

Land Registration Regulation 1999

Unvalidated References:

Land Registration Regulation

Land Registration Act 1981

Land Registration Regulation

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel

Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. 6 of 1999.

Land Registration Regulation 1999

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Land Registration Regulation 1999

MADE by the Head of State, acting with, and in accordance with the advice of the National Executive Council under the *Land Registration Act 1981*.

Dated 200 .

1. INTERPRETATION.

In this Regulation, a reference to a form by number is a reference to a form so numbered in Schedule 1.

2. FACSIMILE OF SIGNATURE.

For the purpose of the practice of the Office of the Registrar under Section 182(a) of the Act, in pursuance of statutory duties and functions under the Act, the Registrar or Deputy Registrar of Titles may affix or cause to be affixed a facsimile of his signature which shall be deemed to be the signature of the Registrar or Deputy Registrar.

3. SPECIAL REQUIREMENTS FOR STATE LEASE.

A State lease shall be prepared on suitable material of a quality approved by the Registrar, and in accordance with the requirements of the Act.

4. GENERAL REQUIREMENTS FOR DOCUMENTS LODGED WITH THE REGISTRAR.

(1) A document to be lodged with the Registrar under the Act or this Regulation shall comply with the following requirements:–

- (a) the document shall be on paper of medium weight and good quality and–
 - (i) of the international A4 size; or
 - (ii) of multiples of that size;
- (b) the document shall be printed or hand written and clearly legible;
- (c) except with the consent of the Registrar, the document shall not be a carbon copy;
- (d) subject to Paragraph (e), the document shall have margins of not less than 2.4cm on the left-hand side and not less than 1.5cm on the right-hand side;
- (e) where the document comprises two or more sheets–
 - (i) the sheets shall be bound together securely; and
 - (ii) each sheet shall have a margin of not less than 2.5cm on the side on which it is bound in addition to any space required for binding;
- (f) where the document comprises more than 20 sheets, it shall be bound securely inside a durable and flexible cover;
- (g) the document shall have endorsed on the outside–
 - (i) on the upper right-hand corner of the first or last page–the registered number allotted by the Registrar to the instrument of title to which the document relates; and
 - (ii) the names of the parties to the document; and
 - (iii) the title of the document (being if the document is an approved form the same as the heading to the form); and
 - (iv) the name, postal address and telephone number of the person by, or on whose behalf, the document is lodged; and
 - (v) the following words:–
“Lodged in the office of the
Registrar of Titles on
.. / ... /20..
Registrar”.

(2) Subject to Subsection (3), a document lodged with the Registrar shall refer only to one title.

(3) A discharge of mortgage may relate to more than one title.

(4) The Registrar may, except where he is satisfied that special circumstances exist which would make refusal unreasonable, refuse to receive a document that is not in compliance with this section.

5. AMENDMENTS TO DOCUMENTS.

(1) An amendment to a document presented for registration or in conjunction with a proposed registration shall be carried out in the following manner:—

(a) particulars to be deleted shall have a line drawn through them in ink or other indelible substance so that the deleted particulars remain legible;

(b) correct particulars shall be printed or handwritten and clearly legible and may be interlined;

(c) the amendment shall be initialled as required by the Registrar.

(2) An amendment erasure, the use of obliterating materials or any manner other than that specified in Subsection (1) may render the receipt of the document liable to refusal by the Registrar.

6. SURVEY PLAN, ETC., MAY BE REQUIRED.

(1) Where a document is presented for registration that is—

(a) a lease for a term of 10 years or greater; or

(b) a lease for a term of less than 10 years for an area in respect of which a survey is necessary in the opinion of the Registrar accurately to define the area; or

(c) a lease that deals with part only of a title,

the Registrar may require a survey plan or such information as the Registrar considers necessary.

(2) A survey plan referred to in Subsection (1) shall be drawn from a survey using standard survey draughting principles.

(3) No plan or sketch prepared for the purpose of this section shall be submitted for registration without the prior approval of the Registrar.

7. PRACTICE GUIDELINES.

The Registrar may, from time to time, prepare and issue guidelines as to the practice and procedure of the office of the Registrar.

8. REJECTION OF INSTRUMENT.

The Registrar may, where an instrument has been submitted for registration and a provision of the Act or this Regulation has not been complied with to his satisfaction, reject the instrument.

9. NOTIFICATION, ETC., OF STATE LEASE.

A notification of the alteration of a State lease shall be in Form 1.

