



Real Property Amendment (Fees) Regulation 2002

under the

Real Property Act 1900

His Excellency the Lieutenant-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 (the Act)*, and
- (b) to introduce new fees:
 - (i) for the lodgment and examination of possessory applications under section 45D of the Act, and
 - (ii) for each half-hour or part of a half-hour after the first half-hour occupied in searching the Register to fulfil a requisition for a public search under section 96J of the Act, and
 - (iii) for the furnishing of a certificate of ownership under section 151 (2) of the *Environmental Planning and Assessment Act 1979*, and
- (c) to remove certain additional fees:
 - (i) for the supply of certified copies of registered instruments, where the application for the copies is made by post, and
 - (ii) for the supply of a copy of a document containing 20 or more pages or multiple copies of a document containing 10 or more pages, and
 - (iii) for the lodgment or production of documents by post, and
 - (iv) for the supply of documents by facsimile transmission (where no transmission cost was included in the initial fee) and for the supply of additional documents or copies, and

2002 No 842

Real Property Amendment (Fees) Regulation 2002

Explanatory note

(d) to remove obsolete fees, being fees for final searches of a computer folio.

These fee increases take account of the annual increase in the Consumer Price Index.

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).

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Real Property Act 1900

1 Name of Regulation

This Regulation is the *Real Property Amendment (Fees) Regulation 2002*.

2 Commencement

This Regulation commences on 1 December 2002.

3 Amendment of Real Property Regulation 1998

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

2002 No 842

Real Property Amendment (Fees) Regulation 2002

Schedule 1 Amendment

Schedule 1 Amendment

(Clause 3)

Schedule 5

Omit the Schedule. Insert instead:

Schedule 5 Fees

(Clause 13)

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Copies

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| 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 | 62.00 |
| 2 | For supplying a copy of a document or part of a document available from the Document Copy Service | 4.00 |

Advertisements

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| 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

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| 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 |
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Applications, requests and dealings

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| 5 | On lodgment of an application to bring land under the Act | 124.00 |
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6	On lodgment of an application under section 45D of the Act by a person in possession of land to be recorded as proprietor of an estate or interest in that land	62.00
	In addition, for each hour or part of an hour occupied in examining the application	103.00
7	On lodgment of an application, request or dealing for which no fee is otherwise provided	62.00
8	On lodgment of an application or request for amendment of a folio of the Register, Crown grant or certificate of title	62.00
9	On lodgment of an application under section 81A of the Act for the extinguishment of a restrictive covenant	62.00
	In addition:	
	(a) for each hour or part of an hour occupied in examining the application	103.00
	(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	62.00
	In addition, for each hour or part of an hour occupied in examining the application	103.00
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	62.00

2002 No 842

Real Property Amendment (Fees) Regulation 2002

Schedule 1 Amendment

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12	On lodgment of a building management statement (within the meaning of the <i>Conveyancing Act 1919</i>)	62.00
13	For every plan, sketch or diagram accompanying a dealing, application, request or instrument	62.00
Caveats		
14	On lodgment or recording of a caveat	62.00
15	On withdrawal or partial withdrawal of a caveat pursuant to section 74M (1) of the Act	62.00
16	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)	62.00
17	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	62.00
18	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	62.00
19	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	62.00
Authentication of forms		
20	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	62.00

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Official searches

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| 21 | 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) | 62.00 |
| | In addition, for each half-hour or part of a half-hour occupied in the search after the first hour | 31.00 |

Computer folios

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| 22 | On the lodgment of a requisition for a computer folio certificate or search of a historical record | 4.00 |
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Public searches

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| 23 | 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 | 34.10 |
| | In addition, for each half-hour or part of a half-hour occupied in the search after the first half-hour | 34.10 |
| | In addition, for inclusion in the initial search of any additional document forming part of the Register (per document) | 4.00 |
| | (b) 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 |

2002 No 842

Real Property Amendment (Fees) Regulation 2002

Schedule 1 Amendment

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(c) for a historical search of a folio of the Register, including a copy of the search and the transmission fee	22.00
(d) 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

Searches generally

24	In the case of a requisition for an official search of a manual folio, a computer folio certificate 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
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Certificates of title

25	For the issue of a certificate of title on any request or application	62.00
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Miscellaneous

26	On depositing an instrument declaratory of trusts or other instrument not specified	62.00
27	On lodgment of an application for a statement of reasons under section 121 of the Act	62.00
28	On lodgment of a request for the issue of a summons under section 12 of the Act	62.00
29	On lodgment of a request for the issue of a notice under section 136 of the Act	62.00

2002 No 842

Real Property Amendment (Fees) Regulation 2002

Schedule 1 Amendment

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30	For recording of any memorial or notification not otherwise provided for	62.00
31	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
32	For furnishing a certificate of ownership (<i>Local Government Act 1993</i> —section 700 (2) or <i>Environmental Planning and Assessment Act 1979</i> —section 151 (2)) and incorporating in it any information as to subsisting encumbrances or interests	31.00
	In addition, for supplying each additional document forming part of the Register	4.00
33	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
34	For production of documents at the Office of State Revenue	20.00
35	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
36	In addition, for any dealing, application, request or caveat that refers to more than 20 folios of the Register	62.00 for each group of 20 folio references or part of that number

BY AUTHORITY