



Australian Capital Territory

# **Land Titles (Unit Titles) Act 1970**

**A1970-32**

**Republication No 7**

**Effective: 31 March 2008 – 31 December 2009**

Republication date: 31 March 2008

Last amendment made by A2007-25

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Land Titles (Unit Titles) Act 1970* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 31 March 2008. It also includes any amendment, repeal or expiry affecting the republished law to 31 March 2008.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Land Titles (Unit Titles) Act 1970

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Australian Capital Territory

# Land Titles (Unit Titles) Act 1970

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An Act to provide for the registration of unit titles, and for other purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Land Titles (Unit Titles) Act 1970*.

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act.

*Note 2* A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

### 3 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

### 3A Terms used in Unit Titles Act

A term defined in the *Unit Titles Act 2001* has the same meaning in this Act.

### 4 Relationship with Land Titles Act

- (1) This Act is incorporated with the Land Titles Act, and must be read as one with that Act.
- (2) A units plan and any other document lodged with the registrar-general under this Act is an instrument affecting land for the Land Titles Act.



- (3) The following documents lodged with the registrar-general under this Act or the *Unit Titles Act 2001* need not be attested by a witness (despite the Land Titles Act, section 48 (3)):

- (a) a document signed by the Minister;
- (b) an office copy of a court order.

*Note 1* Fees may be determined under the Land Titles Act, s 139 for this Act.

*Note 2* Forms may be approved under the Land Titles Act, s 140 for this Act.

## **5 Time of registration**

- (1) For the Land Titles Act and this Act, a units plan is registered when the registrar-general endorses on it the date of registration and the number allotted to it.
- (2) For the Land Titles Act and this Act, a document (other than a units plan) lodged with the registrar-general under this Act is registered when a memorial relating to the document is endorsed on or annexed to—
  - (a) the units plan; and
  - (b) for a document relating to the cancellation or amendment of the units plan—each affected lease.

## Part 2                      Registration of units plans

### 6                      Formal requirements for units plans

A units plan must be prepared in accordance with the requirements set out in schedule 1.

### 7                      Registration of units plan

- (1) The registrar-general must register a units plan on the lodgment of all of the following documents within 3 months after the day the plan is endorsed under the *Unit Titles Act 2001*, section 27:
  - (a) an application;
  - (b) the number of copies of the endorsed units plan (prepared in accordance with section 6) required by the registrar-general;
  - (c) the duplicate lease of the parcel, or the duplicate certificate of title for the parcel;
  - (d) the written consent to the registration of the units plan of everyone with a registered estate or interest in the lease of the parcel.
- (2) On the registration of the units plan, the registrar-general must give 1 copy to the person on whose behalf the documents were lodged and 1 copy to the planning and land authority.

### 8                      Effect of registration of units plan on interests in parcel

- (1) If, immediately before the registration of a units plan, a person was the registered proprietor of a mortgage of the lease of the parcel, the person is taken to be, on the registration of the units plan, the registered proprietor of a mortgage of the lease of each unit, as if—
  - (a) on the date when the memorandum creating the firstmentioned mortgage was executed, the mortgagor had been the lessee of

all the units and that memorandum had been executed by the mortgagor accordingly; and

- (b) the firstmentioned mortgage had been a mortgage of all the leases of the units and not of the lease of the parcel.
- (2) If, immediately before the registration of a units plan, a person was the registered proprietor of an easement over part of the parcel, the person is taken to be, on the registration of the units plan, the registered proprietor of an easement over so much of the land comprised in the common property and each unit as was affected by the firstmentioned easement, as if—
- (a) on the date when the memorandum creating the firstmentioned easement was executed, the lessee of the parcel on that date had been the lessee of the common property and the unit or units and that memorandum had been executed by the lessee accordingly; and
  - (b) the firstmentioned easement had been an easement over the common property or the unit or units and not over that part of the parcel.
- (3) On and after the registration of a units plan, a memorandum of mortgage mentioned in subsection (1), a memorandum of easement mentioned in subsection (2) and any other document relating to the lease of the parcel, or to such a mortgage or easement, are taken to be modified to the extent necessary to give effect to those subsections.

## **9 Easements—subdivision of dominant tenement**

- (1) This section applies if—
- (a) a units plan is registered in relation to a parcel of land; and
  - (b) immediately before the registration, an easement subsisted for the benefit of the parcel.

- (2) On and after the registration, the easement continues to subsist, as far as it is capable of doing so, for the benefit of each unit in the units plan.

