

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1994, No. 30*

Regulations under the *Real Property Act*

I, KEITH JOHN AUSTIN ASCHE, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Real Property Act*.

Dated 31 August 1994.

K.J.A. ASCHE
Administrator

AMENDMENTS OF REAL PROPERTY REGULATIONS

1. COMMENCEMENT

These Regulations shall come into operation on the commencement of the *Real Property Amendment Act (No. 2) 1993*.

2. PRINCIPAL REGULATIONS

The *Real Property Regulations* are in these Regulations referred to as the *Principal Regulations*.

3. FORMS TO BE USED

Regulation 3 of the *Principal Regulations* is amended by omitting "Forms 2 to 51" and substituting "forms".

4. NEW REGULATION

The *Principal Regulations* are amended by inserting after regulation 5 the following:

"6. SALE PURSUANT TO STATUTORY CHARGE

"(1) Before a person entitled to the benefit of a statutory charge exercises the power of sale pursuant to the charge, the person shall -

* Notified in the *Northern Territory Government Gazette* on 14 September 1994.

Real Property Regulations

- (a) fix a time (being not more than 6 months and not less than 28 days from the publication in the newspaper of the advertisement referred to in paragraph (b)) and a place for the sale;
- (b) give notice of the proposed sale by means of an advertisement published in the Gazette and in at least one local newspaper;
- (c) take reasonable steps to ascertain the identity of any person who has a registered interest in the land; and
- (d) take reasonable steps to notify each such person in the prescribed form, of the intention of the person entitled to the benefit of the statutory charge to sell the land under the Act.

"(2) A sale of land carried out upon the exercise of a power of sale, granted under the Act, to a person entitled to the benefit of a statutory charge shall be by way of sale by auction, within the meaning of the Auctioneers Act.

"(3) If any land is not sold by auction pursuant to sub-regulation (2), the person entitled to the benefit of the statutory charge may either sell the land at a subsequent auction or else sell the land by private contract.

"(4) A person exercising a power of sale pursuant to a statutory charge shall, subject to any other provisions of these Regulations or the Act take reasonable care to ensure that the land or interest in land is sold at the market value.

"(5) If, before the sale, all statutory charges on the land, together with all costs relating to the registration of the statutory charge or to the proposed sale, are paid or an arrangement satisfactory for payment is entered into by the registered proprietor of the land, over which a statutory charge is registered, the sale shall be cancelled."

5. SCHEDULE 1

Schedule 1 to the Principal Regulations is amended by adding at the end the following:

"142A(2)	Notice of exercise of power of sale pursuant to statutory charge	57
142A(2)	Notice of exercise of power of sale pursuant to statutory charge	58

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	Notice of exercise of power of sale pursuant to statutory charge	59
142A(4) (a)	Notice of exercise of power of sale pursuant to statutory charge	60
48A(1)	Application to register statutory charge	61
143(2)	Cancellation of the registration of statutory charge	62
143(3)	Application to remove a statutory charge or encumbrance from the Register	63
143(3)	Objection to the removal of a statutory charge or encumbrance	64."

6. SCHEDULE 2

Schedule 2 to the Principal Regulations is amended by adding at the end the following:

Real Property Regulations

"FORM 57

Section 142A(2)
Regulation 6

NORTHERN TERRITORY OF AUSTRALIA

NOTICE OF EXERCISE OF POWER
OF SALE PURSUANT TO
STATUTORY CHARGE

The claimant, a person entitled to the benefit of a statutory charge, serves on the registered proprietor this notice of exercise of power of sale pursuant to the charge.

(notes 1,2)

Location	Parcel	Plan	Volume	Folio
Land				

Proprietor Name:

Address:

Grounds for Sale

Amount outstanding

Sale:

Place:

Date/Time:

Action for avoiding sale:

(note 9)

1. Payment of amount outstanding. This amount is all money that is a charge on the land, together with all costs relating to the registration of the statutory charge or to the proposed sale. For the purpose of ascertaining this amount, contact
Tel.
2. Any other action proposed by the claimant that the registered proprietor may take to avoid the sale of land under the charge shall be set out. Any query shall be directed to Name Address
..... Tel

.....
Signature of claimant
Print Name
Address
.....
.....
Tel.

