

NORTHERN TERRITORY OF AUSTRALIA

REAL PROPERTY (UNIT TITLES) ACT 1975

As in force at 3 March 2023

Table of provisions

Part I	Preliminary matters	
1	Short title	1
2	Commencement	1
3	Interpretation	1
4	Incorporation with <i>Land Title Act 2000</i>	2
5	When units plan and other instruments deemed to be registered.....	3
Part II	Registration of unit plans	
6	Definition	3
6A	Formal requirements	3
7	Requirements for registration of units plans	4
8	Effect of registration of units plan on interests in parcel	5
9	Duties of Registrar-General after registration of units plan.....	7
Part IIA	Registration of units plan of subdivision, units plan of consolidation, &c.	
9A	Formal requirements	8
9B	Registration of units plan of subdivision and consolidation	9
9C	Registration of notice of conversion	9
9D	Registration of building alteration plan	10
9DA	Requirements for registration of documents.....	10
9E	Effect of registration of units plan of subdivision and consolidation of interests in units.....	11
9F	Duties of the Registrar-General after registration of units plan of subdivision or consolidation.....	13
9G	Duties of Registrar-General after registration of notice of conversion	13
9H	Duties of the Registrar-General after registration of building alteration plan	14
Part IIB	Registration of disclosure statement and variations	
9J	Registration of disclosure statement	14
9K	Variation of disclosure statement	14

Part III	Cancellation and alteration of units plan	
13	Registration of order for alteration of units plan.....	15
14	Duties of Registrar-General on registration of order for alteration of units plan	15
15	Registrar-General to give notice of cancellation or alteration of units plan	15
Part IV	Miscellaneous	
16	Change of address for service of documents	15
17	Registration of alteration of articles	16
18	Registrar-General to register appointment, &c., of administrator.....	16
19	No dealings while application for cancellation or alteration of units plan is pending.....	16
20	Withdrawal of units plan	17
21	Provisions applicable in relation to trusts.....	17
22	Delivery to Registrar-General of duplicate certificates of title	17
23	Regulations.....	17
Part V	Transitional matters for Land Title and Related Legislation Amendment Act 2008	
24	Application	18

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 3 March 2023

REAL PROPERTY (UNIT TITLES) ACT 1975

An Act to provide for the registration of unit plans and other instruments under the *Unit Titles Act*, and for other matters

Part I Preliminary matters

1 Short title

This Act may be cited as the *Real Property (Unit Titles) Act 1975*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Interpretation

- (1) In this Act ***the Principal Act*** means the *Land Title Act 2000*.
- (2) Where an expression used in this Act is defined in the *Unit Titles Act 1975*, that expression as so used has the same meaning as in that Act.
- (3) In Parts III and IV:
 - (a) a reference to a unit is to be taken to be a reference to a building lot; and
 - (b) a reference to a units plan is to be taken to be a reference to a building development plan.
- (4) This Act does not apply to the registration of an instrument made under the *Unit Title Schemes Act 2009*.
- (5) In this Act:

prescribed, in relation to fees, means prescribed under the *Registration Act 1927*.

4 Incorporation with *Land Title Act 2000*

- (1) This Act is incorporated and shall be read as one with the Principal Act.
- (2) A units plan, units plan of subdivision, units plan of consolidation, notice of conversion, building alteration plan, disclosure statement, building development plan, notice of a change to land under section 21FA of the *Unit Titles Act 1975* and every other document or instrument lodged under this Act with the Registrar-General, other than:
 - (a) a certificate under the *Building Act 1993*;
 - (b) a certificate under the *Planning Act 1999*;
 - (c) a resolution of a corporation;
 - (d) the consent of a person having a registered interest in a parcel or unit;
 - (e) a certificate of a corporation;
 - (f) a notice referred to in section 21E(2)(b) of the *Unit Titles Act 1975*; or
 - (g) a certificate referred to in section 21F(d) of the *Unit Titles Act 1975*,shall, for the purposes of the Principal Act, be deemed to be an instrument affecting land.
- (3) Section 159 of the Principal Act does not apply to or in relation to:
 - (a) a units plan;
 - (b) a units plan of subdivision;
 - (c) units plan of consolidation;
 - (d) a notice of conversion;
 - (da) by-laws under the *Unit Titles Act 1975*;
 - (db) a building development plan;
 - (dc) a notice of a change to land under section 21FA of the *Unit Titles Act 1975*;
 - (e) a building alteration plan;

- (f) a prescribed application form;
- (g) a notice under section 16(1);
- (h) a disclosure statement; or
- (j) a copy of a court order,

lodged under this Act with the Registrar-General.

5 When units plan and other instruments deemed to be registered

For the purposes of the Principal Act and of this Act:

- (a) a units plan, units plan of subdivision, units plan of consolidation, building development plan, notice of a change to land under section 21FA of the *Unit Titles Act 1975*, notice of conversion or building alteration plan shall be deemed to be registered when the Registrar-General records the particulars in accordance with section 177 of the Principal Act; and
- (b) every other document or instrument relating to a plan or notice referred to in paragraph (a) lodged under this Act with the Registrar-General shall be deemed to be registered when the Registrar-General records the particulars in accordance with section 177 of the Principal Act.

