

# Preparing instruments for registration in the General Register of Deeds

## General provisions

The lodging party is required to present the Deeds Index Particulars (form 10-0530) at the time of registration/lodgment. The particulars should comply with the current guidelines for indexing Old System registrations.

The Deeds Index Particulars form should be completed by either:

- the person lodging the instrument
- a party to the instrument
- a solicitor or agent acting for the person lodging, or a party to, the instrument.

The Deeds Index Particulars form contains details including:

- the nature of the instrument
- its date
- the type of document required
- parties to the instrument
- land affected, if applicable.

## Paper size, quality and text size

Standards must comply with the requirements for registration copies in the General Register of Deeds as detailed in Land and Property Information's (LPI) *How to prepare Dealings and Old System Instruments for Registration fact sheet* available on the LPI website that you can download free of charge.

## Margins-information area

See LPI's *How to prepare Dealings and Old System Instruments for Registration fact sheet*.

## Alterations

Alterations or deletions to original Old System instruments should be initialled by the appropriate person, in the margin opposite the correction.

Where new details are added or a material alteration is made to an instrument which has been marked by the Office of State Revenue (OSR) or is required to be marked, the addition or alteration must be noted by the OSR.

## Deeds Index Particulars form

The Deeds Index Particulars form has a certification that the registration copy is a true copy of the original.

In certain circumstances where the original is lodged or where LPI prepares the registration copy, Clause 1 is deleted from the certification on the Deeds Index Particulars form.

The option to use a memorandum of standard terms and conditions for mortgages, leases etc. is now available. Memoranda registered under section 80A *Real Property Act 1900* may be referred to in appropriate classes of registrations.

Each memorandum must contain the following certificate:

*On behalf of (insert name of mortgagee, lessor, firm etc.) I ..... certify that this memorandum, comprising ..... pages, contains the provisions which are deemed to be incorporated in such (insert nature of instruments which will refer to this memorandum) as refer to this memorandum.*

Signature

The facility for LPI to prepare registration copies is not available for Resumptions, Causes, Writs and Orders.

The date and time of registration will no longer be shown on the original or registration copy. The date of registration will be recorded in the index and priority or order of registration will be determined by the registration number.

Registration will be attested by a label containing the registration number, date and seal of the Registrar General. This label will be affixed immediately beneath the execution.

The Registrar General may refuse to accept any original, registration copy or request for LPI to prepare the registration copy, which does not comply with the standards or is not suitable for imaging.

## Amendments

The current policy of not entering marginal notes to amend a registration copy remains. Where there is an error in the registration copy, the only avenue for correction is by re-registration. Errors in original documents will normally be rectified by a Deed of Confirmation or Rectification.

The Registrar General may amend index particulars to agree with particulars shown in the Deeds Index Particulars form at the time of lodgment. The only method of rectifying incorrect information in an index particulars form is by re-registration.

## Lodgment should be made by hand

Lodging parties should ensure that complete and correct index particulars are supplied, as the time required to obtain such details may exceed the time prescribed for lodgment/registration of some instruments.

The registration copy will be scanned and the paper registration copy (including originals lodged as registration copies) destroyed.

## Deposited deeds

When an instrument registered in the automated index is permanently deposited, a notation will be placed in the Notings Field of its index entry. This will replace the notation previously made in the top margin of manual registration copies.

Those instruments which are permanently deposited and receive an index entry as an Unregistered Deposited Deed will be indexed in the automated index.

For more information see *How to prepare Dealings and Old System Instruments for Registration* [fact sheet](#).

## General Register of Deeds

A search of the chain of title should highlight information required for the index particulars, including:

- any change in the vendor's name since the interest being dealt with was acquired, a vendors entry will be made under the old and new names
- identification of the Link Conveyance
- identification of the locality, which is that shown in the index entry for the Link Conveyance
- determination as to whether the subject land is the whole or part of the land in the Link Conveyance and
- where necessary, identification of the Principal Deed
- if the instrument affects a water licence.

## Original document

The original document does not change in its format or content (except as regards plans) - the Link Conveyance is not designed to replace the metes and bounds description.

## A Memoranda

A Memoranda of standard terms and conditions can be used for mortgages, leases etc. Memoranda registered under section 80A *Real Property Act 1900* can also be referred to in appropriate classes of 'old system' instruments.