(notes 3,8)

Real Property Regulations

on (date).....
in the presence of.....

.....
(notes 4,5,6)

.....
Correct for the purposes of the
Real Property Act (note 7)

SCHEDULE OF NOTES

1. Upon the expiration of 28 days after the service of this notice the person entitled to the benefit of the statutory charge over the described land intends to exercise the power of sale pursuant to the charge.
2. This notice must be typed or completed in ink or biro.
3. This notice can be made by a lawyer or agent if the Registrar-General is satisfied that the lawyer or agent is acting under authority.
4. After witnessing the signing of the notice, witnesses shall legibly write, type or stamp their names and contact addresses and telephone numbers below their signatures.
5. Persons who may witness this notice are Commissioners of Oaths, persons holding office under the *Supreme Court Act, Justices Act, Local Court Act* or *Registration Act*.
6. Documents may be witnessed in a place outside the Northern Territory by any person qualified to do so in that place under the *Oaths Act*.
7. To be signed by a Practitioner of the Supreme Court of the Northern Territory, a Licensed Conveyancing Agent or by the applicant.
8. If this notice is to be signed by a corporate body it is to be authenticated by or on behalf of that corporate body in any manner permitted by law.
9. The purpose of this provision is to inform the registered proprietor of the means by which a sale of the land may be avoided. Consideration should be given to the nature of the statutory charge when advising a registered proprietor pursuant to this provision.

Real Property Regulations

"FORM 58

Section 142A(2)
Regulation 6

NORTHERN TERRITORY OF AUSTRALIA

NOTICE OF EXERCISE OF POWER
OF SALE PURSUANT TO
STATUTORY CHARGE

A Council, entitled to the benefit of a statutory charge serves on the registered proprietor this notice of exercise of power of sale pursuant to the charge.

(notes 1,2,3)

Location	Parcel	Plan	Volume	Folio
Land				

Proprietor Name:

Address:

Grounds for Sale

Amount outstanding

Sale:

Place:

Date/Time:

Action for avoiding sale:

(notes 2, 10)

1. Payment of amount outstanding at least 7 working days before the time fixed for the sale. The amount is all money that is a charge on the land, together with all costs relating to the registration of the statutory charge or to the proposed sale. For the purpose of ascertaining this amount, contact Tel..... at least 10 working days prior to the proposed sale.
2. Any other action proposed by the Council, that the registered proprietor may take to avoid the sale of land under the charge shall be set out. Any query shall be directed to Name Address Tel

.....
 (signed) on behalf of
 Council
 Print Name
 Address

 Tel.

(Notes 4,9)

Real Property Regulations

on (date)
in the presence of

.....
(Notes 5,6,7)

.....
Correct for the purposes of the
Real Property Act
(note 8)

SCHEDULE OF NOTES

1. Upon the expiration of 28 days after the service of this notice the person entitled to the benefit of the statutory charge over the described land intends to exercise the power of sale pursuant to the charge.
2. If all monies that are a charge on the land, together with all costs relating to the registration of the overriding statutory charges are paid or a satisfactory arrangement is entered into at least 7 working days before the time fixed for the sale, the sale shall be cancelled.
3. This notice must be typed or completed in ink or biro.
4. This notice can be made by a lawyer or agent if the Registrar-General is satisfied that the lawyer or agent is acting under authority.
5. After witnessing the signing of the notice, witnesses shall legibly write, type or stamp their names and contact addresses or telephone numbers below their signatures.
6. Persons who may witness this notice are Commissioners of Oaths, persons holding office under the *Supreme Court Act*, *Justices Act*, *Local Court Act* or *Registration Act*.
7. Notices may be witnessed in a place outside the Northern Territory by any person qualified to do so in that place under the *Oaths Act*.
8. To be signed by a Practitioner of the Supreme Court of the Northern Territory, a Licensed Conveyancing Agent or by the applicant.

