

# Notice

## To Lodging Parties

7 October 2005

No 144

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#### 1. Rejection of Instruments

Further to Notice to Lodging Parties No. 116

The number of instruments being referred for correction and reaching the rejection stage has now reached an unacceptable level.

Where an instrument has been referred for correction, the *Real Property Act 1886* allows two months for an instrument to be corrected by the relevant party. At the expiration of this time, a Notice of Intention to Reject is sent to the lodging agent and all parties to the instrument setting out that the Registrar-General intends to reject the instrument. Once a further two-month period has expired, under the provisions of Section 220(e) of the Act, the instrument may be rejected and all Lands Titles Office fees forfeited. If an instrument is lodged with a plan of division, the plan may also be rejected.

**In extenuating circumstances, the time for rejection may be extended by written request to the Registrar-General. The onus is on the lodging/correcting party to ensure that a written request is made prior (i.e. 1-2 weeks) to the expiration of the two month period after receiving the Notice of Intention to Reject.**

The written request must be addressed to the attention of the relevant document examiner and include the reason(s) why the requisition(s) cannot be complied with within that time frame.

This request must also indicate the anticipated date when the requisition(s) will be complied with, and the instrument returned.

**If a written request for an extension is not received, instruments will be rejected two months following the date of the Notice of Intention to Reject without further contact with any party.**



Note: The Real Property Act defines an instrument as;

*'instrument' shall mean and include every document capable of registration under the provisions of any of the Real Property Acts, or in respect of which any entry is by any of the Real Property Acts directed, required, or permitted to be made in the Register Book.*

The rejection process and further information relating to

- Full withdrawal of documents
- Temporary withdrawal of documents
- Refunds
- Correction of documents

is available on our Internet site at:

<http://www.landservices.sa.gov.au/5Publications/2Publications-Industry-Professional/>

## **2. Delivery Details**

Since the introduction of 'Drop n Go' there has been an increase in the number of instruments lodged without the delivery details being completed. If no delivery details are completed on the relevant instrument, the delivery items will be returned to the lodging party and it will be the responsibility of the lodging party to forward items to the intended recipient.

In other circumstances where a client receives an incorrect delivery item it is imperative that the relevant items be returned to the **Information Counter on the Ground Floor, 101 Grenfell Street**, to determine why the incorrect delivery occurred and if the delivery details require updating on the system. If the delivery details are found to be correct, the item will be returned to the client and it will be the responsibility of that client to forward the items to the intended recipient.

If this process is not followed then the true extent of this problem cannot be determined with the possibility that incorrect delivery details will be reflected on the delivery enquiry system and therefore cause additional work should a certificate of title or instrument be lost or misplaced.

*Original signed*

John Zaccaria

**DEPUTY REGISTRAR-GENERAL**