NORTHERN TERRITORY OF AUSTRALIA

STATUTE LAW REVISION (REGISTRATION OF INSTRUMENTS) ACT 1991

No. 12 of 1991

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Government Printer of the Northern Territory

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NORTHERN TERRITORY OF AUSTRALIA

No. 12 of 1991

AN ACT

to amend certain legislation of the Northern Territory in relation to the registration of instruments, to repeal certain Acts of South Australia and for related purposes

[Assented to 31 May 1991]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act* 1978 of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Statute Law Revision (Registration of Instruments) Act 1991*.

2. REPEAL OF SOUTH AUSTRALIAN ACTS

The Acts of the State of South Australia specified in the Schedule, in their application to the Territory as laws of the Territory, are repealed.

3. AMENDMENT OF *REAL PROPERTY ACT*

Section 162 of the *Real Property Act* is repealed and the following substituted:

"162. NO PARTICULARS OF TRUST TO BE ENTERED IN REGISTER BOOK

"(1) Subject to section 161, the Registrar-General shall not make an entry in the Register of the particulars of a trust and shall not register an instrument under this Act that declares or contains trusts relating to land under this Act.

"(2) Subsection (1) does not prevent registration of an instrument that contains a reference to a trust and a reference to the trust in an instrument that has been registered does not operate as notice of particulars of the trust.

"(3) In the absence of a caveat, a registered proprietor is, for the purpose of a sale, mortgage or contract for valuable consideration of or relating to land under this Act, deemed to be the absolute proprietor of the land freed from all trusts.".

4. REPEAL

Part XIV of the *Real Property Act* is repealed.

5. AMENDMENT OF *POWERS OF ATTORNEY ACT*

The *Powers of Attorney Act* is amended -

(a) by omitting from section 5 the definition of "registered" and substituting the following:

"'registered' means registered as prescribed."; and

(b) by omitting section 8(3).

6. AMENDMENT OF *REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT*

Section 19(2) of the *Registration of Births, Deaths and Marriages Act* is amended by omitting all words after "registered" and substituting "by the Registrar.".

7. SAVINGS

(1) Where a power of attorney was, immediately before the commencement of this Act, registered under an Act repealed in its application to the Territory as a law of the Territory by section 2 or under the *Real Property Act* as then in force, the power continues, for the purposes of the *Powers of Attorney Act* as amended by this Act, to be registered.

(2) The Registrar-General may re-register, in the Register of Powers of Attorney established under the Powers of Attorney Regulations, an instrument continued to be registered by virtue of subsection (1).

(3) Where an instrument has been deposited pursuant to an Act repealed in its application to the Territory as a law of the Territory by section 2, the Registrar-General may -

(a) if the instrument is one in which it is intended to incorporate by reference provisions in an instrument to be lodged subsequently for registration - deal with it as a memorandum of common provisions for the purposes of section 265A of the *Real Property Act*; or

(b) deal with it under section 275B of the *Real Property Act* as if it had been registered or deposited at the Land Titles Office.

SCHEDULE

Section 2

SOUTH AUSTRALIAN ACTS REPEALED

Number and year	Title or short title
No. 8 of 1841	An Act to provide for the Registration of Deeds, Wills, Judgments, Conveyances, and other Instruments.
No. 12 of 1843	An Act to amend an Act for the Registration of Deeds Wills Judgments Conveyances and other instruments.
No. 19 of 1852	An Act to amend an Act to provide for the Registration of Deeds, Wills, Conveyances, and other Instruments.
No. 22 of 1853	An Act to provide for the deposit of Deeds, Agreements, Writings, and Assurances, Maps, and Plans, relating to Hereditament in the Province of South Australia, and for other purposes therein mentioned.
No. 19 of 1854	An Act to amend the Law relating to the Registration, Enrolment, and Deposit of Wills, and other Deeds and Instruments.
No. 23 of 1855-6	An Act to amend the Law relating to the Registration of Land Grants, and to provide for the pre-payment of Registration Fees chargeable thereon.
No. 15 of 1858	An Act to establish the validity of certain Registrations under the Act No. 23 of 1855-6.
No. 2 of 1865	An Act to repeal "The Registration and Deposit of Assurances Act," and for other purposes.