

Lodgment Rules exceptions list

New South Wales Lodgment Rules version 2

Updated 24 December 2021

This instrument specifies the exceptions for the purposes of Rule 5 (Miscellaneous Dealing form) and Rule 10 (Dealing with Exception form) of the Lodgment Rules version 2.

A Lodgment Rules exception form (available at <https://nswlrs.com.au/getattachment/fdff7b22-78bb-4c75-a51e-37dc572fd57b/attachment.aspx>) will need to be submitted in accordance with the Lodgment Rules if lodging a document which relies on an exception below.

The Registrar General will provide a 20-business day notice period before any amendment to the exceptions below are made on its website at www.registrargeneral.nsw.gov.au/publications/lodgment-rules

For assistance on how to complete a Dealing with Exception form please see NSW Land Registry Services' *Guidance for lodging a Dealing with Exception document* available here: <https://www.nswlrs.com.au/getattachment/b0ce6dcd-4d6b-4428-ae61-76f4d1964133/attachment.aspx>.

Registrar General Guidelines relevant to the below exceptions are available here: <https://rg-guidelines.nswlrs.com.au/> (note, these RG Guidelines are currently being updated).

Please contact NSW Land Registry Services at eConveyancingNSW@nswlrs.com.au for any assistance.

Table of contents

Part 1 - Dealing with Exception (DwE).....	2
Part 2 – Miscellaneous Dealing	9

Part 1 - Dealing with Exception (DwE)

The following dealings can be lodged using the DwE for any reason, unless otherwise specified:

1	<p>General exception</p> <p>1.1 any paper dealing properly completed, signed and dated before 11 October 2021</p> <p>1.2 any dealing affecting a lease folio title</p> <p>1.3 where a mainstream dealing(s) must be lodged together with a residual document(s)</p> <p>Note:</p> <p>1. In this scenario all the dealings will need to be lodged as a Dealing with Exception. For example, for a lodgment case which has a transfer lodged and a surrender of lease, both dealings will revert to paper and be lodged as a Dealing with Exception.</p> <p>1.4 transactions not suitable for electronic lodgment:</p> <p>1.4.1 where written evidence from Revenue NSW is furnished to NSW LRS confirming that the transaction cannot be processed electronically</p> <p>1.4.2 where written evidence from the ELNO is furnished to NSW LRS confirming that the transaction cannot be processed electronically.</p> <p>1.4.3 where written evidence from NSW LRS is furnished confirming that the transaction cannot be processed electronically</p> <p>1.5 dealing affecting part of an Auto Consol</p> <p>1.6 where an encumbrance must be noted on a dealing.</p>
2	Action affecting Crown Land (19MA)
3	Amendment of Development Contract (21CSD)
4	Amendment of Management Statement (21CSM)
5	Amendment of Strata Development Contract (15SA)
6	Annulment of Bankruptcy (04BAN)
7	<p>Application for a Possessory Title (04YA)</p> <p>7.1 affecting part of the land or a manual title (i.e. a Volume Folio for which a computer folio has not been created).</p>
8	<p>Application for Preparation of Lapsing Notice (08LX)</p> <p>8.1 where a caveat(s) is recorded against an interest (e.g. if a lessee wishes to lapse a caveat recorded against the registered lease).</p>

9	<p>Application to Record Writ (09W)</p> <p>9.1 where a writ is affecting a registered interest.</p>
10	<p>Application for Recording of Road Action Affecting a Western Lands Lease (19MB)</p>
11	<p>Application for Removal of Notification (17BD)</p>
12	<p>Application for Removal of Restrictions (13KR)</p>
13	<p>Application to Record a Registered Deed on a Qualified Title (17QD)</p>
14	<p>Application to Record a Subsisting Interest on a Qualified Title (17QS)</p>
15	<p>Application to Record Property Seizure Order (09PS)</p>
16	<p>Bankruptcy Application (04BAP)</p> <p>16.1 where the application affects a bankrupt lessee, mortgagee or chargee.</p>
17	<p>Cancellation of Recording of Abandoned Easement (20EA)</p>
18	<p>N/a</p>
19	<p>Caveat (08X)</p> <p>19.1 that only affects part of the land in a folio of the Register</p> <p>19.2 lodged against premises contained in a lease</p> <p>19.3 affecting a registered interest (e.g. a mortgage, lease or charge)</p> <p>19.4 lodged pursuant to 74O of the <i>Real Property Act 1900</i>.</p>
20	<p>Change of Address for Service of Notices on Caveator (08CX)</p> <p>20.1 where a registered interest in land such as a lease or mortgage is affected.</p>
21	<p>Change of Name of Caveator (08CX)</p> <p>21.1 where the caveat is recorded against a registered interest in land such as a lease or mortgage.</p>
22	<p>Change of Name of Lessee, Mortgagee or Chargee (10CN)</p> <p>22.1 where a registered sub-lease or sub-mortgage is affected.</p>
23	<p>Charge (06C)</p> <p>23.1 where a registered interest in land such as a lease or mortgage is affected.</p>

