

# CONVEYANCING RULES WAIVER

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

## Title

This instrument is Conveyancing Rules Waiver CR 4/2018 – Transfers with unrepresented parties.

## 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.

If strictly implemented, CR 8.5 will result in a party who is completing a transfer transaction having to engage the services of a legal practitioner or licensed conveyancer to lodge the transfer. This may unfairly affect a party who may be unaware of the new eConveyancing transitioning requirements, given that unrepresented parties are the ones most likely to lodge standalone transfers. The Registrar has decided that unrepresented parties can lodge a standalone transfer in paper until 1 July 2019 by which time the public will be aware of the new requirements.

## Waiver

The Registrar grants a waiver of the obligation to comply with CR 8.5 where a transfer involves a transferor or transferee (or both) who is not represented by a legal practitioner or licensed conveyancer.

## 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', with a large loop at the bottom.

**Jeremy Cox  
Registrar General**