

## Addendum to the Australian Capital Territory (ACT) requirements to the National Mortgage Form Specification (version 1.5 clean)

ACT requires the following adjustments to the National Mortgage Form Specification (nmfs\_v1\_5\_clean) to implement Electronic Conveyancing into the ACT and to facilitate changes to the *Land Titles Act 1925*.

The National Mortgage Form Specification to be updated with the following:

Page 7 <b>Acceptance and lodgement scenarios</b>	Replace the ACT column: <table border="1"> <tr><td></td><td>ACT</td></tr> <tr><td>Scenario 1</td><td>YES</td></tr> <tr><td>Scenario 2</td><td>NO</td></tr> <tr><td>Scenario 1A</td><td>NO</td></tr> <tr><td>Scenario 3</td><td>NO</td></tr> <tr><td>Scenario 4</td><td>NO</td></tr> </table> with the following: <table border="1"> <tr><td></td><td>ACT</td></tr> <tr><td>Scenario 1</td><td>YES</td></tr> <tr><td>Scenario 2</td><td>YES</td></tr> <tr><td>Scenario 1A</td><td>YES</td></tr> <tr><td>Scenario 3</td><td>YES</td></tr> <tr><td>Scenario 4</td><td>YES</td></tr> </table> <p>*Scenario's 2, 1A, 3, 4 to come into effect on 1 June 2020.</p> <p>** Electronic Conveyancing is scheduled for implementation in ACT in July 2020.</p>		ACT	Scenario 1	YES	Scenario 2	NO	Scenario 1A	NO	Scenario 3	NO	Scenario 4	NO		ACT	Scenario 1	YES	Scenario 2	YES	Scenario 1A	YES	Scenario 3	YES	Scenario 4	YES
	ACT																								
Scenario 1	YES																								
Scenario 2	NO																								
Scenario 1A	NO																								
Scenario 3	NO																								
Scenario 4	NO																								
	ACT																								
Scenario 1	YES																								
Scenario 2	YES																								
Scenario 1A	YES																								
Scenario 3	YES																								
Scenario 4	YES																								
Page 13 <b>Lodger Details</b>  Field Descriptions  Name	The name of the lodging person or organization. If the Lodger Code has been supplied, this field should not be entered. The following jurisdictional restrictions apply to this field:  ACT: Maximum of 100 characters																								
Page 16 <b>Lodger Details</b>  Field Descriptions  Reference	An optional field for the lodger to add a case number, matter number or loan reference number. This is not used by the Land Registry and is simply an aide to assist the lodger in finding/filling the document. The field has a bottom margin of 0.25cm. The following jurisdictional restrictions apply to this field:  ACT: Maximum of 10 characters																								
Page 22 <b>Estate and/or interest being mortgaged</b>  Jurisdictional Restrictions	ACT: WHOLE OF THE LAND, LEASEHOLD, or free text																								
Page 26 <b>Land</b> Land Title Reference	ACT: Land Title Reference must be in the form Volume/Folio  Volume is maximum 4 numeric characters Folio is maximum 4 numeric characters																								