Part II Registration of unit plans

6 Definition

In this Part *unit*, in relation to a condominium development, includes so much of the parcel the subject of the condominium development as is not a unit or common property in a registered units plan in respect of a completed stage of the condominium development.

6A Formal requirements

A units plan shall be in accordance with the appropriate form and any prescribed requirements.

7 Requirements for registration of units plans

- (1) The Registrar-General must, after payment of the prescribed fee and lodgement with the Registrar-General within the period referred to in section 21 of the *Unit Titles Act 1975* of:
- (a) an application in accordance with the appropriate form; and
 - (b) 3 copies of the units plan complying with section 6A and endorsed under section 20 of the *Unit Titles Act 1975* by the Surveyor-General; and
 - (c) the certificate as to title for the relevant parcel or, in relation to an application in respect of the second or subsequent stage of a condominium development, the certificate as to title for the relevant unit; and
 - (d) the written consent of each person whose consent is required for the registration of the units plan under the provisions applied under subsection (1A);

register the units plan.

- (1A) For this section, the provisions in section 52(2) to (11) of the *Land Title Act 2000* (the ***applied provisions***) apply with the following changes:
- (a) a reference in the applied provisions to the plan is taken to be a reference to the units plan;
 - (b) a reference in section 52(3) of the applied provisions to the lot to be subdivided or a lot to be consolidated is taken to be a reference to the parcel to which the units plan relates;
 - (c) a reference in section 52(10) and (11) of the applied provisions to a subdivision or consolidation is taken to be a reference to the subdivision to which the units plan relates;
 - (d) if the consent of any of the following would otherwise be required for the registration of the units plan under the applied provisions, the consent is not required:
 - (i) a service authority as defined in section 3(1) of the *Planning Act 1999*;
 - (ii) a referral authority as defined in section 60(1) of that Act for a planning scheme;
 - (iii) a person who has consented in writing to the proposal to which the units plan relates.

- (1B) Subsection (1A)(d)(iii) has no effect for a person if:
- (a) the proposal has been changed; and
 - (b) the person has not consented to the change.
- (1C) Section 210 of the *Land Title Act 2000* applies with necessary changes for the issuing of Registrar-General's directions for the applied provisions.
- (2) Subject to subsections (1A) to (1C), the registered proprietor of an estate or interest in a parcel of land to which a units plan for a condominium development relates is taken to have consented to the units plan if:
- (a) the units plan relates to a second or subsequent stage of the condominium development, the first stage of which has been, before or after the commencement of the *Real Property (Unit Titles) Amendment Act 1998*, registered; or
 - (b) he or she gave written consent for the applied provisions, or section 11(3) of the *Unit Titles Act 1975* as in force immediately before the commencement of the amendment of that Act by the *Land Title and Related Legislation Amendment Act 2008*, to the proposed subdivision to which the units plan relates; or
 - (c) he or she became the registered proprietor of the estate or interest after the registration of a disclosure statement under section 9J in relation to the condominium development to which the units plan relates.

8 Effect of registration of units plan on interests in parcel

- (1) If, immediately before the registration of a units plan, a person was the proprietor of a registered interest in:
- (a) in the case of a units plan relating to a second or subsequent stage of a condominium development – a unit included as described in section 6; and
 - (b) in any other case – the parcel,
- he shall be deemed to be, on the registration of the units plan, the proprietor of a registered interest in each unit, as if:
- (c) on the date on which the memorandum creating the first-mentioned registered interest was executed, the registered proprietor had been the proprietor of all the units and that memorandum had, as the case required, been executed by

him accordingly; and

- (d) the first-mentioned registered interest had been a registered interest of all the units and not of the parcel or unit, as the case may be.
- (2) If, immediately before the registration of a units plan, a person was the registered proprietor of an easement over portion of the parcel, he shall be deemed to be, on the registration of the units plan, the 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 on which the memorandum creating the first-mentioned easement was executed, the proprietor or the lessee of the parcel on that date had been the proprietor or the lessee of the common property and the unit or units, as the case may be, and that memorandum had been executed by him accordingly; and
 - (b) the first-mentioned easement had been an easement over the common property or the unit or units, as the case may be, and not over that portion of the parcel.
- (3) If, immediately before the registration of a units plan the registered proprietor of the parcel was, in respect of that parcel, the proprietor of an easement over any other land, upon the registration of the units plan:
- (a) each proprietor of a unit shall be the proprietor of that easement in respect of his unit; and
 - (b) the proprietor of the common property shall be the proprietor of that easement in respect of the common property,
- as a dominant tenement, notwithstanding that the units or common property may not be contiguous with the servient tenement.
- (4) On and after the registration of a units plan, the memorandum of a registered interest referred to in subsection (1) and the memoranda of easements referred to in subsections (2) and (3) and any instrument or other document relating to the parcel or the lease of the parcel or to that registered interest or easement shall be deemed to be modified in such manner as is necessary to give effect to subsections (1), (2) and (3).
- (5) In this section:
- (aa) except in subsection (1)(b), **parcel** includes a unit referred to in subsection (1)(a);

