

NORTHERN TERRITORY OF AUSTRALIA

LAND TITLE AMENDMENT REGULATIONS 2012

Subordinate Legislation No. 49 of 2012

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Subordinate Legislation No. 49 of 2012*

Land Title Amendment Regulations 2012

I, Sally Gordon Thomas, 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 2012

S. G. THOMAS
Administrator

By Her Honour's Command

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

* Notified in the *Northern Territory Government Gazette* on 14 December 2012.

1 Citation

These Regulations may be cited as the *Land Title Amendment Regulations 2012*.

2 Regulations amended

These Regulations amend the *Land Title Regulations*.

3 Regulation 4 replaced

Regulation 4

repeal, insert

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;

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- (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;

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- (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.