

TRANSFER OF LAND.

8° and 9° GEO. VI., No. XXVIII.

No. 28 of 1944.

AN ACT to amend section seventy-five of the *Transfer of Land Act, 1893-1939*, and also to amend consequentially section seventeen of the *Transfer of Land Act Amendment Act, 1909*.

[Assented to 23rd December, 1944.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Transfer of Land Act Amendment Act, 1944*, and shall be read as one with the *Transfer of Land Act, 1893-1939* (56 Vict. No. 14 as amended by the Acts 60 Vict. No. 22, 2 Edwd. VII., No. 10, No. 54 of 1909, No. 26 of 1911, No. 32 of 1917, No. 30 of 1920, No. 31 of 1920, No. 5 of 1925, No. 14 of 1929, No. 42 of 1929 and No. 23 of 1939), hereinafter referred to as the principal Act.

2. Section seventy-five of the principal Act is repealed and a section is inserted in lieu thereof as follows:—

75. (1) In the event of any duplicate certificate of title or Crown lease being lost or destroyed or becoming so obliterated as to be useless, application

Short title.
No. 28 of
1939, s. 3.

Amendment of
s. 75. Repeal
and new
section.
Provision in
case of
certificate lost,
destroyed or
obliterated.
Act of 1874,
s. 116.

may be made to the Commissioner for the issue of a new certificate of title to replace the duplicate certificate of title or Crown lease which has been lost or destroyed or obliterated as aforesaid, and the Commissioner may, upon proof to his satisfaction of the loss or destruction or obliteration of such duplicate certificate of title or Crown lease, direct the Registrar to cancel the certificate of title or the Crown lease for the land then comprised in the certificate of title or the Crown lease the duplicate whereof has been lost or destroyed or obliterated, and to issue a new certificate of title for such land.

Provided that the Registrar, before issuing such new certificate of title, shall give at least fourteen days' notice of his intention so to do in at least one newspaper published in the City of Perth or circulating in the neighbourhood of the land.

(2) In the event of a new certificate of title being issued under this section to take the place of a duplicate certificate of title or Crown lease alleged to have been lost, and such duplicate certificate of title or Crown lease being at any time thereafter found or recovered, such duplicate certificate of title or Crown lease shall be forthwith lodged by the person who finds or recovers the same with the Registrar who shall cancel the same.

(3) Any person who shall wilfully neglect to lodge with the Registrar any duplicate certificate of title or Crown lease in contravention of subsection (2) hereof shall be guilty of a misdemeanour and shall be liable on conviction to the like penalty and imprisonment as is provided by section two hundred and fourteen of this Act.

(4) When under the provisions of this Act a new certificate of title is issued to take the place of a duplicate certificate of title or Crown lease alleged to have been lost or destroyed or obliterated, and such duplicate certificate of title or Crown lease is not lodged with the Registrar for cancellation as required by subsection (2) of this section, such duplicate certificate of title or Crown lease shall, by

virtue of the issue of the new certificate of title as aforesaid, become null and void and cease to have any value or effect as an instrument evidencing the title in or to the land mentioned and described therein.

Amendment of
s. 17 of the
Transfer of
Land Act
Amendment
Act, 1909.

3. Section seventeen of the Transfer of Land Act Amendment Act, 1909 (No. 54 of 1909), is amended by deleting the words "Special certificate" in the last line of the section and inserting in lieu thereof the words "New certificate of title pursuant to the provisions of section seventy-five of the principal Act."

Citation of
principal Act
as amended.

4. The principal Act as amended by this Act may be cited as the Transfer of Land Act, 1893-1944.
