(Reprint No. 1)

SOUTH AUSTRALIA

# REAL PROPERTY (FEES) REGULATIONS 1991

*These regulations are reprinted pursuant to the Subordinate Legislation Act 1978 and incorporate all amendments in force as at 8 February 1995.*

*It should be noted that the regulations were not revised (for obsolete references, etc.) prior to the publication of this reprint.*

# SUMMARY OF PROVISIONS

# REGULATIONS UNDER THE REAL PROPERTY ACT 1886

## REAL PROPERTY (FEES) REGULATIONS 1991

being

No. 121 of 1991: *Gaz.* 27 June 1991, p. 2219[1]

as varied by

No. 88 of 1992: *Gaz.* 18 June 1992, p. 1792[2]
No. 134 of 1992: *Gaz.* 25 June 1992, p. 2004[2]
No. 163 of 1992: *Gaz.* 23 July 1992, p. 677[3]
No. 40 of 1993: *Gaz.* 18 March 1993, p. 937[4]
No. 53 of 1993: *Gaz.* 8 April 1993, p. 1288[5]
No. 50 of 1994: *Gaz.* 2 June 1994, p. 1576[6]

1 Came into operation 8 August 1991: reg. 2.
2 Came into operation 30 July 1992: reg. 2.
3 Came into operation 30 July 1992: reg. 2.
4 Came into operation 8 April 1993: reg. 2.
5 Came into operation 12 July 1993: reg. 2.
6 Came into operation 1 July 1994: reg. 2.

*NOTE:*

- *Asterisks indicate repeal or deletion of text.*
- *For the legislative history of the regulations see Appendix. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.*

**Citation**

1. These regulations may be cited as the *Real Property (Fees) Regulations 1991*.

**Commencement**

2. These regulations will come into operation on 8 August 1991.

**Revocation of Real Property Act (Fees) Regulations 1990**

3. The *Real Property Act (Fees) Regulations 1990* (see *Gazette* 31 May 1990 p. 1504) are revoked.

**Interpretation**

4. In these regulations, unless the contrary intention appears—

"**the Act**" means the *Real Property Act 1886*.

**Fees payable to Registrar-General**

5. (1) The fees set out in the schedule are payable to the Registrar-General.

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(2) A person who has lodged an objection against an assessment under section 24 of the *Stamp Duties Act 1923* must, when lodging for registration a transfer the assessed value of which is the subject of the objection, pay the registration fee based on that assessed value.

(3) If the assessed value is reduced as the result of such an objection, the Registrar-General must refund the difference between the registration fee paid and the registration fee due in accordance with the re-assessed value together with interest calculated in accordance with section 24(10) of the *Stamp Duties Act 1923* from the date of lodgment of the transfer.

(4) If the duty payable on a transfer is reassessed under section 23a of the *Stamp Duties Act 1923*, a person must, when lodging the transfer for registration, pay the registration fee based on the reassessed value of the transfer.

(5) If the assessed value of a transfer is reduced as a result of a reassessment under section 23a of the *Stamp Duties Act 1923*, the Registrar-General must refund the difference between the registration fee paid and the registration fee due in accordance with the reassessed value together with interest calculated in accordance with section 23a(6) of that Act from the date of lodgment of the transfer.

