

Land Transfer Bill

Government Bill

Explanatory note

General policy statement

The Land Transfer Bill implements the Government's response to the recommendations from the Law Commission's 2010 report *A New Land Transfer Act*. The recommendations were aimed at modernising, simplifying, and consolidating the land transfer legislation for enhanced clarity and accessibility.

New Zealand has a world-leading land title registration system that facilitates the sale, purchase, and development of property and ensures New Zealanders can have confidence in their property rights. The legislation that governs the system is, however, outdated.

The Land Transfer Act 1952 (the **1952 Act**) has not kept pace with technological and other changes that have occurred since its enactment and nor is it future-proofed. It is focussed on paper-based land registration when, in fact, the registration system is now almost exclusively electronic. Land transfer information in a new electronic system will be digital, interoperable, and location-based. Survey and title data will be interoperable with other location-based data in the Government's property and building sector.

While workable, the 1952 Act's 2 stand-alone amendment Acts (the Land Transfer Amendment Act 1963 and the Land Transfer (Computer Registration and Electronic Lodgement) Amendment Act 2002) are cumbersome and have resulted in a legislative framework that is unwieldy and difficult to navigate. For enhanced clarity and ease of access, the Bill will repeal all three statutes and replace them with a new Land Transfer Act.

The 1952 Act is based on the Torrens system of registration of title, which was introduced over 100 years ago to simplify and minimise the costs of transferring interests in land and to provide security of title.

The Bill retains the core principles of the Torrens system, which are—

- title to land should be acquired by registration:
- title should, as far as possible, be secure and indefeasible:
- a purchaser should not need to go behind the register to investigate the root of title:
- the register should reflect as accurately as possible the true state of title to land so that “persons who propose to deal with land can discover all the facts relative to the title”:
- the system for transfer of land should be efficient, effective, and simple:
- there should be adequate compensation where an innocent owner has suffered loss due to the operation of the system.

The Bill does, however, make changes in relation to 2 aspects of the Torrens system: indefeasibility of title and compensation.

In relation to indefeasibility, the Bill introduces a limited judicial discretion to order alteration of the register in situations where immediate indefeasibility would result in manifest injustice. The Bill also addresses the problem of mortgage fraud by introducing a requirement for the mortgagee or their agent to take reasonable steps to verify the identity of the mortgagor. If the mortgagee or their agent does not meet this requirement, and the mortgage is, through fraud, executed by a person without lawful authority, the title of the mortgagee and of any subsequent purchaser of the mortgage will be defeasible.

In relation to compensation, the Bill retains the State compensation system that currently operates to compensate those who suffer loss due to the operation of the land transfer system, but makes a few modifications.

Compensation will be available for loss through Registrar’s error, the operation of the land registration system, and having acted in reliance on a guaranteed search. This is broadly consistent with the current legislation but the guaranteed search periods have been shortened to reflect the automated conveyancing environment.

Under the 1952 Act, compensation is based on land value at the date of loss. This is problematic because loss can take some time to discover and the compensation in that case would not cover an increase in property value or improvements made to the property in the interim. The Bill addresses this problem by providing for compensation to be generally based on the value of the land at the date when the claim is discovered, or should reasonably have been discovered, subject to judicial discretion to change the valuation date and add a loss adjustment allowance (based on property market movement) where the value is inappropriate.

The Bill also clarifies that—

- the amount of compensation payable where the claimant has been deprived of an estate or interest in land is the value of the lost estate or interest in land:
- for mortgagees, compensation only extends to the value of the security and excludes any amount beyond that which might be owing under the mortgage.

Other modifications provide for reduced compensation where the claimant or the claimant's agent (excluding a solicitor or conveyancer) contributes to the loss. The Crown will also be able to take legal action to recover the amount of compensation paid for loss caused by a third party, and to join any proceedings that relate to the loss of an estate or interest in land.

Key measures aimed at enhancing clarity and certainty are—

- the introduction of a definition of fraud. Fraud is not defined in the 1952 Act, which has resulted in uncertainty and increased litigation:
- provisions clarifying that registered title can be limited by overriding interests in other statutes. There are many statutory rights, charges, and interests in land that override the 1952 Act. This measure will signal the existence of such provisions to prospective buyers who may otherwise be unaware of their existence:
- provisions clarifying the nature and scope of the Registrar's powers of correction. The current legislation empowers the Registrar to correct the register in certain circumstances. However, the nature and scope of these powers is unclear as the relevant provisions in the 1952 Act are confusing in their extent and application:
- removing an inconsistency under the existing legislation that protects administrators from personal liability in relation to positive, but not restrictive, covenants. The Bill will extend the protection to restrictive covenants:
- limiting the use and effect of covenants in gross for consistency with the original policy intent, by removing the protection of indefeasibility through registration and instead providing for covenants in gross to be noted on the title in the same way that other land covenants are.

The Bill also makes changes aimed at simplifying administration of the legislation and the land title registration system as follows:

- the 1952 Act and the Land Transfer Amendment Act 1963 are jointly administered by Land Information New Zealand and the Ministry of Justice and the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 is solely administered by Land Information New Zealand. The Bill provides for Land Information New Zealand to administer the new Land Transfer Act:
- the Bill repeals the Statutory Land Charges Registration Act 1928 and incorporates its provisions into the new Land Transfer Act to give the Registrar-General of Land more control over the whole regime of statutory land charges, which will in turn improve consistency and simplify administration. The change is purely administrative and does not change the law in regard to the effects of registration such as priority:
- a more streamlined process with less onerous notice requirements will apply when adjoining neighbours seek ownership of land that is in a limited title on

the basis of adverse possession. This should reduce costs and speed up the process.

Finally, the Bill will improve the protection of privacy. It will clarify that the electronic register is a public register under the Privacy Act 1993 and is subject to the relevant privacy principles. The Bill will also extend the Registrar-General of Land's statutory powers to withhold an individual's personal information to protect his or her personal safety in specified circumstances.

George Tanner QC and Warren Moyes

Sadly, two outstanding public servants who were both instrumental in the development of the Bill have since passed away. The Law Commissioner responsible for the Commission's review of the 1952 Act was George Tanner QC, who became ill and later passed away following the publication of the report. The Commission's report included a Bill drafted by Mr Tanner that formed the foundation of this the current Bill. This was the last complete draft Bill of a peerless drafter, gentleman, and colleague of those at the Law Commission. It says much about George that he spent the time between Christmas and New Year of 2010–2011 completing some of the provisions. He remains greatly missed.

Warren Moyes was also a true professional and a gentleman who had a long and distinguished career as the Wellington District Land Registrar and then latterly as a Senior Advisor in the Office of the Registrar-General of Land. Warren worked tirelessly on the Bill and the review that preceded it. Warren will be remembered for his contribution to the Torrens system in New Zealand, his extensive knowledge and expertise as a property lawyer, and the time he freely gave to the many people who sought his advice and assistance.

Departmental disclosure statement

Land Information New Zealand is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2016&no=118>

Regulatory impact statement

Land Information New Zealand produced regulatory impact statements on 20 October 2010 and 20 March 2015 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of the regulatory impact statements can be found at—

- <http://www.linz.govt.nz/bill-modernise-land-transfer-legislation>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. It provides that the Bill comes into force on a date or dates appointed by Order in Council. An Order in Council commencement date is provided for to allow time for regulations to be made under the Act. Any provision that has not earlier been brought into force by Order in Council comes into force 12 months after the date on which the Bill receives the Royal assent.

Part 1

Preliminary provisions

Clause 3 is the purpose clause.

Clause 4 specifies the land that is subject to the Act.

Clause 5 defines terms used in the Act.

Clause 6 defines fraud for the purpose of the Act.

Clause 7 inserts transitional provisions (*see Schedule 1*).

Clause 8 provides that the Act binds the Crown.

Part 2

Land title and registration

Subpart 1—Land title register

Land title register

Clause 9 requires the Registrar to keep and operate a register of land that is subject to the Act. It replaces section 33 of the Land Transfer Act 1952 (the **present Act**) and sections 5 and 14 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 (the **2002 amendment Act**).

Clause 10 sets out the purpose of the register.

Clause 11 specifies the information and documents that the Registrar must record in the register.

Records of title

Clause 12 provides for the Registrar to create records of title for different types of estates and interests in land and specifies the information that a record of title must contain. The clause replaces sections 7 to 13 of the present Act.

Clause 13 provides that the Registrar may create a single record of title in place of 2 or more records of title and vice versa. It replaces section 86 of the present Act.

Clause 14 provides that the Registrar may create a separate record of title for an undivided share in an estate in land. The Registrar must create the separate record of

title if requested by a registered owner who owns the share as a tenant in common. The clause replaces section 72 of the present Act.

Clause 15 provides that a record of title created in the name of a deceased person takes effect as if it were created immediately before the person died. It replaces section 74 of the present Act.

Clause 16 gives the court the power to make an order directing the Registrar to cancel, create, or alter a record of title. It replaces section 85 of the present Act.

Qualified records of title

Clause 17 provides that the Registrar may record on a record of title that the title is qualified. Qualified title replaces provisional registration under the present Act and the clause replaces section 50 of the present Act.

Clause 18 provides for the effect of a qualified record of title for an estate in land. The title to the estate is not fully indefeasible. The clause replaces section 54 of the present Act.

Clause 19 provides that the Registrar may replace a qualified record of title with a new (unqualified) record of title if the Registrar is satisfied that the grounds for recording the qualification have ceased to exist. The clause replaces section 51 of the present Act.

Retention of information in register

Clause 20 requires information that is recorded in the register to be retained, even if certain changes happen. It replaces section 32 of the 2002 amendment Act.

Registrar's powers of alteration

Clause 21 provides for the Registrar to alter the register in certain situations. It replaces sections 80 and 81 of the present Act.

Registration and notation of instruments

Clause 22 provides for the Registrar to register or note an instrument lodged for registration or notation. It replaces sections 34 and 42 of the present Act and sections 23 and 30 of the 2002 amendment Act.

Clause 23 provides that an instrument may be registered or noted despite the fact that, at the time the instrument was created or executed, a person named in the instrument was not registered as the owner of the estate or interest to which the instrument relates. It replaces section 76 of the present Act.

Clause 24 provides that an instrument has effect under the provisions of the Act only once it is registered. It also covers express and implied terms, conditions, and covenants. The clause replaces section 41(1) and (4) to (6) of the present Act.

Electronic workspace facilities

Clause 25 provides for the Registrar to approve electronic workspace facilities for use in the preparation of electronic instruments for lodgement under the Act. The chief executive may provide and manage an electronic workspace facility. The clause replaces section 22 of the 2002 amendment Act.

Instruments

Clause 26 requires an instrument lodged for registration or notation to comply with the requirements of the Act and any other enactment.

Clause 27 requires certain lodged instruments to be certified. It applies to classes of electronic or paper instruments that are specified in regulations as requiring certification. The clause replaces sections 164 and 164A of the present Act.

Clause 28 specifies who may certify instruments: practitioners (lawyers and conveyancers) and persons of a class authorised by regulations. The regulations may restrict a class of persons to certifying certain classes of instrument. The clause replaces section 164B(1) of the present Act.

Clause 29 provides that the Registrar may revoke a person's authority to certify instruments in certain situations. The clause replaces section 164B(2) to (4) of the present Act.

Clause 30 requires a person who gives a certificate to retain the evidence relied on in support of the certificate. The Registrar may specify standards relating to the evidence and may require the person to provide the evidence and a statutory declaration. The clause replaces section 164C of the present Act.

Clause 31 provides for the effect of certification of an electronic instrument. The instrument is treated as if it were in writing and executed by the parties, and has effect according to its terms. The clause replaces section 164E of the present Act.

Clause 32 requires certain instruments to be lodged electronically. It applies to an instrument of a class specified in regulations that is lodged by a practitioner or a person of a class authorised to certify the instrument. An instrument need not be lodged electronically if the Registrar determines it is impracticable or inappropriate to do so.

Clause 33 requires a paper instrument to be executed and witnessed in accordance with the Act and any other enactment. The clause replaces section 157 of the present Act.

Clause 34 requires a paper instrument to be lodged by posting it to a land registry office. The clause replaces section 47(1) and (2) of the present Act.

Clause 35 provides for the priority of different instruments. Priority is mainly determined by the time of lodgement. The clause replaces section 37 of the present Act.

Clause 36 sets out special rules for the priority of paper instruments lodged by post. The clause replaces sections 41(2) and (3) and 47(4) to (6) of the present Act.

Clause 37 applies to an instrument that does not comply with the requirements for lodgement. The Registrar may reject and return the instrument. Or the Registrar may

retain the instrument for correction (ie, requisition it). The clause replaces sections 43 and 148B of the present Act.

Clause 38 provides for the Registrar to produce a record, copy, or image of a paper instrument. The record, copy, or image can be used for the purposes of registering the instrument or for other purposes. The clause replaces section 27 of the 2002 amendment Act.

Clause 39 provides that the Registrar may refuse to register or note an instrument if it is impracticable to capture its data or to copy it or create an image of it. The clause replaces section 28 of the 2002 amendment Act.

Access to register

Clause 40 requires the Registrar to provide a person with a copy, or a certified copy, of an instrument or a record of title on payment of the prescribed fee or charge. The clause replaces sections 45, 45A, and 46 of the present Act and section 33 of the 2002 amendment Act.

Clause 41 allows the Registrar to grant a withholding period to a person if the Registrar is satisfied that the publication of information that discloses, or is likely to disclose, the whereabouts of the person may prejudice the safety of the person or the person's family. During the withholding period, the Registrar may refuse to provide a copy of an instrument or a record of title that names or contains identifying information about the person, and may prevent the name of, or identifying information about, the person from being included in any public part of the register.

Clause 42 provides for how a person applies to the Registrar to grant a withholding period under *clause 41*.

Clause 43 provides for exceptions where the Registrar may provide a copy of an instrument or a record of title despite being entitled to withhold it under *clause 41*. The exceptions relate to the conduct of transactions, the registration or notation of instruments, and rights held and obligations owed in relation to land.

Evidentiary effect of documents

Clause 44 provides for the evidentiary effect of documents that appear to be or to represent electronic images of instruments or records of title. It also provides for the evidentiary effect of certified copies of instruments and records of title. The clause replaces sections 45, 75, and 163 of the present Act and sections 34 and 35 of the 2002 amendment Act.

Instruments lost before registration or notation

Clause 45 provides for a person to become registered as owner, or noted as a person entitled to, an estate or interest despite the loss, destruction, or inability to find a record of an instrument or related authority. The clause replaces sections 56 and 57 of the present Act.

Replacement or reconstitution of records

Clause 46 provides for the Registrar to replace or reconstitute documents or information that has been lost, damaged, or destroyed or has become unfit for use. The clause replaces sections 215A and 215B of the present Act.

Joint tenancy

Clause 47 sets out a default rule for 2 or more persons named in an instrument as transferees, mortgagees, or owners of an estate or interest in land to be treated as joint tenants. The clause replaces section 61 of the present Act.

Clause 48 provides for how a joint tenant may become registered as a tenant in common.

Dealings by overseas Governments

Clause 49 gives an overseas Government the power to be registered as owner of, and to deal with, an estate or interest in land. The clause replaces section 165 of the present Act.

Registers under other Acts

Clause 50 provides for the Registrar to keep any other required registers.

Subpart 2—Title to land

Clause 51(1) provides that title to land acquired by registration cannot be set aside. *Subclause (2)* provides that the title is free from interests that are not registered or noted, or not capable of being registered or noted. *Subclauses (1) and (2)* encapsulate the principle known as the principle of indefeasibility.

This principle is subject to the following as set out in *subclause (3)*:

- the exceptions and limitations in *clauses 52 to 57*;
- *subpart 1 of Part 4* (which relates to adverse possession) and *subpart 3 of Part 4* (which relates to title to access strips);
- *clause 203* (which relates to applications by persons claiming title to land for which there is a limited record of title).

Subclause (4)(a) makes it clear that a volunteer is in no different position to that of a person who acquires title for valuable consideration. *Subclause (4)(b)* provides that *subclauses (1) and (2)* apply even if the registered owner acquired the estate or interest from a fictitious person.

Clause 52 provides that the title of a registered owner to an estate or interest in land is subject to the following exceptions and limitations:

- fraud by the registered owner;
- existing estates and interests registered or noted on the record of title;
- the estate or interest of a person with a valid claim under a prior record of title;

- the estate or interest of another registered owner included in the record of title as a result of an incorrect description of area or boundaries:
- omitted and misdescribed easements.

Clauses 51 and 52 replace sections 62, 63(1), and 183 of the present Act. The protection for good faith purchasers in section 183 of the present Act is not expressed as such in *clause 51*, but is intended to be captured by *clause 51(1)*.

Clause 53 applies if a road or reserve has been included in a record of title without authority or acquired under an unauthorised instrument. The clause provides that the road or reserve does not vest in the person in whose title it has been included. This clause replaces section 77 of the present Act.

Clause 54 has no counterpart in the present Act. It imposes a duty on a mortgagee to take reasonable steps, or ensure that reasonable steps are taken, to verify the identity of the mortgagor and the identity and authority of any person who executes the mortgage. The Registrar is given the power under *clause 234* to specify standards for verifying identity. *Subclause (7)* provides that the High Court may set the registered estate or interest of a mortgagee aside if it did not comply with this section and through fraud the mortgage instrument was executed by a person other than the mortgagor or someone with lawful authority.

Clause 55 is also new. It applies to a transferee of a mortgage. The transferee acquires the estate or interest in mortgaged land subject to *clause 54(7)* and cannot acquire a better title to the estate or interest than the transferor had in that regard.

Clauses 56 and 57 are new. They give the High Court discretion to order the alteration of the register in cases of manifest injustice. They apply to a person (**person A**) who—

- has been deprived of an estate or interest in land by the registration under a void or voidable instrument of another person as the owner of the estate or interest; or
- suffers any other loss or damage by the registration under a void or voidable instrument of another person as the owner of an estate or interest in the land.

Person A may apply for the order. *Clause 57(4)* sets out various factors that the court may take into account.

Subpart 3—Compensation

This subpart provides for the granting of Crown compensation on various grounds. The grounds are set out in *clauses 58 to 60*.

Grounds for compensation

Clause 58 applies to loss or damage resulting from errors or wrongful acts or omissions of the Registrar or a delegate, or system failure. It replaces section 172(a) of the present Act.

Clause 59 replaces section 172(b) of the present Act. It provides that a person may bring a proceeding in the court against the Crown for compensation if the person, by reason of anything in *subclause (2)*, is deprived of an estate or interest in land and, by the Bill, is barred from bringing an action for possession or other action for recovery of the estate or interest. *Subclause (2)* refers to losses resulting from—

- registration of another person as the owner of the estate or interest or of a different estate or interest under a void instrument or through fraud;
- bringing land under the Act otherwise than in accordance with the procedure prescribed by the Act or any other Act;
- an order under *clause 57*;
- unlawful alterations to, or entries on, the register.

Clause 60 applies to loss or damage as a result of registrations following a guaranteed search. It replaces section 172A of the present Act.

Clause 61 sets out certain exceptions to the ability to get compensation. *Subclause (1)* replaces certain provisions of section 178 of the present Act (see *paragraphs (a) and (b)*) but also incorporates other provisions that exclude the right to claim compensation (see *paragraphs (c) to (e)*). *Subclause (2)* carries forward in modified form section 60 of the present Act.

Notice of claim

Clause 62 provides that, before commencing a proceeding to recover compensation, a claimant must give notice of the claim to the Registrar. If the amount of the claim exceeds a prescribed amount the claimant must also give notice to the Attorney-General. This is different to the process applicable under the present Act in that this notice is given before court proceedings are commenced.

Consideration of claim

Clause 63 is new. *Subclause (1)* provides that if the claim does not exceed the prescribed amount (to be prescribed in regulations), the Registrar may decide whether or not to accept Crown liability. *Subclause (2)* provides that if the claim exceeds the prescribed amount, the Attorney-General and the Registrar may decide whether or not to accept Crown liability. If the Attorney-General and Registrar (or as the case may be, the Registrar alone) decline the claim the claimant may commence proceedings in court.

Calculation of compensation for deprivation of estate or interest in land

Clause 64 specifies the maximum amount of compensation for deprivation of an estate or interest in land as follows:

- the maximum amount of compensation payable where a claimant has been deprived of an estate or interest in land is the value of the lost estate or interest in land:

- where the claimant is a mortgagee, no compensation is payable for any amount owing on the mortgage that exceeds the value of the estate or interest in land that the mortgagee has been deprived of.

This clause is subject to *clauses 65 to 67*.

Clause 65 deals with the valuation of the estate or interest in land.

Clause 66 provides that improvements made to the land after the claimant gained (or ought reasonably to have gained) knowledge about the loss are generally not to be taken into account.

Clause 67 provides that the value of any benefit obtained by the claimant must be taken into account in determining the amount of compensation in certain cases.

Clause 68 provides a discretion for the court to adjust the compensation determined under *clauses 64 to 67* if the court considers that the amount of compensation determined in accordance with those clauses would be inadequate or excessive. The court may use a different date of valuation of the estate or interest in land to that set out in *clause 65(1)*, or increase the compensation to reflect movement in land values (that amount to be calculated in accordance with regulations), or both.

Clause 69 applies in court proceedings or where the Attorney-General or Registrar is dealing with a claim under *clause 63*. *Subclause (1)* provides that no compensation is payable for any loss or damage suffered by a claimant—

- wholly or partly as a result of the claimant's own fraud; or
- wholly as a result of the claimant's own lack of proper care.

Subclause (2) provides that if any loss or damage is suffered by a claimant partly as a result of the claimant's own lack of proper care, any compensation payable to the claimant is to be reduced to the extent that is fair having regard to the claimant's share in the responsibility for the loss or damage.

Clause 70 provides that interest may be awarded on the amount of compensation.

Further provision where compensation paid

Clause 71 provides a right of subrogation for the Crown where compensation is made.

Clause 72 provides that the Crown may recover compensation paid for fraud from the person responsible for the fraud. It replaces section 175(1) and (1A) of the present Act.

Part 3

Dealings in estates and interests in land

Subpart 1—Transfers, transmissions, and vesting

Transfers of estates and interests

Clause 73 requires a transfer instrument to be used in order to register the transfer of an estate or interest in land. It sets out requirements for using a transfer instrument. The clause replaces section 90 of the present Act.

Clause 74 provides for records of title to be part-cancelled and created when part of the land in a record of title is transferred. The clause replaces sections 92 to 94 of the present Act.

Clause 75 provides for the effect of registering the transfer or assignment of an estate or interest under a registered lease or mortgage. The clause replaces section 97 of the present Act.

Clause 76 requires a transfer instrument to be used in order to register certain freehold estates: a life estate with successive future estates or any other freehold estate that terminates when a future event happens. The Registrar must do certain things relating to records of title. The clause replaces section 95 of the present Act.

Tax statement required for registration of instrument to transfer some estates in land

Clauses 77 to 86 are substantially the same as sections 156A to 156J of the present Act, as inserted by the Land Transfer Amendment Act 2015. They provide that purchasers and vendors of property will, subject to certain exceptions, be required to provide tax numbers when transferring specified estates in land (as that term is defined in *clause 77*).

Clause 77 defines terms used in *clauses 78 to 86*.