## **10 Duties of registrar-general after units plan registration**

- (1) Immediately after registration of a units plan, the registrar-general must—
- (a) cancel the lease of the parcel and the duplicate lease, or the certificate of title of the parcel and the duplicate certificate; and
  - (b) issue a certificate of title for each unit to the lessee of the unit under the *Unit Titles Act 2001*, section 33; and
  - (c) issue a certificate of title for the common property to the owners corporation; and
  - (d) enter on the certificate of title for the units a memorial of any mortgage or easement to which the lease is subject under section 8; and
  - (e) enter on the certificate of title for the common property a memorial of any easement to which the lease is subject under section 8.
- (2) If there are 2 or more mortgages under subsection (1) (d), or 2 or more easements under subsection (1) (d) or (e), the memorials of the mortgages or easements must be entered so as to preserve their priority.

## **Part 3                      Registration of interests declared by owners corporations**

### **Division 3.1              Owners corporation easements**

#### **11                      Registration of easement declared by owners corporation**

- (1) The Land Titles Act, section 103B applies to the registration of an easement declared by an owners corporation under the *Unit Titles Act 2001*, section 36, subject to this section.
- (2) The lodgment of the following documents is required for the registration of the easement:
  - (a) a memorandum of easement in registrable form;
  - (b) a certificate under the *Unit Titles Act 2001*, section 109 about the resolution of the corporation declaring the easement;
  - (c) a document giving evidence of the consent to the resolution of the owners of the affected benefited and burdened estates.
- (3) If the certificate mentioned in subsection (2) (b) is endorsed by the owners of the affected benefited and burdened estates, there is no need to lodge a separate document evidencing consent (under subsection (2) (c)).

#### **12                      Extinguishment of easement declared by owners corporation**

- (1) The Land Titles Act, section 103E applies to the extinguishment of an easement following the revocation (under the *Unit Titles Act 2001*, section 36 (5)) by an owners corporation of the declaration of the easement, subject to this section.

- (2) The lodgment of the following documents is required for the extinguishment of the easement:
  - (a) a memorandum of extinguishment of easement in registrable form;
  - (b) a certificate under the *Unit Titles Act 2001*, section 109 about the resolution of the corporation revoking the easement;
  - (c) a document giving evidence of the consent to the resolution of the owners of the affected benefited and burdened estates.
- (3) If the certificate mentioned in subsection (2) (b) is endorsed by the owners of the affected benefited and burdened estates, there is no need to lodge a separate document evidencing consent (under subsection (2) (c)).

## **Division 3.2 Owners corporation charges**

### **13 Registration of charge to secure unpaid amounts**

The lodgment of the following documents is required for the registration (under the Land Titles Act, section 92) of a charge declared by an owners corporation under the *Unit Titles Act 2001*, section 67:

- (a) a memorandum of charge in registrable form;
- (b) a copy of the declaration, certified under the corporation seal to be a true copy.

### **14 Registration of discharge**

The lodgment of the following documents is required for the registration (under the Land Titles Act, section 101 (1)) of a discharge in relation to a charge the declaration of which is revoked under the *Unit Titles Act 2001*, section 68:

- (a) a discharge in registrable form;

- (b) a copy of the revocation, certified under the corporation's seal to be a true copy.

## **15 Application of Land Titles Act, div 10.3**

- (1) The following provisions of the Land Titles Act, division 10.3 apply in relation to a charge declared under the *Unit Titles Act 2001*, section 67:
- section 92 (1) and (3) (Land—how mortgaged or encumbered) (subject to section 11C of this Act)
  - section 92A (Mortgage or encumbrance—postponement of priority)
  - section 93 (1) (Mortgage or encumbrance—effect)
  - section 101 (Discharge of mortgages and encumbrances) (subject to this Act, section 11D)
  - section 101A (Variation of mortgages).
- (2) The Land Titles Act, division 10.3 does not otherwise apply in relation to the charge.

*Note* Because of this Act, s 13, s 14 and s 15, a charge over a unit declared under the *Unit Titles Act 2001*, s 67 is registrable in much the same way as a mortgage under the *Land Titles Act 1925*. However, unlike other mortgages, this registered charge does not give rise to any power of sale over the unit (see s (2) and *Unit Titles Act 2001* s 67 (5)).

## Part 4                      Cancellation and amendment of units plans

### 16                      Cancellation of units plans—registration

The registrar-general must register a cancellation authority or cancellation order on the lodgment of the authority or order while it is stated to remain in force.

*Note*      A **cancellation authority** is an authority granted by the planning and land authority for the cancellation of a units plan (see *Unit Titles Act 2001*, s 160). A **cancellation order** is a Supreme Court order authorising the cancellation of a units plan (see *Unit Titles Act 2001*, s 161A).

