

Western Australia

Transfer of Land Regulations 2004

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Western Australia

Transfer of Land Regulations 2004

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Transfer of Land Regulations 2004

1. Citation

These regulations may be cited as the *Transfer of Land Regulations 2004*¹.

2. Commencement

These regulations come into operation on 6 September 2004.

3. Requirements as to documents in paper medium

- (1) Each document presented in paper medium for lodgment with the Registrar or registration or entry in the Register —
 - (a) is to be prepared on paper of a type and quality approved by the Registrar;
 - (b) is to be clearly and legibly handwritten in ink, printed, or typewritten;
 - (c) is to have the signature of any party to the document, and that of any witness to such signature, written in ink;
 - (d) consisting of more than one page is to be bound in a manner approved by the Registrar; and
 - (e) on an approved form is to show the Registrar's approval number for the form at the top of the first page.
- (2) The Registrar may reject for lodgment, registration or entry a document in paper medium that does not comply with the Act or subregulation (1).

[Regulation 3 amended in Gazette 29 Dec 2006 p. 5915.]

4. Certificates of title for lots included in existing certificates

Where an application is made for a certificate of title for the whole or part of the land the subject of any existing certificate or certificates of title the Registrar may, if the Registrar thinks fit, instead of creating the certificate of title so applied for, create and register a certificate of title for each lot or location or for any number of lots or locations included in that land.

5. New certificate of title if old one too full for further endorsement

If the Registrar is satisfied that a certificate of title in paper medium is too full for further endorsement then the Registrar may create and register a new certificate of title.

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.

[Regulation 5A inserted in Gazette 24 Jun 2005 p. 2761-2.]

6. Fees

- (1) The fee for the registration or recording of an instrument, order or other document of a kind mentioned in an item of Schedule 1 Division 1 is the fee specified in that item in relation to that instrument, order or other document.
- (1a) The fee for the lodgment of a duplicate certificate of title, instrument, plan or other document of a kind mentioned in an item of Schedule 1 Division 2 is the fee specified in that item in relation to that duplicate certificate of title, instrument, plan or other document.
- (1b) The fee for the withdrawal of a document —
 - (a) of a kind mentioned in Schedule 1 Division 3 item 1 is the fee specified in that item;
 - (b) from registration or recording is the fee specified in Schedule 1 Division 3 item 2.
- (1c) The fee for an application of a kind mentioned in an item of Schedule 1 Division 4 is the fee specified in that item in relation to that application.
- (2) The fee for —
 - (a) the issue of a certificate of title under Schedule 1 Division 5 item 1 is the fee specified in that item;

r. 7

- (b) a certificate of a kind mentioned in Schedule 1 Division 5 item 2 is the fee specified in that item;
 - (c) a certification under Schedule 1 Division 5 item 3 is the fee specified in that item;
 - (d) the issue of a certified and sealed document under Schedule 1 Division 5 item 4 is the fee specified in that item.
- (2a) The fee for providing a service relating to a search, an inspection or the provision of a copy mentioned in an item of Schedule 1 Division 6 (including arranging postal delivery of material) is the fee specified in that item in relation to that search, inspection or provision.
- (2b) The fee for providing a service or performing a function mentioned in an item of Schedule 1 Division 7 is the fee specified in that item.
- (3) Despite subregulations (1), (1a), (1b), (1c), (2), (2a) and (2b), fees are not to be charged for the provision of a service, performance of a function or other matter specified in Schedule 2.
- (4) If the Registrar is satisfied in a particular case that it is appropriate to do so, the Registrar may waive or refund a fee payable under —
- (a) Schedule 1 Division 2 item 2; or
 - (b) Schedule 1 Division 7 item 6.

*[Regulation 6 amended in Gazette 27 May 2005 p. 2293-4;
24 Jun 2005 p. 2762.]*

7. Times for inspection of the Register and related documents

- (1) The inspection times prescribed for the purposes of section 239(1) of the Act are Mondays to Fridays (other than bank holidays or public service holidays) 8.00 a.m. to 5.00 p.m.
- (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.

[Regulation 7 amended in Gazette 24 Jun 2005 p. 2762.]