Jurisdictional Restrictions	
Page 27 <b>Land</b> Part Land Affected?  Jurisdictional Restrictions	ACT: Only Y when part of the land is being mortgaged, otherwise blank.
Page 35 <b>Mortgagor</b> Data lines  Given Name(s)  Jurisdictional Restrictions	ACT: Given Name/s and Family Name can be maximum of 300 characters
Page 36 <b>Mortgagor</b>  Data lines  Family Name  Jurisdictional Restrictions	ACT: Given Name/s and Family Name can be maximum of 300 characters
Page 36 <b>Mortgagor</b>  Data lines  Name  Jurisdictional Restrictions	<p>Mandatory for all jurisdictions if the mortgagor is an organisation Must contain the full legal entity name of the mortgagor Can span multiple lines.</p> <p>ACT: Name can be maximum of 300 characters</p>
Page 36 <b>Mortgagor</b>  Name on Title Reason for Difference	<p>Only applicable in VIC, SA, NSW, and ACT – omitted in other jurisdictions.</p> <p>For SA, NSW, and ACT (optional) this is applicable for electronic and paper lodgments.</p> <p>These 2 lines appear under the Given Name(s) and Family Name, or the Name (for an organisation), if the mortgagor name does not match the name on title.</p> <p>These lines are indented 1cm more than the Given Name(s) and Family Name, or the Name lines. i.e. the heading is at an indent of 2.00cm and the data at 6.55cm.</p> <p>The “Reason for Difference” in VIC can be one of the following list:</p> <ul style="list-style-type: none"> <li>• Adoption of new name</li> <li>• Amalgamation - Hospitals - Registered proprietor(s) may still exist Registrar holds satisfactory evidence</li> <li>• Amalgamation - Hospitals - Registered proprietor(s) may still exist</li> <li>• Approved abbreviation</li> </ul>

- Change of incorporated name
- Deed Poll
- Error in Register
- Legislative change - Company - Registered proprietor(s) may still exist - Registrar holds satisfactory evidence
- Legislative change - Company - Registered proprietor(s) may still exist
- Legislative change - Non-Company - Registered proprietor(s) may still exist - Registrar holds satisfactory evidence
- Legislative change - Non-Company - Registered proprietor(s) may still exist
- Marriage
- Merger or takeover - Registered proprietor(s) may still exist - Registrar holds satisfactory evidence
- Merger or takeover - Registered proprietor(s) may still exist
- Resumption of maiden name
- Sale or transfer of enterprise - Registered Proprietor(s) may still exist - Registrar holds satisfactory evidence
- Sale or transfer of enterprise - Registered Proprietor(s) may still exist

For example (individual):

Given Name(s)	Mary Elizabeth
Family Name	Smith
Name on Title	Mary Elizabeth Brown
Reason for Difference	Marriage

For example (organisation):

Name	XYZ Pty Ltd
Name on Title	ZZZ Pty Ltd
Reason for Difference	Change of incorporated name

The "Reason for Difference" in NSW can be one of the following list:

- Adoption of new name
- Approved abbreviation
- Change of Name
- Incorporated Name Change
- Legislative Change
- Marriage
- Organisation Re-structure
- Resumption of Maiden Name

For example (individual):

Given Name(s)	Mary Elizabeth
Family Name	Smith
Name on Title	Mary Elizabeth Brown
Reason for Difference	Marriage

For example (organisation):

Name	XYZ Pty Ltd
Name on Title	ZZZ Pty Ltd
Reason for Difference	Incorporated Name Change

The "Reason for Difference" in SA can be one of the following list:

