

Part 15 – Request for Amalgamation

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Part 15 – Request for Amalgamation

General Law

[15-0000]

There are two relevant types of amalgamations:

- ²amalgamation of lots; and
- amalgamation of interests held by tenants in common.

¹Amalgamation of Lots

Adjoining Lots Amalgamated into One Indefeasible Title

[15-0010]

Section 39(1) of the *Land Title Act* 1994 enables the Registrar to create a single indefeasible title for two or more lots having the same registered owner. However, the Registrar must be satisfied that special circumstances make it appropriate to have the one indefeasible title (s 39(2) of the *Land Title Act* 1994). The Registrar is expressly authorised to act under s 39 where the lots either share a common boundary or have a boundary that adjoins the same part of a road or watercourse (s 39(3) of the *Land Title Act* 1994).

¶[15-0020] deleted

Amalgamation of Interests Held by Tenants in Common

[15-0030]

Under s 57(1) of the *Land Title Act* 1994, the Registrar may create a separate title for the interest of each owner where a lot is, or is to be, held by two or more registered owners as tenants in common.

Legislation

[15-1000]

Application of the *Land Title Act* 1994 to the *Water Act* 2000

Under the provisions of ss 150(1) and 151 of the *Water Act* 2000, subject to the exceptions provided in ss 150(2), 151(1) and (5) of the *Water Act* 2000, the *Land Title Act* 1994 applies to the registration of an interest or dealings for a water allocation on the water allocations register.

Under s 151(3) of the *Water Act* 2000 an interest or dealing mentioned in s 150 may be registered in a way mentioned in the *Land Title Act* 1994 and the Registrar of Water Allocations may exercise a power or perform an obligation of the Registrar of Titles under the *Land Title Act* 1994:

- (a) as if a reference to the Registrar of Titles were a reference to the Registrar appointed under Chapter 2 Part 4 Division 6 of the *Water Act* 2000; and
- (b) as if a reference to the freehold land register were a reference to the water allocations register; and
- (c) as if a reference to freehold land or land were a reference to a water allocation; and

- (d) as if a reference to a lot were a reference to a water allocation; and
- (e) as if a reference to an indefeasible title were a reference to a title; and
- (f) with any other necessary changes.

Practice

¹Amalgamation of Lots

Adjoining Lots Amalgamated into One Indefeasible Title

[15-2000]

Section 39(2) of the *Land Title Act* 1994 provides for two or more lots to have a single indefeasible title if the Registrar of Titles considers this to be appropriate. The intent of the section is to allow the Registrar latitude in unusual circumstances and the section will be used only where it is considered necessary for efficient registry operations.

In keeping with this rationale, it is not intended that this option will be available to registered owners.

For the issue of indefeasible titles for lots created on a plan of amalgamation see part 21 – Plans and Associated documents, esp ¶[21-2300].

¶[15-2010] deleted

Amalgamation of Interests Held by Tenants in Common in Separate Titles

[15-2020]

Where separate titles have been created and one tenant in common acquires the interest of another, the following documentation should be lodged:

For a fee simple title:

- Form 1 – Transfer;
- Form 24 – Property Transfer Information;
- Form 25 – Foreign Ownership Information (if applicable);
- Form 15 – Request to Amalgamate; and
- Certificates of Title for all lots affected, if issued.

For a water allocation title:

- Form 1 – Transfer;
- Form 24 – Property Transfer Information; and
- Form ROP 13 – Notice of Existence of Supply Contract (for water allocations managed under a Resource Operations Licence) – see part 49 – Water Allocations, esp ¶[49-0030]; or

- Water Allocation Dealing Certificate for Notice of Proposed Transfer of Unsupplemented Water Allocation – (for water allocations not managed under a Resource Operations Licence) – see part 49 – Water Allocations, esp ¶[49-0080];
- Form 15 – Request to Amalgamate.

Those parts of Item 7 of the Form 15 – Request to Amalgamate which are not applicable to this type of amalgamation must be ruled through.

It should be noted that the consolidation of shares already held by a tenant in common on existing titles should be the subject of a Form 14 – General Request.

Forms

General Guide to Completion of Forms

[15-4000]

For general requirements for completion of forms see part 59 – Forms, esp ¶[59-2000].