10. APPLICATION TO AMEND A CERTIFICATE OF TITLE.

An application to amend a certificate of title shall be in Form 2.

11. FORMS.

Pursuant to Section 18 of the Act Approved Forms are as approved by the Registrar and notified in the National Gazette.

12. FEE, ETC.

The fees to be paid to the Registrar under Section 182 of the Act are as specified in Schedule 2.

13. REPEAL.

The *Land Registration Regulation* (Chapter 191) is repealed

SCHEDULE 1.

Form 1.—Notification of the alteration of a State lease.

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

Land Registration Act 1981.

Act. Sec. 37. Form 1.

Reg. Sec. 9

NOTIFICATION OF THE ALTERATION OF A STATE LEASE.

State Lease Vol. . . . Fol. . . . has been altered in the following manner:

Verification of the alteration described above is contained in . . . a copy of which is attached.

Dated . . . 20...

Signed by the Minister responsible for land matters
on behalf of
the lessor of the said Lease.

Signed by
the lessee of the said Lease in the presence of
AND I CERTIFY that the lessee is personally known to me.

Form 2.—Application to amend a certificate of title.

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

Land Registration Act 1981.

Act., Sec. 153. Form 2.

Reg., Sec. 10.

APPLICATION TO AMEND A CERTIFICATE OF TITLE.

To the Registrar of Titles,

I, . . . , hereby apply to have the certificate of the Vol. . . . Fol. . . . amended in the following particulars:—

(state the nature of proposed amendments, e.g. "to accord with the land edged red on registered survey plan Catalogue No. . . . lodged herewith") AND I declare—

1. That the land which would be described by such certificate when amended in accordance with this application is now in my occupation, and has been actually and *bona fide* occupied by me or persons holding under me since . . . and purporting to be so occupied under the title in respect of which the certificate issued (*or as the case may be*).

2. That the nature of such occupation was as follows:—

(state generally how and by whom the land has been occupied, e.g. "by myself a farm and dwelling, and partly by my tenant, A.B., as a shop").

3. That the names and addresses so far as known to me of the owners of all lands contiguous to the land so occupied by me are as follows:—

4. That the names and addresses so far as known to me of the owners of all lands contiguous to the land so occupied by me are as follows:—

5. That no part of the said land has been the subject of proceedings in any court (*if there have been any such proceedings add the words "except that" and given particulars of such proceedings and their result*).

6. That to the best of my knowledge and belief the reasons why the description of the land in the said certificate does not accord with the description of the land so occupied by me are the following:—(*set out reasons*).

Dated . . . 20...

(Signature of applicant).

Witness:

Address:

Schedule.—Scales of Fees, etc.

SCHEDULE 2 – SCALES OF FEES, ETC.

Act, Sec. 182.Reg., Sec. 11.

Scales of Fees, etc.

Item No.	Matter	Fees
1.	Contribution to Assurance Fund on transmission by will or intestacy	0.25% of value of the estate or interest with a minimum of K50.00
2.	For preparation of any instrument of title or copy of an instrument of title by the Registrar	K150.00
3.	On the production of any instrument by virtue of which a person seeks to become registered as proprietor of an estate or interest in land	K100.00
4.	On the production of an instrument or application seeking the making of an entry in a register evidencing the extinguishment of an estate or interest in land	K100.00
5.	On the production of a document or application seeking the release or cancellation, or evidencing the revocation, of any document registered or deposited with the Registrar a fee for the production of which is not otherwise provided	K100.00
6.	For the making of an entry in a folio of a register, for each folio after the first	K20.00
7.	On re-examination of a document that a previous examination was not, in the opinion of the Registrar, in registrable form, or was not then registrable, except where the Registrar, in his discretion, waives the fee in whole or in part	K50.00
8.	For the making of a photographic reproduction of a document in the custody of the Registrar, per page	K2.00
9.	For certification by the Registrar of a copy of a document in the custody of the Registrar	K25.00
10.	For a search of a folio or document	K50.00
11.	On the presentation of a subpoena to produce documents	K50.00
12.	Upon production for registration or deposition of	K100.00

	any document or plan a fee for the production of which is not otherwise provided.	
13.	For any application, matter, act or thing required or authorized to be made or done to or by the Registrar for which a fee is not specified.	K100.00
14.	For a search of the Journal of Transactions.	K50.00

Office of Legislative Counsel, PNG