8. Modification, discharge or extinguishment of single dwelling covenants — determination of prescribed area

(1) In this regulation —

“benefited lot” means a lot that is benefited by —

- (a) the single dwelling covenant the subject of the application; or
- (b) any other single dwelling covenant;

“circle” means a notional circle that has its centre at the centre of the lot the subject of the application;

“lot” and **“single dwelling covenant”** have the same meanings as in section 129C of the Act.

(2) If there are 200 or more benefited lots inside a circle with a radius of 250 m, the prescribed area for the purposes of section 129C(1a)(a)(i) of the Act is the area within that circle.

(3) If there are —

- (a) less than 200 benefited lots within a circle with a radius of 250 m; and
- (b) no benefited lots in the area between that circle and a circle with a radius of 230 m,

the prescribed area for the purposes of section 129C(1a)(a)(i) of the Act is the area within the circle with a radius of 250 m.

(4) If subregulation (3) does not apply and there are 200 or more benefited lots inside a circle with a radius of 260 m, the prescribed area for the purposes of section 129C(1a)(a)(i) of the Act is the area within that circle.

(5) If there are —

- (a) less than 200 benefited lots within a circle with a radius of 260 m; and
- (b) no benefited lots in the area between that circle and a circle with a radius of 240 m,

the prescribed area for the purposes of section 129C(1a)(a)(i) of the Act is the area within a circle with a radius of 260 m.

- (6) If none of subregulations (2), (3), (4) and (5) apply, the prescribed area for the purposes of section 129C(1a)(a)(i) of the Act is the area within a circle with a radius of 270 m.
- (7) For the purposes of this regulation —
 - (a) the position of the centre and boundary of a circle is to be determined by a licensed surveyor (as defined in the *Licensed Surveyors Act 1909* section 3(1)) who holds a current practising certificate under that Act; and
 - (b) a lot is inside a circle if any part of the lot is inside the circle.

9. Forms

- (1) The forms set out in Schedule 3 are prescribed in relation to the matters specified in those forms.
- (2) Subject to the *Interpretation Act 1984* section 74, if a form is prescribed in relation to a matter, the matter is to be done, effected or set out in that form.
- (3) If a form is to be —
 - (a) completed by the insertion of information; or
 - (b) accompanied by information specified in the form,

that information is prescribed as the information required under the provision of the Act for the purposes of which the form is prescribed.

- (4) If a form contains directions for its preparation or completion the form is to be prepared or completed in accordance with those directions.

[Regulation 9 inserted in Gazette 15 Jul 2005 p. 3283-4.]

Schedule 1 — Fees

[r. 6(1), (1a), (1b), (1c), (2), (2a), (2b)]

[Heading inserted in Gazette 25 Jun 2007 p. 2969.]

Division 1 — Registrations and recordings

[Heading inserted in Gazette 25 Jun 2007 p. 2969.]

1.	Of a transfer of a mortgage or charge —	
	first mortgage or charge	\$85
	subsequent mortgage or charge	\$13
2.	Of a transfer if stamp duty is assessed under the <i>Stamp Act 1921</i> Second Schedule item 6 or is exempted under section 75AB or 119 of that Act before lodgment for registration, or is exempt under the Third Schedule to that Act	\$85
3.	Of a transfer of a lease, surrender, easement or restrictive covenant	\$85
4.	Of any other transfer where the value of the consideration in respect of the land or the value of the land as assessed under the <i>Stamp Act 1921</i> , whichever is the greater —	
	does not exceed \$85 000	\$85
	exceeds \$85 000 but does not exceed \$120 000	\$95
	exceeds \$120 000 but does not exceed \$200 000	\$115
	plus, for each whole or part \$100 000 above \$200 000	\$20
Note:	Where —	
	(a) stamp duty is assessed on a parcel of land; and	
	(b) transfers are lodged for parts of that parcel; and	
	(c) a separate value for each part is not allocated in the contract,	
	the fee for registering and recording the first of the transfers lodged for registration is to be assessed under item 4 on the value as assessed under the <i>Stamp Act 1921</i> of the parcel and, subject to proof of the payment of that fee, the fee for registering and recording each of the second and subsequent of the transfers is	\$85

Note: The fees specified in items 1 to 4 include the creation and registration of a new certificate of title where such certificate is required by the Registrar.

