

1990 - No. 490

REAL PROPERTY ACT 1900 - REGULATION

(Relating to searches and fees)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Real Property Act 1900, has been pleased to make the Regulation set forth hereunder.

I. R. CAUSLEY

Minister for Natural Resources.

Commencement

1. This Regulation commences on 30 July 1990.

Amendments

2. The Real Property Act Regulations 1970 are amended:
 - (a) by omitting Regulation 40 (1) (a) and by inserting instead the following paragraph
 - (a) be made in a manner approved by the Registrar-General;
 - (b) by omitting Regulation 40 (2) and by inserting instead the following clause:
 - (2) The requisition may be lodged personally, by post, by facsimile or by other means approved by the Registrar-General.
 - (c) by omitting from Regulation 41 (1) the words "on a form provided for the purpose by the Registrar-General" and by inserting instead the words "in a manner approved by the Registrar-General";

- (d) by omitting Regulation 41 (2) and by inserting instead the following clause:
 (2) The requisition may be lodged personally, by post, by facsimile or by other means approved by the Registrar-General.
- (e) by omitting from Regulation 45 (1) (b) the words "therefor, other than a requisition made by post or a requisition requiring despatch of the information by post, is" and by inserting instead the words "for information which does not require dispatch by post, facsimile or other means approved by the Registrar-General, is";
- (f) by omitting from Regulation 45 (1) (c) the words "therefor made by post, or a requisition requiring despatch of the information by post, is" and by inserting instead the words "for information requiring dispatch of information by post, facsimile or other means approved by the Registrar-General, is";
- (g) by omitting Schedule 3 and by inserting instead the following Schedule:

SCHEDULE 3

		(Reg. 48)
<i>Copies</i>		
		\$
1. On lodgment of application for a certified copy of any registered instrument or part of it affecting land under the provisions of the Act		47.00
And, in addition, if the application is received by post:		
(i) for each application if no more than 20 instruments or any part of them are to be copied		8.00
(ii) for the first 100 instruments or any part of that number if more than 20 instruments or any part of them are to be copied pursuant to that application		16.00
(iii) for each 100 instruments or any part of that number after the first 100 instruments if more than 100 instruments or any part of them are to be copied pursuant to that application		16.00

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| 2. | For supplying a copy, available from the Departmental Copy Services, of a document or part of a document pursuant to Regulation 45 (1) (b) (i), (ii) or (iii) | \$

3.50 |
|----|---|----------------|

And, in addition, in the case of a document containing 20 or more pages, or if an application is made for multiple copies of a document containing 10 or more pages, such reasonable fee determined by the Registrar-General as is warranted by the cost incurred in preparing the copy or copies.

Advertisements

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| 3. | On advertisement of application to bring land under the Act, possessory application or application for order for foreclosure, such fee as the Registrar-General determines having regard to the cost of the advertisement. | |
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Production of Documents

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| 4. | For each grant, certificate of title, duplicate registered dealing or other document produced for the purpose of any application, request, dealing or plan to be subsequently lodged | 12.00 |
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Applications, Requests and Dealings

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| 5. | On lodgment of application to bring land under the Act | 80.00 |
| 6. | On lodgment of any application, request or dealing for which no fee is otherwise provided | 47.00 |
| 7. | On lodgment of an application or request for amendment of a folio of the Register, Crown grant or certificate of title | 47.00 |

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7 A On lodgment of an application for the determination under Part 14A of the Act of the position of the common boundary of adjoining lands	100.00
7B. On lodgment of a request under section 135J of the Act for referring a matter to the Land and Environment Court for determination of the position of a boundary of land	360.00
<i>Caveats</i>	
8. On lodgment or recording of caveat	47.00
9. On lodgment or withdrawal or partial withdrawal of private caveat pursuant to section 74M (1) of the Act	47.00
10. On lodgment of request for withdrawal or partial withdrawal of Registrar-General's caveat (no fee is payable for withdrawal or partial withdrawal of Registrar-General's caveat consequent upon lodgment and registration of a dealing)	47.00
11. On lodgment of request for the Registrar-General to direct service of notice on caveator pursuant to section 74N (1) (e) of the Act	47.00
12. On lodgment of application for preparation of notice for service on caveator pursuant to section 74C (3), 74I (1) or (2) or 74J (1) of the Act	47.00
13. On lodgment of notice of change of name of caveator or of address for service of notice on caveator	47.00

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<i>Orders of Court</i>	
14. On lodgment or service of an order or injunction restraining the bringing of land under the Act, or registration of a dealing	47.00
15. On lodgment or service or written notice being given of any Order of Court not otherwise provided for	47.00
<i>Sealing of Forms</i>	
16. For examination and sealing of any dealing which is required by any Act to be in the approved form and is not sealed with the seal of the Registrar-General	47.00
17. On lodgment of request for sealing a printed form	47.00
And, in addition, for every 100 forms or any part of that number to be sealed	6.00
18. For licensing any person to print approved forms sealed with the seal of the Registrar-General in accordance with a specimen form approved by the Registrar-General	56.00
<i>Official Searches</i>	
19. On requisition for official search of a manual folio of the Register (whether or not requiring the continuation of a search from the date of a previous search of that folio or the date of a prior certificate of result of search)	40.00
And, in addition, for each half-hour or part of a half-hour occupied in the search after the first hour	25.00
<i>Searches of Computer Folios of the Register</i>	
20. On lodgment of a requisition for a computer folio certificate, final search of computer folio or search of historical record	3.50

\$

Searches pursuant to Regulation 45 (1) (c)