Clause 78 provides that an instrument to transfer a specified estate in land is not in order for registration unless each transferor and transferee has completed a tax statement, and some of the information set out in that statement (defined in *clause 77* as tax information) is given to the chief executive of Land Information New Zealand (**LINZ**).

Clause 79 sets out the information that must be included in a tax statement. The statement must either state that the transfer is non-notifiable or include the transferor's or transferee's IRD number and (if applicable) the equivalent of the transferor's or the transferee's overseas tax information number and country code. *Clause 77(2)* defines a non-notifiable transfer.

Clause 80 provides a procedure for an omission or error in any tax information to be corrected. It also provides that an omission or error in any tax information that is provided, or any other failure to comply with *clauses 78 and 79*, does not affect the validity of any registration of a transfer instrument or give rise to any liability of, or

claim for compensation from, the chief executive of LINZ, the Registrar-General, or the Crown.

Clause 81 provides that a person commits an offence if the person gives a tax statement that, to the person's knowledge or with intent to deceive, contains false or misleading tax information.

Clause 82 requires the chief executive of LINZ to supply the tax information and details about the transfer or transfers to which the tax information relates to the Commissioner of Inland Revenue.

Clause 83 permits the chief executive of LINZ to release or to give certain tax information to any person who requests it, provided that the information is given in aggregate form only and in a manner that prevents any person, estate in land, or transaction from being identified.

Clause 84 requires a certifier and the chief executive of LINZ to retain a tax statement given to him or her for 10 years and to give a copy of that statement to the Commissioner of Inland Revenue as soon as practicable after receiving a request in writing from the Commissioner.

Clause 85 provides that the chief executive of LINZ and certifiers must not use tax information, or disclose tax information to any person, except as required by *clauses 78, 80, 82, 83, 84, and 86*, or as authorised or required by order of a court.

Clause 86 permits tax information or related information to be disclosed between certain authorised persons in specified circumstances.

Transmissions

Clause 87 requires a transmission instrument to be used in order to register a person as the owner of an estate or interest vested by transmission. The clause replaces section 122 of the present Act.

Clause 88 provides for the effect of registering a transmission instrument. The clause replaces section 123 of the present Act.

Vesting

Clause 89 provides for the Registrar to register a court order that vests an estate or interest in land in a person. The clause replaces section 99 of the present Act.

Clause 90 provides for the Registrar to register the vesting under an enactment of an estate or interest in land. The clause replaces section 99A of the present Act.

Subpart 2—Leases

Clause 91 provides that a lease instrument must be used in order to register a lease under the Act. A lease of any length may be registered. The lease instrument must be executed by the lessor and the lessee. If the estate or interest in land to be leased is subject to a mortgage, the consent of the mortgagee must be obtained before the registration of the lease instrument. This clause replaces section 115 of the present Act. In contrast to that section, this clause does not use the term “demise”. In this

context, demise is considered to be synonymous with lease. Also, this clause does not set out the required content of a lease instrument. This will be prescribed in regulations.

Clause 92 replaces section 116 of the present Act. It provides that a lease variation instrument must be used to extend the term of the lease or vary the covenants and conditions contained in the lease. The lease variation instrument must be registered before the expiry of the current term of the lease. It has the same effect as if it were a lease instrument for the extended term subject to the same covenants and conditions as the lease. The lease variation instrument must be executed by the lessor and the lessee. *Subclause (6)* provides that on registration of the lease variation instrument, the lease continues to be subject to the same registered or noted interests to which the lease was subject or of which it had the benefit. This differs from section 116 of the present Act in that it makes it clear that it is registered or noted interests.

Clause 93 replaces section 120 of the present Act. It provides that a lease surrender instrument must be used in order to surrender a registered lease. *Subclause (4)* provides that a lease cannot be surrendered without the consent of a mortgagee or sublessee. The term “sublease” is used instead of the term “underlease” in section 120 because sublease is the term used in the Property Law Act 2007. *Subclause (5)* is new. It provides that the consent of a sublessee is not required if section 216 of the Property Law Act 2007 applies. This relates to certain circumstances where it is permissible for a superior lease to be surrendered without a sublease also needing to be surrendered.

Clause 94 replaces section 117 of the present Act. It relates to the registration of a replacement lease. The term replacement lease defined in *subclause (1)* includes a lease in renewal or substitution. The definition is intended to make it clear that no replacement lease may be registered that takes effect later than the expiry or surrender of the prior lease. That is, an expired lease cannot be revived. On registration, the new lease becomes subject to all registered or noted interests to which the prior lease was subject. This will include a sublease. *Subclause (3)* provides that the lease has the benefit of registered or noted interests that benefited the prior lease if the owner of the burdened land consents to them benefiting the replacement lease.

Clause 95 replaces part of section 118A of the present Act. It applies where a lessee acquires the fee simple estate in the leased land. The lessee may apply to the Registrar to record on the record of title for the fee simple estate all registered or noted interests to which the lease was subject, and note the merger of the fee simple and leasehold estates. In the case of the holder of an interest to which the lease is subject, that person must consent.

Clause 96 provides that a registered lease may include—

- a covenant by the lessee to purchase the fee simple estate; or
- a right for the lessee to purchase the fee simple estate.

It sets out the circumstances in which the lessor must transfer the fee simple estate to the lessee. It replaces section 118 of the present Act.

Clause 97 provides for the noting on records of title for the fee simple estate and leasehold estate where the lessor takes possession of the leased land under a court order or re-enters the leased land. It replaces section 121 of the present Act.

Subpart 3—Mortgages

Clause 98 provides that a mortgage takes effect only as security and not as a transfer of the estate or interest charged. It replaces section 100 of the present Act.

Clause 99 provides that a mortgage instrument (or encumbrance instrument) must be used in order to mortgage an estate or interest in land under the Act. It replaces section 101 of the present Act. There will continue to be a separate form for encumbrances.

Clause 100 provides that a mortgage variation instrument must be used in order to vary a registered mortgage. This clause also deals with the consent required from any subsequent mortgagee or submortgagee. It replaces sections 102 and 114 of the present Act. It differs from section 102 in that the consent of a prior mortgagee to a variation is not required.

Clause 101 provides that a mortgage priority instrument must be used in order to vary the priority between themselves of registered mortgages. This clause also deals with the consent required from any submortgagee. It replaces section 103 of the present Act.

Clause 102 deals with the transfer of mortgaged land following a mortgagee sale. It replaces section 105 of the present Act.

Clause 103 provides that a mortgage discharge instrument may be used in order to discharge a registered mortgage. It replaces section 111 of the present Act.

Clause 104 allows a mortgagor to apply to the High Court to have a mortgage discharged if remedies under it are statute-barred. It replaces section 112 of the present Act.

Clause 105 provides for the discharge of a mortgage securing an annuity or a rent-charge. It replaces section 113 of the present Act.

Subpart 4—Easements, *profits à prendre*, and covenants under Property Law Act 2007

Easements and profits à prendre

Clause 106 defines terms used in the subpart. The clause replaces section 90E(2) of the present Act.

Clause 107 requires the following to be used in order to register an easement or a *profit à prendre* or the surrender of an easement or a *profit à prendre*: an easement instrument, a transfer instrument, or (for an easement) a deposit document and related plan. The clause replaces section 90 and parts of sections 90A, 90B, and 90E of the present Act.

Clause 108 sets out requirements for using an easement instrument. The clause replaces parts of sections 90A and 90E of the present Act.

Clause 109 sets out requirements for using a deposit document to create or surrender an easement. The clause replaces parts of sections 90B and 90E of the present Act.

Clause 110 provides for the rights and powers that are implied in easements, which may be modified. The clause replaces section 90D of the present Act.

Clause 111 requires an easement variation instrument to be used in order to register a variation or an addition to, or an exclusion of, the rights and powers that apply to a registered easement or *profit à prendre*. It sets out requirements for using an easement variation instrument. The clause replaces section 90C and part of section 90E of the present Act.

Clause 112 provides for the Registrar, on application, to record that an easement or a *profit à prendre* has merged or is extinguished because of lapse of time. The clause replaces part of section 70 of the present Act.

Clause 113 provides for the Registrar, on application, to record that an easement or a *profit à prendre* is extinguished because of an event that brought it to an end. Notice must be given and persons may object. The clause replaces part of section 70 of the present Act.

Clause 114 provides for the Registrar, on application, to record that an easement is extinguished because it is redundant. An easement is redundant if parts of the relevant land no longer adjoin so that the easement has no practical effect. Notice must be given and persons may object. The clause replaces part of section 70 of the present Act.

Notation of covenants under Property Law Act 2007

Clause 115 requires a covenant instrument to be used in order to note the following on the register: a positive or restrictive covenant to which section 307 of the Property Law Act 2007 applies, a covenant in gross to which *new section 307F* of the Property Law Act 2007 applies, or the revocation of such covenants. A covenant variation instrument must be used in order to note on the register that a covenant is affected or modified. The clause sets out requirements for using a covenant instrument or covenant variation instrument. It also requires a covenant to be noted on registration of a transfer instrument that transfers an estate or interest in land and provides for the covenant. And it requires a transfer instrument to be used in order to note on the register the assignment of the benefit of a covenant in gross to which *new section 307F* of the Property Law Act 2007 applies. The clause replaces section 90F of the present Act.

Subpart 5—Statutory land charges

The subpart incorporates the provisions of the Statutory Land Charges Registration Act 1928 (the **SLCR Act**) into the Bill.

Clause 116 provides that this subpart applies to a charge on land created or arising under another Act except if the other Act provides for its registration. It replaces section 4 of the SLCR Act.

Clause 117 provides that a statutory land charge may be registered by lodging a notice with the Registrar. It replaces section 6 of the SLCR Act.

Clause 118 is a new provision about the priority of a statutory land charge. It provides that the priority of a charge registered under this subpart is determined in accordance with this Act (see *clause 35*). This replaces section 5(1) of the SLCR Act and section 3(1) of the Statutory Land Charges Registration Amendment Act 1930.

Clause 119 provides for the release of a statutory land charge. It replaces section 7 of the SLCR Act.

Clause 120 provides the Registrar with protection from liability when acting on the basis of information provided to the Registrar under *clause 119*. It replaces section 11(1) of the SLCR Act, but extends the protection from liability (see *paragraph (b)(ii)*).

Subpart 6—Flat and office-owning companies

This subpart carries over the provisions of the present Act relating to flat and office-owning companies with some updating and modification.

Clause 121 defines terms used in this subpart. There are some new definitions, including flat and office.

Clause 122 requires a flat or office-owning company to issue a share certificate to each shareholder. It replaces section 121B of the present Act.

Clause 123 provides for the registration of a licence to occupy. It replaces section 121C of the present Act with some updating to reflect the registration provisions in the Bill.

Clause 124 provides that the Registrar may require a person who lodges a licence for registration to lodge a plan for deposit identifying the flat or office and other structures and adjoining land that the licensee has a right to use. It replaces section 121D of the present Act.

Clause 125 sets out the effect of the registration of a licence. It expressly provides that a registered licence is an interest noted on the record of title to which *clause 52(1)(b)* applies. It replaces section 121F of the present Act.

Clause 126 provides that an instrument that can be registered against a lease registered under this Bill may be registered against a licence under this subpart in the same manner as an instrument may be registered against a lease.

Clause 127 provides for the notification and recording of a mortgage of a registered licence. It replaces section 121G of the present Act.

Clause 128 deals with certain rights of the mortgagee of a registered licence. It replaces section 121H of the present Act.

Clause 129 provides certain restrictions on the disposal of a licence or shares if a licence is subject to a mortgage. It replaces section 121I of the present Act, with some differences. The consent of the mortgagee of a licence is not required to the sale or other disposal of the licence. The consent of the mortgagee is not required where the company cancels, revokes, rescinds, or accepts a surrender of the licence and issues a new licence if the new licensee requests the Registrar to register the mortgage against the new licence.

Clause 130 imposes certain restrictions on the cancellation, revocation, or rescission of the licence or the forfeiture of any of the shares to which the licence relates. It replaces section 121J of the present Act.

Clause 131 provides for the registration by the Registrar of the cancellation, revocation, or rescission of a registered licence. It replaces section 121K of the present Act.

Clause 132 provides that a licence surrender instrument must be used in order to registered a surrender of a registered licence. It also provides that a licence must not be surrendered if it is subject to a mortgage.

Clause 133 provides for the registration of a mortgage where shares in a company are transferred and a new licence is issued to the person who acquires the shares. It replaces section 121L of the present Act.

Clause 134 provides for the priority of a replacement mortgage over land of a company. It replaces section 121O of the present Act.

Clause 135 provides for the transfer of shares in a company on the exercise of a power of sale by a mortgagee of a licence. It replaces section 121N of the present Act.

Clause 136 sets out certain preconditions that apply to the registration of a transfer of a licence or a replacement licence. It replaces section 121M of the present Act.

Subpart 7—Caveats

Clause 137 sets out the grounds on which a person may lodge a caveat against dealings with an estate or interest in land. It replaces section 137 of the present Act, but contains a new ground (see *subclause (1)(d)*).

Clause 138 requires the Registrar to give notice of the lodging of a caveat against dealings to the registered owner of the estate or interest against which the caveat is lodged.

Clause 139 sets out the effect of a caveat against dealings. It replaces section 141(1), (2), and (5) of the present Act. As long as a caveat is on the register, the Registrar must not register an instrument or record any matter on the register that transfers, charges, or prejudicially affects the estate or interest protected by the caveat. Some exceptions to this are set out in *subclause (2)*, but this is not an exhaustive list.

Clause 140 provides that in certain circumstances a transfer under a mortgagee power of sale may be registered despite a caveat. It replaces section 141(3) and (4) of the present Act.

Clause 141 gives the High Court the power to order the removal of a caveat. It replaces section 143 of the present Act.

Clause 142 provides that the following persons may apply to the Registrar for the lapse of a caveat:

- a person who wishes to register an instrument affecting the estate or interest protected by the caveat; or
- the registered owner or a person acting for or on behalf of the registered owner of the estate or interest affected by the caveat.

The caveator may apply to the High Court for an order that the caveat not lapse. This clause replaces sections 145 and 145A of the present Act. It retains the same basic time periods as the present Act but provides for interim orders to be made, effectively extending the period for the court to fully deal with the application.

Clause 143 provides for the withdrawal of a caveat by the caveator. It replaces that part of section 147 of the present Act dealing with withdrawal of a caveat.

Clause 144 replaces the part of section 147 of the present Act relating to consenting to dealings, and also section 147A (which dealt particularly with the registration of an electronic instrument). It provides that the caveator may consent to the registration of an instrument, but the consent is subject to the rights of the caveator.

Clause 145 prevents a second caveat against dealings being lodged (protecting the same estate or interest) after one has been removed or has lapsed. It replaces section 148 of the present Act.

Clause 146 provides that the Registrar is not required to verify that a person is entitled to lodge a caveat. It replaces section 148A of the present Act.

Clause 147 provides that a person (not limited to a caveator) who lodges a caveat against dealings without reasonable cause is liable to pay compensation to a person who suffers loss or damage. It replaces section 146 of the present Act.

Registrar's caveats

Clause 148 allows the Registrar to lodge a caveat to prevent a dealing in land that may prejudice—

- a minor;
- a person who the Registrar is satisfied is not capable of managing his or her affairs in relation to the estate or interest;
- a person on account of a misdescription of the land or the estate or interest in the land on the record of title;
- a person through fraud or improper conduct.

It replaces section 211(d) of the present Act. However the term “improper conduct” is intended to cover a broader range of activity than the words “improper dealings” in section 211(d).

Clause 149 requires the Registrar to give notice of the caveat to the registered owner of the land.

Clause 150 sets out the effect of a Registrar's caveat.

Clause 151 provides that the Registrar may withdraw the caveat at any time.

Subpart 8—Trusts

Clause 152 provides that no notice of a trust may be registered or noted on the register. It replaces section 128 of the present Act.

Clause 153 is an exception to the rule in *clause 152*. It applies to land that is public reserve as that term is defined in *subclause (6)*. In these cases, the capacity in which the land is held is to be recognised on the register. This clause replaces section 129 of the present Act.

Part 4

Miscellaneous applications and other matters

Subpart 1—Applications for title based on adverse possession

Clause 154 provides for applications for title to land based on adverse possession. It only applies if the land is subject to the Act. This clause replaces sections 3 and 6 of the Land Transfer Amendment Act 1963 (the **1963 amendment Act**).

Clause 155 requires an application under *clause 154* to be accompanied by a certificate or plan relating to the boundaries of the land. This clause replaces section 14 of the 1963 amendment Act.

Clause 156 provides that a registered owner who was incapacitated during the 20-year period required for adverse possession may apply for a court order extending the period. This clause replaces part of section 4 of the 1963 amendment Act.

Clause 157 provides that the 20-year period required for adverse possession does not run while the registered owner is a minor. This clause replaces part of section 4 of the 1963 amendment Act.

Clause 158 prohibits an application for title to certain types of land. This clause replaces section 21 of the 1963 amendment Act.

Clause 159 provides that the Registrar may dispense with a requirement for information, or may require additional information, relating to an application. This clause replaces section 5 of the 1963 amendment Act.

Clause 160 requires the Registrar to give notice of a compliant application. The notice must specify the period within which a person may lodge a caveat to prevent the application from being granted. This clause replaces section 7 of the 1963 amendment Act.

Clause 161 provides that a person claiming an estate or interest in land to which an application relates may lodge a caveat preventing the application from being granted.

It sets out requirements for the caveat. This clause replaces section 8 of the 1963 amendment Act.

Clause 162 requires the Registrar to give notice to the applicant of the lodging of a caveat preventing an application from being granted. This clause replaces section 8 of the 1963 amendment Act and section 142 of the present Act.

Clause 163 requires the Registrar to refuse an application if satisfied that a caveat has been lodged by or for the registered owner of certain freehold estates. This clause replaces section 9 of the 1963 amendment Act.

Clause 164 applies if the Registrar is satisfied that a caveat has been lodged by or for a person who claims to be the beneficial or equitable owner of certain freehold estates. The caveator must satisfy certain requirements in order to have the application refused. Otherwise, the caveat lapses. This clause replaces section 10 of the 1963 amendment Act.

Clause 165 applies if the Registrar is satisfied that a caveat has been lodged by or for the person who is the registered owner of, or person noted as entitled to, an estate or interest in any land to which the application relates. The estate or interest must not be a freehold estate covered by *clauses 163 and 164*. The applicant may agree to his or her title being subject to the estate or interest. Otherwise, the Registrar must refuse the application. This clause replaces section 11 of the 1963 amendment Act.

Clause 166 applies if the Registrar is satisfied that a caveat has been lodged by or for a person who claims to be beneficially or equitably the owner of, or entitled to, an estate or interest in any land to which the application relates. The estate or interest must not be a freehold estate covered by *clauses 163 and 164* and must not be covered by *clause 165*. If the caveator can establish the claim and become registered as owner of the estate or interest, *clause 165* is applied with modifications so that the applicant's title may become subject to the estate or interest. If the caveator's claim satisfies certain evidential requirements, the applicant may agree to his or her title being subject to the caveat as evidence of the caveator's claim. Otherwise, the Registrar must refuse the application. This clause replaces section 12 of the 1963 amendment Act.

Clause 167 requires the Registrar to perform actions granting an application if satisfied of certain matters. This clause replaces section 15 of the 1963 amendment Act.

Clause 168 requires the Registrar to cancel or partly cancel a previous record of title as a consequence of granting an application. This clause replaces section 18 of the 1963 amendment Act.

Clause 169 provides for applications relating to land of a dissolved company. This clause replaces section 17 of the 1963 amendment Act.

Subpart 2—Applications to bring land under Act

Clause 170 applies the subpart to land that is not subject to the Act, that is not Māori land, and that has been alienated or contracted to be alienated by the Crown by Crown grant or other instrument.

Clause 171 specifies who may apply to bring land under the Act and sets out the requirements for applications. This clause replaces sections 20 and 21 and part of section 25 of the present Act.

Clause 172 provides for the Registrar to give notice of an application to bring land under the Act. The notice must specify the period within which a person may lodge a caveat to prevent the land being brought under the Act. This clause replaces sections 23, 24, 26, and 28 and part of section 25 of the present Act.

Clause 173 provides that a person claiming an estate or interest in land to which an application relates may lodge a caveat preventing the Registrar from bringing the land under the Act. It sets out the requirements for the caveat. This clause replaces section 136 of the present Act.

Clause 174 provides that, as long as a caveat against bringing land under the Act remains in force, the Registrar must not bring the land under the Act. This clause replaces section 140 of the present Act.

Clause 175 requires the Registrar to give notice to the applicant of a caveat against bringing land under the Act. This clause replaces section 142(a) of the present Act.

Clause 176 provides for the procedure where a caveat is lodged by a person who claims to be entitled to a freehold estate in the land. The caveator must take court proceedings. This clause replaces part of section 144 of the present Act.

Clause 177 provides for the procedure where a caveat is lodged by a person who claims to be entitled to an estate or interest in the land that is not a freehold estate. The applicant may agree to the land being brought under the Act subject to the estate or interest of the caveator. If the applicant gives no notice, the Registrar must refuse the application. If the applicant gives notice that he or she does not agree, the caveator must take court proceedings. This clause replaces sections 58 and 59 and part of section 144 of the present Act.

Clause 178 provides that the Registrar may require an instrument to be lodged to give effect to an agreement or court order under *clause 177*.

Clause 179 provides for when an applicant may withdraw the application. This clause replaces sections 29 and 140 of the present Act.

Clause 180 requires the Registrar to register the applicant as the owner of the estate to which the application relates if certain requirements are met. This clause replaces section 27 of the present Act.

Clause 181 requires the Registrar to cancel or partly cancel any previous document of title as a consequence of granting an application. This clause replaces section 30 of the present Act.

Clause 182 provides that the Registrar does not need to register a Crown grant under the Deeds Registration Act 1908 if the land to which the grant relates is the subject of an application. This clause replaces section 32 of the present Act.

Subpart 3—Title to access strips

Clause 183 defines access strip. An access strip need only be in use principally to provide access from adjoining lots. This contrasts with the present Act, which applies only to an access strip used solely for such access.

Clause 184 provides that the registered owners of the fee simple estate in lots adjoining an access strip may apply to the Registrar for the issue of a record of title to the access strip. It replaces section 89A(1) and (2) of the present Act.

Clause 185 requires the Registrar to give public notice of the application (as public notice is defined in *clause 219*) and also give notice of the application to—

- every person who is the owner of a freehold estate in the access strip; and
- the territorial authority and any statutory body that would, if the access strip were a road or a service lane or an access way, have jurisdiction over it; and
- every other person the Registrar thinks fit.

Clause 186 provides that the following persons may lodge a caveat against the application:

- if the access strip is subject to this Act, a person who is the registered owner of a freehold estate in the access strip;
- if the access strip is not subject to this Act, a person who claims to be entitled to a freehold estate in the access strip.

Clause 187 requires the Registrar to give notice of a caveat to the applicant.

Clause 188 provides that the High Court may, on application by the applicant, order that the caveat be removed.

Clause 189 provides that if a caveat is lodged by a person who owns a freehold estate in the access strip, the Registrar must refuse the application to the extent it relates to that estate.

Clause 190 deals with the position of a person who owns a freehold estate in the access strip and is not an adjoining owner. The estate of this person will vest in the applicants if,—

- after reasonable enquiries have been made, the person cannot be found; or
- the person consents to the application and to forfeiting ownership of the estate to the applicants.

