



New South Wales

Conveyancing (Sale of Land) Amendment (Smoke Alarms) Regulation 2006

under the

Conveyancing Act 1919

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Conveyancing Act 1919*.

ANTHONY KELLY, M.L.C.,
Minister for Lands

Explanatory note

The object of this Regulation is to amend the *Conveyancing (Sale of Land) Regulation 2005* as follows:

- (a) to require the vendor under a contract for the sale of land to attach to the contract a statement that any building situated on the land concerned complies with Division 7A of Part 9 of the *Environmental Planning and Assessment Regulation 2000* (that relates to the obligation of owners of certain buildings to install smoke alarms (or in certain cases heat alarms)),
- (b) to prevent attachment by the vendor of an inaccurate statement to a contract for the sale of land from being a ground on which the contract may be rescinded by the purchaser (although the failure to attach any such statement, if required, will be grounds for such rescission),
- (c) to provide that a vendor who attaches an inaccurate statement to a contract for the sale of land is guilty of an offence carrying a maximum penalty of 5 penalty units (currently \$550).

This Regulation is made under the *Conveyancing Act 1919*, including sections 52A (2) and (6) and 202 (the general regulation-making power).

2006 No 213

Clause 1 Conveyancing (Sale of Land) Amendment (Smoke Alarms) Regulation 2006

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1 Name of Regulation

This Regulation is the *Conveyancing (Sale of Land) Amendment (Smoke Alarms) Regulation 2006*.

2 Commencement

This Regulation commences on 1 May 2006.

3 Amendment of Conveyancing (Sale of Land) Regulation 2005

The *Conveyancing (Sale of Land) Regulation 2005* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] **Clause 19 Circumstances under which purchaser may rescind contract or option**

Insert after clause 19 (4):

- (5) A contract for the sale of land may not be rescinded on the ground of any inaccuracy in the document referred to in clause 15 of Schedule 1.

[2] **Clause 22A**

Insert after clause 22:

22A Offence relating to smoke alarm notices attached to contracts of sale

If, by operation of section 52A of the Act and this Regulation, a person is required to attach to a contract for the sale of land a statement that a building situated on the land complies with Division 7A (Smoke alarms) of Part 9 (Fire safety and matters concerning the Building Code of Australia) of the *Environmental Planning and Assessment Regulation 2000*, the person must not attach a statement that the person knows is inaccurate.

Maximum penalty: 5 penalty units.

Note. The legal obligation to install smoke alarms is contained in clause 186A of the *Environmental Planning and Assessment Regulation 2000*.

Clause 186F of that Regulation provides that the legal obligation to install smoke alarms does not arise until 1 November 2006.

[3] **Schedule 1 Prescribed documents**

Insert after clause 14:

- 15** If the contract relates to land on which a building is situated and smoke alarms or heat alarms are required by Division 7A (Smoke alarms) of Part 9 (Fire safety and matters concerning the Building Code of Australia) of the *Environmental Planning and Assessment Regulation 2000* to be installed in the building, a statement by the vendor that the building complies with that requirement.

Note. The legal obligation to install smoke alarms is contained in clause 186A of the *Environmental Planning and Assessment Regulation 2000*.

Clause 186F of that Regulation provides that the legal obligation to install smoke alarms does not arise until 1 November 2006.