

and if the employee is paid his ordinary pay in full when he commences his long service leave his employer shall, upon the employee's return to his employment, adjust the amount of the payment so made to the employee so as to accord with that variation."

**6** The amendments effected by section four of this Act do not operate so as to entitle an employee— Savings.

- (a) who has been granted long service leave under the Principal Act before the commencement of this Act, to long service leave under that Act as amended by that paragraph; or
- (b) who has not been granted long service leave under the Principal Act before the commencement of this Act, to long service leave under that Act as it was in force before the commencement of this Act as well as long service leave under that Act as amended by that paragraph,

in respect of the same period of employment with an employer.

## LOCAL GOVERNMENT.

### No. 62 of 1964.

AN ACT to amend the *Local Government Act 1962*.  
[17 December 1964.]

**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 *Local Government Act 1964*. Short title and citation.

(2) The *Local Government Act 1962*, as subsequently amended, is in this Act referred to as the Principal Act.

**2** Section one hundred and forty-nine of the Principal Act is amended— Certain employees entitled to long service leave.

- (a) by omitting paragraphs (b) and (c) of subsection (2) and substituting therefor the following paragraph:—

“; and

“(b) ninety days for each ten years of such service completed after the first fifteen.”; and

- (b) by adding at the end thereof the following subsections:—

“(9) If an employee after completing at least fifteen years’ continuous service as an employee of one or more municipalities—

(a) retires from his employment because of sickness or old age; or

(b) is compulsorily retired because—

(i) of his age;

(ii) his position has been abolished;  
or

(iii) his services have become unnecessary,

otherwise than at the end of ten years of such service entitling him to ninety days’ additional leave, he shall be entitled to leave of absence bearing the same proportion to ninety days as his period of such service since the last completed period of such service entitling him to ninety days’ leave of absence bears to ten years of such service.

“(10) If a person having taken leave of absence to which he has become entitled under subsection (9) again becomes an employee he shall be deemed to have completed ten years of such service on the day before he again becomes an employee and to have taken all leave to which he is entitled under this section.”.

Allowances  
to employees  
in certain  
cases.

**3** Section one hundred and fifty of the Principal Act as amended by omitting paragraph (b) of subsection (1) and substituting therefor the following paragraph:—

“(b) retires from his employment because of sickness or old age;”.

Temporary  
overdrafts.

**4** Section two hundred and ninety-one of the Principal Act is amended by omitting from subsection (1) the words “the special resolution required by” and substituting therefor the words “complying with”.

Levels of  
highways.

**5** Division IV of Part XV of the Principal Act is repealed.

Roads in  
building  
estates.

**6** Section three hundred and sixty-one of the Principal Act is amended—

(a) by omitting from subsection (1) the words “of the delivery of the sealed copy under subsection (18)” and substituting therefor the words “on which the plan took effect under subsection (20)”;

(b) by omitting from subsection (1A) the words "On the delivery of the sealed copy" and substituting therefor the words "When the plan takes effect"; and

(c) by inserting, after subsection (5), the following subsection:—

"(5A) Where the owner has given security under section four hundred and sixty-seven for the works required by this section, that security shall suffice for the purpose of subsection (5) and be deemed to secure payment of the sum mentioned in that subsection as if expressed so to do."

**7** Section three hundred and sixty-two of the Principal Act is amended by omitting subsections (1), (2), and (3) and substituting therefor the following subsections:—

Enforcement  
of building  
estate owner's  
duty.

"(1) If the time for making the roads in a building estate under section three hundred and sixty-one expires before the making of the roads has begun or, having begun, has been duly completed, the corporation may, if and so far as it has not undertaken their making, make or complete those roads, as the case may require, at the owner's expense, and may, if it has not taken security therefor under section four hundred and sixty-seven, require the owner to secure payment of the cost as estimated by it by means of a guarantee thereof by—

(a) a bank; or

(b) a guarantee, money-lending, insurance, or trading corporation approved by the corporation.

"(2) The owner of a building estate shall not without leave of the corporation sell or offer for sale a lot therein—

(a) unless he has given security under section four hundred and sixty-seven for the works required by section three hundred and sixty-one; or

(b) if he has not given such security, until—

(i) the roads therein have been made in accordance with section three hundred and sixty-one; or

(ii) where the corporation has undertaken to make them, it has received, or taken security for, payment of the cost of so doing,

whichever first happens.

