TASMANIA

REGISTRATION OF DEEDS REGULATIONS 2022 STATUTORY RULES 2022, No. 96

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SCHEDULE 1 – FORMS

REGISTRATION OF DEEDS REGULATIONS 2022

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Registration of Deeds Act 1935*.

Dated 21 November 2022.

B. BAKER Governor

By Her Excellency's Command,

R. C. JAENSCH Minister for Parks

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the Registration of Deeds Regulations 2022.

2. Commencement

These regulations take effect on 28 November 2022.

Part 1 – Preliminary

3. Interpretation

(1) In these regulations –

Act means the Registration of Deeds Act 1935;

- document includes a will, letters of administration, judgement, memorandum of lis pendens, instrument and other writing required or permitted by any Act or these regulations to be
 - (a) lodged with, registered by or otherwise dealt with by, the Registrar; or
 - (b) served on the Registrar;
- photographic means means photocopying, faxing, scanning or another process that produces, whether in paper or electronic form, an exact copy of a document.
- (2) In these regulations, a reference to a form by number is a reference to the form of that number in Schedule 1.

PART 2 – REGISTRATION OF APPLICATIONS &C.

4. Requirements for applications and documents lodged under the Act

- (1) An application for registration, for the purposes of section 12(1) of the Act, is to
 - (a) be printed on one side of the page only; and
 - (b) be printed on white paper that is A4 size and of at least 80 grams of substance per square metre; and
 - (c) be printed free from discolouration and blemishes; and
 - (d) be printed with margins of not less than 10 millimetres, and not more than 20 millimetres, in width on each page; and
 - (e) be clear and legible, especially with respect to signatures, seals and plans; and
 - (f) be capable of being clearly reproduced by photocopying or digitally scanning the application; and
 - (g) be printed so that each plan contained in the application, if any, is printed in black ink without colour or edging; and
 - (h) be an original application; and

- (i) contain the full name and the complete residential or the complete workplace address of the applicant; and
- (j) be in the English language; and
- (k) be printed in permanent black or blue ink; and
- (l) have each page numbered
 - (i) to indicate the number of that page and the total number of pages lodged; and
 - (ii) above any writing, printing or plan on the page; and
- (m) be stapled together only; and
- (n) be dated.
- (2) If a document is to be lodged for registration under an application for registration, the document is to
 - (a) be printed on one side of the page only;
 - (b) be printed on white paper that is A4 size and of at least 80 grams of substance per square metre; and
 - (c) be printed free from discolouration and blemishes; and

- (d) be printed with margins of not less than 10 millimetres, and not more than 20 millimetres, in width on each page; and
- (e) be clear and legible, especially with regard to signatures, seals and plans; and
- (f) be capable of being clearly reproduced by photocopying or digitally scanning the document; and
- (g) be printed so that each plan contained in the document, if any, is printed in black ink without colour or edging; and
- (h) be an original document; and
- (i) contain, in respect of each witness, or party, to the document
 - (i) the full name of the witness or party; and
 - (ii) the complete residential or the complete workplace address of that witness or that party; and
- (j) be in the English language; and
- (k) be printed in permanent black or blue ink; and
- (l) have each page numbered
 - (i) to indicate the number of that page and the total number of pages lodged; and

- (ii) above any writing, printing or plan on the page; and
- (m) be stapled together only; and
- (n) if relevant, be signed or sealed by
 - (i) each witness to the document; and
 - (ii) each party to the document; and
- (o) be referred to, and identifiable as the annexure referred to, in the application for registration to which the document relates; and
- (p) be dated.

5. Form of application for registration

- (1) An application for registration must be in accordance with
 - (a) for an application for registration of an instrument, Form 1; or
 - (b) for an application for registration of judgment, Form 2; or
 - (c) for an application for registration of a will or letters of administration, Form 3; or
 - (d) for an application for registration of a certificate of satisfaction of a mortgage, Form 4; or

- (e) for an application for registration of a certificate of satisfaction of a judgment, Form 5; or
- (f) for an application for registration of a *lis* pendens, Form 6; or
- (g) for an application for registration of vacation of a *lis pendens*, Form 7.
- (2) An application for registration made in accordance with Form 1 or Form 3 must be accompanied by the relevant document to which that application relates.
- (3) Subject to subregulation (4), an application for registration is to be accompanied by a lodgment form, approved by the Registrar, that is clearly legible.
- (4) If more than one document forms a registrable transaction, a single lodgment form may be used to accompany all documents that form the registrable transaction.

