Guidance Notes

Application for Deposit of a Plan of Division and Issue of New Certificates of Title

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.

GENERAL INFORMATION

RTD form is used for an applicant, or authorised party to apply to the Registrar-General for the deposit of a plan of division where the plan is lodged pursuant to a statute provision other than Part 19AB of the *Real Property Act 1886* (RPA). The application also incorporates a request to the Registrar-General for the issue of new certificates of title for the allotments created in the plan, if applicable.

Note: Forms RTC or RTU are to be lodged to deposit a plan of division lodged pursuant to Part 19AB of the RPA.

If the name of the applicant has changed from that appearing on the title or crown lease, a separate Application to Note Change of name **must** be lodged.

Where the application is made pursuant to an order of court, a photocopy of the sealed court order must accompany the application.

If there is a condition on the plan such as an easement or road to be transferred the appropriate documentation (e.g. Grant of Easement) **must** be lodged after the application and before the plan will be deposited.

EXPLANATION OF FORM

Heading

Insert the plan number (if known) and the development number.

Land Description

Include title reference for all Certificates of Title, Crown Leases and Crown Records affected by the plan, e.g. the land being divided, and other land affected by any variation, extinguishment or creation of rights/easements or redesignation e.g. “Whole of the land in CT Volume ……Folio……”, or if portion of certificate of title describe precisely eg; Allotment 1 in DP 121658 being portion of the land in CT Vol 5000 Folio 3.

Certificate(s) of Title Affected

Insert the title reference for all of the land:

- being divided
- outside the plan that may be affected by the creation, extinguishment or variation of an easement.

Applicants
Insert the full name and address of the registered proprietors of the land being divided.

Execution

To be dated and executed by the applicant or party authorised to make the application.

Applicants may instruct a practitioner to execute on their behalf under client authorisation. If they do so, the applicant execution panel is to be struck through.

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.

Certifications do not apply where the application is executed by the applicant.

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

The Registrar-General's Verification of Identity and Verification of Authority requirements must always be complied with.

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*.

NEW TITLE INSTRUCTIONS

Provide instructions for the issue of new Certificates of Title.

SUPPORTING DOCUMENTATION LODGED WITH APPLICATION

Insert reference to supporting documentation that is required to be lodged with the application.

ANNEXURE

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

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 body of the instrument where there is insufficient space;
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

When an additional or inserted sheet being a certificate, statutory declaration or writing of a similar nature is intended to form part of an instrument ensure:

a. it is affixed securely and permanently to the top left-hand corner of the instrument; and
b. the printing or handwriting thereon is clear and legible and of a permanent form.

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 these standards

FORM RTD (Version 3)