"(3) Where the owner has not given security under section four hundred and sixty-seven for the works required under section three hundred and sixty-one, the corporation may as a condition of giving leave under subsection (2) require the owner to give the corporation security in such form and of

such amount as it may require for all costs and expenses that have been and will or may be incurred by it in connection with the making of the roads therein.”.

Power to  
improve  
highways.

**8** Section three hundred and sixty-nine of the Principal Act is amended by adding at the end thereof the following subsections:—

“(2) The corporation is liable to make compensation for damage done in the exercise of the powers conferred by this section.

“(3) Where under this section the level of a highway is altered, an owner or occupier of land abutting on or accessible from the highway or of any work under, in, or over the highway who suffers loss by reason of the alteration may, without prejudice to any other right of action he may have and so far as his loss is not made up to him by the corporation in money or works, obtain compensation in a summary way upon complaint under the *Justices Act 1959*.”.

Powers to  
put things  
in or under  
highways.

**9** Section three hundred and seventy of the Principal Act is amended by omitting paragraph (c) of subsection (1) and substituting therefor the following paragraph:—

“(c) for the purpose of protecting passengers, regulating traffic, or making crossings less dangerous—

(i) erect posts, lights, stones, fences, and places of refuge; and

(ii) set barricades, hurdles, oil drums, witches’ hats, and other devices for guiding traffic;”.

The Building  
Regulations.

**10** Section four hundred and twenty-five of the Principal Act is amended—

(a) by inserting in paragraph (c) of subsection (4), after the word “organization”, the words “and may provide that a reference—

(i) to any such rules, code, specification, or publication; or

(ii) in any such rules, code, specification, or publication to any other such rules, code, specification, or publication,

shall be read as a reference to those rules or that code, specification, or publication as from time to time amended or replaced by the institution or organization that issued them or it”;

(b) by inserting in subsection (8), after paragraph (a), the following paragraph:—

“(ab) to every building or structure designed to be, contain, or be part of, a factory,

a shop, or an office within the meaning of the *Factories, Shops, and Offices Act 1958*;" and

- (c) by adding, after that subsection, the following subsections:—

"(9) Where anything is by the Building Regulations required to have certain qualities, the Minister may publish lists of the trade names of things which appear to him from tests by competent persons to have those qualities, and anything so listed shall be deemed for the purposes of the Building Regulations to have the qualities in respect of which it is listed.

"(10) A list purporting to be printed by the Government Printer and to be published by direction of the Minister for the purposes of subsection (9) shall be deemed to be so published."

**11** Section four hundred and fifty-six of the Principal Act is amended by inserting, after subsection (2), the following subsection:—

"(2A) Where the Secretary for Labour finds that plans and specifications require amendment to comply with the Act he may make his certificate subject to such amendment and the corporation shall, if it gives any permission or approval under this Division—

- (a) require the plans and specifications to be first amended accordingly; or
- (b) give its permission or approval subject to the same condition."

**12** Section four hundred and fifty-seven of the Principal Act is amended by adding at the end the following subsection:—

"(3) Where the Minister for Health finds that plans and specifications require amendment to satisfy him he may make his certificate subject to such amendment and the corporation shall, if it gives any permission or approval under this Division—

- (a) require the plans and specifications to be first amended accordingly; or
- (b) give its permission or approval subject to the same condition."

**13** Section four hundred and sixty-two of the Principal Act is amended—

- (a) by omitting from subsection (1) the word "Part" and substituting therefor the word "Division";
- (b) by omitting from the definition of "lot" the words "another block of land" and substituting therefor the words "a larger block of which it was part"; and

*Factories under the Factories, Shops, and Offices Act 1958.*

*Buildings of public assembly under the Public Health Act 1962.*

*Interpretation.*

(c) by omitting the definition of "sealed plan" and substituting therefor the following definition:—

"'sealed plan' means a plan which—

- (a) has been approved and sealed by the corporation under section four hundred and sixty-four or section four hundred and sixty-nine; and
- (b) has taken effect as provided in subsection (20) of section four hundred and sixty-four;".

Conditions for development of building estates.

**14** Section four hundred and sixty-three of the Principal Act is amended by omitting from subsection (1) the word "approved" (second occurring) and substituting therefor the words "which has been approved and taken effect".