6. Acceptance and refusal of documents

- (1) The Registrar must accept a document for lodgment if the document complies with these regulations.
- (2) Despite subregulation (1), the Registrar may accept a document for lodgment, executed before the commencement of the *Registration of Deeds Regulations 2012*, that does not comply with these regulations if the non-compliance

relates to a requirement specified in one or more of the following provisions:

- (a) regulation 4(2)(a);
- (b) regulation 4(2)(b);
- (c) regulation 4(2)(c);
- (d) regulation 4(2)(d);
- (e) regulation 4(2)(g);
- (f) regulation 4(2)(i)(ii);
- (g) regulation 4(2)(k);
- (h) regulation 4(2)(1);
- (i) regulation 4(2)(m).
- (3) The Registrar must refuse to accept a document for lodgment if the Registrar is satisfied that the document is not stamped, or not endorsed, as required under section 243(1) of the *Duties Act* 2001.

7. Registry records

For the purposes of section 12(3)(c) of the Act, the prescribed manner of making a record of an application for registration is to make a copy, by photographic means, of –

- (a) the application; and
- (b) all documents lodged with the application.

Part 2 – Registration of Applications &c.

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8. Prescribed form of letters patent

A memorial of a grant by letters patent under section 10(3) of the *Land Titles Act 1980* must be in the form of a full copy of the letters patent together with an endorsement on the memorial of a plan, if any, which describes the land affected.

PART 3 – MISCELLANEOUS

9. Index of registered documents

- (1) For the purposes of section 13 of the Act, the prescribed manner of making an index of all documents registered under the Act is by indexing the document against the name of each person who appears from the documents to be
 - (a) in the case of a document not otherwise specified in this subregulation, a party to the document; and
 - (b) in the case of a judgment, a party to the proceedings in which the judgment was given; and
 - (c) in the case of a will, the testator or a person proving the will in this State; and
 - (d) in the case of letters of administration, the deceased person or a person to whom administration is granted in this State; and
 - (e) in the case of a certificate of satisfaction of a judgment, a person against whom the judgment is registered or the person to whom money is payable by reason of the judgment; and
 - (f) in the case of a certificate of satisfaction of a mortgage, a mortgagor or mortgagee; and

- (g) in the case of a memorandum of, or an application to vacate, a *lis pendens*, a person whose land or estate is intended to be affected by that memorandum or application.
- (2) An entry in the index is to include
 - (a) information as to the nature of the document to which the entry relates; and
 - (b) the number of the application, in accordance with section 12(3)(a) of the Act, to which the entry relates; and
 - (c) the date of registration of the document to which the entry relates; and
 - (d) where the application to which the entry relates contains a description of land to be affected, so much of the description as the Registrar determines to be appropriate.
- (3) The Registrar is to
 - (a) list an entry in the index in alphabetical order of surname; and
 - (b) if the surname consists of more than one name or the Registrar is uncertain which name is the surname, determine which name is to be used as the surname.
- (4) The Registrar may use a code or abbreviation in an entry in the index.

Part 3 – Miscellaneous

10. Copies requested by the public

For section 43A(2) of the Act, a copy of a document kept by the Registry is taken to include a copy of the application for registration of the document under the Act, unless the person making the application under that section informs the Registrar that a copy of the application for registration is not required.

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SCHEDULE 1 – FORMS

Regulation 5

Form RD1	TASMANIA			
	gistration of Deeds Act	935		
	REGISTRATION OF A			
		1 IIIS I KOMENI		
To the Recorder of Title		C 1. ! - 1		
I/We apply to register the	ne instrument, particular	s of which are		
given below. Nature of instrument				
Nature of instrument				
Date of instrument			Office Use Only	
FULL NAMES of partic	es]	
Surname	Other name	s Car	acity of each party	
		a per a management		
(If space is insufficient, list				
further names on annexure)	CC 4 1 cm 6 ii			
DESCRIPTION of land as the instrument discloses the		rticulars of description	shall be supplied so far	
The Whole	em.).			
	e land last conveyed by	No		
City	Town	110.		
Street	No.			
Municipality				
Parish	Land District			
Lot No.	Plan No.	Area		
PURCHASE PRICE or	consideration for real es	tate (Fill this is as he	the error of a value	
FUNCTIASE FRICE OF	consideration for real es	tate (Fill this in only ii	i the case of a sate.)	
FULL NAME of applicant				
AND I/we, the abovenamed applicant, certify that the above-stated particulars are				
correct and that there has been no failure to comply with Part 3 of the <i>Local</i>				
Government (Building and Miscellaneous Provisions) Act 1993 in respect of the				
transaction to which this application relates.				
-	Signa	ture of above applicant	or applicant's solicitor*	
Date				
*Where a firm of solicitors acts, the full firm name must be stated.				

