

**REGISTRATION SERVICES**

# Customer Information Bulletin

BULLETIN NO. 174  
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**1. NOTIFICATION TO AMEND ADDRESS OF THE REGISTERED PROPRIETOR/S**

In order to encourage a registered proprietor to update their address for the serving of notices, the Notification to Amend Address (Form NA1) was created.

However many proprietors do not update their address on the title. This is usually because their land is encumbered by a mortgage and the duplicate title is held as security by the mortgagee. In addition, the inconvenience of going to see the mortgagee and paying them a production fee to have the duplicate title produced and then having to pay a further DLI production fee, discourages proprietors from updating their address on Certificates of Titles. Until now, the duplicate Certificate of Title was required to be lodged or produced with the notification document.

**New Practice**

The Commissioner of Titles has endorsed a change of practice and whilst the production of the duplicate Certificate of Title is desirable, it is no longer a requirement under the *Transfer of Land Act 1893* (TLA).

There is a concern however that where the land is encumbered by a registered mortgage or charge, the mortgagee or chargee may not be aware that the registered proprietor has lodged a Notification of Change of Address.

To overcome this concern a new Notification Form (NA1) has now been created. This new form incorporates a statutory declaration by the Proprietor to confirm that the mortgagee or chargee is aware that the Notification to Change Address is being lodged and what the intended new address will be.

This new Notification (Form NA1) is to be used in all cases, whether the duplicate title has been produced or not. Note 1 on the cover of this form states:

*“Where issued, it is desirable but not essential that the duplicate title be produced with this Notification so that it can be updated”.*

**Importantly, as this new form incorporates a generic statutory declaration, it is designed to be used by only one registered proprietor. If more than one registered proprietor wants to change their address, separate forms (one for each proprietor) must be used.**

In the case where a duplicate title is in existence but has not been produced with the Notification document, the following **Note** will be shown on the original digital title:

**“DUP C/T NOT PRODUCED FOR DOCUMENT J123458”**

A copy of the new NA1 form incorporating the Statutory Declaration is attached to this bulletin. The new forms are also available on Landgate and the DLI corporate website at [www.dli.wa.gov.au](http://www.dli.wa.gov.au)

## **2. ATTESTATIONS – WITNESS IN A TRANSFER (ADDITIONAL SIGNATURES)**

It is the Registrar's practice to query additional signatures in the transferee's execution panel. The identity and intention of the transferee must be clearly defined. The appearance of an additional signature/s in the execution panel raises doubt as to the identity and intention of the parties as it could possibly indicate the presence of another transferee.

Where there are additional signatures in the transferee's execution panel (without a letter of explanation), DLI examiners will requisition the transfer document.

To satisfy the requisition or to prevent the issuing of a requisition, Conveyancers should provide a letter of explanation with the transfer document.

The letter of explanation must be provided by the person whose signature appears in addition to the parties named in the transfer document. The letter must negate any interest in the land the subject of the transfer and must also describe the transfer by reference to the parties and the land being transferred.

There is no need to seek the approval of an Assistant Registrar of Titles / Advice Officer, before settlement, provided the letter of explanation is included with the document at lodgement.

The transferor's execution panel is treated differently. DLI examiners must be satisfied that the registered proprietor has signed the transfer document and the signature is attested in the proper manner, as set out in *Section 145 of the Transfer of Land Act 1893*.

Provided that the transferor has had their signature attested in the appropriate manner, then any additional signatures would not normally be queried.

If Conveyancers have any doubt, then it would be appropriate to complete a letter of explanation, containing the same information as for an additional signature in the transferee's execution panel.

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**12 December 2006**