

Part 20 – Schedule, Enlarged Panel, Additional Page, Declaration or Standard Terms Document

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Part 20 – Schedule, Enlarged Panel, Additional Page, Declaration or Standard Terms Document

General Law

Schedule

[20-0000]

No law is applicable.

Enlarged Panel

[20-0010]

No law is applicable.

Additional Page

[20-0020]

No law is applicable.

Declaration

[20-0030]

The *Oaths Act 1867* or the applicable law of the State or country in which the declaration is made are relevant here.

¶[20-0040] deleted

Legislation

[20-1000]

2, 3 Application of the *Land Title Act 1994* to the *Water Act 2000*

Under the provisions of the Water Act, the Land Title Act applies to the registration of an interest or dealings for a water allocation on the water allocations register subject to some exceptions.

A relevant interest or dealing may be registered in a way mentioned in the Land Title Act and the Registrar of Water Allocations may exercise a power or perform an obligation of the Registrar of Titles under the Land Title Act:

- (a) as if a reference to the Registrar of Titles were a reference to the Registrar of Water Allocations; and
- (b) as if a reference to the freehold land register were a reference to the water allocations register; and
- (c) as if a reference to freehold land or land were a reference to a water allocation; and
- (d) as if a reference to a lot were a reference to a water allocation; and
- (e) with any other necessary changes.

Practice

General

[20-2000]

A Form 20 cannot be lodged on its own. It must be attached to another appropriate form.

One Form 20 can be used for any number of purposes. For example, an Enlarged Panel and a Declaration may appear on the same Form 20.

Schedule

[20-2010]

Please note that different requirements apply in relation to the use of a *Form 20 – Schedule* with the *National Mortgage Form*. For the requirements when using the *National Mortgage Form* please refer to Part 2 – Mortgage (National Mortgage Form) esp [2-4010].

Schedules are generally used to set out provisions or covenants and conditions for instruments or documents such as mortgages, easements or leases.

If used as a schedule, the Form 20 must repeat the relevant item number and name, eg ‘Item 6 Execution’, refer to at least one relevant title reference in the top centre of the page and show consecutive page numbering on the top right hand corner, eg ‘Page 3 of 5’.

Identity/Witnessing Certification

[20-2015]

Refer to Part 61 - Witnessing and Execution of Instruments or Documents esp [61-2500] and [61-2540].

Trust Details Form

[20-2016]

Refer to Part 1 – Transfer esp [1-2380] to [1-2430] and Part 51 – Trusts esp [51-4100].

Enlarged Panel

[20-2020]

Please note that different requirements apply in relation to the use of a *Form 20 – Enlarged Panel* with the *National Mortgage Form*. For the requirements when using the *National Mortgage Form* please refer to Part 2 – Mortgage (National Mortgage Form) esp [2-4010].

A *Form 20 – Enlarged Panel* must **only** be used when there is insufficient space to contain the necessary information in a panel in a form.

A Form 20 may be used for execution where there is insufficient space on the face of a form. For example, where the form is being executed by:

- a greater number of parties than is provided for by the form; or
- a corporation or an attorney where the space provided on the form is not sufficient for a multi-line attestation clause and the required signatures.

To clarify, where there is sufficient space for all parties to execute on the face of the form, a Form 20 should not be used for execution. Where there is insufficient space for all parties to sign on the face of the form, the spaces provided on the face of the form must be used and the remaining executions must be completed on a *Form 20 – Enlarged Panel*. The words ‘see Enlarged Panel’ should be included adjacent to the execution/s on the face of the form to reflect that additional executions have been completed on the Form 20 – Enlarged Panel.

Where an instrument or document is lodged with an execution or executions on a Form 20 and there was sufficient space for all parties to execute on the face of the form, the instrument or document will be requisitioned to seek an explanation as to why the Form 20 was used.

A Form 20 may also be required in order to include all of the information required in another panel. For example, Item 2 of a *Form 1 – Transfer*, the description of the land or water allocation, may not provide sufficient space to insert all of the descriptions of the lots involved, so on the Form 1, Item 2 would be completed with ‘see Enlarged Panel’. The *Form 20 – Enlarged Panel* would then contain the relevant panel heading of the Form 1 and set out the descriptions of the lots involved.

