



CHAPTER 47.

An Act to amend the "Land Registry Act."

[Assented to 3rd April, 1947.]

RSBC 1936, c 140,
1937, c 35, 1939
c 28, 1940, c 20,
1941-42, c 15, 1945,
c 42, 1946, c 36

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Land Registry Act Amendment Act, 1947." Short title

2. Section 37 of the "Land Registry Act," being chapter 140 of the "Revised Statutes of British Columbia, 1936," is amended Amends s 37 by adding to subsection (1) the following as clause (k):—

"(k.) Any restrictive condition, right of reverter, or obligation imposed on the land by the 'Forest Act' when noted and endorsed thereon."

3. Section 57 is repealed and the following is substituted as Re-enacts s 57 section 57:—

"57. Provided that where the instrument required to be registered is executed by an attorney in fact, other than a corporation, execution shall be proved by the statutory declaration of the attorney in Form P in the First Schedule, and where the attorney is a corporation, execution shall be proved by the statutory declaration of any officer of the corporation authorized to act for the corporation in the execution of the power in Form P (a) in the First Schedule."

4. Section 60 is amended by inserting after "British," where that word occurs in the twenty-eighth and thirty-sixth lines, in each case the words "or Canadian." Amends s 60

5. Section 105 is amended by striking out subsections (2), (3), and (4), which subsections were added to section 105 by section 4 of chapter 42 of the Statutes of 1945. Amends s 105

Enacts s. 194A.

6. Said chapter 140 is amended by inserting the following as section 194A:—

“194A. (1.) Section 194 shall apply only to transmissions consequent upon deaths occurring prior to the first day of April, 1947.

“(2.) Where a transmission occurs consequent upon a death after the thirty-first day of March, 1947, no application for the registration of a fee-simple, or a charge, or a release of a charge affecting any land or charge that is the subject of the transmission shall be accepted until there has been filed in the Land Registry Office in which the title to the property affected is registered a copy of the grant of probate or letters of administration, as the case may be, certified under the hand of the Registrar and the seal of the Court in this Province in which the grant of probate or letters of administration has been made or in which the probate has been resealed, and also an office copy of that portion of the affidavit of value and relationship filed under the ‘Probate Fees Act, 1947,’ made in the estate of the deceased that describes the land or charge affected; and the Registrar shall not deal with any such application until he is satisfied that the land or charge affected has been correctly and sufficiently described in the affidavit of value and relationship, or that all probate fees payable under the said Act in respect of that land or charge have been paid, or that security has been given for the payment of such probate fees pursuant to the provisions of the ‘Probate Fees Act, 1947’: Provided that in the case of any land or charge that is the subject of a transmission occurring by survivorship under a joint tenancy, no copy of the grant of probate or letters of administration or any portion of the affidavit of value and relationship need be filed.”

Enacts Part XIA.

7. Said chapter 140 is amended by inserting immediately after Part XI. the following as Part XIA.:—

“PART XIA.

“RESTRICTIVE CONDITIONS AND OBLIGATIONS IMPOSED
BY THE ‘FOREST ACT.’

“203A. Where a certificate of title has been issued and the land included therein is or becomes subject to the provisions of section 32A of the ‘Forest Act,’ the Minister of Lands and Forests shall file a notice in writing under his hand with the Registrar of the Land Registration District in which the land lies to that effect, and the Registrar shall file the notice and make a reference to it in the proper register against the title to which the notice relates. One notice may cover any number of parcels that are registered collectively under one certificate of title, but

where the parcels are not so registered, separate notices shall be required in respect of each parcel."

8. The First Schedule to said chapter 140 is amended by striking out Form P, and substituting the following as Form P:— Amends First Sch.

FORM P.
(Section 57.)

STATUTORY DECLARATION OF ATTORNEY.

I, _____, of the _____ of _____, in the Province of _____, do solemnly declare:—

- 1. That I am the attorney for [name of donor].
- 2. That I am the person who subscribed the name of [name of donor] in the annexed instrument as the maker thereof.
- 3. That at the time of the execution of the said instrument the power of attorney had not been revoked by or on behalf of [name of donor], and I have not received any notice or information of the death, disability, or bankruptcy of [name of donor].

Or if the donor of the power is a corporation, substitute for 3 (ante):—

- 3. That at the time of the execution of the said instrument the power of attorney had not been revoked by or on behalf of [name of donor], and I had not received any notice or information of the bankruptcy or dissolution of [name of donor].

- 4. That I know the contents of the said instrument and subscribed the name of the said [name of donor] thereto voluntarily as the free act and deed of the said [name of donor].

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

Declared before me at _____, }
in the Province of _____, }
this _____ day of _____, 19 _____.

Further amends
First Sch.

9. The First Schedule to said chapter 140 is further amended
- by inserting therein the following as Form P (a) :—

FORM P (a).
(Section 57.)

STATUTORY DECLARATION WHERE ATTORNEY IS A CORPORATION.

I, _____, of the _____ of _____, in the Province of _____, do solemnly declare:—

1. That I am [office] of the [name of corporation], the attorney of [name of donor].

2. That being duly authorized by the [name of corporation] to act for [name of corporation] in the execution of the power of attorney, I subscribed the name of [name of donor] in the annexed instrument as the maker thereof, and under the same authority affixed the seal of the [name of corporation] thereto.

3. That I know the contents of the said instrument and subscribed the name of the said [name of donor] thereto voluntarily as the free act and deed of the said [name of donor].

4. That at the time of the execution of the said instrument the power of attorney had not been revoked by or on behalf of [name of donor], and I am informed that the [name of corporation] had not received any notice or information of the death, disability, or bankruptcy of [name of donor].

Or if the donor of the power is a corporation, substitute for 4 (ante):—

4. That at the time of the execution of the said instrument the power of attorney had not been revoked by or on behalf of [name of donor], and I am informed that the [name of corporation] had not received any notice or information of the bankruptcy or dissolution of [name of donor].

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

Declared before me at _____, }
in the Province of _____, }
this _____ day of _____, 19 ____ . }

VICTORIA, B C .

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1947.