

Notice

To Lodging Parties

26 September 2019 No 222

National Mortgage Form and Certification Requirements for Self- Represented Lessees

Update to National Mortgage Form

The Registrar-General has received requests from financial institutions to remove witnessing provisions from the approved National Mortgage Form in order to enable more efficient execution of mortgages.

As there is no requirement under the *Real Property Act 1886* for a mortgage to be witnessed, the witnessing provisions for South Australia have been removed from the National Mortgage Form. If any mortgagees still wish to lodge mortgages which contain the witnessing of the mortgagor's signature, these will be accepted by Land Services SA however as the witnessing is not a requirement of the approved form this part of the form will not be examined.

An [addendum](#) to the National Mortgage Form Design Specification has been published on Australian Registrars National Electronic Conveyancing Council (ARNECC) website. The web form on the ARNECC site has also been updated to reflect this amendment.

Certification Requirements for Self-Represented Lessees

Notices to Lodging Parties No. [189](#) and [191](#) notified Lodging Parties of changes to conveyancing requirements as a result of the commencement of the *Real Property (Electronic Conveyancing) Amendment Act 2016* and advised that unrepresented lessees are exempt from certification requirements for Leases, Extensions of Lease and Surrenders of Lease.

As this exemption was only a transitional arrangement, the Registrar-General has determined that from 4 November 2019 unrepresented lessees will no longer be exempt from providing certifications under section 273 of the *Real Property Act 1886*. This timeframe aligns with the date targeted for enabling the lodgement of leases electronically.

A transition period of three months will apply to provide sufficient lead time to comply with the new requirements and to allow for in flight transactions. Leases, Extensions of Lease and Surrenders of Lease lodged on or after 3 February 2020 must be certified by unrepresented lessees and are required to comply with formal Verification of Identity and Verification of Authority requirements. Please note that an attorney or a body corporate cannot make certification statements.

For further information please contact Land Services SA on (08) 8423 5000 or customersupport@landservices.com.au.



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DEPUTY REGISTRAR-GENERAL