NORTHERN TERRITORY OF AUSTRALIA

# REGISTRATION ACT

As in force at 7 July 2003

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# NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Act as in force at 7 July 2003. Any amendments that commence after that date are not included.

## REGISTRATION ACT

### An Act relating to the Registration of Deeds and Documents

**1 Short title**

This Act may be cited as the *Registration Act*.

**2 Commencement**

This Act shall be deemed to have commenced on 1 March 1927.

**4 Establishment of Registration Office**

There shall be a Lands Titles Registration and General Registry Office for the Northern Territory, which office shall be situated in Darwin and at Alice Springs, and at such other places in the Territory as the Minister may from time to time approve.

**5 Registrar-General and Deputy Registrars-General**

(1) There shall be a Registrar-General for the Northern Territory appointed by the Minister.

(1A) The Minister may appoint such persons as he or she thinks necessary to be Deputy Registrars-General.

(2) Whenever, by any law in force in the Territory, anything is appointed or authorized to be done by the Registrar-General, the same may be lawfully done by a Deputy Registrar-General.

**6 Powers and duties of Registrar-General**

(1) The Registrar-General shall have and may exercise or execute in relation to the Territory all the powers, functions, and duties of the Registrar-General for the State of South Australia under the law in force in the Territory immediately prior to the acceptance of the Territory by the Commonwealth, together with such other powers, functions and duties as are from time to time conferred on the Registrar-General by any law of the Territory.

(2) The Registrar-General may, by writing signed by him or her, delegate to a person any of his or her powers and functions under this or any other Act (except this power of delegation), and may do so either generally, or with respect to a matter or class or description of matters specified in the instrument of delegation, or subject to any other limitations, qualifications or conditions so specified.

(3) A power or function delegated under subsection (2), when exercised or performed by the delegate, shall be deemed for all purposes to have been exercised or performed by the Registrar-General.

(4) A delegation under subsection (2) does not prevent the exercise of a power or the performance of a function by the Registrar-General in person.

(5) The Registrar-General may give directions:

(a) to a Deputy Registrar-General – with respect to the Deputy Registrar-General's exercise or performance of any power or function by virtue of section 5(2); and

(b) to the delegate of a power or function under subsection (2) – with respect to the delegate's exercise or performance of that power or function.

## 7 Seal of office

The Registrar-General shall have and use a seal of office, and every instrument bearing the imprint of that seal and purporting to be signed or issued by the Registrar-General shall be received in evidence and shall be deemed to be signed or issued by, or under the direction of, the Registrar-General, without further proof, unless the contrary is shown.

## 8 Declaration to be made on taking office

Every Registrar-General, and Deputy Registrar-General who is appointed after the commencement of this section, shall, before entering upon the execution of the office, make the following declaration before a Judge of the Supreme Court or before such other person as the Minister directs:

I, A.B., do solemnly and sincerely declare that I will faithfully, and to the best of my ability, pursuant to the *Registration Act*, and to any other law for the time being in force in the Northern Territory, execute and perform the office and duties of Registrar-General (*or* Deputy Registrar-General) for the Northern Territory.

## 9 Validation of certain acts and documents

No acts, matters or things done, or documents signed or issued, by the Registrar-General, Deputy Registrar-General, or Acting Registrar-General of the Northern Territory during the period between 1 January 1911 and 10 September 1924 shall be deemed invalid on the ground merely that the officer concerned had not made the declaration required by section 20 of the *Real Property Act 1886* of the State of South Australia in its application to the Territory.

## 10 Power to remedy omission to Register

(1) Where owing to circumstances which the Registrar-General or a Deputy Registrar-General is satisfied were beyond the control of the person for whose benefit the registration, if effected, would have operated, any document, which is required by any law in force in the Territory to be registered within a specified time, has not been registered within that time, the Registrar-General or a Deputy Registrar-General may, notwithstanding anything to the contrary contained in any law in force in the Territory:

(a) by endorsement on the document extend for such time as he or she thinks fit the time for the registration of the document; and

(b) register the document within the time so extended.

(2) The time prescribed by any law in force in the Territory for registering any document may be extended under this section although the time has expired.

(3) A document registered under this section, which but for this section would not have been valid as regards registration or capable of registration, shall be as valid and effectual as regards registration as if it had been registered within the time specified in any law, other than this Act, in force in the Territory.

## 10A Payment of levy with prescribed fees

(1) The Regulations may prescribe, as a levy, an amount not exceeding $10 in relation to a matter, thing, or service in respect of which a fee referred to in section 11(2) is required to be paid to the Registrar-General.

(2) A levy prescribed in pursuance of subsection (1) is payable in addition to, and in the same manner as, the relevant prescribed fee.

## 11 Regulations

(1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1), the regulations may prescribe:

(a) a matter or thing, or a service provided by the Registrar-General, for which a fee is, under this or any other Act, required to be paid to the Registrar-General;

(b) the amount of the fees referred to in paragraph (a); and

(c) fees payable in respect of an application required under a law in force in the Territory to be made to the Registrar-General.