### 17                      Effect of cancellation of units plan

- (1) If, immediately before the registration of a cancellation authority or cancellation order, a person was the registered proprietor of a mortgage of the lease of a unit, the person is taken to be, on the registration of the authority or order, the registered proprietor of a mortgage of the share in the estate, or a mortgage of the whole estate, as the case may be (which share or estate is in this subsection called the **interest**) held by the *Unit Titles Act 2001*, section 163 (1) (a) in the person who was the lessee of the unit as if—
  - (a) on the date when the memorandum creating the firstmentioned mortgage was executed, the mortgagor had been the registered proprietor of the interest so vested and that memorandum had been executed by the mortgagor accordingly; and
  - (b) the firstmentioned mortgage had been a mortgage of the interest so vested and not of the lease of the unit.



- (2) If, immediately before the registration of a cancellation authority or cancellation order, a person was the registered proprietor of an easement over part of the common property or of a unit or units, the person is taken to be, on the registration of the authority or order, the registered proprietor of an easement over so much of the land comprised in the units plan as was affected by the firstmentioned easement, as if—
- (a) when the memorandum creating the firstmentioned easement was executed, the lessee of the common property, or the lessee or lessees of the units, had been the registered proprietor or proprietors of the estate mentioned in the *Unit Titles Act 2001*, section 162 (e), and the memorandum had been executed by the lessee or lessees accordingly; and
  - (b) the firstmentioned easement had been an easement over that land and not over that part of the common property or of the unit or units.
- (3) On and after the registration of a cancellation authority or cancellation order, a memorandum of mortgage mentioned in subsection (1), a memorandum of easement mentioned in subsection (2) and any other document relating to the lease of the common property or the relevant unit or units, or to such a mortgage or easement, are taken to be modified to the extent necessary to give effect to those subsections.

## **18 Duties of registrar-general on registration of order**

- (1) Immediately after the registration of a cancellation authority or cancellation order, the registrar-general must—
- (a) cancel the units plan; and
  - (b) cancel the certificate of title for each unit and for the common property; and

- (c) issue to a person who holds a share in the estate, or the entire estate, under the *Unit Titles Act 2001*, section 163 (1) (a) a certificate of title for that share or estate, subject to subsection (2); and
  - (d) enter on each folio of the register in relation to the certificate of title so issued a memorial of any mortgage or easement to which, by force of section 17, the lease is subject and, if it is subject to 2 or more mortgages or easements, enter the memorials in such a way as to preserve their priority.
- (2) The registrar-general may, in his or her discretion, refuse to issue a certificate of title under subsection (1) (c) to the person who was the lessee of a unit until the duplicate copy of the certificate of title for that unit has been lodged with the registrar-general.
- (3) Subsection (2) does not prevent the issue of a certificate of title if the registrar-general has dispensed with, or has been ordered by the court to dispense with, the lodgment of the document mentioned in that subsection.
- (4) The registrar-general must cancel a certificate of title lodged under subsection (2).

## **19 Amendment of units plans—registration of authorities**

- (1) The registrar-general must register any of the following authorities for the amendment of a units plan on the lodgment of the authority while it is stated to remain in force:
  - (a) an authority under the *Unit Titles Act 2001*, section 30 (Amendment of development statements after registration);
  - (b) a unit entitlement authority;
  - (c) a boundary authority.

*Note 1* A **unit entitlement authority** is an authority for the amendment of a schedule of unit entitlement (see *Unit Titles Act 2001*, s 146).

*Note 2* A **boundary authority** is an authority for a minor boundary change (see *Unit Titles Act 2001*, s 149 (boundary authority) and s 16 (minor boundary change)).

- (2) On the lodgment of an authority authorising the amendment of a units plan, the registrar-general may—
- (a) if the boundaries are changed—require, in addition, the lodgment of any stated document or diagram showing the boundaries as so changed; and
  - (b) if the schedule of unit entitlement is amended—require, in addition, the lodgment of a copy of the schedule of unit entitlement as so amended; and
  - (c) register any such document, diagram or schedule accordingly.

## 20 Registration of final building damage orders

- (1) The registrar-general must register a final building damage order of the Magistrates Court for the amendment of a units plan on lodgment of an office copy of the order.

*Note* A **final building damage order** is an order of the Magistrates Court approving the amendment of a units plan as a result of building damage or destruction (see *Unit Titles Act 2001*, s 157).

- (2) On the lodgment of an office copy of the order, the registrar-general may—
- (a) if the boundaries are changed—require, in addition, the lodgment of any stated document or diagram showing the boundaries as so changed; and
  - (b) if the schedule of unit entitlement is amended—require, in addition, the lodgment of a copy of the schedule of unit entitlement as so amended; and
  - (c) register any such document, diagram or schedule accordingly.