	<ul style="list-style-type: none"> <li>• Adoption of New Name</li> <li>• Change of Name</li> <li>• Incorporated Name Change</li> <li>• Marriage</li> <li>• Resumption of Maiden Name</li> <li>• Error in Register</li> </ul> <p>For example (individual):</p> <table> <tr> <td>Given Name(s)</td><td>Mary Elizabeth</td></tr> <tr> <td>Family Name</td><td>Smith</td></tr> <tr> <td>Name on Title</td><td>Mary Elizabeth Brown</td></tr> <tr> <td>Reason for Difference</td><td>Marriage</td></tr> </table> <p>For example (organisation):</p> <table> <tr> <td>Name</td><td>XYZ Pty Ltd</td></tr> <tr> <td>Name on Title</td><td>ZZZ Pty Ltd</td></tr> <tr> <td>Reason for Difference</td><td>Incorporated Name Change</td></tr> </table> <p>The “Reason for Difference” in ACT can be one of the following list:</p> <ul style="list-style-type: none"> <li>• Change of Name</li> <li>• Incorporated Name Change</li> <li>• Approved Abbreviation</li> <li>• Marriage</li> <li>• Resumption of Maiden Name</li> <li>• Legislative Change</li> </ul> <p>For example (individual):</p> <table> <tr> <td>Given Name(s)</td><td>Mary Elizabeth</td></tr> <tr> <td>Family Name</td><td>Smith</td></tr> <tr> <td>Name on Title</td><td>Mary Elizabeth Brown</td></tr> <tr> <td>Reason for Difference</td><td>Marriage</td></tr> </table> <p>For example (organisation):</p> <table> <tr> <td>Name</td><td>XYZ Pty Ltd</td></tr> <tr> <td>Name on Title</td><td>ZZZ Pty Ltd</td></tr> <tr> <td>Reason for Difference</td><td>Incorporated Name Change</td></tr> </table>	Given Name(s)	Mary Elizabeth	Family Name	Smith	Name on Title	Mary Elizabeth Brown	Reason for Difference	Marriage	Name	XYZ Pty Ltd	Name on Title	ZZZ Pty Ltd	Reason for Difference	Incorporated Name Change	Given Name(s)	Mary Elizabeth	Family Name	Smith	Name on Title	Mary Elizabeth Brown	Reason for Difference	Marriage	Name	XYZ Pty Ltd	Name on Title	ZZZ Pty Ltd	Reason for Difference	Incorporated Name Change
Given Name(s)	Mary Elizabeth																												
Family Name	Smith																												
Name on Title	Mary Elizabeth Brown																												
Reason for Difference	Marriage																												
Name	XYZ Pty Ltd																												
Name on Title	ZZZ Pty Ltd																												
Reason for Difference	Incorporated Name Change																												
Given Name(s)	Mary Elizabeth																												
Family Name	Smith																												
Name on Title	Mary Elizabeth Brown																												
Reason for Difference	Marriage																												
Name	XYZ Pty Ltd																												
Name on Title	ZZZ Pty Ltd																												
Reason for Difference	Incorporated Name Change																												
Page 45 <b>Mortgagee</b>  Data lines  Given Name(s)  Jurisdictional Restrictions	ACT: Given Name/s and Family Name can be maximum of 300 characters																												
Page 45 <b>Mortgagee</b>  Data lines  Family Name	ACT: Given Name/s and Family Name can be maximum of 300 characters																												