- (a) **registered proprietor of an easement** and **proprietor of an easement** include a person in whose favour an easement is reserved in the land register; and
 - (b) a reference to a memorandum creating an easement and the date of its execution includes a reference to the reservation of an easement in the land register, and the date of that reservation.
- (6) In this section:
- (a) a reference to a unit (other than a reference in subsection (1)) is to be taken to be a reference to a building lot; and
 - (b) a reference to a units plan (other than a reference in subsection (1)) is to be taken to be a reference to a building development plan.

9 Duties of Registrar-General after registration of units plan

Immediately after the registration of a units plan or a building development plan, the Registrar-General shall:

- (a) in the case of a units plan that does not relate to a second or subsequent completed stage of a condominium development:
 - (i) cancel the certificate as to title; and
 - (ii) issue to the relevant corporation a certificate as to title for the common property in accordance with the prescribed form; and
- (b) in the case of a units plan relating to a second or subsequent completed stage of a condominium development – cancel the certificate of title and the duplicate of that certificate for the unit (other than a unit in a previously completed stage of the condominium development) held by the developer; and
- (c) issue, in accordance with the prescribed form, a certificate as to title for each unit to the person who, by force of section 23 of the *Unit Titles Act 1975*, is the proprietor of the unit; and
- (ca) issue, in accordance with the prescribed form, a certificate as to title for each building lot to the person who, by force of section 26ZQ of the *Unit Titles Act 1975*, is the proprietor of the building lot; and

- (d) in the case of a units plan relating to any completed stage of a condominium development – issue to the developer a certificate as to title for the unit comprising the balance, if any, of the parcel; and
- (da) enter on each certificate as to title issued a memorial of any registered interest to which, by force of section 8, or by force of section 23 or 26ZQ of the *Unit Titles Act 1975*, the unit or building lot is subject and, if it is subject to 2 or more registered interests, enter the memorials in such manner as to preserve their priority; and
- (e) enter on the registered instrument evidencing or creating such a registered interest and on its duplicate copy a memorial that it has effect in accordance with section 8 or in accordance with section 23 or 26ZQ of the *Unit Titles Act 1975*, as the case may be; and
- (ea) where the units plan relates to a completed stage of a condominium development record that fact in such manner as he thinks fit on the units plan and on each certificate as to title issued under this section as a result of its registration; and
- (f) enter on a certificate as to title issued under this section a memorial of any easement in respect of which, by force of section 8(3), the unit or building lot, and the common property, are the dominant tenements; and
- (g) record in the land register in respect of the servient tenement a note that the easement has effect in accordance with section 8(3); and
- (h) deliver a copy of the units plan or building development plan to the applicant or person entitled to it and another copy to the local government council for the local government area in which the parcel is situated or, if the parcel is not situated in a local government area, to the Minister.

Part IIA Registration of units plan of subdivision, units plan of consolidation, &c.

9A Formal requirements

A units plan of subdivision, units plan of consolidation, building development plan, change to land under section 21FA of the *Unit Titles Act 1975*, notice of conversion or building alteration plan shall be in accordance with the appropriate form and any prescribed requirements.

9B Registration of units plan of subdivision and consolidation

Subject to section 9DA, the Registrar-General shall, on lodgement with him of:

- (a) an application in the appropriate form; and
- (b) 3 copies of the units plan of subdivision or units plan of consolidation in accordance with Part IIIA of the *Unit Titles Act 1975* and section 9A of this Act; and
- (c) the certificate as to title for the relevant unit or units; and
- (d) in the case of a units plan of subdivision – the certificate or certificates required by section 21B(2)(c) of the *Unit Titles Act 1975* to accompany the units plan of subdivision; and
- (e) a certified copy of the unanimous resolution of the corporation referred to in section 21A(b)(i) of the *Unit Titles Act 1975*; and
- (g) the duplicate copy of every instrument evidencing or creating an estate or interest in the units subdivided or consolidated to which a consent referred to in paragraph (f) relates; and
- (h) the certificate of the corporation under section 21D(b) of the *Unit Titles Act 1975*; and
- (j) in the case of a subdivision, a certificate of a licensed surveyor referred to in section 21B(2)(b) of the *Unit Titles Act 1975*,

register the units plan of subdivision or units plan of consolidation.