Clause 191 applies to a person who is not an applicant but is an adjoining owner and has an estate or interest in the access strip. The person may consent to forfeiting the estate or interest. If the person does not consent, the estate or interest will remain unaffected. This clause replaces section 89B of the present Act.

Clause 192 applies to a person who is not an applicant and does not have an estate or interest in the access strip, but is an adjoining owner. The person may consent to waiving any right to apply for title to the access strip. If the person does not consent, the person does not lose the right to do so.

Clause 193 deals with the creation of a record of title for the access strip and how share of ownership is apportioned.

Clause 194 sets out certain matters flowing from the creation of a record of title under this subpart. They include rules about dealings (for example, mortgaging) a share in an access strip.

Subpart 4—Limited certificates of title

Clause 195 sets out the purpose of the subpart: to continue, with appropriate modification, provisions of Part 12 of the present Act in relation to estates in land for which limited certificates of title have been issued under certain enactments.

Clause 196 defines limited certificate of title.

Clause 197 requires the Registrar to retain the Registrar's minutes kept under section 193 of the present Act. The Registrar may update the minutes. This clause replaces sections 193 and 194 of the present Act.

Clause 198 provides that a record of title for an estate in land for which a limited certificate of title has been issued must indicate that the record of title is limited as to parcels or title, or both. This clause replaces section 191 of the present Act.

Clause 199 provides for the effect of a limited record of title for an estate in land. The title to the estate is not fully indefeasible. This clause replaces sections 198 and 199 of the present Act.

Clause 200 provides that the Registrar may remove the limitation from a limited record of title if satisfied that the limitation can be removed and that the registered owner's title has not been extinguished. This clause replaces section 195 of the present Act.

Clause 201 imposes further requirements for removal of the limitation from a record of title limited as to parcels. This clause replaces section 207 of the present Act.

Clause 202 provides that a registered or noted estate or interest is subject to the same limitation as stated in the limited record of title for the freehold estate. This clause replaces section 203 of the present Act.

Clause 203 applies to a person who claims to be entitled on certain grounds to a freehold estate in land for which there is a limited record of title. The person may apply to be registered as owner of the estate under *subpart 2*. This clause replaces section 200 of the present Act.

Clause 204 provides that certain estates or interests are extinguished in relation to land for which there is a record of title limited as to title (which derives from a limited certificate of title). It also provides for when the Registrar may create a record of title that is no longer limited as to title. This clause replaces section 204 of the present Act.

Clause 205 applies to a caveat lodged under the Deeds Registration Act 1908 in accordance with section 205(1) of the present Act. The caveat is treated as a caveat

against bringing land under the Act. This clause replaces section 205 of the present Act.

Clause 206 specifies who may lodge a caveat against a limited record of title that is limited as to parcels. It sets out requirements for the caveat. This clause replaces section 205 of the present Act.

Part 5

Miscellaneous provisions

Subpart 1—General provisions

Covenants implied in instruments

Clause 207 sets out the covenants implied in every instrument used to create, transfer, or charge an estate or interest under the Act. The words “before or after registration” are intended to confirm that, as well as operating post-registration, this clause operates in relation to unregistered instruments before registration. It replaces section 154 of the present Act.

Provisions incorporated in instruments by reference

Clause 208 provides that a memorandum may be registered to incorporate provisions (contained in the memorandum) into an instrument also being registered. It replaces section 155A of the present Act.

Instruments under this Act that may be used under other Acts

Clause 209 provides that regulations may be made specifying instruments under this Act that may be used under other Acts that provide for the registration or notation of any instrument or thing under this Act. It replaces section 99B of the present Act.

Powers of attorney

Clauses 210 to 212 deal with powers of attorney. They replace sections 150 to 152 of the present Act.

Review and appeal

Clause 213 provides that the following persons may apply for a review of a decision of the Registrar or a delegate of the Registrar:

- a person who is registered as the owner of an estate or interest in land;
- a person who claims to be entitled to an estate or interest in land.

The Registrar must give notice of the application to any other person who, in the Registrar’s opinion, is affected or is likely to be affected by the review. That person may make submissions in writing to the Registrar. This clause replaces section 216 of the present Act.

Clause 214 provides for a right of appeal to the High Court against the following decisions:

- a decision under this Act by the Registrar or by a person acting under delegation from the Registrar;
- a decision by the Registrar under *clause 213*.

Unlike in the equivalent provision in the present Act, this clause allows a person to appeal directly to the court rather than having to first apply for review by the Registrar. This clause replaces sections 217 to 219, 223, and 224 of the present Act. Much of the material in those sections can be dealt with under rules of court so these procedural matters are not included in the Bill.

Application to court by Registrar

Clause 215 provides that the Registrar may apply to the High Court for directions concerning the performance of any function or the exercise of any power by the Registrar under the Act. It replaces section 222 of the present Act.

Notice to Registrar of proceedings

Clause 216 has no counterpart in the present Act. It requires a plaintiff to serve notice on the Registrar of any proceeding under the Act to which the Registrar is not a party, and gives the Registrar the right to participate in the proceedings.

Offences

Clauses 217 and 218 are offence provisions prescribing offences in relation to registration and false statements. They replace sections 225 to 228A of the present Act. Some of the offence provisions in the present Act are not carried forward as the conduct concerned is considered to be covered by the Crimes Act 1961.

Notices

Clauses 219 to 222 relate to the giving of notices for the purpose of the Act. They replace sections 240 to 240D of the present Act.

Plans

Clause 223 provides that the Registrar is not required to perform functions under the Act in relation to land unless the land is adequately defined. *Subclause (2)* describes what adequately defined means. It replaces section 167 of the present Act.

Clause 224 allows the Registrar to specify the form of a document to be deposited in relation to matters under the Act. It replaces section 167A of the present Act.

Clause 225 provides that the Crown must meet the cost of a survey certified by the Surveyor-General as required to correct an error in a plan deposited under the Act or in a record of title. It replaces section 170 of the present Act.

Regulations

Clause 226 is a regulation-making power.

Fees and charges

Clause 227 provides for the prescribing of fees and charges.

Land registration districts

Clause 228 provides for the Governor-General, by Order in Council, to create, alter, etc, land registration districts.

Registrar-General of Land

Clauses 229 to 234 relate to the office of Registrar-General of Land. They replace sections 4, 5, 6, 241, and 243 of the present Act. *Clause 234* replaces, and expands on, section 240A of the present Act.

Subpart 2—Amendments and repeals

Subpart 2 provides for certain amendments and repeals. The Property Law Act 2007 is amended, including by inserting *new sections 307A to 307F and 318A to 318E*, for covenants in gross to be noted on a record of title under the Act.

Schedule 1 contains transitional and savings provisions. *Clause 9* of that schedule is a back-up provision for any enactment not amended by *Schedule 2*.

Schedule 2 amends other enactments.

Hon Louise Upston

Land Transfer Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Land Transfer Act **2016**.

2 Commencement

- (1) This Act comes into force on a date appointed by the Governor-General by Order in Council. 5
- (2) One or more orders may be made under **subsection (1)** bringing different provisions into force on different dates.

- (3) Any provision that has not earlier been brought into force comes into force on the day that is 12 months after the date on which this Act receives the Royal assent.

Part 1 Preliminary provisions 5

3 Purpose

The purpose of this Act is to replace the Land Transfer Act 1952 with a modern Act that—

- (a) continues and maintains the Torrens system of land title in New Zealand; and 10
- (b) retains the fundamental principles of that system, which are to—
 - (i) provide security of ownership of estates and interests in land;
 - (ii) facilitate the transfer of and dealings with estates and interests in land;
 - (iii) provide compensation for loss arising from the operation of the system: 15
 - (iv) provide a register of land that describes and records the ownership of estates and interests in land; and
- (c) reflects the fact that the land transfer register is kept and operated electronically and that most dealings in land are carried out electronically. 20

4 Land subject to this Act

The following land is subject to this Act:

- (a) land that is subject to the Land Transfer Act 1952 immediately before the commencement of this Act;
- (b) land alienated or contracted to be alienated from the Crown in fee simple after the commencement of this Act: 25
- (c) land made subject to this Act by or under this Act or any other Act;
- (d) land that is, after the commencement of this Act, vested in a person for a freehold estate under any other Act, including any Act relating to Māori land. 30

5 Interpretation

- (1) In this Act, unless the context otherwise requires,—

chief executive means the chief executive of the department or ministry that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act 35

court means the High Court

- Crown grant** means a grant of land by the Crown, and includes records of title issued in lieu of grants
- department** means the department or ministry that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act 5
- electronic instrument** means an instrument prepared in an electronic workspace facility
- electronic workspace facility** has the meaning given to it in **section 25(7)** (which relates to electronic facilities approved by the Registrar for use in the preparation of electronic instruments for lodgement under this Act) 10
- estate or interest** means every estate or interest in land, and includes a mortgage or charge on land
- fraud** has the meaning given to it in **section 6**
- freehold estate**—
- (a) includes a life estate; but 15
- (b) does not include a lease for life
- future estate** means an estate that confers the right to possession of land at a future time whether contingent or otherwise (for example, a reversion or a remainder)
- incapacitated**, in relation to the making of any decision by a person that affects a matter under **subpart 1 or 2 of Part 4**, means that the person, because of temporary or permanent physical, intellectual, or mental impairment, is at the relevant time not capable of understanding the issues on which his or her decision is required 20
- instrument**— 25
- (a) means a document in paper or electronic form; and
- (b) includes a caveat document
- intellectual or mental impairment** means a clinically recognisable intellectual or mental impairment, whether or not it is or includes— 30
- (a) an intellectual disability as defined in section 7 of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003; or
- (b) a mental disorder as defined in section 2(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992
- land** includes—
- (a) estates and interests in land: 35
- (b) buildings and other permanent structures on land:
- (c) land covered with water:
- (d) plants and trees on land

lease includes a lease for life

limited record of title means a record of title that is limited as to parcels or title, or both, under **section 198**

local authority means a regional council or a territorial authority as defined in section 5(1) of the Local Government Act 2002

5

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

minor has the meaning given to it in section 4 of the Age of Majority Act 1970

mortgage—

10

(a) means a charge over an estate or interest in land created by a mortgagor under this Act a purpose of which is to secure the performance of an obligation to pay money, whether or not—

(i) the charge also secures the performance of other obligations; or

(ii) any obligation secured by the charge is unconditional or conditional on the failure of another person to perform it; and

15

(b) includes a rentcharge or an annuity

mortgagee means—

(a) a person to whom a mortgage of an estate or interest in land is given; and

20

(b) the transferee of any mortgage if the mortgage has been transferred

mortgagor means the person who is the owner of an estate or interest in land that is subject to a mortgage

owner—

(a) means the owner of a legal or an equitable estate or interest in land; and

25

(b) includes a person who has a future estate or interest in land

personal representative means an executor, administrator, or trustee of the estate of a person who has died

practitioner means a lawyer or conveyancing practitioner as defined in section 6 of the Lawyers and Conveyancers Act 2006

30

public notice has the meaning given to it in **section 219**

qualified record of title means a record of title that records a qualification to the title under **section 17**

record of title means a record of title created under **section 12** for an estate or interest in land

35

register means the register of land subject to this Act that is kept by the Registrar under **section 9**

Registrar means the Registrar-General of Land appointed under **section 229**

- Surveyor-General** means the person holding the office of Surveyor-General under the Cadastral Survey Act 2002
- transmission** means the acquisition of an estate or interest in land by operation of law
- unique identifier** means a combination of letters or numbers, or both, by which a record of title or an instrument is identified 5
- working day** means a day of the week other than—
- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day; and
 - (b) a day in the period commencing on 25 December and ending on 2 January in the following year; and 10
 - (c) if 1 January falls on a Friday, the following Monday; and
 - (d) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and
 - (e) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday. 15
- (2) In any form or document prescribed by or under this Act, a reference to any of the following persons includes a reference to that person’s heirs, executors, successors, and assigns:
- (a) an owner, transferor, transferee, mortgagor, mortgagee, lessor, lessee, or trustee: 20
 - (b) a person seised of or owning or having or taking an estate or interest in land.
- 6 Meaning of fraud**
- (1) For the purpose of this Act, other than **subpart 3 of Part 2**, **fraud** means forgery or other dishonest conduct by the registered owner or the registered owner’s agent in acquiring a registered estate or interest in land. 25
 - (2) For the purposes of **subsection (1)**, the fraud must be against—
 - (a) the registered owner of an estate or interest in land; or
 - (b) the owner of an unregistered interest, if the registered owner or registered owner’s agent,— 30
 - (i) in acquiring the estate or interest had actual knowledge of, or was wilfully blind to, the existence of the unregistered interest; and
 - (ii) intended at the time of registration of the estate or interest that the registration would defeat the unregistered interest. 35
 - (3) For the purpose of **subpart 2 of Part 2**, **fraud** means forgery or other dishonest conduct by any person.

- (4) The equitable doctrine of constructive notice does not apply for the purposes of deciding whether conduct is fraudulent.

7 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms.

5

8 Act binds the Crown

This Act binds the Crown.

Part 2

Land title and registration

Subpart 1—Land title register

10

Land title register

9 Registrar to keep register

- (1) The Registrar must keep and operate a register of land that is subject to this Act.

- (2) The register must be kept in a form or manner determined by the Registrar that— 15

- (a) records information; and
 (b) permits the recorded information to be readily accessed or reproduced in usable form.

- (3) For example, all or part of the register may be kept by means of a computer system or facility that records information electronically. 20

Compare: 1952 No 52 s 33; 2002 No 11 ss 5, 14

10 Purpose of register

The purpose of the register is to—

- (a) provide a public record of land that is subject to this Act, including a record of— 25

- (i) title to estates and interests in land registered under this Act; and
 (ii) other information relating to estates and interests in land that is recorded in the register under this Act:

- (b) provide the mechanism for creating title to estates and interests in land that, subject to this Act, cannot be set aside: 30

- (c) facilitate the transfer of and dealings with estates and interests in land that is subject to this Act:

- (d) facilitate giving effect to the purposes of this Act:

- (e) enable compliance with the requirements of any other Act for the registration or notation under this Act of instruments or other matters affecting land or estates or interests in land.

11 Contents of register

- (1) The Registrar must record in the register— 5
- (a) the particulars of land that is subject to this Act:
- (b) the particulars of estates and interests in land that are registered under this Act:
- (c) the names of the persons registered as owners of those estates and interests: 10
- (d) the particulars of instruments or other matters that are registered or noted under this Act and that benefit, burden, or affect those estates or interests:
- (e) the instruments themselves:
- (f) any certificate, notation, endorsement, memorandum, information, or matter that relates to registered estates and interests in land and that is required to be recorded in the register under this Act or any other enactment: 15
- (g) the plans deposited under this Act:
- (h) any prescribed information. 20
- (2) The Registrar may record in the register—
- (a) any certificate, notation, endorsement, memorandum, information, or matter that relates to registered estates and interests in land and that may be recorded in the register under this Act or any other enactment:
- (b) any other information that the Registrar considers necessary or desirable to ensure that the register is complete and accurate. 25

Records of title

12 Record of title

- (1) The Registrar may, from the information recorded in the register, create a record of title for— 30
- (a) freehold estates:
- (b) leasehold estates:
- (c) stratum estates under the Unit Titles Act 2010:
- (d) any other estates or interests in land that are or may be registered under this Act or for which a record of title is required by another Act: 35
- (e) a proclamation or notice published in the *Gazette* and registered under this Act pursuant to any other Act.

- (2) A record of title must comprise—
- (a) a unique identifier for the record of title:
 - (b) a description of the land to which the record of title relates:
 - (c) a description of the type of estate or interest in the land:
 - (d) a reference to any instrument or other matter creating the estate or interest or subdividing the land: 5
 - (e) a reference to any record of title or any former document of title from which the record of title derives:
 - (f) the name of the registered owner of the estate or interest:
 - (g) for each registered or noted instrument affecting the estate or interest,— 10
 - (i) a unique identifier; and
 - (ii) a description of the type of instrument; and
 - (iii) the date and time of its registration or notation and any other information necessary to determine its priority:
 - (h) any status affecting the legal capacity of the registered owner of the estate or interest notified to the Registrar under this Act or any other enactment: 15
 - (i) any other information—
 - (i) that must be included under any other enactment; or
 - (ii) that the Registrar considers necessary to give effect to this Act or any other enactment. 20
- (3) The Registrar may create a composite record of title for all or any of the estates, interests, proclamations, or notices referred to in **subsection (1)**.
- (4) A record of title forms part of the register. 25
Compare: 2002 No 11 ss 7–13

13 Registrar may issue amalgamated or separate records of title

- (1) The Registrar may, on application by the registered owner of parcels of land recorded in 2 or more records of title, create a single record of title for the whole of the land.
- (2) The Registrar may, on application by the registered owner of 2 or more parcels of land recorded in a single record of title, create 2 or more records of title each recording part of the land. 30
Compare: 1952 No 52 s 86

14 Separate titles for undivided shares in land

- (1) The Registrar must, if requested to do so by the registered owner of an undivided share as a tenant in common in an estate in land, create a separate record of title for that share. 35

- (2) The Registrar may, if requested to do so by the registered owner of an estate in land, create separate records of title for undivided shares in that estate.

Compare: 1952 No 52 s 72

15 Record of title created in name of deceased person

A record of title created in the name of a deceased person takes effect as if the record of title were created immediately before the person died. 5

Compare: 1952 No 52 s 74

16 Court may make orders relating to records of title

The court may, in any proceeding under this Act, direct the Registrar to—

- (a) cancel the record of title for any estate or interest in land or cancel any entry on the record of title; or 10
- (b) create a new record of title for the estate or interest; or
- (c) alter the record of title for the estate or interest in the manner directed by the court.

Compare: 1952 No 52 s 85

15

Qualified records of title

17 Qualified record of title

- (1) The Registrar may record in a record of title that the title is qualified if—
- (a) the boundaries of the land are not adequately defined in a registered instrument or in a deposited plan or other plan; or 20
- (b) a circumstance prescribed by regulations exists; or
- (c) the record of title is a replacement record issued under **section 46** (which relates to reconstituted records of title) and the Registrar is unable to create a record of title that is identical to the replaced record; or
- (d) section 124 of Te Ture Whenua Maori Act 1993 (which relates to the registration of orders that are not supported by sufficient plans) applies; or 25
- (e) any other enactment provides for the record of title to be qualified.
- (2) The Registrar must record in the record of title the qualification to which the record of title is subject. 30
- (3) This section applies to—
- (a) an existing record of title:
- (b) a new record of title.
- (4) Nothing in this section or in **sections 18 and 19** applies to a limited record of title to which **subpart 4 of Part 4** applies. 35

Compare: 1952 No 52 s 50

18 Effect of qualified record of title

The provisions of this Act apply to an estate for which there is a qualified record of title, except that—

- (a) the title of the registered owner of the estate, or of an estate or interest affecting that estate, is subject to the qualification; and 5
- (b) the only persons who cannot, because of the qualification, set aside the title of the registered owner of the estate, or of an estate or interest affecting that estate, are persons who are or have been registered owners of any of those estates or interests while subject to the qualification; and
- (c) if the title is qualified because of a circumstance prescribed by regulations, the provisions of this Act apply subject to anything specified in those regulations. 10

Compare: 1952 No 52 s 54

19 Removal of qualification

- (1) If the Registrar is satisfied that the grounds for recording a qualification in a record of title have ceased to exist, the Registrar may cancel the qualified record of title and create a new record of title without the qualification. 15
- (2) The Registrar must record in the new record of title any estate or interest registered or noted in the qualified record of title in the same order of priority. 20

Compare: 1952 No 52 s 51

*Retention of information in register***20 Information in register to be retained**

Information that is recorded in the register must be retained in the register or elsewhere even if—

- (a) the information was incorrect and has been altered by the Registrar under **section 21** (which relates to the Registrar's powers of alteration); or 25
- (b) the information has been superseded; or
- (c) the information is no longer current; or
- (d) the form in which the register is kept is changed. 30

Compare: 2002 No 11 s 32

*Registrar's powers of alteration***21 Registrar's powers of alteration**

- (1) The Registrar may alter the register to—
 - (a) correct an error made by the Registrar or a person acting under a delegation under **section 231**: 35

- (b) correct an error made by a person in preparing or submitting a document or information for registration:
 - (c) record a boundary change resulting from accretion or erosion:
 - (d) give effect to an order or a direction of a court.
- (2) The Registrar must not alter the register under **subsection (1)(a), (b), or (c)** 5 if the alteration would materially affect the registered estate or interest of any person unless—
- (a) the person consents in writing to the alteration; or
 - (b) in accordance with regulations made under this Act,—
 - (i) the Registrar gives notice of intention to alter the register; and 10
 - (ii) no material objection to the proposed alteration is received.
- (3) The Registrar may alter the register for any other purpose with the consent in writing of the persons affected.
- (4) The Registrar may, in exercising powers under this section, have regard to any material or information the Registrar considers relevant and reliable. 15
- (5) **Subsection (4)** is subject to any regulations made under this Act.
- Compare: 1952 No 52 ss 80, 81

Registration and notation of instruments

22 Registration or notation of instrument

- (1) The Registrar may register or note an instrument lodged for registration or no- 20 tation if—
- (a) the person lodging the instrument complies with the requirements of this Act and any other enactment; and
 - (b) the instrument is lodged in a form that complies with the requirements of 25 this Act and any other enactment.
- (2) Registration or notation of an instrument is effected when a unique identifier for the instrument is recorded in the register.
- (3) An instrument forms part of the register when it is registered or noted.

Compare: 1952 No 52 ss 34, 42; 2002 No 11 ss 23, 30

23 Registration or notation of instrument created or executed by person not registered as owner of estate or interest 30

An instrument may be registered or noted despite the fact that, at the time the instrument was created or executed, a person named in the instrument was not registered as the owner of the estate or interest to which the instrument relates.

Compare: 1952 No 52 s 76

35

24 Effect of registration

- (1) An instrument has no effect to create, transfer, or otherwise affect an estate or interest in land under the provisions of this Act until the instrument is registered.
- (2) On registration, the instrument has effect to create or transfer or otherwise affect the estate or interest specified in the instrument on the terms and conditions and subject to the covenants— 5
- (a) contained or incorporated in the instrument; or
- (b) implied in the instrument by this Act or any other enactment.
- (3) On registration of an instrument that does not contain an operative provision that gives effect to the purpose of the instrument,— 10
- (a) the estate or interest specified in the instrument passes to the person identified as the party to whom the estate or interest is intended to pass; or
- (b) in the case of a mortgage, the estate or interest becomes liable as security; or 15
- (c) in the case of an instrument that surrenders, discharges, or varies an estate or interest, the estate or interest is extinguished or varied.
- (4) **Subsection (3)** is subject to the terms, conditions, and covenants contained or incorporated in the instrument or implied in the instrument by this Act or any other enactment. 20
- (5) Unless the instrument provides otherwise, a reference in an instrument to a unique identifier for a record of title must be treated as a reference to the entire estate or interest for which the record of title was created.
- Compare: 1952 No 52 s 41(1), (4)–(6) 25

*Electronic workspace facilities***25 Electronic workspace facilities**

- (1) The Registrar may approve 1 or more electronic facilities for use in the preparation of electronic instruments for lodgement under this Act.
- (2) The Registrar must not approve an electronic facility unless satisfied that adequate provision is made to ensure that— 30
- (a) instruments prepared in the facility comply with the requirements of this Act when lodged; and
- (b) the Registrar is able to carry out the Registrar's functions and duties under this Act. 35
- (3) The Registrar may, at any time, withdraw approval of an electronic workspace facility that fails to meet the requirements referred to in **subsection (2)**.

- (4) The Registrar may monitor activities in an electronic workspace facility for the purpose of detecting fraud and improper dealings.
- (5) The chief executive may provide an electronic workspace facility.
- (6) The chief executive may—
- (a) set conditions for the use of the electronic workspace facility: 5
 - (b) audit the electronic workspace facility to ensure compliance with the conditions:
 - (c) monitor activities in the electronic workspace facility for the purpose of maintaining the effectiveness and efficiency of the facility.
- (7) In this Act, **electronic workspace facility** means a facility approved by the Registrar under **subsection (1)**. 10
- Compare: 2002 No 11 s 22

Instruments

26 Instruments to comply with this Act and other enactments

An instrument may be lodged for registration or notation only if the instrument complies with the requirements of this Act and any other enactment. 15

27 Certification of instruments

- (1) The following instruments may be lodged only if they are certified:
- (a) electronic instruments of a class specified in regulations as requiring certification: 20
 - (b) instruments in paper form of a class specified in regulations as requiring certification.
- (2) An instrument is certified by being certified—
- (a) as to each matter prescribed for that class of instrument; and
 - (b) in the prescribed form. 25
- Compare: 1952 No 52 ss 164, 164A

28 Persons authorised to certify instruments

- (1) The following persons are the only persons who may certify instruments for the purposes of this Act:
- (a) practitioners: 30
 - (b) a person of a class authorised by regulations to certify instruments.
- (2) Regulations may specify that a class of persons is authorised to certify all instruments or instruments of a specified class.
- (3) A person (including a practitioner) must not certify an instrument while the person's authority to give a certificate is revoked under **section 29**. 35
- Compare: 1952 No 52 s 164B(1)

29 Revocation of right to certify

- (1) The Registrar may, by notice, revoke a person's authority to give a certificate if the Registrar believes on reasonable grounds that the person—
- (a) has given a fraudulent certificate; or
 - (b) has given a certificate that is materially incorrect; or 5
 - (c) has failed to comply with a requirement under **section 30** (which relates to retaining evidence of certifications and providing information) or any of **sections 78(2)(b), 80(1)(b), or 84**.
- (2) The Registrar may revoke a person's authority under **subsection (1)(a)** immediately, but must then consider any submissions or representations made by or on behalf of the person. 10
- (3) If the Registrar decides to uphold the revocation after considering those submissions or representations, the Registrar must give notice of that decision to the person.
- (3) The Registrar may revoke a person's authority under **subsection (1)(b) or (c)** only after— 15
- (a) giving the person not less than 10 working days' notice of intention to do so; and
 - (b) considering any submissions or representations made by or on behalf of the person. 20
- (4) The Registrar may, by notice, reinstate any person's authority that was revoked under this section if the Registrar is satisfied that the person—
- (a) will not give a certificate that is fraudulent or materially incorrect; and
 - (b) will comply with **section 30, 78(2)(b), 80(1)(b), and 84**. 25
- Compare: 1952 No 52 s 164B(2)–(4)

30 Evidence of certification

- (1) A person who gives a certificate must retain for the prescribed period the evidence relied on in support of the matters stated in the certificate.
- (2) The Registrar may specify standards that, if met, provide sufficient evidence to satisfy the requirement in **subsection (1)**. 30
- (3) The Registrar may, by notice, require a person who has given a certificate to provide to the Registrar—
- (a) the evidence referred to in **subsection (1)**; or
 - (b) a statutory declaration as to— 35
 - (i) any further information required by the Registrar; or
 - (ii) the circumstances of the preparation and electronic transmission of an instrument.

- (4) A requirement under **subsection (3)** must be complied with within 10 working days of receipt of the notice.

Compare: 1952 No 52 s 164C

31 Effect of certification

- (1) On registration, an electronic instrument certified under **section 27**— 5
- (a) is to be treated as having been made in writing and executed by every party specified for the purpose in regulations; and
- (b) has effect according to its terms.
- (2) Nothing in any other enactment or rule of law relating to the execution, signing, witnessing, or attestation of instruments applies to an instrument certified under **section 27**. 10

Compare: 1952 No 52 s 164E

32 Lodging of instruments electronically by certain persons

- (1) An instrument must be lodged from an electronic workspace facility if the instrument— 15
- (a) is of a class specified in regulations as requiring electronic lodgement under this section; and
- (b) is lodged by—
- (i) a practitioner; or
- (ii) a person of a class authorised by regulations to certify the instrument. 20
- (2) However, the instrument need not be lodged from an electronic workspace facility if the Registrar determines it is impracticable or inappropriate to do so.

33 Execution of paper instruments

A paper instrument that creates, transfers, or otherwise affects an estate or interest in land under the provisions of this Act must be executed and witnessed in accordance with this Act and any other enactment. 25

Compare: 1952 No 52 s 157

34 Lodging of paper instruments

- (1) A paper instrument must be lodged by posting the instrument to a land registry office designated for that purpose by the Registrar. 30
- (2) The Registrar must give notice of the address of the designated land registry office—
- (a) in the *Gazette*; and
- (b) in any other way the Registrar considers appropriate (for example, on an Internet site maintained by the department). 35

Compare: 1952 No 52 s 47(1), (2)

35 Priority of instruments

- (1) An instrument must be registered or noted according to the time when it is lodged.
- (2) An instrument has priority according to the time when it is lodged, not when it is executed. 5
- (3) This section is subject to—
 - (a) **section 36** (which relates to lodging paper instruments); and
 - (b) **section 101** (which relates to variation of the priority of mortgages).

Compare: 1952 No 52 s 37

36 When paper instruments lodged 10

- (1) An instrument that is lodged by being posted to a designated land registry office is treated as having been lodged—
 - (a) on the working day after the date on which it is received; and
 - (b) before any other instrument relating to the same estate or interest that is lodged on that day. 15
- (2) A caveat document lodged by being posted to a designated land registry office is treated as having been lodged after any instrument lodged in the same manner on the same day.
- (3) **Subsections (4) and (5)** apply to 2 or more paper instruments lodged for registration that relate to the same estate or interest in land. 20
- (4) If lodged together, the instruments must be registered—
 - (a) in the order specified in writing by the person who lodged them; or
 - (b) if the order is not specified, in the order—
 - (i) agreed in writing by the parties to the instruments; or
 - (ii) determined by the court. 25
- (5) If lodged at the same time, but not together, the instruments must be registered in the order—
 - (a) agreed in writing by the parties to the instruments; or
 - (b) determined by the court.
- (6) If the court makes a determination under this section, the Registrar of the court must serve a copy of the determination on the Registrar. 30

Compare: 1952 No 52 ss 41(2), (3), 47(4)–(6)

37 Rejection and requisition of instruments

- (1) An instrument lodged for registration or notation that does not comply with **section 26** may, together with any instruments lodged with it,— 35

- (a) be rejected and returned to the person who lodged them or, if the instruments cannot be returned to that person, to a person who the Registrar considers is the appropriate person to receive them; or
- (b) be retained by the Registrar for correction (otherwise known as being requisitioned). 5
- (2) The Registrar must give a notice to the person who lodged the instrument—
- (a) that states that the instrument has been rejected under **subsection (1)(a)**; or
- (b) that states that the instrument has been retained under **subsection (1)(b)** and that specifies a time by which the instrument must be corrected. 10
- (3) A notice under **subsection (2)** must state the reasons for rejecting or retaining the instrument.
- (4) If an instrument retained under **subsection (1)(b)** is not corrected within the specified time, the Registrar may— 15
- (a) refuse to register or note the instrument and any instruments lodged with it; and
- (b) return the instrument and any instruments lodged with it to the person who lodged them or, if the instruments cannot be returned to that person, to a person who the Registrar considers is the appropriate person to receive them. 20
- (5) If an instrument is returned under **subsection (1)(a) or (4)(b)**, the Registrar may retain any fees paid to the Registrar.
- (6) Fees retained by the Registrar under **subsection (5)** are forfeited to the Crown. 25
- (7) An instrument that is returned under **subsection (1)(a) or (4)(b)** must be treated as never having been lodged for registration or notation.

Compare: 1952 No 52 ss 43, 148B

38 Copying and imaging of paper instrument

- (1) The Registrar may— 30
- (a) produce a record, copy, or image of a paper instrument lodged under this Act or any other enactment; and
- (b) unless it is necessary to retain the instrument so that the record, copy, or image can be understood, return the instrument to the person who lodged it together with a notice stating that a record, copy, or image has been made. 35
- (2) The Registrar may use the record, copy, or image for the purposes of registering the instrument or performing any other statutory function.
- (3) If the record, copy, or image is used in that way, it must be treated as if it—

- (a) were the original instrument; and
- (b) had been lodged at the same time as the original instrument.

Compare: 2002 No 11 s 27

39 Rejection of instrument that cannot be copied

- (1) The Registrar may refuse to register or note— 5
 - (a) an electronic instrument if it is impracticable to capture the instrument's data; or
 - (b) a paper instrument if it is impracticable to copy, or to create an image of, the instrument.
- (2) If **subsection (1)** applies,— 10
 - (a) the Registrar must give to the person who lodged the instrument a notice requiring the instrument to be lodged again in a corrected form within the prescribed period specified in the notice:
 - (b) the priority of the instrument is not affected if the instrument is lodged again in a corrected form within the prescribed period or any period of extension allowed by the Registrar: 15
 - (c) unless the instrument is lodged again within the required period, the instrument must be treated as never having been lodged for registration.
- (3) In this section, **corrected form** means a form in which it is practicable to capture an electronic instrument's data or to copy, or create an image of, a paper instrument. 20

Compare: 2002 No 11 s 28

Access to register

40 Access to register

- (1) The Registrar must, on request and on payment of the prescribed fee or charge,— 25
 - (a) provide a person with a copy of an instrument registered or noted in the register or that forms part of the register:
 - (b) provide a person with a copy of a record of title.
- (2) If the person requires the copy of the instrument or record of title to be a certified copy, the Registrar must provide a certified copy. 30
- (3) The copies referred to in **subsection (1)** may be provided in electronic form if the chief executive so determines.
- (4) A determination under **subsection (3)** may be made subject to specified conditions. 35
- (5) This section is subject to—

- (a) **section 41**, Part 6 of the Domestic Violence Act 1995, and any other enactment under which information may be withheld; and
- (b) the Public Records Act 2005.

Compare: 1952 No 52 ss 45, 45A, 46; 2002 No 11 s 33

- 41 Registrar may withhold personal information** 5
- (1) The Registrar may do the following during any withholding period granted to a person under this section:
- (a) refuse to provide under **section 40** a copy of an instrument or a record of title that names or contains identifying information about the person:
 - (b) prevent the name of the person, or identifying information about the person, from being included in any part of the register that is made available to the public. 10
- Decision about withholding period*
- (2) The Registrar must, on application by a person under **section 42**, decide whether to grant a withholding period to the person. 15
- (3) The Registrar must grant the withholding period if satisfied that the publication of information that discloses, or is likely to disclose, the whereabouts of the person may prejudice the safety of the person or the person's family.
- (4) The Registrar must, as soon as is reasonably practicable after making the decision, give notice to the person of— 20
- (a) the decision; and
 - (b) the date of the decision; and
 - (c) if the withholding period is not granted, the reasons for the decision.
- Duration of withholding period*
- (5) A withholding period for a person starts on the date on which the Registrar decides to grant it. 25
- (6) A withholding period for a person ends 5 years after it starts or on any earlier date on which the Registrar decides to end the period.
- (7) The Registrar must decide to end the withholding period if he or she— 30
- (a) receives the person's application to end the withholding period; or
 - (b) becomes aware and is satisfied that the basis for granting the withholding period no longer exists (for example, because an order has ceased to have effect or because the person has died and the safety of the person's family is not prejudiced).
- (8) The Registrar must, as soon as is reasonably practicable after making a decision to end a withholding period for a person under **subsection (7)(b)**, give notice to the person of— 35
- (a) the decision; and

- (b) the date of the decision; and
- (c) the reasons for the decision.

Other matters

- (9) The fact that a withholding period has ended does not prevent the Registrar from deciding to grant another withholding period on the same evidential basis. 5
- (10) This section overrides any requirements of this Act that relate to the register.

42 Application to Registrar to withhold personal information

- (1) A person may apply to the Registrar to grant a withholding period under **section 41**.
- (2) The application must include— 10
 - (a) the details of any identifying information about the person that enables the information to be located in any instrument or record of title, or to be excluded from the public parts of the register, for the purposes of **section 41(1)**; and
 - (b) a statutory declaration by the person as to why the publication of information that discloses, or is likely to disclose, the whereabouts of the person may prejudice the safety of the person or the person's family; and 15
 - (c) sufficient evidence that the publication of information that discloses, or is likely to disclose, the whereabouts of the person may prejudice the safety of the person or the person's family. 20
- (3) Evidence provided in the application may include—
 - (a) a restraining order that is in force under the Harassment Act 1997 in respect of any person:
 - (b) any prescribed order of a court:
 - (c) a statutory declaration by a constable, or the person's employer (if the prejudice arises from the person's employment), that he or she believes that the publication of information that discloses, or is likely to disclose, the whereabouts of the person may prejudice the safety of the person or the person's family: 25
 - (d) any other relevant evidence. 30
- (4) Unless there is proof to the contrary, an order referred to in subsection **(3)(a) or (b)** is conclusive evidence of the matters to which it relates.

Later notice about order used as evidence for withholding period

- (5) A person must give notice to the Registrar of the date on which an order will cease, or has ceased, to have effect if— 35
 - (a) a withholding period applies to the person; and
 - (b) the person included the order as evidence in the application for the withholding period.

- (6) The person must give the notice as soon as is reasonably practicable after becoming aware of the date, but need not give the notice if the date is apparent from the order itself.

43 Exceptions to withholding personal information

- (1) Even if the Registrar may refuse to provide a copy of an instrument or a record of title under **section 41(1)**, the Registrar may provide the copy to a person who requires it— 5
- (a) to conduct a transaction with the protected person; or
 - (b) to have an instrument registered or noted under this Act or any other enactment; or 10
 - (c) to exercise a right held, or satisfy an obligation owed, in relation to the particular land (but not land generally), such as the right to sell the land under a mortgagee’s power of sale.
- (2) The person provided with the copy must not disclose the copy, or any information obtained from the copy, to anyone else except for the purpose for which the copy was required under **subsection (1)**. 15
- (3) The Registrar must give notice to the protected person—
- (a) before providing the copy of the instrument or record of title to the person who requires it; or
 - (b) as soon as practicable after providing the copy to the person who requires it, if it is impracticable to give notice before that. 20
- (4) The notice must specify—
- (a) the instrument or record of title of which a copy will be provided; and
 - (b) the person to whom the copy will be provided; and
 - (c) when the copy will be provided. 25
- (5) In this section, **protected person** means the person to whom the relevant withholding period applies under **section 41**.

Evidentiary effect of documents

44 Evidentiary effect of documents

- (1) **Subsection (2)** applies to a document that— 30
- (a) appears to be or to represent an electronic image of an instrument registered or noted in the register under this Act; and
 - (b) does not appear to have been altered in any way.
- (2) Unless there is proof to the contrary, the document is conclusive evidence—
- (a) of the contents of the instrument; and 35
 - (b) that the instrument is registered or noted in the register under this Act.

- (3) **Subsection (4)** applies to a document that—
- (a) appears to be or to represent an electronic image of a record of title created under this Act; and
 - (b) does not appear to have been altered in any way.
- (4) Unless there is proof to the contrary, the document is conclusive evidence— 5
- (a) of the information contained in the record of title as at the date and time stated in the document; and
 - (b) that the information contained in the document identifies all interests and other matters that, at the date and time stated in the document, are registered or noted in the register and affect the estate or interest to which the record of title relates. 10
- (5) Unless there is proof to the contrary, a copy of an instrument certified by or on behalf of the Registrar to be a correct copy of an instrument registered or noted under this Act is conclusive evidence—
- (a) of the contents of the instrument; and 15
 - (b) that the instrument is registered or noted in the register under this Act.
- (6) Unless there is proof to the contrary, a copy of a record of title certified by or on behalf of the Registrar to be a correct copy is conclusive evidence—
- (a) of the information contained in the record of title as at the date and time stated in the copy; and 20
 - (b) that the information contained in the copy identifies all interests and other matters that, at the date and time stated in the copy, are registered or noted in the register and affect the estate or interest to which the record of title relates.
- (7) Unless there is proof to the contrary, the fact that the copy of the instrument or record of title appears to be certified by or on behalf of the Registrar is conclusive evidence that it is certified by or on behalf of the Registrar. 25

Compare: 1952 No 52 ss 45, 75, 163; 2002 No 11 ss 34, 35

Instruments lost before registration or notation

- 45 Instruments lost before registration or notation** 30
- (1) This section applies to a person who claims—
- (a) that an instrument entitles the person to be registered as the owner of an estate or interest in land or to be noted on the register as a person entitled to an interest in the land; and
 - (b) that the instrument, or an authority required for its registration or notation, has been lost or destroyed or that no record of it can be found. 35

- (2) The person may apply to the court for an order that the person is entitled to be registered as the owner of the estate or interest or to be noted on the register as a person entitled to the interest.
- (3) The applicant must serve notice of the application on—
- (a) the Registrar; and 5
 - (b) the registered owner of every estate or interest in the land and every person noted on the register as being entitled to an interest in the land; and
 - (c) any other persons as the court directs.
- (4) The court may, if satisfied that the person's claims are correct,—
- (a) order the Registrar to register the person as the owner of the estate or interest or to note on the register that the person is entitled to the interest; 10
or
 - (b) make any other order the court thinks fit.
- (5) The Registrar of the court must serve a copy of the order on the Registrar. 15
Compare: 1952 No 52 ss 56, 57

Replacement or reconstitution of records

46 Registrar may replace or reconstitute records

- (1) This section applies to—
- (a) a document that is or has been registered or noted and that has been lost, damaged, or destroyed or has become unfit for use: 20
 - (b) a document that is or has been in the custody of the Registrar and that has been lost, damaged, or destroyed or has become unfit for use:
 - (c) information registered or noted in the register or lodged for registration or notation that has been lost or is unfit for use.
- (2) The Registrar may replace or reconstitute a document or information to which this section applies. 25
- (3) The replacement or reconstituted document or information has the same effect as if it were the original.
- (4) The Registrar must make an entry on any record of title to which the document or information relates stating that the replacement or reconstituted document or information has been created under this section. 30
Compare: 1952 No 52 ss 215A, 215B

Joint tenancy

47 Registration of persons as joint tenants

- (1) Two or more persons named in an instrument as transferees, mortgagees, or owners of an estate or interest in land must be treated as joint tenants. 35

- (2) **Subsection (1)**—
- (a) is subject to anything contrary in the instrument:
 - (b) does not apply to Māori land as defined in section 4 of Te Ture Whenua Maori Act 1993.
- Compare: 1952 No 52 s 61 5
- 48 Severance of joint tenancy**
- A person who owns an estate or interest as a joint tenant with another person may be registered as a tenant in common if the first person transfers his or her estate or interest to himself or herself as a tenant in common.
- Dealings by overseas Governments* 10
- 49 Dealings in land by Government of overseas country**
- (1) An overseas Government may—
- (a) be registered as the owner of an estate or interest in land; or
 - (b) transfer, lease, mortgage, or otherwise deal with an estate or interest in land. 15
- (2) A paper instrument used for any of the following things may be executed on behalf of an overseas Government by a representative in New Zealand of that Government:
- (a) the transfer of an estate or interest in land to or from the overseas Government: 20
 - (b) the lease or mortgage of an estate or interest in land by the overseas Government:
 - (c) any other dealing with an estate or interest in land by the overseas Government.
- (3) The fact that the instrument appears to be executed in accordance with **subsection (2)** is, in the absence of proof to the contrary, conclusive evidence that it has been executed under proper authority and binds the overseas Government. 25
- (4) This section does not affect the use of an electronic instrument for anything referred to in **subsection (2)**. 30
- (5) In this section,—
- overseas Government** means—
- (a) the Government of a country other than New Zealand:
 - (b) the Government of a province, State, territory, or other political subdivision of a country other than New Zealand: 35
 - (c) a local or regional government or authority in a country other than New Zealand:

- (d) a body that exercises authority for an association or union of countries other than New Zealand

representative means—

- (a) a person who holds a prescribed office:
 (b) a person acting for a person who holds a prescribed office. 5

Compare: 1952 No 52 s 165

Registers under other Acts

50 Registers under other Acts

- (1) The Registrar must keep and operate a register required by any other Act to be kept in the Land Registry Office. 10
- (2) Despite the other Act, the register may—
- (a) be part of the land title register or a separate register; and
- (b) be kept in the same manner as the land title register under **section 9(2)**.
- (3) The Registrar may issue a record of title for an estate or interest registered under this section. 15

Subpart 2—Title to land

51 Title by registration

- (1) On registration under this Act of a person as the owner of an estate or interest in land, the person obtains a title to the estate or interest that cannot be set aside. 20
- (2) The title of the registered owner is free from estates and interests in the land that—
- (a) are not registered or noted on the register; or
- (b) are not capable of being registered or noted on the register.
- (3) Despite **subsections (1) and (2)**, the title of the person registered as owner of the estate or interest is subject to— 25
- (a) the exceptions and limitations in **sections 52 to 57, subparts 1 and 3 of Part 4, and section 203**; and
- (b) any enactment other than this Act that overrides or limits the title.
- (4) **Subsections (1) and (2)** apply whether or not the registered owner acquired the estate or interest— 30
- (a) for valuable consideration; or
- (b) from a fictitious person.
- (5) Nothing in this section affects the *in personam* jurisdiction of the court. 35
- Compare: 1952 No 52 ss 62, 63(1)

52 Exceptions and limitations

- (1) The title of the registered owner to an estate or interest in land is subject to the following exceptions and limitations:
- (a) in a case where the title of the estate or interest of the registered owner is acquired through fraud on the part of the registered owner or the registered owner's agent: 5
 - (b) an estate or interest registered or noted on the record of title at the time of registration:
 - (c) the estate or interest of a person having a valid claim to the same estate or interest under a prior record of title: 10
 - (d) the estate or interest of another registered owner that has been included in the record of title as a result of an incorrect description of area or boundaries:
 - (e) an easement omitted from, or incorrectly described in, the record of title regardless of whether the easement was created before or after the land was brought under this Act. 15
- (2) Nothing in this section limits **section 56**.
Compare: 1952 No 52 ss 62, 63(1)

53 No title to public road or reserve unless authorised

A person does not acquire title by registration to a public road or a reserve if the road or reserve has been— 20

- (a) included in the record of title unlawfully; or
- (b) acquired under an unauthorised instrument.

Compare: 1952 No 52 s 77

54 Verification of identity of mortgagor by mortgagee 25

- (1) Before a mortgage instrument is lodged for registration, the mortgagee must take reasonable steps, or ensure that reasonable steps are taken, to verify the identity of the mortgagor and the identity and the authority of any person who executes the mortgage.
- (2) A person verifying the identity of a mortgagor or the identity and authority of a person who executes a mortgage under **subsection (1)** complies with that subsection if the person complies with standards set by the Registrar under **section 234**. 30
- (3) **Subsection (2)** does not limit the ways in which a person may comply with **subsection (1)**. 35
- (4) The person who verifies the identity of a mortgagor or the identity and authority of a person who executes a mortgage under **subsection (1)** must ensure that—

- (a) a record of the steps taken under this section is kept for not less than the prescribed period; and
- (b) the documents or copies of the documents and other evidence relied on to comply with this section are kept for not less than the prescribed period. 5
- (5) Every person who fails without reasonable excuse to comply with **subsection (4)** commits an offence and is liable on summary conviction,—
- (a) in the case of an individual, to a fine not exceeding \$5000; or
- (b) in the case of a body corporate, to a fine not exceeding \$25,000.
- (6) The Registrar may require a person who verifies the identity of a mortgagor or the identity or authority of a person who executed a mortgage under **subsection (1)** to— 10
- (a) inform the Registrar of the steps taken to comply with this section; and
- (b) produce the material referred to in **subsection (4)** for inspection.
- (7) The court may, in any proceeding, set aside the registered estate or interest of the mortgagee in the land if— 15
- (a) the registered mortgagee fails to comply with this section; and
- (b) through fraud, the mortgage instrument was executed by a person other than the mortgagor or a person with lawful authority to execute the mortgage on behalf of the mortgagor. 20
- (8) Nothing in this section limits or affects any rule of law relating to the duties of a mortgagee.

55 Title of transferee of mortgage

The transferee of a mortgage acquires the estate or interest in the land subject to **section 54(7)** and cannot acquire a better title to the estate or interest than the transferor had in that regard. 25

56 Application to court for order for alteration of register in cases of manifest injustice

- (1) This section and **section 57** apply to a person (**person A**) who has been deprived of an estate or interest in land or who suffers any other loss or damage by the registration under a void or voidable instrument of another person (**person B**) as the owner of the estate or interest. 30
- (2) Person A may apply to the court for an order under **section 57**.
- (3) An application for an order must be made not later than 6 months after person A becomes aware, or ought reasonably to have become aware, of the acquisition of the estate or interest by person B. 35
- (4) The applicant must serve notice of the application on—
- (a) the Registrar; and

- (b) the registered owner of every estate or interest in the land and every person noted on the register as entitled to an interest in the land; and
- (c) any other persons as the court directs.

57 Decision of court

- (1) The court may make an order cancelling the registration of person B only if it is satisfied that it would be manifestly unjust for person B to remain registered owner of the estate or interest. 5
- (2) The court must not make an order under this section if person B has transferred the estate or interest to a third person, that third person acting in good faith.
- (3) The court may make an order under this section on any conditions that the court thinks fit (for example, an order relating to possession of the land). 10
- (4) In determining whether to make an order, the court may take into account—
 - (a) the circumstances of the acquisition by person B of the estate or interest; and
 - (b) failure by person B to comply with any statutory power or authority in acquiring the estate or interest; and 15
 - (c) if the estate or interest is in Māori freehold land, failure by a person to comply with Te Ture Whenua Maori Act 1993; and
 - (d) the identity of the person in actual occupation of the land; and
 - (e) the nature of the estate or interest, for example, whether it is an estate in fee simple or a mortgage; and 20
 - (f) the length of time person A and person B have owned or occupied the land; and
 - (g) the nature of any improvements made to the land by either person A or person B; and 25
 - (h) the use to which the land has been put by either person A or person B; and
 - (i) any special characteristics of the land and their significance for either person A or person B; and
 - (j) the conduct of person A and person B in relation to the acquisition of the estate or interest; and 30
 - (k) any other circumstances that the court thinks relevant.
- (5) The Registrar of the court must serve a copy of the order on the Registrar.
- (6) The Registrar must, on receiving a copy of the order, make the alterations to the register required to give effect to the order. 35

Subpart 3—Compensation

Grounds for compensation

- 58 Compensation for loss or damage resulting from Registrar’s error or from system failure** 5
- (1) This section applies to a person who suffers any loss or damage as a result of— 5
- (a) an error or a wrongful act or omission of the Registrar or of a person to whom a power or function is delegated under **section 231**; or
- (b) a failure or malfunction of a system or facility used to keep the register under **section 9**.
- (2) The person may bring a proceeding in the court against the Crown for compensation. 10
- Compare: 1952 No 52 s 172(a)
- 59 Compensation for loss of estate or interest in land**
- (1) A person may bring a proceeding in the court against the Crown for compensation if the person, by reason of anything in **subsection (2)**, is deprived of an estate or interest in land and, by this Act, is barred from bringing an action for possession or other action for recovery of the estate or interest. 15
- (2) The things referred to in **subsection (1)** are as follows:
- (a) registration of another person as the owner of the estate or interest or of a different estate or interest under a void instrument or through fraud: 20
- (b) the bringing of land under the Act otherwise than in accordance with the procedure prescribed by this Act or any other Act:
- (c) an order under **section 57** (which relates to the power of the court to direct that the register be altered):
- (d) unlawful alterations to, or entries on, the register. 25
- (3) The liability of the Crown to pay compensation does not depend on whether the person acquired the estate or interest for valuable consideration.
- Compare: 1952 No 52 s 172(b)
- 60 Compensation for loss or damage occurring after search and before registration** 30
- (1) In this section,—
- first period**, in relation to a transaction, means the period of 5 working days commencing on the fourth working day preceding the date on which the transaction is settled
- purchase money** includes the amount to be advanced by a mortgagee in consideration for the grant of a mortgage 35

search copy means a search copy of a record of title issued for the purposes of this section

second period, in relation to a transaction, means the period of 10 working days commencing on the day after the date on which the transaction is settled

transaction means an agreement or arrangement under which a party (the **purchaser**) is to acquire or has acquired from the other party (the **vendor**), whether for valuable consideration or not, an estate or interest in land that is subject to this Act. 5

- (2) For the purposes of this section, a transaction is settled when—
- (a) the purchaser provides the purchase money to the vendor either in full or to the extent necessary to entitle the purchaser to require the vendor to do whatever the vendor is required to do to enable the purchaser to become registered as owner of the estate or interest to which the transaction relates; or 10
 - (b) the parties otherwise agree. 15
- (3) **Subsection (4)** applies to a purchaser who,—
- (a) during the first period, obtains a search copy of the record of title for the land to which the transaction relates; and
 - (b) suffers loss or damage because of the registration or lodging under this Act of an instrument or any other document relating to that land. 20
- (4) A purchaser may bring a proceeding in the court against the Crown for compensation if—
- (a) the search copy of the record of title does not disclose the registration or lodgment of the instrument or document; and
 - (b) the instrument or document was registered or lodged before the earlier of 25
 - (i) the expiry of the second period:
 - (ii) the registration of the instruments and documents required to give effect to the transaction.
- (5) The court may, on application by the purchaser, extend the second period if the court is satisfied that failure to register the instruments and documents within the second period was not due to the fault of the purchaser or the purchaser's practitioner or agent. 30

Compare: 1952 No 52 s 172A

61 Exceptions to compensation 35

- (1) The Crown is not liable to pay compensation under **section 58 or 59** if—
- (a) the loss or damage results from a breach of trust by the claimant:
 - (b) the loss or damage results from the improper exercise of a power of sale under a mortgage or re-entry under a lease:

- (c) the loss or damage results from the operation of an enactment other than this Act that overrides or limits the title to an estate or interest in land:
 - (d) a mortgagee sustains loss or damage because the mortgagee failed to comply with **section 54** (which relates to the steps required to be taken by a mortgagee to verify the identity of a mortgagor): 5
 - (e) a mortgage transferee sustains loss or damage as a result of the application of **section 55**.
- (2) The Crown is not liable to pay compensation under **section 59** for loss of an estate or interest in land as a result of bringing the land under this Act if the estate or interest in the land could have been, but was not, registered under the Deeds Registration Act 1908 or any comparable earlier legislation unless, before the land was brought under this Act,— 10
- (a) notice of a claim to the estate or interest was given to the Registrar; or
 - (b) the Registrar had actual knowledge of the claim but failed to recognise it. 15
- Compare: 1952 No 52 ss 60, 178

Notice of claim

62 Notice of claim

- (1) Before commencing a proceeding to recover compensation, a claimant must give not less than 20 working days' notice of a claim,— 20
- (a) if the amount of the claim does not exceed the prescribed amount, to the Registrar; or
 - (b) if the amount of the claim exceeds the prescribed amount, to the Attorney-General and the Registrar.
- (2) The notice must be in the prescribed form and contain the prescribed information. 25

Consideration of claim

63 Consideration of claim

- (1) If the claim does not exceed the prescribed amount, the Registrar may accept Crown liability for payment of the whole or part of the claim without the need for the claimant to commence a proceeding. 30
- (2) If the claim exceeds the prescribed amount, the Attorney-General and the Registrar may accept Crown liability for payment of the whole or part of the claim without the need for the claimant to commence a proceeding.

Calculation of compensation for deprivation of estate or interest in land

- 64 Maximum amount of compensation for deprivation of estate or interest in land**
- (1) The maximum amount of compensation payable where a claimant has been deprived of an estate or interest in land is the value of the lost estate or interest in land. 5
- (2) Where the claimant is a mortgagee, no compensation is payable for any amount owing on the mortgage that exceeds the value of the estate or interest in land that the mortgagee has been deprived of.
- (3) This section is subject to **sections 65, 66, and 67**. 10
Compare: 1952 No 52 s 179
- 65 Valuation of estate or interest in land and matters relating to onus of proof**
- (1) The value of the estate or interest in land is the market value of that estate or interest at the date on which the claimant gained (or ought reasonably to have gained) knowledge that the loss had occurred. 15
- (2) The Crown has the onus of proof if it alleges that a reasonable person would have gained knowledge of the loss on an earlier date than the claimant.
- 66 Improvements made to land**
- (1) The value of any improvements made to the land after the claimant gained (or ought reasonably to have gained) knowledge about the loss, are not to be taken into account when determining compensation unless the improvements were required to be carried out by or under any enactment or by order of a court. 20
- (2) The claimant has the onus of proof if the claimant alleges that any improvements were made before the claimant gained (or ought reasonably to have gained) knowledge of the loss. 25
- 67 Benefit obtained by claimant to be taken into account**
- The value of any benefit obtained by the claimant must be taken into account in determining the amount of compensation if the court or, as the case may be, the Attorney-General or Registrar considers it just in all the circumstances to do so. 30
- 68 Court's discretion to adjust compensation**
- (1) If the proceeding is in the court and the court considers that the amount of compensation determined in accordance with **sections 64 to 67** would be inadequate or excessive, the court may do one or both of the following: 35
- (a) use a different date of valuation to that set out in **section 65(1)**;
- (b) increase the compensation to reflect movement in land values, that amount to be calculated in accordance with regulations made under **section 226**.

- (2) When deciding whether to increase compensation under **subsection (1)(b)**, the court must take into account whether the time taken by the claimant between the date on which the claimant gained (or ought reasonably to have gained) knowledge of the loss and the date on which the claimant gave notice under **section 62** was excessive in the circumstances. 5
- (3) The court must not adjust compensation on any basis other than that provided for in **subsection (1)** or **section 69** .

69 Contribution by claimant to loss

- (1) No compensation is payable under this subpart for any loss or damage suffered by a claimant— 10
- (a) wholly or partly as a result of the claimant’s own fraud; or
- (b) wholly as a result of the claimant’s own lack of proper care.
- (2) If any loss or damage is suffered by a claimant partly as a result of the claimant’s own lack of proper care, any compensation payable to the claimant is to be reduced to the extent that is fair having regard to the claimant’s share in the responsibility for the loss or damage. 15
- (3) For the purpose of **subsection (1)**, any contribution by a claimant’s practitioner to the loss or damage is not to be treated as a contribution by the claimant.
- (4) For the purpose of this section, a lack of proper care may include, without limitation, signing an instrument or authorising the registration of an instrument without seeking independent legal advice or taking other reasonable and prudent steps to ascertain the effect of the instrument. 20
- (5) The Contributory Negligence Act 1947 does not apply to a claim for compensation under this Act. 25

70 Award of interest on compensation

The amount of compensation ordered by the court, or accepted by the Attorney-General and the Registrar under this subpart, may include interest at the prescribed rate from the date of the claim to the date of judgment or acceptance. 30

Further provisions where compensation paid

71 Right of subrogation

The Crown is subrogated, to the extent of any compensation made or to be made, to all the rights and remedies a claimant may have, but for the subrogation, in relation to the matter to which the claimant’s claim relates. 35

72 Certain compensation recoverable by Crown as debt

- (1) **Subsection (2)** applies if an amount of compensation is paid by the Crown under this Act for loss or damage that results from fraud.

- (2) The amount of compensation, and any costs incurred by the Crown in relation to the claim or proceeding, may be recovered by the Crown as a debt due from the person responsible for the fraud.
- (3) **Subsection (4)** applies if an amount of compensation is paid by the Crown under **section 60** for loss or damage caused wholly or partly by the negligence of a purchaser's practitioner. 5
- (4) The amount of compensation, and any costs incurred by the Crown in relation to the claim or proceeding, to the extent that it may properly be attributed to that practitioner's negligence, may be recovered by the Crown as a debt due from the practitioner. 10
- Compare: 1952 No 52 s 175(1), (1A)

Part 3

Dealings in estates and interests in land

Subpart 1—Transfers, transmissions, and vesting

Transfers of estates and interests 15

73 Transfer of estates and interests

- (1) A transfer instrument must be used in order to register the transfer of an estate or interest in land under this Act.
- (2) A transfer instrument must be in the prescribed form and contain the prescribed information. 20
- (3) A transfer instrument must be executed—
- (a) by the registered owner of the estate or interest; and
 - (b) in the case of a transfer instrument that contains covenants binding on a person, by that person.
- (4) To avoid doubt, a transfer instrument may also be used in order to— 25
- (a) register under **section 76** a life estate with successive future estates or any other freehold estate that terminates when a future event happens;
 - (b) register under **section 107** an easement or a *profit à prendre* or the surrender of an easement or a *profit à prendre*;
 - (c) note on the register under **section 115**— 30
 - (i) a covenant to which section 307 or **307F** of the Property Law Act 2007 applies, on registration of a transfer instrument that transfers an estate or interest in land and provides for the covenant; or
 - (ii) the assignment of the benefit of a covenant in gross to which **section 307F** of the Property Law Act 2007 applies. 35

Compare: 1952 No 52 s 90

74 Transfer of part of land in record of title

- (1) This section applies on registration of a transfer instrument that transfers a freehold estate in possession in part of the land recorded in a record of title.
- (2) The Registrar—
- (a) must cancel the record of title to the extent that it relates to the land transferred; and 5
 - (b) may create a new record of title for the land transferred in the name of the transferee; and
 - (c) may create a new record of title in the name of the registered owner for the part of the land not transferred. 10

Compare: 1952 No 52 ss 92–94

75 Effect of transfer of leases and mortgages

- On registration of a transfer instrument that transfers or assigns an estate or interest under a registered lease or mortgage, the transfer or assignment takes effect in accordance with the Property Law Act 2007 so that— 15
- (a) the estate or interest vests in the transferee; and
 - (b) the transferee acquires the rights and becomes subject to the obligations of the transferor.

Compare: 1952 No 52 s 97

76 Life and other limited freehold estates 20

- (1) A transfer instrument must be used by the registered owner of a fee simple estate in order to register the following freehold estates:
- (a) a life estate with successive future estates; or
 - (b) any other freehold estate that terminates when a future event happens.
- (2) On registration of the transfer instrument, the Registrar must— 25
- (a) cancel the record of title for the fee simple estate; and
 - (b) create a new record of title for the life estate or other freehold estate in the name of the owner of the estate; and
 - (c) record on the new record of title the registered interest of every person entitled to a future estate. 30
- (3) The Registrar must, on application by a person who becomes vested in possession of a future estate,—
- (a) cancel the record of title for the life estate or other freehold estate; and
 - (b) create a new record of title for the estate in the name of that person. 35

Compare: 1952 No 52 s 95

*Tax statement required for registration of instrument to transfer some estates
in land*

77 Interpretation

- (1) For the purpose of this section and **sections 78 to 86**, unless the context otherwise requires,— 5
- certifier** means a person who provides the certification for a transferor or a transferee in accordance with **section 27** for a transfer of a specified estate in land
- chief executive** means the chief executive of the department
- main home** means, for a person, the 1 dwelling— 10
- (a) that is mainly used as a residence by the person (a **home**); and
- (b) with which the person has the greatest connection, if they have more than 1 home
- nominee** has the meaning given to it in section YB 21(2) of the Income Tax Act 2007 15
- offshore person** has the meaning given to it in section 3(1) of the Tax Administration Act 1994
- specified estate in land** means—
- (a) freehold estates, including fee simple and life estates; and
- (b) leasehold estates; and 20
- (c) stratum estates in freehold as defined in the Unit Titles Act 2010; and
- (d) stratum estates in leasehold as defined in the Unit Titles Act 2010; and
- (e) licences to occupy (as defined in **section 121(1)**); and
- (f) any other estate in land declared to be a specified estate in land by regulations made under this Act 25
- tax information** means the information specified in a tax statement in accordance with—
- (a) **section 79(1)(b) to (g)** and (if applicable) **(2)**; and
- (b) if applicable, **section 80**
- tax statement** means a statement that is completed and given in accordance with— 30
- (a) **sections 78 and 79**; and
- (b) if applicable, **section 80**.
- (2) For the purpose of this section and **sections 78 to 86**, **non-notifiable transfer**— 35
- (a) means,—

- (i) in relation to a transferee who is a natural person, the transfer of land that is intended to be used predominantly for a dwelling that will be the transferee's main home:
- (ii) in relation to a transferor who is a natural person, the transfer of land that has been used predominantly, for most of the time the transferor owned the land, for a dwelling that was the transferor's main home: 5
- (iii) any other transfer specified in regulations made under this Act as a non-notifiable transfer; but
- (b) does not include— 10
 - (i) a transfer described in **paragraph (a)(i)** if the transferee will own the land as a trustee:
 - (ii) a transfer described in **paragraph (a)(ii)** if the transferor owned the land as a trustee:
 - (iii) a transfer described in **paragraph (a)(ii)** if the transferor has relied on that paragraph at least 2 times within the 2 years immediately preceding the date of the transfer to claim that transfers were non-notifiable transfers: 15
 - (iv) any transfer, in relation to a transferee or a transferor who is an offshore person. 20

Compare: 1952 No 52 s 156A

78 Transferors and transferees must provide tax statement stating that transfer non-notifiable or providing tax information

- (1) An instrument to transfer a specified estate in land is not in order for registration unless— 25
 - (a) each of the transferors and transferees completes a tax statement; and
 - (b) the tax information in that statement is given to the chief executive in accordance with **subsection (2) or (3)**.
- (2) If the instrument is an electronic instrument,—
 - (a) the transferor or transferee must give the tax statement to the certifier; and 30
 - (b) the certifier must give the tax information in that statement to the chief executive when lodging the instrument for registration.
- (3) If the instrument is a paper instrument, the tax statement must be attached to the instrument when the instrument is lodged for registration in accordance with **section 34**. 35

Compare: 1952 No 52 s 156B

79 Content of tax statement

- (1) A tax statement completed by or on behalf of a transferor or transferee must—

-
- (a) be signed by the transferor or transferee; and
 - (b) be dated on the date on which it was signed; and
 - (c) state the transferor or transferee's full name; and
 - (d) state whether the transfer is of land that has a home on it; and
 - (e) state whether the transferor or, as the case may be, the transferee, or a member of that person's immediate family, is a New Zealand citizen or a holder of a resident visa, work visa, or student visa; and 5
 - (f) in the case of a transferee, if the transferee or a member of the transferee's immediate family is a holder of a work visa or student visa, state whether the transferee or a member of the transferee's immediate family intends living on the land; and 10
 - (g) either—
 - (i) state that the transfer instrument is for a non-notifiable transfer (or, as the case may be, is, in respect of the transferor or transferee making the statement, a non-notifiable transfer) and specify the category of that non-notifiable transfer; or 15
 - (ii) provide all of the information set out in **subsection (2)**.
- (2) The information must include all of the following:
- (a) the transferor or transferee's IRD number; and
 - (b) whether the transferor or transferee (without taking into account any double tax agreement that would otherwise apply) is, or is not, treated as tax resident in a jurisdiction other than New Zealand as at the date of the statement; and 20
 - (c) if the transferor or transferee is (without taking into account any double tax agreement that would otherwise apply) treated as tax resident in a jurisdiction other than New Zealand as at the date of the statement,— 25
 - (i) the name of that jurisdiction; and
 - (ii) the country code for that jurisdiction as prescribed by the Commissioner of Inland Revenue; and
 - (iii) the equivalent of the transferor or transferee's IRD number in that jurisdiction. 30
- (3) However, if a transferor or transferee is—
- (a) acting in the capacity of the trustee of a trust, the information must relate to the trustee in that capacity; or
 - (b) acting as a nominee or under a power of attorney, the information must relate to the person who made the nomination or granted the power of attorney; or 35
 - (c) acting in the capacity of a partner in a partnership, the information must relate to the partnership; or

- (d) a person acting on behalf of an unincorporated body, the information must relate to the unincorporated body.
- (4) To avoid doubt, a transferor or transferee who does not have an IRD number must request one for the purpose of providing the information required by **subsection (2)(a)**. 5
- (5) In this section, **IRD number** has the meaning given to tax file number by section 3(1) of the Tax Administration Act 1994.
- (6) For the purpose of **subsection (1)(d)**, **home** means a dwelling mainly used as a residence. 10
- Compare: 1952 No 52 s 156C

80 Omissions and errors

- (1) An omission or error in any tax information provided in accordance with **section 78(2) or (3)** must be corrected as follows:
- (a) if the tax information in a tax statement was incorrect, the transferor or transferee must complete a corrected tax statement in accordance with **section 79** and, if applicable, give it to the relevant certifier in accordance with **section 78(2)(a)**: 15
- (b) if the incorrect tax information was given to the chief executive by lodging the information in an electronic workspace facility in accordance with **section 78(2)(b)**, the certifier must lodge the corrected tax information in an electronic workspace facility: 20
- (c) if the incorrect tax information was given to the chief executive by attaching a tax statement to an instrument in accordance with **section 78(3)**, the corrected tax statement must be given to the chief executive.
- (2) An omission or error in any tax information provided in accordance with **section 78(2) or (3)**, or any other failure to comply with **sections 78 and 79**, does not— 25
- (a) affect the validity of any registration of an instrument to transfer a specified estate in land; or
- (b) give rise to any liability of, or claim for compensation from, the chief executive, the Registrar-General, or the Crown. 30

Compare: 1952 No 52 s 156D

81 Offence to provide false or misleading tax information

- (1) A person commits an offence if the person gives a tax statement to a certifier or the chief executive in accordance with **section 78(2) or (3) or section 80** that, to the person's knowledge or with intent to deceive, contains false or misleading tax information. 35
- (2) A person who commits an offence under subsection (1) is liable,—

- (a) the first time the person is convicted, to a fine not exceeding \$25,000; and
- (b) on every other occasion the person is convicted, to a fine not exceeding \$50,000.

