

15/01/97

No. 46 of 1996.

Land Registration (Amendment) Act 1996.

Certified on : 20.12.96

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1996.

Land Registration (Amendment) Act 1996.

ARRANGEMENT OF SECTIONS.

1. Interpretation (Amendment of Section 2).
 "approved form"
 "Register".
2. Preparation of certificates of title (Amendment of Section 3).
3. Repeal and replacement of Section 9.

 '9. REGISTER.'
4. Repeal and replacement of Section 18.

 "18. INSTRUMENTS IN APPROVED FORM, ETC.,"
5. Certificates required of correctness of instruments (Amendment of Section 20).
6. Manner of effecting registration (Amendment of Section 25).
7. Requirement for transfer (Amendment of Section 42).
8. Offences (Amendment of Section 136).
9. Production of instruments for registration of dealing, etc., (Amendment of Section 156).
10. Further amendments.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1996.

AN ACT

entitled

Land Registration (Amendment) Act 1996,

Being an Act to amend the *Land Registration Act* (Chapter 191),

MADE by the National Parliament.

1. INTERPRETATION (AMENDMENT OF SECTION 2).

Section 2(1) of the Principal Act is amended -

- (a) by inserting before the definition of "the Assurance Fund" the following new definition:-

"'approved form' means a form approved by the Registrar under Section 18 for the purposes of this Act;" and

- (b) by repealing the definition of "Register Book" and replacing it with the following:-

"'Register' means the Register maintained by the Registrar under Section 9;"

2. PREPARATION OF CERTIFICATES OF TITLE (AMENDMENT OF SECTION 8).

Section 8 of the Principal Act is amended by inserting after Subsection (2) the following new subsection:-

"(2A) A person, who removes a certificate of title which is a folio of the Register from the custody of the Registrar without the authorization of the Registrar, is guilty of an offence.

Penalty: A fine not exceeding K2,000.00."

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3. REPEAL AND REPLACEMENT OF SECTION 9.

Section 9 of the Principal Act is repealed and is replaced with the following:-

"9. REGISTER.

(1) The duplicates of certificates of title retained by the Registrar shall form a running series to be the Register.

"(2) Each duplicate referred to in Subsection (1) is a separate folio.

"(3) The Register may be kept in such form as the Registrar considers appropriate, in or upon any medium or combination of mediums which are suitable for the purposes of recording information concerning the registered interests in land.

"(4) Without limiting the provisions of Subsection (3), the Registrar may change the form in which the Register or part of the Register is kept."

4. REPEAL AND REPLACEMENT OF SECTION 18.

Section 18 of the Principal Act is repealed and is replaced with the following:-

"18. INSTRUMENTS IN APPROVED FORM, ETC.,

(1) The Registrar may approve forms for use in connection with this Act.

"(2) The approval or availability of a form approved under Subsection (1) or a new or revised version of a form shall be notified in the National Gazette and copies of the form shall be made available (by purchase or otherwise) by the Registrar.

"(3) Where a form is approved for a transaction, the Registrar shall not register an instrument purporting to effect that transaction unless the instrument is in that form.

"(4) An approved form may be varied as the character of the parties or the circumstances of the case require.

"(5) An instrument in a form varied in accordance with Subsection (4) shall be deemed to be in the approved form."

5. CERTIFICATE REQUIRED OF CORRECTNESS OF INSTRUMENTS (AMENDMENT OF SECTION 20).

Section 20(2) of the Principal Act is amended in the penalty clause by repealing the amount "K100.00" and replacing it with the following:-

"K200.00".

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6. **MANNER OF EFFECTING REGISTRATION (AMENDMENT OF SECTION 25).**
Section 25 of the Principal Act is amended by adding the following new subsection:-

"(7) A person, who fraudulently -
(a) registers or procures registration of a folio of the Registrar;
or
(b) makes, alters or deletes a recording in the Registrar; or
(c) alters an instrument held by the Registrar,
is guilty of an offence.
Penalty: A fine not exceeding K4,000.00."

7. **REQUIREMENT FOR TRANSFER (AMENDMENT OF SECTION 42).**
Section 42(4) of the Principal Act is amended in the penalty clause by repealing the amount "K100.00" and replacing it with the following:-

"K200.00".

8. **OFFENCE (AMENDMENT OF SECTION 136).**
Section 136(1) of the Principal Act is amended in the penalty clause by repealing the amount "K200.00" and replacing it with the following:-

"K400.00".

9. **PRODUCTION OF INSTRUMENTS FOR REGISTRATION OF DEALING, ETC., (AMENDMENT OF SECTION 156).**

Section 156(2) of the Principal Act is amended in the penalty clause by repealing the amount "K200.00" and replacing it with the following:-

"K400.00".

10. **FURTHER AMENDMENTS.**
The Principal Act is further amended in accordance with the Schedule.

SCHEDULE.

Sec. 4

<u>Provision</u>	<u>Amendment</u>
Division 1 of Part III (heading)	Repeal the word "Book".
Section 8(1)	Repeal the word "prescribed" and replace with "approved".

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Sections 10(1); 11(2); 25(1), (2) and (5); 26(2); 29; 31(5); 33(1)(b); 35(2) and 36(1)(a) and (2).	Repeal the word "Book".
Sections 38(2)(a) and (7)(b); 42(1) and (3).	Repeal the word "prescribed" and replace with "approved".
Section 45(1).	Repeal the word "Book".
Sections 48(2); 49(1) and (2); 54(1); 55(1); 56(2)(a); 62(1) and (2); 66(1); 72(1) and (2); 77(1); 84(a) and 93(2).	Repeal the word "prescribed" and replace with "approved".
Sections 95(1)(a); 97(2) and 104(1).	Repeal the word "Book".
Section 105.	Repeal the word "prescribed" and replace with "approved".
Section 107(1); 109(4) and (7) and 116(1).	Repeal the word "Book".
Section 125 and 129(1)(b).	Repeal the word "prescribed" and replace with "approved".
Section 134(d).	Repeal the word "Book".
Section 135 and 135(1).	Repeal the word "prescribed" and replace with "approved".
Sections 149(a); 150(1)(c) and 153(3).	Repeal the word "Book".
Section 159(1)(a).	Repeal the word "prescribed" and replace with "approved".
Section 159(3)(b); 160(6)(d); 161(1)(b) (2)(b) and 171(1)(a), (3), (5)(b) and (6).	Repeal the word "Book".
Section 171(4).	Repeal the word "prescribed" and replace with "approved".
Section 173 (heading) and (1).	Repeal the word "Book".

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Section 184(5).

Repeal the word "prescribed" and replace with "approved".

Section 185.

Repeal the word "Book".

I hereby certify that the above is a fair print of the *Land Registration (Amendment) Act 1996* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Land Registration (Amendment) Act 1996* was made by the National Parliament on 9 October 1996.

Speaker of the National Parliament.