To assist timely registration of an instrument or document a form should not include, in the relevant item, more than 20 title references. However, in extenuating circumstances or when it is not practical, a person may apply in writing to the Registrar seeking relaxation.

A Form 20 can contain more than one enlarged panel. As is the situation for schedules, a Form 20 used for one or more enlarged panels must refer to at least one relevant title reference in the top centre of the page, show consecutive page numbering in the top right hand corner and repeat the relevant item number and name.

Additional Page

[20-2030]

Where a schedule or an enlarged panel exceeds one page a *Form 20 – Additional Page* is to be used for the additional pages.

The additional page must repeat the relevant item number and name, refer to at least one relevant title reference in the top centre and show consecutive page numbering on the top right hand corner.

Declaration

[20-2040]

Statutory declarations that are required as essential evidence for an instrument or a document should generally be prepared on a *Form 20 – Declaration*.

If there is more than one declarant, all declarants must execute the declaration on the same page. Where there is insufficient space for the executions, separate declarations must be completed and executed.

¶[20-2050] – [20-2080] deleted

Standard Terms Document

[20-2090]

See [14-2160].

Forms

General Guide to Completion of Forms

[20-4000]

For general requirements for completion of forms see part 59 – Forms.

Title Reference [12345201]

ENLARGED PANEL

Item 2 Lot on Plan Description

Lot 1 on RP812345
Lot 5 on RP856304
Lot 3 on RP804563
Lot 4 on RP804563
Lot 5 on RP804563
Lot 7 on RP804563

Title Reference

12345201
14235102
16323051
16323052
16323053
16323055

DECLARATION

I, George John McIntosh of 24 Glendown Street, Barsfield in the State of Queensland solemnly and sincerely declare that:

1. George Jon McIntosh is registered as the owner of the lands described as Lot 1 on RP812345 and Lot 5 on RP856304 contained in Title References 12345201 and 14235102 respectively.
2. George John McIntosh is registered as the owner of the lands described as Lot 3 on RP804563, Lot 4 on RP804563, Lot 5 on RP804563 and Lot 7 on RP804563 contained in Title References 16323051, 16323052, 16323053 and 16323055 respectively.
3. I, George John McIntosh, the registered owner of the lands described in 2 above am one and the same person as George Jon McIntosh, the registered owner of the lands described in 1 above.
4. My name was mis-spelt during preparation of the transfer when I acquired the lands in 1 above.
5. My true and correct name is George John McIntosh as stated in the attached transfer by which I am disposing of my interests in all of the above lands.

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

R J Spencer

.....
ROBERT JOHN SPENCER

.....
COMMISSIONER FOR DECLARATIONS #32989

.....
Witnessing Officer (signature, full name & qualification)

23/5/2007
Execution Date

G J McIntosh

.....
Transferor's Signature

¶[20-6000] deleted

Case Law

Documents

[20-7000]

In *Re Westpac Banking Corporation* [1987] 1 Qd R 300, it was decided that a registered document can contain covenants and conditions as well as other provisions which could not be classified as covenants and conditions.

The provisions of any registered document which are incorporated into another instrument, whether they be covenants and conditions or other types of provisions, will be deemed to be set out in full in that instrument.

Fees

[20-8000]

No fees are payable for the lodgement of a Form 20.

Cross References and Further Reading

[20-9000]

For further assistance in relation to preparation of statutory declarations refer to the relevant chapter for the Form in question:

Part 1 – Transfer

Part 2 – Mortgage (National Mortgage Form)

Part 5, 5A, 6 – Transmission Applications

Part 7 – Lease

Part 9 – Easement

Part 13 – Amendment of Lease, Easement, Mortgage, Covenant, Profit a prendre or Building Management Statement

Part 14 – General Request

Part 23 – Priority Notice, Extension of Priority Notice and Withdrawal of Priority Notice

Part 48 – State Land

¶[20-6000] deleted