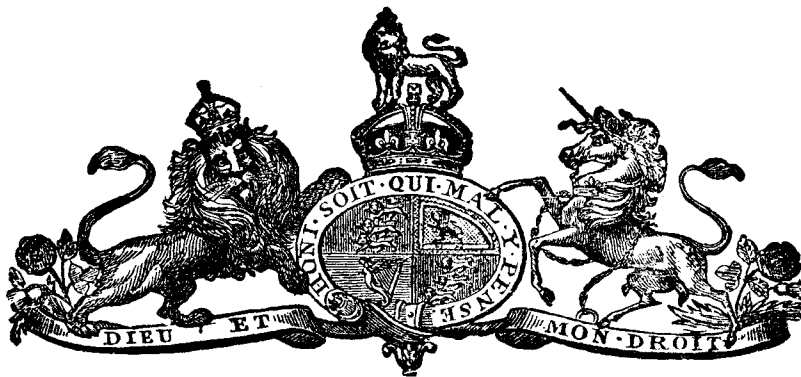


T A S M A N I A.



1927.

ANNO OCTAVO DECIMO

GEORGII V. REGIS.

No. 4.

ANALYSIS

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AN ACT to amend the Registration Act.

A.D.  
1927.

[8 September, 1927.]

**B**E 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 (Survey Plans) Act, 1927,” and shall come into operation on a day to be fixed by proclamation. Short title and commencement.

*Registration (Survey Plans).*

A.D. 1927.

Interpretation.

25 Vict. No. 6.

8 Geo. IV. No. 5.

9 Ed. VII. No. 45.

Survey plan to be registered before land dealt with.

Instrument to refer to survey plan.

Mode of registration of survey plan.

Certificate to be endorsed on survey plan.

- 2** In this Act, unless the context otherwise indicates or requires—
- “Instrument” means any deed or document of what nature or kind soever :
- “Land” means any land other than Crown land, or land held under the provisions of the Real Property Act :
- “Local authority” means the municipal council of any city or municipality :
- “The Principal Act” means the Registration Act :
- “Survey plan” means a plan of any land made in accordance with a survey thereof effected by a surveyor :
- “Surveyor” means a person registered as a surveyor under the Land Surveyors Act, 1909.

**3** No person shall present to the Registrar for registration under the Principal Act any instrument affecting or relating to any land delineated on a survey plan made after the commencement of this Act, unless such survey plan has been previously registered in accordance with the provisions of this Act.

Penalty : Ten Pounds.

**4** Every instrument presented to the Registrar for registration under the Principal Act, and which affects or relates to any land delineated on a survey plan registered under this Act, shall, in addition to any description required by law to be inserted therein, contain a reference to such survey plan.

**5**—(1) The registration under this Act of a survey plan shall be effected by lodging with the Registrar—

- i. The original plan : or
- ii. A certified copy thereof—

signed by the surveyor who made the survey shown on such plan.

(2) There shall be payable to the Registrar a fee of Five Shillings for the registration of any survey plan under this Act.

**6** Every original survey plan made after the commencement of this Act, and every certified copy of any such plan, shall, before being lodged with the Registrar as aforesaid, have endorsed thereon a certificate, signed by the surveyor who made the survey shown on such plan, stating—

- i. That the plan complies with all statutory provisions relating to anything appearing on the same : and
- ii. If the plan requires the approval of any local authority before being acted upon, that such approval has been obtained : and
- iii. If the plan does not require any such approval, that it does not so require : and
- iv. Such other matters as may be prescribed.

*Registration (Survey Plans).*

**7**—(1) Any person desiring to register under the Principal Act any instrument relating to or affecting any land shown on a survey plan made after the commencement of this Act, and which has not been registered thereunder, may, by notice in writing to be delivered to, or served by post upon, the person having the custody or control of such plan, require such lastmentioned person to register the same under this Act.

A.D. 1927.

Person interested may require survey plan to be registered.

(2) Such lastmentioned person shall, within seven days after such notice as aforesaid has been so delivered to or served upon him, cause the survey plan mentioned in the notice to be registered under this Act.

Penalty : Ten Pounds.

**8** Any person having in his custody or control any survey plan made prior to the commencement of this Act, may register the same under this Act in the same way and subject to the same conditions as are specified in this Act with respect to the registration of a survey plan made after such commencement : Provided, however, that it shall not be necessary for any plan registered under this section to have endorsed thereon any such certificate as is mentioned in Section Six of this Act.

Registration of survey plan made after the commencement of this Act.

**9** The Registrar shall number consecutively all survey plans, or certified copies thereof, lodged with him under this Act in the order in which the same are so lodged, and shall file the same in his office. He shall keep an index in which shall be entered—

Registrar and index of survey plans.

- i. The number of every such plan :
- ii. The date of the lodging thereof :
- iii. The name of the owner of the land shown thereon :
- iv. A description of such land, sufficient to identify the same :  
and
- v. The name of the grantee from the Crown of such land.

**10** The Registrar may refuse to allow the registration of any instrument or survey plan presented to him for registration contrary to the provisions of this Act, or which does not comply with such provisions.

Registrar may refuse registration of instrument or survey plan not in accordance with this Act.

**11** Any person shall be entitled to search the index of survey plans registered under this Act, and to inspect any plan or plans therein referred to, upon payment to the Registrar of a fee of Two Shillings and Sixpence for every such search : Provided, however, that any person searching in the office of the Registrar, and who has paid a fee of not less than Two Shillings and Sixpence in respect thereof, may, for the purpose of such search, also search such index and inspect any such plan as aforesaid without payment of further fee : And provided further that any surveyor may make any such search and inspection as first aforesaid without payment of any fee therefor.

Searches.

*Registration (Survey Plans).*

A.D. 1927.

Amendment of  
plan.

**12** The Registrar, on the application of any person interested in any land to which a registered survey plan relates, may, on such evidence as appears to him sufficient, and after such notices, if any, as he thinks proper, amend or cause to be amended such plan so as to correct any error therein, or supply any omission therefrom. Such amendment shall be made so that the original words, figures, or symbols shall not be rendered illegible, and the date of every such amendment shall be noted on the plan and initialled by the Registrar. Every such amendment shall take effect as if the error or omission thereby corrected or supplied had not been made: Provided, however, that no such amendment shall affect the construction of any instrument made before the date of such amendment.

Penalty for  
signing false cer-  
tificate or copy  
plan.

**13** Any surveyor who signs any such certificate as is referred to in Section Six of this Act, which is false in any material particular, or who falsely certifies to the correctness of any copy of a survey plan lodged with the Registrar under this Act, shall be liable to a penalty not exceeding Twenty Pounds.

Priority by  
registration under  
Principal Act  
not to be  
affected by con-  
travention of  
this Act.

**14** The priority given to any instrument by registration under the Principal Act shall not be prejudiced or affected by reason of the contravention by any person of any of the provisions of this Act, or the fact that any survey plan on which any land comprised in such instrument is shown, has not been registered under, or does not comply with the provisions of, this Act.

Appropriation of  
fees.

**15** All fees received by the Registrar under this Act shall be paid by him into the Consolidated Revenue.

Regulations.

**16** The Governor may make regulations prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for giving effect to this Act.