

Circular

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Pool fencing compliance: new requirements for contracts of sale

From Friday 29 April 2016, vendors of a property with a swimming pool or spa pool must have a Certificate showing whether or not their pool fencing is compliant with the *Swimming Pools Act 1992*.

Amendments to the *Conveyancing (Sale of Land) Regulation 2010* will impose a new contract requirement for vendors to supply a valid Certificate of Compliance, which must be attached as a prescribed document to a contract for sale. If a pool barrier is not compliant, a Certificate of Non-Compliance must be supplied.

The requirement applies to land being sold with a swimming pool and lots in strata schemes with two lots (e.g. duplexes) which have swimming pools.

For newly erected swimming pools, a valid occupation certificate and evidence of swimming pool registration may be annexed to the contract in lieu of the Certificate of Compliance.

Exemptions

The new requirements do not apply to:

- strata and community schemes comprising more than two lots
- off-the-plan contracts.

Commencement of the new provisions

For affected properties, the new provisions will apply to any contract for sale exchanged on or after 29 April 2016.

Failure to attach the prescribed documents is an offence under section 66R *Conveyancing Act 1919* and may give a purchaser the right to rescind the contract.

More information

For more information, about the new requirement see the Office of Local Government's website [Swimming pools and spa pools](#).

To register your swimming pool and/or spa pool see the [NSW Swimming Pool Register](#) website.