

Supplementary Order Paper

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HOUSE OF REPRESENTATIVES

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Thursday, the 21st Day of October 1971

MUNICIPAL CORPORATIONS AMENDMENT BILL

*Proposed Amendments*

Hon. Mr SEATH, in Committee, to move the following amendment:

*Clause 13:* To omit from subclause (1) the word "subsection" in line 11, and substitute the words "subsections".

To add to subclause (1) the following subsection (1B) of section 157 of the principal Act:

"(1B) For the purposes of section 117 of the Land Transfer Act 1952, every new lease granted under subsection (1A) of this section shall, in relation to each part of the land comprised therein that was subject to any such surrendered lease, be deemed to be in substitution for that surrendered lease."

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EXPLANATORY NOTE

Section 117 of the Land Transfer Act 1952 provides that memorials of encumbrances are to be brought forward on the registration of a new lease, provided the District Land Registrar is satisfied that the new lease is in renewal of or in substitution for a lease previously registered and a request is made by either the lessee or the encumbrancee to bring forward the encumbrances on the new lease.

This amendment provides that a new lease granted under the proposed subsection (1A) of section 157 of the principal Act is to be deemed for the purposes of section 117 of the Land Transfer Act 1952 to be in substitution for the several leases that were surrendered to enable the new lease to be granted. This will enable encumbrances against any of the surrendered leases to be brought forward against the new lease, and so much of the land in the new lease as was subject to any encumbrance on the surrendered lease will continue to be subject to the encumbrance if the necessary request is made to the District Land Registrar.

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