Real Property Regulations

9. If the notice is to be signed by a corporate body it is to be authenticated by or on behalf of that corporate body in any manner permitted by law..
 - 10 The purpose of this provision is to inform the registered proprietor of the means by which a sale of the land may be avoided. Consideration should be given to the nature of the statutory charge when advising a registered proprietor pursuant to this provision.
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Real Property Regulations

"FORM 59

Regulation 6(1)(d)

NORTHERN TERRITORY OF AUSTRALIA

NOTICE OF EXERCISE OF
POWER OF SALE PURSUANT
TO STATUTORY CHARGE

The claimant, a person entitled to the benefit of a statutory charge, serves on the person who has a registered interest in the land described below, this notice of exercise of power of sale pursuant to the charge.

(notes 1,2)

Location	Parcel	Plan	Volume	Folio
Land				

Person who has a registered interest in the land Name:

Address:

Details of interest:

Grounds for sale:
Amount outstanding:

Auction:
Place:
Date/Time:

Action for avoiding sale: (note 9)

1. Payment of amount outstanding. This amount is all money that is a charge on the land, together with all costs relating to the registration of the statutory charge or to the proposed sale. For the purpose of ascertaining this amount, contact Tel
2. Any other action proposed by the claimant that the person who has a registered interest may take to avoid the sale of land under the charge shall be set out. Any query shall be directed to Name Address Tel

.....
Signature of claimant
Print Name:.....
Address:.....
Tel:.....

(notes 3,8)

Real Property Regulations

on (date)
in the presence of
.....
(notes 4,5,6)

Correct for the purposes of the
Real Property Act (note 7)

SCHEDULE OF NOTES

1. Upon the expiration of 28 days after the service of this notice the person entitled to the benefit of the statutory charge over the land described intends to exercise the power of sale pursuant to the charge.
 2. This notice must be typed or completed in ink or biro.
 3. This notice can be made by lawyer or agent if the Registrar-General is satisfied that the lawyer or agent is acting under authority.
 4. After witnessing the signing of the notice witnesses shall legibly write, type or stamp their names and contact addresses or telephone numbers below their signatures.
 5. Persons who may witness this notice are Commissioners of Oaths, persons holding office under the *Supreme Court Act, Justices Act, Local Court Act* or *Registration Act*.
 6. Notices may be witnessed in a place outside the Northern Territory by any person qualified to do so in that place under the *Oaths Act*.
 7. To be signed by a Practitioner of the Supreme Court of the Northern Territory, a Licensed Conveyancing Agent or by the applicant.
 8. If the document is to be signed by a corporate body it is to be authenticated by or on behalf of that corporate body in any manner permitted by law.
 9. The purpose of this provision is to inform the person who has a registered interest in the land of the means by which a sale of the land may be avoided. Consideration should be given to the nature of the statutory charge when advising pursuant to this provision.
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Real Property Regulations

"FORM 60

Section 142A(4) (a)

NORTHERN TERRITORY OF AUSTRALIA

NOTICE OF EXERCISE OF POWER OF SALE PURSUANT TO STATUTORY CHARGE

The claimant, a person entitled to the benefit of a statutory charge, serves on the Registrar-General this notice of exercise of power of sale pursuant to the charge.

(note 1)

Location	Parcel	Plan	Volume	Folio
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Land

Proprietor Name:

Address:

Grounds for Sale

Amount outstanding

Sale:

Place:

Date/Time:

.....
 Signature of Claimant
 Print Name
 Address

 Tel.
 (notes 2,7)
 on (date).....
 in the presence of

 (notes 3,4,5)

.....
Registered on At

.....
Correct for the purposes of the
Real Property Act (note 6)

