

NORTHERN TERRITORY OF AUSTRALIA

UNIT TITLE SCHEMES AND RELATED LEGISLATION AMENDMENT
REGULATIONS 2011

Subordinate Legislation No. 14 of 2011

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Unit Title Schemes and Related Legislation Amendment Regulations 2011

I, Thomas Ian Pauling, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Unit Title Schemes Act*, *Land Title Act* and *Registration Act*.

Dated 10 May 2011

T. I. PAULING
Administrator

By His Honour's Command

C. B. Burns
Minister for Education and Training
acting for
Minister for Justice and Attorney-General

* Notified in the *Northern Territory Government Gazette* on 18 May 2011.

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Unit Title Schemes and Related Legislation Amendment Regulations 2011*.

Part 2 Amendment of Unit Title Schemes (General Provisions and Transitional Matters) Regulations

2 Regulations amended

This Part amends the *Unit Title Schemes (General Provisions and Transitional Matters) Regulations*.

3 Part 4, Division 1 inserted

Before regulation 7, in Part 4

insert

Division 1 Conversion of units plan or building development plan into scheme

6A Lodgement of scheme statement by corporation

- (1) For section 111(1) of the Act, a corporation of a units plan or building development plan may lodge a scheme statement if the following requirements are met:
 - (a) it is authorised to do so by unanimous resolution of its members;
 - (b) if it is a corporation of a units plan for an estate development or of a building development plan – each corporation (***connected corporation***) connected to that plan simultaneously lodges a scheme statement for the conversion of the units plan or building development plan in relation to which the connected corporation was constituted;
 - (c) if it is a corporation connected to a units plan for an estate development or to a building development plan (each a ***relevant plan***) – each of the following corporations (each a ***group corporation***) simultaneously lodges a scheme statement for the conversion of the units plan or building

development plan in relation to which the group corporation was constituted:

- (i) the corporation of the relevant plan;
- (ii) each other corporation connected to the relevant plan.

(2) For subregulation (1):

- (a) a corporation is connected to a units plan for an estate development if the corporation was constituted because of a subdivision of a part of the parcel to which the units plan relates; and
- (b) a corporation is connected to a building development plan if the corporation was constituted because of a subdivision of a part of the parcel to which the building development plan relates.

(3) For section 20(1)(f) of the Act, the corporation of a units plan or building development plan is responsible for preparing the scheme statement for the conversion of the units plan or building development plan.

(4) In this regulation:

unanimous resolution, see section 7(4) of the *Unit Titles Act*.

6B Content of scheme statement

(1) A scheme statement lodged by the corporation of a units plan or building development plan must:

- (a) comply with the requirements of the Act, other than the requirements mentioned in section 18(1)(a) and (3)(b) and (c) of the Act; and
- (b) contain a description of the scheme land by reference to a plan of subdivision that shows the units and common property of the scheme; and
- (c) be accompanied by:
 - (i) the plan of subdivision mentioned in paragraph (b); and
 - (ii) a certificate given by a licensed surveyor certifying that the boundaries of the units, or building lots, and common property shown in the units plan or building development plan are as shown in the plan of subdivision.

- (2) For section 18(1)(d) of the Act, the contribution entitlement and interest entitlement of a unit as specified in the entitlement schedules must be:
- (a) the same as the unit entitlement under the *Unit Titles Act* for the corresponding unit in the units plan or building lot in the building development plan; or
 - (b) if a different contribution entitlement or interest entitlement has been approved by unanimous resolution of the members of the corporation – the approved entitlement.
- (3) In this regulation:

unanimous resolution, see section 7(4) of the *Unit Titles Act*.

6C Effect of registration of scheme statement

For section 111(2) of the Act, if the Registrar-General registers a scheme statement lodged by the corporation of a units plan or building development plan:

- (a) the corporation has effect as the body corporate of the scheme; and
- (b) each unit to which the units plan, or building lot to which the building development plan, relates (the ***original unit***) has effect as a unit of the scheme (the ***converted unit***); and
- (c) each right or interest in the original unit existing immediately before the registration has effect as a right or interest in the converted unit; and
- (d) the common property to which the units plan or building development plan relates has effect as the common property of the scheme; and
- (e) the body corporate becomes the owner of the common property of the scheme; and
- (f) each right or interest in the common property existing immediately before the registration has effect as a right or interest in the common property of the scheme.

4 Part 4, Division 2 heading inserted

After regulation 6C

insert

Division 2 Formation of scheme from pre-commencement development

5 Regulation 7 amended

Regulation 7, heading

omit, insert

7 Prescribed land

Part 3 Amendment of Land Title Regulations

6 Regulations amended

This Part amends the *Land Title Regulations*.

7 Regulation 4 amended

After regulation 4(1)

insert

(1A) Despite subregulation (1), for a scheme statement lodged under section 111(1) of the *Unit Title Schemes Act*, only the written consent of the following persons to the registration of the statement is required:

- (a) a person who was a registered mortgagee of a unit in the units plan, or building lot in the building development plan, on the date the scheme statement was lodged;
- (b) a person mentioned in subregulation (1)(e).

Part 4 Amendment of Registration Regulations

8 Regulations amended

This Part amends the *Registration Regulations*.

9 Schedule 1 amended

Schedule 1, Part 2, item 72, after "application"

insert

(other than an application for the registration of a scheme statement lodged under section 111(1) of the *Unit Title Schemes Act*)