



REGISTRAR-GENERAL'S NEWSLETTER

APRIL 2003

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Northern Territory Department of Justice

IMPORTANT NOTICE

SWIMMING POOLS ON COMMON PROPERTY

Since the previous newsletter, (issue, March 2003 #2) a number of representations have been received from legal practitioners regarding the application of Section 38(1) of the *Swimming Pool Fencing Act* to swimming pools on common property when units are being transferred.

The issue has now been re-visited and the Registrar-General has accepted that the legislation is not sufficiently clear to put it beyond doubt that Section 38(1) applies to swimming pools on common property.

Accordingly, the practice has now been amended so that transfers of units will be registered without any requirement to refer to swimming pools on common property. However, the same rules as to compliance still apply to swimming pools situated on the units themselves.

It should be noted that bodies corporate are still required to comply with the other provisions of the *Swimming Pool Fencing Act* with respect to swimming pools on common property. The effect of the change in practice is simply to allow transfers of units to occur without any need to take into account compliance or otherwise of swimming pools on common property.

