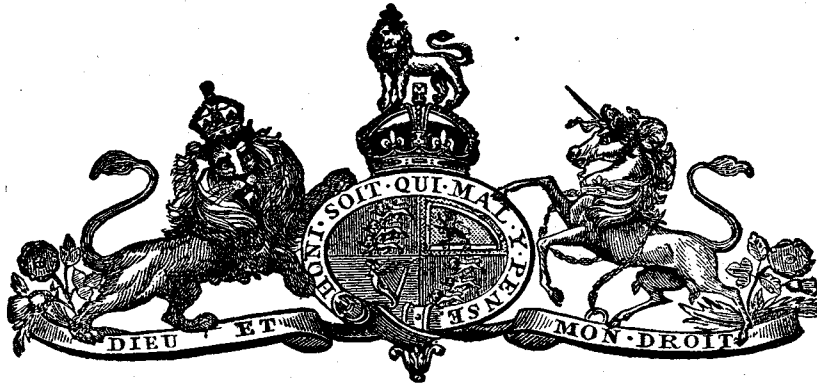


TASMANIA.



1920.

ANNO UNDECIMO.

GEORGII V. REGIS.

No. 33.

ANALYSIS.

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| <p>1. Short title.
 2. Acts to be construed together.
 3. Amendment of Section 6 of 8 Geo. IV. No. 5.
 4. Repeal and re-enactment of Section 9 of 8 Geo. IV. No. 5.
 5. Retrospective amendment of Section 3 of 6 Wm. IV. No. 18.
 6. Amendment of Section 9 of 8 Geo. V. No. 3.</p> | <p>7. Repeal and re-enactment of Schedule (1) of 8 Geo. V. No. 3.
 8. Repeal and re-enactment of Section 7 of 9 Geo. V. No. 52.
 9. Power for the Registrar to refuse to register.
 10. Certificate of correctness of memorials.
 11. Penalty for giving false certificate.</p> |
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AN ACT to further amend "The Registration Act."
 [20 December, 1920.]

A.D. 1920.

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, 1920." 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, 1827-1920." Acts to be construed together.

3 Section Six of "The Registration Act" is hereby amended by omitting therefrom the words "and the name and place of abode of the person verifying the same." Amendment of Section 6 of 8 Geo. IV, No. 5.

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Repeal and re-enactment of Section 9 of 8 Geo. IV. No. 5.

4 Section Nine of "The Registration Act" is hereby repealed, and the following is substituted in lieu thereof, and may be cited as Section Nine of "The Registration Act"—

"**9**—(1) Every certificate of satisfaction of a judgment shall contain the particulars and be in the form or to the effect set out in Schedule (1) hereto.

(2) Every certificate of satisfaction of a mortgage shall contain the particulars, and be in the form or to the effect set out in Schedule (2) hereto.

(3) The registrar shall endorse on every certificate of satisfaction the date when the same was received by him, and the said certificate shall, after being endorsed and entered as aforesaid, be safely kept in his office for future reference when required."

Retrospective amendment of Section 3 of 6 Wm. IV. No. 18

5 Section Three of "The Registration Act, 1836" is hereby amended, as from the First day of July, One thousand nine hundred and twenty, by omitting therefrom all the words after the words "certificates, respectively," in the Eighth line thereof, and substituting therefor the following words:—"And in order hereafter the better to facilitate the purposes of such reference, every memorial of a deed, will, or other instrument, or of a judgment, and every certificate of satisfaction shall be written on parchment of the length of Sixteen inches, and depth of Eleven inches, and with a margin of Two inches in width, and no memorial or certificate of satisfaction shall (except as to any certificate of correctness endorsed thereon pursuant to Section Ten) be written on more than one side thereof: Provided that nothing shall be construed to prevent a memorial in any case from extending over more than one piece of parchment."

Amendment of Section 9 of 8 Geo. V. No. 3.

