



## REGISTRAR-GENERAL'S CAVEAT



Form 017 - RX

Land Titles Act 1925

### IMPORTANT INFORMATION

This form is to be used to lodge a Registrar-General's caveat under the *Land Titles Act 1925* (the Act). You can access the Act at [www.legislation.act.gov.au](http://www.legislation.act.gov.au). You may also obtain further information and forms at [www.ors.act.gov.au](http://www.ors.act.gov.au).

### PRIVACY INFORMATION

The Act authorises the Registrar-General to collect the information required by this form. The Registrar-General provides identifiable information to various agencies including, but not limited to, the ACT Planning and Land Authority, ACT Treasury, Canberra Connect and ACTEWAGL for conveyancing, municipal account administrative, statistical and valuation purposes. These agencies may also use this information to prepare and sell property sales reports to commercial organisations concerned with the development, sale or marketing of land.

### CONTACT INFORMATION

Lodge in person at the **Office of Regulatory Services:** **255 Canberra Avenue, Fyshwick ACT 2609**  
Office Hours: **9:00am to 4:30pm Monday to Friday**  
General enquiries telephone number: **(02) 6207 0491**  
Website address: [www.ors.act.gov.au](http://www.ors.act.gov.au)

### INSTRUCTIONS FOR COMPLETION

- The certificate of title is not required to lodge this document (except if being used to deposit a deed).
- All information should be typed or clearly printed. If completing this form by hand please use a solid black pen only.
- This office will not accept lodgement of this form if it is not completed in full.
- Any alteration to information provided on this form must be struck through with a black pen. Substitute information must be clear and all parties must sign in the margin. Do not use correction fluid or tape.
- Ensure all required documents are attached. If there is insufficient space in any panel, please use an Annexure Sheet.
- Execution by:
  - a) **A Natural Person** – Should be witnessed by an adult person who is not a party to the document.
  - b) **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 e.g. "AB by his/her attorney XY pursuant to Power of Attorney ACT Registration No..... of which he/she has no notice of revocation". (This execution requires a witness).
  - c) **Corporation** – Section 127 of the *Corporations Act* provides that a company may now validly execute a document with or without using a Common Seal if the document is signed by:
    - i. Two directors of the company;
    - ii. A director and a secretary of the company; or
    - iii. Where the company is a proprietary company and has a sole director who is also the sole company secretary, that director. (No witness is required for this execution).
- The following forms of execution are suggested –
  - a) **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 i.e. if two directors signing. If signing as sole director and sole secretary, state 'director/secretary' - (No witness is required for this execution).
  - b) **Without A Common Seal**  
Signed by ABC Pty Ltd/Ltd ACN.....  
.....(signature)  
.....(director/secretary)\*  
(\*repeat if necessary i.e. if two directors signing. If signing as sole director and sole secretary, state 'director/secretary' - (No witness is required for this execution).



LAND TITLES  
OFFICE OF REGULATORY SERVICES  
Department of Justice and Community Safety



**REGISTRAR-GENERAL'S  
CAVEAT**

*Land Titles Act 1925*

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**LODGING PARTY DETAILS**

| Name              | Postal Address                         | Contact Telephone Number |
|-------------------|--|--------------------------|
| Registrar-General | 255 Canberra Avenue, Fyshwick ACT 2609 | 6207 0491                |

**TITLE AND LAND DETAILS**

| Volume & Folio | District/Division | Section | Block | Unit |
|----------------|-------------------|---------|-------|------|
|                |                   |         |       |      |

**REGISTERED PROPRIETOR/S** (Surname Last)  
(ACN required for all companies)

**FULL POSTAL ADDRESS**

**NATURE OF THE ESTATE OR INTEREST IN THE LAND** (Information regarding what is considered a caveatable interest - overleaf)

Prevention of dealings as a result of (Tick appropriate box or specify the reason)

- Guardianship and Management Order No \_\_\_\_\_ pursuant to S.67 of the *Guardianship and Management of Property Act 1991*.
- Deed Deposited
- Life Estate Created by Transmission Application No \_\_\_\_\_
- Other (specify) - \_\_\_\_\_

**DEPUTY REGISTRAR-GENERAL'S EXECUTION**

|   |  |
|---|--|
| Printed full name of Deputy Registrar-General | Print full name and address of witness |
| Signature of Deputy Registrar-General         | Signature of witness                   |
| Dated   | Dated                                  |

| OFFICE USE ONLY   |  |                                |  |
|-------------------|--|--------------------------------|--|
| Lodged by         |  | Certificate of title lodged    |  |
| Data entered by   |  | Certificates attached to title |  |
| Registered by     |  | Attachments / Annexures        |  |
| Registration date |  | Deed Deposited                 |  |

#### **NOTES ON COMPLETION OF FORM**

- This form must be used by the Registrar-General to place a Registrar-General's Caveat over a property.
- When a relevant deed is deposited, the Registrar-General will enter a Registrar-General's Caveat, forbidding the registration of dealings not in accordance with Section 124(3) of the *Land Titles Act 1925*. In this case, the Registrar-General's Caveat is entered/withdrawn at the expense of the applicant. It will not be necessary to produce the Certificate of Title at the time of the deposit of a deed.

The purpose of entry of the Registrar-General's Caveat is to afford protection to persons with beneficial or equitable interests in the land by warning persons dealing, and where appropriate, preventing registration of dealings contrary to the interests of those persons.

It should be noted that a Registrar-General's Caveat entered to protect the terms of a trust deed in relation to property, will not be removed automatically.

On the removal of such Caveats, the Registrar-General will no longer require evidence that the Caveat is being removed with the consent of the beneficiaries. However, the Registrar-General will be concerned that no apparent conflict of interest arises from a request for removal.

Such Caveats may be removed by lodging a blank Withdrawal of Caveat form for the Registrar-General to complete together with the common lodgement fee and any supporting evidence.

- Dealing with land subject to a Registrar-General's Caveat - Parties intending to deal with land subject to a Registrar-General's Caveat may search the Registrar-General's Caveat and the relevant deed deposited. Generally, that party should decide whether the registered proprietor has the capacity to deal with the land. Supporting evidence in the form of a declaration may be required.

Upon lodgement of a dealing with land subject to a Registrar-General's Caveat, the Registrar-General may enquire as to whether the dealing is contrary to the interests of the beneficiaries and may refuse to register the dealing. Supporting evidence in the form of a statutory declaration may be required.