

LA303*

Transfer of Land Act 1893

Transfer of Land Amendment Regulations (No. 3) 2005

Made by the Commissioner of Titles with the approval of the Governor in Executive Council.

1. Citation

These regulations are the *Transfer of Land Amendment Regulations (No. 3) 2005*.

2. Commencement

These regulations come into operation on 4 July 2005 or on the first Monday after the day on which they are published in the *Gazette*, whichever is the later.

3. The regulations amended

The amendments in these regulations are to the *Transfer of Land Regulations 2004**.

[* *Published in Gazette 2 September 2004, p. 3831.*

For amendments to 3 June 2005 see Gazette 27 May 2005.]

4. Regulation 5A inserted

After regulation 5 the following regulation is inserted —

“

5A. Priority processing of certain documents

- (1) If the person lodging a transfer, mortgage, discharge of mortgage, withdrawal of caveat, survivorship

application, or enduring power of attorney, pays the fee in Schedule 1 Division 7 for priority processing, the document will be given priority for attention by the Registrar over other documents that do not relate to the land to which the document relates, subject to this regulation.

- (2) A person cannot request priority processing for a document referred to in subregulation (1) if —
- (a) more than 4 of such documents are lodged simultaneously;
 - (b) the document is connected to any land in relation to which there is a document lodged previously on which processing has not been completed;
 - (c) the document and any other lodged document connected with it relate to more than 5 lots;
 - (d) the document is lodged simultaneously with a document that is not referred to in subregulation (1); or
 - (e) the document is lodged simultaneously with an enduring power of attorney.
- (3) If the fee for priority processing is paid in respect of a document referred to in subregulation (1) and a requisition is raised on the document, the document ceases to have priority for attention unless a further fee for priority processing is paid in respect of it.

”.

5. Regulation 6 amended

- (1) Regulation 6(2c) is repealed.
- (2) Regulation 6(3) is amended by deleting “, (2b) and (2c)” and inserting instead —
“ and (2b) ”.

6. Regulation 7 amended

Regulation 7 is amended as follows:

- (a) by inserting before “The inspection” the subregulation designation “(1)”;
- (b) by inserting at the end of the regulation the following subregulation —

“

- (2) Subregulation (1) does not prevent any of the information referred to in section 239(1) of the Act that can be inspected by means of a computer from outside the business premises of the Registrar from being inspected by those means at any time.

”.

7. Schedule 1 amended

- (1) Schedule 1 is amended in the third column as follows:
- (a) by deleting "\$79" in each place it occurs and in each place inserting instead —
" \$80 ";
 - (b) in Division 1 item 4 by deleting "\$89" and inserting instead —
" \$90 ";
 - (c) in Division 1 item 4 by deleting "\$109" and inserting instead —
" \$110 ";
 - (d) in Division 2 items 2(a)(i) and 3(a) by deleting "\$183" in each place it occurs and in each place inserting instead —
" \$178 ";
 - (e) in Division 2 items 2(a)(ii), 3(b) and 4 by deleting "\$130" in each place it occurs and in each place inserting instead —
" \$124 ";
 - (f) in Division 2 item 2(b) by deleting "\$51" and inserting instead —
" \$48 ";
 - (g) in Division 2 item 5(a) and Division 3 item 2 by deleting "\$39.50" in each place it occurs and in each place inserting instead —
" \$40 ";
 - (h) in Division 4 item 5 by deleting "\$158" and inserting instead —
" \$160 ";
 - (i) in Division 6 item 22 by deleting "\$1.40" and inserting instead —
" \$2.20 ".
- (2) Schedule 1 Division 7 item 2 is amended by deleting "plan, diagram" and inserting instead —
" deposited plan ".
- (3) Schedule 1 Division 7 item 6(b) and "\$50" opposite it are deleted and the following is inserted instead —
- “
- (b) on any other document —
 - (i) if the requisition is complied with and this fee is paid before 5.00 p.m. on the business day following the day on which the requisition is issued \$35
 - (ii) otherwise \$60
- ”.

(4) After Schedule 1 Division 7 item 14 the following item is inserted —

“

- 15. For the priority processing of a transfer, mortgage, discharge of mortgage, withdrawal of caveat, or survivorship application, or not more than 4 of such documents if lodged together, or of an enduring power of attorney, subject to regulation 5A \$30

”.

(5) Schedule 1 Division 8 is repealed.

JOHN GLADSTONE
Commissioner of Titles

Approved by the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
