

REAL PROPERTY ACT 1900—REGULATION

(Relating to fees and business hours for public searches)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Real Property Act 1900, has been pleased to make the Regulation set forth hereunder.

KIM YEADON
Minister for Land and Water Conservation.

Commencement

- 1. This Regulation commences on 1 July 1995.

Amendments

- 2. The Real Property Regulation 1993 is amended:
 - (a) by omitting from clause 13 (a) the matter “4.00 p.m.” and by inserting instead the matter “4.30 p.m.”;
 - (b) by omitting Schedule 5 and by inserting instead the following Schedule:

SCHEDULE 5—FEES

(Cl. 14)

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..... 51.00
In addition, if the application is received by post and:

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(a) no more than 20 instruments are to be copied.....	8.70
(b) more than 20 instruments are to be copied—for the first 100 instruments or any part of that number	17.40
(c) more than 100 instruments are to be copied—for each 100 instruments or any part of that number after the first 100 instruments.....	17.40
2. For supplying a copy of a document or part of a document available from the Document Copy Service.....	3.90

In addition, in the case of a document containing 20 or more pages, or if an application is made for multiple copies of a document containing 10 or more pages, such reasonable fee (determined by the Registrar-General) as is warranted by the cost incurred in preparing the copy or copies.

Advertisements

3. On advertisement of an application to bring land under the Act, a possessory application or an application for an order for foreclosure, such fee as the Registrar-General determines having regard to the cost of the advertisement.

Production of Documents

4. For each grant, certificate of title, duplicate registered dealing or other document produced for the purpose of any application, request, dealing or plan to be subsequently lodged. 12.80

Applications, Requests and Dealings

5. On lodgment of an application to bring land under the Act..... 87.00
6. On lodgment of an application, request or dealing for which no fee is otherwise provided 51.00

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7. On lodgment of an application or request for amendment of a folio of the Register, Crown grant or certificate of title.....	51.00
8. On lodgment of an application for the determination under Part 14A of the Act of the position of the common boundary of adjoining lands.....	51.00
9. On lodgment of a request under section 135J of the Act or referring a matter to the Land and Environment Court for determination of the position of a boundary of land.....	512.50
10. For every plan, sketch or diagram accompanying a dealing, application, request or instrument.....	51.00
Caveats	
11. On lodgment or recording of a caveat.....	51.00
12. On lodgment or withdrawal or partial withdrawal of a caveat pursuant to section 74M (1) of the Act.....	51.00
13. 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).....	51.00
14. On lodgment of a request for the Registrar-General to direct service of a notice on a caveator pursuant to section 74N (1) (e) of the Act.....	51.00
15. 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	51.00
16. On lodgment of a notice of change of name of a caveator or of the address for service of a notice on a caveator	51.00

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Sealing of Forms

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| 17. | For examination and sealing of any dealing that is required by any Act to be in the approved form and is not sealed with the seal of the Registrar-General..... | 51.00 |
| 18. | For licensing any person to print approved forms sealed with the seal of the Registrar-General..... | 61.50 |

Official Searches

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| 19. | 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)
In addition, for each half-hour or part of a half-hour occupied in the search after the first hour..... | 51.00
25.60 |
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Computer Folios

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| 20. | On the lodgment of a requisition for a computer folio certificate, final search of a computer folio or search of an historical record..... | 3.90 |
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Public Searches

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| 21. | On the lodgment of a requisition requiring dispatch of information by post, facsimilie 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..... | 26.60 |
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In addition, for inclusion in the initial search of any additional document forming part of the Register (per document).....	3.90
(b) for a final search of a folio of the Register, including a copy of the search and the transmission fee.....	17.40
(c) 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.....	17.40
In addition, for inclusion of each additional document required.....	3.90
(d) for an historical search of a folio of the Register, including a copy of the search and the transmission fee.....	17.40
(e) for providing copies of an instrument or a plan only, including a copy of the document and the transmission fee....	17.40
In addition, for inclusion of each additional document required.....	3.90
(f) for supplying documents by facsimile transmission if no transmission cost is included in the initial fee and for supplying additional documents or copies, for each sheet:	
(i) within the Sydney telephone area covered by the 02 code	1.00
(ii) outside the Sydney telephone area but within New South Wales.....	1.20
(iii) outside New South Wales.....	2.00

\$

Searches Generally

22. In the case of a requisition for an official search of a manual folio, a computer folio certificate, a final search of a computer folio or a search of an historical record that, in the opinion of the Registrar-General, is a search for which the above scale 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.

Certificates of Title

23. For the issue of a certificate of title on any request or application where an existing grant or certificate of title is capable of containing further endorsements and would otherwise have remained fully current 51.00

Miscellaneous

24. On depositing an instrument declaratory of trusts or other instrument not specified..... 51.00
25. On lodgment of a requisition for statement of grounds under section 121 of the Act..... 51.00
26. On lodgment of a request for the issue of a summons under section 12 of the Act..... 51.00
27. On lodgment of a request for the issue of a notice under section 136 of the Act..... 51.00
28. For recording of any memorial or notification not otherwise provided for..... 51.00
29. 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)..... 12.80

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30. For furnishing a certificate of ownership (Local Government Act 1993—section 700 (2)) and incorporating in it any information as to subsisting encumbrances or interests.....	26.60
In addition, for supplying each additional document forming part of the Register	3.90
31. 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—a reasonable fee determined by the Registrar-General.	
32. For production of documents at the Office of State Revenue.....	16.40
33. For supplying a computer listing of plans registered, on or after 23 January 1961, in respect of specified local government areas, for each such area	79.00
34. For supplying a computer listing of plans registered, prior to 23 January 1961, in respect of specified parishes, for the first 10 parishes	333.00
In addition, for each additional parish after the first 10 parishes.....	3.70

EXPLANATORY NOTE

The objects of this Regulation are:

- (a) to extend by 30 minutes the time that the Land Titles Office is open to persons conducting public searches of the Register kept under the Real Property Act 1900; and
- (b) to increase certain fees payable to the Registrar-General under the Act.

This Regulation is made under the Real Property Act 1900, including sections 96B, 96J and 144 (the general regulation-making power, in particular, section 144 (1) (a)).
