



New South Wales

# Real Property Amendment (Fees) Regulation 2001

under the

Real Property Act 1900

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Real Property Act 1900*.

KIM YEADON, M.P.,

Minister for Information Technology

## Explanatory note

The objects of this Regulation are:

- (a) to increase certain fees payable to the Registrar-General under the *Real Property Act 1900*, and
- (b) to introduce new fees for:
  - (i) the production of any Crown grant, certificate of title or other document that the Registrar-General allows to be produced by post, and
  - (ii) the lodgment of a building management statement for a building containing various lots (not being strata lots), and
- (c) to correct the description of a fee item relating to the examination and authentication of certain dealings etc to better reflect the nature of the service provided, and
- (d) to remove an obsolete fee, being the fee for licensing any person to print approved forms containing a licence number issued by the Registrar-General.

This Regulation is made under the *Real Property Act 1900*, including section 144 (the general regulation-making power) and, in particular, section 144 (1) (a).

**2001 No 488**

Clause 1                      Real Property Amendment (Fees) Regulation 2001

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**Real Property Amendment (Fees) Regulation 2001**

**1 Name of Regulation**

This Regulation is the *Real Property Amendment (Fees) Regulation 2001*.

**2 Commencement**

This Regulation commences on 1 July 2001.

**3 Amendment of Real Property Regulation 1998**

The *Real Property Regulation 1998* is amended as set out in Schedule 1.

**4 Notes**

The explanatory note does not form part of this Regulation.

## Schedule 1 Amendment

(Clause 3)

### Schedule 5

Omit the Schedule. Insert instead:

### Schedule 5 Fees

(Clause 13)

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#### Copies

|   |  |       |
|---|--|-------|
| 1 | On lodgment of an application for a certified copy of a registered instrument or part of it affecting land under the provisions of the Act—for each copy | 60.00 |
|   | In addition, if the application is received by post and:   |       |
|   | (a) no more than 20 instruments are to be copied   | 11.00 |
|   | (b) more than 20 instruments are to be copied—for the first 100 instruments or any part of that number   | 20.00 |
|   | (c) more than 100 instruments are to be copied—for each 100 instruments or any part of that number after the first 100 instruments                       | 20.00 |

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| 2 | For supplying a copy of a document or part of a document available from the Document Copy Service  | 4.00   |
|   | 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

|   |  |   |
|---|--|---|
| 3 | On advertisement, pursuant to section 12 (1) (h1) of the Act, of the intended exercise or performance of any power, authority, duty or function conferred or imposed on the Registrar-General by the Act | Such fee as the Registrar-General determines having regard to the cost of the advertisement |
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#### Production of documents

|   |  |       |
|---|--|-------|
| 4 | For each Crown grant, certificate of title or other document produced for the purpose of any application, request, dealing or plan to be subsequently lodged   | 16.50 |
| 5 | In addition, for each Crown grant, certificate of title or other document produced for the purpose of any application, request, dealing or plan to be subsequently lodged that the Registrar-General allows to be produced by post | 11.00 |

#### Applications, requests and dealings

|   |  |        |
|---|--|--------|
| 6 | On lodgment of an application to bring land under the Act  | 120.00 |
| 7 | On lodgment of an application, request or dealing for which no fee is otherwise provided                               | 60.00  |
| 8 | On lodgment of an application or request for amendment of a folio of the Register, Crown grant or certificate of title | 60.00  |

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## Amendment

## Schedule 1

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| 9  | On lodgment of an application under section 81A of the Act for the extinguishment of a restrictive covenant                             | 60.00  |
|    | In addition:  |  |
|    | (a) for each hour or part of an hour occupied in examining the application  | 100.00   |
|    | (b) for the Registrar-General's costs of serving notice under section 81D of the Act by way of registered post                          | Such fee as the Registrar-General determines having regard to the cost of posting the notice |
| 10 | On lodgment of an application under section 49 of the Act for the cancellation of an easement that has been abandoned                   | 60.00  |
|    | In addition, for each hour or part of an hour occupied in examining the application   | 100.00   |
| 11 | On lodgment of an application for the determination under Part 14A of the Act of the position of the common boundary of adjoining lands | 60.00  |
| 12 | On lodgment of a building management statement  | 60.00  |
| 13 | For every plan, sketch or diagram accompanying a dealing, application, request or instrument  | 60.00  |
| 14 | In addition, for any dealing, application or request mentioned in items 6–11 that the Registrar-General allows to be lodged by post     | 11.00  |
|    | <b>Caveats</b>  |  |
| 15 | On lodgment or recording of a caveat  | 60.00  |
| 16 | On withdrawal or partial withdrawal of a caveat pursuant to section 74M (1) of the Act  | 60.00  |

