

ACT GOVERNMENT
Land Titles Act 1925
Registrar-General's Office



DSL
Form 005

**DETERMINATION / SURRENDER OF A
 SUBLEASE, HEADLEASE OR UNDERLEASE**

Lodging Party

Box Number

PRIVACY COLLECTION STATEMENT (PRIVACY ACT 1988 (C'WLTH)) OVERLEAF

The lessee surrenders to the lessor all the estate and interest described in item 1..

1. LAND

Vol:Fol	District/Division	Section	Block	Unit	Instrument No/ Associated Dealing No

2. LESSEE/S

Full name (Surname last)

3. CONSENTING PARTY / PARTIES / LESSOR/S

I / We consent to the following:

4. CONSIDERATION

5. DATE

6. EXECUTION

Signed by the lessee/s

Signature of the lessee/s

Full name of witness

Signed in my presence

Signature of witness

Signed by the lessor/s

Signature of the consenting lessor/s

Full Name of witness

Signature of witness

7. OFFICE USE ONLY

Lodged by		Certificates Lodged	
Data Entered by		Attachments Lodged	
Examined by			
Registered by		Registration Date	

PRIVACY STATEMENT

S.43 of the *Land Titles Act 1925 (LTA)* authorises the Registrar-General to collect the information required by this form for the establishment and maintenance of the Land Titles Register. S.65-67 LTA requires that the Register be made available to any person for search, upon payment of a fee. The information is regularly provided to various ACT Government agencies, including the ACT Department of Urban Services, ACT Planning and Land Authority (ACTPLA), ACT Treasury, Canberra Connect and ActewAGL for conveyancing, municipal account, administrative, statistical and valuation purposes. ACTPLA and agencies within the ACT Department of Urban Services may also use the information supplied to prepare and sell property sales reports to commercial organisations concerned with the development, sale or marketing of land.

SCHEDULE OF NOTES

1. This form is to be used only for the determination or surrender of a Lease.
2. There are two types of surrenders:
 - a. where the lease is to be surrendered and no further lease is to be issued to the lessee; or
 - b. where the lease is to be surrendered with a view to the acceptance of a new lease(s) to the same lessee.
3. Where the lease subject to a registered mortgage is surrendered, the Registrar-General will not register the surrender unless satisfied that the mortgage has been discharged; or that the mortgagee has consented to the surrender.
4. Documents must be typed, or completed in black ink or biro.
5. Alterations to information entered on the form should be made by crossing out (not erasing or obliterating by painting over) and should be initialled by all parties.
6. If there is insufficient space in any panel, please use an annexure sheet.
7. Volume and Folio references must be given.
8. Provide full name/s of the lessee/s.
9. Provide the consideration.
10. Execution by
 - **A Natural Person** – should be witnessed by an adult person who is not a party to the document.
 - **Attorney** – if this document is executed by an Attorney pursuant to a registered power of attorney, it must set out the full name of the attorney and the form of execution must indicate the source of his/her authority eg. "AB by his/her attorney XY pursuant to Power of Attorney ACT Registration No..... of which he/she has no notice of revocation".
 - **Corporation** – Section 127 of the *Corporations Act* provides that a company may validly execute a document with or without using a Common Seal if the document is signed by:
 - a. Two directors of the company;
 - b. A director and a secretary of the company; or
 - c. Where the company is a proprietary company and has a sole director who is also the sole company secretary, that director. Please identify that the director is a sole director on the form.

The following forms of execution are suggested –

With A Common Seal

The Common Seal of ABC Pty Ltd/Ltd ACN.....

was affixed in the presence of-

.....(signature)

.....(director/secretary)*

(*repeat if necessary ie if two directors signing. If signing as sole director and sole secretary, state 'director/secretary')

Without A Common Seal

Signed by.....Pty Ltd/Ltd ACN.....

.....(signature)

.....(director/secretary)*

(*repeat if necessary ie if two directors signing. If signing as sole director and sole secretary, state 'director/secretary')

NB The normal witnessing provisions in the *Land Titles Act 1925* do not apply to execution by a corporation as above, but do apply to execution by the attorney of a corporation.