

## REAL PROPERTY

### No. 9 of 1969

#### An Ordinance to amend the *Real Property Ordinance* 1925-1967.

1.—(1.) This Ordinance may be cited as the *Real Property Ordinance* 1969.\* Short title and citation.

(2.) The *Real Property Ordinance* 1925-1967† 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* 1925-1969.

2. This Ordinance shall come into operation on the first day of July, One thousand nine hundred and sixty-nine. Commencement.

3. Section 11 of the Principal Ordinance is repealed. Sworn valuers.

4. Section 51 of the Principal Ordinance is repealed and the following section inserted in its stead:—

“51.—(1.) The Registrar shall not register an instrument under this Ordinance—

- (a) except as provided by this Ordinance; and
- (b) unless the instrument is in accordance with this Ordinance.

Instruments not to be registered unless in accordance with this Ordinance and stamp duty, if payable, paid.

“ (2.) The Registrar shall not register an instrument executed on or after the first day of July, One thousand nine hundred and sixty-nine, being an instrument included in a class of instruments specified in item 4, 5, 6 or 7 of the First Schedule to the *Australian Capital Territory Stamp Duty Act* 1969, unless—

- (a) the instrument is duly stamped within the meaning of the *Australian Capital Territory Taxation (Administration) Act* 1969;
- (b) the instrument bears a stamp impressed on it under that last-mentioned Act to the effect that no stamp duty is payable;
- (c) the instrument, being a counterpart of another instrument that has been so duly stamped, bears a stamp impressed on it under that last-mentioned Act to that effect; or
- (d) the instrument purports to be a grant or transfer of an estate or interest in land by or in the name of the Commonwealth or to the Commonwealth.”

\* Made on 19 June 1969; notified in the *Commonwealth Gazette* on 20 June 1969.

† Ordinance No. 1, 1925, as amended by Ordinance No. 12, 1925; No. 8, 1926; Nos. 15 and 21, 1927; No. 19, 1930; Nos. 26 and 34, 1933; No. 14, 1934; No. 15, 1936; No. 27, 1937; Nos. 15, 25 and 35, 1938; No. 16, 1940; No. 15, 1942; No. 9, 1951; No. 16, 1956; No. 12, 1957; No. 7, 1961; No. 6, 1963; and No. 46, 1967.

Registration  
of executors,  
administrators,  
&c., by  
transmission.

5. Section 136 of the Principal Ordinance is amended by omitting from sub-section (1.) the words "in the land of a deceased proprietor or a leasehold estate under a Crown lease" and inserting in their stead the words "or a leasehold estate under a Crown lease, in the land of a deceased proprietor".

Repeal of  
section 141.

6. Section 141 of the Principal Ordinance is repealed.

Repeal of  
section 142A.

7. Section 142A of the Principal Ordinance is repealed.

Eighteenth  
Schedule.

8. The Eighteenth Schedule to the Principal Ordinance is amended by omitting item 6 and inserting in its stead the following item:—

"6 | On lodging for registration a memorandum of transfer of an estate in | 2.00".  
fee simple or Crown lease .. .. .

Transitional  
provision.

9. Notwithstanding the amendments of the Principal Ordinance made by this Ordinance—

- (a) the provisions of the Principal Ordinance continue to apply to and in relation to an instrument purporting to transfer an estate or interest in land, being an instrument that was executed before the date of commencement of this Ordinance, but is lodged for registration within the meaning of the Principal Ordinance as amended by this Ordinance on or after that date;
- (b) the provisions of the Principal Ordinance apply to and in relation to an instrument purporting to transfer an estate or interest in land, being an instrument—
  - (i) that is so lodged for registration on or after that date; and
  - (ii) an agreement for which was executed before that date; and
- (c) for the purposes of that application, a certificate of the value of the land may be given under the hand of a person who was, immediately before that date, a sworn valuator appointed under the Principal Ordinance as if those amendments had not been made.