

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.

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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

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- (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; 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

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- (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

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- (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

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- (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

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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)(l);
 - (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.

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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

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- (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.

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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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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*.