9C Registration of notice of conversion

Subject to section 9DA, the Registrar-General shall, after payment of the prescribed fee and lodgement with the Registrar-General of:

- (a) 3 copies of the notice of conversion executed in accordance with section 21E of the *Unit Titles Act 1975* and in accordance with section 9A of this Act; and
- (b) the certificates as to title for the relevant units; and
- (c) the discharge or surrender of all registered interests, other than easements, as referred to in section 21E(2)(a) of the *Unit Titles Act 1975*; and
- (d) a certified copy of the notice referred to in section 21E(2)(b) of the *Unit Titles Act 1975*; and

- (e) a certified copy of the unanimous resolution of the corporation referred to in section 21A(b)(i) of the *Unit Titles Act 1975*; and
- (f) the certificate of the corporation under section 21D(b) of the *Unit Titles Act 1975*;

register the notice of conversion.

9D Registration of building alteration plan

Subject to section 9DA, the Registrar-General shall, after payment of the prescribed fee and lodgement with the Registrar-General within the period referred to in section 21F(1) of the *Unit Titles Act 1975*, of:

- (a) an application in the appropriate form; and
- (b) 3 copies of the building alteration plan in accordance with section 21F(1) of the *Unit Titles Act 1975* and in accordance with section 9A of this Act; and
- (c) the certificate as to title for the relevant unit; and
- (d) a certificate of a licensed surveyor referred to in section 21F(1)(d) of the *Unit Titles Act 1975*; and
- (e) a certified copy of the unanimous resolution by the corporation referred to in section 21A(b)(i) of the *Unit Titles Act 1975*; and
- (f) the relevant certificate under section 40 of the *Building Act 1993*;

register the building alteration plan.

9DA Requirements for registration of documents

- (1) For the registration of a document covered by section 9A, the provisions in section 52(2) to (11) of the *Land Title Act 2000* (the ***applied provisions***) apply with the following changes:
 - (a) a reference in the applied provisions to the plan is taken to be a reference to the document;
 - (b) a reference in section 52(3) of the applied provisions to the lot to be subdivided or a lot to be consolidated is taken to be a reference to the parcel to which the document relates;

- (c) a reference in section 52(10) and (11) of the applied provisions to a subdivision or consolidation is taken to be a reference to the subdivision, consolidation, conversion, alteration or change to which the document relates;
- (d) if the consent of any of the following would otherwise be required for the registration of the document under the applied provisions, the consent is not required:
 - (i) a service authority as defined in section 3(1) of the *Planning Act 1999*;
 - (ii) a referral authority as defined in section 60(1) of that Act for a planning scheme;
 - (iii) a person who has consented in writing to the proposal to which the document relates.
- (2) Subsection (1)(d)(iii) has no effect for a person if:
 - (a) the proposal has been changed; and
 - (b) the person has not consented to the change.
- (3) Section 210 of the *Land Title Act 2000* applies with necessary changes for the issuing of Registrar-General's directions for the applied provisions.

9E Effect of registration of units plan of subdivision and consolidation of interests in units

- (1) If, immediately before the registration of a units plan of subdivision or a units plan of consolidation a person was the proprietor of a registered interest in the unit or units affected by the subdivision or consolidation, he shall be deemed to be, on that registration, the proprietor of a registered interest in the subdivided units or consolidated unit, as the case may be, as if:
 - (a) on the date on which the memorandum creating the first-mentioned registered interest was executed, the registered proprietor had been the proprietor of the subdivided units or consolidated unit, and that memorandum had been executed by him accordingly; and
 - (b) the first-mentioned registered interest had been a registered interest of the subdivided units or consolidated unit.
- (2) If, immediately before the registration of a units plan of subdivision or units plan of consolidation, a person was the registered proprietor of an easement over portion of the common property or

unit being subdivided or units being consolidated, he shall be deemed to be, on the registration of the units plan of subdivision or units plan of consolidation, the proprietor of an easement over so much of the land comprised in the new unit or units as was affected by the first-mentioned easement, as if:

- (a) on the date on which the memorandum creating the first-mentioned easement was executed, the proprietor or the lessee of the common property or unit being subdivided or units being consolidated on that date had been the proprietor or the lessee of the new unit or units, and that memorandum had been executed by him accordingly; and
 - (b) the first-mentioned easement had been an easement over the new unit or units, and not over the common property or unit being subdivided or units being consolidated.
- (3) If, immediately before the registration of a units plan of subdivision or units plan of consolidation, the registered proprietor of the common property or unit being subdivided or units being consolidated was, in respect of that land, the proprietor of an easement over any other land, upon the registration of the units plan of subdivision or units plan of consolidation, each proprietor of a unit shall be the proprietor of that easement in respect of his unit as a dominant tenement, notwithstanding that the unit may not be contiguous with the servient tenement.
- (4) On and after the registration of a units plan of subdivision or units plan of consolidation, the memorandum of registered interest referred to in subsection (1) and the memorandum of easements referred to in subsections (2) and (3) and any instrument or other document relating to the common property or unit being subdivided or units being consolidated or the lease of the common property or unit being subdivided or units being consolidated or to that registered interest or easement shall be deemed to be modified in such manner as is necessary to give effect to subsections (1), (2) and (3).
- (5) In this section:
 - (a) **registered proprietor of an easement** and **proprietor of an easement** include a person in whose favour an easement is reserved in the land register; and
 - (b) a reference to a memorandum creating an easement and the date of its execution includes a reference to the reservation of an easement in the land register, and the date of that reservation.