## SCHEDULE
*Fees*

| | |
|---|---|
| | $ |
| **1.** For the registration or entry of each instrument (irrespective of the number of folios to be endorsed)—other than any registration or entry specifically provided for | 66 |
| **2.** For entry of a foreclosure order (exclusive of the cost of advertising in the *Gazette*) | 122 |
| **3.** For registering a transfer— | |
| *(a)* where the consideration, or the value as assessed under the *Stamp Duties Act 1923* (whichever is the greater)— | |
| (i) does not exceed $5 000 | 66 |
| (ii) does not exceed $20 000 | 77 |
| (iii) does not exceed $40 000 | 87 |
| (iv) exceeds $40 000 plus $39 for every $10 000 (or part of $10 000) above $50 000. | 126 |
| *(b)* where the Commissioner of Stamps has adjudged the transfer to be exempt from stamp duty or where no *ad valorem* stamp duty is payable (except for those transfers assessed pursuant to s. 71c of the *Stamp Duties Act 1923)* | 66 |
| *(c)* that has been assessed pursuant to s. 71ca of the *Stamp Duties Act 1923* | 66 |
| **4.** On lodgment of a caveat under s. 39, 80f or 223d of the Act | 66 |
| **5.** For the deposit, or noting the revocation, of a duplicate or attested copy of a power of attorney | 66 |
| **6.** For an application for the issue of a substituted lessee's copy of a Crown lease or duplicate certificate of title (exclusive of the cost of advertising in the *Gazette*) | 66 |
| **7.** For a certified copy | 12.20 |
| **8.** Unless otherwise specified, for the issue of a new certificate of title or a substituted lessee's copy of a Crown lease or duplicate certificate of title | 38.70 |
| **9.** For the issue of a certificate of title— | |
| *(a)* (limited or ordinary) upon the land first being brought under the Act | no fee |
| *(b)* to a corporation or district council for a road, street or reserve | no fee |
| *(c)* to effect correction or amendment of title or for the convenience of the Lands Titles Registration Office in effecting registration or redesignation | no fee |
| *(d)* under Division II of Part V of the Act (but only if the volume and folio numbers remain the same and the title is not issued to replace once that has been lost or destroyed) | no fee |
| **10.** For a new certificate of title issued as a result of the existing title being full of endorsements | no fee |
| **11.** For the deposit or acceptance for filing by the Register-General of any plan | 66 |

**12.** Unless otherwise specified, for the examination—

*(a)* of a plan of survey certified correct by a licensed surveyor and lodged with or submitted to the Registrar-General (for freehold or Crown land) . . . . . . . . . . . . . . 61

*(b)* of an uncertified data plan lodged with or submitted to the Registrar-General (for freehold or Crown land) . . . . . . . . . . . . . . . . . . . . . . . . . . . . 26

**13.** For the examination—

*(a)* of a plan of survey certified correct by a licensed surveyor and lodged with the Registrar-General for information purposes only . . . . . . . . . . . . . . . . . . . . . no fee

*(b)* of an uncertified data plan lodged with the Registrar-General for information purposes only . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . no fee

*(c)* of a plan of survey certified by a licensed surveyor and lodged with the Registrar-General by the Surveyor-General . . . . . . . . . . . . . . . . . . . . . . . . . . . . no fee

*(d)* of plans submitted under the *Roads (Opening and Closing) Act 1991* . . . . . . . . . . . . . . no fee

**14.** Unless otherwise specified, for the deposit or acceptance for filing of any plan (for freehold or Crown land) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 66

**15.** For the deposit or acceptance for filing of a plan prepared by the Registrar-General or under the Registrar-General's authorisation . . . . . . . . . . . . . . . . . . . . . . . . . no fee

**16.** For the withdrawal of any instrument, application or plan submitted for registration, deposit or acceptance for filing . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 29

**17.** For the withdrawal of any plan of survey certified correct by a licensed surveyor and lodged with or submitted to the Registrar-General for examination . . . . . . . . . . . . . . . . . . . . . . 61

**18.** For an application to the Registrar-General to issue a summons pursuant to s. 220(3) of the Act . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .100

**19.** For an application pursuant to s. 146 of the Act (exclusive of the cost of registration of the instrument of discharge) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .100

# APPENDIX

## LEGISLATIVE HISTORY

| | |
|---|---|
| Regulation 5: | redesignated as reg. 5(1) by 88, 1992, reg. 4 |
| Regulation 5(1a) and (1b): | inserted by 134, 1992, reg. 3; revoked by 40, 1993 reg. 3 |
| Regulation 5(2) : | inserted by 88, 1992, reg. 4; varied by 53, 1993, reg. 3(a) |
| Regulation 5(3): | inserted by 88, 1992, reg. 4; varied by 53, 1993, reg. 3(b) |
| Regulation 5(4) and (5): | inserted by 53, 1993, reg. 3(c) |
| Schedule: | substituted by 88, 1992, reg. 5; varied by 163, 1992, reg. 3; 40, 1993, reg. 4; substituted by 53, 1993, reg. 4; 50, 1994, reg. 3 |