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**LAND**

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LA301\*

Transfer of Land Act 1893

**Transfer of Land Amendment Regulations 2006**

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 2006*.

**2. Commencement**

These regulations come into operation on 3 July 2006 or the first Monday after the day on which they are published in the *Gazette*, whichever is 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. 3829-46.  
For amendments to 1 June 2006 see *Western Australian Legislation Information Tables for 2005*, Table 4, p. 423-4.]

**4. Schedule 1 amended**

- (1) Schedule 1 is amended in the shoulder clause by deleting “, (2c)”.
- (2) Schedule 1 Division 1 is amended as follows:
  - (a) in items 1 to 11 by deleting “\$80” in each place where it occurs and inserting instead —  
“ \$82 ”;
  - (b) in item 4 —
    - (i) by deleting “\$90” and inserting instead —  
“ \$92 ”;
    - (ii) by deleting “\$110” and inserting instead —  
“ \$112 ”.

## (3) Schedule 1 Division 2 is amended as follows:

- (a) in items 1 and 6 to 10 by deleting “\$80” and inserting instead —  
“ \$82 ”;
- (b) by deleting items 2, 3 and 4 and inserting the following items instead —

“

## 2. Of a deposited plan —

## (a) general fee —

- (i) if approval of Western Australian Planning Commission is required ..... \$184
- (ii) if approval of Western Australian Planning Commission is not required .... \$128

- (b) for each lot (including any lot shown on an inset on the plan) other than a lot vesting in the Crown under the *Planning and Development Act 2005* section 152 ..... \$50

## 3. Of a replacement deposited plan for a certified correct deposited plan —

- (a) if approval of Western Australian Planning Commission is required ..... \$184
- (b) if approval of Western Australian Planning Commission is not required ..... \$128

## 4. Of a replacement deposited plan for a deposited plan in respect of which a requisition has been raised prior to preparation of Western Australian Planning Commission’s prints ..... \$128

”;

- (c) in item 5 by deleting “\$40” and inserting instead —  
“ \$41 ”.

## (4) Schedule 1 Division 3 is amended as follows:

- (a) in item 1 by deleting “\$80” and inserting instead —  
“ \$82 ”;
- (b) in item 2 by deleting “\$40” and inserting instead —  
“ \$41 ”.

## (5) Schedule 1 Division 4 is amended as follows:

- (a) in items 1 to 4 and 6 by deleting “\$80” and inserting instead —  
“ \$82 ”;
- (b) in item 2 by deleting “*Town Planning and Development Act 1928* section 20A(1)” and inserting instead —  
“ *Planning and Development Act 2005* section 152 ”;
- (c) in item 5 by deleting “\$160” and inserting instead —  
“ \$164 ”.

- (6) Schedule 1 Division 5 item 1 is amended by deleting “\$80” and inserting instead —  
“ \$82 ”.
- (7) Schedule 1 Division 6 is amended as follows:
- (a) in items 1, 6(a), 7(a), 13, 16, 19 and 21(b)(iii) by deleting “\$6” and inserting instead —  
“ \$6.50 ”;
  - (b) in items 2 to 5, 6(b), 7(b), 8 to 11, 14, 15, 17, 18 and 20 by deleting “\$12” and inserting instead —  
“ \$13 ”;
  - (c) in item 12 by deleting “\$1.40 per page” and inserting instead —  
“  
fee as assessed by  
the Registrar, not  
exceeding actual  
cost  
”.
- (8) Schedule 1 Division 7 is amended as follows:
- (a) in items 1, 3, 4, 5 and 8 by deleting “\$80” in each place where it occurs and inserting instead —  
“ \$82 ”;
  - (b) in item 2, after paragraph (b) by deleting the row of dots and inserting instead —  
“  
; or  
(c) the provision of consultancy services relating  
to project planning and project conveyancing ...  
”;
  - (c) in item 6(b)(i) by deleting “\$35” and inserting instead —  
“ \$41 ”;
  - (d) in item 6(b)(ii) by deleting “\$60” and inserting instead —  
“ \$62 ”;
  - (e) in items 7 and 10 by deleting “actual cost” and inserting instead —  
“  
fee as assessed by  
the Registrar, not  
exceeding actual  
cost  
”.