**15** Section four hundred and sixty-four of the Principal Act is repealed and the following section is substituted therefor:—

Approval of schemes for building estates.  
Cf. 25 Geo. V  
No. 47, s. 43D.

"464—(1) The owner of a building estate may make application to the corporation for approval of the scheme of the building estate and shall submit with the application a plan in triplicate, to be called a 'proposal plan', drawn to scale showing—

- (a) the boundaries of the building estate and its general levels and contours;
- (b) the streets, roads, and other ways, public and private, existing and to be opened or constructed on the land;
- (c) the proposed subdivision into lots and other parcels, showing—
  - (i) their distinguishing numbers; and
  - (ii) their measurements to such a degree of accuracy as will allow the proposed subdivision to be checked;
- (d) the system of drainage for the building estate;
- (e) any telegraph, telephone, or electric power lines running over the building estate; and
- (f) such other particulars, if any, as the Governor may by regulation prescribe.

"(2) The corporation shall refer the application and plan to its engineer or other officer appointed for the purpose, who shall indicate thereon the line of any conduits, pipes, sewers, and drains of the corporation in or on the land and known to him and report to the corporation recommending the acceptance or rejection of the application or its acceptance with such alterations as may be specified in his report, and the reasons for its rejection or alteration, as the case may be.

"(3) Subject to Part XVIII, the corporation, upon consideration of the report of the engineer or other officer, and the report of any other of its officers to whom the corporation

has thought fit to refer, may grant or refuse the application or may grant it with such alterations as it may specify, and shall notify the owner in writing—

- (a) of its decision thereon; and
- (b) unless it refuses the application, of the number, which shall not exceed five, of copies of the final plan that it will require for the purposes of subsection (9) and whether it requires a copy or overlay for the purposes of subsection (8).

“(4) The owner on receipt of the corporation’s approval shall, if he desires to proceed, have a plan (to be called the ‘final plan’) prepared by a registered surveyor showing—

- (a) the position, boundaries, and measurements of the building estate;
- (b) the position, boundaries, and measurements of the streets, roads, and other ways, public and private, existing and to be opened or constructed on the land;
- (c) the position, distinguishing numbers, boundaries, and measurements of all parcels into which it is proposed to subdivide the land;
- (d) the position of all easements which exist or which it is proposed to create on or for the benefit of the land or any part thereof;
- (e) if part of the land is subject to the *Real Property Act 1862*, the boundary between the part so subject and the part not so subject;
- (f) the position, length, direction, and outlet of all proposed drains; and
- (g) the parts affected or to be affected by licences to embank highways under the *Highways Act 1951*,

and this plan shall be in conformity with the proposal plan and such alterations, if any, as the corporation may have required.

“(5) For the purposes of subsection (4) it is not necessary to show existing tunnels, pipes, conduits, wires, or other things which are underground or within or beneath existing buildings otherwise than by indicating the parcel in which they lie and referring to the existing work.

“(6) There shall be attached to every proposal plan and final plan a schedule, to be called the ‘schedule of easements’, setting forth in respect of each block or other portion of the estate—

- (a) the easements and profits a prender to be appurtenant thereto or to which it is to be subject; and
- (b) the covenants the benefit or burden of which is to run therewith,

which schedule shall, in the case of a final plan, be signed by a person who can, or such persons as between them can, create the interests set forth therein that the purchasers of land

comprised in the plan are to acquire, and shall be deemed to be part of the plan; and the things set forth therein shall be deemed to be shown on the plan.

“(7) The owner shall, if he desires to proceed, lodge at the municipal office—

- (a) the final plan, and a duplicate thereof if required for the purpose of paragraph (c) of subsection (9), together with the copies the requirement of which has been notified under subsection (3), the copies being marked ‘Copy for the purpose of s. 464 (9)’;
- (b) a nomination of a solicitor who will act for the owner in carrying the final plan through to its taking effect and of a registered surveyor who, each according to his profession, will do what is necessary if the plan has to be amended; and
- (c) the amount of the fees payable to the corporation upon compliance with subsection (9).