# ENDNOTES

## 1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
*Gaz* = *Gazette*
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

## 2 LIST OF LEGISLATION

*Registration Ordinance 1927* (Act No. 2, 1927)
Assent date 9 June 1927
Commenced 1 March 1927 (*Gaz* 9 June 1927)

*Registration Ordinance 1928* (Act No. 12, 1928)
Assent date 21 June 1928
Commenced 21 June 1928

*Registration Ordinance 1935* (Act No. 23, 1935)
Assent date 19 December 1935
Commenced 19 December 1935

*Registration Ordinance 1938* (Act No. 19, 1938)
Assent date 22 December 1938
Commenced 22 December 1938

*Registration Ordinance 1942* (Act No. 8, 1942)
Assent date 3 September 1942
Commenced 3 September 1942

*Registration Ordinance 1973* (Act No. 36, 1973)
Assent date 12 July 1973
Commenced 12 July 1973

*Ordinances Revision Ordinance 1973* (Act No. 87, 1973)
Assent date 11 December 1973
Commenced 11 December 1973 (s 12(2))

Amending Legislation

*Ordinances Revision Ordinance 1974* (Act No. 34, 1974)
Assent date 26 August 1974
Commenced 11 December 1973 (s 3(2))

*Ordinances Revision Ordinance (No. 2) 1974* (Act No. 69, 1974)

| | |
|---|---|
| Assent date | 24 October 1974 |
| Commenced | 11 December 1973 (s 3) |

*Ordinances Revision Ordinance 1976* (Act No. 27, 1976)

| | |
|---|---|
| Assent date | 28 June 1976 |
| Commenced | ss 1, 2 and 6: 28 June 1976 (s 6(2)); ss 3 and 4: 11 December 1973; s 5: 24 October 1974 |

*Registration Ordinance 1976* (Act No. 39, 1976)

| | |
|---|---|
| Assent date | 8 September 1976 |
| Commenced | 12 November 1976 (*Gaz* No. 46A, 12 November 1976, p 1361) |

*Transfer of Powers (Self-Government) Ordinance 1978* (Act No. 54, 1978)

| | |
|---|---|
| Assent date | 1 July 1978 |
| Commenced | 1 July 1978 (s 2) |

*Registration Amendment Act 1989* (Act No. 39, 1989)

| | |
|---|---|
| Assent date | 20 September 1989 |
| Commenced | 20 September 1989 |

*Registration Amendment Act 1991* (Act No. 54, 1991)

| | |
|---|---|
| Assent date | 26 September 1991 |
| Commenced | 1 January 1992 (*Gaz* G49, 11 December 1991, p 4) |

*Registration Amendment Act 1992* (Act No. 45, 1992)

| | |
|---|---|
| Assent date | 7 September 1992 |
| Commenced | 7 September 1992 |

*Statute Law Revision Act (No. 2) 1995* (Act No. 42, 1995)

| | |
|---|---|
| Assent date | 13 October 1995 |
| Commenced | 13 October 1995 |

*Statute Law Revision Act (No. 2) 2003* (Act No. 44, 2003)

| | |
|---|---|
| Assent date | 7 July 2003 |
| Commenced | 7 July 2003 |

## 3 SAVINGS AND TRANSITIONAL PROVISIONS

s 4 *Registration Amendment Act 1992* (Act No. 45, 1992)

## 4 LIST OF AMENDMENTS

| | |
|---|---|
| lt | amd No. 39, 1989, s 3 |
| s 1 | amd No. 39, 1989, s 3 |
| s 2 | amd No. 87, 1973, s 4; No. 39, 1989, s 3 |
| s 3 | rep No. 39, 1989, s 3 |
| s 4 | amd No. 12, 1928, s 2; No. 23, 1935, s 2; No. 19, 1938, s 2; No. 8, 1942, s 2; No. 39, 1989, s 3 |
| s 5 | amd No. 23, 1935, s 3; No. 36, 1973, s 3; No. 39, 1976, s 4; No. 54, 1978, s 4; No. 39, 1989, s 3; No. 44, 2003, s 5 |
| s 6 | amd No. 23, 1935, s 4; No. 36, 1973, s 4; No. 39, 1976, s 5; No. 39, 1989, ss 2 and 3; No. 44, 2003, s 5 |
| s 8 | amd No. 23, 1935, s 5; No. 39, 1976, s 6; No. 39, 1989, s 3; No. 44, 2003, s 5 |

| | |
|---|---|
| s 9 | amd No. 87, 1973, ss 2 and 4; No. 39, 1989, s 3 |
| s 10 | amd No. 23, 1935, s 6; No. 36, 1973, s 5; No. 39, 1989, s 3; No. 44, 2003, s 5 |
| s 10A | ins No. 45, 1992, s 3 |
| s 11 | ins No. 54, 1991, s 3 |
| | amd No. 42, 1995, s 4 |
| sch | rep No. 39, 1989, s 3 |