

Conveyancing (Sale of Land) Regulation 2005

The Conveyancing (Sale of Land) Regulation 2005 commenced on 1 September 2005. It replaces and substantially remakes, with only minor changes, the Conveyancing (Sale of Land) Regulation 2000 which is repealed from that date.

The Regulation, among other things, sets out the prescribed documents that a vendor must attach to a contract for the sale of land; the warranties a vendor is taken to have included in such a contract, and in an option to purchase, under sections 52A and 66ZA of the Conveyancing Act 1919; purchasers' remedies for breaches; and exemptions.

The main changes in the 2005 Regulation are:

1. There is a new prescribed document. If an instrument creating an easement, profit a prendre, restriction on the use of land or positive covenant refers to a separately registered Memorandum, then that Memorandum is now a prescribed document.
2. A Certificate under S.88G of the Conveyancing Act is no longer a prescribed document, due to difficulties in obtaining such certificates from Councils. Instead, a prescribed warranty has been inserted into Schedule 3 whereby the vendor warrants, where the property is affected or purports to be affected by a public positive covenant, that there are no amounts outstanding under S.88F.
3. Tenure Cards for Crown land have been removed as prescribed documents, as they are no longer kept up to date.

The Regulation may be viewed at www.legislation.nsw.gov.au under 'Regulations in Force'.

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