

NORTHERN TERRITORY OF AUSTRALIA

REAL PROPERTY (UNIT TITLES) ACT

As in force at 2 June 2014

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 2 June 2014

REAL PROPERTY (UNIT TITLES) ACT

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

1 Short title

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

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*.
- (2) Where an expression used in this Act is defined in the *Unit Titles Act*, 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*.
- (5) In this Act:

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

4 Incorporation with *Land Title Act*

- (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* and every other document or instrument lodged under this Act with the Registrar-General, other than:

- (a) a certificate under the *Building Act*,
- (b) a certificate under the *Planning Act*,
- (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*,
or
- (g) a certificate referred to in section 21F(d) of the *Unit Titles Act*,

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*,
- (db) a building development plan;
- (dc) a notice of a change to land under section 21FA of the *Unit Titles Act*,
- (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*, 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* 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* 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* (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*;
 - (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* 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* 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*, 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*, 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*, 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*, 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*, 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* 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* 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*; 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*; 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*,

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* 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*; and
- (d) a certified copy of the notice referred to in section 21E(2)(b) of the *Unit Titles Act*; and
- (e) a certified copy of the unanimous resolution of the corporation referred to in section 21A(b)(i) of the *Unit Titles Act*; and
- (f) the certificate of the corporation under section 21D(b) of the *Unit Titles Act*,

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 of the *Unit Titles Act*, of:

- (a) an application in the appropriate form; and
 - (b) 3 copies of the building alteration plan in accordance with section 21F of the *Unit Titles Act* 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(d) of the *Unit Titles Act*, and
 - (e) a certified copy of the unanimous resolution by the corporation referred to in section 21A(b)(i) of the *Unit Titles Act*, and
 - (f) the relevant certificate under section 40 of the *Building Act*,
- 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* (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*,

- (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* 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*, 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 26Zl(3)(a) of the *Unit Titles Act*, 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* 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

10 Registration of order for cancellation of units plan

On the lodgment with the Registrar-General of an office copy of a final order made by the Court under section 95 of the *Unit Titles Act* for the cancellation of a units plan, together with the prescribed fee, the Registrar-General shall register the order.

11 Effect of cancellation of units plan on interests

- (1) If, immediately before the registration of an order for the cancellation of a units plan, a person was the registered proprietor of a mortgage of a unit, that person shall be deemed to be, on the registration of the order, the registered proprietor of a mortgage of the share in the estate, or a mortgage of the whole estate, as the case may be (which share or estate is in this subsection called *the interest*) vested by section 96(1)(d) of the *Unit Titles Act* in the person who was the proprietor of the unit as if:
 - (a) on the date on which the memorandum creating the first-mentioned mortgage was executed, the mortgagor had been the registered proprietor of the interest so vested and that memorandum had been executed by him accordingly; and
 - (b) the first-mentioned mortgage had been a mortgage of the interest so vested and not of the unit.
- (2) If, immediately before the registration of an order for the cancellation of a units plan, a person was the registered proprietor of an easement over portion of the common property or of a unit or units, he shall be deemed to be, on the registration of the order, the registered proprietor of an easement over so much of the land comprised in the units plan 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 of the common property and the proprietor or proprietors of that unit or units had been the registered proprietors or proprietor of the estate referred to in section 96(1)(d) of the *Unit Titles Act*, and that memorandum had been executed by them or him accordingly; and
 - (b) the first-mentioned easement had been an easement over that land and not over that portion of the common property or of the unit or units.
- (3) If, immediately before the registration of an order for the cancellation of a units plan a unit was a dominant tenement in relation to an easement by force of section 8(3), on the registration of the order the whole of the land comprised in the parcel shall be the dominant tenement in relation to that easement.
- (4) On and after the registration of the order for the cancellation of the units plan, the memorandum of mortgage referred to in subsection (1) and the memorandum of easement referred to in subsections (2) and (3) and any instrument or other document

relating to the relevant unit or units or of the common property or to that mortgage or easement shall be deemed to be modified in such a manner as is necessary to give effect to subsections (1), (2) and (3).

12 Duties of Registrar-General upon registration of order

- (1) Immediately after the registration of an order for the cancellation of a units plan, the Registrar-General shall:
 - (a) cancel the units plan;
 - (b) cancel the entry in the land register in respect of each unit and for the common property;
 - (c) subject to subsection (2), issue to the person in whom a share in the estate, or the whole estate, as the case may be, is vested by section 96(1)(d) of the *Unit Titles Act* a certificate as to title for that share or estate;
 - (d) enter in the land register in respect of each lot a note of any mortgage or easement to which, by force of section 11, the land is subject and, if it is subject to 2 or more mortgages or easements, enter the particulars in such manner as to preserve their priority; and
 - (e) enter on the registered instrument evidencing or creating such a mortgage or easement and on its duplicate copy a memorial that it has effect in accordance with section 11.
- (2) The Registrar-General may, in his absolute discretion refuse to issue a certificate as to title if documents as required by the Registrar-General are not lodged with the Registrar-General by the proprietor of a unit.
- (3) Subsection (2) does not prevent the issue of a certificate as to title in a case where the Registrar-General has dispensed with, or has been ordered by the Court to dispense with, the lodgment of a document referred to in that subsection.
- (4) The Registrar-General shall cancel a certificate as to title lodged with him under subsection (2).

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* 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.

15A Cancellation of units plan by consent

- (1) The Registrar-General shall, as soon as practicable after receiving an application under section 95A(2) of the *Unit Titles Act*, by notice in the *Gazette* and in a newspaper circulating in the area in which the parcel is situated, advise that an application for the cancellation of the units plan to which the application relates has been received and invite any person who claims to have a legal or equitable interest in the parcel or a unit and who objects to the proposed cancellation to lodge with the Registrar-General, within 28 days after the publication of the later of those 2 notices, an objection in the prescribed form.
- (2) The Registrar-General may, as soon as practicable after the time limited by subsection (1) for the lodging of objections with him and on being satisfied that the proprietors of the units unanimously agree to the proposed cancellation of the units plan and that no objections have been received from persons with a legal or equitable interest in the parcel or a unit, register the application.
- (3) This Part, with the necessary changes, applies to and in relation to the registration under this section of an application as if the application were a final order of the Court made under section 95 of the *Unit Titles Act* and all rights, titles, duties, obligations and interest in or in relation to the land comprised in the parcel shall be construed accordingly.

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* 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* 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* 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* immediately before the commencement;
 - (b) a building permit that was in force under the *Building Act* 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
<i>Gaz</i> = <i>Gazette</i>	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)

3 LIST OF AMENDMENTS

lt	amd No. 25, 1986, s 17; No. 14, 2009, s 150
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
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
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
s 11	amd No. 25, 1986, s 17
s 12	amd No. 25, 1986, s 17; No. 33, 1991, s 7; No. 45, 2000, s 11
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

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s 15A	ins No. 25, 1986, s 11
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