



THE LAW SOCIETY
OF NEW SOUTH WALES

FACTSHEET

VENDOR STATUTORY DISCLOSURE AND WARRANTIES

The types of documents and disclosures that must be included in a contract are outlined in s 52A of the *Conveyancing Act 1919* (NSW) and the Regulation made under it.

Prescribed documents

Section 52A of the Act outlines the list of prescribed documents that must be included in a contract for the sale of land. The *Conveyancing (Sale of Land) Regulation 2010* also includes prescribed documents. In practice, both need to be reviewed to identify which documents must be included in a contract. The Act and Regulation are available on the NSW legislation website (see www.legislation.nsw.gov.au). If a contract does not include a prescribed document, the vendor will have the right to rescind.

Prescribed warranties

Schedule 3 of the *Conveyancing (Sale of Land) Regulation 2010* deals with “prescribed warranties”, which means that the vendor warrants these matters unless otherwise indicated in the contract for the sale of land. For practitioners advising rural clients, it is important to read the prescribed warranties carefully. A number of these warranties may apply to rural land.

It is important to make enquiries from a client who is selling rural land as to whether he or she has received any notices outlined in the Regulation. If the vendor has received any of those notices and does not disclose them, there will have been a breach of warranty, entitling the purchaser to rescind the contract.

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