- (3) On registration of the order, the registrar-general must—
- (a) cancel the certificate of title and the duplicate certificate of title for any unit authorised to be eliminated; and
  - (b) make any entries on the register necessary to give effect to the order.

**21            Notice of cancellation or amendment to planning and land authority**

Immediately after the registration of an authority or order for the cancellation or amendment of a units plan, the registrar-general must give written notice of registration to the planning and land authority.

## Part 5                      Reissue of units plans

### 22                      Reissue of units plans

- (1) If the registrar-general considers it desirable, the registrar-general may reissue a registered units plan in substantively identical terms.
- (2) A reissued units plan for a parcel is taken for all purposes to be the registered units plan for the parcel.
- (3) The reissue of a units plan does not have the effect of cancelling the previous registration of the plan.

## Part 6 Termination and expiry of leases

### 23 Registration of termination of unit lease

- (1) The registrar-general, on proof to his or her satisfaction of the termination of the lease of a unit, must—
  - (a) cancel the certificate of title for the unit; and
  - (b) enter on the relevant units plan a memorial of the termination; and
  - (c) enter on the schedule of unit entitlement a memorial stating that it has effect in accordance with the *Unit Titles Act 2001*, section 170 (Effect of termination of unit lease).
- (2) The termination does not release the lessee from any liability in relation to the breach of any covenant expressed or implied in the lease.

### 24 Cancellation of memorials made under s 23

On lodgment of a notice under the *Unit Titles Act 2001*, section 171 (New unit lease), the registrar-general must register the notice and—

- (a) enter on the units plan and the schedule of unit entitlement further memorials cancelling the memorials entered under section 23; and
- (b) issue to the person named in the notice a certificate of title for the unit.

### 25 Registrar-general to enter expiry of lease in register

On the expiry of the terms of the leases of the units and the lease of the common property, the registrar-general must cancel the units plan and the certificates of title and duplicate certificates of title for the units and the common property.

## Part 7                      Miscellaneous

### 26                      **Change of address for service**

The registrar-general must register a change of address for service of an owners corporation on lodgment of a notice of the change under the *Unit Titles Act 2001*, section 78 (3).

### 27                      **Amendment of articles—registration**

The registrar-general must register an amendment of the articles of an owners corporation on the lodgment of a certificate under the *Unit Titles Act 2001*, section 109 about the special resolution authorising the amendment.

### 28                      **Appointment of administrator—registration**

The registrar-general must register an administration order of the Magistrates Court under the *Unit Titles Act 2001*, division 9.2 on the lodgment of an office copy of the order.

*Note*        An **administration order** is an order of the Magistrates Court approving the appointment or removal of an administrator of an owners corporation, or about the exercise of the functions of the administrator (see *Unit Titles Act 2001*, ss 142–144).

### 29                      **Registration of instruments granting further leases**

- (1) This section applies if the planning and land authority grants further leases under the *Planning and Development Act 2007*, section 254 (Grant of further leases) of the units and the common property forming part of the registered units plan.
- (2) On lodgment of the instruments granting the leases, the registrar-general must—
  - (a) register the instruments; and

- (b) write on the units plan the memorials necessary to show that the further leases have been granted, and the date of the end of their terms.

### **30 Withdrawal of units plan**

- (1) At any time after the lodgment with the registrar-general of an application for the registration of a units plan and before the units plan is registered, the applicant may apply in writing to the registrar-general for the withdrawal of the application for registration.
- (2) The registrar-general must, on the receipt of an application under subsection (1), endorse the application for the registration of the units plan as being withdrawn and give the applicant the documents lodged under section 7.

### **31 Trusts**

- (1) If, immediately before the registration of a units plan, the lessee of the parcel (the *former lessee*) held the lease as trustee, on registration of the units plan the former lessee holds the leases of the units in trust for the people for whom, and the purposes for which, the lease of the parcel was held.
- (2) If, immediately before the registration of a cancellation authority or cancellation order, a unit owner (the *former owner*) held the lease of the unit as trustee, on registration of the authority or order the former owner holds the share of the estate (or the entire estate) held under the *Unit Titles Act 2001*, section 163 (1) (a) (Cancellation of units plan—new lease over parcel) in trust for the people for whom, and the purposes for which, the lease of the unit was held.



**32            Delivery to registrar-general of certificates of title**

- (1) The registrar-general may, by written notice, require a person having in his or her possession, custody or control the certificate of title for a unit the lease of which has been terminated to give it, within a time specified in the notice, to the registrar-general for cancellation.
- (2) A person must not, without reasonable excuse, fail to comply with a requirement under subsection (1).

