

CONVEYANCING RULES WAIVER

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

Title

This instrument is Conveyancing Rules Waiver CR 5/2018 – Unrepresented Caveators.

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 8.6 (CR 8.6)

Explanatory Statement

CR 8.6 provides that a caveat signed on or after 1 July 2018 must be lodged using an Electronic Lodgment Network, except where the caveat is to be lodged with any other dealing affecting the same folio(s) of the Register.

If strictly implemented, CR 8.6 will result in a party who is completing a caveat having to engage the services of a legal practitioner or licensed conveyancer to lodge the caveat. This may adversely affect a party who may be unaware of the new eConveyancing transitioning requirements.

Waiver

The Registrar grants a waiver of the obligation to comply with CR 8.6 where the caveator 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:



Jeremy Cox
Registrar General