9F Duties of the Registrar-General after registration of units plan of subdivision or consolidation

Immediately after registration of the units plan of subdivision or consolidation the Registrar-General shall:

- (a) make appropriate amendments to the land register in respect of the relevant unit or units; and
- (b) issue, in accordance with the prescribed form, a certificate as to title for each unit to the person who, by force of section 23 of the *Unit Titles Act 1975*, is the proprietor of the unit; and
- (c) enter on each relevant certificate as to title so issued a memorial of any registered interest to which, by force of section 9E, the unit is subject and, if it is subject to 2 or more registered interests, enter the memorials in such manner as to preserve their priority; and
- (d) enter on the instrument evidencing or creating such interests and on its duplicate copy a memorial that it has effect in accordance with section 9E; and
- (e) enter in the land register a memorial of any registered interest in respect of which, by force of section 9E(3), the unit is the dominant tenement; and
- (f) enter in the land register in respect of the servient tenement a note that the registered interest has effect in accordance with section 9E(3); and
- (g) deliver a copy of the units plan of subdivision or units plan of consolidation to the applicant or the person entitled to it and another copy to the local government council for the local government area in which the relevant unit, is or units are situated or, if the unit is not or units are not situated in a local government area, to the Minister.

9G Duties of Registrar-General after registration of notice of conversion

Immediately after the registration of a notice of conversion referred to in section 9C, the Registrar-General shall:

- (a) make appropriate amendments to the land register; and
- (b) deliver a copy of the notice of conversion and a copy of the schedule of unit entitlements to the applicant or the person entitled to it and another copy of both those documents to the local government council for the local government area in

which the unit is, or units are, situated or if the unit is not or units are not situated in a local government area, to the Minister.

9H Duties of the Registrar-General after registration of building alteration plan

Immediately after the registration of a building alteration plan referred to in section 9D, the Registrar-General shall:

- (a) make in the land register such record of the building alteration plan as he thinks fit; and
- (b) deliver a copy of the building alteration plan to the applicant or to the person entitled to it and another copy to the local government council for the local government area in which the unit is situated or, if the unit is not situated in a local government area, to the Minister.

Part IIB Registration of disclosure statement and variations

9J Registration of disclosure statement

The Registrar-General shall, after payment of the prescribed fee and lodgement with him, in accordance with section 26E(1), 26T(1) or 26ZI(3)(a) of the *Unit Titles Act 1975*, of a copy of a disclosure statement, enter the details in the land register in an appropriate way so as to affect each part of the land that comprises the balance of the parcel (except in the case of disclosure statement relating to an estate development of a Crown lease).

9K Variation of disclosure statement

The Registrar-General shall, after payment of the prescribed fee and lodgement with the Registrar-General of the disclosure statement referred to in section 26J(2)(a), 26U(5) or 26W(2)(a) of the *Unit Titles Act 1975* or a variation of a disclosure statement in accordance with section 26ZK or 26ZM of that Act, a notice in writing in pursuance of section 26J(3) or 26W(4) or an instrument of approval or order of the Court referred to in section 26U(5) or 26W(5), as the case may be of that Act, of the Minister's approval of that disclosure statement, replace the original disclosure statement with the disclosure statement so lodged and cause to be made in the land register such notations as he thinks fit to record that fact.

Part III Cancellation and alteration of units plan

13 Registration of order for alteration of units plan

On the lodgment with the Registrar-General of an office copy of an order made by the Court under section 99 of the *Unit Titles Act 1975* for the alteration of a units plan, together with a copy of the schedule of unit entitlement altered in accordance with the order, together with the prescribed fee, the Registrar-General shall register those documents.

14 Duties of Registrar-General on registration of order for alteration of units plan

Immediately after the registration of an order for the alteration of a units plan, the Registrar-General shall:

- (a) make appropriate amendments to the land register; and
- (b) enter on the units plan such memorials as are necessary to give effect to the order.

15 Registrar-General to give notice of cancellation or alteration of units plan

Immediately after the registration of an order for the cancellation or alteration of a units plan, the Registrar-General shall give written notice of the registration of the order to the local government council for the local government area in which the parcel is situated, or if the parcel is not situated in a local government area, the Registrar-General shall give the written notice to the Minister.

Part IV Miscellaneous

16 Change of address for service of documents

- (1) Where the address for service of documents shown on a units plan or building development plan, or in the land register for common property, is changed, the corporation shall, in accordance with the prescribed form, together with the prescribed fee, give notice of the change to the Registrar-General.

Maximum penalty: 20 penalty units.

- (2) On receipt of a notice under subsection (1), the Registrar-General shall endorse on the units plan or a building development plan or, if he thinks fit, in the land register for the common property, a memorial of the change of address.

