



ANNO TRICESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1987

No. 20 of 1987

An Act to amend the Real Property Act, 1886.

[Assented to 16 April 1987]

The Parliament of South Australia enacts as follows:

Short title.

1. (1) This Act may be cited as the "Real Property Act Amendment Act, 1987".

(2) The Real Property Act, 1886, is in this Act referred to as "the principal Act".

Amendment of
s. 23a—
Payment of
moneys received
in trust.

2. Section 23a of the principal Act is amended by striking out from subsections (1) and (1a) "Treasurer" wherever occurring and substituting, in each case, "Minister".

Amendment of
s. 146—
Discharge of
mortgage by
Minister in
certain cases.

3. Section 146 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsections:

(1) Where all moneys secured by a mortgage have been paid by the mortgagor and the mortgagee—

(a) is dead;

(b) cannot be found;

(c) is incapable of executing a discharge of the mortgage;

or

(d) has, in the opinion of the Minister, refused to execute a discharge of the mortgage without sufficient reason,

the Minister may execute a discharge of the mortgage.;

(1a) The Minister must not execute a discharge of mortgage pursuant to subsection (1) (d) unless—

(a) the Registrar-General has sent by certified mail to the mortgagee at his or her last known address

a notice stating that the Minister proposes to discharge the mortgage pursuant to subsection (1) (d) at the expiration of the prescribed period unless the mortgagee establishes to the satisfaction of the Minister that he or she is justified in refusing to execute a discharge of the mortgage;

and

(b) the prescribed period has elapsed since the notice was sent.

(1b) The prescribed period is—

(a) in a case where the notice is addressed to the mortgagee within Australia—one month;

(b) in any other case—two months.

(b) by striking out from subsections (2) and (3) “Treasurer” and substituting, in each case, “Minister”;

and

(c) by striking out “or” between paragraphs (b) and (c) of subsection (2) and inserting after paragraph (c) the following word and paragraph:

or

(d) has, in the opinion of the Minister, refused to accept payment under the mortgage without sufficient reason.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor