

**NORTHERN TERRITORY OF AUSTRALIA**

**LAND TITLE REGULATIONS**

As in force at 23 December 2015

**Table of provisions**

<b>Part 1</b>	<b>Preliminary matters</b>	
1	Citation .....	1
2	Commencement .....	1
2A	Definitions.....	1
<b>Part 2</b>	<b>Certificates as to title</b>	
3	Form of certificate as to title.....	1
<b>Part 3</b>	<b>Unit title schemes</b>	
4	Written consent required for registration of first unit title scheme statement .....	1
5	Written consent required for registration of subsequent unit title scheme statement.....	2
6	New scheme statement for member schemes.....	4
7	Interests in common property preserved .....	4
7A	Plan of termination of scheme .....	4
7B	Written consent required for termination of scheme .....	4
<b>Part 4</b>	<b>Developments</b>	
7C	Plan of termination of development .....	5
8	Written consent required for termination of development .....	6
9	Particulars to be cancelled in the land register .....	7
<b>Schedule</b>		
<b>ENDNOTES</b>		



# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 23 December 2015

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## LAND TITLE REGULATIONS

### Regulations under the *Land Title Act*

#### **Part 1 Preliminary matters**

##### **1 Citation**

These Regulations may be cited as the *Land Title Regulations*.

##### **2 Commencement**

These Regulations come into operation on 1 December 2000.

##### **2A Definitions**

In these regulations:

***development***, see section 4(1) of the Termination Act.

***Termination Act*** means the *Termination of Units Plans and Unit Title Schemes Act*.

***Tribunal***, see section 4(1) of the Termination Act.

#### **Part 2 Certificates as to title**

##### **3 Form of certificate as to title**

For section 44 of the Act, the prescribed form of the certificate as to title is the form in the Schedule.

#### **Part 3 Unit title schemes**

##### **4 Written consent required for registration of first unit title scheme statement**

- (1) This regulation prescribes the persons whose consent is required under section 54B(1)(b)(iii) of the Act for registration of a first scheme statement (as defined in section 10(2) of the UTS Act).

- (2) The consent of the following persons is required:
- (a) each registered owner of each lot comprising the proposed land scheme;
  - (b) each registered mortgagee of any of those lots;
  - (c) each person who has rights under a registered writ of execution against any of those lots;
  - (d) each caveator under a registered caveat affecting any estate in any of those lots;
  - (e) each person whose rights under law (other than rights under a registered easement or restrictive covenant) would be adversely affected by the registration of the scheme statement.
- (3) Despite subregulation (2), for a scheme statement lodged under section 111(1) of the UTS Act, consent of the following persons only is required:
- (a) each person who is a registered mortgagee of a unit in the units plan, or building lot in the building development plan, on the date the scheme statement is lodged;
  - (b) each person whose rights under law (other than rights under a registered easement or restrictive covenant) would be adversely affected by the registration of the scheme statement.

*Note for regulation 4*

*The scheme statement must also be endorsed for registration in accordance with section 18(3)(c) of the UTS Act.*

## **5 Written consent required for registration of subsequent unit title scheme statement**

- (1) This regulation prescribes the persons whose consent is required under section 54B(1)(b)(iii) of the Act for registration of a subsequent scheme statement (as defined in section 12(1) of the UTS Act).
- (2) If registration of the subsequent scheme statement will effect a change to the boundaries of a unit or the subdivision of a unit to create 2 or more units, the consent of the following persons is required:
- (a) each registered owner of each unit the boundaries of which will be changed or that will be subdivided;

- (b) each registered mortgagee of any of those units;
  - (c) each person who has rights under a registered writ of execution against any of those units;
  - (d) each caveator under a registered caveat affecting any estate in any of those units;
  - (e) each person whose rights under law (other than rights under a registered easement or restrictive covenant) would be adversely affected by the registration of the subsequent scheme statement.
- (3) However, subregulation (2) does not apply if the subsequent scheme statement is required under section 71 of the UTS Act.
- (4) If registration of the subsequent scheme statement is required under section 71 of the UTS Act in relation to an amalgamation agreed to as mentioned in section 71(1)(b), the consent of the following persons is required:
- (a) each registered mortgagee of any of the units of the schemes to be amalgamated;
  - (b) each person who has rights under a registered writ of execution against any of those units;
  - (c) each caveator under a registered caveat affecting any estate in any of those units;
  - (d) each person whose rights under law (other than rights under a registered easement or restrictive covenant) would be adversely affected by the registration of the subsequent scheme statement.

*Note for subregulation (4)*

*If amalgamation is approved by the Supreme Court under section 71(1)(a) of the UTS Act, no consent is required under section 54B(1)(b)(iii) for registration of a subsequent scheme statement to give effect to the order.*

- (5) If the subsequent scheme statement will include or omit an exclusive use by-law as permitted by section 97(2)(a) of the UTS Act, the consent of the following persons is required:
- (a) each registered mortgagee of any of the units of the scheme;
  - (b) each person who has rights under a registered writ of execution against any of those units;

- (c) each caveator under a registered caveat affecting any estate in any of those units;
- (d) each person whose rights under law (other than rights under a registered easement or restrictive covenant) would be adversely affected by the registration of the subsequent scheme statement.

*Note for subregulation (5)*

*If a subsequent scheme statement is permitted to include or omit an exclusive use by-law under section 97(2)(b) of the UTS Act, no consent is required under section 54B(1)(b)(iii) for registration of the subsequent scheme statement.*

## **6 New scheme statement for member schemes**

For section 54B(1)(b)(vi) of the Act, a new scheme statement of another member scheme is required only if there is a change to a boundary of a lot.

## **7 Interests in common property preserved**

For section 54B(3) of the Act, the indefeasible title for the common property of a unit title scheme is subject to the following interests that previously existed in the lot constituting the property:

- (a) a registered covenant;
- (b) a registered easement.

## **7A Plan of termination of scheme**

A plan of termination for a scheme lodged under section 54E(1)(a) of the Act must include:

- (a) a copy of the unanimous resolution agreeing to form a new scheme; and
- (b) a plan of survey approved by the Surveyor-General under section 49(3) of the *Licensed Surveyors Act*.

## **7B Written consent required for termination of scheme**

- (1) This regulation prescribes the persons whose consent is required under section 54E(1)(b) of the Act for the termination of a scheme (as defined by section 72 of the UTS Act).
- (2) The consent of the following persons is required:
  - (a) each registered owner of each unit in the development;
  - (b) each registered mortgagee of any of those units;

- (c) each person who has rights under a registered writ of execution against any of those units;
- (d) each caveator under a registered caveat affecting any estate in any of those units;
- (e) each lessee of any of those units;
- (f) each person whose rights under law (other than rights under a registered easement or restrictive covenant) would be adversely affected by the registration of the plan of termination.

## **Part 4                      Developments**

### **7C                      Plan of termination of development**

- (1) A plan of termination under section 54G(1)(a) of the Act for a development terminated under Part 3 of the Termination Act must include:
  - (a) a copy of the unanimous resolution to terminate the development; and
  - (b) a plan of survey approved by the Surveyor-General under section 49(3) of the *Licensed Surveyors Act*.
- (2) A plan of termination under section 54G(1)(a) of the Act for a development terminated under Part 4 of the Termination Act must include:
  - (a) a copy of the resolution to terminate the development passed by the required percentage of owners of the units in the development; and
  - (b) a plan of survey approved by the Surveyor-General under section 49(3) of the *Licensed Surveyors Act*.
- (3) A plan of termination under section 54G(1)(a) of the Act for a development terminated under Part 5 of the Termination Act must include:
  - (a) a copy of the order of the Tribunal approving the termination of the development; and
  - (b) a plan of survey approved by the Surveyor-General under section 49(3) of the *Licensed Surveyors Act*.

**8 Written consent required for termination of development**

- (1) This regulation prescribes the persons whose consent is required under section 54G(1)(b) of the Act for the termination of a development.
- (2) If the termination is under Part 3 of the Termination Act, the consent of the following persons is required:
  - (a) each owner of each unit in the development;
  - (b) each registered mortgagee of any of those units;
  - (c) each person who has rights under a registered writ of execution against any of those units;
  - (d) each caveator under a registered caveat affecting any estate in any of those units;
  - (e) each lessee of any of those units;
  - (f) each person whose rights under law (other than rights under a registered easement or restrictive covenant) would be adversely affected by the registration of the plan of termination.
- (3) If the termination is under Part 4 of the Termination Act, the consent of the following persons is required:
  - (a) each person who has rights under a registered writ of execution against a unit in the development;
  - (b) each lessee of any of those units;
  - (c) each person whose rights under law (other than rights under a registered easement or restrictive covenant) would be adversely affected by the registration of the plan of termination.
- (4) Subject to any order of the Tribunal, if the termination is under Part 5 of the Termination Act, the consent of the following persons is required:
  - (a) each person who has rights under a registered writ of execution against a unit in the development;
  - (b) each lessee of any of those units;

- (c) each person whose rights under law (other than rights under a registered easement or restrictive covenant) would be adversely affected by the registration of the plan of termination.

## **9 Particulars to be cancelled in the land register**

For section 54G(3)(c) of the Act, the following particulars are prescribed as particulars in the land register about the development that are to be cancelled:

- (a) the titles to the common property and the units of the development;
- (b) all registered interests in the common property and the units of the development, other than interests held by a person mentioned in section 54G(3)(d)(iii) to (vii) of the Act.

## Schedule

regulation 3

Deputy Registrar-General's

Signature

Date Registered

Deputy Registrar-General's Name

**Volume  
Folio**

NORTHERN TERRITORY OF AUSTRALIA

## **CERTIFICATE AS TO TITLE**

Description of Land including Lot Number, Location and Plan Number.

Area under title

OWNERS NAME:

OWNER'S ADDRESS:

### REGISTERED DEALINGS

Registered	Dealing Number	Description
Date		<i>(Previous title description)</i>

END OF DEALINGS

Title Diagram

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**ENDNOTES**
**1 KEY**

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

**2 LIST OF LEGISLATION*****Land Title Regulations (SL No. 55, 2000)***

Notified	1 December 2000
Commenced	1 December 2000 (r 2)

***Land Title Amendment Regulations 2009 (SL No. 17, 2009)***

Notified	26 June 2009
Commenced	1 July 2009 (r 2, s 2 <i>Unit Title Schemes Act 2009</i> (Act No. 14, 2009) and <i>Gaz</i> S30, 26 June 2009, p 1)

***Unit Title Schemes and Related Legislation Amendment Regulations 2011 (SL No. 14, 2011)***

Notified	18 May 2011
Commenced	18 May 2011

***Land Title Amendment Regulations 2012 (SL No. 49, 2012)***

Notified	14 December 2012
Commenced	14 December 2012

***Land Title Amendment Regulations 2014 (SL No. 48, 2014)***

Notified	2 January 2015
Commenced	2 January 2015

***Land Title Amendment Regulations 2015 (SL No. 35, 2015)***

Notified	23 December 2015
Commenced	23 December 2015

**3 LIST OF AMENDMENTS**

pt 1 hdg	ins No. 35, 2015, r 3
r 2A	ins No. 35, 2015, r 4
pt 2 hdg	ins No. 35, 2015, r 4

## ENDNOTES

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r 3	amd No. 35, 2015, r 5
pt 3 hdg	ins No. 35, 2015, r 6
r 4	ins No. 17, 2009, r 4
	amd No. 14, 2011, r 7
	sub No. 49, 2012, r 3
	amd No. 35, 2015, r 7
r 5	ins No. 49, 2012, r 3
	amd No. 35, 2015, r 8
r 6	ins No. 49, 2012, r 3
r 7	ins No. 49, 2012, r 3
rr 7A – 7B	ins No. 35, 2015, r 9
pt 4 hdg	ins No. 35, 2015, r 9
r 7C	ins No. 35, 2015, r 9
r 8	ins No. 48, 2014, r 3
	sub No. 35, 2015, r 10
r 9	ins No. 48, 2014, r 3