



Conveyancing (General) Amendment (Fees) Regulation 2004

under the

Conveyancing Act 1919

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Conveyancing Act 1919*.

ANTHONY BERNARD KELLY, M.L.C.,

Minister for Lands

Explanatory note

The object of this Regulation is to increase certain fees payable to the Registrar-General under the *Conveyancing Act 1919*. The increases include charging a fee:

- (a) for searching or continuing an official search of the General Register of Deeds based on a quarter-hour or part of a quarter-hour occupied in the search or continuation of the search after the first hour instead of on a half-hour or part of a half-hour after that first-hour period, and
- (b) for examining or pre-examining a plan lodged for registration or recording (other than a plan prepared solely for the purpose of placing survey information on public record) based on a quarter-hour or part of a quarter-hour occupied in the examination or pre-examination after the first 4 hours instead of on an hour or part of an hour after that 4-hour period, and
- (c) for preparing and supplying a plan based on a quarter-hour or part of a quarter-hour occupied in the preparation of the plan after the first hour instead of on an hour or part of an hour after that first-hour period, and
- (d) for examining an application for an order terminating a neighbourhood scheme based on a quarter-hour or part of a quarter-hour occupied in examining the application instead of on an hour or part of an hour.

2004 No 350

Conveyancing (General) Amendment (Fees) Regulation 2004

Explanatory note

This Regulation also:

- (a) introduces the following new fees:
 - (i) for each easement, restriction on the use of land, positive covenant or profit à prendre created, or each easement or profit à prendre released, in a section 88B instrument accompanying a plan,
 - (ii) for each quarter-hour or part of a quarter-hour after the first quarter-hour occupied in the preparation of a certificate of ownership under section 700 (2) of the *Local Government Act 1993* or section 151 (2) of the *Environmental Planning and Assessment Act 1979*, and
- (b) itemises fees for the supply of copies of documents in the custody of the Registrar-General (other than certified copies) according to the means of delivery of the copies, and
- (c) removes the fee for supplying a copy of a document or part of a document and conducting searches for writs, orders and legal proceedings in response to a telephone request (these services are no longer available by telephone).

This Regulation is made under the *Conveyancing Act 1919*, including section 202 (the general regulation-making power) and, in particular, section 202 (1) (d).

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under the

Conveyancing Act 1919

1 Name of Regulation

This Regulation is the *Conveyancing (General) Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Conveyancing (General) Regulation 2003

The *Conveyancing (General) Regulation 2003* is amended as set out in Schedule 1.

2004 No 350

Conveyancing (General) Amendment (Fees) Regulation 2004

Schedule 1 Amendment

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Fees

(Clauses 4, 5, 6, 12, 21, 22, 41, 42 and 43)

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Registration in the General Register of Deeds

1	For each registration, or renewal or vacation of registration, of any writ, order or legal proceeding made under Division 2 of Part 23 of the Act	20.00
2	For each registration of a crop or wool lien or a stock mortgage, or any other instrument relating to such liens or mortgages, made under the <i>Liens on Crops and Wool and Stock Mortgages Act 1898</i>	20.00
3	For each registration of a bill of sale, or any other instrument relating to a bill of sale, made under the <i>Bills of Sale Act 1898</i>	20.00
4	For removal of a caveat in relation to a bill of sale	20.00
5	For registration under Division 5 of Part 6 of the Act of a memorandum containing provisions that are capable of being covenants that may be included in a bill of sale, crop or wool lien or stock mortgage	20.00
6	For recording or registering any instrument not otherwise provided for in this Schedule	71.00

Conveyancing (General) Amendment (Fees) Regulation 2004

Amendment

Schedule 1

		\$
7	On request for preparation of a registration copy of an instrument or part of an instrument	10.00 for up to 4 pages, and then 10.00 for each additional 4 pages or part of that number
	In addition, for preparation of the copy	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved
 Copies		
8	For supplying a copy of a document or part of a document (other than a certified copy) in the custody of the Registrar-General:	
	(a) to any person attending an office of the Department of Lands	10.00
	(b) by electronic means to any agent licensed by the Department of Lands	4.50
	(c) to any person by some other means	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in providing the service
9	On lodgment of an application for a certified copy of a document or part of a document in the custody of the Registrar-General	75.00
	In addition, if a copy is prepared by a photocopying process	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in preparing the copy

2004 No 350

Conveyancing (General) Amendment (Fees) Regulation 2004

Schedule 1 Amendment

\$

10	In the case of a requisition for a copy available to any person attending an office of the Department of Lands that, in the opinion of the Registrar-General, is a request for a copy 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 providing the copy
11	On lodgment of an application for a copy of a document in the custody of the Registrar-General, other than a certified copy or a copy available to any person attending an office of the Department of Lands	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in preparing the copy
12	For supplying a copy (other than a certified copy) of a document in response to a facsimile request	22.00
	In addition, for a copy of each additional document required	10.00
Official searches (General Register of Deeds)		
13	On requisition for a search, or the continuation of a search, from the date of the prior certificate of result of the search (including the office copy certificate of the result of a search or the continuation of the search)	200.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in the search or continuation of the search after the first hour	50.00
14	On request for a copy of an official search	75.00
Search for writs, orders or legal proceedings		
15	For a search against each name (other than a search in response to a facsimile request)	10.00

Conveyancing (General) Amendment (Fees) Regulation 2004

Amendment

Schedule 1

	\$	
16	For a search in response to a facsimile request, in respect of a search for 1 or 2 names	22.00
	In addition, for a search of each additional name in excess of 2	10.00
Plans		
17	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	800.00
	In addition, for each quarter-hour or part of a quarter-hour in excess of the first 4 hours occupied in the examination of the plan	50.00
	In the case of land the subject of a community, precinct or neighbourhood plan under the <i>Community Land Development Act 1989</i> :	
(a)	for each additional sheet in excess of 4	75.00
(b)	for the management statement accompanying the community, precinct or neighbourhood plan, including any associated plans or sketches	150.00
(c)	for any development contract accompanying the community, precinct or neighbourhood plan	150.00
	In addition, for each lot, allotment or portion shown or separately defined on the plan	80.00
	And, if the plan is accompanied by a section 88B instrument, for each easement, restriction on the use of land, positive covenant or profit à prendre to be created, irrespective of the number of lots burdened or benefited, an additional	75.00

2004 No 350

Conveyancing (General) Amendment (Fees) Regulation 2004

Schedule 1 Amendment

	\$
And, if the plan is accompanied by a section 88B instrument, for each easement or profit à prendre to be released, irrespective of the number of lots burdened or benefited, an additional	75.00
And, if the plan is accompanied by a building management statement, an additional	150.00
And, if the plan is lodged for the purpose of consolidating 2 or more folios of the Register kept under the <i>Real Property Act 1900</i> —for each folio of the Register to be consolidated, an additional	15.00
And, if a plan lodged in connection with an application to bring land under the <i>Real Property Act 1900</i> includes land already under that Act and a consolidated folio of the Register kept under that Act is to be created—for each folio to be consolidated, an additional	15.00
18 On lodgment of an additional or replacement sheet in conjunction with an application to amend a registered community, precinct or neighbourhood plan under the <i>Community Land Development Act 1989</i>	75.00
19 For recording a plan prepared solely for the purpose of placing survey information on public record	75.00
20 For examining a plan if survey information has been added to an original compiled plan as a result of a requisition	75.00
21 For pre-examination of a plan	880.00
In addition, for each quarter-hour or part of a quarter-hour in excess of the first 4 hours occupied in the examination of the plan	55.00
22 For preparation and supply of a plan	200.00

Conveyancing (General) Amendment (Fees) Regulation 2004

Amendment

Schedule 1

		\$
	In addition, for each quarter-hour or part of a quarter-hour in excess of the first hour occupied in the preparation of the plan	50.00
23	On lodgment of an application for revival of a plan previously rejected or withdrawn	Such fee as would be appropriate to the plan as a new lodgment
24	On lodgment of a substituted plan or any sheet of such a plan or an additional sheet of a plan	75.00
25	On lodgment of a section 88B instrument in substitution for another such instrument or part of such instrument	Such fee as would be appropriate to the instrument as an original lodgment
26	On lodgment of an application to amend a plan	75.00
	In addition, if the application involves the amendment of a Crown grant, a certificate of title or a folio of the Register kept under the <i>Real Property Act 1900</i> :	
	(a) for the first grant, certificate or folio	75.00
	(b) for each subsequent grant, certificate or folio	10.00
27	On lodgment of an application for an order terminating a neighbourhood scheme under section 72 of the <i>Community Land Development Act 1989</i>	75.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application	50.00

2004 No 350

Conveyancing (General) Amendment (Fees) Regulation 2004

Schedule 1 Amendment

		\$
Miscellaneous		
28	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))	50.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in preparing the certificate of ownership after the first quarter-hour	50.00
29	On depositing a document or documents pursuant to section 64 of the Act	22.00
	In addition, for each document in excess of 4	3.30
30	On application for return of a document or documents deposited pursuant to section 64 of the Act	22.00
	In addition, for each document in excess of 4	3.30
31	For inspection of a packet containing a document or documents deposited pursuant to section 64 of the Act	22.00
32	For production of documents at the Office of State Revenue	20.00
33	On request for entry of a marginal note evidencing a discrepancy between an original instrument and a registered copy of the instrument	75.00

BY AUTHORITY