

AUSTRALIAN CAPITAL TERRITORY.

No. 13 of 1957.

AN ORDINANCE

Providing for the Registration of Deeds and other Documents.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1955*.

Dated this eighth day of November, 1957.

W. J. SLIM
Governor-General.

By His Excellency's Command,

NEIL O'SULLIVAN
Attorney-General for and on behalf of
the Minister of State for the Interior.

REGISTRATION OF DEEDS ORDINANCE 1957.*

1. This Ordinance may be cited as the *Registration of Deeds* Short title.
Ordinance 1957.

2. In this Ordinance, unless the contrary intention appears— Definitions.

“ deed ” includes any instrument or document, whether under seal or not, other than—

(a) a will; or

(b) an instrument (not being a lease, or a sub-lease, for a term of years not exceeding three years) that is in accordance with the provisions of the *Real Property Ordinance 1925-1957* and purports to transfer or otherwise deal with or affect an estate or interest in land under the provisions of that Ordinance;

“ the Register ” means the General Register of Deeds;

“ the Registrar ” means the Registrar of Titles appointed under the *Real Property Ordinance 1925-1957*, and includes an Acting Registrar of Titles and a Deputy Registrar of Titles so appointed;

* Notified in the *Commonwealth Gazette* on 21st November, 1957.

“ registration copy ” means—

- (a) in relation to a deed that is deposited with the Registrar upon the registration of the deed under this Ordinance—the deed; and
- (b) in relation to any other deed—the copy of the deed deposited with the Registrar upon the registration of the deed under this Ordinance.

General
Register of
Deeds.

3.—(1.) The Registrar shall keep a register, to be called the General Register of Deeds, in such form as the Attorney-General directs.

(2.) The Register of Powers of Attorney established by the *Powers of Attorney Ordinance* 1956 shall be incorporated with and form part of the Register.

(3.) A power of attorney that, immediately before the commencement of this Ordinance, was, by virtue of section 10 of the *Powers of Attorney Ordinance* 1956, deemed to be registered under that Ordinance shall be deemed to be registered under this Ordinance.

Registration
of Deeds.

4.—(1.) Subject to this section, a person may, upon payment of a fee of One pound, register a deed in the Register, whether the deed was executed before, or is executed after, the commencement of this Ordinance—

- (a) by depositing the deed with the Registrar;
- (b) by producing the deed to the Registrar and depositing with the Registrar a copy of the deed verified as a true copy by the statutory declaration of a person who has compared the copy with the original deed of which it purports to be a true copy; or
- (c) if the person is unable to produce the deed to the Registrar by reason of the fact that the deed has been registered by, or filed or deposited with, an officer of a State or Territory of the Commonwealth under a law of that State or Territory—by depositing with the Registrar a copy of the deed, being a copy of the deed certified as a true copy by the officer having the custody of the deed, or being a copy of the deed that is, by virtue of the law of the State or Territory under which the deed was so registered, filed or deposited, evidence of the contents of the deed in the State or Territory.

(2.) A deed shall not be registered under this Ordinance by being deposited with the Registrar—

- (a) unless the deed has endorsed on it, or attached to it, a statutory declaration made by a party to it verifying the due execution of the deed; and
- (b) unless the deed and the statutory declaration verifying its execution, in the opinion of the Registrar—
 - (i) are legibly written;
 - (ii) are on paper of a size and standard approved by him; and
 - (iii) will, if bound in the Register, be, and continue to be, easily readable.

(3.) The Registrar may refuse to accept the deposit, under paragraph (b) or (c) of sub-section (1.) of this section, of a copy of a deed if, in his opinion, the copy—

- (a) is not legibly written;
- (b) is not on paper of a size and standard approved by him; or
- (c) will not, if bound in the Register, be, and continue to be, easily readable.

(4.) Where, in the copy of a deed, not being a copy which is, by virtue of the law of the State or Territory of the Commonwealth under which the deed was registered, filed or deposited, evidence of the contents of the deed in the State or Territory, there is an interlineation, alteration or erasure, the copy shall not be deposited with the Registrar under paragraph (b) or (c) of sub-section (1.) of this section unless—

- (a) the interlineation or alteration, not being an alteration by erasure, is authenticated by the initials of the person verifying or certifying the copy as a true copy; and
- (b) in the case of an erasure, the words or figures appearing, at the time the copy was verified or certified to be a true copy, to be written on the erasure are re-written and signed or initialed in the margin of the copy by the person verifying or certifying it to be a true copy.

(5.) Upon registering a deed in the Register, the Registrar shall endorse on the registration copy of the deed a memorandum of the registration of the deed and of the date and time of registration and—

- (a) shall, if the original deed has been produced to him but has not been deposited with him, endorse such a memorandum on the deed; or

(b) shall, if a copy of the deed has been deposited with him under paragraph (c) of sub-section (1.) of this section and the person depositing the copy so requests and produces to the Registrar a further copy of the deed duly verified to be a copy, endorse such a memorandum on the further copy.

Index. 5. The Registrar shall keep an index of deeds registered in, or forming part of, the Register.

Searches. 6. A person may, upon payment of a fee of Five shillings, search in the index kept by the Registrar under the last preceding section and examine the registration copy of any deed registered in the Register.

Certified copies. 7.—(1.) The Registrar shall, upon receipt of an application specifying the particular deed, being a deed registered in the Register, of which the person making the application desires to have issued to him a certified copy and upon payment of the prescribed fee, issue to that person a copy of the registration copy of the deed certified by the Registrar, in accordance with the Form in the First Schedule to this Ordinance, to be a true copy of the registration copy of the deed.

(2.) The fee prescribed for the purposes of the last preceding sub-section is—

(a) a fee of Two shillings and sixpence for each folio of seventy-two words included in the copy; and

(b) if a plan or diagram is included in the copy—such additional fee, being not less than Ten shillings and not more than Five pounds, as the Registrar determines.

THE SCHEDULE.

Section 7.

THE AUSTRALIAN CAPITAL TERRITORY.
Registration of Deeds Ordinance 1957.
CERTIFICATE OF COPY OF DEED.

I, _____ Registrar of Titles,
hereby certify that the above is a true copy of the copy of the* _____ †
which was registered in the
General Register of Deeds at the hour of _____ on the
day of _____, 19____, and I further certify that I have the custody
of the General Register of Deeds.
† Insert nature
of deed, instrument or
other document, parties to it
and date thereof.

Witness my hand and seal this _____, 19____.

Registrar of Titles.

By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra.