



Victorian Current Acts

SALE OF LAND ACT 1962 - SECT 31 Power of purchaser to terminate a contract for sale of land

SALE OF LAND ACT 1962 - SECT 31

Power of purchaser to terminate a contract for sale of land

S. 31(1) amended by Nos 42/1989 s. 6(b), 41/2003 s. 4(b).

- (1) This section applies to a contract for the sale of land other than—
- (a) land used primarily for industrial or commercial purposes; and
 - (b) land which is more than 20 hectares and is used primarily for farming—

together with chattels (if any).

(2) Where a purchaser under a contract for the sale of land signs that contract he may at any time before the expiration of three clear business days after he has signed the contract give notice to the vendor that he wishes to terminate the contract and where he has signed that notice and given it in accordance with the provisions of this section the contract shall be terminated.

S. 31(3) substituted by No. 13/2017 s. 20.

(3) A notice under subsection (2) must, within 3 clear business days after the purchaser has signed the contract—

- (a) be given to one of the following persons—
 - (i) the vendor;
 - (ii) an agent of the vendor;
 - (iii) an estate agent engaged or appointed by the vendor to sell the land; or
- (b) be left at one of the following addresses—
 - (i) the address for service of the vendor specified in the contract;
 - (ii) the address of the vendor's agent;
 - (iii) the address of the estate agent engaged or appointed by the vendor to sell the land.

(4) Where a contract for the sale of land has been terminated in accordance with the provisions of this section the purchaser shall be entitled to the return of all moneys paid by him under that contract except for the sum of \$100 or 0.2 per centum of the purchase price (whichever is the greater) which may be retained by the vendor.

S. 31(5) amended by No. 10087 s. 3(1)(Sch. 1 item 216).

- (5) This section does not apply to a contract for the sale of land where—
- (a) the sale is by publicly advertised auction;
 - (b) the land is sold—
 - (i) within three clear business days before the day on which a publicly advertised auction for the sale of that land is to be held;
 - (ii) on the day on which a publicly advertised auction for the sale of that land is held; or
 - (iii) within three clear business days after the day on which a publicly advertised auction for the sale of that land was held;
 - (c) the vendor and purchaser have previously entered into a contract for the sale of the same land in substantially the same terms;

S. 31(5)(d) amended by No. 63/2010 s. 59(a).

(d) the purchaser is an estate agent within the meaning of the Estate Agents Act 1980 or a corporate body.

S. 31(5)(e) amended by No. 35/1996 s. 453(Sch. 1 item 73.9), repealed by No. 63/2010 s. 59(b).

* * * * *

(6) A contract to which this section applies shall contain a conspicuous notice advising the purchaser that he may before the expiration of three clear business days after he signs the contract give notice that he wishes to terminate the contract.

(7) Where a contract to which this section applies does not contain the notice required by subsection (6) the purchaser may rescind that contract at any time before he becomes entitled to possession or to the receipt of rents and profits.

(8) Any provision in the contract or in any other document whereby any right conferred by this section on the purchaser is excluded, modified or restricted shall be void and of no effect.

S. 31A inserted by No. 13/2017 s. 21.