Maximum penalty: 5 penalty units.

## **Schedule 1      Formal requirements for units plans**

(see s 8)

### **Part 1.1              General**

- 1 One copy of each sheet containing a diagram or diagrams must be of good quality tracing linen or other material approved by the registrar-general and other copies and other sheets must be of good quality paper or other material approved by the registrar-general.
- 2 All sheets must be of the size known as International B4.
- 3 All sheets must be free from discolouration and blemishes.
- 4 The contents of a sheet must be written or drawn on 1 side only of the sheet.
- 5 Sheets must not be creased or folded.
- 6 The contents of a sheet must be so placed to leave a margin of at least 40mm on the left-hand side of the sheet and a margin of at least 15mm on each of the other 3 sides of the sheet.
- 7 No printing, writing or diagram (other than the reference to the sheet number) must extend into a margin on the sheet.
- 8 An alteration must be made by striking through the matter to be altered and not by rubbing, scraping or cutting the surface of the linen, paper or other material approved by the registrar-general.
- 9 All writing must be legible and in ink.
- 10 All sheets must be numbered consecutively starting with the figure 1 and on each sheet there must be stated the total number of sheets comprising the units plan.

## **Part 1.2**

### **Requirements in relation to diagrams**

- 1 Each diagram must be drawn in waterproof Indian ink.
- 2 Each diagram must be drawn to a scale sufficient to enable all details and notations to be clearly shown.
- 3 The scale to which a diagram is drawn must be expressed as a ratio combined with a graphic bar scale.
- 4 Each diagram must indicate, by an arrow or other appropriate means, the direction of North.
- 5 All linear measurements must be shown in metres and decimal fractions of a metre.
- 6 If necessary, a diagram may be started on 1 sheet and continued on a subsequent sheet and, in such a case, the diagrams must be so drawn that the complementary parts or lines on the several sheets show, when placed side by side, the complete diagram.

## **Part 1.3                      Numbering of units and unit subsidiaries**

- 1 Units must be numbered consecutively, starting with the figure 1.
- 2 A unit subsidiary must be shown as having the same number as the unit to which it is appurtenant prefixed with the letter S.
- 3 If there are 2 or more unit subsidiaries appurtenant to a unit, each of those unit subsidiaries must be distinguished by the addition of a consecutive number in brackets starting with the figure (1), thus SI (1), SI (2) and so on.

## Dictionary

(see s 2)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- document
- land
- Magistrates Court
- Minister (see s 162)
- planning and land authority
- registrar-general.

*Note 3* Terms defined in the *Unit Titles Act 2001* have the same meaning in this Act (see s 3). For example, the following terms are defined in the *Unit Titles Act 2001*, dict:

- boundary authority (see s 149)
- cancellation authority (see s 160)
- common property (see s 13)
- lease
- mortgage
- owners corporation
- parcel (see s 5)
- registered
- termination
- unit (see s 9).

***graphic bar scale*** means a set of marks on a plan, at measured distances on a line, that indicates the scale to which the plan is drawn.

***Land Titles Act*** means the *Land Titles Act 1925*.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Real Property (Unit Titles) Ordinance 1970* No 32 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

This Act was later renamed by the *Land Titles (Consequential Amendments) Act 1995* No 54.

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

#### Legislation before becoming Territory enactment

##### **Land Titles (Unit Titles) Act 1970 No 32**

notified 11 September 1970

commenced 1 February 1971 (Cwlth Gaz 1976 p 788)

as amended by

##### **Real Property (Unit Titles) Ordinance 1975 No 34**

notified 7 October 1975

commenced 27 January 1976 (Cwlth Gaz 1976 No S13)

##### **Real Property (Unit Titles) Ordinance 1976 No 19**

notified 13 May 1976

commenced 13 May 1976

##### **Ordinances Revision (Administrative Arrangements) Ordinance 1977 No 18**

notified 21 June 1977

commenced 21 June 1977

## Endnotes

3      Legislation history

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**Real Property (Unit Titles) (Amendment) Ordinance 1982 No 7**

notified 19 March 1982  
commenced 19 March 1982

**Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)  
s 1, s 2 commenced 10 May 1989 (s 2 (1))  
sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

**Legislation after becoming Territory enactment**

**Registrar-General (Consequential Provisions) Act 1993 No 64**

notified 6 September 1993  
s 1, s 2 commenced 6 September 2001  
remainder commenced 1 October 1993 (s 2 (2) and Gaz 1993 No S207)

**Real Property (Consequential Provisions) Act 1993 No 90**

notified 17 December 1993  
s 1, s 2 commenced 17 December 1993  
remainder commenced 1 January 1994 (s 2 (2) and Gaz 1993 No S270)

