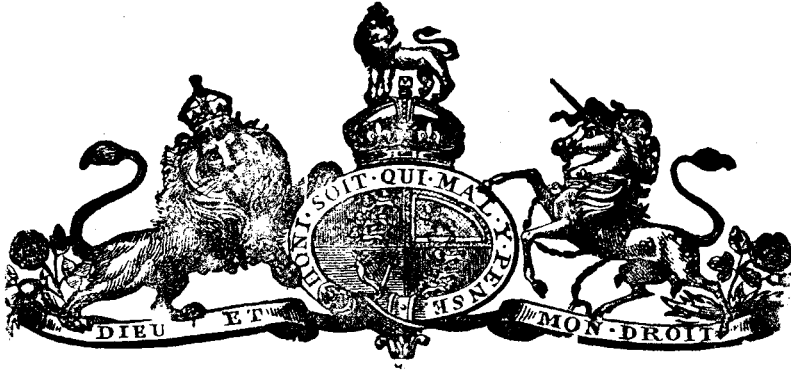


TASMANIA



1917.

ANNO OCTAVO

GEORGII V. REGIS.

No. 3.

ANALYSIS.

- | | |
|---|---|
| 1. Short title. | Proviso. |
| 2. Acts to be construed together. | 8. Wills, &c., to be registered. |
| 3. Repeal. | 9. Mode of registration. |
| 4. Interpretation. | 10. Delegation by Registrar of Deeds. |
| 5. Exception of lands under "Real Property Acts" and of certain leases. | 11. Regulations. |
| 6. Effect of registered judgments. | 12. Amendment of Section 4 of 6 Wm. IV. No. 18. |
| 7. Priority of registered documents. | 13. Saving as to registration of power of attorney. |

AN ACT to further amend "The Registration Act," and for other purposes. A.D. 1917.

[23 August, 1917.]

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 This Act may be cited as "The Registration Act, 1917." Short title.

2 The Registration Act and every Act amending the same and this Act shall be read and construed together as one Act, and may be cited together as "The Registration Acts, 1827-1917." Acts to be construed together.

6d.]

Registration of Deeds Amendment

A.D. 1917.

Repeal.

3 The following enactments are hereby repealed, namely:—
Sections Two, Three, Four, and Five of “The Registration Act” and Schedule A to that Act:
“The Registration Act, 1864” (28 *Victoriae* No. 10): and
Section Eleven of “The Deceased Persons’ Estates Act, 1874.”

Interpretation.

4 In the construction and for the purposes of this Act—
“Instrument” means any deed, judgment, document, or writing (other than a will or letters of administration) affecting or intending to affect land in Tasmania:
“Judgment” means—
i. Any judgment, decree, rule, or order in any action, suit, or original proceeding given or made by the High Court of Australia, or any Court of Record in Tasmania whereby any sum of money is made payable, or which affects or is intended to affect land in Tasmania:
ii. Any judgment, decree, rule, or order in any action, suit, or original proceeding which has by virtue of having been registered under the provisions of “The Service and Execution of Process Acts, 1901-12,” of the Commonwealth of Australia, the effect of a judgment of a Court in Tasmania:
“Letters of Administration” means any letters of administration issued out of or resealed by the Supreme Court of Tasmania which affect land in Tasmania, and includes any document authorising the Public Trustee to administer the estate of a deceased person which affects land in Tasmania:
“Registered” means registered in conformity with “The Registration Acts, 1827-1917,” and “Registration” has a corresponding meaning:
“Will” means any testamentary disposition affecting or intending to affect land in Tasmania.

Exception of lands under “Real Property Acts” and of certain leases.

Effect of registered judgments.

5 This Act shall not apply to lands under the provisions of “The Real Property Acts,” nor to *bonâ fide* leases at rack rent for any term less than Fourteen years.

6 Every judgment, whereby any sum of money is made payable, whether registered before or after the passing of this Act, shall, when registered, be a charge upon the land of a judgment debtor: Provided that such judgments only shall require to be re-registered pursuant to the provisions of the Act of the 16th *Victoriae* No. 3, and in the case of all other judgments, One registration shall be sufficient.

Priority of registered documents.
See N.S.W. Act, *Hogg*, p. 110.

7—(1) All instruments which are executed or made *bonâ fide*, and are registered, shall have and take priority, not according to their respective dates, but according to the priority of the time of registration thereof only

Registration of Deeds Amendment.

(2) Provided that any instrument, other than a judgment, which shall be registered within Ten days after the time of the execution thereof, shall be entitled to priority by relation to the date thereof only, and have the same force and effect in all respects as if it had been registered on the date thereof.

A.D. 1917.

Proviso.

8 All wills and letters of administration shall be registered.

Wills, &c., to be registered.

9 Until otherwise provided by regulations to be made under this Act registration shall be effected in manner following namely :—

Mode of registration.

