

No. 54 of 2022.

***Land Registration(Amendment) Act 2022.***

Certified on : 4 OCT 2022



No. 54 of 2022.

*Land Registration (Amendment) Act 2022.*

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No. 54 of 2022.

AN ACT

entitled

***Land Registration (Amendment) Act 2022,***

Being an Act to amend the ***Land Registration Act*** (Chapter 191) to make provision for the registration of strata plans and unit titles issued under the ***Strata Title Act 2022***, and for related purposes,

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

**NEW PART IVA.**

The Principal Act is amended by inserting after Part IV the following new Part:

**“PART IVA. - STRATA PLANS.**

***Division 1. - Interpretation and application.***

**41A. INTERPRETATIONS OF TERMS IN STRATA TITLE ACTS.**

A term defined in the ***Strata Title Act 2022*** or the ***Strata Title (Management) Act 2022*** has the same meaning as in this new Part.

**41B. APPLICATION.**

(1) A strata plan and any other document lodged with the Registrar of Titles under this Part is an instrument affecting land for purposes of this Act.

(2) Notwithstanding Section 19, a witness need not attest the following documents lodged with the Registrar of Titles under this Part or the ***Strata Title Act 2022***:

- (a) a document signed by the Minister; and
- (b) an office copy of a court order.

***Division 2. - Registration of Strata Plans.***

**41C. TIME OF REGISTRATION.**

(1) A strata plan is registered when the Registrar of Titles endorses the date of registration and the number allotted to it.

(2) A document (other than a strata plan) lodged with the Registrar of Titles is registered when a memorial relating to the document is endorsed on or annexed to -

- (a) the strata plan; and
- (b) for a document relating to the cancellation or amendment of the strata plan - each affected lease.

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### **41D. FORMAL REQUIREMENTS FOR STRATA PLANS.**

(1) A strata plan lodged with the Registrar of Titles for purposes of this Part shall be accompanied with a copy of each hard copy sheet, electronic image or data set containing a diagram of good quality and shall comply with any other format requirements approved by the Registrar of Titles.

(2) The approved format shall include the following requirements for a hard copy sheet:

- (a) the size of a page; and
- (b) margin standards; and
- (c) alteration standards; and
- (d) the number of copies required; and
- (e) the page numbering standards.

(3) The approved format may include the following requirements for an electronic image:

- (a) the size of the image; and
- (b) electronic formatting standards; and
- (c) alteration standards; and
- (d) page numbering standards.

(4) The approved format may include requirements in relation to data set page numbering standards.

(5) In relation to diagrams, a strata plan lodged for approval with the Registrar of Titles shall meet the following requirements:

- (a) each diagram shall be drawn to a scale sufficient to enable all details and notations to be clearly shown; and
- (b) the scale to which a diagram is drawn shall be expressed as a ratio combined with a graphic bar scale; and
- (c) each diagram shall indicate, by an arrow or other appropriate means, the direction of North; and
- (d) all linear measurements shall be shown in metres and decimal fractions of a metre; and
- (e) if necessary, a diagram may be started on one sheet and continued on a subsequent sheet and, in such a case, the diagrams shall be so drawn that the complementary parts or lines on the several sheets show, when placed side by side, the complete diagram.

(6) In relation to numbering, a strata plan lodged for approval with the Registrar of Titles shall meet the following requirements:

- (a) units shall be numbered consecutively, starting with the figure 1; and
- (b) a unit subsidiary shall be shown as having the same number as the unit to which it is appurtenant prefixed with the letter S; and
- (c) if there are two or more unit subsidiaries appurtenant to a unit, each of those unit subsidiaries shall be distinguished by the addition of a consecutive number in brackets starting with the figure (1), thus SI (1), SI (2) and so on.

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### **41E. REGISTRATION OF STRATA PLAN.**

(1) The Registrar of Titles shall register a strata plan on the lodgement of the following documents within three months after the day the plan is endorsed under the *Strata Title Act 2022*:

- (a) an application; and
- (b) the number of copies of the endorsed strata plan required by the Registrar of Titles; and
- (c) the duplicate lease of the parcel, or the duplicate certificate of title for the parcel; and
- (d) the written consent to the registration of the strata plan of every person with a registered estate or interest in the lease of the parcel; and
- (e) a certificate issued by the Departmental Head certifying that no land rent or other amounts payable under the terms of the state lease are outstanding at the time the strata plan is to be registered; and
- (f) a certificate issued by the Commissioner General of the Internal Revenue Commission certifying that no duty or other amounts assessed as payable under the *Stamp Duties Act* (Chapter 117) are outstanding at the time the strata plan is to be registered.

(2) On registration of the strata plan, the Registrar of Titles shall give a copy to the person on whose behalf the documents were lodged and a copy to the Departmental Head.

### **41F. EFFECT OF REGISTRATION OF STRATA PLAN ON INTERESTS IN PARCEL.**

(1) If, immediately before the registration of a strata plan, a person was the registered proprietor of a mortgage of the lease of the parcel, the person is taken to be, on the registration of the strata plan, the registered proprietor of a mortgage of the lease of each unit, as if -

- (a) on the date when the memorandum creating the first-mentioned mortgage was executed, the mortgagor had been the lessee of all the units and that memorandum had been executed by the mortgagor accordingly; and
- (b) the first-mentioned mortgage had been a mortgage of all the leases of the units and not of the lease of the parcel.

(2) If, immediately before the registration of a strata plan, a person was the registered proprietor of an easement over part of the parcel, the person is taken to be, on the registration of the strata plan, the registered proprietor of an easement over so much of the land comprised in the common property and each unit as was affected by the first-mentioned easement, as if -

- (a) on the date when the memorandum creating the first-mentioned easement was executed, the lessee of the parcel on that date had been the lessee of the common property and the unit or units and that memorandum had been executed by the lessee accordingly; and
- (b) the first-mentioned easement had been an easement over the common property or the unit or units and not over that part of the parcel.

(3) On and after the registration of a strata plan, a memorandum of mortgage mentioned in Subsection (1), a memorandum of easement mentioned in Subsection (2) and any other document relating to the lease of the parcel, or to such a mortgage or easement, are taken to be modified to the extent necessary to give effect to those subsections.

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**41G. EASEMENTS (SUBDIVISION OF DOMINANT TENEMENT).**

- (1) This section applies if -
- (a) a strata plan is registered in relation to a parcel of land; and
  - (b) immediately before the registration, an easement subsisted for the benefit of the parcel.

(2) On and after the registration, the easement continues to subsist, as far as it is capable of doing so, for the benefit of each unit in the strata plan.

**41H. DUTIES OF REGISTRAR OF TITLES AFTER STRATA PLAN REGISTRATION.**

- (1) Immediately after registration of a strata plan, the Registrar of Titles shall -
- (a) cancel the lease of the parcel and the duplicate lease, or the certificate of title of the parcel and the duplicate certificate; and
  - (b) issue a certificate of title for each unit to the lessee of the unit under the *Strata Title Act 2022*; and
  - (c) issue a certificate of title for the common property to the owners' corporation; and
  - (d) enter on the certificate of title for the units a memorial of any mortgage or easement to which the lease is subject under Section 8; and
  - (e) enter on the certificate of title for the common property a memorial of any easement to which the lease is subject under Section 8; and

(2) If there are two or more mortgages under Subsection (1)(d), or two or more easements under Subsection (1)(d) or (e), the memorials of the mortgages or easements shall be entered so as to preserve their priority.

*Division 3. - Registration of Interests declared by Owners' Corporations - Easements.*

**41I. REGISTRATION OF EASEMENT DECLARED BY OWNERS' CORPORATION.**

(1) Subject to this section, Part IX applies to the registration of an easement declared by an owners' corporation under the *Strata Title Act 2022*.

- (2) The lodgements of -
- (a) a memorandum of easement in registrable form; and
  - (b) a certificate under the *Strata Title (Management) Act 2022* attaching a resolution of the owners' corporation declaring the easement; and
  - (c) a document giving evidence of the consent to the resolution of the owners of the affected benefited and burdened estates,

is required for the registration of the easement.

(3) Where the certificate mentioned in Subsection (2)(b) is endorsed by the owners of the affected benefited and burdened estates, the requirements of Subsection (2)(c) do not apply.

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**41J. EXTINGUISHMENT OF EASEMENT DECLARED BY OWNERS' CORPORATION.**

(1) The lodgement of the following documents is required for the extinguishment of the easement:

- (a) a memorandum of extinguishment of easement in registrable form; and
- (b) a certificate under the *Strata Title (Management) Act 2022* attaching a resolution of the corporation revoking the easement; and
- (c) a document giving evidence of the consent to the resolution of the owners of the affected benefited and burdened estates.

(2) If the certificate mentioned in Subsection (1)(b) is endorsed by the owners of the affected benefited and burdened estates, the requirements of Subsection (1)(c) do not apply.

*Division 4. - Owners' Corporation Charges.*

**41K. REGISTRATION OF CHARGE TO SECURE UNPAID AMOUNTS.**

The lodgement of -

- (a) a memorandum of charge in registrable form; and
- (b) a copy of the declaration certified under the corporation seal to be a true copy,

is required for the registration under Section 62 of a charge declared by an owners' corporation under the *Strata Title (Management) Act 2022*.