“(8) To a final plan, its duplicate, if any, and the required copies thereof there shall, if the surveyor who verified the final plan or is nominated for the purpose of amendments thinks fit or the Recorder of Titles, the Registrar of Deeds, or the corporation so requires, be annexed a copy or overlay showing all or any of the following particulars:—

- (a) All such levels as may be necessary to show that all statutory requirements have been fulfilled;
- (b) All conduits, pipes, sewers, and drains in or on the land comprised in the plan, information of which any authority responsible for their laying or maintenance shall give the owner to the best of its ability; and
- (c) An indication of the line of any telegraph, telephone, or electric power lines and cables that will restrict the use of the land,

and certified by a registered surveyor to be true to the best of his knowledge, information, and belief.

“(9) The corporation, upon being satisfied that the final plan so lodged complies with all statutory requirements, shall cause—

- (a) its seal to be affixed to the plan and to the duplicate thereof, if the case so requires;
- (b) the sealed plan to be lodged in the office of the Recorder of Titles, if the land comprised therein or any part thereof is under the *Real Property Act* 1862; and
- (c) the sealed duplicate, or if not lodged under paragraph (b) the sealed plan, to be registered as provided by the *Registration of Deeds Act* 1935, if that land or any part thereof is not under the *Real Property Act* 1862.



“(10) For the purposes of subsection (9) land subject to a right to be created by the schedule of easements shall be deemed to be comprised in the plan.

“(11) Where the sealed plan is lodged in the office of the Recorder of Titles, the Recorder shall—

(a) if—

(i) he finds that the owner has not a sufficient title to dispose of all the land under the *Real Property Act* 1862 comprised in the plan, or that the plan omits land of the owner comprised in the same certificate of title or grant deed as land comprised in the plan; or

(ii) he considers that the execution of the plan will be inconsistent with the proper administration of that Act or fail to assure to purchasers what the corporation intended them to have,

notify the corporation and the owner that he requires the plan to be amended as shown on a copy of the plan or of a part thereof to be made by him; or

(b) notify the corporation and the owner that he has accepted the plan as lodged.

“(12) Where the sealed plan or the sealed duplicate thereof is lodged in the Registry of Deeds, the Registrar of Deeds shall—

(a) if—

(i) he finds that the owner has not a sufficient title to dispose of all the land not under the *Real Property Act* 1862 comprised in the plan; or

(ii) he considers that the execution of the plan would fail to assure to purchasers what the corporation intended them to have,

notify the corporation and the owner that he requires the plan to be amended as shown on a copy of the plan or a part thereof to be made by him; or

(b) notify the corporation and the owner that he has accepted the plan as lodged.

“(13) The Registrar of Deeds is not bound to investigate titles for the purposes of subsection (12).

“(14) Where the Recorder under paragraph (a) of subsection (11), or the Registrar under paragraph (a) of subsection (12), requires an amendment, the corporation shall—

- (a) if it considers that the amendment should not be approved, withdraw the plan or the plan and duplicate, as the case may be, and return it or them to the owner; and
- (b) in any other case notify the Recorder of Titles, or the Registrar of Deeds, or both, as the case may require, and the owner that it does not oppose the amendment.

“(15) Where an owner is notified under subsection (14) that the corporation does not oppose an amendment he may—

- (a) agree to the amendment;
- (b) request the corporation to withdraw the plan and the corporation shall comply; or
- (c) require the Recorder or the Registrar, as the case may be, to set forth in writing the grounds on which he refuses to accept the plan without amendment and thereupon section one hundred and ten of the *Real Property Act* 1862 shall apply as if the grounds of refusal had to be, and had been, given under subsection (1) of that section.

“(16) When the owner agrees to an amendment under subsection (15) he shall notify the corporation and either the Recorder of Titles or the Registrar of Deeds, or both, as the case requires, that he agrees to the amendment.

“(17) Where an amendment is required under subsection (11) or subsection (12) the corporation and the owner may put forward other proposals and the Recorder or Registrar, as the case may be, may amend, or vary his requirement, or withdraw it and substitute another.

“(18) Where a plan (including the sealed duplicate, if any) is withdrawn from the office of the Recorder of Titles or the Registry of Deeds, the corporation shall cancel its seal thereon and return it to the owner.

“(19) Upon notice to the corporation and the owner the Recorder of Titles or the Registrar of Deeds, as the case may be, may correct any clerical, unimportant, or insubstantial error in a plan lodged in his office, unless within seven days of being given notice one of them objects.