Compare: 1952 No 52 s 156E

5

82 Chief executive must supply tax information to Commissioner of Inland Revenue

- (1) The chief executive must supply to the Commissioner of Inland Revenue tax information and details about the transfer or transfers to which the tax information relates that are held by Land Information New Zealand. 10
- (2) The chief executive and the Commissioner may, for the purpose of this section, determine by written agreement between them, in relation to the information that must be supplied under **subsection (1)**,—
 - (a) the frequency with which the information must be supplied; and
 - (b) the form in which the information must be supplied; and 15
 - (c) the method by which the information must be supplied.

- (3) Subsection (1) applies despite anything in the Domestic Violence Act 1995.

Compare: 1952 No 52 s 156F

83 Other provisions concerning use of tax information

The chief executive may release the information specified in **section 79(1)(d), (e), (f), and (g), (2)(b), and (c)(i) and (ii)** that is held by Land Information New Zealand, or give that information to any person as soon as practicable after receiving a request in writing from the person, provided that information is given— 20

- (a) in aggregate form only; and 25
- (b) in a manner that prevents any particular person, estate in land, or transaction from being identified.

Compare: 1952 No 52 s 156G

84 Certifier and chief executive must hold tax statement and provide copies

- (1) A certifier must— 30
 - (a) retain each tax statement given to him or her in accordance with **section 78(2) or 79** for 10 years; and
 - (b) give a copy of that statement to the Commissioner of Inland Revenue as soon as practicable after receiving a request in writing from the Commissioner. 35
- (2) The chief executive must—
 - (a) retain each tax statement given to him or her in accordance with **section 78(3) or 79** for 10 years; and

- (b) give a copy of that statement to the Commissioner of Inland Revenue as soon as practicable after receiving a request in writing from the Commissioner.

Compare: 1952 No 52 s 156H

85 Status of tax information 5

- (1) The chief executive and certifiers must not use tax information, or disclose tax information to any person, except as set out in **sections 78, 80, 82, 83, 84, and 86**, or as authorised or required by order of a court.

- (2) Tax information does not form part of the register and must not be made accessible to the public. 10

Compare: 1952 No 52 s 156I

86 Disclosure of information between authorised persons

- (1) No obligation as to secrecy or other restrictions imposed by an enactment or otherwise on the disclosure of information prevents—

- (a) an authorised person from disclosing tax information to another authorised person for the purpose of **sections 78, 80, 82, 83, and 84**; or 15

- (b) an authorised person from disclosing to another authorised person any information for the purpose of verifying tax information; or

- (c) an authorised person from disclosing to another authorised person any information for the purpose of administering the Inland Revenue Acts, to the extent that the administration of those Acts concerns tax information; or 20

- (d) an authorised person from disclosing to another authorised person any information for the purpose of detecting, investigating, or prosecuting a potential offence under **section 81**. 25

- (2) In this section,—

authorised person means—

- (a) the Commissioner of Inland Revenue or an Inland Revenue officer who is authorised by the Commissioner to disclose and receive information under this section; or 30

- (b) the chief executive, or an employee of the department who is authorised by the chief executive to disclose and receive information under this section

Inland Revenue Acts has the meaning given in section 3(1) of the Tax Administration Act 1994. 35

Compare: 1952 No 52 s 156J

Transmissions

- 87 Transmission instrument required to register transmission**
- (1) A transmission instrument must be used in order to register a person (the **applicant**) as the owner of an estate or interest vested in the person by transmission.
- (2) A transmission instrument must be in the prescribed form and contain the prescribed information. 5
- Compare: 1952 No 52 s 122
- 88 Effect of registering transmission instrument**
- On registration of a transmission instrument, the applicant—
- (a) becomes registered as the owner of the estate or interest to which the transmission relates; and 10
- (b) holds the estate or interest subject to any equitable or other interests to which it was subject.
- Compare: 1952 No 52 s 123

Vesting 15

- 89 Vesting of land by court order**
- (1) A sealed copy of an order of a court of competent jurisdiction that vests an estate or interest in land in a person may be lodged for registration under this Act.
- (2) The Registrar must register the order.
- (3) On registration of the order, the estate or interest vests in the person named in the order on the terms and conditions stated in the order. 20
- Compare: 1952 No 52 s 99
- 90 Vesting of land by statute**
- (1) A person may apply to the Registrar to register the vesting under an enactment of an estate or interest in land. 25
- (2) The application must be in the prescribed form and contain the prescribed information.
- (3) The Registrar must register the vesting of the estate or interest in accordance with the enactment. 30
- Compare: 1952 No 52 s 99A

Subpart 2—Leases

- 91 Lease instrument required to register lease**
- (1) A lease instrument must be used in order to register a lease of land under this Act.

- (2) The lease instrument must be in the prescribed form and contain the prescribed information.
- (3) The lease instrument must be executed by—
- (a) the lessor; and
 - (b) the lessee. 5
- (4) The consent of a registered mortgagee of an estate or interest in land to be leased must be obtained before registration of a lease instrument.
- (5) The consent referred to in **subsection (4)** binds the mortgagee and every person who subsequently derives an interest in the mortgage from the mortgagee. 10
Compare: 1952 No 52 ss 115, 119
- 92 Variation of leases**
- (1) A lease variation instrument must be used in order to register—
- (a) an extension of the term of a registered lease; or
 - (b) a variation of the covenants or conditions contained in a registered lease.
- (2) The lease variation instrument must be in the prescribed form and contain the prescribed information. 15
- (3) The lease variation instrument must be registered before the expiry of the current term of the lease.
- (4) A lease variation instrument extending the term of a lease has the same effect as if it were a lease instrument for the extended term subject to the same covenants and conditions, with any necessary modifications, as are contained in the lease. 20
- (5) A lease variation instrument must be executed by—
- (a) the lessor; and
 - (b) the lessee. 25
- (6) On registration of the lease variation instrument, the lease—
- (a) continues to be subject to the registered or noted interests to which the lease was subject immediately before registration of the lease variation instrument; and
 - (b) has the benefit of the registered or noted interests— 30
 - (i) of which the lease had the benefit immediately before registration of the lease variation agreement; and
 - (ii) that the registered owner of the burdened land consents to continuing to benefit the lease.
- (7) A lease variation instrument must not be used to— 35
- (a) add any land or estate or interest in land to the land or estate or interest in land to which the original lease was subject; or

- (b) remove any land or estate or interest in land from the land or estate or interest in land to which the original lease was subject.
- (8) The consent of a registered mortgagee of an estate or interest in land subject to a lease must be obtained before registration of a lease variation instrument.
- (9) The consent referred to in **subsection (8)** binds the mortgagee and every person who subsequently derives an interest in the mortgage from the mortgagee. 5
- Compare: 1952 No 52 ss 116, 119

93 Surrender of lease

- (1) A lease surrender instrument must be used in order to register the surrender of a registered lease. 10
- (2) The lease surrender instrument must be in the prescribed form and contain the prescribed information.
- (3) The lease surrender instrument must be executed by—
- (a) the lessor; and
- (b) the lessee. 15
- (4) A lease subject to a mortgage or a sublease must not be surrendered without the consent of the mortgagee or sublessee.
- (5) The consent of a sublessee to the surrender of a lease is not required if—
- (a) the lease surrender instrument states that the lease is surrendered under section 216 of the Property Law Act 2007; and 20
- (b) the new lease is lodged for registration immediately after the lease surrender instrument.
- (6) If a lease is surrendered with the consent of a mortgagee or sublessee and the mortgage or sublease is not registered on the record of title of a replacement lease under **section 94**,— 25
- (a) the mortgage or sublease is extinguished; and
- (b) the Registrar must cancel the entry on the record of title.

Compare: 1952 No 52 s 120

94 Registration of interests on replacement lease

- (1) In this section, **replacement lease** means a lease— 30
- (a) that is a renewal of, or in substitution for, a prior lease; and
- (b) that takes effect immediately on the expiry or surrender of the prior lease; and
- (c) that is between the same parties as the parties to the prior lease; and
- (d) in relation to which the lessee is the registered owner, or the personal representative of the owner, of the prior lease at the time of the registra- 35

- tion of the lease or on the expiry or surrender of the prior lease, which-
ever is earlier; and
- (e) that relates to the same parcel of land as the prior lease.
- (2) The following persons may apply to the Registrar to register a lease as a replacement lease: 5
- (a) the lessee:
- (b) the owner, or the personal representative of the owner, of any interest to which the prior lease was subject.
- (3) On registration, the replacement lease—
- (a) becomes subject to the registered or noted interests to which the prior lease was subject at the time of its expiry or surrender; and 10
- (b) has the benefit of the registered or noted interests—
- (i) of which the prior lease had the benefit at the time of its expiry or surrender; and
- (ii) that the owner of the burdened land consents to continuing to benefit the lease. 15
- (4) The Registrar must record the interests referred to in **subsection (3)** on the record of title for the replacement lease in the order of their registered priority.
- (5) Unless the context otherwise requires, references in any other enactment or in an agreement, deed, instrument, notice, or other document to the prior lease or to the estate of the lessee under the prior lease must be read as references to the replacement lease or to the estate of the lessee under the replacement lease. 20

Compare: 1952 No 52 s 117

95 Recording of interests when lessee acquires fee simple

- (1) This section applies if the lessee under a registered lease of land acquires the fee simple estate in the land. 25
- (2) The lessee may apply to the Registrar to—
- (a) note the merger of the fee simple and leasehold estates; and
- (b) record on the record of title for the fee simple estate—
- (i) all registered or noted interests to which the lease was subject; and 30
- (ii) all registered or noted interests of which the lease had the benefit immediately before registration of the transfer, if the registered owner of the burdened land consents.
- (3) On registration of the transfer of the fee simple estate in the land to the lessee or to his or her personal representative, and the noting of the merger, the record of title of the fee simple estate— 35
- (a) becomes subject to all registered or noted interests to which the lease was subject immediately before registration of the transfer; and

- (b) has the benefit of all registered or noted interests of which the lease had the benefit immediately before registration of the transfer and to which the registered owner of the burdened land has consented.
- (4) If the registered owner of burdened land referred to in **subsection (3)(b)** does not consent to a registered or noted interest referred to in that paragraph, the interest terminates on registration of the transfer of the fee simple estate and noting of the merger, and must not be recorded on the record of title of the fee simple estate. 5
- (5) Interests to which the fee simple estate is subject immediately before registration of the transfer of the fee simple estate take priority over the interests referred to in **subsection (3)**. 10
- (6) The interests referred to in **subsection (3)** have, as between themselves, the same priority they had immediately before the registration of the transfer.
- (7) This section does not apply to a lease of land under the Land Act 1948. 15
Compare: 1952 No 52 s 118A
- 96 Covenant by or right for lessee to purchase fee simple estate**
- (1) A registered lease may include—
- (a) a covenant by the lessee to purchase the fee simple estate; or
- (b) a right for the lessee to purchase the fee simple estate.
- (2) The lessor must, when required to do so by the lessee in accordance with the lease, transfer the fee simple estate to the lessee if the lessee— 20
- (a) pays the purchase money; and
- (b) performs any covenants and obligations that must be performed under the lease for the lessee to purchase the fee simple.
- (3) A covenant or right to which **subsection (1)** applies is an interest in land to which **section 51** applies. 25
Compare: 1952 No 52 s 118
- 97 Re-entry by lessor**
- (1) The lessor of leased land who takes possession of the leased land under an order of the court or who re-enters the leased land in exercise of a right to cancel the lease under section 244 of the Property Law Act 2007 may apply to the Registrar to note the records of title for the fee simple estate and the leasehold estate to that effect. 30
- (2) If the lessor takes possession of the leased land under an order of the court,—
- (a) the application must be accompanied by a copy of the order; and 35
- (b) the Registrar must note the records of title to the effect that the lessor has taken possession of the leased land.

- (3) If the lessor re-enters the leased land in exercise of a right to cancel the lease under section 244 of the Property Law Act 2007,—
- (a) the Registrar must be satisfied that—
- (i) the lessor has served on the lessee a notice of intention to cancel the lease in accordance with the requirements of the Property Law Act 2007; and 5
- (ii) at the expiry of a period that is reasonable in the circumstances, the breach to which section 244 of that Act applies has not been remedied; and
- (b) the Registrar must note the records of title to the effect that the lessor has taken possession of the leased land. 10
- (4) On noting of the record of title, the estate of the lessee and of every person claiming under the lessee terminates.
- (5) Termination under **subsection (4)** does not release a person from liability for breach of a covenant or condition contained or implied in the lease. 15
- Compare: 1952 No 52 s 121

Subpart 3—Mortgages

98 Mortgage takes effect only as security

A mortgage under this Act takes effect only as security and not as a transfer of the estate or interest charged. 20

Compare: 1952 No 52 s 100

99 Mortgage instrument required to register mortgage

- (1) Except as provided in **subsection (3)**, a mortgage instrument must be used in order to register a mortgage of an estate or interest in land under this Act.
- (2) A mortgage instrument must— 25
- (a) be executed by the mortgagor; and
- (b) be in the prescribed form and contain the prescribed information.
- (3) An encumbrance instrument must be used in order to register an encumbrance over an estate or interest in land.
- (4) An encumbrance instrument must— 30
- (a) be executed by the encumbrancer; and
- (b) be in the prescribed form and contain the prescribed information.

Compare: 1952 No 52 s 101

100 Mortgage variation instrument required to vary mortgage

- (1) A mortgage variation instrument must be used in order to register a variation of any of the following terms of a registered mortgage: 35

- (a) the amount or stated priority limit secured by the mortgage:
 - (b) the rate of interest:
 - (c) the term or currency of the mortgage:
 - (d) the covenants, conditions, and powers contained or implied in the mortgage. 5
- (2) A mortgage variation instrument must be executed—
- (a) by the mortgagor, unless the variation only reduces the amount secured or the stated priority limit or the rate of interest; and
 - (b) by the mortgagee, unless the variation only increases the amount secured or the stated priority limit or the rate of interest. 10
- (3) A mortgage variation instrument must be in the prescribed form and contain the prescribed information.
- (4) The consent of a subsequent mortgagee must be obtained before registration of the mortgage variation instrument unless the variation only reduces the amount secured or the stated priority limit or the rate of interest. 15
- (5) The consent under **subsection (4)** binds the mortgagee who gives consent and every person who subsequently derives an interest in the mortgage from the mortgagee who gives consent.
- (6) The consent of a submortgagee of a mortgage must be obtained to the variation of the mortgage. 20
- (7) The consent under **subsection (6)** binds the submortgagee and every person who subsequently derives an interest in the mortgage from the submortgagee.

Compare: 1952 No 52 ss 102(1)-(3), 114

101 Mortgage priority instrument required to vary priority of mortgages

- (1) A mortgage priority instrument must be used in order to register a variation of the priority of registered mortgages between themselves. 25
- (2) Despite **section 35** (which relates to the priority of instruments), the mortgagees have, on registration of the mortgage priority instrument, priority in the order specified in the instrument.
- (3) The prescribed conditions and powers are, on registration of a mortgage priority instrument, implied in a mortgage the priority of which is postponed, except as otherwise stated in the instrument. 30
- (4) A mortgage priority instrument must be executed by—
- (a) the mortgagor; and
 - (b) the mortgagee under a mortgage that, on registration of the mortgage priority instrument, will rank after a mortgage over which it had priority immediately before registration of the instrument. 35

- (5) A mortgage priority instrument must be in the prescribed form and contain the prescribed information.
- (6) The consent of a submortgagee of a mortgage must be obtained before registration of a mortgage priority instrument that postpones the priority of that mortgage. 5
- (7) The consent under **subsection (6)** binds the submortgagee and every person who subsequently derives an interest in the submortgage from the submortgagee.
- (8) In this section, **mortgage** includes a registered charge securing the payment of money under this Act or any other Act. 10
Compare: 1952 No 52 s 103

102 Transfer of mortgaged land by mortgagee sale

- (1) The estate or interest of a mortgagor in land vests in the purchaser of the land on registration of a transfer instrument executed by a mortgagee for the purpose of exercising a power of sale under a mortgage. 15
- (2) The estate or interest transferred vests in the purchaser freed of and discharged from—
- (a) liability under the mortgage; and
 - (b) any other mortgage or interest that does not have priority over the mortgage or that is not binding on the mortgagee. 20
- (3) The transfer instrument cannot be registered if the mortgage is subject to a submortgage.
Compare: 1952 No 52 s 105

103 Discharge of mortgage

- (1) A mortgage discharge instrument must be used in order to discharge a registered mortgage. 25
- (2) The estate or interest identified in the instrument ceases to be subject to the mortgage on registration of a mortgage discharge instrument.
- (3) A mortgage discharge instrument must—
- (a) be executed by the mortgagee; and 30
 - (b) be in the prescribed form and contain the prescribed information.
- (4) A mortgage discharge instrument cannot be registered if the mortgage is subject to a submortgage.
Compare: 1952 No 52 s 111

- 104 Court may order mortgage to be discharged if mortgagee’s remedies barred by Limitation Act 2010**
- (1) The court may, on application by the registered owner of an estate or interest in land that is subject to a registered mortgage, order that the mortgage is discharged if the court is satisfied that— 5
- (a) a proceeding by the mortgagee for payment of money secured by the mortgage is barred by the Limitation Act 2010 or any other enactment; and
- (b) except for an application under **subpart 1 of Part 4**, any other proceeding by the mortgagee for a remedy in respect of the mortgaged land would also be barred by the Limitation Act 2010 or any other enactment. 10
- (2) The Registrar must register the order discharging the mortgage on lodgement of a sealed copy of the order.
- (3) The mortgage is discharged on registration of the order.
- (4) The court may direct that— 15
- (a) public notice of an application be given under this section:
- (b) notice of the application be served on any person the court specifies.

Compare: 1952 No 52 s 112

- 105 Discharge of mortgage securing annuity or rentcharge**
- (1) The Registrar must register the discharge of a mortgage that secures the payment of an annuity if the Registrar is satisfied that all arrears owing under the mortgage have been paid, satisfied, or discharged, and— 20
- (a) the annuitant has died; or
- (b) the annuity has ceased in accordance with the terms of the mortgage instrument. 25
- (2) The Registrar must register the discharge of a mortgage that secures a rentcharge if the Registrar is satisfied that—
- (a) the rentcharge has ceased to be payable in accordance with the terms of the mortgage instrument; and
- (b) all arrears owing under the mortgage have been paid, satisfied, or discharged. 30

Compare: 1952 No 52 s 113

Subpart 4—Easements, *profits à prendre*, and covenants under Property Law Act 2007

Easements and profits à prendre 35

- 106 Interpretation**
In this subpart,—

grantee, in relation to an easement or a *profit à prendre*, means—

- (a) the registered owner of the benefited land or, if the benefited land is land of the Crown with no registered owner, the Sovereign; or
- (b) the person entitled to the benefit of the easement or *profit à prendre*

grantor, in relation to an easement or a *profit à prendre*, means the registered owner of the burdened land or, if the burdened land is land of the Crown with no registered owner, the Sovereign 5

rights and powers includes terms, conditions, and covenants.

Compare: 1952 No 52 s 90E

107 Registration and surrender of easements and *profits à prendre* 10

- (1) The following must be used in order to register an easement or a *profit à prendre* or the surrender of an easement or a *profit à prendre*:
 - (a) an easement instrument under **section 108**; or
 - (b) a transfer instrument under **section 73**; or
 - (c) in the case of an easement, a deposit document under **section 109** together with the deposit under **section 223** of a plan to which the deposit document relates. 15
- (2) A transfer instrument used for the purposes of **subsection (1)** must be executed by the grantor and the grantee.
- (3) An easement may be registered even though the same person is the grantor and the grantee. 20
- (4) The Registrar must register the easement or *profit à prendre* on the record of title for the burdened land and any benefited land.
- (5) The Registrar must create a record of title for an easement or a *profit à prendre* over land of the Crown for which no separate record of title exists. 25

Compare: 1952 No 52 ss 90, 90A, 90B, 90E

108 Easement instruments

- (1) An easement instrument must be in the prescribed form and contain the prescribed information.
- (2) An easement instrument must be executed by the grantor and the grantee. 30
- (3) The consent of a registered mortgagee of the burdened land must be obtained before registration of an instrument to register an easement or a *profit à prendre*.
- (4) The consent of a registered mortgagee of any benefited land or of any easement or *profit à prendre* must be obtained before registration of an instrument that surrenders the easement or *profit à prendre*. 35
- (5) The consent of a mortgagee under **subsection (3) or (4)** binds—
 - (a) the mortgagee; and

- (b) any person who subsequently derives an interest in the mortgage from the mortgagee.

Compare: 1952 No 52 ss 90A, 90E

109 Creation or surrender of easement on deposit of plan

- (1) A deposit document that specifies the matters referred to in **subsection (3)** may be used in order to create or surrender an easement. 5
- (2) The deposit document must be in a form specified by the Registrar under **section 224**.
- (3) The matters that must be specified are—
- (a) the burdened land and, except for an easement in gross, the benefited land, including reference to the register; and 10
- (b) the nature and extent of the easement; and
- (c) if the easement is being created, the rights and powers that will apply to the easement by reference, without modification, to rights and powers—
- (i) prescribed by regulations; or 15
- (ii) contained in a memorandum registered under **section 208**.
- (4) The deposit document must be executed by the grantor and the grantee.
- (5) The consent of a registered mortgagee of the burdened land must be obtained before an easement is created under this section.
- (6) The consent of a registered mortgagee of any benefited land or of the easement must be obtained before an easement is surrendered under this section. 20
- (7) The consent of a mortgagee under **subsection (5) or (6)** binds—
- (a) the mortgagee; and
- (b) any person who subsequently derives an interest in the mortgage from the mortgagee. 25
- (8) An easement is created or surrendered under this section on the deposit under **section 223** of a plan to which the deposit document relates.

Compare: 1952 No 52 ss 90B, 90E

110 Rights and powers implied in easements

- (1) Regulations may prescribe the rights and powers that are implied in different classes of registered easement. 30
- (2) On registration of an easement of a class prescribed by regulations, the grantee has the rights and powers implied in easements of that class.
- (3) Despite **subsection (2)**, an instrument to register an easement may—
- (a) vary implied rights and powers; or 35
- (b) include other rights and powers; or
- (c) exclude implied rights and powers.

- (4) **Subsection (3)** does not apply to an easement created under **section 109**.
- (5) The rights and powers that apply to an easement under this section bind the grantor and the grantee.
- (6) Nothing in this section limits sections 26(4), 27(3), and 28(3) of the Housing Act 1955. 5
Compare: 1952 No 52 s 90D
- 111 Easement variation instrument required to vary easements and *profits à prendre***
- (1) An easement variation instrument must be used in order to register a variation or an addition to, or an exclusion of, the rights and powers that apply to a registered easement or *profit à prendre*. 10
- (2) An easement variation instrument must be in the prescribed form and contain the prescribed information.
- (3) An easement variation instrument must be executed by the grantor and the grantee. 15
- (4) The consent of the following persons must be obtained before registration of an easement variation instrument:
- (a) a registered mortgagee of the easement or *profit à prendre*; and
- (b) a registered mortgagee of the burdened land and of any benefited land.
- (5) The consent of a mortgagee under **subsection (4)** binds— 20
- (a) the mortgagee; and
- (b) any person who subsequently derives an interest in the mortgage from the mortgagee.
- Compare: 1952 No 52 ss 90C, 90E
- 112 Merger, and extinguishment through lapse of time, of easements and *profits à prendre*** 25
- (1) The grantor or the grantee of an easement or a *profit à prendre* may apply to the Registrar to make an entry on a record of title that the easement or *profit à prendre* has merged or is extinguished.
- (2) For the purposes of this section, an easement or a *profit à prendre* is extinguished if the easement or *profit à prendre* was granted for a fixed period of time that has elapsed. 30
- (3) The application must be in the prescribed form and contain the prescribed information.
- (4) The Registrar must, if satisfied that the easement or *profit à prendre* has merged or is extinguished, make an entry on the record of title to that effect. 35

- (5) The interest of the grantee of the easement or *profit à prendre* and of every person claiming under the grantee is extinguished when the entry is made on the record of title.