Dealing Number

Lodger (Name, address, E-mail & phone number)

Lodger



OFFICE USE ONLY

SMITH & CO
SOLICITORS
38 ANN STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3227 5943

Code
902

Privacy Statement

Collection of this information is authorised by the Land Title Act 1994 and the Water Act 2000 and is used to maintain the publicly searchable registers in the land registry and the water register. For more information about privacy see the department's website.

1. Lot on Plan Description of land held	County	Parish	Title Reference
LOT 17 ON RP817618	STANLEY	WARNER	50035826

2. Applicant
JOHN VICTOR COOK and JANE ALEX COOK

3. How land/shares in item 1 is held
1/4 SHARE AS JOINT TENANTS INTER-SE

4. Instrument by which land to be amalgamated was acquired
Dealing Type TRANSFER FROM PETER SMALL TO JOHN VICTOR COOK AND JANE ALEX COOK AS JOINT TENANTS Dated 5 SEPTEMBER, 2007
Dealing No. 700901236..... Share acquired 1/4

5. Lot on Plan Description of land acquired	County	Parish	Title Reference
LOT 17 ON RP817618	STANLEY	WARNER	10035127

6. Amalgamated Lot on Plan description	County	Parish	Title Reference (if amalgamation of shares)
LOT 17 ON RP817618	STANLEY	WARNER	10035126 10035127

7. Request/Execution by applicant

It is requested that:

~~*The lots described in item 1 and item 5 be amalgamated and an indefeasible title be created for the land described in item 6.~~

OR

*The shares of the applicant specified in item 3 and item 4 be amalgamated and an indefeasible title be created for # 1/2 SHARE AS JOINT TENANTS INTER-SE
for the land described in item 6.

*delete if not applicable
#state share and tenancy

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

H I Newton
..... signature
HENRY ISAAC NEWTON
..... full name
SOLICITOR
..... qualification

Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

11/9/2007
Execution Date

J V Cook
J A Cook
.....
Applicant's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

Guide to Completion of Form 15

Item 1

[15-4010]

²Freehold Description

The description of the relevant lot/s should always read ‘Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (eg ‘SP’ for a survey plan, ‘RP’ for a registered plan, ‘BUP’ for a building units plan, ‘GTP’ for a group titles plan or the relevant letters for Crown plans). The area of the lot/s is not shown.

The entire panel of Item 1 must be completed. All information needed to complete Item 1 will appear on a search of the title.

eg	Lot on Plan Description	County	Parish	Title reference
	Lot 27 on RP 204939	Stanley	South Brisbane	11223078

Water Allocation Description

A water allocation should be identified as ‘Water Allocation’, ‘Allocation’ or ‘WA’. A water allocation has no reference to County or Parish, hence these fields are not completed. All plans referring to water allocations are Administrative Plans. Administrative Plan is abbreviated to AP as the prefix of the plan identifier.

All information needed to complete Item 1 will appear on a search of the water allocation title.

eg	Lot on Plan Description	County	Parish	Title reference
	WA 27 on AP 7900			46012345

Item 2

[15-4020]

Insert full name of the registered owner.

Item 3

[15-4030]

Insert tenancy and or interests of land or shares if more than one applicant.

Item 4

[15-4040]

Insert particulars of the instrument by which the lot or share was acquired. In the case of a share, identify the share acquired.

Item 5

[15-4050]

See Item 1 above.

²If amalgamation is in accordance with a new plan of survey then insert the new plan description.

Item 6**[15-4060]**

Insert title references from Items 1 and 5 for amalgamation of shares and new amalgamated 'Lot... on Plan...' reference. Identify share as applicable.

Item 7**[15-4070]**

Complete where indicated and delete sentence that is not applicable. Execute as required.

¶[15-6000] deleted

Case Law**[15-7000]**

Nil.

Fees**[15-8000]**

Fees payable to the registries are subject to an annual review. See the current:

- ²*Land Title Regulation 2005* – Schedule 2, item numbers 1, 2(h) and 2(m); and
- *Water Regulation 2002* – Schedule 16, item numbers 6, 11 and 15.

Cross References and Further Reading**[15-9000]**

Part 18 – General Consent

Part 19 – Application for Title

Part 21 – Plans and Associated Documents

Part 49 – Water Allocations

Notes in text**[15-9050]**

Note ¹ – This numbered section is not applicable to water allocations or the Water Allocations Register.

Note ² – This paragraph or statement is not applicable to water allocations or the Water Allocations Register.