Form RD2	TASMANIA		
Re_{a}	gistration of Deeds Act 1935		
APPLICATION FO			
To the Recorder of Title	es.		
I/We apply to register th	ne judgment, order or decree, particulars		
of which are given below	W.		
Nature of instrument			
Date of instrument			
	son against whom judgment was	Office Use Only	
recovered, or order of			
Surname	Other names		
0 TE'41 C41 C			
2. Title of the Court:			
3. Title of proceedings:			
4. Number of proceeding	ngs:		
5. Time of the signing or entering-up of the judgment, order or decree:			
6. Sum or sums thereby recovered or secured (If there was no payment of a sum of money, a copy of the judgment, order or decree must be attached.):			
7. Full name of party to proceedings by whom, or on whose behalf, the judgment, order or decree is registered:			
Surname	Other names		
AND I/we, the abovena	med party to the proceedings, certify that the	e above-stated	
particulars are correct and that the attached copy (if any) is a full, true and correct copy			
of the document of which it purports to be a copy.			
	Signature of party registering judgment, order or dec	rec, or party's solicitor*	
Date			
*Where a firm of solicitors acts, the full firm name must be stated.			

Form RD3	TASMANIA		
`	gistration of Deeds Act 1935		
	OR REGISTRATION OF A WILL OR		
LETTER	S OF ADMINISTRATION		
To the Recorder of Title			
	ne will/letters of administration,		
particulars of which are			
PARTICULARS OF W 1. Date of will	<u>ILL</u>		
		Office Use Only	
2. Name (in full) of testa			
Surname	Other names		
3. Date of death			
4. Name (in full) of ever	y person proving the will in Tasmania		
Surname	Other names		
5. D			
5. Date of probate or of	resealing in Tasmania		
PARTICULARS OF LE	ETTERS OF ADMINISTRATION		
6. Date of the letters of	administration or of resealing in Tasmania		
7. Name (in full) of dece	ased		
Surname	Other names		
8. Date of death			
9. Name (in full) of every person to whom administration is granted in Tasmania			
Surname	Other names		
FULL NAME of applicant			
AND I/we, the abovenamed applicant, certify that the above-stated particulars are			
correct.			
	Signature of above applicant	or applicant's solicitor*	
Date	- 3	* *	
*Where a firm of solicitors acts, the full firm name must be stated.			

Form RD4	TASMANIA		
Res	gistration of Deeds Act	1935	
APPLICATION FOR REGISTRATION OF A CERTIFICATE			
OF SATISFACTION OF A MORTGAGE			
To the Recorder of Title	·S.		
I/We apply to register the certificate of satisfaction of mortgage,			
particulars of which are given below.			
CERTIFICATE OF SAT	HISFACTION OF MO	RTGAGE NO.	
			Office Use Only
FULL NAMES of mort	gagor		No. 2
Surname		Other names	
FULL NAMES of morts	gagee		***************************************
Surname			
I, the abovenamed morts	gagee herehy certify th	nat the abovemention	ed mortgage has
been:	sugee, hereby certify the	at the abovemention	ou mortgage mas
#(a) wholly satisfie	d.		
#(b) partially satisfied by the payment of the sum of:			
and it is desire	d to release therefrom	the following land:	
Description of land affect	eted:		
Land last conveyed by N	lo.		
City	Town		
Street	No.	Plan No.	
AND I/we, the abovenar	ned mortgagee, certify	that the above-stated	l particulars are
correct.			•
Data		Signature of mortgagee or	r mortgagee's solicitor*
Date	ahla		
#Delete whichever is inapplic *Where a firm of solicitors ac	ts, the full firm name must	be stated.	