17 Registration of alteration of articles

On the lodgment with the Registrar-General of a copy of a special resolution, certified under the seal of the corporation as a true copy of the resolution, altering the articles of the corporation, together with the prescribed fee, the Registrar-General shall register the resolution in such manner as he thinks fit in the land register.

18 Registrar-General to register appointment, &c., of administrator

On the lodgment with the Registrar-General of an office copy of an order made by the Court under Part VII of the *Unit Titles Act 1975* appointing, removing or replacing an administrator of a corporation, together with the prescribed fee, the Registrar-General shall register the order in such manner as he thinks fit in the land register.

19 No dealings while application for cancellation or alteration of units plan is pending

- (1) Where a copy of an application made to the Court under section 95 or 98 of the *Unit Titles Act 1975* is served on the Registrar-General, the Registrar-General shall register the copy of the application and shall enter on the units plan a memorial that the application has been made.
- (2) On the service on the Registrar-General of an office copy of an order for the cancellation of a units plan, of an order for the alteration of a units plan or of an order dismissing an application for such an order, the Registrar-General shall enter on the units plan a further memorial stating the effect of the order.
- (3) After a memorial is entered on a units plan under subsection (1), and until a further memorial is entered on the units plan under subsection (2), the Registrar-General shall not, except in accordance with an order of the Court, register any instrument:
 - (a) in the case of an application for an order for the cancellation of the units plan – affecting a unit; or
 - (b) in the case of an application for an order for the alteration of the units plan providing for the elimination of a unit – affecting that unit.

20 Withdrawal of units plan

- (1) At any time after the lodgment with the Registrar-General of an application for the registration of a units plan and before the units plan is registered, the applicant may apply in writing to the Registrar-General for the withdrawal of the application for registration.
- (2) The Registrar-General shall, on the receipt of an application under subsection (1), endorse the application for the registration of the units plan as being withdrawn and deliver to the applicant the documents lodged under section 7.

21 Provisions applicable in relation to trusts

- (1) Where, immediately before the registration of a units plan, the proprietor held the parcel as trustee, that person shall, upon the registration of the units plan, hold the units defined in the units plan in trust for the persons for whom, and the purposes for which, the parcel was so held.
- (2) Where, immediately before the registration of an order for the cancellation of a units plan, the proprietor of a unit held the unit as trustee, that person shall, upon the registration of the order, hold the share in the estate, or the whole estate, as the case may be, of which he becomes possessed under section 96 of the *Unit Titles Act 1975* in trust for the persons for whom, and the purposes for which, the unit was so held.

22 Delivery to Registrar-General of duplicate certificates of title

- (1) The Registrar-General may, by notice in writing, require a person having in his possession, custody or control the certificate as to title for a unit the title of which has been determined to deliver it, within a time specified in the notice, to the Registrar-General for cancellation.
- (2) A person who fails to comply with a requirement made under subsection (1) is guilty of an offence and is punishable, on being found guilty, by a fine not exceeding 20 penalty units.

23 Regulations

The Administrator may make regulations, not inconsistent with this Act, prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act,

and in particular prescribing:

- (c) fees and charges in relation to an act or thing under this Act; and
- (d) forms to be used.

Part V Transitional matters for Land Title and Related Legislation Amendment Act 2008

24 Application

- (1A) However, the amendments do not apply to a units plan or document that relate to 1 or both of the following:
 - (a) a development permit or exceptional development permit for the carrying out of works on or in relation to land, that was in force under the *Planning Act 1999* immediately before the commencement;
 - (b) a building permit that was in force under the *Building Act 1993* immediately before the commencement.
- (1B) The regulations may provide for a matter that is of a savings or transitional nature consequent on the enactment of the *Land Title and Related Legislation Amendment Act 2008*.
- (1C) A regulation mentioned in subsection (1B) may have retrospective operation only to the extent to which the regulation:
 - (a) does not have effect before the commencement of this section; and
 - (b) does not disadvantage a person (other than the Territory or a Territory authority) by decreasing the person's rights or imposing liabilities on the person.
- (1D) Subsection (1B) and any regulation made under the subsection cease to have effect 1 year after the commencement of this section.

- (2) In this section:

amendments means the amendments made to this Act by the *Land Title and Related Legislation Amendment Act 2008*.

commencement means the commencement of the amendments.