“(20) A sealed plan takes effect, in respect of land under the *Real Property Act* 1862, when the Recorder of Titles and, in respect of land not under that Act, when the Registrar of Deeds signs a notification to the corporation that he has accepted it, whether he does so—

- (a) under subsection (11) or subsection (12);
- (b) as a result of further discussion;
- (c) under an order of the Supreme Court; or
- (d) upon the making of an amendment agreed to by the owner and the corporation.

“(21) When a sealed plan takes effect the Recorder of Titles or the Registrar of Deeds, whoever has it, shall deliver—

- (a) free to the owner and his surveyor each one certified copy thereof and to the corporation as many, up to eight, certified copies thereof as it requires; and
- (b) upon payment of the fee prescribed under the *Real Property Act* 1862 or the *Registration of Deeds Act* 1934, as the case may be, to any person as many certified copies thereof as he pays for,

stating on each copy the date on which the plan took effect.

“(22) For the purposes of this section an owner may act and receive notices by his solicitor except that signatures required by subsection (6) shall be done personally or by an attorney duly empowered by deed.

“(23) An owner may change his solicitor or surveyor for the purposes of paragraph (b) of subsection (7) by notice to the Recorder of Titles, the Registrar of Deeds, or both, as the case requires, and to the corporation.

“(24) Where the owner wishes to carry out his scheme by stages he may so state on his proposal plan, indicating the stages therein, and may then lodge separate final plans for the several stages in conformity with the proposal plan and such alterations, if any, as the corporation may have required.

“(25) Instead of amending a document required to be amended under this section the person required to amend it may substitute for it a new document in the amended form.

“(26) The owner of a building estate may, before submitting a proposal plan, submit to the corporation a sketch plan of the scheme with a request for its opinion on the practicability of the scheme, and if the sketch plan is sufficient the corporation shall give its opinion and where the information is relevant indicate on the sketch plan any intended alterations of the line or boundaries of highways and other works and the line of any conduits, pipes, sewers, and drains of the corporation known to it to be in or on the land.

“(27) The calculations and field notes of the registered surveyor who draws a final plan shall be retained by him until they are required by the Recorder of Titles or, where the sealed plan is lodged in the Registry of Deeds, the Registrar of Deeds.”.

**16** Section four hundred and sixty-seven of the Principal Act is amended— General requirements.

- (a) by inserting, after subsection (1), the following subsection:—

“(1A) Notwithstanding anything contained in subsection (1), where—

(a) the corporation has approved, with or without alterations, a proposal plan to take effect by stages under subsection (24) of section four hundred and sixty-four; and

(b) the final plan of any stage has taken effect as provided by subsection (20) of that section,

the corporation may refuse to approve the scheme of a building estate if, or so far as, it comprises land comprised in that proposal plan.”;

(b) by inserting in subsection (3), after paragraph (ba), the following paragraph:—

“(bab) the works required by section three hundred and sixty-one;”;

(c) by omitting sub-paragraph (ii) of paragraph (a) of subsection (4) and substituting therefor the following sub-paragraph:—

“(ii) the required works to be executed, in the cases of paragraphs (a), (b), and (ba) of subsection (3), within six months of the completion of the water main, common sewer, or common storm water drain, in the case of paragraphs (bab) and (bb) of that subsection, within the time prescribed in section three hundred and sixty-one, in the case of paragraphs (c) and (d) of that subsection, within six months of the scheme’s taking effect, or in any case within such further time as the corporation may allow; and”.

Conveyancing  
provisions.

**17** Section four hundred and sixty-eight of the Principal Act is amended—

(a) by inserting, after subsection (2), the following subsections:—

“(2A) Where within the block to be subdivided by a sealed plan is a way not called ‘private’—

(a) if at the making of the plan it is already dedicated to and accepted by the public, it may be called ‘existing’ on the plan; and

(b) if it is to be dedicated by the plan’s taking effect, it may be shown on the plan without that adjective,

but when the plan takes effect all such ways shall be subject to paragraph (a) of subsection (1) irrespective of whether they were called ‘existing’ or not.