Form RI		TASMANIA		
	Registration of Deeds Act 1935			
APPLICATION FOR REGISTRATION OF A CERTIFICATE OF				
SATISFACTION OF A JUDGMENT				
To the Recorder of Titles.				
I/We apply to register the certificate of satisfaction of judgment,				
particulars of which are given below.				
CERTIF	ICATE OF SAT	ГISFACTION OF Л	JDGMENT NO.	Office Use
				Only
FULL N	AME of person	against whom the ju	adgment was registered:	
S	urname		Other names	
		l		
		l		
		l		
FULL N	AME of person	s to whom the mone	y is payable under the jud	loment:
	er called the judgm		, 10 payaose mises	
Sı	urname		Other names	
		ı		
		i		
I the abo	venamed judgr	ment creditor, hereby	certify that the aboveme	ntioned
	t has been:	mont oromicor, nortes	Colliny that the account	mionoa
	wholly satisfie	d.		
#(b)	-	ied by the payment o	of the sum of:	
	And it is desired	ed to release therefro	om the following land:	
Descripti	ion of land affec	eted:		
Land last	t conveyed by N	1 0.		
City		Town		
Street		No.	Plan No.	
#(c)	partially satisf	ed by the payment of	of the sum of	being part of
(-)	the moneys du			roung part of
AND I/x	-		t the above-stated particu	lars are correct
211112 11 11	o, the juagmen	coronici, cominy the	a me above stated parties	iais are confect.
		Signature o	f judgment creditor or judgmen	nt creditor's solicitor*
Date				
	nichever is inapplic	able. ets, the full firm name mu	ist he stated	

Form RD6	TASMANIA		
	gistration of Deeds Act 1	1	
APPLICATION FOR	REGISTRATION OF A	LIS PENDENS	
To the Recorder of Titles.			
	ne memorandum of lis pe	ndens, particulars	
of which are given below			
MEMORANDUM OF I	LIS PENDENS		Office Use
			Only
FULL NAME of person	whose estate is intended	to be affected:	-
Surname		Other names	
FULL NAME of plainti	ff·		
Surname	LI.	Other names	
1. Title of the Court:			
2. Title of proceedings:			
2. Thie of proceedings.			
3. Number of proceeding	igs:		
5. Number of procedurings.			
4. Date proceedings commenced:			
5. Usual or last known place of abode or business of person whose estate is affected:			
6. DESCRIPTION of land to be affected by above proceedings:			
Land last conveyed b		ve proceedings.	
Land last conveyed t	y 110.		
City	Town		
Street	No.	Plan No.	
			ı:1
AND I/we, the abovenamed plaintiff, certify that the above-stated particulars are			
correct.			
		Signature of plaintiff or	r plaintiff's solicitor*
Date		- •	
*Where a firm of solicitors as	ote the full firm name must be	stated	

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Form RD7	TASMANIA		
Res	gistration of Deeds Act 1935		
APPLICATION FOR R	EGISTRATION OF VACATION OF LIS		
PENDENS			
To the Recorder of Title	es.		
I/We apply to register th	ne memorandum of vacation of lis		
pendens, particulars of v	which are given below.		
	VACATION OF LIS PENDENS NO.		
		Office Use Only	
FULL NAME of person	whose estate was affected:	Office Ose Omy	
Surname	Other names		
Samano	Other names		
FULL NAME of plainti	ff:	**************************************	
Surname			
I, the abovenamed plaintiff, who caused the registration of the abovementioned lis			
	ecorder of Titles to vacate the registration of	the said lis	
pendens.			
I,			
(insert full name of applicant)			
request you to record that the abovementioned lis pendens is vacated by order of the			
Supreme Court or a judge, a copy of which order is attached.			
AND I/we, the abovenamed plaintiff, certify that the above-stated particulars are			
correct.			
	Signature of plaintif	f or plaintiff's solicitor*	
Date	· •		
*Where a firm of solicitors acts, the full firm name must be stated.			

Printed and numbered in accordance with the *Rules Publication Act* 1953.

Notified in the *Gazette* on 23 November 2022.

These regulations are administered in the Department of Natural Resources and Environment Tasmania.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) make provision in respect of various matters relating to the lodgment or registration of documents under the *Registration of Deeds Act 1935*; and
- (b) are made consequentially on the repeal of the *Registration of Deeds Regulations* 2012 under section 11 of the *Subordinate* Legislation Act 1992.