ENDNOTES
1 KEY

Key to abbreviations

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

2 LIST OF LEGISLATION***Real Property (Unit Titles) Ordinance 1975 (Act No. 18, 1976)***

Assent date	2 April 1976
Commenced	29 October 1976 (<i>Gaz</i> No. 44, 29 October 1976, p 1308)

Real Property (Unit Titles) Ordinance 1976 (Act No. 47, 1976)

Assent date	29 October 1976
Commenced	29 October 1976

Transfer of Powers Self-Government) Ordinance 1978 (Act No. 54, 1978)

Assent date	1 July 1978
Commenced	1 July 1978 (s 2)

Real Property (Unit Titles) Amendment Act 1986 (Act No. 25, 1986)

Assent date	30 June 1986
Commenced	23 December 1987 (s 2, s 2 <i>Unit Titles Amendment Act 1986</i> (Act No. 24, 1986) and <i>Gaz</i> S82, 23 December 1987)

Real Property (Consequential Amendments) Act 1991 (Act No. 33, 1991)

Assent date	25 June 1991
Commenced	1 October 1991 (<i>Gaz</i> S49, 1 October 1991)

Registration (Consequential Amendments) Act 1991 (Act No. 55, 1991)

Assent date	26 September 1991
Commenced	1 January 1992 (s 2, s 2 <i>Registration Amendment Act 1991</i> (Act No. 54, 1991) and <i>Gaz</i> G49, 11 December 1991, p 4)

Statute Law (Miscellaneous Amendments) Act 1991 (Act No. 77, 1991)

Assent date	16 December 1991
Commenced	16 December 1991

Real Property (Unit Titles) Amendment Act 1993 (Act No. 64, 1993)

Assent date 3 November 1993
 Commenced 1 June 1993 (s 2, s 2 *Unit Titles Amendment Act 1993* (Act No. 9, 1993) and *Gaz G26*, 30 June 1993, p 4)

Local Government (Consequential Amendments) Act 1993 (Act No. 84, 1993)

Assent date 31 December 1993
 Commenced 1 June 1994 (s 2, s 2 *Local Government Act 1993* (Act No. 83, 1993) and *Gaz S35*, 20 May 1994)

Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)

Assent date 19 April 1996
 Commenced s 7: 19 April 1996; rem: 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz S15*, 13 June 1996)

Real Property (Unit Titles) Amendment Act 1998 (Act No. 32, 1998)

Assent date 11 May 1998
 Commenced 20 May 1998 (*Gaz G19*, 20 May 1998, p 2)

Real Property (Unit Titles) Amendment Act 1999 (Act No. 16, 1999)

Assent date 5 May 1999
 Commenced 9 June 1999 (s 2, s 2 *Real Property Amendment Act 1999* (Act No. 16, 1999) and *Gaz G22*, 9 June 1999, p 5)

Land Title (Consequential Amendments) Act 2000 (Act No. 45, 2000)

Assent date 12 September 2000
 Commenced 1 December 2000 (s 2, s 2 *Land Title Act 2000* (Act No. 2, 2000) and *Gaz G38*, 27 September 2000, p 2)

Unit Titles (Consequential Amendments – Building Development) Act 2001 (Act No. 15, 2001)

Assent date 28 June 2001
 Commenced 1 March 2002 (s 2, s 2 *Unit Titles Amendment Act 2001* (Act No. 14, 2001) and *Gaz G8*, 27 February 2002, p 6)

Land Title and Related Legislation Amendment Act 2008 (Act No. 3, 2008)

Assent date 11 March 2008
 Commenced pt 6: 18 March 2009 (*Gaz G11*, 13 March 2009, p 4);
 rem: 1 July 2009 (*Gaz S30*, 26 June 2009)

Local Government (Consequential Amendments) Act 2008 (Act No. 28, 2008)

Assent date 14 November 2008
 Commenced 1 July 2008 (s 2)

Unit Title Schemes Act 2009 (Act No. 14, 2009)

Assent date 26 May 2009
 Commenced pt 2.3, div 3, sdv 4 and s 135 (to ext ins s 54C):
 1 January 2010; s 111: 1 July 2010; rem: 1 July 2009 (s 2,
Gaz S30, 26 June 2009, p 1, s 2 *Land Title and Related
 Legislation Amendment Act 2008* (Act No. 3, 2008) and *Gaz
 S30*, 26 June 2009, p 1)

Justice Legislation Amendment (Penalties) Act 2010 (Act No. 12, 2010)

Assent date 20 May 2010
 Commenced 1 July 2010 (*Gaz G24*, 16 June 2010, p 2)

Local Government Amendment Act 2014 (Act No. 19, 2014)

Assent date 2 June 2014
 Commenced s 16: 1 July 2014; s 18: 1 December 2014; rem: 2 June 2014
 (s 2)

Termination of Units Plans and Unit Title Schemes Act 2014 (Act No. 48, 2014)

Assent date 8 December 2014
 Commenced 1 January 2015 (s 2)

Statute Law Revision Act 2023 (Act No. 4, 2023)

Assent date 2 March 2023
 Commenced 3 March 2023 (s 2)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 3, 4, 5, 7, 9, 9A, 9B, 9C, 9D, 9DA, 9F, 9J, 9K, 13, 18, 19, 21 and 24.