SCHEDULE OF NOTES

1. This notice is lodged as an original only and must be typed or completed in ink or biro. This notice must be accompanied with a copy of the notice served on the registered proprietor pursuant to section 142A(2) and copies of notices sent to persons who have a registered interest in the land pursuant to Regulation 6(1)(d).
 2. This notice can be made by a lawyer or agent if the Registrar-General is satisfied that the lawyer or agent is acting under authority.
 3. After witnessing the signing of this notice, witnesses shall legibly write, type or stamp their names and contact addresses or telephone numbers below their signatures.
 4. Persons who may witness this notice are Commissioners of Oaths, persons holding office under the *Supreme Court Act*, *Justices Act*, *Local Court Act* or *Registration Act*.
 5. Notices may be witnessed in a place outside the Northern Territory by any person qualified to do so in that place under the *Oaths Act*.
 6. To be signed by a Practitioner of the Supreme Court of the Northern Territory, a Licensed Conveyancing Agent or by the applicant.
 7. If this notice is to be signed by a corporate body it is to be authenticated by or on behalf of that corporate body in any manner permitted by law.
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Real Property Regulations

"FORM 61

Section 48A(1)

NORTHERN TERRITORY OF AUSTRALIA

APPLICATION TO REGISTER STATUTORY CHARGE

The applicant, a person entitled to the benefit of a statutory charge, applies to have a statutory charge on the land described, recorded in the Register pursuant to the grounds set out below.

(note 1)

Register Volume Folio Location Parcel Plan Unit

Applicant:

Address for the service of notices:

Details of statutory charge:

..... Signature of applicant

Print Name

Address

.....

Tel.

(notes 2,7)

on (date)

in the presence of

.....

(notes 3,4,5)

..... Registered on At

..... Correct for the purposes of the Real Property Act. (note 6)

SCHEDULE OF NOTES

1. The application is lodged as an original only and shall be typed or completed in ink or biro.
 2. This application can be made by a lawyer or agent if the Registrar-General is satisfied that the lawyer or agent is acting under authority.
 3. After witnessing the signing of the application, the witness shall legibly write, type or stamp his or her name and contact address or telephone number below the signature.
 4. Persons who may witness this application are Commissioners of Oaths, persons holding office under the *Supreme Court Act*, *Justices Act*, *Local Court Act* or *Registration Act*.
 5. Applications may be witnessed in a place outside the Northern Territory by any person qualified to do so in that place under the *Oaths Act*.
 6. To be signed by a Practitioner of the Supreme Court of the Northern Territory, a Licensed Conveyancing Agent or by the applicant.
 7. If the application is to be signed by a corporate body it is to be authenticated by or on behalf of that corporate body in any manner permitted by law.
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Real Property Regulations

"FORM 62

Section 143(2)

NORTHERN TERRITORY OF AUSTRALIA

CANCELLATION OF THE
REGISTRATION OF
STATUTORY CHARGE

The applicant, a person registered as being entitled to the benefit of a statutory charge on the land described below and which charge has been spent, applies to the Registrar-General for the cancellation of the charge.

(note 1)

Location	Parcel	Plan	Volume	Folio
Land				
Proprietor Name:				
Address:				
Details of statutory charge:				

.....
Signature of applicant

Print Name

Address

Tel

(notes 2,7)

on (date).....

in the presence of

.....
(notes 3,4,5)

.....
Registered on At .

.....
Correct for the purposes of the
Real Property Act (note 6)

SCHEDULE OF NOTES

1. This application shall be lodged as an original only and must be typed or completed in ink or biro.
 2. This application can be made by a lawyer or agent if the Registrar-General is satisfied that the lawyer or agent is acting under authority.
 3. After witnessing the signing of the application, witnesses shall legibly write, type or stamp their names and contact addresses or telephone numbers below their signatures.
 4. Persons who may witness this document are Commissioners of Oaths, persons holding office under the *Supreme Court Act*, *Justices Act*, *Local Court Act* or *Registration Act*.
 5. Applications may be witnessed in a place outside the Northern territory by any person qualified to do so in that place under the *Oaths Act*.
 6. To be signed by a Practitioner of the Supreme Court of the Northern territory, a Licensed Conveyancing Agent or by the applicant.
 7. If the application is to be signed by a corporate body it is to be authenticated by or on behalf of that corporate body in any manner permitted by law.
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Real Property Regulations

"FORM 63

Section 143(3)

NORTHERN TERRITORY OF AUSTRALIA

APPLICATION TO REMOVE
A STATUTORY CHARGE
OR ENCUMBRANCE FROM
THE REGISTER

The applicant, a person who has a registered interest in the land described below that has been subject, for more than 5 years, to a registered *statutory charge or encumbrance, applies to the Registrar-General for the removal of the *charge or encumbrance.

