

NORTHERN TERRITORY OF AUSTRALIA

LAND TITLE REGULATIONS

As in force at 2 January 2015

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 2 January 2015

LAND TITLE REGULATIONS

Regulations under the *Land Title Act*

1 Citation

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

2 Commencement

These Regulations come into operation on 1 December 2000.

3 Form of certificate as to title

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

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 each of the following persons is required:
 - (a) the registered owner of each lot comprising the proposed scheme land;
 - (b) a registered mortgagee of any of those lots;
 - (c) a person who has rights under a registered writ of execution against any of those lots;
 - (d) a caveator under a registered caveat affecting any estate in any of those lots;
 - (e) a 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) a 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) a 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) the registered owner of each unit the boundaries of which will be changed or that will be subdivided;
- (b) a registered mortgagee of any of those units;
- (c) a person who has rights under a registered writ of execution against any of those units;
- (d) a caveator under a registered caveat affecting any estate in any of those units;
- (e) a 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) a registered mortgagee of any of the units of any of the schemes to be amalgamated;
- (b) a person who has rights under a registered writ of execution against any of those units;
- (c) a caveator under a registered caveat affecting any estate in any of those units;
- (d) a 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) a registered mortgagee of any of the units of the scheme;
- (b) a person who has rights under a registered writ of execution against any of those units;
- (c) a caveator under a registered caveat affecting any estate in any of those units;
- (d) a 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.

8 Persons whose written consent is to be lodged

For section 54G(1)(b) of the Act, consent of the following persons is required:

- (a) if the termination is a termination of a development under Part 3 of the *Termination Act* – each of the following:
 - (i) an owner of a unit in the development;
 - (ii) a mortgagee of a unit in the development;
 - (iii) a person who has rights under a registered writ of execution against a unit in the development;
 - (iv) a caveator under a registered caveat affecting any estate in a unit in the development;
 - (v) a lessee;
 - (vi) a 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;
- (b) if the termination is a termination of a development under Part 4 of the *Termination Act* – each of the following:
 - (i) a person who has rights under a registered writ of execution against a unit in the development;
 - (ii) a lessee;
 - (iii) a 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;

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- (c) subject to any order of the Civil and Administrative Tribunal, if the termination is of a development under Part 5 of the *Termination Act* – each of the following:
 - (i) a person who has rights under a registered writ of execution against a unit in the development;
 - (ii) a lessee;
 - (iii) a 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

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*****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 S30</i> , 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

3**LIST OF AMENDMENTS**

r 4	ins No. 17, 2009, r 4 amd No. 14, 2011, r 7 sub No. 49, 2012, r 3
rr 5 – 7	ins No. 49, 2012, r 3
rr 8 – 9	ins No. 48, 2014, r 3