“(2B) The schedule of easements to a sealed plan may contain easements, profits a prender, and covenants affecting land not comprised in the plan, whether they existed before the plan took effect or not, but if not the schedule shall be signed by persons who between them can create all those not then existing, and when the sealed plan takes effect those last-mentioned easements, profits a prender, and covenants shall be deemed to have been created or made in the most effective manner by the relevant persons who signed the schedule.”; and

- (b) by inserting, after subsection (7), the following subsection:—

“(7A) Where before a final plan is sealed—

- (a) land comprised therein is subject to a licence to embank a highway under the *Highways Act 1951*, a reference to the registration of the licence shall appear on the plan; or
- (b) such land is to become subject to such a licence when the plan takes effect, there shall be a note on the plan where the land will be so subject to the effect that it is to be subject to a licence under the *Highways Act 1951* to embank such highway to such a height above such a datum point as is specified, and when the plan takes effect a licence to the same effect shall be deemed to have been duly registered.”.

**18** Section four hundred and sixty-nine of the Principal Act is amended— Building subdivisions.

- (a) by omitting from subsection (5) the numeral “5” and substituting therefor the numeral “6”;
- (b) by omitting from subsection (6) the numerals and word “(6), (7), and (8)” and substituting therefor the numerals and word “(7), (8), and (9)”;
- (c) by omitting from subsection (7) the numerals and word “(9) to (22)” and substituting therefor the numerals and word “(10) to (27)”.

**19** After section four hundred and seventy-one of the Principal Act the following sections are inserted:—

“471A Any owner of land who may subdivide it otherwise than in accordance with— Voluntary submission of plans.

- (a) a previously approved plan;

(b) the scheme of a building estate that has taken effect under section four hundred and sixty-four; or

(c) a plan of subdivision that has taken effect under section four hundred and sixty-nine,

may proceed in accordance with the relevant one of those sections in order to obtain the benefits of this Division.

Subdivisions  
for partial  
development.

“471B Where an owner of land wishes to subdivide a block—

(a) which has not undergone building development into a part to be so developed and a part not to be so developed; or

(b) which has undergone building development into a part to be further so developed and a part not to be further so developed,

he may, subject to paragraph (e) of subsection (1) of section four hundred and sixty-seven, leave out of his final plan the part not to be so developed or further so developed, as the case may be.

Lack of  
frontage to  
highway.

“471C—(1) Where—

(a) land proposed to be subdivided is separated from a highway by land of the highway authority; and

(b) the highway authority declares under seal that its land is to become part of the highway,

land which would when the highway authority's land had become part of the highway have a frontage on the highway shall be deemed already to have the same frontage thereon as it would then have, and no objection may be taken that a way in the proposed subdivision, being a building estate, does not communicate with the highway by reason that the highway authority's land intervenes, and the highway authority shall when the way is opened provide the necessary communication.

“(2) For the purposes of section four hundred and sixty-two and this Division a highway over water shall be deemed to be a highway as defined in section four and a road in respect of a lot shown in a plan to which section four hundred and sixty-four or section four hundred and sixty-nine applies if—

(a) the lot has a frontage to the shore of the sea or to a navigable river or lake and cannot be reached from a city or town by a highway as so defined that is a road; and

(b) the Commissioner, at the request of the corporation, thinks fit to approve the plan.

“(3) For the purposes of subsection (2) land to which is appurtenant an easement in fee of unrestricted passage over land of the Crown to the shore of the sea shall be deemed to have a frontage to the shore of the same width as the easement.”

**20** Section four hundred and seventy-two of the Principal Act is amended by omitting sub-paragraph (i) of paragraph (g) of subsection (3) and substituting therefor the following sub-paragraph:—

Minimum  
lots.

“(i) having all the qualities of a minimum lot except in respect of frontage it has—

(A) a frontage to a road of not less than twelve feet, over which frontage no other land has a right-of-way as its sole or principal means of access; or

(B) access to a road by a right-of-way at least twelve feet wide over land not required as the sole or principal means of access to any other land and not required to give the lot, if any, of which it is part the qualities of a minimum lot;”.

**21** Section four hundred and seventy-seven A of the Principal Act is amended—

Adhesion  
orders.

(a) by inserting after subsection (8) the following subsections:—

“(8A) For the purposes of subsection (8) if the adjoining land to be added to is under the *Real Property Act* 1862 and the Recorder of Titles has directed that this subsection shall apply to the plan of subdivision, that plan shall not in fact comprise the adjoining land to be added but shall show the common boundary with that land identifying it by reference to the volume and folio of the register book and thereupon that land shall for the purpose only of this section be deemed to be comprised in the plan.

