

NORTHERN TERRITORY OF AUSTRALIA
LAND TITLE AMENDMENT REGULATIONS 2015

Subordinate Legislation No. 35 of 2015

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 35 of 2015*

Land Title Amendment Regulations 2015

I, John Laurence Hardy, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Land Title Act*.

Dated 14 December 2015

J. L. Hardy
Administrator

By His Honour's Command

J. W. Elferink
Attorney-General and Minister for Justice

* Notified in the *Northern Territory Government Gazette* on 23 December 2015.

1 Citation

These Regulations may be cited as the *Land Title Amendment Regulations 2015*.

2 Regulations amended

These Regulations amend the *Land Title Regulations*.

3 Part 1 heading inserted

Before regulation 1

insert

Part 1 Preliminary matters

4 Regulation 2A and Part 2 heading inserted

After regulation 2

insert

2A Definitions

In these regulations:

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

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

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

Part 2 Certificates as to title

5 Regulation 3 amended

Regulation 3

omit

the purposes of

6 Part 3 heading inserted

After regulation 3

insert

Part 3 Unit title schemes

7 Regulation 4 amended

(1) Regulation 4(2)

omit, insert

(2) The consent of the following persons is required:

- (a) each registered owner of each lot comprising the proposed land scheme;
- (b) each registered mortgagee of any of those lots;
- (c) each person who has rights under a registered writ of execution against any of those lots;
- (d) each caveator under a registered caveat affecting any estate in any of those lots;
- (e) each person whose rights under law (other than rights under a registered easement or restrictive covenant) would be adversely affected by the registration of the scheme statement.

(2) Regulation 4(3)(a) and (b)

omit

a person

insert

each person

8 Regulation 5 amended

(1) Regulation 5(2)(a) to (e)

omit, insert

- (a) each registered owner of each unit the boundaries of which will be changed or that will be subdivided;

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

(2) Regulation 5(4)(a) to (d)

omit, insert

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

(3) Regulation 5(5)(a) to (d)

omit, insert

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

9 Regulations 7A and 7B, Part 4 heading and regulation 7C inserted

After regulation 7

insert

7A Plan of termination of scheme

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

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

7B Written consent required for termination of scheme

- (1) This regulation prescribes the persons whose consent is required under section 54E(1)(b) of the Act for the termination of a scheme (as defined by section 72 of the UTS Act).
- (2) The consent of the following persons is required:
 - (a) each registered owner of each unit in the development;
 - (b) each registered mortgagee of any of those units;
 - (c) each person who has rights under a registered writ of execution against any of those units;
 - (d) each caveator under a registered caveat affecting any estate in any of those units;
 - (e) each lessee of any of those units;
 - (f) each person whose rights under law (other than rights under a registered easement or restrictive covenant) would be adversely affected by the registration of the plan of termination.

Part 4 Developments

7C Plan of termination of development

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

10 Regulation 8 replaced

Regulation 8

repeal, insert

8 Written consent required for termination of development

- (1) This regulation prescribes the persons whose consent is required under section 54G(1)(b) of the Act for the termination of a development.

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

11 Expiry of Regulations

These Regulations expire on the day after they commence.