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Land and Property Information, a division of the Department of Finance and Services is officially registered in the Australian Business Register and also registered for GST. Its ABN is 84 104 377 806.

## Amendments to caveat provisions of the Real Property Act 1900

Certain provisions of the *Real Property Act 1900* dealing with caveats have been amended. The amendments commenced on 12 March 2014. Section 74F (6) relating to the giving of notices on the lodgment of a caveat, and section 74I relating to the lapsing of caveats are amended.

### Registrar General's notice to registered proprietor on lodgment of caveat

Previously, the Registrar General was not required to give notice to the registered proprietor of an estate or interest affected by a caveat on its lodgment where the registered proprietor's consent was endorsed on the caveat. The amendment to section 74F(6) removes this exception and now means that the Registrar General will give notice to the registered proprietor of an estate or interest affected by a caveat on lodgment in all circumstances. This amendment is consistent with the Registrar General's current practice.

### Lapsing of Caveat on Application by Judgment Creditor (Form 08LX)

Previously, a judgment creditor could not record their Writ on land in instances where a caveat specifically prohibited the recording of a Writ unless the caveator consented to the recording or the caveat was withdrawn. Section 74I of the Act has been amended to allow a judgment creditor to now apply for the partial lapsing of a caveat which prohibits the recording of their Writ.

Form 08LX has been updated to allow for this amendment and is now available. In order to apply for the lapsing of the caveat, a judgment creditor will need to lodge the Application to Record Writ (Form 09W) with the lapsing application.

### Further information

All Real Property Act forms are accessible on LPI's website at:

[http://www.lpi.nsw.gov.au/land\\_titles/dealing\\_forms/land\\_title\\_dealing\\_forms](http://www.lpi.nsw.gov.au/land_titles/dealing_forms/land_title_dealing_forms). Hard copies can also be purchased over the counter at LPI's Sydney office located at 1 Prince Albert Road Sydney.

More information on the requirements to complete an Application for Preparing Lapsing Notice and Application to Record Writ is available on the Registrar General's Directions website at:

<http://rgdirections.lpi.nsw.gov.au>.

The *Real Property Amendment (Electronic Conveyancing) Act 2014*, can be viewed on the NSW Government legislation website at: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).