

Update

Adams' Land Transfer

Service 103 — October 2021

Commentary

Commentary has been updated in the following areas:

Land Transfer Act 2017

Part 1 Preliminary provisions

- Section 3 Purpose: see [S3.2], [S3.3].
- Section 4 Land subject to this Act: see [S4.2].
- Section 6 Meaning of fraud: see [S6.3], [S6.4].

Part 2 Land title and registration

- Section 9 Registrar to keep register: see [S9.2].
- Section 12 Record of title: see [S12.2].
- Section 16 Court may make orders relating to records of title: see [S16.2].
- Section 24 Effect of registration: see [S24.4], [S24.6].
- Section 27 Certification of electronic instruments: see [S27.4], [S27.11].
- Section 45 Instruments lost before registration or notation: see [S45.2].
- Section 47 Registration of persons as joint tenants: see [S47.10], [S47.3].
- Section 51 Title by registration: see [S51.5].

Part 3 Dealings in estates and interests in land

- Section 87 Transmission instrument required to register transmission: see [S87.4].
- Subpart 2 Leases (ss 91–98): [LEASE.INTRO5.3.1] Abatement of rent in defined circumstances (new para), [LEASE.INTRO8] Cancellation, [MORTGAGES.INTRO6.3] Duties of a mortgagee in possession.
- Section 99 Mortgage takes effect only as security: see [S99.2].
- Section 108 Registration and surrender of easements and profits à prendre: see [S108.5].
- Section 138 Caveats against dealings with land: see [S138.4].
- Section 142 Removal of caveat against dealings: see [S142.5], [S142.6].
- Section 143 Lapse of caveat against dealings: see [S143.4], [S143.7].
- Section 148 Compensation for lodging of improper caveat against dealings: see [S148.5].
- Section 153 Trusts not to be entered on register: see [S153.4A].

Part 5 Miscellaneous provisions

- Section 211 Registered owner may deal with estate or interest by attorney: see [S211.4].
- Section 224 Registrar may require plans: see [S224.11].

Legislation

Overseas Investment Regulations 2005

- The Overseas Investment Regulations 2005 have been amended by:
 - the Overseas Investment (Fees) Amendment Regulations 2021, effective 13 September 2021; and
 - the Overseas Investment (CPTPP — Peru) Amendment Regulations 2021, effective 19 September 2021.

Residential Tenancies Act 1986

The Residential Tenancies Act 1986 has been amended by the Residential Tenancies Amendment Act 2020, effective 11 August 2021.