Landonline Checklist

Caveat (against dealings)

		Primary contact	Conveyancing professional
1	**Evidence to obtain**		
1.1	**Authority & instruction form(s)** – completed by the caveator including confirmation of identity as required by Authority and Identity Requirements for E-Dealing Guideline 2024, **OR**	☐	☐
1.2	**An email or letter** from the caveator **or a file note** recording the caveator's instructions.	☐	☐
2	**Before lodging the caveat**		
2.1	**Check the caveat is not a second caveat** under section 146 Land Transfer Act 2017 • Check a historic search of the affected title (including the text and image view) to ensure a caveat or notice of claim has not been lapsed for the same person (or on behalf of the same person) and interest.	☐	☐
3	**Landonline workspace**		
3.1	Confirm the **Record(s) of Title** against the documentation and search records.	☐	☐
3.2	Ensure the affected registered owner(s): • are shown appropriately in the caveat – this is important if the title is held by two or more registered owners and the caveat is only to affect one registered owner's share/ interest. • matches the registered owner on the title.	☐	☐
3.3	Ensure the **estate or interest claimed is a caveatable interest.** **Common caveatable interests*:** 1. Agreement to Mortgage 2. Agreement for Sale and Purchase 3. Agreement to Lease the land or to create an easement over the land 4. Option to purchase 5. Option arising from right of first refusal where a triggering event has occurred. 6. Statutory Land Charge over the land caveated pursuant to the Legal Services Act 2011 7. Express Trust – if the land caveated is held on trust and the Caveator is the 'Beneficiary of the trust' (referred to as the cestui que trust) 8. Implied trust – if the land caveated is held on trust and the Caveator is the Beneficiary of an implied trust (e.g. Constructive trust) 9. As nominee/assignee of the purchaser of the land 10. Sub-sale by purchaser of the land. **Non-caveatable interests*:** 1. Pursuant to a loan or debt/term loan agreement/acknowledgement of debt (if these do not contain an agreement to mortgage) 2. The interest of a Guarantor of a loan (unless the agreement with Guarantor also contains an Agreement to Mortgage) 3. A shareholder of company property 4. Right to apply to court for relief 5. Bankrupts cannot caveat their former property 6. Order pursuant to Section 184 Child Support Act 1991 7. Must not be based on a relationship property claim under the Property (Relationships) Act 1976. These must be registered as a Notice of Claim (NC). *These lists are only examples of the types and are not exhaustive.	☐	☐

3	**Landonline workspace** continued	Primary contact	Conveyancing professional
3.4	Check the caveator is a **legal entity.** **Note:** The caveator must be a natural person or a legal entity e.g. a company or charitable trust, recorded on the Companies office website.	☐	☐
3.5	Ensure the **interest claimed is connected to the registered owner(s)** and the **capacities of all of the parties** are shown. **Details for caveatable interests field:** • Type of agreement e.g. Agreement to Mortgage • Date of the agreement • Registered Owner name(s) • Capacity of Registered Owner e.g. Mortgagor • Caveator's name(s) • Capacity of caveator e.g. Mortgagee.	☐	☐
3.6	Ensure that a caveat affecting **part of the land** in a record of title **describes the part that is affected.** **Note:** If the caveat only affects part of the land in a title, the caveat should be completed in 'Complex Mode' (or 'Instrument Mode' where relevant). The 'Description of Part Affected (if required)' field should be completed and the diagram attached or the plan referred to, as relevant.	☐	☐
3.7	If it is intended that the caveat should not prevent registration of any particular instrument(s) such exception should be stated in the **exceptions** panels. • Check the '**Add exceptions to the notice**' box and enter the details in the exceptions panel.	☐	☐
3.8	Ensure the **Address for Service of Caveator** is completed.	☐	☐
3.9	Ensure the **Address for Registered Owner** is completed.	☐	☐
3.10	**Pre-validate** the instrument.	☐	☐

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