**Land Titles (Consequential Amendments) Act 1995 No 54**

notified 20 December 1995 (Gaz 1995 No S313)  
commenced 20 December 1996 (s 2)

**Land (Planning and Environment) (Amendment) Act (No. 3) 1996 No 85**

notified 24 December 1996  
s 1, s 2 commenced 24 December 1996  
remainder commenced 24 June 1997

**Statute Law Revision (Penalties) Act 1998 No 54 sch**

notified 27 November 1998 (Gaz 1998 No S207)  
s 1, s 2 commenced 27 November 1998 (s 2 (1))  
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)



**Land Titles Legislation Amendment Act 2000 No 82 pt 3**

notified 21 December 2000 (Gaz 2000 No S69)  
pt 3 commenced 21 December 2000 (s 2)

**Surveyors (Consequential Amendments) Act 2001 No 3 sch 1**

notified 8 March 2001 (Gaz 2001 No 10)  
s 1, s 2 commenced 8 March 2001 (IA s 10B)  
sch 1 commenced 26 July 2001 (s 2 and Gaz 2001 No 30)

**Unit Titles Consequential Amendments Act 2001 No 17 pt 2, sch 1**

notified 5 April 2001 (Gaz 2001 No 14)  
s 1, s 2 commenced 5 April 2001 (IA s 10B)  
pt 2, sch 1 commenced 5 October 2001 (s 2)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 213**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
amds 1.2600-1.2607 commenced 5 October 2001 immediately after  
Act 2001 No 17(s2 (2) and amds 1.2600-1.2607)  
pt 213 remainder (amdt 1.2599 ) commenced 12 September 2001  
(s 2 (1) and see Gaz 2001 No S65)

**Planning and Land (Consequential Amendments) Act 2002 A2002-56  
sch 3 pt 3.12**

notified LR 20 December 2002  
s 1, s 2 commenced 20 December 2002 (LA s 75 (1))  
sch 3 pt 3.12 commenced 1 July 2003 (s 2 and see Planning and Land  
Act 2002 A2002-55, s 2)

**Planning and Land Legislation Amendment Act 2003 A2003-30 sch 1  
pt 1.2**

notified LR 30 June 2003  
s 1, s 2 commenced 30 June 2003 (LA s 75 (1))  
sch 1 pt 1.2 commenced 1 July 2003 (s 2 and see Planning and Land  
Act 2002 A2002-55, s 2)

**Unit Titles Amendment Act 2005 A2005-25 sch 1**

notified LR 11 May 2005  
s 1, s 2 commenced 11 May 2005 (LA s 75 (1))  
sch 1 commenced 12 May 2005 (s 2)

## Endnotes

4 Amendment history

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### **Statute Law Amendment Act 2005 (No 2) A2005-62 sch 3 pt 3.14**

notified LR 21 December 2005

s 1, s 2 commenced 21 December 2005 (LA s 75 (1))

sch 3 pt 3.14 commenced 11 January 2006 (s 2 (1))

### **Planning and Development (Consequential Amendments) Act 2007 A2007-25 sch 1 pt 1.20**

notified LR 13 September 2007

s 1, s 2 commenced 13 September 2007 (LA s 75 (1))

sch 1 pt 1.20 commenced 31 March 2008 (s 2 and see Planning and  
Development Act 2007 A2007-24, s 2 and CN2008-1)

## 4 Amendment history

### **Name of Act**

s 1 am 1995 No 54  
sub 2001 No 17 amdt 1.1

### **Dictionary**

s 2 ins 2001 No 17 amdt 1.1  
sub A2005-62 amdt 3.140

### **Notes**

s 3 orig s 3 om 1977 No 18  
(prev s 5) am 1975 No 34; 1993 No 64; 1995 No 54; 2001  
No 17 s 4  
renum R3 LA (see 2001 No 17 s 10)  
sub A2005-62 amdt 3.140  
def *the Principal Act* om 2001 No 17 s 4  
def *Land Titles Act* ins 2001 No 17 s 4  
om A2005-62 amdt 3.140

### **Terms used in Unit Titles Act**

s 3A ins A2005-62 amdt 3.140

### **Relationship with Land Titles Act**

s 4 orig s 4 om 1975 No 34  
(prev s 6) am 1993 No 64; 2001 No 44 amdt 1.2599  
sub 2001 No 17 s 5  
renum R3 LA (see 2001 No 17 s 10)

### **Time of registration**

s 5 (prev s 7) am 1993 No 64  
sub 2001 No 17 s 5  
renum R3 LA (see 2001 No 17 s 10)