(note 1)

Location	Parcel	Plan	Volume	Folio
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Land

Proprietor Name:

Address:

Details of *statutory charge
or encumbrance :

(original) Date of registration: (note 2)

.....
Signature of applicant
Print Name
Address
Tel
(notes 3,8)
on (date).....
in the presence of

.....
(notes 4, 5, 6)

.....
Registered on At

.....
Correct for the purposes of the
Real Property Act. (note 7)

* delete which ever is inapplicable.

SCHEDULE OF NOTES

1. This application is lodged as an original only and must be typed or completed in ink or biro.
2. The owner's copy of the certificate as to title to the land must be included with the application.
3. This application can be made by a lawyer or agent if the Registrar-General is satisfied that the lawyer or agent is acting under authority.
4. After witnessing the signing of the application, witnesses shall legibly write, type or stamp their names and contact addresses or telephone numbers below their signatures.
5. Persons who may witness this document are Commissioners of Oaths, persons holding office under the *Supreme Court Act*, *Justices Act*, *Local Court Act* or *Registration Act*.
6. Applications may be witnessed in a place outside the Northern Territory by any person qualified to do so in that place under the *Oaths Act*.
7. To be signed by a practitioner of the Supreme Court of the Northern Territory, a Licensed Conveyancing Agent or by the applicant.
8. If the application is to be signed by a corporate body it is to be authenticated by or on behalf of that corporate body in any manner permitted by law.

NOTE : THIS APPLICATION MAY CEASE TO HAVE EFFECT IF A PERSON, WHO IS ENTITLED TO THE BENEFIT OF A REGISTERED STATUTORY CHARGE OR ENCUMBRANCE ON THE LAND, OBJECTS TO THE PROPOSED REMOVAL OF THE CHARGE OR ENCUMBRANCE FROM THE REGISTER IN ACCORDANCE WITH SECTION 143(3) OF THE REAL PROPERTY ACT.

THE APPLICANT WILL BE ADVISED ACCORDINGLY.

Real Property Regulations

"FORM 64

Section 143(3)

NORTHERN TERRITORY OF AUSTRALIA

OBJECTION TO THE
REMOVAL OF A STATUTORY
CHARGE OR ENCUMBRANCE

The applicant, a person entitled to the benefit of a statutory charge or encumbrance, serves on the Registrar-General this notice of objection to the removal of the *statutory charge or encumbrance on the land described below.

(notes 1,2)

Location	Parcel	Plan	Volume	Folio
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Land

Proprietor Name:

Address:

Details of
*Statutory charge
or encumbrance:

.....
Signature of applicant
Print. Name
Address
.....
.....

Tel.
(notes 3,8)

on (date).....
in the presence of
.....
(notes 4,5,6)

.....
Registered on At

.....
Correct for the purposes of the
Real Property Act (note 7)

* delete which ever inapplicable

SCHEDULE OF NOTES

1. The notice of objection shall be served on the Registrar-General within 28 days, after the applicant has been notified by the Registrar-General of the intention to remove the statutory charge or encumbrance from the Register.
2. The notice is lodged as an original only and must be typed or completed in ink or biro.
3. This notice can be made by a lawyer or agent if the Registrar-General is satisfied that the lawyer or agent is acting under authority.
4. After witnessing the signing of this application witnesses shall legibly write, type or stamp their names and contact addresses or telephone numbers below their signatures.
5. Persons who may witness this document are Commissioners of Oaths, persons holding office under the *Supreme Court Act, Justices Act, Local Court Act or Registration Act*.
6. Applications may be witnessed in a place outside the Northern Territory by any person qualified to do so in that place under the *Oaths Act*.
7. To be signed by a Practitioner of the Supreme Court of the Northern Territory, a Licensed Conveyancing Agent or by the applicant.
8. If the application is to be signed by a corporate body it is to be authenticated by or on behalf of that corporate body in any manner permitted by law.