



CONVEYANCING RULES WAIVER

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

Title

This instrument is Conveyancing Rules Waiver CR 3/2021 – Amendment to CR 1/2021 Required Dealings Exceptions.

Enabling Provisions

1. Under section 12E of the *Real Property Act 1900* (RPA), the Registrar General (“Registrar”) has determined and published Version 5 of the Conveyancing Rules which came into effect on and from 1 July 2019.
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 Rule

Conveyancing Rule (Version 5) 8.7 (CR 8.7) and 8.8 (CR 8.8)

Explanatory Statement

Waiver CR 1/2021 Required Dealings Exceptions provides a list of transactions which may be lodged in paper, which would otherwise be required to be lodged using an Electronic Lodgment Network under CR 8.7 and CR 8.8.

Since issuing waiver CR 1/2021, the Registrar General has become aware of further transactions that are not able to be lodged electronically, or in the circumstances, may unfairly affect the parties if required to be lodged electronically.

On publication of this waiver, waiver CR 1/2021 will be updated to incorporate the changes described in the clauses below. For the avoidance of doubt, parties seeking to rely on a waiver set out below may refer to the updated wording in CR 1/2021.

Waiver

The Registrar grants a waiver of the obligation to comply with CR 8.7 and CR 8.8 in the following circumstances:

1. *Variation of Lease* where either the lessor and lessee are not represented by a legal practitioner or licensed conveyancer.

Accordingly, the following clause in CR 1/2021 is amended by removing the word “both” and inserting the word “either” after:

- a. 8.1 – the word “where...”

2. *Positive Covenants* where either the Prescribed Authority or the Registered Proprietor are not represented by a legal practitioner or licensed conveyancer.

Accordingly, the following clauses in CR 1/2021 are amended by removing the word “both” and inserting the word “either” after:

- a. 24.1 – the word “*where...*”
- b. 25.1 – the word “*where...*”

The following clause in CR 1/2021 is amended by removing the word “*subscriber*” and inserting the word “*Subscriber*” after:

- a. 26.1 – the words “*where the prescribed authority is not a...*”
3. *Restrictions on the Use of Land by a Prescribed Authority* where either the Prescribed Authority or the Registered Proprietor are not represented by a legal practitioner or licensed conveyancer.

Accordingly, the following clauses in CR 1/2021 are amended by removing the word “*both*” and inserting the word “*either*” after:

- a. 27.1 – the word “*where...*”
- b. 28.1 – the word “*where...*”

Commencement and Period during which this waiver applies

This waiver commences on 14 May 2021.

Dated: 14 May 2021

Signed by:



**Danusia Cameron
Acting Registrar General**