

REG-05 Service of Court Orders upon the Registrar

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1 Overview

Where a Court Order affects land, the Registrar of Titles should be joined as a party to the action.

Writs of Summons and Court Orders must be served on the Registrar at Landgate's Midland office in accordance with the Rules of the Supreme Court.

The sealed copy of any Court Orders must be sighted by a responsible officer (preferably an Assistant Registrar) from the Title Dealings Section of Landgate at the time of service.

Delivery of Court Orders to Landgate in another manner (fax, email, post, etc) does not constitute proper service upon the Registrar, unless the order itself specifically authorises service in that manner.

2 Registrar's Packets

A Registrar's Packet is an administrative mechanism that enables the Registrar of Titles to remove a paper certificate of title from the normal storage area to ensure that documents lodged in respect of that certificate of title are carefully considered by one of Landgate's legal officers prior to registration.

In the case a digital title, the title cannot be physically removed from file and held inside the Registrar's Packet.

These titles are merely marked subject to the Registrar's packet and will result in a search of the Register watermarked with Subject to Dealing or Other Action. Registrar's Packets involving digital titles are created by Sundry Document type XP.

The most common reasons for creating a Registrar's Packet are:

- that the Registrar of Titles has been served with copies of court proceedings, court orders or injunctions relating to land in a particular certificate of title

or

- the Registrar is put on notice that there may be defective or potentially defective documents that have been registered, lodged and not yet registered or that may be lodged in the future.

By way of example, the need for a Registrar's Packet arises in the situation where an injunction has been served upon the Registrar of Titles. The Transfer of Land Act contains no provision for an injunction to be recorded on the register. It is therefore necessary to give notice of the injunction by removing the certificate of title from the normal storage area. If this is not done, dealings may be lodged and subsequently registered in breach of the injunction.

The creation of a Registrar's Packet does not, of itself, prevent lodgement of documents nor changes to the Register. It is possible to obtain information about a Registrar's Packet that has been created by ordering a Status Report from Landgate's Customer Services Contact Centre.

Note: For more information on Status Reports, see [REG-05 Service of Court Orders on the Registrar](#).

3 Status Reports (on Registrar's Packets)

Freedom of information legislation limits access to information connected with any court action or other matters that are the subject of a Registrar's Packet.

A Status Report is the mechanism by which Landgate customers can obtain identical information pertaining to a particular Registrar's Packet. This will assist clients to make informed decisions pertaining to the conduct of settlements in land.

A Status Report will be signed and dated by an Assistant Registrar of Titles and will contain the following information:

- a list of all certificates of title, crown leases, dealings and surveys held in or subject to the Registrar's Packet

- the reason for the creation and/or continuation of the Registrar's Packet

- where court orders are involved, the Court Action number, the parties to the action, the solicitors acting for the parties and a general description of the orders sought will be provided

and

- Landgate's requirements for disbanding the Registrar's Packet.

A Status Report can be ordered from Customer Services Contact Centre upon payment of the prescribed fee.

4 Also see

[-REG-02 The Register](#)

[-REG-04 Rectification in the Register and on Instruments \(after Registration\)](#)