24	<p>Conservation Agreement (13NP)</p> <p>24.1 that only affects part of the land in a folio of the Register.</p> <p>24.2 where the registered proprietor is not represented by a legal practitioner or licensed conveyancer (until such time that the 13NP moves to a single party dealing).</p>
25	<p>Consolidation/change of by-laws (15CH)</p>
	<p>25.1 where the party is only seeking to consolidate the existing by-laws.</p>
26	<p>Discharge of Charge (06DC)</p> <p>26.1 where a registered interest in land such as a lease or mortgage is affected.</p> <p>26.2 that does not affect all the chargees (when there are multiple chargees)</p> <p>26.3 that does not affect all the chargers (when there are multiple chargers)</p>
27	<p>Discharge of Mortgage (05DM)</p> <p>27.1 that only affects part of the land in a folio of the Register</p> <p>27.2 that does not affect all the mortgagees (when there are multiple mortgagees)</p> <p>27.3 that does not affect all the mortgagors (when there are multiple mortgagors)</p> <p>27.4 where the mortgage to be discharged is a sub-mortgage, mortgage of lease or mortgage of charge.</p>
28	<p>Extinguishment of Obsolete Restrictive Covenant (13RCE)</p>
29	<p>Foreclosure (04FM)</p>
30	<p>Instrument of Conversion (21CE)</p>
31	<p>Instrument of Severance (21CIS)</p>

32	<p>Lease (07L)</p> <p>32.1 by a life tenant</p> <p>32.2 where the tenant is the lodging party</p> <p>32.3 by a mortgagee or chargee in possession</p> <p>32.4 by The State of New South Wales</p> <p>32.5 by a Crown Land Manager</p> <p>32.6 by National Parks and Wildlife, i.e. Kosciuszko leases</p> <p>32.7 by the Land Administration Ministerial Corporation</p> <p>32.8 of the whole of the land where an easement is being created or reserved during the term of the lease</p> <p>32.9 of premises within a retirement village for a term exceeding 25 years</p> <p>32.10 of a public reserve</p> <p>32.11 by less than all of the registered proprietors</p> <p>32.12 including a carry-over term</p> <p>32.13 for the life of the lessee or for the life of another person</p> <p>32.14 with an uncertain term or a term measured in other than days/years, including where the lease commences on the happening of a certain event</p> <p>32.15 where a leasehold title is to be created.</p> <p>32.16 that is a concurrent lease</p> <p>Note: Where a Sublease (07SL) is lodged, exception items 32.1 to 32.15 may apply.</p>
33	Lease by a Crown Land Manager (07LC)
34	Lease by a Reserve Trust (07LR)
35	Lease by the State of New South Wales (07LNSW)
36	<p>Mortgage (NMF)</p> <p>36.1 over an interest (such as a mortgage, lease or charge), share in land or part of the land in a folio of the Register</p> <p>36.2 that does not affect all the registered proprietors.</p>
36A	Modification of Easement (20EM)
37	Native Title Determination (17NT)
38	Notice of Conversion of Strata Lot to Common Property (15CD)
39	<p>Notice of Death (02ND)</p> <p>39.1 where a registered interest in land such as a lease or mortgage is affected</p> <p>39.2 of a life tenant for the termination of a life estate.</p>

