

*These Guidance Notes are of a general nature and are not intended to, and cannot, replace the advice of a Legal Practitioner or Registered Conveyancer.*

This form is to be used for an Extension of Underlease only.

All panels must be completed. If insufficient space, use approved annexure sheets. If more than one page is used, each must be numbered consecutively, e.g. 1-10, 2-10; 1/10, 2/10 or 1 of 10, 2 of 10.

**All handwriting must be clear and legible in permanent, dense, rapid drying black or blue ink.**

The Registrar-General *may refuse* to accept for registration any instrument, annexure sheet or additional or inserted sheet that does not comply with the provisions of LTO panel form standards.

**NOTE:** "An instrument renewing or extending a lease must be lodged with the Registrar-General no later than two months after the day on which the lease would, but for the renewal or extension, expire" - Section 153(2) *Real Property Act 1886*.

## UNDERLEASE BEING EXTENDED

The underlease must be identified by its registered number. If the underlease is unregistered, identify it by referring to the parties and date of the document, e.g. "Underlease dated ..... from A to B lodged contemporaneously herewith".

## LAND DESCRIPTION

Indicate whether the underlease being extended is registered over the whole or portion of the land comprised in CERTIFICATE OF TITLE (CT) or CROWN LEASE (CL). If portion only then identify the relevant portion by reference to an appropriate plan.

**WHOLE** - e.g. "Whole of the land in CT Volume \_\_\_\_\_ Folio \_\_\_\_\_"  
or "Whole of the land in CL Volume \_\_\_\_\_ Folio \_\_\_\_\_".

**PORTION** - e.g. "Portion of the land in CT Volume \_\_\_\_\_ Folio \_\_\_\_\_ being area A in FP 42361".

## UNDERLESSOR

Full name and current address to be stated. If the underlessor's name has altered, you must lodge an Application to Note Change/Correction of Name prior to the Extension of Underlease.

## UNDERLESSEE

Full name and current address to be stated. If the underlessee's name has altered, you must lodge an Application to Note Change/Correction of Name prior to the Extension of Underlease.

## CONSIDERATION

If expressing an amount, use words and figures. If relevant, insert "valuable consideration" etc. Strike through if not applicable.

## TERM

Must have a commencement date and an expiry date. The commencement date must run on from the original term and, in the case of an underlease, must not absorb the whole term of the headlease.

## CONSENTS

If none required, state "Not Applicable" or strike through panel.

## VARIATIONS

If no variations, then state "Not Applicable" or strike through panel.

## CERTIFICATION

Any inapplicable certification statement(s) must be deleted.

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

- a. A legal practitioner
- b. A registered conveyancer
- c. If the applicant is not represented by a legal practitioner or registered conveyancer – the applicant (i.e. self-represented party)
- d. If a party to an instrument is not represented by a legal practitioner or registered conveyancer – that party (i.e. self-represented party)

All certifications apply where the Certifier is a registered conveyancer or legal practitioner, signing on behalf of their client.

The first two listed certifications do not apply where the Certifier is a self-represented underlessor. Self-represented underlessors 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.

A self-represented underlessee is exempt from the need to provide any certifications. In such instances, the underlease should include either on an annexure or the last page of the covenants:

- the properly witnessed signature of the underlessee, meeting the requirements of s 267 of the *Real Property Act 1886*; or
- the execution of the incorporated body in accordance with any prescribed formalities.

The underlessee's certification clause should then be struck-through and the text "Underlessee is self-represented" inserted.

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

The Registrar-General's [Verification of Identity](#) and [Verification of Authority](#) requirements must be complied with except where the underlessee is self-represented.

Penalties of up to \$10,000 or 2 years imprisonment apply, where a prescribed person provides a false certification under section 273(1) of the *Real Property Act 1886*.

## ANNEXURE

It will be necessary to use an annexure sheet (Form B1) if there is insufficient space in a panel for the text or to complete remaining certifications.

An annexure sheet to an instrument must:

- a. be in the format of Form B1 and identified therein as an annexure to the parent instrument;
- b. be referred to in the appropriate panel in the body of the instrument;
- c. be affixed securely and permanently to the top left-hand corner of the instrument. The annexure and instrument must not be bound;
- d. comply with the requirements in Form B1 Guidance Notes.

FORM E3 (Version 2)



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