

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 19 of 1930.

AN ORDINANCE

To amend the Real Property Ordinance 1925-1927.

BE it ordained by the person administering the Government of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act* 1909 and the *Seat of Government (Administration) Act* 1910-1930, as follows:—

1.—(1.) This Ordinance may be cited as the *Real Property Ordinance* 1930. Short title and citation.

(2.) The *Real Property Ordinance* 1925-1927 is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Real Property Ordinance* 1925-1930.

2. The Principal Ordinance is amended as set out in the Schedule to this Ordinance. Minor alterations.

3. Section fourteen of the Principal Ordinance is amended by inserting in paragraph (a) of sub-section (1.), after the word “registered”, the words “or which or any portion of which has been resumed or withdrawn”. Powers of Registrar.

4. Section eighty-seven of the Principal Ordinance is amended by omitting sub-section (3.) and inserting in its stead the following sub-sections:— Registration of re-entry by lessor.

“(3.) The person having the lease in his possession or within his control shall, when required by the Registrar, deliver it up to the Registrar for cancellation and the Registrar shall cancel it accordingly.

“(4.) Any person who so fails to deliver a lease up to the Registrar when required shall be guilty of an offence.

Penalty: One hundred pounds.”

5. After section eighty-seven of the Principal Ordinance the following sections are inserted:—

“87A. The Registrar may, upon application in that behalf made by the lessor and upon being satisfied that the term of a lease has expired, note the expiration of the lease by entry in the Register Book. Registrar to enter expiration of lease in Register Book.

“ 87B.—(1.) Where, under any power contained in that behalf in any lease or under any law of the Territory, any portion of the land comprised in a lease is resumed or withdrawn by the lessor from the lease, the Registrar, upon proof to his satisfaction of the resumption or withdrawal, shall note such resumption or withdrawal by entry in the Register Book and the estate of the lessee in the portion of the land so resumed or withdrawn shall thereupon determine.

“(2.) Where any such resumption or withdrawal is effected by the Commonwealth and is notified in the *Gazette*, the production of a copy of the *Gazette* containing the notification shall be conclusive proof of the resumption or withdrawal.”

Registration of
executors, &c.,
by transmission

6. Section one hundred and thirty-six of the Principal Ordinance is amended—

- (a) by omitting from sub-section (8.) the word “surrender” (first occurring) and inserting in its stead the words “produce to the Registrar for cancellation”;
- (b) by omitting from that sub-section the word “surrender” (second occurring) and inserting in its stead the word “production”; and
- (c) by omitting from sub-section (9.) the word “surrender” and inserting in its stead the word “production”.

7. The Eighteenth Schedule to the Principal Ordinance is amended by omitting the words “Taking declaration” and inserting in their stead the words “Lodging declaration”.

THE SCHEDULE.

MINOR AMENDMENTS IN THE PRINCIPAL ORDINANCE.

Section Amended.	Extent of Amendment.
7 (3.)	Omit the sub-section.
7 (4.)	Omit “Commission”, insert “Attorney-General”.
7 (5.)	Omit “Commission”, insert “Attorney-General”.
8 (1.)	Omit “Commission”, insert “Attorney-General”.
11 (1.)	Omit “Commission”, insert “Attorney-General”.
13	Omit “the Commission”, insert “a person thereto authorized in writing by the Attorney-General”.
39	Omit “Commission” (wherever occurring), insert “Commonwealth”.
40	Omit “Commission”, insert “Commonwealth”.
41	Omit “Commission” (wherever occurring), insert “Commonwealth”.
86 (2.)	Omit “or the Commission” (wherever occurring). Omit “by the Commission”, insert “by the Attorney-General”.

THE SCHEDULE—*continued.*

Section Amended.	Extent of Amendment.
139	Omit "The Commission", insert "Registrar".
141	Omit "Commission", insert "Registrar".
142	Omit "Commission", insert "Registrar".
142A	Omit "Commission" (wherever occurring), insert "Attorney-General".
143	Omit "Commission", insert "Commonwealth".
144	Omit "Commission" (first occurring), insert "Commonwealth".
	Omit "to the person recovering them by the Commission", insert "by the Commonwealth to the person recovering them".
145	Omit "Commission" (first and second occurring), insert "Commonwealth".
	Omit "the prescribed officer of the Commission" insert "a person thereto authorized in writing by the Attorney-General".
146	Omit "Commission" (first, fourth, fifth and sixth occurring), insert "Commonwealth".
	Omit "the Commission" (second occurring), insert "a person thereto authorized in writing by the Attorney-General".
	Omit "the prescribed officer of the Commission", insert "him".
147	Omit "Commission", insert "Commonwealth".
151	Omit "Commission", insert "Commonwealth".
153 (6) (7)	Omit "Commission" (wherever occurring), insert "Commonwealth".
154 (2)	Omit "Commission", insert "Commonwealth".
155	Omit "Commission", insert "Commonwealth".
156	Omit "Commission", insert "Commonwealth".
157	Omit "Commission", insert "Commonwealth".
158	Omit "Commission", insert "Commonwealth".
169	Omit "Commission" (wherever occurring), insert "Attorney-General".
179	Omit "Commission" (first occurring), insert "Attorney-General".
	Omit sub-sections (2.), (3.) and (4.).
The Schedules	Omit from Headings to Schedules (wherever occurring) the words "FEDERAL CAPITAL COMMISSION", insert " <i>Real Property Ordinance 1925-1930</i> ".
Third Schedule	Omit "Commission", insert "Registrar of Titles".

Dated this ninth day of October, One thousand nine hundred and thirty.

SOMERS

Administering the Government of the
Commonwealth of Australia.

By His Excellency's Command,

JNO. J. DALY,

for Minister of State for Home Affairs.

By Authority: H. J. GREEN, Government Printer, Canberra.