4 LIST OF AMENDMENTS

It amd No. 25, 1986, s 17; No. 14, 2009, s 150
 pt 1 hdg ins No. 4, 2023, s 23
 ss 1 – 2 amd No. 25, 1986, s 17
 s 3 amd No. 25, 1986, ss 4 and 17; No. 55, 1991, s 6; No. 45, 2000, s 11; No. 15, 2001, s 9; No. 14, 2009, s 151
 s 4 amd No. 25, 1986, ss 5 and 17; No. 45, 2000, s 11; No. 15, 2001, s 9
 s 5 sub No. 25, 1986, s 6
 amd No. 45, 2000, s 11; No. 15, 2001, s 9
 s 6 sub No. 25, 1986, s 7
 s 6A ins No. 25, 1986, s 7
 amd No. 45, 2000, s 11
 s 7 amd No. 47, 1976, s 2; No. 54, 1978, s 4
 sub No. 25, 1986, s 7
 amd No. 33, 1991, s 7; No. 55, 1991, s 8; No. 32, 1998, s 3; No. 16, 1999, s 3; No. 45, 2000, s 11; No. 3, 2008, s 22
 s 8 amd No. 47, 1976, s 4; No. 25, 1986, s 8; No. 33, 1991, s 7; No. 45, 2000, s 11; No. 15, 2001, s 9
 s 9 amd No. 47, 1976, s 5; No. 25, 1986, s 9; No. 33, 1991, s 7; No. 55, 1991, s 8; No. 84, 1993, s 6; No. 45, 2000, s 11; No. 15, 2001, s 9; No. 28, 2008, s 3; No. 19, 2014, s 26
 pt IIA hdg ins No. 25, 1986, s 10
 s 9A ins No. 25, 1986, s 10
 amd No. 45, 2000, s 11; No. 15, 2001, s 9
 s 9B ins No. 25, 1986, s 10
 amd No. 33, 1991, s 7; No. 45, 2000, s 11; No. 3, 2008, s 23
 s 9C ins No. 25, 1986, s 10
 amd No. 33, 1991, s 7; No. 55, 1991, s 8; No. 3, 2008, s 24
 s 9D ins No. 25, 1986, s 10
 amd No. 33, 1991, s 7; No. 55, 1991, s 8; No. 45, 2000, s 11; No. 3, 2008, s 25; No. 4, 2023, s 23
 s 9DA ins No. 3, 2008, s 26
 s 9E ins No. 25, 1986, s 10
 amd No. 33, 1991, s 7; No. 45, 2000, s 11

ENDNOTES

ss 9F – 9H	ins No. 25, 1986, s 10 amd No. 33, 1991, s 7; No. 84, 1993, s 6; No. 45, 2000, s 11; No. 28, 2008, s 3; No. 19, 2014, s 26
pt IIB hdg	ins No. 25, 1986, s 10
s 9J	ins No. 25, 1986, s 10 amd No. 33, 1991, s 7; No. 55, 1991, s 8 sub No. 64, 1993, s 3 amd No. 45, 2000, s 11; No. 15, 2001, s 9
s 9K	ins No. 25, 1986, s 10 amd No. 55, 1991, s 8; No. 64, 1993, s 4; No. 45, 2000, s 11; No. 15, 2001, s 9
s 10	amd No. 25, 1986, s 17; No. 55, 1991, s 8 rep No. 48, 2014, s 32
s 11	amd No. 25, 1986, s 17 rep No. 48, 2014, s 32
s 12	amd No. 25, 1986, s 17; No. 33, 1991, s 7; No. 45, 2000, s 11 rep No. 48, 2014, s 32
s 13	amd No. 25, 1986, s 17; No. 55, 1991, s 8
s 14	amd No. 33, 1991, s 7; No. 45, 2000, s 11
s 15	amd No. 54, 1978, s 4; No. 84, 1993, s 6; No. 28, 2008, s 3; No. 19, 2014, s 26
s 15A	ins No. 25, 1986, s 11 rep No. 48, 2014, s 32
s 16	sub No. 25, 1986, s 12 amd No. 33, 1991, s 7; No. 55, 1991, s 8; No. 45, 2000, s 11; No. 15, 2001, s 9; No. 12, 2010, s 3
s 17	amd No. 25, 1986, s 13; No. 33, 1991, s 7; No. 55, 1991, s 8; No. 77, 1991, s 13; No. 45, 2000, s 11
s 18	amd No. 25, 1986, ss 14 and 17; No. 55, 1991, s 8; No. 77, 1991, s 13; No. 45, 2000, s 11
s 19	amd No. 25, 1986, s 17
s 21	amd No. 46, 1976, s 6; No. 25, 1986, s 17
s 22	amd No. 25, 1986, s 17; No. 17, 1996, s 6; No. 45, 2000, s 11; No. 15, 2001, s 9
s 23	ins No. 25, 1986, s 15
pt V hdg	ins No. 3, 2008, s 27
s 24	ins No. 3, 2008, s 27 amd No. 14, 2009, s 152
First sch	amd No. 54, 1978, s 4 rep No. 25, 1986, s 16
Second sch	rep No. 25, 1986, s 16