

Real Property Regulations 2024 – Summary of Proposed Amendments

Current Regulation	Proposed Regulation	Proposed Amendment	What this means?
Regulation 4	Regulation 4	Amend regulation 4(a) of the Regulations to prohibit the registration of a transfer of portion of a lease where the lease was registered over part of an allotment.	This amendment clarifies that it is not possible to register the transfer portion of a registered lease.
Regulation 5	Regulation 5	Amend regulations to prevent division of land by uncertified survey outside of designated survey areas.	All plans of division that are lodged in the Lands Titles Registry Office must be certified by a surveyor.
Regulation 11A	Regulation 12	Amend regulation 11A to include reference to in-house legal practitioners and in-house registered conveyancers.	This amendment expands the prescribed circumstances to include a legal practitioner or registered conveyancer acting in the course of their employment if their employer is a subscriber (within the meaning of the Electronic Conveyancing National Law (South Australia)).
Regulation 11A	Regulation 12	Amend regulation 11A to include Registrar or Deputy Registrar.	This amendment expands the prescribed circumstances to include a Registrar or a Deputy Registrar of a court executing an instrument pursuant to an order of court.
Regulation 11A	Regulation 12	Amend regulation 11A to include Australian Securities and Investments Commission.	This amendment expands the prescribed circumstances to include the Australian Securities and Investments Commission executing an instrument for a deregistered company.

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Regulation 12	Regulation 14	Regulation updated as the Registrar-General has removed exemptions that had been provided for certain classes of instruments prescribed by regulation in order to enable electronic lodgement of these instruments.	This amendment is removing a number of classes of instruments which have now been electronically enabled – as an example, applications to register agreements under Section 57 of the <i>Development Act 1993</i> .
Regulation 12A	Regulation 15	An amendment to clarify that the Participation Rules SA under the <i>Electronic Conveyancing National Law (South Australia) Act 2013</i> apply to electronic lodgement, while the Verification of Identity Requirements apply to hardcopy documents.	This amendment clarifies there are two different reference documents for verification of identity requirements – one for paper and one for electronic lodgements.
New	New Regulation 19	This amendment provides details of the prescribed information that must accompany an application for caveat.	This amendment clarifies the information that an application for caveat must include: <ul style="list-style-type: none"> • particulars of estate of interest that is claimed; • the quantum of the estate or interest; and • a short statement of the grounds on which the estate or interest is said to arise.
Regulation 13	Regulation 16	An amendment to update any references to 'guidelines' to be 'requirements'.	This change removes any ambiguity regarding the fact that the Plan Presentation Guidelines are actually mandatory.
Regulation 13	Regulation 20(k)	Amend regulation 13C(k) to refer to the new <i>Planning, Development and Infrastructure Act 2016</i> .	This change simply updates the legislation reference.