



# CONVEYANCING RULES WAIVER

New South Wales  
Section 12E *Real Property Act 1900* (NSW)

## Title

This instrument is Conveyancing Rules Waiver CR 2/2018 – Non-Land Securities.

## Revocation

This waiver replaces and revokes Conveyancing Rules Waiver CR 2/2017 from the date of commencement of this waiver.

## Enabling Provisions

1. Under section 12E of the *Real Property Act 1900* (“RPA”), the Registrar General (“Registrar”) has determined and published Version 4 of the Conveyancing Rules which came into effect on and from 15 May 2018.
2. Section 12E(10) of the RPA permits the Registrar to waive compliance with all or any provisions of the Conveyancing Rules if the Registrar is satisfied that granting the waiver is reasonable in all the circumstances.

## Affected Requirement

Conveyancing Rule 8.2 (“CR 8.2”)

## Explanatory Statement

Under CR 8.2, where the relevant instrument was signed on or after 1 August 2017, a discharge of mortgage to an ADI, a mortgage to an ADI or any combination of mortgage and discharge of mortgage where each of the mortgagees in a refinance transaction are ADIs (“Rule 8.2 Transactions”), must be lodged using an Electronic Lodgment Network (“ELN”), except where the mortgage or discharge of mortgage is to be lodged with any other dealing affecting the same folio(s) of the Register. This requirement extends to all mortgagees from 1 July 2018, whether the mortgagee is an ADI or not.

The Registrar understands that certain Rule 8.2 Transactions are refinances involving non-land securities (including, but not limited to, bank guarantees and water access licences) which cannot be traded electronically through an ELN. These transactions must remain as single transactions and cannot be severable based on land and non-land securities to minimise the risk of loss.

The Registrar has determined that a waiver commencing on 15 May 2018 should be granted so that Rule 8.2 Transactions involving non-land securities which cannot be lodged through an ELN may be lodged manually.

**Waiver**

The Registrar grants all mortgagees a waiver of the obligation to comply with CR 8.2 where the relevant transaction involves a non-land security, which cannot be traded electronically through an ELN.

**Commencement**

This waiver commences on 15 May 2018.

**Period during which this waiver applies**

This waiver operates until the earlier of:

- (a) the commencement of an amended version of the Conveyancing Rules which contains the above as a specific exemption from the obligation to lodge instruments electronically; or
- (b) the publication of a revocation of this waiver by the Registrar.

**Dated:** 15 May 2018

**Signed by:**



**Jeremy Cox**  
**Registrar General**