40	Order Affecting a Strata Scheme (15SO)
41	Positive Covenant (13PC) 41.1 where the prescribed authority is not represented by a legal practitioner or licensed conveyancer or is otherwise not a Subscriber (until such time that the 13PC moves to a single party dealing).
42	Postponement of Mortgage (05PM)
43	Property Vegetation Plan (13VP)
44	Record the State of New South Wales as Registered Proprietor of Fee Simple (19MR)
45	Restriction on the Use of Land (13RU) 45.1 where the prescribed authority is not represented by a legal practitioner or licensed conveyancer or is otherwise not a Subscriber (until such time that the 13RU moves to a single party dealing).
46	Request (11R)
47	Request to Record Retirement Village Memorandum (11RM)
48	Surrender of Lease (07DL) 48.1 that only affects part of a leased premises 48.2 affecting a Crown land tenure term lease or Crown land Real Property Act lease
	48.3 affecting a lease carried forward as a subsisting interest, i.e. 'Bk ... No. ... Lease To ...'
49	Termination of Strata Scheme (15ST)

50	<p>Transfer (01T)</p> <p>50.1 creating a life estate and estate in remainder</p> <p>50.2 that only affects part of the land in a folio of the Register</p> <p>50.3 where execution by a person other than the registered proprietor is required, such as a court officer or a guardian when a person's estate is subject to management under the <i>NSW Trustee and Guardian Act 2009</i></p> <p>50.4 where the transfer involves transactions or obligations outside of the Torrens Register, for example where the transaction (or a chain of transactions) involves:</p> <p>50.4.1 properties located in other jurisdictions</p> <p>50.4.2 the purchase or sale of a company title unit</p> <p>50.4.3 handing over old system documents relating to qualified or limited title (or both)</p> <p>50.4.4 financial settlement that includes the transfer of a Water Access Licence</p> <p>50.4.5 sales of businesses where the subject matter of the sale involves assets other than interests in land.</p> <p>Note: 50.4 also applies to other transfer dealing types, as noted below under each of the applicable dealings.</p>
51	<p>Transfer by Chargee Under Power of Sale (01CT)</p> <p>51.1 affecting a lease</p> <p>51.2 where the transfer includes an easement</p> <p>51.3 where exception 50.4 applies.</p>
52	<p>Transfer by Mortgagee Under Power of Sale (01TP)</p> <p>52.1 affecting a lease</p> <p>52.2 where the transfer includes an easement</p> <p>52.3 where exception 50.4 applies.</p>
53	<p>Transfer by Way of Discharge of Mortgage (01DT)</p>
54	<p>Transfer Creating a Profit a Prendre or Forestry Right (01TH)</p> <p>54.1 that only affects part of the land in a folio of the Register</p> <p>54.2 where exception 50.4 applies.</p>
55	<p>Transfer for Public Reserve or Drainage Reserve (01TD)</p> <p>55.1 that only affects part of the land in a folio of the Register.</p>

56	<p>Transfer Granting Easement (01TG)</p> <p>56.1 where the dominant tenement is a registered lease, Crown land or land that has not been brought under the provisions of the <i>Real Property Act 1900</i> (e.g. Old System land)</p> <p>56.2 where a writ is recorded on title</p> <p>56.3 where exception 50.4 applies.</p>
57	<p>Transfer Granting Easement etc Over Own Land (01TO)</p> <p>57.1 where a writ is recorded on title</p> <p>57.2 where the easement is granted by a mortgagee or chargee in possession</p> <p>57.3 where exception 50.4 applies.</p>
58	<p>Transfer Including Covenant (01TCV)</p> <p>58.1 where a writ is recorded on title</p> <p>58.2 where exception 50.4. applies.</p>
59	<p>Transfer Including Easement (01TE)</p> <p>59.1 that only affects part of the land in a folio of the Register</p> <p>59.2 where the dominant tenement is Old System land or an easement in gross</p> <p>59.3 where a writ is recorded on title</p> <p>59.4 where exception 50.4 applies.</p>
60	<p>Transfer of a Profit a Prendre or Forestry Right (01TI)</p> <p>60.1 where a writ is recorded on title</p> <p>60.2 where exception 50.4 applies.</p>
61	<p>Transfer of a Timeshare (01TF)</p> <p>61.1 where a writ is recorded on title</p> <p>61.2 where exception 50.4 applies.</p>
62	<p>Transfer of an Estate-In-Remainder (01TK)</p> <p>62.1 where a writ is recorded on title</p> <p>62.2 where exception 50.4 applies.</p>
63	<p>Transfer of Interest (01TL)</p> <p>63.1 that does not affect all the mortgagees (when there are multiple mortgagees)</p> <p>63.2 that affects a lease, sub-lease or mortgage of a lease (NB. <i>use the Transfer of Lease dealing instead</i>)</p> <p>63.3 where exception 50.4 applies.</p>
64	<p>Transfer of Lease (01TL)</p>