Compare: 1952 No 52 s 70

113 Extinguishment of easements and *profits à prendre* on occurrence of event 5

- (1) The grantor or the grantee of an easement or a *profit à prendre* may apply to the Registrar to make an entry on a record of title that the easement or *profit à prendre* is extinguished.
- (2) For the purposes of this section, an easement or a *profit à prendre* is extinguished if an event specified in the document creating the easement or *profit à prendre* occurs that brings the easement or *profit à prendre* to an end. 10
- (3) The application must be in the prescribed form and contain the prescribed information.
- (4) If the Registrar, after considering the application, is not satisfied that the easement or *profit à prendre* is extinguished, the Registrar must give notice of that decision to the applicant. 15
- (5) Otherwise, the Registrar must give notice of the application as follows:
- (a) public notice; and
 - (b) notice to every person who appears to the Registrar to have an interest under the easement or *profit à prendre*. 20
- (6) A notice under **subsection (5)** must—
- (a) be in the prescribed form; and
 - (b) state that a person who claims to have an interest under the easement or *profit à prendre* may object to the application by giving notice to the Registrar; and 25
 - (c) specify the prescribed period within which the person may object to the application.
- (7) The Registrar must, after considering any objections, decide whether he or she is satisfied that the easement or *profit à prendre* is extinguished and give notice of the decision to the applicant and each objector. 30
- (8) The Registrar must, if satisfied that the easement or *profit à prendre* is extinguished, make an entry on the record of title to that effect.
- (9) The interest of the grantee of the easement or *profit à prendre* and of every person claiming under the grantee is extinguished when the entry is made on the record of title. 35

Compare: 1952 No 52 s 70

114 Redundant easements

- (1) The grantor or the grantee of an easement may apply to the Registrar to make an entry on a record of title that the easement is extinguished.

- (2) For the purposes of this section, an easement is extinguished if it is redundant, meaning that—
- (a) all or part of the benefited land no longer adjoins the burdened land as a result of a subdivision or for any other reason; and
 - (b) as a result, the easement has no practical effect. 5
- (3) The application must be in the prescribed form and contain the prescribed information.
- (4) If the Registrar, after considering the application, is not satisfied that the easement is extinguished, the Registrar must give notice of that decision to the applicant. 10
- (5) Otherwise, the Registrar must give notice of the application as follows:
- (a) public notice; and
 - (b) notice to every person who appears to the Registrar to have an interest under the easement.
- (6) A notice under **subsection (5)** must— 15
- (a) be in the prescribed form; and
 - (b) state that a person who claims to have an interest under the easement may object to the application by giving notice to the Registrar; and
 - (c) specify the prescribed period within which the person may object to the application. 20
- (7) The Registrar must, after considering any objections, decide whether he or she is satisfied that the easement is extinguished and give notice of the decision to the applicant and each objector.
- (8) The Registrar must, if satisfied that the easement is extinguished, make an entry on the record of title to that effect. 25
- (9) The interest of the grantee of the easement and of every person claiming under the grantee is extinguished when the entry is made on the record of title.
- (10) Nothing in this section applies to an easement in gross.
- Compare: 1952 No 52 s 70

Notation of covenants under Property Law Act 2007 30

115 Notation of covenants under Property Law Act 2007

- (1) A covenant instrument must be used in order to note on the register—
- (a) a positive or restrictive covenant to which section 307 of the Property Law Act 2007 applies;
 - (b) a covenant in gross to which **section 307F** of the Property Law Act 2007 applies; 35
 - (c) the revocation of a covenant referred to in **paragraph (a) or (b)**.

- (2) However, a covenant must also be noted on the register on registration of a transfer instrument under **section 73** that transfers an estate or interest in land and provides for the covenant.
- (3) A covenant variation instrument must be used in order to note on the register that a covenant is affected or modified. 5
- (4) A covenant instrument and a covenant variation instrument must be in the prescribed form and contain the prescribed information.
- (5) A covenant instrument and a covenant variation instrument must be executed by the covenantor and the covenantee.
- (6) Notation of a covenant under section 307 of the Property Law Act 2007 has no greater effect than that specified in subsections (4) and (5) of that section. 10
- (7) Notation of a covenant in gross under **section 307F** of the Property Law Act 2007 has no greater effect than that specified in **subsections (3) and (4)** of that section.
- (8) A transfer instrument must be used in order to note on the register the assignment of the benefit of a covenant in gross to which **section 307F** of the Property Law Act 2007 applies. 15
- Compare: 1952 No 52 s 90F

Subpart 5—Statutory land charges

- 116 Application of this subpart** 20
- (1) This subpart applies to a charge on land created or arising by virtue of the operation of any enactment other than this Act.
- (2) This subpart does not apply to a charge created or arising under an Act other than this Act that makes express provision for the manner and effect of the registration of the charge. 25
- (3) A charge cannot be registered under this Act against land owned by the Crown unless expressly authorised by another Act.
- Compare: 1928 No 18 s 4
- 117 Registration of charge**
- (1) A charge to which this subpart applies may be registered by lodging a notice with the Registrar. 30
- (2) The notice must—
- (a) be in the prescribed form and contain the prescribed information; and
- (b) be executed by the person entitled to the benefit of the charge.
- (3) The Registrar must register the charge on receipt of the notice. 35

- (4) The amount of any fee payable to register the charge is in addition to the amount secured by the charge and may be recovered by the person who pays it from the owner of the estate or interest against which the charge is registered.

Compare: 1928 No 18 s 6

118 Priority of charge 5

- (1) The priority of a charge registered under this subpart is determined in accordance with this Act.

- (2) **Subsection (1)** is subject to any other Act under which the priority of a charge is determined.

Compare: 1928 No 18 s 5(1); 1930 No 23 s 3(1) 10

119 Release of charge

- (1) A certificate of release of charge may be lodged with the Registrar to release any land from the whole or part of a registered charge.

- (2) The certificate must—

- (a) be in the prescribed form and contain the prescribed information; and 15
 (b) be executed by the person entitled to the benefit of the charge.

- (3) The Registrar may, on application by the registered owner of land against which a charge is registered, release or partially release the charge if satisfied that—

- (a) the charge has been wholly or partly satisfied; and 20
 (b) it is impossible or impracticable to obtain a certificate for the purposes of **subsection (1)**.

Compare: 1928 No 18 s 7

120 Protection of Registrar

The Registrar is entitled, without making any further inquiries, to— 25

- (a) register a charge under **section 117** on the basis of the information contained in the notice:

- (b) release a charge under **section 119** on the basis of the information—

- (i) contained in a certificate under **subsection (2)** of that section; or

- (ii) provided by the applicant under **subsection (3)** of that section. 30

Compare: 1928 No 18 s 11(1)

Subpart 6—Flat and office-owning companies

121 Interpretation

- (1) In this subpart, unless the context otherwise requires,—

- company** has the meaning given to it in section 2(1) of the Companies Act 1993, and, in relation to a licence, means the company by which the licence was issued
- constitution** has the meaning given to it in section 2(1) of the Companies Act 1993 5
- flat** includes an apartment used or intended for use as a residence
- licence to occupy** or **licence** means an instrument executed by a company and by a shareholder that—
- (a) grants the shareholder the right to occupy or use a specified flat or office by virtue of the shares held by the shareholder; or 10
 - (b) is evidence of the right of the shareholder by virtue of the shares held by the shareholder to occupy or use a specified flat or office
- licensee** means a person to whom a licence to occupy is granted
- licensor** means a company that grants a licence to occupy
- office** means premises that are not used or intended to be used for residential purposes 15
- registered** means,—
- (a) in relation to a licence, registered in accordance with **section 123**; and
 - (b) in relation to an instrument registered against a licence, registered in accordance with **section 126** 20
- share certificate** means a share certificate for shares to which a licence relates
- share register** has the meaning given to it in section 2(1) of the Companies Act 1993.
- (2) In this section, a reference to a right to occupy or use a flat or an office includes rights conferred by the constitution of the company or the licence to use a garage, outbuilding, or other structure or any passages, stairways, or other facilities or services in the building of which the flat or office forms part or on the land adjoining the building. 25
Compare: 1952 No 52 s 121A
- 122 Issue of share certificates** 30
- (1) A flat or office-owning company must issue to every shareholder in the company a share certificate that complies with the requirements of section 95(1)(a), (b), and (c) of the Companies Act 1993.
 - (2) If a company fails to comply with **subsection (1)**,—
 - (a) the company commits an offence and is liable on conviction to a fine not exceeding \$5,000; 35
 - (b) every director of the company commits an offence and is liable on conviction to a fine not exceeding \$5,000, unless the director shows that—

- (i) the company took all reasonable steps to ensure that the requirements of that subsection were complied with; or
- (ii) he or she took all reasonable steps to ensure that the company complied with the requirements of that subsection; or
- (iii) in the circumstances, he or she could not reasonably have been expected to take steps to ensure that the company complied with the requirements of that subsection. 5

Compare: 1952 No 52 s 121B

123 Registration of licence to occupy

- (1) A licence may be registered by entering it on the record of title created under **section 12** for the land of the company that issued the licence on which the building containing the flat or office to which the licence relates is situated. 10
- (2) **Subpart 2** applies with all necessary modifications to a licence entered on the record of title under this section as if it were a lease.

Compare: 1952 No 52 s 121C

15

124 Registrar may require plan

The Registrar may require a person who lodges a licence for registration to lodge a plan for deposit that identifies—

- (a) the flat or office comprised in the licence in relation to—
 - (i) the land in the record of title; and 20
 - (ii) the building containing the flat or office; and
 - (iii) if the Registrar requires it, other flats or offices in the building; and
- (b) every garage, outbuilding, or other structure and every passage, stairway, or other facility of the building of which the flat or office forms part that the licensee has a right to use; and 25
- (c) any land the licensee has the right to use that adjoins the building.

Compare: 1952 No 52 s 121D

125 Effect of registration of licence

- (1) A registered licence is an interest noted on the record of title to which **section 52(1)(b)** applies. 30
- (2) Apart from the effect of **subsection (1)**, registration of a licence does not give it any greater operation than it would have if it were not registered.
- (3) An entry on a registered licence that appears to have been validly made—
 - (a) is admissible in a court as evidence of the particulars contained in it; and 35
 - (b) as against the original licensee and all persons claiming through, under, or in trust for the original licensee, is conclusive evidence that the person

named in the entry is the owner of the estate or interest of which that person is stated to be the owner.

Compare: 1952 No 52 s 121F

126 Registration of instruments against licence

An instrument that can be registered against a lease registered under this Act may be registered against a licence registered under **section 123** in the same manner as an instrument may be registered against a lease. 5

Compare: 1952 No 52 s 121E(1)

127 Mortgage of licence

- (1) The mortgagee of a registered licence must notify the company that issued the licence of— 10
- (a) the particulars of the mortgage:
 - (b) any discharge of the mortgage.
- (2) On receiving a notice under **subsection (1)**, the company must—
- (a) record the particulars of the mortgage or of the discharge of the mortgage on the company's copy of the share certificate and the licence; and 15
 - (b) record in the share register against the entry relating to the licence that—
 - (i) the licence is subject to the mortgage, together with the number of the registered mortgage; or
 - (ii) the mortgage has been discharged. 20
- (3) The company must record particulars of a mortgage of a licence that were recorded on a share certificate that has been lost, destroyed, or defaced on any replacement share certificate.
- (4) If a company fails to comply with **subsection (2) or (3)**,—
- (a) the company commits an offence and is liable on conviction to a fine not exceeding \$5,000: 25
 - (b) every director of the company commits an offence and is liable on conviction to a fine not exceeding \$5,000, unless the director shows that—
 - (i) the company took all reasonable steps to ensure that the requirements of the applicable subsection were complied with; or 30
 - (ii) he or she took all reasonable steps to ensure that the company complied with the requirements of the applicable subsection; or
 - (iii) in the circumstances, he or she could not reasonably have been expected to take steps to ensure that the company complied with the requirements of the applicable subsection. 35

Compare: 1952 No 52 s 121G

128 Rights of mortgagee of registered licence

The mortgagee or, if there is more than 1 mortgagee, the first mortgagee of a registered licence is entitled to—

- (a) have custody of the licensee's copy of the licence and the share certificate for the shares to which the licence relates; and 5
- (b) receive notice of any meeting of the company of which the licensee is entitled to receive notice; and
- (c) attend meetings of the company as proxy of the licensee and, if present, to vote at those meetings instead of the licensee. 10

Compare: 1952 No 52 s 121H

129 Restriction on disposal of licence or shares if licence subject to mortgage

- (1) If a licence is subject to a registered mortgage,—
 - (a) the consent of the mortgagee is not required to the sale or other disposal of the licence; and
 - (b) the consent of the mortgagee is not required where the company cancels, revokes, rescinds, or accepts a surrender of the licence and issues, in its place, a new licence in the name of the person acquiring the interest of the licensee and that person requests the Registrar to register the mortgage against the new licence under **section 133**. 15
- (2) Neither the company nor any director or officer of the company may register a transfer or other disposition of the shares to which a licence that is subject to a registered mortgage relates unless— 20
 - (a) the consent of the mortgagee has been endorsed on or attached to the instrument of transfer or other disposition; or
 - (b) the request referred to in **subsection (1)(b)** has been deposited with the company for presentation to the Registrar. 25
- (3) None of the following has any force or effect if the requirements of this section are not complied with:
 - (a) a transfer or other disposition of any shares to which a licence relates:
 - (b) a new licence issued in place of a licence that has been cancelled, revoked, rescinded, or surrendered, if the request referred to in **subsection (1)(b)** is not made. 30

Compare: 1952 No 52 s 121I

130 Restrictions on cancellation, etc, of licence subject to registered mortgage

- (1) A company that granted a licence that is subject to a registered mortgage must not cancel, revoke, or rescind the licence or forfeit any of the shares to which the licence relates unless— 35

- (a) the company gives notice to the mortgagee specifying the matters required to be remedied in order to prevent the company from taking any of the action referred to in this subsection; and
 - (b) the company allows the mortgagee a reasonable time, which must be specified in the notice, to remedy the matters; and 5
 - (c) the matters have not been remedied within the time specified.
- (2) Nothing in **subsection (1)** applies if—
- (a) the mortgagee consents to the action by the company; or
 - (b) where **section 129** applies, the requirements of that section are complied with. 10

Compare: 1952 No 52 s 121J

131 Registration of cancellation, etc, of licence

- (1) If a company cancels, revokes, or rescinds a registered licence, the company must present to the Registrar—
- (a) a notice executed by the company of the cancellation, revocation, or rescission; and 15
 - (b) if the licence is subject to a registered mortgage,—
 - (i) a certificate in the prescribed form executed by the company stating that the notice required by **section 130(1)** was given to the mortgagee and that the matters stated in the notice had not been remedied within the time specified; or 20
 - (ii) a copy of the mortgagee's consent under **section 130(2)**.
- (2) No cancellation, revocation, or rescission of a registered licence is effective until it has been recorded on the register.
- (3) If a company fails to comply with **subsection (1)**,— 25
- (a) the company commits an offence and is liable on conviction to a fine not exceeding \$5,000;
 - (b) every director of the company commits an offence and is liable on conviction to a fine not exceeding \$5,000, unless the director shows that—
 - (i) the company took all reasonable steps to ensure that the requirements of that subsection were complied with; or 30
 - (ii) he or she took all reasonable steps to ensure that the company complied with the requirements of that subsection; or
 - (iii) in the circumstances, he or she could not reasonably have been expected to take steps to ensure that the company complied with the requirements of that subsection. 35

Compare: 1952 No 52 s 121K

132 Surrender of licence

- (1) A licence surrender instrument must be used in order to register a surrender of a registered licence.
- (2) The licence surrender instrument must be in the prescribed form and contain the prescribed information. 5
- (3) The licence surrender instrument must be executed by—
 - (a) the company; and
 - (b) the licensee.
- (4) A licence must not be surrendered if it is subject to a mortgage.

133 Bringing down of mortgage on new licence 10

- (1) This section applies if—
 - (a) a licence is subject to a registered mortgage; and
 - (b) the licensee transfers the shares in the company to another person; and
 - (c) as a result of the transfer of the shares, the company cancels, revokes, or rescinds the licence, or the licence is surrendered, and the company then issues a new licence for the same flat or office to the person who acquires the shares (the **new licensee**). 15
- (2) The new licensee may, on presenting the new licence for registration, apply to the Registrar to register the mortgage against the new licence or, if there is more than 1 mortgage, such of the mortgages as the new licensee specifies. 20
- (3) On registration of the new licence,—
 - (a) the Registrar must register the mortgage or mortgages specified in the request in the order of their registered priority; and
 - (b) the new licence is subject to the mortgage or mortgages; and
 - (c) subpart 8 of Part 3 of the Property Law Act 2007 applies as if the new licensee had acquired the licence by conveyance or transfer subject to the mortgage or mortgages registered against it. 25
- (4) References in a mortgage registered against a new licence under this section to the licensee or to the estate or interest of the licensee under the mortgage are references to the new licensee or to the estate or interest of the new licensee under the mortgage. 30

Compare: 1952 No 52 s 121L

134 Priority of replacement mortgage over land of company

- (1) This section applies to a mortgage (the **replacement mortgage**) that—
 - (a) is registered against land owned by a company; and 35

- (b) secures an amount not exceeding the amount secured by a mortgage of the land that has been discharged (the **discharged mortgage**) immediately before registration of the replacement mortgage; and
- (c) contains a statement to the effect that the replacement mortgage replaces the discharged mortgage and that the money secured by the replacement mortgage was used to repay the money secured by the discharged mortgage. 5
- (2) The replacement mortgage has the same priority in relation to any registered licences affecting the land or any part of the land as the discharged mortgage had immediately before it was discharged. 10
- (3) For the purpose of **subsection (1)(b)**, if a mortgage secures a specified principal amount as referred to in section 90 of the Property Law Act 2007, that amount is an amount secured.
- Compare: 1952 No 52 s 121O
- 135 Exercise of power of sale by mortgagee of licence** 15
- (1) This section applies to the exercise of a power of sale contained or implied in a registered mortgage of a registered licence.
- (2) The mortgagee of the mortgage may execute all assurances and do all other things necessary to transfer to the mortgagee or to any other person the shares to which the licence relates. 20
- (3) The company must register the transfer of shares.
- (4) **Subsection (3)** is subject to any provision in the constitution of the company requiring the directors of the company or the company to approve the transfer.
- (5) Despite anything in the constitution of the company, the approval of the directors or of the company to the transfer of the shares must not be unreasonably withheld. 25
- Compare: 1952 No 52 s 121N
- 136 Registration of transfer of licence or new licence by Registrar**
- (1) The Registrar must not register a transfer of a registered licence unless the instrument of transfer states that an instrument transferring or disposing of the shares in the company to which the licence relates to the person acquiring the licence has been registered by the company. 30
- (2) The Registrar must not register a licence issued by a company in place of a registered licence unless—
- (a) the registered licence has been cancelled, revoked, rescinded, or surrendered; and 35
- (b) the cancellation, revocation, rescission, or surrender has been registered.
- Compare: 1952 No 52 s 121M

Subpart 7—Caveats

137 Caveats against dealings with land

- (1) A person may lodge a caveat against dealings with an estate or interest in land (a **caveat against dealings**) on the basis that the person—
- (a) claims an estate or interest in the land, whether capable of registration or not; or 5
 - (b) has a beneficial estate or interest in the land under an express, implied, resulting, or constructive trust; or
 - (c) is transferring the estate or interest in the land to another person to be held on trust; or 10
 - (d) is the registered owner of the estate or interest in the land and—
 - (i) has an interest that is distinct from that of registered owner; or
 - (ii) establishes to the satisfaction of the Registrar that at the time the caveat is lodged there is a risk that the estate or interest may be lost through fraud. 15
- (2) A caveat against dealings document must be executed by the caveator or the caveator's agent.
- (3) A caveat against dealings document must be in the prescribed form and contain the prescribed information. 20
- Compare: 1952 No 52 s 137

138 Notice of caveat against dealings

The Registrar must give notice of the lodging of a caveat against dealings to the registered owner of the estate or interest against which the caveat is lodged.