## Plans or diagrams annexed to instruments

These plans or diagrams must:

- not have a part of a lot shown unless the lot is shown as a whole unit elsewhere in the plan
- be suitable for scanning so that a clear image can be obtained on retrieval
- not use colour for hatching or any other purpose and
- have all line work, dimensions, hatchings or notations in clear dense black ink.

## Torrens title land

Registration in the General Register of Deeds of any instrument which is registrable under the *Real Property Act 1900* and relates only to land under that Act, is of no effect and may be refused. This also applies to Resumptions and Causes, Writs and Orders.

## Index particulars

Index particulars must be provided at the time of lodgment on a Deeds Index Particulars form. Vendors and Purchasers entries must be such that the chain of title is maintained.

## Requests for preparation of registration copies by LPI

Originals must be of sufficient standard for an acceptable registration copy to be prepared and must not be permanently bound, Clause 1 of the certification on the Deeds Index Particulars form should be deleted.

## Payment of fees

Payment is to be made at the Client Service Counter on the ground floor of Land and Property Information, Queens Square, Sydney.

## Name, address and delivery box number

The name, address and delivery box number (if any) of the person by whom, or on whose behalf the original instrument and copy are lodged, shall be endorsed on the original and registration copy.

## **Causes, Writs and Orders**

A search of the chain of title will require identification of the same particulars as for an instrument affecting real estate in the General Register of Deeds. For a vacation or renewal, the Principal Deed is the Cause, Writ or Order (CWO) being renewed or vacated.

### **Original application**

The original application should be prepared on A4 size paper and comply with the requirements for registration copies in the General Register of Deeds. The format is basically the same except that registration is in the General Register of Deeds. Supporting evidence is unchanged.

### **Registration**

Registration may be affected by lodging the original application and supporting evidence - a registration copy is not necessary. In such cases, Clause 1 of the certification on the Deeds Index Particulars form should be deleted.

If lodgment of a registration copy is preferred, the copy must be prepared by the lodging party.

Where registering a renewal or vacation lodging parties will still need to verify the registration number of the subject CWO.

### **Index particulars**

Index particulars must be provided at the time of lodgment on a Deeds Index Particulars form.

Where **evidence** supplied by a Court or other government office is larger than A4 size it will be accepted.

## **Torrens title land**

Registration in the General Register of Deeds of any Cause, Writ or Order which is registrable under the *Real Property Act 1900* and relates only to land under that Act, is of no effect

## **Resumptions**

### **Search of the chain of title**

A search of the chain of title will require the same particulars to be identified as for an instrument affecting real estate in the General Register of Deeds. For a rescission or an erratum notice, the Principal Deed is the resumption affected.

### **The Notice of Resumption**

The Notice of Resumption should be prepared on A4 size paper and comply with the requirements for registration copies in the General Register of Deeds.

### **Registration**

Registration may be affected by lodging the Notice of Resumption only - a registration copy is not necessary.

Where the original Notice of Resumption is being used as the registration copy, Clause 1 on the Deeds Index Particulars form should be deleted. If lodgment of a registration copy is preferred, the copy must be prepared by the lodging party.

### **Index particulars**

Index particulars must be provided at the time of lodgment on a Deeds Index Particulars form.

**Gazette Notification.** It is suggested that the index particulars be included at the end of each gazette notice as follows:

\_\_\_\_\_ being part (or whole) of link conveyance Book \_\_\_\_\_ No \_\_\_\_\_ located at \_\_\_\_\_ of which the registered owner is \_\_\_\_\_

The full names of the registered owner(s) are required to be shown.

Form 13 has been replaced by Form 2:

NOTICE OF RESUMPTION OF LANDS NOT SUBJECT TO THE *REAL PROPERTY ACT 1900*

[*Conveyancing Act 1919, Section 196A(3)(a)*]

(Extract from Gazette)

I, \_\_\_\_\_ of \_\_\_\_\_,  
\_\_\_\_\_

certify that the above matter is a true copy of the notification of resumption published in the  
Government Gazette on \_\_\_\_\_ at page \_\_\_\_\_

(Signature)

(Date)

#### Disclaimer

This fact sheet must not be relied on as legal advice. For more information about this topic, refer to the appropriate legislation.

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