5.	Of a mortgage or charge or of a whole or partial discharge of a mortgage or charge — for each interest	\$85
6.	Of an extension of a mortgage or charge — for each interest	\$85
7.	Of a Crown lease or of a freehold lease or sub-lease or extension of a freehold lease	\$85
8.	Of a memorial or notification under any State or Commonwealth Act (unless exempted from payment under that Act)	\$85
9.	Of an order of the Supreme Court, the District Court or the Magistrates Court	\$85
10.	Of revocation of a power of attorney	\$85
11.	Of an instrument not specifically provided for in this Division	\$85

[Division 1 inserted in Gazette 25 Jun 2007 p. 2969-70.]

Division 2 — Lodgments

[Heading inserted in Gazette 25 Jun 2007 p. 2970.]

1.	Of a caveat, a power of attorney or a declaration of trust	\$85
2.	Of a deposited plan —	
	(a) general fee —	
	(i) if approval of Western Australian Planning Commission is required	\$191
	(ii) if approval of Western Australian Planning Commission is not required	\$133
	(b) for each lot (including any lot shown on an inset on the plan) other than a lot vesting in the Crown under the <i>Planning and Development Act 2005</i> section 152	\$52
3.	Of a replacement deposited plan for a certified correct deposited plan —	

Transfer of Land Regulations 2004

Schedule 1 Fees

Division 3 Withdrawals

- (a) if approval of Western Australian Planning Commission is required \$191
 - (b) if approval of Western Australian Planning Commission is not required \$133
- 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 \$133
- 5. Of a duplicate certificate of title or lease for the registration or recording of a dealing lodged by a third party —
 - (a) for the first certificate of title or lease \$42.50
 - (b) for each subsequent certificate of title or lease \$6
- 6. Of a memorandum within the meaning of section 54(1) of the Act — section 54(2) of the Act \$85
- 7. Of a form for the notification of a factor affecting the use or enjoyment of land — section 70A(1) of the Act \$85
- 8. Of an instrument for a restrictive covenant created under section 129BA of the Act — section 129BA(2)(b) of the Act \$85
- 9. Of an instrument for an easement created under Part IVA of the Act — section 136C(4) of the Act \$85
- 10. Of an instrument for a restrictive covenant created under Part IVA of the Act — section 136D(3) of the Act \$85

[Division 2 inserted in Gazette 25 Jun 2007 p. 2970-1.]

Division 3 — Withdrawals

[Heading inserted in Gazette 25 Jun 2007 p. 2972.]

- 1. Of a caveat, order of the Supreme Court, the District Court or the Magistrates Court, a memorial under the *Taxation Administration Act 2003* Part 6 Division 2 or a memorial under the *Land Tax Assessment Act 1976* section 46 that was registered before that Act was

- | | |
|---|---------|
| repealed, or any other Act or Commonwealth Act
(unless exempted from payment under that Act) | \$85 |
| 2. Of a document from registration or recording | \$42.50 |
- [Division 3 inserted in Gazette 25 Jun 2007 p. 2972.]*

Division 4 — Applications

[Heading inserted in Gazette 25 Jun 2007 p. 2972.]

- | | |
|---|-------|
| 1. For a new certificate of title in respect of undivided
shares in land — | |
| (a) for one certificate | \$85 |
| (b) for each additional certificate | \$6 |
| 2. For a new certificate of title the subject of a deposited
plan | \$85 |
| plus, for each lot shown on the deposited plan, other
than a lot that is proposed to be vested in the Crown
under the <i>Planning and Development Act 2005</i>
section 152 | \$6 |
| 3. For a new certificate of title in any other case | \$85 |
| 4. To amend certificates of title of other owners affected
by section 170 of the Act — for each certificate of title
affected | \$85 |
| 5. To serve a section 138A caveator with notice under
section 138B of the Act | \$170 |
| 6. An application in respect of any matter not specifically
provided for in this Division | \$85 |
- [Division 4 inserted in Gazette 25 Jun 2007 p. 2972.]*

Division 5 — Certificates

[Heading inserted in Gazette 25 Jun 2007 p. 2972.]

- | | |
|---|------|
| 1. For the issue of a certificate of title, either on request
or where necessary in connection with an application
or process (except where this service is included in
another fee) | \$85 |
| 2. For a certificate of ownership issued under the <i>Local
Government Act 1995</i> section 9.41 | \$60 |

Transfer of Land Regulations 2004

Schedule 1 Fees

Division 6 Inspection and/or copies of documents

3. For certification by the Registrar of a certificate of title, Crown lease, deposited plan, plan, diagram or other document \$60
4. For the issue of a certified and sealed document for the purposes of section 239B(1)(b) of the Act fee as assessed by the Registrar, not exceeding actual cost

[Division 5 inserted in Gazette 25 Jun 2007 p. 2972-3.]

Division 6 — Inspection and/or copies of documents

[Heading inserted in Gazette 25 Jun 2007 p. 2973.]

1. Search of names index — each name \$6.75
2. Inspection of a Crown lease, Crown title, permit or licence, where number is known \$13.50
3. Copy of a Crown lease, Crown title, permit or licence, where number is known \$13.50
4. Inspection of a Crown land lease where number is known \$13.50
5. Copy of a Crown land lease where number is known \$13.50
6. Inspection of a certificate of title where number is known —
 - (a) where required as a result of a check search \$6.75
 - (b) in other cases \$13.50
7. Copy of a certificate of title where number is known —
 - (a) where required as a result of a check search \$6.75
 - (b) in other cases \$13.50
8. Inspection of a plan, diagram or deposited plan \$13.50
9. Copy of a plan, diagram or deposited plan \$13.50

Transfer of Land Regulations 2004

Fees **Schedule 1**
Inspection and/or copies of documents **Division 6**

10.	Inspection of a licensed surveyor's field book	\$13.50
11.	Copy of a licensed surveyor's field book	\$13.50
12.	Copy of a plan, diagram, deposited plan, survey index plan or licensed surveyor's field book obtained by use of departmental self-service equipment	fee as assessed by the Registrar, not exceeding actual cost
13.	Inspection of the record of dealings and matters referred to in section 48A(2) or 81P of the Act, as is relevant to the case, that were endorsed on previous digital versions of a digital title, but are not endorsed on the current version of that digital title	\$6.75
14.	Inspection of other documents and related information not specifically provided for in this Division, including documents listed as subject to dealing and status reports	\$13.50 per document
15.	Copy of other documents and related information not specifically provided for in this Division, including documents listed as subject to dealing and status reports	\$13.50 per document
16.	Search for the number of a certificate of title, Crown lease, Crown title, permit or licence	\$6.75
17.	Inspection of a survey index plan	\$13.50
18.	Copy of a survey index plan	\$13.50
19.	Check search	\$6.75
20.	Search of Crown reserves database — for each reserve (including printout of hard copy)	\$13.50

Transfer of Land Regulations 2004

Schedule 1 Fees

Division 6 Inspection and/or copies of documents

21. In response to a request via a privately owned data terminal for the results of any of the following searches to be sent to that data terminal —
- (a) search of the survey lot file, strata lot file or Crown allotment file for the number of a certificate of title, Crown lease or permit \$1
 - (b) search of the names index file by —
 - (i) name —
 - (I) for up to 3 screens of information \$1
 - (II) for each additional screen of information \$0.70
 - (ii) title number \$1.30
 - (iii) check search \$6.75
 - (c) search of the power of attorney file for the number of a power of attorney document if the number is given with confirmation of the document's existence..... \$1
- Note: The fees specified in item 21 include the taking a hard copy of screen print.
22. In response to a request via a privately owned facsimile machine for the results of any search referred to in items 1 to 20 — for each request (in addition to the fees payable under items 1 to 20) \$2.30
23. For arranging the postal delivery of any material for which a fee is payable under this Schedule —
- (a) if the material is sent within Australia and is not greater than 50 grams \$9
 - (b) if the material is sent outside Australia or is greater than 50 grams \$9 plus any additional costs incurred, as assessed by the Registrar

- | | | |
|-----|--|---------|
| 24. | Search of the power of attorney file for the number of a power of attorney document (unless item 21(c) applies)..... | \$6.75 |
| 25. | Inspection of a power of attorney document where the number is known | \$13.50 |
| 26. | Copy of a power of attorney document where the number is known | \$13.50 |

[Division 6 inserted in Gazette 25 Jun 2007 p. 2973-6.]

Division 7 — Miscellaneous

[Heading inserted in Gazette 25 Jun 2007 p. 2976.]

- | | | |
|----|--|---|
| 1. | For advertising (minimum fee payable on lodgment of application, additional actual cost payable when actual cost is known) | \$85 plus actual cost above \$85 |
| 2. | For — | |
| | (a) a map or a colouring of a map on a copy of a certificate of title, Crown lease, deposited plan or other document; or | |
| | (b) drafting of a deposited plan or other document; or | |
| | (c) the provision of consultancy services relating to project planning and project conveyancing | fee as assessed by the Registrar, not exceeding actual cost |
| 3. | For dispensing with the production of a duplicate of a certificate of title or other instrument | \$85 |
| 4. | Supply of statement of grounds | \$85 |
| 5. | Order for stay of registration under section 148 of the Act | \$85 |
| 6. | For requisitions raised on — | |

Transfer of Land Regulations 2004

Schedule 1 Fees

Division 7 Miscellaneous

	(a) a deposited plan or other survey document ...	\$86
	(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	\$42.50
	(ii) otherwise	\$64
7.	For amendments made to a deposited plan or other survey document in respect of which requisitions have been raised	fee as assessed by the Registrar, not exceeding actual cost
8.	For serving a caveator with notice under section 138 or 141A of the Act — each caveat	\$85
9.	Cancellation of a plan or diagram	\$63
10.	Search of an historic tenure	fee as assessed by the Registrar, not exceeding actual cost
11.	Providing a replica of a certificate of title, plan or document registered in the State	actual cost
12.	Amendment to a deposited plan resulting in a new version including excisions, addition or amendment of lots, easements, and interests and notifications table and lodged layer updates	\$42
	if a deposited plan, plan or diagram has been certified correct and is to be forwarded to Western Australian Planning Commission, an additional fee of	\$58

13. For rejection of a document under section 192(1) of the Act 75% of the registration, recording, lodgment or application fee paid or payable on the document (rounded down to the nearest multiple of \$1)
14. For registrations and recordings under Division 1, lodgments under Division 2 and applications under Division 4 — involving more than 10 certificates or leases — each certificate or lease in excess of 10 \$6
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 \$31

[Division 7 inserted in Gazette 25 Jun 2007 p. 2976-8.]

Schedule 2 — Services and matters for which fees cannot be charged

[r. 6(3)]

[Heading amended in Gazette 27 May 2005 p. 2295.]

1. Lodgment or withdrawal of a memorial under —
 - (a) the *Local Government (Miscellaneous Provisions) Act 1960* section 412A or the *Local Government Act 1995* Schedule 6.3 clause 2; or
 - [(b) deleted]*
 - (c) the *Country Areas Water Supply Act 1947* section 12BA, 12BB or 12EA; or
 - (d) the *Environmental Protection Act 1986* section 66.
2. In respect of the transfer of loans for housing to financial institutions participating in the Home Buyers Guarantee Scheme of the State from other financial institutions, fees for the registration of a mortgage or the discharge of a mortgage, photocopy of a certificate of title, search of a deposited plan, plan, diagram or other document and photocopying or check search.
3. In respect of the lodging by a person of or the use by a third party of a duplicate certificate of title or lease for a purpose referred to in item 1 or 2.
4. To amend the address of the registered proprietor on the certificate of title.
5. An application for the issue of a Crown land title or qualified Crown land title for Crown land and an endorsement on that title of details of —
 - (a) the creation of a reserve under the *Conservation and Land Management Act 1984* section 8, 10 or 13;
 - (b) matters to which the *Marine and Harbours Act 1981* section 9 or 10 applies;
 - (c) proclamations or notices under the *Mining Act 1978*;
 - (d) a vesting in a port authority established under the *Port Authorities Act 1999*;

- (e) the declaration of a water reserve or catchment area under the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* section 13;
 - (f) a soil conservation reserve under the *Soil and Land Conservation Act 1945* section 22 or 26.
6. Creation and registration of a certificate of title by the Registrar under regulation 4 (if different from the applicant's request) or regulation 5.
 7. Lodgments by or on behalf of the Registrar.
 8. Lodgment of a dealing, deposited plan or other document by or on behalf of the Minister for Lands (other than such a lodgment by the Minister on behalf of another person).

[Schedule 2 amended in Gazette 25 Jun 2007 p. 2978.]

Schedule 3 — Forms

[r. 9]

[Heading inserted in Gazette 15 Jul 2005 p. 3284.]

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)

--

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)

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*)
by _____

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.

OFFICE USE ONLY

APPLICATION

Transfer of Land Regulations 2004
Schedule 3 Forms

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.

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

8. SIGNATURE OF OR ON BEHALF OF JUDGMENT CREDITOR

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

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

[Form 1 inserted in Gazette 7 Jul 2006 p. 2505-7.]

**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)

--

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 Court² 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.

[Form 2 inserted in Gazette 7 Jul 2006 p. 2507-9.]

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)

APPLICANT (Note 4)

DESCRIPTION OF LAND (Note 3)

EXTENT

VOLUME

FOLIO

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 3 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.

EXAMINED

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.

[Form 3 inserted in Gazette 7 Jul 2006 p. 2509-10.]

4. Transfer of land under a property (seizure and sale) order

FORM T7
WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED.

**TRANSFER OF LAND UNDER PROPERTY (SEIZURE AND SALE)
ORDER (Note 1)**

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

DESCRIPTION OF LAND (Note 3)

EXTENT

VOLUME

FOLIO

--	--	--	--	--

ESTATE AND INTEREST (Note 4)

--

LIMITATIONS, INTERESTS, ENCUMBRANCES and NOTIFICATIONS (Note 5)

--

TRANSFEROR (Note 6)

--

CONSIDERATION (Note 7)

--

TRANSFeree (Note 8)

--

Transfer of Land Regulations 2004
Schedule 3 Forms

REGISTERED PROPRIETOR / JUDGMENT DEBTOR (Note 9)

JUDGMENT CREDITOR (Note 10)

PAGE 2

The Transferor to give effect to the sale made under the said Property (Seizure and Sale) Order, for the consideration expressed herein **HEREBY TRANSFERS TO THE TRANSFEREE** the estate and interest of the registered proprietor in the above described land subject to the encumbrances shown hereon (Instruction 1 & 2).

PAGE 3

ATTESTATION SHEET

Dated this day of Year

TRANSFEROR (SHERIFF or a Deputy Sheriff) SIGN HERE (Note 11)

REQUEST FOR ISSUE / NON-ISSUE (Instruction 4)

BY SIGNING THIS PANEL, I / WE THE TRANSFEREE REQUEST THE ISSUE/ NON - ISSUE (DELETE AS REQUIRED) OF A DUPLICATE CERTIFICATE(S) OF TITLE FOR THE LAND ABOVE DESCRIBED.

Signed

Signed

TRANSFEREE/S SIGN HERE (Note 12)

THE LODGING PARTY OF THIS DOCUMENT IS AUTHORISED BY THE ABOVE NAMED TRANSFEREE TO INSTRUCT ISSUING DETAILS FOR THE DUPLICATE CERTIFICATE(S) OF TITLE.	
Signed	Signed
In the presence of	In the presence of

<u>INSTRUCTIONS</u>
<ol style="list-style-type: none"> 1. Page 2 of this document may be used if insufficient space in any section hereon; Appropriate headings should be shown. The boxed sections should only contain the words "see page...." 2. If further space is required Additional Sheet Form B1 should be used with appropriate headings. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties. 3. 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. 4. <i>If a Duplicate Certificate of Title is not required to be re-issued, or if a Duplicate Certificate of Title has not been issued previously but is required to issue subsequent to this document, the written request of the Transferee is required by signing this panel.</i>
<u>NOTES</u>
<p>1. PROPERTY (SEIZURE AND SALE) ORDER In this form the above term includes "Writ of Fieri Facias" and "Local Court² warrant of execution".</p>
<p>2. PROPERTY (SEIZURE AND SALE) ORDER NUMBER Registration number of the said Property (seizure and sale) Order to be shown.</p>
<p>3. DESCRIPTION OF LAND Lot and Diagram/Plan/Strata/Survey-Strata Plan number or Location name and number to be stated.</p>

OFFICE USE ONLY

TRANSFER
(UNDER PROPERTY (SEIZURE AND SALE) ORDER)

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

PREPARED BY
ADDRESS
PHONE No.
FAX No.

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. ESTATE AND INTEREST

State whether Fee Simple, Leasehold or as the case may be in the land being transferred. If share only, specify.

5. LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS

In this panel show (subject to the next paragraph) those limitations, interests, encumbrances and notifications affecting the land being transferred that are recorded on the certificate(s) of title:

- a) In the Second Schedule;
- b) If no Second Schedule, that are encumbrances.

(Unless to be removed by action or document before registration hereof)

Do not show any:

- a) Easement Benefits or Restrictive/Covenant Benefits; or
- b) Subsidiary interests or changes affecting a limitation, etc., that is to be entered in the panel (eg, if a lease is shown, do not show any sub-lease or any document affecting either).

The documents shown are to be identified by nature and number. The plan/diagram encumbrances shown are to be identified by nature and relevant plan/diagram.

Strata/survey-strata plan encumbrances are to be described as "Interests on strata/survey-strata plan".

If none show "nil".

6. TRANSFEROR (SHERIFF)

State name and designation e.g. Sheriff / Deputy Sheriff.

7. CONSIDERATION

If a sum of money only, to be expressed in figures and in every other case to be concisely stated in words.

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.

8. TRANSFEREE

State full name of the Transferee/Transferees (Purchaser) and the address/addresses to which future notices can be sent. If a minor, state date of birth.

If two or more state tenancy eg;

Joint Tenants, *(on the death of a joint tenant, the survivor(s) become(s) the registered proprietor(s) of the deceased's interest by applying to the Registrar of Titles),*

Tenants in Common, *(on the death of a tenant in common, their share is dealt with according to their will).*

If Tenants in Common specify shares.

9. REGISTERED PROPRIETOR / JUDGMENT DEBTOR

State full name of the Registered Proprietor / Judgment Debtor as shown on the Certificate of Title or Crown Lease.

10. JUDGMENT CREDITOR

To be described as shown in the said Property (Seizure and Sale) Order.

11. SHERIFF'S ATTESTATION

Attestation of the Sheriff or a Deputy Sheriff.

12. TRANSFEREE'S EXECUTION

Transferees must sign this panel. 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.

EXAMINED

[Form 4 inserted in Gazette 15 Jul 2005 p. 3293-97; amended in Gazette 7 Jul 2006 p. 2511.]

5. Transfer of mortgage, charge, lease etc. under a property (seizure and sale) order

FORM T8

WESTERN AUSTRALIA

TRANSFER OF LAND ACT 1893 AS AMENDED.

**TRANSFER OF MORTGAGE, CHARGE, LEASE ETC.
UNDER 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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--

NATURE & NUMBER
OF INSTRUMENT
(Note 4)

--

LIMITATIONS, INTERESTS, ENCUMBRANCES and NOTIFICATIONS (Note 5)

--

TRANSFEROR (Note 6)

--

CONSIDERATION (Note 7)

--

TRANSFeree (Note 8)

--

REGISTERED PROPRIETOR / JUDGMENT DEBTOR (Note 9)

--

JUDGMENT CREDITOR (Note 10)

--

PAGE 2

The Transferor to give effect to the sale made under the said Property (Seizure and Sale) Order, for the consideration expressed herein **HEREBY TRANSFERS TO THE TRANSFEREE** the estate and interest in respect of which the Judgment Debtor is the registered proprietor as set forth in the instrument above described subject to the encumbrances shown hereon (Instruction 1 & 2)

--

PAGE 3

ATTESTATION SHEET

Dated this	day of	Year
------------	--------	------

TRANSFEROR (SHERIFF or a Deputy Sheriff) SIGN HERE (Note 11)

--

REQUEST FOR ISSUE / NON-ISSUE (Instruction 4)

BY SIGNING THIS PANEL, I / WE THE TRANSFEREE REQUEST THE ISSUE/ NON - ISSUE (DELETE AS REQUIRED) OF A DUPLICATE CERTIFICATE(S) OF TITLE FOR THE LAND ABOVE DESCRIBED.

Signed

Signed

TRANSFEREE/S SIGN HERE (Note 12)

THE LODGING PARTY OF THIS DOCUMENT IS AUTHORISED BY THE ABOVE NAMED TRANSFEREE TO INSTRUCT ISSUING DETAILS FOR THE DUPLICATE CERTIFICATE(S) OF TITLE.

Signed

Signed

In the presence of

In the presence of

INSTRUCTIONS

1. Page 2 of this document may be used if insufficient space in any section hereon; Appropriate headings should be shown. The boxed sections should only contain the words "see page...."
2. If further space is required Additional Sheet Form B1 should be used with appropriate headings. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
3. 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.
4. *If a Duplicate Certificate of Title is not required to be re-issued, or if a Duplicate Certificate of Title has not been issued previously but is required to issue subsequent to this document, the written request of the Transferee is required by signing this panel.*

NOTES

1. **PROPERTY (SEIZURE AND SALE) ORDER**
In this form the above term includes "Writ of Fieri Facias" and "Local Court² warrant of execution".
2. **PROPERTY (SEIZURE AND SALE) ORDER NUMBER**
Registration number of the said Property (seizure and sale) Order to be shown.
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. **ESTATE AND INTEREST**
State whether Fee Simple, or as the case may be in the land being transferred. If share only, specify.

