

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 Territory and Municipal 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 Territory and Municipal 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

- This form must be used by the Registrar-General to place a Registrar-General's Caveat over the 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 the trust provisions (S.124 (3)) *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 In this case, the Registrar-General's Caveat is entered/withdrawn at the expense of the applicant.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 Office 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 inquire as to whether the dealing is contrary to the interests of the beneficiaries and may refuse to register the dealing if this is found to be the case eg in a situation of a conflict of interests. Supporting evidence in the form of a declaration may be required.

- 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.
- If there is insufficient space use an annexure sheet.
- Volume, Folio and Edition references must be given.
- Provide details on the nature of the caveat.
- Execution by the Registrar-General or a Deputy Registrar-General being:

A Natural Person – Should be witnessed by an adult person who is not a party to the document.

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.