

1996—No. 318

SURVEYORS ACT 1929—REGULATION

(Relating to cross-easements in respect of party walls)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Surveyors Act 1929, has been pleased to make the Regulation set forth hereunder.

KIM YEADON

Minister for Land and Water Conservation.

Commencement

1. This Regulation commences on 1 August 1996.

Amendment

2. The Survey Practice Regulation 1990 is amended by omitting from clause 9 (3) the matter “section 181B” and by inserting instead the matter “section 88BB”.

EXPLANATORY NOTE

Clause 9 of the Survey Practice Regulation 1990 requires a surveyor to record the nature, width and description of certain boundaries on a plan of re-survey or subdivision. Clause 9 (3) provides that a wall must not be described as a “party wall” unless it is, or is proposed to be, the subject of an easement under section 181B of the Conveyancing Act 1919 (which provides for the creation of easements for the support of party walls by assurances of land).

The Property Legislation Amendment (Easements) Act 1995 amends the Conveyancing Act 1919 to allow cross-easements for the support of party walls to be created under section 88BB simply by registration or recording of a plan that shows a lot boundary within a length of the wall and refers to the wall as a “party wall”. Section 181B has continued application in respect of previously created easements.

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The object of this Regulation is to update the reference in the Survey Practice Regulation so that it refers to the relevant provision of the Conveyancing Act 1919.

This Regulation is made under the Surveyors Act 1929, and in particular section 23 (the general regulation making power).
