

**CAVEAT OF A SUBLEASE OR UNDERLEASE**

Form 060 - XSL

*Land Titles Act 1925***IMPORTANT INFORMATION**

This form is to be used to lodge a caveat of a sublease or underlease 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.act.gov.au/accesscbr](http://www.act.gov.au/accesscbr).

**PRIVACY NOTICE**

The collection of personal information in this form is required by law under the *Land Titles Act 1925*, to ensure accurate and legal transfer of title or registration of other interests relating to land and for maintaining publicly searchable registers and indexes. Personal information collected on this form will be handled in accordance with the Territory Privacy Principles in Schedule 1 of the Information Privacy Act 2014. More detailed information about how Access Canberra handles this personal information is available at: <https://www.act.gov.au/acprivacy>

**INSTRUCTIONS FOR COMPLETION**

- **WARNING – CARE SHOULD BE EXERCISED IN COMPLETING THIS FORM. A CAVEAT MAY BE CHALLENGED IN THE SUPREME COURT; AND DAMAGES MAY BE AWARDED FOR LODGING A CAVEAT WITHOUT JUSTIFICATION.**
- A simple debt owed to a person by a registered proprietor of land would not in itself, entitle that person to lodge a caveat against the land.
- Item (a) of action required by the Caveator – A Caveat cannot prohibit the registration of a lapsing, withdrawal, cancellation or removal of writ; the entry of, lapsing, withdrawal or removal of a caveat; dealing with a prior mortgagee; or a correction by the Registrar-General.
- If you tick item (b) the following dealings will be permitted: Notice of Death, Vesting, Resumption or withdrawal of land; Discharge of Mortgage; Registration, extinguishment or variation of easement; Transmission Application; Registration of new or additional trustees; Registration of a declaration by an executor.
- Item (c) of action required by this caveat – care should be taken not to forbid registration of any instrument for which the caveator has no right to forbid.
- Section 10 Land Titles (Unit Titles) Act 1970 does not allow caveats to carry forward to a unit's plan.
- All information should be typed or clearly printed.
- 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.

**CERTIFICATIONS**

*Any inapplicable certification statement(s) must be deleted.*

*Certification statements must be made by the Certifier, being one of the following:*

- A legal practitioner**
- If the applicant is not represented by a legal practitioner – the applicant (i.e. self- represented party)**
- If a party to an instrument is not represented by a legal practitioner – that party (i.e. self-represented party)**

All certifications apply where the Certifier is a legal practitioner.

The first listed certification does not apply where the Certifier is a self-represented party. Self-represented parties are only required to make certifications relating to retaining evidence to support the registry instrument or document and ensuring the registry instrument or document is correct and compliant with relevant legislation and any prescribed requirement.

By certifying this form, the legal practitioner acknowledges they have taken reasonable steps to verify that their client or his, her or its administrator or attorney is a legal person and has the right to enter into the conveyancing transaction.

**Note: - An attorney or a body corporate cannot make certification statements.**

**LODGEMENT INFORMATION**

**In Person:**  
Environment, Planning and Land Shopfront  
Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson. Opening hours - Monday to Friday 8:30am to 4:30pm (*excluding public holidays*)

**CONTACT INFORMATION**

**Email:** [actlandtitles@act.gov.au](mailto:actlandtitles@act.gov.au)

**Phone:** (02) 6207 0491



## CAVEAT OF A SUBLEASE OR UNDERLEASE

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Land Titles Act 1925

LODGING PARTY DETAILS				
Name	Email Address	Customer Reference Number	Contact Telephone Number	

  

TITLE AND LAND DETAILS				
Volume & Folio	District/Division	Section	Block	Unit

  

REGISTERED SUBLEASE / UNDERLEASE NUMBER (Associated dealing number)

  

CAVEATOR (Surname Last) (ACN required for all companies)	FULL POSTAL ADDRESS (include postcode)

  

FORM OF TENANCY – (to be completed where more than one Caveator is listed)
<input type="checkbox"/> Joint Tenants <input type="checkbox"/> Tenants in Common in

  

REPRESENTING SOLICITOR DETAILS FOR CAVEATOR (Complete if applicable – otherwise state below “Not Applicable”)		
Name of Firm	Solicitor Email Address	Solicitor Name

  

REGISTERED PROPRIETOR/S (Surname Last) (ACN required for all companies)	FULL POSTAL ADDRESS (include postcode)

  

NATURE OF THE ESTATE OR INTEREST IN THE LAND (for information regarding what is considered a caveatable interest see notes on page 3)

  

ADDRESS FOR SERVICE OF NOTICES (Must be an address in the Australian Capital Territory – including postcode)

ACTION REQUIRED BY THIS CAVEAT (Tick the appropriate box – one box should be Ticked)		
(a)	Prevention of all instruments with the land (refer to statutory exceptions overleaf).	<input type="checkbox"/>
(b)	Prevention of all instruments with the land other than those dealings as identified at <i>S104(5) Land Titles Act 1925</i>	<input type="checkbox"/>
(c)	Prevention of instruments as follows; .....	<input type="checkbox"/>

CERTIFICATION <i>*Delete the inapplicable</i>	
<b>Caveator</b>	
<p>*The Certifier has taken reasonable steps to verify the identity of the Caveator or his, her or its administrator or attorney.            *The Certifier has retained the evidence to support this Registry Instrument or Document.            *The Certifier has taken reasonable steps to ensure that the Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.</p>	
Signed By:	
<p>&lt;Name of certifying party&gt;            &lt;Capacity of certifying party&gt;</p>	
for: <Company name>	
on behalf of the Caveator	

OFFICE USE ONLY			
Lodged by		Registered date / by	
Data entered by		Attachments/Annexures	