



No. 2013/07

[www.lpi.nsw.gov.au](http://www.lpi.nsw.gov.au)

Date: August 2013

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.

## Caveats and Applications to Record Writs: updated forms and requirements

LPI has published three updated Real Property Act forms: Caveat (Form 08X), Caveat Affecting a Primary Application (Form 00PAX) and Application to Record Writ (Form 09W).

The updated forms include changes to requirements for completion.

Use of the updated forms will be mandatory from 1 February 2014. LPI will continue to accept previous versions of the forms for lodgment until 31 January 2014.

### Changes to Caveat and Caveat Affecting a Primary Application (Forms 08X and 00PAX)

The main change is that the statutory declaration included in the updated caveat forms now requires confirmation that the details recorded in Panel D showing the registered proprietor's address are correct.

This requirement has been added to ensure that LPI can notify a registered proprietor when a caveat affecting their estate or interest in land has been entered on the Register.

The updated forms also now make provision for a registered proprietor to consent to the lodgment of a further caveat in circumstances where the caveat would have had no effect without the registered proprietor's consent.

This provision has been added in recognition of section 740 of the *Real Property Act 1900*, which provides that where a caveat is withdrawn or lapsed in the circumstances set out in that section, any further caveat claiming the same interest has no effect unless the registered proprietor has consented to its lodgment or the Supreme Court has made an order allowing the lodgment of a further caveat.

### Changes to Application to Record Writ (Form 09W)

The statutory declaration included in the Application to Record Writ now includes a requirement to list the steps undertaken to verify that the judgment debtor named in the writ is identical to the registered proprietor of the land. The steps taken must clearly demonstrate that the judgment debtor and the registered proprietor are the same person.

This requirement has been added to minimise the risk of writs being recorded against land owned by other registered proprietors with the same name as the judgment debtor. LPI may requisition an Application to Record Writ if the steps undertaken are limited to an owner name search conducted on the LPI Register.

### Period to satisfy requisitions on caveats

A caveator should always ensure that a caveat is in order when lodged. Requisitions issued by LPI when caveats are not in order must be satisfied within 21 days. If a requisition is not satisfied within this timeframe, the caveat will be rejected immediately.

Caveators should also note the date for response shown on any requisition raised by LPI Legal Services, which may require satisfaction in less than 21 days.

## 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 a Caveat, Caveat Affecting a Primary Application and Application to Record Writ is available on the Registrar General's Directions website at:

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

Legislation relating to the preparation of caveats is principally set out in sections 74B and 74F of the *Real Property Act 1900* and regulations 7 and 8 and Schedule 3 of the *Real Property Regulation*. This legislation can be viewed on the NSW Government legislation website [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

Information contained  
in this document was correct at  
time of publication, but may have  
been superseded