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| 17                             | On lodgment of a request for withdrawal or partial withdrawal of a Registrar-General's caveat (no fee is payable for withdrawal or partial withdrawal of a Registrar-General's caveat consequent on lodgment and registration of a dealing)                       | 60.00 |
| 18                             | On lodgment of a request for the Registrar-General to direct the manner of service of a notice on a caveator pursuant to section 74N (1) (e) of the Act   | 60.00 |
| 19                             | On lodgment of an application for preparation of a notice for service on a caveator pursuant to section 74C (3), 74I (1) or (2) or 74J (1) of the Act   | 60.00 |
| 20                             | On lodgment of a notice of a change of name of a caveator or of the address for service of a notice on a caveator   | 60.00 |
| <b>Authentication of forms</b> |   |       |
| 21                             | For examination and authentication of any dealing, application, request or caveat that is required by any Act to be in an approved form which contains departures from the approved form and which is not a form licensed by the Registrar-General, an additional | 60.00 |
| <b>Official searches</b>       |   |       |
| 22                             | On requisition for an 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 a search)                         | 60.00 |
|                                | In addition, for each half-hour or part of a half-hour occupied in the search after the first hour  | 30.00 |

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**Computer folios**

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| 23 | On the lodgment of a requisition for a computer folio certificate, final search of a computer folio or search of a historical record | 4.00 |
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**Public searches**

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| 24 | On the lodgment of a requisition requiring dispatch of information by post, facsimile or other approved means:  |       |
|    | (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              | 29.70 |
|    | In addition, for inclusion in the initial search of any additional document forming part of the Register (per document)   | 4.00  |
|    | (b) for a final search of a folio of the Register, including a copy of the search and the transmission fee  | 22.00 |
|    | (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 | 22.00 |
|    | In addition, for inclusion of each additional document required   | 4.00  |
|    | (d) for a historical search of a folio of the Register, including a copy of the search and the transmission fee   | 22.00 |
|    | (e) for providing copies of an instrument or a plan only, including a copy of the document and the transmission fee   | 22.00 |
|    | In addition, for inclusion of each additional document required   | 4.00  |
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- (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      1.10

**Searches generally**

- 25      In the case of a requisition for an official search of a manual folio, a computer folio certificate, a final search of a computer folio or a search of a historical record that, in the opinion of the Registrar-General, is a search for which the above schedule 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 carrying out the search

**Certificates of title**

- 26      For the issue of a certificate of title on any request or application      60.00

**Miscellaneous**

- 27      On depositing an instrument declaratory of trusts or other instrument not specified      60.00
- 28      On lodgment of a requisition for statement of grounds under section 121 of the Act      60.00
- 29      On lodgment of a request for the issue of a summons under section 12 of the Act      60.00
- 30      On lodgment of a request for the issue of a notice under section 136 of the Act      60.00
- 31      For recording of any memorial or notification not otherwise provided for      60.00
- 32      On lodgment of a request for delivery of a document or documents pursuant to section 23A (3) (c) of the Act (no fee is payable if the request is made during the currency of the primary application)      15.00



## Real Property Amendment (Fees) Regulation 2001

Amendment

Schedule 1

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| 33 | For furnishing a certificate of ownership ( <i>Local Government Act 1993</i> —section 700 (2)) and incorporating in it any information as to subsisting encumbrances or interests  | 30.00   |
|    | In addition, for supplying each additional document forming part of the Register   | 4.00  |
| 34 | For supplying information in response to a written inquiry as to the manner in which a proposed dealing or plan should be drawn, or as to whether a proposed dealing or plan is entitled to registration, or in response to a written inquiry that necessitates any searching or investigation | Such reasonable fee (determined by the Registrar-General) as is warranted by the cost incurred in supplying the information, searching or investigating |
| 35 | For production of documents at the Office of State Revenue   | 20.00   |
| 36 | For supplying details of lots created on the registration of a deposited plan or strata plan (within the meaning of the <i>Conveyancing (General) Regulation 1998</i> )  | 2.00  |
| 37 | In addition, for any dealing, application, request or caveat that refers to more than 20 folios of the Register  | 60.00 for each group of 20 folio references or part of that number  |

BY AUTHORITY