Jurisdictional Restrictions																														
Page 45 <b>Mortgagee</b>  Data lines  Name  Jurisdictional Restrictions	Mandatory for all jurisdictions if the mortgagee is an organisation Must contain the full legal entity name of the mortgagee Can span multiple lines.  ACT: Name can be maximum of 300 characters																													
Page 47 <b>Mortgagee</b>  Data lines  Address  Jurisdictional Restrictions	ACT: Non-Mandatory																													
Page 61 <b>Execution Requirements</b>	Replace the ACT row: <table><tr><td></td><td><b>Full Paper Scenario 1</b></td><td><b>Paper Lodge Scenarios 1A &amp; 3</b></td><td><b>Paper Acceptance Scenarios 1A &amp; 2</b></td><td><b>Electronic Lodge Scenarios 2 &amp; 4</b></td><td><b>Electronic Acceptance Scenarios 3 &amp; 4</b></td></tr><tr><td>ACT</td><td>Mortgagor</td><td>N/A</td><td>N/A</td><td>N/A</td><td>N/A</td></tr></table> with the following: <table><tr><td></td><td><b>Full Paper Scenario 1</b></td><td><b>Paper Lodge Scenarios 1A &amp; 3</b></td><td><b>Paper Acceptance Scenarios 1A &amp; 2</b></td><td><b>Electronic Lodge Scenarios 2 &amp; 4</b></td><td><b>Electronic Acceptance Scenarios 3 &amp; 4</b></td></tr><tr><td>ACT</td><td>Mortgagor &amp; Mortgagee</td><td>Mortgagee</td><td>Mortgagor</td><td>Mortgagee (using Digital Signature)</td><td>Mortgagor</td></tr></table>							<b>Full Paper Scenario 1</b>	<b>Paper Lodge Scenarios 1A &amp; 3</b>	<b>Paper Acceptance Scenarios 1A &amp; 2</b>	<b>Electronic Lodge Scenarios 2 &amp; 4</b>	<b>Electronic Acceptance Scenarios 3 &amp; 4</b>	ACT	Mortgagor	N/A	N/A	N/A	N/A		<b>Full Paper Scenario 1</b>	<b>Paper Lodge Scenarios 1A &amp; 3</b>	<b>Paper Acceptance Scenarios 1A &amp; 2</b>	<b>Electronic Lodge Scenarios 2 &amp; 4</b>	<b>Electronic Acceptance Scenarios 3 &amp; 4</b>	ACT	Mortgagor & Mortgagee	Mortgagee	Mortgagor	Mortgagee (using Digital Signature)	Mortgagor
	<b>Full Paper Scenario 1</b>	<b>Paper Lodge Scenarios 1A &amp; 3</b>	<b>Paper Acceptance Scenarios 1A &amp; 2</b>	<b>Electronic Lodge Scenarios 2 &amp; 4</b>	<b>Electronic Acceptance Scenarios 3 &amp; 4</b>																									
ACT	Mortgagor	N/A	N/A	N/A	N/A																									
	<b>Full Paper Scenario 1</b>	<b>Paper Lodge Scenarios 1A &amp; 3</b>	<b>Paper Acceptance Scenarios 1A &amp; 2</b>	<b>Electronic Lodge Scenarios 2 &amp; 4</b>	<b>Electronic Acceptance Scenarios 3 &amp; 4</b>																									
ACT	Mortgagor & Mortgagee	Mortgagee	Mortgagor	Mortgagee (using Digital Signature)	Mortgagor																									
Page 61 <b>Execution Requirements</b>	Add the following notes: <ul style="list-style-type: none"><li>In the ACT for a mortgage lodged in the “Full Paper” channel, the mortgagee signature is optional.</li><li>In the ACT for a mortgage lodged in the “Paper Lodge” channel, certification may only be provided by an employee of the mortgagee corporation who has personal knowledge of the matter the employee is certifying.</li></ul>																													
Page 86 <b>Mortgagee Certifications</b>	Update as following:  For those jurisdictions (NSW, SA, VIC, and ACT) that allow mortgages to be lodged through the “Paper Lodge” channel (where only the mortgagee signs the mortgage lodged with the Land Registry, certifying that they hold a mortgage granted by the mortgagor), the required certifications are listed below depending on whether the mortgagee is represented by a																													

	<p>lawyer or conveyancer (only a lawyer can represent in the ACT) or if they are representing themselves.</p> <p>Where the mortgagee is signing on their own behalf, the following certifications are required:</p> <p>4, 5, 6</p>
<p>Page 110</p> <p><b>Mortgagee Witnessing Requirements for Full Paper (Scenario 1)</b></p>	<p>Add 'YES' to ACT for Mortgagee and Attorney (under PoA) as the individual party</p>

### Page 112, ACT Information Sheet

The updated Information Sheet will note that witnessing is not required for the mortgage signed by the mortgagor and held by the mortgagee if the mortgage is being lodged for registration in accordance with sections 48BA or 48BB of the *Land Titles Act 1925* (i.e. acceptance and lodgment scenarios 1A, 2, 3 and 4).

Replace:

Paper Mortgages – when lodged in paper at the Land Titles Office and the mortgagor or mortgagee signing is a:

with the following:

Paper Mortgages – for a mortgage lodged in the "Full Paper" channel, and the mortgagor or mortgagee signing is a:

The updated Information Sheet will include an additional page as per the below:

## Office Use Only – Australian Capital Territory

The Office Use Only table is to be attached to the National Mortgage Form on a separate sheet for lodgements in the "Full Paper" or "Paper Lodge" channels. The table is to be left blank for completion by the ACT Land Titles Office.

OFFICE USE ONLY			
Lodged by		Registered by	
Data entered by		Attachments / Annexures	