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| 21. On lodgment of a requisition for information contained in the Register pursuant to Regulation 45 (1) (c): | |
| (a) for an initial search of a folio of the Register including investigation as to title reference, a copy of the relevant folio and the transmission fee | 25.00 |
| And, in addition, for inclusion in the initial search of any additional document forming part of the Register (per document) | 3.50 |
| (b) for a final search of a folio of the Register including a copy of the search and the transmission fee | 16.00 |
| (c) for providing copies of a folio or dealing if no investigation as to title reference is required including a copy of the folio or dealing and the transmission fee | 16.00 |
| And, in addition, for inclusion of each additional document required | 3.50 |
| (d) for an historical search of a folio of the Register including a copy of the search and the transmission fee | 16.00 |
| (e) for providing copies of an instrument or a plan only including a copy of the document and the transmission fee | 16.00 |

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And, in addition, for inclusion of each additional document required	3.50
(f) for supplying documents by facsimile transmission if no transmission cost is included in the initial fee and for supplying additional documents or copies, for each sheet:	
(i) within the Sydney telephone area covered by the 02 code	1.00
(ii) outside the Sydney telephone area but within New South Wales	1.20
(iii) outside New South Wales	2.00

Searches Generally

22. In the case of a requisition for an official search of a manual folio, a computer folio certificate, final search of computer folio or search of historical record which, in the opinion of the Registrar-General, is a search for which the scale of fees is not appropriate, such reasonable fee determined by the Registrar-General, in negotiation with the requesting party, as is warranted by the cost incurred in preparing the search.

Certificates of Title

23. For the issue of a certificate of title on any request or application if an existing grant or certificate of title is capable of containing further endorsements and would otherwise have remained fully current 47.00

Plans

24. On lodgment for registration or recording of a plan other than a plan prepared solely for the purpose of placing survey information on public record 220.00

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And, in addition, for each lot, allotment or portion shown or separately defined on the plan	47.00
And, if the plan is accompanied by an instrument referred to in Regulation 33 in which only 1 easement or only 1 restriction on the use of land or only 1 positive covenant is identified, irrespective of the number of lots burdened or benefited, an additional	47.00
And, if the plan is accompanied by an instrument referred to in Regulation 33 in which the combined number of easements, restrictions on the use of land or positive covenants is 2 or more, an additional	94.00
And, if the plan is lodged for the purpose of consolidation - for each folio of the Register to be consolidated, an additional	12.00
And, if a plan lodged in connection with an application to bring land under the Act includes land already under the Act and a consolidated folio of the Register is to be created - for each folio to be consolidated, an additional	12.00
25. For recording of a plan prepared solely for the purpose of placing survey information on public record	47.00
26. For re-investigating a plan if survey information has been added to an original compiled plan as a result of a requisition	50.00
27. For every plan, sketch or diagram accompanying a dealing, application, request or instrument	47.00
28. For investigating plan before lodgment	220.00

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And, in addition, for each half-hour or part of a half-hour in excess of the first 4 hours occupied in the investigation	25.00
29. For preparation and supply of plan	75.00
And, in addition, for each half-hour or part of a half-hour in excess of the first hour occupied in the preparation	25.00
30. On lodgment of application for revival of a plan previously rejected or withdrawn - such fee as would be appropriate to the plan as a new lodgment.	
31. On lodgment of a substituted plan or any sheet of such a plan or an additional sheet of a plan	47.00
32. On lodgment of an instrument referred to in Regulation 33, in substitution for another such instrument or part of it - such fee as would be appropriate to the instrument as an original lodgment.	
33. On lodgment of an application to amend a plan	47.00
And, in addition, if the application involves the amendment of a folio of the Register, Crown grant or certificate of title:	
(a) for the first folio, grant or certificate	47.00
(b) for each folio, grant or certificate after the first	6.00
<i>Miscellaneous</i>	
34. On depositing an instrument declaratory of trusts or other instrument not specified	47.00
35. On lodgment of requisition for statement of grounds under section 121 of the Act	47.00

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36. On lodgment of request for the issue of a summons under section 12 of the Act	47.00
37. On lodgment of request for the issue of a notice under section 136 of the Act	47.00
38. For recording of any memorial or notification not otherwise provided for	47.00
39. On lodgment of request for delivery of document or documents pursuant to section 23A(3) (c) of the Act (no fee is payable if request is made during currency of the primary application)	12.00
40. For furnishing certificate of ownership (Local Government Act 1919 - section 622 (2)) and incorporating in it any information as to subsisting encumbrances or interests	25.00
And, in addition, for supplying each additional document forming part of the Register	3.50
41. For supplying information in response to a written inquiry as to the manner in which a proposed dealing or plan should be drawn, or whether a proposed dealing or plan should be entitled to registration, or if the inquiry necessitates any searching or investigation - a reasonable fee determined by the Registrar-General.	
42. For production of documents at Stamp Duties Office	15.00
43. On subpoena served on the Registrar-General to produce documents in the Registrar-General's custody	47.00
And, in addition, for each document in excess of 5	5.00

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And, in addition, if the Registrar-General so requires, such other expenses as are reasonably incurred in the production of the documents.	
44. For supplying computer listing of plans registered on or after 23 January 1961:	
(a) in specified Local Government areas, for each such area	73.00
(b) in specified parishes, for up to 30 parishes	133.00
And, in addition, for each additional parish after the first 30 parishes	3.00
45. For supplying computer listing of plans registered prior to 23 January 1961 in specified parishes, for the first 10 parishes	310.00
And, in addition, for each additional parish after the first 10 parishes	3.00

EXPLANATORY NOTE

The object of this Regulation is to amend the Real Property Act Regulations 1970 so as:

- (a) to make provision with respect to the making of requests for searches by telephone, facsimile or other means approved by the Registrar-General and the sending of replies by the Registrar-General by such means; and
 - (b) to increase certain charges presently payable to the Registrar-General; and
 - (c) to eliminate certain extra fees presently payable to the Registrar-General.
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