**41L. REGISTRATION OF DISCHARGE.**

The lodgement of -

- (a) a discharge in registrable form; and
- (b) a copy of the revocation certified under the corporation's seal to be a true copy,

is required for the registration of a discharge in relation to a charge the declaration of which is revoked under the *Strata Title (Management) Act 2022*.

*Division 5. - Cancellation and Amendment of Strata Plans.*

**41M. REGISTRATION OF CANCELLATION OF STRATA PLANS.**

The Registrar of Titles shall register a cancellation authority or cancellation order on the lodgement of the authority or order while it is stated to remain in force.

**41N. EFFECT OF CANCELLATION OF STRATA PLAN.**

(1) This section applies if a lease is cancelled, and a new lease arises, under the *Strata Title Act 2022*.

(2) A relevant interest noted on the cancelled lease immediately before the registration of a cancellation authority or cancellation order, applies to the new lease in the same way as it applied to the cancelled lease.

(3) On and after the registration of a cancellation authority or cancellation order, a relevant interest or a memorandum of easement mentioned in Subsection (2) or, and any other document relating to the lease of the common property or the relevant unit or units, or to such a mortgage or easement, are taken to be modified to the extent necessary to give effect to Subsection (2).

(4) In this section "relevant interest" in a lease of a unit means a mortgage of the lease of a unit.



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**41O. DUTIES OF REGISTRAR OF TITLES ON REGISTRATION OF CANCELLATION ORDER OR AUTHORITY.**

(1) Immediately after the registration of a cancellation authority or cancellation order, the Registrar of Titles shall -

- (a) cancel the strata plan; and
- (b) cancel the certificate of title for each unit and for the common property; and
- (c) subject to Subsection (2), issue to a person who holds a share in the estate, or the entire estate, under the *Strata Title Act 2022*, a certificate of title for that share or estate; and
- (d) enter on each folio of the register in relation to the new certificate of title, a memorial of any easement or relevant interest in the lease of the unit which applies to the lease under Section 17 and, if the lease is subject to two or more relevant interests, enter the memorials in a way that preserves their priority.

(2) The Registrar of Titles may, in his discretion, refuse to issue a certificate of title under Subsection (1)(c) to the person who was the lessee of a unit until the duplicate copy of the certificate of title for that unit has been lodged with the Registrar of Titles.

(3) Subsection (2) does not prevent the issue of a certificate of title if the Registrar of Titles has dispensed with or has been ordered by the Court to dispense with, the lodgement of the document mentioned in that subsection.

**41P. AMENDMENT OF STRATA PLANS (REGISTRATION OF AUTHORITIES).**

(1) The Registrar of Titles shall register -

- (a) an authority to amend a development statement under the *Strata Title Act 2022*; or
- (b) a unit entitlement authority; or
- (c) a boundary authority,

to amend a unit's plan on the lodgement of the authority while it is stated to remain in force.

(2) On the lodgement of an authority authorising the amendment of a strata plan, the Registrar of Titles may -

- (a) if the boundaries are changed, require, in addition, the lodgement of any stated document or diagram showing the boundaries as so changed; and
- (b) if the schedule of unit entitlement is amended, require, in addition, the lodgement of a copy of the schedule of unit entitlement as so amended; and
- (c) register any such document, diagram or schedule accordingly.

**41Q. REGISTRATION OF FINAL BUILDING DAMAGE ORDERS.**

(1) The Registrar of Titles shall register a final building damage order of the National Court for the amendment of a strata plan on lodgement of an office copy of the order.

- (2) On the lodgement of an office copy of the order, the Registrar of Titles may -
- (a) if the boundaries are changed, require in addition, the lodgement of any stated document or diagram showing the boundaries as so changed; and
  - (b) if the schedule of unit entitlement is amended, require in addition, the lodgement of a copy of the schedule of unit entitlement as so amended; and

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- (c) register any such document, diagram or schedule accordingly.
- (3) On registration of the order, the Registrar of Titles shall -
  - (a) cancel the certificate of title and the duplicate certificate of title for any unit authorised to be eliminated; and
  - (b) make any entries on the register necessary to give effect to the order.

#### **41R. NOTICE OF CANCELLATION OR AMENDMENT TO DEPARTMENT.**

Immediately after the registration of an authority or order for the cancellation or amendment of a strata plan, the Registrar of Titles shall give written notice of registration to the Departmental head.

