TPA-02 Tree Plantation Agreements – amendments and removal

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1 Extension of a Plantation Interest

1.1 Registering an Extension

A plantation interest may be extended by the registration of an Extension of Plantation Interest form upon payment of the prescribed registration fee. This can be downloaded from the Landgate website in Quick Links/ Forms and Fees/ Freehold Land Registration Forms.

An extension of a plantation interest may be used to vary the provisions of the relevant tree plantation agreement. However, it shall not be used to effect a change to:

- the proprietors of the plantation interest or the land the subject of the relevant agreement

or

- the area of the land to which the plantation interest applies.

The duplicate title (if any) must be produced with the extension.

1.2 Consents

An extension of a plantation interest will not be registered unless it has the written consent of each person who has a registered interest in the land the subject of the tree plantation agreement. If the agreement is entered into by a lessee of freehold land or Crown land, the written consent of:

- each person who is a proprietor of the freehold land or Crown land that is the subject of the lease
and

- each person who has a registered interest in the land subject to the lease that was registered subsequent to the registration of the relevant agreement is required.

Note: If a tree plantation agreement is entered into by a lessee of Crown land, an extension of the plantation interest shall not be registered unless there is compliance with s.18 of the LAA.

2 Variation of a Tree Plantation Agreement

2.1 Registering a Variation

The provisions of a tree plantation agreement may be varied by the registration of a Variation of Tree Plantation Agreement form upon payment of the prescribed registration fee. This can be downloaded from the Landgate website in Quick Links/ Forms and Fees/ Freehold Land Registration Forms.

A Variation of Tree Plantation Agreement may be used to vary the provisions of the tree plantation agreement. However, it shall not be used to effect:

- A change to the proprietors of a plantation interest or the relevant agreement land.

- A change to the area of the agreement land to which the plantation interest applies.

- An extension or other change to the term of a plantation interest.

2.2 Consents

A variation of a tree plantation agreement will not be registered unless it has the written consent of each person who has:

- a registered interest in the land the subject of the tree plantation agreement

and

- a registered interest in the plantation interest that is the subject of the agreement.

If the agreement is entered into by a lessee of freehold land or Crown land, the written consent of:

- each person who is a proprietor of the freehold land or Crown land that is the subject of the lease

and

- each person who has a registered interest in the land subject to the lease that was registered subsequent to the registration of the relevant agreement is required.

Note: If a tree plantation agreement is entered into by a lessee of Crown land, a variation of the tree plantation agreement shall not be registered unless there is compliance with s.18 of the LAA.

3 Transfer of a Plantation Interest
A plantation interest may be transferred by the registration of a Transfer of Plantation Interest form upon payment of the prescribed registration fee. This can be downloaded from the Landgate website in Quick Links/Forms and Fees/Freehold Land Registration Forms.

A plantation interest can only be transferred in relation to the whole of the area of the land the subject of a tree plantation agreement.

The duplicate title (if any) does not need to be produced with the transfer.

If a plantation interest is registered in respect of Crown land, a transfer of the plantation interest shall not be registered unless there is compliance with s.18 of the LAA.

4 Mortgage of a Plantation Interest

A plantation interest in land can be mortgaged using the National Mortgage Form (NMF).

The mortgage must clearly identify in the Land Description panel the number and nature of the interest being mortgaged. For example:

“As to the plantation interest in J123456 over Lot 1 on Deposited Plan 45678.”

The duplicate title (if any) must be produced with the mortgage.

If a plantation interest is registered in respect of Crown land, a mortgage of the plantation interest shall not be registered unless there is compliance with s.18 of the LAA.

5 Surrender of a Plantation Interest

A plantation interest may be wholly or partially surrendered by the registration of a Surrender of Plantation Interest form upon payment of the prescribed registration fee. This can be downloaded from the Landgate website in Quick Links/Forms and Fees/Freehold Land Registration Forms.

The surrender will not be registered unless the following, if applicable, has occurred:

- each registered interest in the plantation interest or part of the plantation interest has been discharged or surrendered

  and

- any caveat lodged in respect of the plantation interest or part of the plantation interest has been withdrawn.

The duplicate title (if any) must be produced with the surrender.

If a tree plantation agreement is entered into by a lessee of Crown land, a surrender of the tree plantation interest shall not be registered unless there is compliance with s.18 of the LAA.

Where there is no consideration for the surrender, and the Plantation Interest being surrendered was originally created under an agreement under the Tree Plantation Agreements Act 2003, duty assessment by the Office of State Revenue is not required.

6 Expired Tree Plantation Agreement
Where a Surrender is not obtainable and the Tree Plantation Agreement has expired, an Application under section 184 of the TLA should be made to remove the expired Tree Plantation Agreements (see Applications s.184).¹

¹ [New section added on 13/03/2018]

7 Also see

TPA-01 Tree Plantation Agreements