### **Registration of units plans**

pt 2 hdg sub 2001 No 17 s 5

**Formal requirements for units plans**

s 6 (prev s 8) sub 1993 No 90; 2001 No 17 s 5; 2001 No 44  
amdt 1.2600  
renum R3 LA (see 2001 No 17 s 10)

**Registration of units plan**

s 7 (prev s 9) am 1976 No 19; 1989 No 38; 1993 No 64  
sub 2001 No 17 s 5  
am 2001 No 44 amdt 1.2601, amdt 1.2602  
renum R3 LA (see 2001 No 17 s 10)  
am A2002-56 amdt 3.42

**Effect of registration of units plan on interests in parcel**

s 8 (prev s 10) am 2001 No 17 amdt 1.2-1.6  
renum R3 LA (see 2001 No 17 s 10)

**Easements—subdivision of dominant tenement**

s 9 (prev s 10A) ins 2000 No 82 s 21  
renum R3 LA (see 2001 No 17 s 10)

**Duties of registrar-general after units plan registration**

s 10 (prev 11) am 1993 No 64; 1993 No 90  
sub 2001 No 17 s 6  
am 2001 No 44 amdt 1.2603, amdt 1.2604  
renum R3 LA (see 2001 No 17 s 10)

**Registration of interests declared by owners corporations**

pt 3 hdg (prev pt 2A hdg) ins 2001 No 17 s 6  
renum R3 LA (see 2001 No 17 s 10)

**Owners corporation easements**

div 3.1 hdg (prev pt 2A div 1 hdg) ins 2001 No 17 s 6  
renum R3 LA (see 2001 No 17 s 10)

**Registration of easement declared by owners corporation**

s 11 (prev s 11A) ins 2001 No 17 s 6  
renum R3 LA (see 2001 No 17 s 10)

**Extinguishment of easement declared by owners corporation**

s 12 (prev s 11B) ins 2001 No 17 s 6  
renum R3 LA (see 2001 No 17 s 10)

**Owners corporation charges**

div 3.2 hdg (prev pt 2A div 2 hdg) ins 2001 No 17 s 6  
renum R3 LA (see 2001 No 17 s 10)

**Registration of charge to secure unpaid amounts**

s 13 (prev s 11C) ins 2001 No 17 s 6  
am 2001 No 44 amdt 1.2605, amdt 1.2606  
renum R3 LA (see 2001 No 17 s 10)

## Endnotes

4 Amendment history

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### **Registration of discharge**

s 14 (prev s 11D) ins 2001 No 17 s 6  
am 2001 No 44 amdt 1.2605, amdt 1.2606  
renum R3 LA (see 2001 No 17 s 10)

### **Application of Land Titles Act, div 10.3**

s 15 (prev s 11E) ins 2001 No 17  
renum R3 LA (see 2001 No 17 s 10)

### **Cancellation and amendment of units plans**

pt 4 hdg (prev pt 3 hdg) sub 2001 No 17 s 6  
renum R3 LA (see 2001 No 17 s 10)

### **Cancellation of units plans—registration**

s 16 (prev s 12) am 1993 No 64  
sub 2001 No 17 s 6  
renum R3 LA (see 2001 No 17 s 10)  
sub A2005-25 amdt 1.1

### **Effect of cancellation of units plan**

s 17 (prev s 13) am 1996 No 8; 2001 No 17 amdt 1.7-1.11  
renum R3 LA (see 2001 No 17 s 10); A2005-25 amdt 1.2,  
amdt 1.3

### **Duties of registrar-general on registration of order**

s 18 (prev s 14) am 1993 No 64; 1993 No 90; 1996 No 85; 2001  
No 17 amdt 1.12-1.14  
renum R3 LA (see 2001 No 17 s 10)  
am A2005-25 amdt 1.4

### **Amendment of units plans—registration of authorities**

s 19 hdg sub A2005-25 amdt 1.5  
s 19 (prev s 15) am 1993 No 64  
sub 2001 No 17 s 7  
renum R3 LA (see 2001 No 17 s 10)  
am A2005-25 amdt 1.6-1.8

### **Registration of final building damage orders**

s 20 (prev s 16) am 1993 No 64  
sub 2001 No 17 s 7  
renum R3 LA (see 2001 No 17 s 10)

### **Notice of cancellation or amendment to planning and land authority**

s 21 (prev s 17) am 1976 No 19; 1989 No 38; 1993 No 64  
sub 2001 No 17 s 7  
renum R3 LA (see 2001 No 17 s 10)  
am A2003-30 amdt 1.9

### **Reissue of units plans**

pt 5 hdg (prev pt 3A hdg) ins 2001 No 17 s 7  
renum R3 LA (see 2001 No 17 s 10)