### *Division 6. - Reissue of Strata Plans.*

#### **41S. REISSUE OF STRATA PLANS.**

(1) Where the Registrar of Titles considers it desirable, he may reissue a registered strata plan in substantively identical terms.

(2) A reissued strata plan for a parcel is taken for all purposes to be the registered strata plan for the parcel.

(3) The reissue of a strata plan does not have the effect of cancelling the previous registration of the plan.

### *Division 7. - Forfeiture and Expiry of Leases.*

#### **41T. REGISTRATION OF FORFEITURE OF UNIT LEASE.**

(1) The Registrar of Titles, on proof to his satisfaction of the forfeiture of the lease of a unit, shall -

- (a) cancel the certificate of title for the unit; and
- (b) enter on the relevant units plan a memorial of the forfeiture; and
- (c) enter on the schedule of unit entitlement a memorial stating that it has effect in accordance with the *Strata Title Act 2022*.

(2) The forfeiture does not release the lessee from any liability in relation to the breach of any covenant expressed or implied in the lease.

#### **41U. CANCELLATION OF MEMORIALS.**

On lodgement of a notice for a new unit lease under the *Strata Title Act 2022*, the Registrar of Titles shall register the notice and -

- (a) enter on the strata plan and the schedule of unit entitlement further memorials cancelling the memorials entered under Section 22; and
- (b) issue to the person named in the notice a certificate of title for the unit.

#### **41V. REGISTRAR OF TITLES TO ENTER EXPIRY OF LEASE IN REGISTER.**

On the expiry of the terms of the leases of the units and the lease of the common property, the Registrar of Titles shall cancel the strata plan and the certificates of title and duplicate certificates of title for the units and the common property.

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*Division 8. - Miscellaneous.*

**41W. CHANGE OF ADDRESS FOR SERVICE.**

The Registrar of Titles shall register a change of address for service of an owners' corporation on lodgement of a notice of the change under the *Strata Title (Management) Act 2022*.

**41X. AMENDMENT OF RULES (REGISTRATION).**

The Registrar of Titles shall register an amendment of the rules of an owners' corporation on the lodgement of a certificate under the *Strata Title (Management) Act 2022*.

**41Y. APPOINTMENT OF ADMINISTRATOR (REGISTRATION).**

The Registrar of Titles shall register an administration order of the National Court under the *Strata Title (Management) Act 2022* on the lodgement of an official copy of the order.

**41Z. WITHDRAWAL OF STRATA PLAN.**

(1) At any time after the lodgement with the Registrar of Titles of an application for the registration of a strata plan and before the strata plan is registered, the applicant may apply in writing to the Registrar of Titles for the withdrawal of the application for registration.

(2) The Registrar of Titles shall, on the receipt of an application under Subsection (1), endorse the application for the registration of the strata plan as being withdrawn and give the applicant the documents lodged under Section 41E.

**41AB. TRUSTS.**

(1) If, immediately before the registration of a strata plan, the lessee of the parcel (the former lessee) held the lease as trustee, on registration of the strata plan the former lessee holds the leases of the units in trust for the people for whom, and the purposes for which, the lease of the parcel was held.

(2) If, immediately before the registration of a cancellation authority or cancellation order, a unit owner (the former owner) held the lease of the unit as trustee, on registration of the authority or order the former owner, holds the share of the estate (or the entire estate) held under the *Strata Title Act 2022* in trust for the people for whom, and the purposes for which, the lease of the unit was held.

**41AC. DELIVERY TO REGISTRAR OF TITLES OF CERTIFICATES OF TITLE.**

(1) The Registrar of Titles may, by written notice, require a person having in his possession, custody or control the certificate of title for a unit, the lease of which has been terminated to give it, within a time specified in the notice, to the Registrar of Titles for cancellation.

(2) A person shall not, without reasonable excuse, fail to comply with a requirement under Subsection (1).

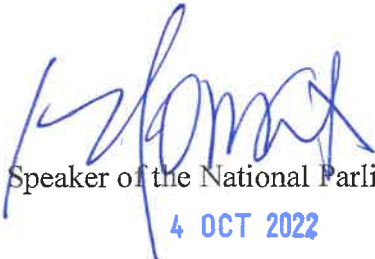
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(3) A person who fails to comply with a request under Subsection (1) is guilty of an offence the penalty of which is imprisonment for not more than 6 months.”.

I hereby certify that the above is a fair print of the ***Land Registration (Amendment) Act 2022***, which has been made by the National Parliament.

  
Clerk of the National Parliament.  
4 OCT 2022

I hereby certify that the ***Land Registration (Amendment) Act 2022***, was made by the National Parliament on 23 March 2022.

  
Speaker of the National Parliament.  
4 OCT 2022