- i. A memorial of the instrument, will, or letters of administration to be registered, written on parchment, shall be delivered into the office of the Registrar :
- ii. Every memorial shall be signed, or in the case of a company sealed by some or one of the following parties :
 - (a) Memorials of instruments other than judgments by a party thereto or the personal representative of any deceased party, or if all the parties are dead or absent from Tasmania the same may be signed by any witness to the instrument ;
 - (b) Memorials of wills by a devisee or a personal representative of the testator or of a devisee, or if no such devisee or personal representative is living in Tasmania, by any witness to the will ;
 - (c) Memorials of letters of administration by a personal representative of the deceased ;
 - (d) Memorials of judgments by any person to whom any money is payable under such judgment, or a personal representative of such person, or by the legal practitioner on the record acting for such person or personal representative, or, in cases where no money is payable under such judgment, by any party to the proceedings or matter in which such judgment is given or made, or a personal representative of such person :

The Registrar may, if satisfied that it is not reasonably practicable to obtain such signature to a memorial, dispense with the signature, and in such case shall endorse on the memorial a certificate that he is so satisfied :

- iii.—(a) Each memorial shall be verified by the oath of some competent person that the same contains correct particulars of the instrument of which it purports to contain particulars ;
- (b) Such oath shall be taken before a Commissioner of the Supreme Court of Tasmania, or before the Registrar of Deeds or any officer to whom the Registrar of Deeds shall have delegated any of his powers or functions pursuant to Section Ten of this Act, and each of the said persons is hereby authorised and empowered to administer such oath, and no fee shall be payable in respect thereof :

Registration of Deeds Amendment.

A.D. 1917.

- iv. Every memorial of an instrument other than a judgment shall contain the particulars, and be in the form or to the effect set out in Schedule (1) hereto :
- v. Every memorial of a judgment shall contain a copy of such judgment : Provided that in cases of judgments at common law or under the Local Courts Act jurisdiction it shall be sufficient if the memorial contains the particulars and is in the form or to the effect set out in Schedule (2) hereto :
- vi. Every memorial of an order or a decree other than a judgment shall contain a copy of such order or decree :
- vii. Every memorial of a will shall contain the particulars, and be in the form or to the effect set out in Schedule (3) hereto :
- viii. Every memorial of letters of administration shall contain the particulars, and be in the form or to the effect set out in Schedule (4) hereto :
- ix. If there be more writings than one for perfecting the same instrument, particulars of all such writings shall be included in one and the same memorial.

Delegation by
Registrar of
Deeds.

10—(1) The Registrar of Deeds may, generally, or in relation to any particular matters or class of matters, by writing under his hand, delegate to any officer of the Department under the Registrar of the Supreme Court, all or any of his powers or functions under “The Registration Acts, 1827-1917,” (except this power of delegation), so that the delegated powers and functions may be exercised by any such officer, either generally or with respect to the matters or class of matters specified in the instrument of delegation as fully and effectually as by the Registrar of Deeds.

(2) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power or function by the Registrar of Deeds

Regulations.

11 The Governor may make regulations for carrying “The Registration Acts, 1827-1917,” into effect and in particular, but without diminishing the generality of this provision for all or any of the following matters :

- i. As to the method of registering :
- ii. As to the method of indexing memorials.

Amendment of
Section 4 of 6
Wm. IV. No. 18.

12 Section Four of the “The Registration Act, 1836,” is hereby amended by omitting therefrom the words “by the plaintiff only,” and substituting therefor the words “only by the person to whom the money payable under the said judgment is made payable or the personal representative of such person.”

Saving as to
registration of
power of attorney.

13 Nothing in this Act contained shall render it necessary to register a power of attorney in any other manner than that provided by the Act 24 *Victoria* No. 3, or any amendment thereof.

Registration of Deeds Amendment.

SCHEDULES.A.D. 1917.

(1)

1. The date of such instrument.
2. The names and additions of the parties thereto.
3. The names and additions of the witnesses thereto.
4. The nature and object thereof.
5. The description of the lands affected or intended to be affected by such instrument, which, in cases of transfers of mortgages and reconveyances, may be by reference to the description in the original mortgage. Where a plan incident to the description is drawn on the original instrument a copy thereof shall be endorsed on the memorial.
6. The pecuniary or other consideration for the same, and to whom or how paid.

(2)

1. The name of the court in which the same has been signed or entered up.
2. The time of the signing or entering up of the same.
3. The names and additions of the respective parties.
4. The sum or sums thereby recovered or secured.

(3)

1. Date of the will.
2. Name and addition of the devisor.
3. Names and additions of the witnesses to the will.
4. Copy of the will.
5. Date of the death of the testator.
6. Date of probate or of resealing.

(4)

1. Date of the letters of administration.
2. Name and addition of the deceased.
3. Copy of the letters of administration.
4. Date of the death of the deceased.

