

PAPUA.



No. 17 of 1939.

AN ORDINANCE

To Amend the "Real Property Ordinance, 1913-1935."

[RESERVED 14TH AUGUST, 1939;
ASSENTED TO 15TH NOVEMBER, 1939.]^(a)

BE it ordained by the Legislative Council for the Territory of Papua, in pursuance of the powers conferred by the *Papua Act, 1905-1934*, as follows:—

1. (1) This Ordinance may be cited as the *Real Property Ordinance, 1939*. Short title and citation.

(2) The *Real Property Ordinance, 1913-1935*, 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, 1913-1939*.

^(a) Assent notified in *Gazette* No. 27 of 6th December, 1939.

Real Property Ordinance, 1939.

Amendment
of s. 119 of the
Principal
Ordinance.

2. Section One hundred and nineteen of the Principal Ordinance is amended by adding at the end thereof the following new sub-sections:—

“(5) when a grant or certificate of title of land or a Crown Lease is so damaged as to be virtually destroyed but such damaged instrument is delivered to the Registrar with a request for the issue of an official copy the Registrar may issue one under the provisions of this section but dispense with the advertisements referred to herein.

(6) the fee for the issue of an official copy under this section shall be One pound.”

3. Immediately after Section One hundred and nineteen of the Principal Ordinance the following new sections are inserted:—

Official copies
when no space
available.

“119A. (1) Whenever a Crown Lease cannot conveniently contain further endorsements the Registrar may require the registered proprietor to deposit his copy of the lease together with a fee of One pound whereupon the Registrar may issue an official copy of the Crown Lease and the lessee's copy thereof. Each such official copy shall contain a note of the circumstances under which it was issued and it shall only be necessary for it to contain the memorials which are operative at the time of such issue.

(2) The Registrar shall also cause a notation that an official copy has been issued under this section to be endorsed upon the face of the original Crown Lease and the original lessee's copy thereof which shall be retained by the Registrar in his records.

Official copy
when Crown
copy
damaged.

119B. When it appears to the Registrar that an instrument of title bound up in his register book is in a dilapidated condition he may without fee issue an official copy of it noting both upon such copy and the original instrument that an official copy has been issued pursuant to this section.

Real Property Ordinance, 1939.

Upon the issue of a copy pursuant to this section the Registrar shall clearly cancel the dilapidated instrument but retain it in his records.

119c. An official copy issued pursuant to either ^{validity} Sections 119A or 119B of this Ordinance shall be available for all purposes and uses for which the original instrument of title would have been available and as valid to all intents and purposes as such original."

Passed in Council this fourteenth day of August, in the year of Our Lord One thousand nine hundred and thirty-nine.

Assented to by His Excellency the Governor-General, with the advice of the Executive Council of the Commonwealth of Australia, on the fifteenth day of November, One thousand nine hundred and thirty-nine.
