

CONVEYANCING RULES WAIVER

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

Title

This instrument is Conveyancing Rules Waiver CR 3/2018 – Transfer exceptions.

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 8.5 (CR 8.5)

Explanatory Statement

CR 8.5 provides that a transfer signed on or after 1 July 2018 must be lodged using an Electronic Lodgment Network, except where the transfer is to be lodged with any other dealing affecting the same folio(s) of the Register.

There are, however, certain types of transactions affected by CR 8.5 that may unfairly affect the parties during the transition period if lodged electronically. (Note: There are other transfer types that are not eligible to be lodged electronically - see rg-guidelines.nswlrs.com.au/e-dealings/elodgment/dealings_eligible_for_elodgment/transfer_electronic)

Waiver

The Registrar grants a waiver of the obligation to comply with CR 8.5 in the following circumstances:

- Transfers where land tax is required to be paid from settlement proceeds.
- Transfers where funds from one financial settlement are required for another financial settlement (simultaneous settlement).
- Transfers involved in a settlement that includes the transfer of a Water Access Licence.
- Transfers affecting less than all the registered proprietors.

Commencement and Period during which this waiver applies

This waiver commences on 1 July 2018 and operates until the earlier of 30 June 2019 or the publication of a revocation of this waiver by the Registrar.

Dated: 6 June 2018

Signed by:

A handwritten signature in blue ink, appearing to read 'J Cox', is written over the printed name.

Jeremy Cox
Registrar General