(f) by deleting item 12 and inserting instead —

“

12. Amendment of a deposited plan resulting in a new version (including excision, addition or amendment of lots, easements and interests, notifications table and lodged layer updates) .....\$42  
plus, if deposited plan has been certified correct and is to be forwarded to Western Australian Planning Commission ..... \$56

”

## 5. Schedule 3 amended

- (1) Schedule 3 Forms 1, 2 and 3 are deleted and the following Forms are inserted instead —

“

### 1. Application to register property (seizure and sale) order

FORM A10

WESTERN AUSTRALIA

TRANSFER OF LAND ACT 1893 AS AMENDED.

### APPLICATION TO REGISTER PROPERTY (SEIZURE AND SALE) ORDER

(INCORPORATING STATUTORY DECLARATION)

SALEABLE INTEREST	DESCRIPTION OF LAND (Note 3)	EXTENT	VOLUME	FOLIO
DESCRIPTION (Note 1)				
REGISTRATION NUMBER (Note 2)				

APPLICANT (JUDGMENT CREDITOR) (Note 4)

--

JUDGMENT DEBTOR (Note 5)

--

REGISTERED PROPRIETOR OF THE SALEABLE INTEREST (Note 6)

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In accordance with section 133(2) of the Transfer of Land Act 1893, the Applicant hereby applies to register \_\_\_\_\_ Court Order Ref No: \_\_\_\_\_ dated \_\_\_\_\_. A copy of that order certified as a true copy by the Sheriff or a Deputy Sheriff accompanies this application (see Instruction 2 and Note 7).

Has a Suspension Order been made? **YES** / **NO** (*delete whichever is inapplicable*) If yes, an original sealed copy is filed herewith (see Instruction 3).

SIGNATURE OF, OR ON BEHALF OF, JUDGMENT CREDITOR (NOTE 8)

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**STATUTORY DECLARATION**

I / We \_\_\_\_\_

(Note 9) jointly and severally **sincerely declare as follows** —

1. I am / We are the JUDGMENT CREDITOR / SOLICITOR FOR THE JUDGMENT CREDITOR / \_\_\_\_\_ OF THE JUDGMENT CREDITOR and am / are duly authorised to make this declaration and above application on behalf of the Judgment Creditor (Note 10) referred to in the attached Property (Seizure and Sale) Order.
2. The judgment debtor as shown in this Property (Seizure and Sale) Order is one and the same person as the proprietor of the saleable interest referred to in the above-mentioned Certificate(s) of Title.
3. The judgment to which this Property (Seizure and Sale) Order relates has not been satisfied.

**This declaration is true and I/we know that it is an offence to make a declaration knowing that it is false in a material particular.**

This declaration is made under the Oaths, Affidavits and Statutory Declarations Act 2005

at \_\_\_\_\_ (place) on \_\_\_\_\_ (date)

Signature of declarant  
in the presence of —

Signature of declarant  
in the presence of —

Signature of authorised witness

Signature of authorised witness

Print in full name, address and qualification  
of witness

Print in full name, address and qualification  
of witness

*THIS FORM INCORPORATES A STATUTORY  
DECLARATION.*

**INSTRUCTIONS**

1. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.
2. A copy of the property (seizure and sale) order certified by the Sheriff or a Deputy Sheriff must accompany this application.
3. If a suspension order has been made, an original sealed copy must also accompany this application.

**NOTES**

1. **DESCRIPTION OF SALEABLE INTEREST**  
Show Fee Simple, Leasehold, Mortgage, Charge, Lease or as the case may be.
2. **REGISTRATION NUMBER OF SALEABLE INTEREST**  
If Fee Simple, leave blank. If any other interest, enter registration number of the primary document when saleable interest was registered.
3. **DESCRIPTION OF LAND**  
Lot and Diagram/Plan/Strata/Survey-Strata Plan number or Location name and number to be stated.  
Extent - Whole, part or balance of the land comprised in the Certificate of Title to be stated.  
The Volume and Folio or Crown Lease number to be stated.
4. **APPLICANT**  
State the full name of the judgment creditor as shown on the property (seizure and sale) order and the address to which future Notices can be sent.
5. **JUDGMENT DEBTOR**  
State full name of the judgment debtor as shown on the property (seizure and sale) order.
6. **REGISTERED PROPRIETOR OF THE SALEABLE INTEREST**  
State full name and address of the judgment debtor as shown on the certificate of title.
7. **DETAILS OF PROPERTY (SEIZURE & SALE) ORDER**  
Show the jurisdiction of the court, reference number and date of the order.

**OFFICE USE ONLY****APPLICATION**

LODGED BY

ADDRESS

PHONE No.

FAX No.

REFERENCE No.

ISSUING BOX No.

PREPARED BY

ADDRESS

PHONE No.

FAX No.

INSTRUCT IF ANY DOCUMENTS ARE  
TO ISSUE TO OTHER THAN LODGING  
PARTY

TITLES, LEASES, DECLARATIONS  
ETC. LODGED HEREWITH

**Note:** The jurisdiction will be Supreme, District or Magistrates Court as shown on the Order.

**8. SIGNATURE OF OR ON BEHALF OF JUDGMENT CREDITOR**

To be signed in the appropriate place(s) by the person(s) completing the application and statutory declaration.

**9. DEPONENT(S)**

Full name, place of abode and occupation to be stated. If there is only one deponent delete "we" and "we are" and the reference to "jointly and severally" from the statutory declaration.

If there are two or more deponents, delete "I" and "I am" from the statutory declaration.

If there are more than two deponents an Additional Sheet (Form B1) should be used with appropriate headings.

**10.** The statement as to authorisation is only to be deleted when the judgment creditor is the deponent(s). If a person other than the judgment creditor or solicitor for the judgment creditor is the deponent and signing the application, then insert the capacity of the person making the declaration, eg. director, secretary, employee (named position), attorney or person empowered by legislation to sign on behalf of the judgment creditor. Otherwise, delete as appropriate.

**11. EXECUTION OF STATUTORY DECLARATION**

The declarant's signature is required to be witnessed by a person capable of taking declarations, eg. solicitor, school teacher, medical practitioner, justice of the peace, police officer, bank manager, pharmaceutical chemist, State or Commonwealth public servant. The witness should state their address and qualification.

1. _____	Received Items
2. _____	
3. _____	Nos.
4. _____	
5. _____	Receiving Clerk
6. _____	

Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.

EXAMINED

**2. Application to register an order extending the sale period in a property (seizure and sale) order**

FORM A11

WESTERN AUSTRALIA

TRANSFER OF LAND ACT 1893 AS AMENDED.

**APPLICATION TO REGISTER AN ORDER EXTENDING THE SALE PERIOD IN A PROPERTY (SEIZURE AND SALE) ORDER**  
(Note 1)

PROPERTY (SEIZURE  
AND SALE) ORDER  
NUMBER (Note 2)

DESCRIPTION OF LAND (Note 3)

EXTENT

VOLUME

FOLIO

--

--

--

--

--

APPLICANT (JUDGMENT CREDITOR) (Note 4)

--

JUDGMENT DEBTOR as shown in the Order (Note 5)

--

REGISTERED PROPRIETOR OF THE SALEABLE INTEREST as shown on the certificate of title (Note 6)

--

In accordance with section 133(16) of the Transfer of Land Act 1893, the Applicant hereby applies to register an order extending the sale period under the above-mentioned Property (Seizure and Sale) Order.

This application is accompanied by an original sealed copy of \_\_\_\_\_ Court Extension Order dated \_\_\_\_\_ (see Instruction 2) \_\_\_\_\_ (show jurisdiction).

PERIOD OF EXTENSION (Note 7)

--

EXECUTION BY JUDGMENT CREDITOR OR SOLICITOR FOR JUDGMENT CREDITOR (Note 8)

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#### **INSTRUCTIONS**

1. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.
2. An original sealed copy of an order extending the property (seizure and sale) order must accompany this application.

#### **NOTES**

##### **1. PROPERTY (SEIZURE AND SALE) ORDER**

In this form the above term includes "Writ of Fieri Facias" and "Local Court warrant of execution".

##### **2. PROPERTY (SEIZURE & SALE) ORDER NUMBER**

Show the document number of the property (seizure & sale) order.

##### **3. DESCRIPTION OF LAND**

Lot and Diagram/Plan/Strata/Survey-Strata Plan number or Location name and number to be stated.

Extent - Whole, part or balance of the land comprised in the Certificate of Title to be stated.

The Volume and Folio or Crown Lease number to be stated.

##### **4. APPLICANT**

State the full name of the judgment creditor as shown in the property (seizure and sale) order and the address to which future Notices can be sent.

#### **OFFICE USE ONLY**

#### **APPLICATION**

LODGED BY

ADDRESS

PHONE No.

FAX No.

REFERENCE No.

ISSUING BOX No.

PREPARED BY

ADDRESS

PHONE No.

FAX No.

**5. JUDGMENT DEBTOR**

State full name of the judgment debtor as shown on the property (seizure and sale) order.

**6. REGISTERED PROPRIETOR OF THE SALEABLE INTEREST**

State full name and address of the judgment debtor as shown on the certificate of title.

**7. PERIOD OF EXTENSION**

Show in months and days (if applicable) the length of time that the property (seizure and sale) order has been extended.

**8. APPLICANTS EXECUTION**

A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an adult person. The address and occupation of the witness must be stated.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY

TITLES, LEASES, DECLARATIONS ETC. LODGED HEREWITH

- |          |                 |
|----------|-----------------|
| 1. _____ | Received Items  |
| 2. _____ |                 |
| 3. _____ | Nos.            |
| 4. _____ |                 |
| 5. _____ | Receiving Clerk |
| 6. _____ |                 |

EXAMINED

Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.

### 3. Application to register a discharge of a property (seizure and sale) order

FORM A12

WESTERN AUSTRALIA

TRANSFER OF LAND ACT 1893 AS AMENDED.

### APPLICATION TO REGISTER A DISCHARGE OF A PROPERTY (SEIZURE AND SALE) ORDER (Note 1)

PROPERTY (SEIZURE AND SALE) ORDER

NUMBER (Note 2)

DESCRIPTION OF LAND (Note 3)

EXTENT

VOLUME

FOLIO

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APPLICANT (Note 4)

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The Applicant hereby applies for a discharge of the above order to be registered in accordance with section 133(12) of the Transfer of Land Act 1893 for the following reason: (Note 5)

- |    |   |
|----|---|
| 1. | the applicant is the judgment creditor;                     |
| 2. | the judgment to which the order relates has been satisfied; |
| 3. | the order has been cancelled by the court that issued it;   |
| 4. | the sale period has expired.                                |

*(Select one of the above options. All others to be deleted – see Instructions 2 to 4.)*

Dated this

day of

Year

EXECUTION BY APPLICANT (Note 6)

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**INSTRUCTIONS**

1. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.
2. In the case of options 2 and 3 of the Reason for Application, evidence of satisfaction / cancellation of the judgment supported by statutory declaration is to be lodged with the application.
3. In the case of option 1, the application is to be signed by all judgment creditors.
4. In the case of options 2, 3 and 4, the application can be made by any person.

**NOTES****1. PROPERTY (SEIZURE AND SALE) ORDER**

In this form the above term includes "Writ of Fieri Facias" and "Local Court warrant of execution".

**2. PROPERTY (SEIZURE & SALE) ORDER NUMBER**

Show the document number of the property (seizure & sale) order.

**3. DESCRIPTION OF LAND**

Lot and Diagram/Plan/Strata/Survey-Strata Plan number or Location name and number to be stated.

Extent - Whole, part or balance of the land comprised in the Certificate of Title to be stated.

The Volume and Folio or Crown Lease number to be stated.

**4. APPLICANT**

State the full name of the Applicant and the address to which future Notices can be sent.

**5. REASON FOR APPLICATION**

Select the appropriate option and delete the other three options by putting a single line through each of them.

**6. APPLICANT'S EXECUTION**

A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an adult person. The full name, address and occupation of the witness must be stated.

**OFFICE USE ONLY****APPLICATION****LODGED BY**

ADDRESS

PHONE No.

FAX No.

REFERENCE No.

ISSUING BOX No.

**PREPARED BY**

ADDRESS

PHONE No.

FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY

TITLES, LEASES, DECLARATIONS ETC. LODGED HEREWITH

- |          |                 |
|----------|-----------------|
| 1. _____ | Received Items  |
| 2. _____ |                 |
| 3. _____ | Nos.            |
| 4. _____ |                 |
| 5. _____ | Receiving Clerk |
| 6. _____ |                 |

Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.

EXAMINED

”

- (2) Schedule 3 Form 4 (Transfer of land under a property (seizure and sale) order) is amended by deleting the box headed “LODGED BY” and inserting instead —

“

LODGED BY
ADDRESS
PHONE No.
FAX No.
REFERENCE No.
ISSUING BOX No.

”.

- (3) Schedule 3 Form 5 (Transfer of mortgage, charge, lease etc under a property (seizure and sale) order) is amended in the box headed “TRANSFER (UNDER PROPERTY (SEIZURE AND SALE) ORDER)” by deleting “FAX No.” in the second place where it occurs.

JOHN GLADSTONE, Commissioner of Titles.

By Command of the Governor,

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

\_\_\_\_\_