*

Short title.  
Short title amended:  
No. 17, 1938,  
s. 4.  
Incorporation.

2.—(1.) This Ordinance shall be incorporated and read as one with the Real Property Act 1886, an Act of the State of South Australia in force in the Northern Territory as a law of that Territory.

(2.) In this Ordinance the expression “the Act” has reference to the Real Property Act 1886.

2A. Section ninety-three of the Act is omitted and the following section inserted in its stead:—

Inserted by  
No. 12, 1926,  
s. 2.

“93.—(1.) Every Crown lease shall be in duplicate and, after being duly executed, shall be forwarded to the Registrar-General for the Northern Territory who shall bind one copy in a book to be called the Register Book of Crown Leases and return the other copy to the tenant entitled thereto.

Registration of leases.

“(2.) The Registrar-General for the Northern Territory shall mark on each part of every Crown lease, a copy whereof shall be bound in the Register Book of Crown Leases, the volume and folio as appearing in the Register Book of Crown Leases, and such Crown lease shall thereupon be deemed to be registered and may be transferred, mortgaged and dealt with for all the purposes of this Act, as if it had been granted by a registered proprietor and registered in the Register Book in the

\* The *Real Property Ordinance* 1918-1955 comprises the *Real Property Ordinance* 1918 as amended. Particulars of the Principal Ordinance and of the amending Ordinances are set out in the following table:—

Ordinance.	Number and Year.	Date notified in Commonwealth Gazette.	Date of Commencement.
<i>Real Property Ordinance</i> 1918 ..	No. 13, 1918	14th November, 1918 ..	14th November, 1918
<i>Real Property Ordinance</i> 1926 ..	No. 12, 1926	27th May, 1926 ..	27th May, 1926
<i>Real Property Ordinance</i> 1932 ..	No. 11, 1932	26th May, 1932 ..	26th May, 1932
		Date of Assent by Administrator.	
<i>Real Property Ordinance</i> 1955 ..	No. 19, 1955	20th December, 1955 ..	20th December, 1955

Note.—Sections 4 and 5 of the *Real Property Ordinance* 1955 read as follows:—

“4. Section two hundred and seventy-one and two hundred and seventy-two of the Act are repealed.  
“5. The Twentieth Schedule to the Act is repealed.”

ordinary way excepting only that any entries which ordinarily would require to be made in the Register Book shall be made in the Register of Crown Leases, and on the folio constituted by the Crown lease.”

Inserted by  
No. 19, 1955,  
s. 2.

2AA. Sections one hundred and fifty-three and one hundred and fifty-four of the Act are repealed and the following section inserted in their stead:—

Extension of  
mortgage, &c.

“ 153.—(1.) Any mortgage, encumbrance, or lease may be extended at any time and from time to time by an instrument of extension executed by all the parties to the mortgage, encumbrance, or lease, and stating the term of the extension and the terms and conditions on which the extension is made.

“ (2.) On production to the Registrar-General of the instrument and of the duplicate mortgage, encumbrance, or lease, he shall retain the instrument and enter a memorial of the extension on the original certificate and on the original instrument of mortgage, encumbrance, or lease filed in his office.

“ (3.) No dealing registered subsequent to any mortgage, encumbrance, or lease and prior to an instrument of extension of the mortgage, encumbrance, or lease, shall be affected by the extension unless the proprietor in whose favour the dealing was registered shall have consented in writing to the extension.”

Transmission  
by insolvency  
or statutory  
assignment.

2B. Section one hundred and seventy of the Act is amended by omitting the word “ insolvent ” (wherever occurring) and inserting in its stead the word “ bankrupt ”.

Inserted by  
No. 11, 1932,  
s. 2.

Transmission to  
be entered in  
Register Book.

2C. Section one hundred and seventy-one of the Act is amended—

Inserted by  
N. 11, 1932,  
s. 2.

(a) by omitting the word “ insolvency ” (wherever occurring) and inserting in its stead the word “ bankruptcy ”; and

(b) by omitting the word “ insolvent ” and inserting in its stead the word “ bankrupt ”.

Section 3  
repealed by No.  
19, 1955, s. 3.

\* \* \* \* \*

Authority to  
register.

4. Section two hundred and seventy-three of the Act is amended by omitting the words “ solicitor or licensed land broker ”, and inserting in their stead the words “ practitioner of the Supreme Court of the Northern Territory or person whose name is entered in the Register of Practitioners kept at the Principal Registry of the High Court ”.

5 Section two hundred and seventy-four of the Act is amended by omitting the words "solicitor or licensed land broker" and inserting in their stead the words "practitioner of the Supreme Court of the Northern Territory or person whose name is entered in the Register of Practitioners kept at the Principal Registry of the High Court".

Persons entitled to recover fees for work done under the Act.

6. The Attorney-General may make regulations prescribing the charges recoverable by solicitors for transacting business under the provisions of the Act.

Charges recoverable by solicitors.  
Added by No. 19, 1955, s. 6.

---