OFFICE USE ONLY

TRANSFER
(UNDER PROPERTY (SEIZURE AND SALE) ORDER)

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.

5. LIMITATIONS, INTERESTS, ENCUMBRANCES and NOTIFICATIONS

In this panel show (subject to the next paragraph) those limitations, interests, encumbrances and notifications affecting the land being transferred that are recorded on the certificate(s) of title:

- a) In the Second Schedule;
- b) If no Second Schedule, that are encumbrances.

(Unless to be removed by action or document before registration hereof)

Do not show any:

- a) Easement Benefits or Restrictive/Covenant Benefits; or
- b) Subsidiary interests or changes affecting a limitation, etc., that is to be entered in the panel (eg, if a lease is shown, do not show any sub-lease or any document affecting either).

The documents shown are to be identified by nature and number. The plan/diagram encumbrances shown are to be identified by nature and relevant plan/diagram. Strata/survey-strata plan encumbrances are to be described as "Interests on strata/survey-strata plan".

If none show "nil".

6. TRANSFEROR (SHERIFF)

State name and designation e.g. Sheriff / Deputy Sheriff.

7. CONSIDERATION

If a sum of money only, to be expressed in figures and in every other case to be concisely stated in words.

8. TRANSFEREE

State full name of the Transferee/Transferees (Purchaser) and the address/addresses to which future notices can be sent. If a minor, state date of birth.

If two or more state tenancy eg:

Joint Tenants, (*on the death of a joint tenant, the survivor(s) become(s) the registered proprietor(s) of the deceased's interest by applying to the Registrar of Titles*),

Tenants in Common, (*on the death of a tenant in common, their share is dealt with according to their will*).

If Tenants in Common specify shares.

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.

**9. REGISTERED PROPRIETOR /
JUDGMENT DEBTOR**

State full name of the Registered Proprietor /
Judgment Debtor of the mortgage, charge, lease
etc. as shown on the Certificate of Title.

10. JUDGMENT CREDITOR

To be described as shown in the said Property
(Seizure and Sale) Order.

11. SHERIFF'S ATTESTATION

Attestation of the Sheriff or Deputy Sheriff.

12. TRANSFEREE'S EXECUTION

Transferees must sign this panel. 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.

EXAMINED

*[Form 5 inserted in Gazette 15 Jul 2005 p. 3298-302; amended in
Gazette 7 Jul 2006 p. 2511.]*

Notes

¹ This is a compilation of the *Transfer of Land Regulations 2004* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Transfer of Land Regulations 2004</i>	2 Sep 2004 p. 3829-46	6 Sep 2004 (see r. 2)
<i>Transfer of Land Amendment Regulations 2005</i>	27 May 2005 p. 2293-5	27 May 2005
<i>Transfer of Land Amendment Regulations (No. 3) 2005</i>	24 Jun 2005 p. 2761-4	4 Jul 2005 (see r. 2)
<i>Transfer of Land Amendment Regulations (No. 2) 2005</i>	15 Jul 2005 p. 3283-302	15 Jul 2005
<i>Transfer of Land Amendment Regulations 2006</i>	7 Jul 2006 p. 2502-11	10 Jul 2006 (see r. 2)
Reprint 1: The <i>Transfer of Land Regulations 2004</i> as at 3 Nov 2006 (includes amendments listed above)		
<i>Transfer of Land Amendment Regulations (No. 2) 2006</i>	29 Dec 2006 p. 5915	1 Jan 2007 (see r. 2 and <i>Gazette</i> 8 Dec 2006 p. 5369)
<i>Transfer of Land Amendment Regulations 2007</i>	25 Jun 2007 p. 2968-78	r. 1 and 2: 25 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Jul 2007 (see r. 2(b))

² Under the *Courts Legislation Amendment and Repeal Act 2004* s. 10, a reference in a written law to a Local Court is, unless the contrary intention appears, to be construed as if it had been amended to be a reference to the Magistrates Court.