	<p>64.1 affecting a Crown land tenure Term lease or a Crown land Real Property Act lease</p> <p>64.2 affecting a lease carried forward as a subsisting interest, i.e. 'Bk ... No. ... Lease To ...'</p> <p>64.3 where exception 50.4 applies.</p>
65	<p>Transfer of Minerals or Coal (01TQ)</p> <p>65.1 where a writ is recorded on title</p> <p>65.2 where exception 50.4 applies.</p>
66	<p>Transfer Releasing Easement (01TR)</p> <p>66.1 lodged by a mortgagee or chargee in possession of the dominant tenement</p> <p>66.2 releasing a profit à prendre or forestry right</p> <p>66.3 where exception 50.4 applies.</p>
67	<p>Transfer Severing Joint Tenancy (01TJ)</p> <p>67.1 where a registered interest in land such as a sub-lease or sub-mortgage is affected.</p>
68	<p>Transfer without Monetary Consideration (01TWC)</p> <p>68.1 where a life estate and estate in remainder is created or affected</p> <p>68.2 where exception 50.4 applies</p> <p>68.3 that only affects part of the land in a folio of the Register</p> <p>68.4 where execution by a person other than the registered proprietor is required, such as a court officer or a guardian when a person's estate is subject to management under the <i>NSW Trustee and Guardian Act 2009</i>.</p>
68A	Transfer and Closure of Crown Road (01TU)
68B	Transfer and Road Closure (01TX)
69	<p>Transmission Application (03AD/AE)</p> <p>69.1 where an interest in land is affected (e.g. a mortgage, lease or charge)</p> <p>69.2 where a life estate and estate in remainder is created by the transmission application</p> <p>69.3 where an estate in remainder is affected.</p>
70	<p>Variation of Easement (20EV)</p> <p>70.1 a variation to the terms or site of a profit prendre or forestry right.</p>
71	Variation of Electricity Network Assets Lease (07VA)
72	<p>Variation of Lease (07VL)</p> <p>72.1 where either the lessor or lessee are not represented by a legal</p>

	practitioner or licensed conveyancer (until such time the VL has moved to a single party dealing). 72.2 Where a variation of lease affecting a lease carried forward as a subsisting interest, e.g Bk.. No.. Lease to...'
73	Variation of Mortgage (05VM) 73.1 where a registered interest in land such as a lease or mortgage is affected 73.2 that does not affect all the mortgagees (when there are multiple mortgagees).

74	Withdrawal of caveat (08WX) 74.1 that only affects part of the land 74.2 that does not affect all the caveators (when there are multiple caveators) 74.3 affecting a registered interest (e.g. a mortgage, lease or charge) 74.4 where the caveat is withdrawn by a person other than the caveator.
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Part 2 - Miscellaneous Dealing

The following documents which do not have a Real Property Act land title reference, or where the land title is not electronically tradable can be lodged electronically using a prescribed title reference *NO/REF/99999* and submitted as a document in PDF format attached to the Miscellaneous Dealing.

The following transactions can be lodged using the Miscellaneous Dealing for the following reasons:

75	Any transaction which: 75.1 affects more than 20 folios of the Register, which cannot be separated 75.2 affects a Special Lease title 75.3 at least one title in the transaction is not electronically tradeable – e.g. a Transfer affecting 20 titles, and one title is not electronically tradeable 75.4 the involved party's name is (A Minor) 75.5 affects a manual title where there is no computer folio created 75.6 Folio of the Register is partially cancelled
76	Memorandum (16LM)

77	Old System Deed 77.1 any application to record the details of an Old System Deed on the Torrens Register. Note: Documents such as a power of attorney can be lodged electronically for registration in the General Register. While it is not mandatory for such documents to be lodged electronically, it is a requirement that the Miscellaneous Dealing is used if they are to be lodged electronically. Lodging such documents electronically does not require a Lodgment Rules exception form.
78	Resumption of Non-RPA (00RA)/Primary Application (00PA)