

Queensland



LAND TITLE AMENDMENT ACT 1994

Act No. 33 of 1994

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Land Title Amendment Act 1994

Act No. 33 of 1994

An Act to amend the *Land Title Act 1994*

[Assented to 30 June 1994]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Land Title Amendment Act 1994*.

Commencement

2. This Act is taken to have commenced on the same day as the *Land Title Act 1994* commenced.

Amendment of s 4 (Definitions)

3.(1) Section 4, definition ‘**indefeasible title**’, ‘section 37 (Creation of indefeasible title)’—

omit, insert—

‘section 38 (Meaning of “indefeasible title”);’.

(2) Section 4, definition “**mortgage**”—

omit, insert—

‘ “**mortgage**” includes a charge on a lot or an interest in a lot for securing money or money’s worth;’.

(3) Section 4, definition “**writ of execution**”, after ‘a writ’—

insert—

‘or warrant’.

Amendment of s 14 (Registrar may authorise printing and sale of forms)

4.(1) Section 14(3), ‘print or’—

omit.

(2) Section 14(5), ‘printed or’—

omit.

Amendment of s 42 (Issuing of certificates of title)

5. Section 42(1), ‘may’—

omit, insert—

‘must’.

Amendment of s 50 (Requirements for registration of plan of subdivision)

6. Section 50—

insert—

‘(h) be consented to by all registered mortgagees of the lot and any other registered proprietors whose interests are affected by the subdivision.’.

Amendment of s 65 (Requirements of instrument of lease)

7. Section 65(4), ‘transfer’—

omit, insert—

‘lease’.

Amendment of s 73 (Requirements of instrument of mortgage)

8.(1) Section 73(1)(c), ‘an acknowledgment’—

omit, insert—

‘a description’.

(2) Section 73(2), ‘borrowing’—

omit, insert—

‘registered’.

Amendment of s 74 (Effect of registration of a mortgage)

9. Section 74, ‘operates only as a charge on the lot’—

omit, insert—

‘or an interest in a lot operates only as a charge on the lot or interest’.

Amendment of s 78 (Powers of mortgagee)

10. Section 78(1), ‘mortgagee of a registered’—

omit, insert—

‘registered mortgagee of a’.

Amendment of s 122 (Lodging a caveat)

11. Section 122—

insert—

‘(2) However a caveat may only be lodged by an equitable mortgagee if it is a caveat to which section 126 applies.’.

Amendment of s 132 (Power of attorney)

12. Section 132—

insert—

‘(2) However, the authority given by a registered power of attorney is subject to any limitations expressly stated in the power of attorney.’.

Amendment of s 135 (Revoking or disclaiming a power of attorney)

13. Section 135(2), after ‘section’—

insert—

‘also’.

Amendment of s 147 (Obligations of witness for individual)

14. Section 147(a), ‘be satisfied’—

omit, insert—

‘take reasonable steps to ensure’.

Amendment of s 179 (Chief executive may approve forms)

15. Section 179(2) to (8)—

omit.