6 Section Nine of "The Registration Act, 1917," is hereby amended as follows:—

- i. By inserting after the word "memorial" in the First line of Paragraph II thereof the words "and every piece of parchment on which such memorial is written."
- ii. By omitting Paragraph III thereof.

Repeal and re-enactment of Schedule (1) of 8 Geo. V. No. 3.

7 Schedule (1) of "The Registration Act, 1917," is hereby repealed and Schedule (3) hereto is substituted therefor, and may be cited as Schedule (1) of that Act.

Repeal and re-enactment of Section 7 of 9 Geo. V. No. 52.

8 Section Seven of "The Registration Act, 1918," is hereby repealed and the following is substituted in lieu thereof, and may be cited as Section Seven of "The Registration Act, 1918":—

Cf. Vict. 1915, No. 2719, s. 146.

"**7** The Governor, on the recommendation of the Registrar of Deeds, may appoint some person to be the Deputy-Registrar of Deeds, and all acts and things by this or any other Act required or authorised to be done by the Registrar of Deeds may be done

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by any such Deputy-Registrar of Deeds, and every act and thing done by any such Deputy-Registrar of Deeds shall be as valid and effectual as if the same had been done by the Registrar of Deeds." A.D. 1920.

9 The Registrar of Deeds may refuse to accept for registration any memorial which in his opinion is illegibly written, or likely to become illegible, or unfit or unsuitable for registration. Power for the Registrar to refuse to register.

10—(1) Every memorial and every certificate of satisfaction shall have endorsed thereon a certificate in the following words:—"Correct for the purposes of "The Registration Acts, 1827-1920." Certificate of correctness of memorials.

(2) Such certificate shall be signed by the person on whose behalf the memorial or certificate of satisfaction is being registered, or by the legal practitioner acting for such person.

(3) The legal practitioner or other person signing such certificate shall thereby be deemed to have included in his certificate—

i. In the case of a memorial, the following words:—"I do hereby certify that the foregoing memorial contains correct particulars of the instrument of which it purports to contain particulars":

ii. In the case of a certificate of satisfaction, the following words:—"I do hereby certify that the foregoing certificate of satisfaction contains a just and true account of the several particulars therein set forth."

11 Any person (whether a legal practitioner or not), signing any such certificate, as is mentioned in Section Ten, which is false or untrue, shall be liable on conviction to a penalty not exceeding Twenty Pounds, which may be recovered summarily; and where such certificate is falsely or untruly signed by any person (whether a legal practitioner or not) with intent to defraud, such person shall be guilty of a misdemeanour, and shall, on conviction, be liable to imprisonment for any period not exceeding Two years. Penalty for giving false certificate.

SCHEDULES.

(1)

1. Name and additions of the plaintiff and defendant.
2. The time of entering up or signing judgment, and the registered number of such judgment.
3. The date of payment or other satisfaction of the amount *bonâ fide* due thereon.
4. Certificate of the satisfaction of the judgment.

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(2)

1. The registered number of the mortgage.
 2. The names and additions of the respective parties.
 3. The date of payment or other satisfaction of the amount thereby secured.
 4. Certificate of the satisfaction of the mortgage.
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(3)

New Schedule (1) to
3 Geo. V. No. 3.

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 land affected or intended to be affected by such instrument: Provided that when a plan incident to the description is drawn on such instrument, a copy of such plan shall be endorsed on the memorial, and provided further that, if the plan endorsed on the memorial contains a clear and full representation of the boundaries and measurements of the land affected or intended to be affected, it shall not be necessary to embody the description in the memorial at length, but reference may be made in the memorial to the plan endorsed thereon: Provided further that the description of the land affected by a transfer of mortgage, reconveyance, or further charge may be by reference to so much of the description in the original mortgage as shall be sufficient to define the town (in the case of town lands) or parish, district, or locality (in the case of country lands) in which such land is situated.
6. The pecuniary or other consideration for the same, and to whom or how paid.