**Reissue of units plans**

s 22 (prev s 17A) ins 2001 No 17 s 7  
renum R3 LA (see 2001 No 17 s 10)

**Termination and expiry of leases**

pt 6 hdg (prev pt 4 hdg) sub 2001 No 17 amdt 1.15  
renum R3 LA (see 2001 No 17 s 10)

**Registration of termination of unit lease**

s 23 hdg (prev s 18 hdg) sub 2001 No 17 amdt 1.15  
s 23 (prev s 18) am 1993 No 64; 2001 No 17 amdt 1.16, amdt 1.17  
renum R3 LA (see 2001 No 17 s 10)  
am A2005-62 amdt 3.141

**Cancellation of memorials made under s 18**

s 24 orig s 24 am 1993 No 64  
om 2001 No 17 s 8  
(prev s 19) am 1993 No 64; 2001 No 17 amdt 1.18  
renum R3 LA (see 2001 No 17 s 10)

**Registrar-general to enter expiry of lease in register**

s 25 (prev s 20) am 1993 No 64  
renum R3 LA (see 2001 No 17 s 10)

**Miscellaneous**

pt 7 hdg (prev pt 5 hdg) renum R3 LA (see 2001 No 17 s 10)

**Change of address for service**

s 26 (prev s 21) am 1993 No 64; 1998 No 54  
sub 2001 No 17 s 8  
am 2001 No 44 amdt 1.2607  
renum R3 LA (see 2001 No 17 s 10)

**Amendment of articles—registration**

s 27 (prev s 22) am 1993 No 64  
sub 2001 No 17 s 8  
renum R3 LA (see 2001 No 17 s 10)

**Appointment of administrator—registration**

s 28 (prev s 23) am 1993 No 64  
sub 2001 No 17 s 8  
renum R3 LA (see 2001 No 17 s 10)

**Registration of instruments granting further leases**

s 29 (prev s 25) am 1993 No 64  
sub 1996 No 85  
am 2001 No 17 amdt 1.19  
renum R3 LA (see 2001 No 17 s 10)  
sub A2002-56 amdt 3.43  
am A2007-25 amdt 1.93

## Endnotes

4 Amendment history

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### Withdrawal of units plan

s 30 (prev s 26) am 1993 No 64; 2001 No 17 amdt 1.20  
renum R3 LA (see 2001 No 17 s 10)

### Trusts

s 31 (prev s 27) sub 2001 No 17 amdt 1.21  
renum R3 LA (see 2001 No 17 s 10)  
am A2005-25 amdt 1.9, amdt 1.10

### Delivery to registrar-general of certificates of title

s 32 (prev s 28) am 1993 No 64; 1993 No 90; 1998 No 54; 2001  
No 17 amdt 1.22  
renum R3 LA (see 2001 No 17 s 10)  
am A2005-62 amdt 3.142

### Formal requirements for units plans

sch 1 orig sch 1 am 1975 No 34; 1976 No 19; 1982 No 7; 1989  
No 38; 1993 No 64; 1993 No 90; 1995 No 54; 2001 No 3  
sch 1  
om 2001 No 17 s 9  
(prev sch 2) am 1975 No 34; 1993 No 64;  
renum 2001 No 17 amdt 1.23  
pt 1.1 hdg (prev pt 1 hdg) renum R3 LA (see 2001 No 17 s 10)  
pt 1.2 hdg (prev pt 2 hdg) renum R3 LA (see 2001 No 17 s 10)  
sch 1 pt 2 cl 3 (prev cl 2A) renum R3 LA (see 2001 No 17 s 10)  
cl 4 (prev cl 3) renum R3 LA (see 2001 No 17 s 10)  
cl 5 (prev cl 4) renum R3 LA (see 2001 No 17 s 10)  
cl 6 (prev cl 5) renum R3 LA (see 2001 No 17 s 10)  
pt 1.3 hdg (prev pt 3 hdg) renum R3 LA (see 2001 No 17 s 10)

### Dictionary

dict ins A2005-62 amdt 3.143  
def **graphic bar scale** ins A2005-62 amdt 3.143  
def **Land Titles Act** ins A2005-62 amdt 3.143

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1995 No 54	31 July 1996
2	Act 1998 No 54	31 July 1999
3	A2001-44	5 October 2001
4	A2003-30	1 July 2003
5	A2005-25	12 May 2005
6	A2005-62	11 January 2006

## 6 Renumbered provisions

This Act was renumbered by *Land Titles Consequential Amendments Act 2001* A2001-17 s 10 and under the *Legislation Act 2001* in R3. Details of renumbered provisions are shown in endnote 4 (Amendment history). For a table showing the renumbered provisions, see R3.

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