Guide to Title Boundary Amendments under sections 99(1) and 103(2) of the *Transfer of Land 1958*





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This guide sets out the requirements to lodge an application to amend title boundaries under section 99(1) or section 103(2) of the Transfer Land Act 1958 (TLA).

1. Amending title boundaries under section 99(1) of the TLA

Section 99(1) of the TLA provides that a registered proprietor(s) may apply for amendment of a folio of the Register where the boundaries, area, or position of land described differ from those actually and *bona fide* occupied by the registered proprietor(s).

An application made under this section is in respect of all boundaries of the folio and boundary adoptions must accord with mature occupation surrounding the parcel except along road alignments.

## Survey documents required to lodge an application

An application under section 99(1) of the TLA must be supported by:

* A plan of survey prepared and certified in accordance with Regulations 12(3) and 14 of the *Surveying (Cadastral Surveys) Regulations 2015*
* An abstract of field records prepared and certified in accordance with Regulations 12(2) and 13 of the *Surveying (Cadastral Surveys) Regulations 2015* and in accordance with the currency conditions outlined in the [Victorian Cadastral Survey Practice Directives](https://www.land.vic.gov.au/__data/assets/word_doc/0031/492772/Victorian-Cadastral-Surveys-Practice-Directives-2021-Edition-2-Final.docx) [DOCX 4.1MB]
* A licensed surveyor’s report prepared and signed in accordance with Regulation 15 of the *Surveying (Cadastral Surveys) Regulations 2015*
* An overlap diagram showing the effect (if any) on all adjoining titles

These documents must be submitted electronically by the surveyor through [SPEAR](http://www.spear.land.vic.gov.au).

## Supporting evidence required to lodge an application

In accordance with the checklist [Amend title boundaries – Section 99 TLA 1958 [DOCX 149.6KB]](https://www.land.vic.gov.au/__data/assets/word_doc/0024/472137/Amend-title-boundaries-Section-99-TLA-1958-Aug-2023.docx) an application under section 99(1) of the TLA must be supported by:

1. A statutory declaration from the applicant registered proprietor(s) attesting to the actual and *bona fide* occupation of the land using the approved pro forma available on our [Fees, guides and forms page](https://www.land.vic.gov.au/land-registration/fees-guides-and-forms)
2. Statutory declarations from two disinterested witnesses who must have at least 15 years knowledge of the land using the approved pro forma available on our [Fees, guides and forms page](https://www.land.vic.gov.au/land-registration/fees-guides-and-forms)

The applicant’s declaration must:

* Detail the period and nature of occupation, including a description of the boundaries
* The names and addresses of owners of all lands contiguous to the land so occupied
* The reasons why the land described in the application does not accord with the description of land in the subject folio of the Register

The disinterested witnesses’ declarations must:

* State their means of knowledge of the land
* Describe the occupation that surrounds the land that is being used to define the adopted boundaries, with reference to the plan of survey prepared by the licensed surveyor. The history of the occupation along these boundaries should also be detailed for, at a minimum, the last 15 years

If a boundary is not being amended by the application, then these boundaries do not necessarily need to be described in the supporting evidence. For example, when the boundary is defined by a road alignment or mature occupation cannot be adopted to define the boundary.

## Common issues with applications under section 99(1) of the TLA

* Adoption of boundary which is not considered/supported by mature occupation
* Adoption of occupation which is not considered to be in a *bona fide* position
* Statutory declarations have not been provided or are insufficient

1. Amending title boundaries under section 103(2) of the TLA

Section 103(2) of the TLA provides that a registered proprietor(s) may apply for amendment of a folio of the Register to correct errors and usually relates to discrepancies in title boundaries and title connection.

The application can only be used for amendments where no abutting titles are affected and cannot be used by a registered proprietor(s) to exclude land from the folio.

## 2.1 Survey documents required to lodge an application

In accordance with the [103(2) checklist](https://www.land.vic.gov.au/__data/assets/word_doc/0023/472136/1032-Checklist.docx) [DOCX 143.5KB], an application under section 103(2) of the TLA must be supported by:

* A plan of survey prepared and certified in accordance with Regulations 12(3) and 14 of the *Surveying (Cadastral Surveys) Regulations 2015*
* An abstract of field records prepared and certified in accordance with Regulations 12(2) and 13 of the *Surveying (Cadastral Surveys) Regulations 2015* and in accordance with the currency conditions outlined in the [Victorian Cadastral Survey Practice Directives](https://www.land.vic.gov.au/__data/assets/word_doc/0031/492772/Victorian-Cadastral-Surveys-Practice-Directives-2021-Edition-2-Final.docx) [DOCX 4.1MB]
* A licensed surveyor’s report prepared and signed in accordance with Regulation 15 of the *Surveying (Cadastral Surveys) Regulations 2015*

These documents must be submitted electronically by the surveyor through [SPEAR](http://www.spear.land.vic.gov.au)

## 2.2 Supporting evidence

Given abutting titles cannot be affected by an application under section 103(2) of the TLA, supporting evidence is not a lodging requirement. However, due to the broad-ranging title boundary amendments and correction of errors that can be made in an application under section 103(2) of the TLA, supporting evidence may be requested by the Registrar under section 104 of the TLA.

## 2.3 Common issues with applications under section 103(2) of the TLA

* Applications attempting to include excess land which is not occupied by the applicant(s)
* Adoption of boundary which is not considered/supported by mature occupation
* Applications attempting to exclude land from title
* Applications attempting to include land contained in a folio of the Register or is General Law land