“(8B) Where subsection (8A) applies to a plan of subdivision, there shall be a copy or overlay showing the plan of the adjoining land appearing in the register book and the position of that land in respect of the land comprised in the plan, to which copy or overlay section four hundred and sixty-four or section four hundred and sixty-nine, as the case may require, shall apply as if it were a copy or overlay required under subsection (8) of section four hundred and sixty-four.”;

(b) by omitting from subsection (15) the words “scheme of a building estate approved and lodged or registered under section four hundred and sixty-four or a subsequent plan of subdivision approved and lodged or registered under section four hundred and sixty-nine” and substituting therefor the words “sealed plan”; and

(c) by inserting, after subsection (16), the following subsection:—

“(16A) If the corporation is of opinion that a subdivision to which subsection (8) applies would not create a block—

(a) which in independent ownership may not lawfully be the site of a house; but

(b) which might be bought as such, it may, with the approval of the Commissioner, by order exempt the subdivision from the operation of that subsection.”.

Application  
to the  
Crown.

**22** Section four hundred and eighty-six of the Principal Act is amended by adding, at the end thereof, the following subsection:—

“(5) Where land is to be dealt with by or on behalf of Her Majesty in circumstances in which the same dealing by a subject should or might be done by means of a sealed plan, a plan like a final plan may be prepared and sealed with the official seal of the Minister responsible therefor and shall then be dealt with and take effect in all respects as if it were a final plan sealed by the corporation, that Minister taking the place of both the corporation and the owner, the Crown Solicitor of the owner's solicitor, and the Surveyor-General of the owner's surveyor for the purposes of amendment, unless that Minister nominates other officers in their places.”.

Regulations.

**23** Section six hundred and thirty-five of the Principal Act is amended by adding, at the end thereof, the following subsection:—

“(5) The regulations may—

(a) require existing buildings to comply with specified requirements of the Building Regulations for new buildings;

(b) incorporate by reference any provision of the Building Regulations;

(c) in addition to those matters which might, without express mention, be put in the discretion of the corporation or one of its officers, make any matter subject to the approval of the Minister or of a municipal architect qualified to give certificates for the purposes of section four hundred and twenty-six; and

(d) exempt, or provide for the exemption by the Minister, subject to section six of the *Public Health Act 1962*, of—

(i) any specified class of places of public entertainment to which no charge is made for admission and which is not open to the public from all or any of their provisions; and



- (ii) any specified place of public entertainment or any specified class of such places from any of their provisions.”.

**24** Section six hundred and thirty-six of the Principal Act is amended— Transitory provisions.

- (a) by inserting in subsection (1), after the word “Act” (last occurring), the words “or for such further period as the Governor by proclamation may appoint”;
- (b) by inserting in subsection (2), after the word “Act” (first occurring), the words “or within such further period as the Governor by proclamation may appoint”; and
- (c) by inserting in subsection (3), after the word “Act”, the words “and for such further period as the Governor by proclamation may appoint”.

**25** After section seven hundred and twenty-nine of the Principal Act the following section is inserted:—

“729A—(1) If because of objections a scheme, in the opinion of the Commissioner, is or should be substantially modified— Effect of substantial modification.

- (a) the Minister may, on the recommendation of the Commissioner, reject the scheme; or
- (b) the Commissioner may direct that a specified part of the scheme be done again.

“(2) Where the Minister rejects a scheme, another scheme shall be prepared and submitted in accordance with section seven hundred and twenty-six.

“(3) Where the Commissioner has directed that a specified part of a scheme be done again, the resultant work shall be prepared, provisionally approved, objected to, and otherwise dealt with as provided in sections seven hundred and twenty-six to seven hundred and twenty-eight, and when the new work and the objections thereto, if any, are before the Commissioner, the new work shall be deemed to be part of the scheme instead of the part it is intended to replace.

“(4) When directing a part of a scheme to be done again, the Commissioner may direct what explanatory material shall go into the public notification of the new work and be available for public inspection therewith.”.

**26** After section eight hundred and twenty-nine of the Principal Act the following section is inserted in Division I of Part XXII:—

“829A A complaint for an offence against this Act to be prosecuted summarily shall be made not later than six months after the discovery of the offence.”. Limitation of summary proceedings.

**27** The sixth schedule to the Principal Act is amended by omitting from paragraph 27 the word “council” and substituting therefor the word “corporation”. The sixth schedule.