Compare: 1952 No 52 s 142(b)

139 Effect of caveat against dealings 25

- (1) As long as a caveat against dealings remains entered on the register, the Registrar must not register an instrument or record any matter in the register that transfers, charges, or prejudicially affects the estate or interest protected by the caveat.
- (2) Despite **subsection (1)**, the Registrar may— 30
- (a) register or note an instrument lodged for registration or notation before the lodging of the caveat:
 - (b) register or note an instrument in the register to give effect to the transmission of an estate or interest by operation of law (for example, to an executor, administrator, or trustee of the estate of a deceased person, to the Official Assignee of the estate of a bankrupt under the Insolvency Act 2006, or to the surviving joint tenant on the death of a tenant under a joint tenancy): 35

-
- (c) if the caveat affects only the fee simple estate, register or note an instrument that relates to any other estate or interest:
- (d) if the caveat affects only an estate or interest that is less than freehold (for example, a lease or mortgage), register or note an instrument that relates to any lesser estate or interest (for example, a sublease or submortgage): 5
- (e) register or note an instrument in the register that is necessary to make a change to, or correct, the name of the owner of an estate or interest without changing the ownership of the estate or interest:
- (f) register or note an instrument in the register to transfer an estate or interest sold in exercise of powers under the Local Government (Rating) Act 2002: 10
- (g) register or note an instrument in the register that creates or relates to an easement that benefits the estate or interest subject to the caveat:
- (h) create a single record of title in place of separate records of title: 15
- (i) create separate records of title in place of a single record of title:
- (j) register further caveats, statutory land charges, or charging orders:
- (k) make an entry in the register to give effect to an enactment or order of a court vesting or affecting the land or estate or interest in land protected by the caveat: 20
- (l) register or note an instrument in the register of a class authorised by regulations.
- (3) **Subsection (2)** is not an exhaustive list of the instruments that may be registered or noted by the Registrar without contravening **subsection (1)**.
Compare: 1952 No 52 s 141(1), (2), (5) 25
- 140 Caveat against dealings not to prevent transfer by mortgagee under power of sale**
- (1) Despite **section 139**, the Registrar may register an instrument or make an entry in the register to transfer an estate or interest in land if—
- (a) the transfer results from— 30
- (i) the exercise of a power of sale under a registered mortgage over the estate or interest; or
- (ii) the purchase by a vendor mortgagee under section 196 of the Property Law Act 2007 on the sale by the Registrar of the court under a power of sale in a registered mortgage; or 35
- (iii) the purchase by a mortgagee under a power of sale in a registered mortgage in accordance with an order made by the court under section 200(3)(d) of the Property Law Act 2007; and

- (b) the caveat against dealings was lodged after registration of the registered mortgage; and
- (c) the estate or interest protected by the caveat—
- (i) relates to the same estate or interest to which the registered mortgage relates; and 5
 - (ii) arises under an unregistered mortgage or an agreement to mortgage dated later than the date of registration of the registered mortgage.
- (2) On registration of a transfer under **subsection (1)**,—
- (a) the caveat against dealings lapses; and 10
 - (b) the estate or interest of the mortgagor vests in the purchaser free from the estate or interest protected by the caveat.
- (3) The Registrar must note the lapsing of the caveat on the record of title.
Compare: 1952 No 52 s 141(3), (4)
- 141 Removal of caveat against dealings** 15
- The court may, on application by a person who has an estate or interest affected by a caveat against dealings, order that the caveat is removed.
Compare: 1952 No 52 s 143
- 142 Lapse of caveat against dealings**
- (1) The following persons may apply to the Registrar for the lapse of a caveat against dealings affecting an estate or interest in land: 20
- (a) a person who wishes to register an instrument affecting the estate or interest protected by the caveat; or
 - (b) the registered owner or a person acting for or on behalf of the registered owner of the estate or interest affected by the caveat. 25
- (2) The Registrar must give notice of an application under **subsection (1)** to the caveator.
- (3) A caveat to which an application relates lapses unless,—
- (a) within 10 working days after the date on which Registrar gives notice of an application under **subsection (1)** to the caveator, the caveator gives notice to the Registrar that an application has been made to the court for an order that the caveat not lapse; and 30
 - (b) within 20 working days after the date on which the caveator gives a notice to the Registrar under **paragraph (a)** (the **relevant period**), an order of the kind referred to in **subsection (4)** is served on the Registrar. 35
- (4) The orders are—
- (a) an order that the caveat not lapse:

- (b) an interim order that the caveat not lapse:
- (c) an order adjourning the application.
- (5) The caveat lapses if the court makes an order to that effect before the close of the relevant period.
- (6) If the court makes an order under **subsection (4)(b) or (c)**, the caveat will not lapse if, after the close of the relevant period,— 5
 - (a) the court makes a final order that the caveat not lapse; and
 - (b) the order is served on the Registrar.
- (7) If the court makes an order under **subsection (4)(b) or (c)**, the caveat will lapse if, after the close of the relevant period,— 10
 - (a) the court makes a final order that the caveat lapse; and
 - (b) the order is served on the Registrar.
- (8) An application under **subsection (1)** for the lapse of a caveat may be withdrawn—
 - (a) with the leave of the court only, if the caveator has applied to the court for an order that the caveat not lapse: 15
 - (b) without the need for leave of the court if—
 - (i) the Registrar has not yet given notice to the caveator under **subsection (2)**; or
 - (ii) the Registrar has given notice to the caveator under **subsection (2)**, but the caveator has not yet applied to the court for an order that the caveat not lapse. 20

Compare: 1952 No 52 ss 145, 145A

143 Withdrawal of caveat against dealings

- (1) A caveat against dealings may be withdrawn as to the whole or part of the estate or interest protected by the caveat by the caveator or the caveator's agent under a written authority. 25
- (2) Despite **subsection (1)**, if a registrable instrument purporting to give effect to the estate or interest of the caveator is lodged for registration immediately following a withdrawal of a caveat previously lodged to protect that estate or interest, the authority of any agent executing the withdrawal on behalf of the caveator need not be in writing. 30

Compare: 1952 No 52 s 147

144 Caveator may consent to registration of instrument

- (1) A caveator may consent to the registration of an instrument that affects the estate or interest protected by a caveat against dealings. 35
- (2) Consent is subject to the rights of the caveator.

Compare: 1952 No 52 ss 147, 147A

145 Second caveat against dealings may not be lodged

Unless the court orders otherwise, a caveat against dealings must not be lodged by or on behalf of the same person to protect the same estate or interest as a caveat against dealings that has been removed under **section 141** or lapsed under **section 140(2)(a) or 142**.

5

Compare: 1952 No 52 s 148

146 Registrar not required to verify entitlement to lodge caveat against dealings

(1) The Registrar does not have to be satisfied that a caveator is in fact or in law entitled to lodge a caveat against dealings.

10

(2) Despite **subsection (1)**, a caveat against dealings must comply with **section 137**.

Compare: 1952 No 52 s 148A

147 Compensation for lodging of improper caveat against dealings

(1) A person, including the agent of a person, who lodges a caveat against dealings without reasonable cause is liable to pay compensation to a person who suffers loss or damage as a result.

15

(2) A claim for compensation must be heard and determined by the court.

(3) A caveat against dealings lodged in contravention of **section 145** is lodged without reasonable cause.

20

Compare: 1952 No 52 s 146

*Registrar's caveats***148 Registrar may lodge caveat**

(1) The Registrar may lodge a caveat (the **Registrar's caveat**) for the purpose of preventing a dealing with an estate or interest in land that may prejudice—

25

(a) a minor:

(b) a person who the Registrar is satisfied is not capable of managing his or her affairs in relation to the estate or interest:

(c) a person on account of a misdescription of the land or the estate or interest in the land on the record of title:

30

(d) a person through fraud or improper conduct.

(2) **Sections 137 to 147** do not apply to a Registrar's caveat.

Compare: 1952 No 52 s 211(d)

149 Notice of caveat

The Registrar must give notice of the lodging of the Registrar's caveat to the registered owner of the estate or interest against which the caveat is lodged.

35

150 Effect of Registrar's caveat

As long as a Registrar's caveat remains entered on the register, the Registrar must not register an instrument or record any matter in the register unless the Registrar is satisfied that the registration or recording will not prejudice the person in whose favour the caveat has been lodged. 5

151 Registrar may withdraw caveat

The Registrar may withdraw a Registrar's caveat at any time.

Subpart 8—Trusts

152 Trusts not to be entered on register

- (1) Notice of a trust, whether express, implied, resulting, or constructive, must not be registered or noted on the register and has no effect if it is. 10
- (2) A provision in an instrument registered or noted under this Act to the effect that a person executing the instrument is liable only to the extent of an estate or interest or assets of which the person is a trustee is not notice of a trust.
- (3) This section is subject to— 15
 - (a) **sections 137 and 153**; and
 - (b) any enactment that requires or permits notice of a trust to be registered or noted on the register.

Compare: 1952 No 52 s 128

153 Trusts of reserves

20

- (1) The person in whom a public reserve is vested holds the land subject to any trust to which the land is subject under the enactment or instrument that vests the land in that person.
- (2) The responsible chief executive must give notice to the Registrar of the creation, alteration, or revocation under any enactment of a trust affecting a public reserve. 25
- (3) The Registrar must record the trust, alteration, or revocation in the register.
- (4) Land, other than a public reserve, that is vested in or transferred to a person under an enactment the title of which is recorded in the register vests in that person— 30
 - (a) in the capacity in which the land is held under the enactment; and
 - (b) subject to any trusts on which the land is held under the enactment.
- (5) The Registrar must not register an instrument or record any matter in the register that prejudicially affects a trust on which an estate or interest in a public reserve or land to which this section applies is subject. 35
- (6) In this section,—

public reserve means land subject to this Act that—

- (a) is a reserve as defined in section 2(1) of the Reserves Act 1977; or
- (b) is vested in a person under an enactment or instrument as a public reserve or for a special purpose

responsible chief executive means the chief executive of the department or ministry that, with the authority of the Prime Minister, is for the time being responsible for the administration of the enactment under which the trust that affects the public reserve is created, altered, or revoked. 5

Compare: 1952 No 52 s 129

Part 4

Miscellaneous applications and other matters 10

Subpart 1—Applications for title based on adverse possession

154 Application for record of title based on adverse possession

- (1) A person may apply to the Registrar for the creation of a record of title in the name of the person as the owner of the freehold estate in land that is subject to this Act if— 15
 - (a) a record of title has been created for the estate or a Crown grant for the land has been registered under the Land Transfer Act 1952; and
 - (b) the person has been in adverse possession of the land for a continuous period of not less than 20 years and continues in adverse possession of the land; and 20
 - (c) the possession would have entitled the person to apply for a title to the freehold estate in the land if the land were not subject to this Act.
- (2) For the purposes of this subpart,—
 - (a) possession of the land by a person through or under whom the applicant claims to be entitled to make the application must be treated as possession by the applicant; and 25
 - (b) possession of the land by 1 or more joint tenants or tenants in common—
 - (i) is not possession of the land by another joint tenant or tenant in common; and 30
 - (ii) is capable of being possession as against another joint tenant or tenant in common.
- (3) The application must be in the prescribed form and contain the prescribed information.
- (4) **Section 37** applies with necessary modifications to an application that does not comply with this subpart as if the application were an instrument lodged for registration. 35

- (5) This section is subject to **sections 156 and 157**.

Compare: 1963 No 61 ss 3, 6

155 Information relating to land

- (1) In this section,—

occupation boundary means any of the following that limits or defines the land occupied by the applicant: 5

- (a) a fence, wall, hedge, building, ditch, or other artificial thing:
- (b) a natural feature of land

title boundaries means the boundaries of the land shown—

- (a) on the record of title or Crown grant; or 10
- (b) on the latest survey plan approved under the Cadastral Survey Act 2002 or any corresponding previous Act.

- (2) An application under **section 154** must be accompanied by—

- (a) a certificate by a licensed cadastral surveyor that the occupation boundaries or any that exist coincide with the title boundaries; or 15
- (b) if a certificate cannot be given, a survey plan suitable for deposit under **section 223**.

- (3) The boundaries on a survey plan must be drawn in terms of the occupation boundaries of the land.

- (4) However, to the extent that the occupation boundaries of the land are outside the title boundaries, the survey plan must be drawn in terms of the title boundaries. 20

Compare: 1963 No 61 s 14

156 Incapacity of registered owner

- (1) This section applies to a registered owner of an estate that is the subject of an application under **section 154** who proves that at any time during the period of 20 years referred to in **section 154(1)(b)** (the **20-year period**) he or she was incapacitated. 25

- (2) If this section applies to a registered owner, the court may, if it thinks it just to do so on an application made to it (whether before or after the end of the 20-year period), order that the 20-year period is extended to the close of a date stated in the order. 30

- (3) In determining whether to make an order, the court must take into account—

- (a) whether, while the registered owner was incapacitated, an authorised representative managed the owner's affairs with respect to ownership of the land; and 35
- (b) any steps taken by the authorised representative to manage those affairs; and

- (c) the effects or likely effects on the applicant of extending the 20-year period; and
- (d) any other matters the court thinks relevant.
- Compare: 1963 No 61 s 4
- 157 Minors** 5
- The period of 20 years referred to in **section 154(1)(b)** does not run during the period when a registered owner of an estate that is the subject of an application under that section is a minor.
- Compare: 1963 No 61 s 4
- 158 Certain applications prohibited** 10
- An application under **section 154** may not be made in the case of—
- (a) land owned by the Crown, other than land to which **section 169** applies:
- (b) Māori land as defined in section 4 of Te Ture Whenua Maori Act 1993:
- (c) land for which the registered owner of the fee simple is a local authority: 15
- (d) land held in trust for a public purpose noted on the register under **section 153**:
- (e) land occupied together with adjoining land by the owner of the adjoining land or by any other person because of a mistaken marking of a boundary between the pieces of land: 20
- (f) land occupied together with adjoining land by the owner of the adjoining land or by any other person because of—
- (i) a change in the course of a river, creek, or stream; or
- (ii) the isolation of the land from other land by a river, creek, or stream or other natural feature or by a road. 25
- Compare: 1963 No 61 s 21
- 159 Evidence**
- The Registrar may—
- (a) dispense with a requirement to provide information that the Registrar is satisfied cannot reasonably be provided by the applicant; or 30
- (b) require the applicant to provide additional information relating to the application.
- Compare: 1963 No 61 s 5
- 160 Notice of application**
- (1) If the Registrar is satisfied that an application complies with this subpart, the Registrar must give notice of the application as follows: 35
- (a) public notice; and

- (b) notice to every person who it appears to the Registrar has or may have an estate or interest in any land to which the application relates; and
 - (c) notice to every person, other than the applicant, who is an owner or occupier of adjoining land; and
 - (d) notice in any other way and to any other persons the Registrar thinks fit. 5
- (2) A notice under **subsection (1)** must—
- (a) specify the prescribed period within which a person may lodge a caveat under **section 161** to prevent the application from being granted; and
 - (b) be in the prescribed form and contain the prescribed information.
- (3) If the Registrar considers that giving notice under **subsection (1)** has not been effective or that it is desirable to give further notice of the application, the Registrar may— 10
- (a) give notice again under that subsection; and
 - (b) specify in the notice a further period within which a person may lodge a caveat to prevent the application from being granted. 15

Compare: 1963 No 61 s 7

161 Caveats against application

- (1) A person claiming an estate or interest in land to which an application relates may lodge a caveat preventing the application from being granted.
- (2) A caveat document must be executed by the caveator or the caveator's agent. 20
- (3) A caveat document must—
 - (a) be in the prescribed form and contain the prescribed information; and
 - (b) be lodged within the period specified in a notice under **section 160**.
- (4) **Sections 143 and 145 to 147** apply with necessary modifications to a caveat lodged under this section. 25

Compare: 1963 No 61 s 8

162 Notice of caveat

The Registrar must give notice to the applicant of the lodging of a caveat preventing an application from being granted.

Compare: 1952 No 52 s 142; 1963 No 61 s 8

30

163 Caveat by registered owner of fee simple or other freehold estate

The Registrar must refuse an application if satisfied that a caveat has been lodged under **section 161** by or for the registered owner of any of the following freehold estates in any land to which the application relates:

- (a) an estate in fee simple: 35
- (b) a life estate:
- (c) a future estate:

- (d) any other freehold estate that terminates when a future event happens but that has not yet terminated.

Compare: 1963 No 61 s 9

164 Caveat by beneficial or equitable owner of fee simple or other freehold estate 5

- (1) This section applies if the Registrar is satisfied that a caveat has been lodged under **section 161** by or for a person who claims to be the beneficial or equitable owner of any of the following freehold estates in any land to which the application relates:
- (a) an estate in fee simple: 10
- (b) a life estate:
- (c) a future estate:
- (d) any other freehold estate that terminates when a future event happens but that has not yet terminated.
- (2) The Registrar must give notice to the caveator requiring the caveator, within the prescribed period specified in the notice, to— 15
- (a) establish the claim and become registered as owner of the estate; or
- (b) satisfy the Registrar that the claim is valid but that it is of such a nature that it is not capable of being converted into a registered estate.
- (3) The caveat lapses unless, within the period specified in the notice or any extension allowed by the Registrar, the caveator complies with **subsection (2)(a) or (b)**. 20
- (4) If the caveat lapses, the Registrar must note the lapsing on the record of title.
- (5) The Registrar must refuse the application if—
- (a) the Registrar is satisfied that the estate of the caveator is sufficiently evidenced by the register; or 25
- (b) within the period specified in the notice or any extension allowed by the Registrar, the caveator complies with **subsection (2)(a) or (b)**.

Compare: 1963 No 61 s 10

165 Caveat by registered owner of, or person noted as entitled to, other estate or interest 30

- (1) This section applies if the Registrar is satisfied that—
- (a) a caveat has been lodged under **section 161** by or for a person who is the registered owner of, or who is noted on the register as entitled to, an estate or interest in any land to which the application relates; and 35
- (b) the estate or interest is not an estate of a kind referred to in **section 163 or 164**.

- (2) The Registrar must give notice to the applicant that the applicant may, within the prescribed period specified in the notice, give notice to the Registrar that the applicant agrees to the applicant's title being made subject to the estate or interest of the caveator and any estate or interest through or under which the caveator derives title. 5
- (3) If the applicant gives notice of his or her agreement,—
- (a) the caveat lapses; and
 - (b) the Registrar must, in accordance with **section 167**, create a record of title for the applicant subject to the estate or interest of the caveator, and must note the lapsing of the caveat on the register. 10
- (4) If the applicant does not give notice of his or her agreement, the Registrar must refuse the application.
- (5) If the freehold estate in the land is subject to a registered mortgage, the applicant must be treated as—
- (a) the registered owner of the freehold estate for the purposes of **section 104**; and 15
 - (b) the registered owner of the freehold estate and the mortgagor for the purposes of subpart 5 of Part 3 of the Property Law Act 2007.
- (6) If, in the case of a freehold estate subject to a mortgage, the applicant gives notice of his or her agreement to the Registrar under **subsection (2)**, nothing in subpart 8 of Part 3 of the Property Law Act 2007 applies to a transfer of the freehold estate by the applicant or by a person who derives title through or under the applicant. 20

Compare: 1963 No 61 s 11

166 Caveat by other person entitled to other estate or interest 25

- (1) This section applies if the Registrar is satisfied that—
- (a) a caveat has been lodged under **section 161** by or for a person who claims to be beneficially or equitably the owner of, or entitled to, an estate or interest in any land to which the application relates; and
 - (b) the estate or interest is not an estate or interest of a kind referred to in **section 163 or 164**; and 30
 - (c) **section 165** does not apply.
- (2) If the Registrar is satisfied that the caveator's claim to the estate or interest is sufficiently evidenced by the register, **subsection (7)** applies to the caveat. 35
- Caveator's claim not sufficiently evidenced by register*
- (3) If the Registrar is not satisfied that the caveator's claim to the estate or interest is sufficiently evidenced by the register, the Registrar must give notice to the caveator requiring the caveator, within the prescribed period specified in the notice, to—

- (a) establish the claim and become registered as owner of the estate or interest; or
- (b) satisfy the Registrar that the claim is valid but that it is of such a nature that it is not capable of being converted into a registered estate or interest. 5
- (4) If the caveator does not comply with **subsection (3)(a) or (b)** within the period specified in the notice or any extension allowed by the Registrar (the **permitted period**), the caveat lapses and the Registrar must note the lapsing on the record of title.
- (5) If the caveator complies with **subsection (3)(a)** within the permitted period,— 10
- (a) the caveat does not lapse; and
- (b) **section 165** applies as if the caveator had been registered as the owner of the estate or interest when the caveat was lodged.
- (6) If the caveator complies with **subsection (3)(b)** within the permitted period, **subsection (7)** applies to the caveat. 15
- Caveator's claim sufficiently evidenced by register, or valid but not convertible into registered estate or interest*
- (7) If this subsection applies to the caveat,—
- (a) the caveat does not lapse; and 20
- (b) the Registrar must give notice to the applicant that the applicant may, within the prescribed period specified in the notice, give notice to the Registrar that the applicant agrees to the applicant's title being made subject to the caveat as evidence of the caveator's claim.
- (8) If the applicant gives notice of his or her agreement, the Registrar must, in accordance with **section 167**, create a record of title for the applicant subject to the caveat (as evidence of the caveator's claim). 25
- (9) If the applicant does not give notice of his or her agreement, the Registrar must refuse the application. 30
- Compare: 1963 No 61 s 12

167 Registration of applicant as owner of freehold estate

- (1) The Registrar must register the applicant as the owner of the freehold estate in the land to which the application relates and create a record of title for that estate if satisfied that—
- (a) the applicant has complied with this subpart; and 35
- (b) any caveat lodged under this subpart has lapsed or been withdrawn, or the record of title is to be created subject to the caveat (*see* **section 166(8)**); and
- (c) there is no reason preventing the Registrar from doing so.

- (2) The record of title must be free of any estates or interests previously recorded except for an estate or interest to which **section 165(3) or 166(8)** applies.

Compare: 1963 No 61 s 15

168 Cancellation of record of title

- (1) On creation of a record of title for a freehold estate under **section 167**, the Registrar must— 5

- (a) cancel any previous record of title for the freehold estate; or
 (b) partially cancel any previous record of title to the extent that it relates to the freehold estate.

- (2) The cancellation must state that it is made under this section. 10

- (3) On cancellation of the record of title,—

- (a) the estate of the previous registered owner is extinguished; and
 (b) any other estate or interest registered or noted on the record of title is extinguished.

- (4) **Subsection (3)** does not apply to an estate or interest to which **section 165(3) or 166(8)** applies. 15

Compare: 1963 No 61 s 18

169 Application relating to land of dissolved company

- (1) This section applies to an application that relates to a freehold estate—

- (a) the registered owner of which was a company or any other body corporate that has been dissolved; and 20
 (b) that vests in the Crown as *bona vacantia*.

- (2) The Registrar must not proceed with the application unless,—

- (a) if the Crown is entitled under an enactment to disclaim the estate,—
 (i) the Crown has disclaimed the estate; and 25
 (ii) the Registrar is satisfied that no proceedings have been commenced in a court by a person to become the registered owner of the estate or to restore the company to the companies register under the Companies Act 1993; or

- (b) if the Crown is not entitled under an enactment to disclaim the estate, the Secretary to the Treasury consents to the application. 30

- (3) If the Registrar knows that a person intends to commence proceedings referred to in **subsection (2)(a)(ii)**, the Registrar must give notice to that person that the application has been made and will proceed unless proceedings are commenced within the time specified in the notice. 35

- (4) If proceedings are commenced within the time specified in the notice, or within any extension allowed by the Registrar, the Registrar may proceed with the application only if—

- (a) the proceedings are dismissed or discontinued; or
 - (b) an appeal against the dismissal of the proceedings is dismissed or discontinued.
- (5) If proceedings are not commenced within the time specified in the notice, or within any extension allowed by the Registrar, the Registrar must proceed with the application. 5

Compare: 1963 No 61 s 17

Subpart 2—Applications to bring land under Act

170 Land to which this subpart applies

This subpart applies to land that— 10

- (a) is not subject to this Act; and
- (b) is not Māori land as defined in section 4 of Te Ture Whenua Maori Act 1993; and
- (c) has been alienated or contracted to be alienated by the Crown by Crown grant or other instrument. 15

171 Applications to bring land under Act

- (1) The following persons may apply in their own right to bring land under this Act:
- (a) a person who claims to be the person in whom the fee simple estate in the land is vested in possession, whether at law or in equity: 20
 - (b) a person who claims to be entitled to the land through adverse possession as against a person prevented by the Limitation Act 2010 or any other enactment that prescribes a limitation period from bringing an action to recover the land:
 - (c) a person who claims a life estate in possession that is not a lease for life: 25
 - (d) a person who has the power to dispose of the fee simple estate in possession:
 - (e) a person who owns the fee simple estate in the land as a public reserve.
- (2) The following persons may apply to bring land under this Act on behalf of a person to whom **subsection (1)** applies: 30
- (a) the guardian of a minor:
 - (b) in the case of an incapacitated person,—
 - (i) a person authorised by an enactment to make the application:
 - (ii) Public Trust:
 - (iii) a person appointed by the Court to make the application: 35

- (c) in the case of a person in respect of whom a property order is in force under the Protection of Personal and Property Rights Act 1988, the manager.
- (3) A person who claims to be beneficially entitled under a trust to an estate or interest in the land must, if the trustees do not have express power to sell the land, consent to an application under **subsection (1)(a)**. 5
- (4) A person entitled to a future estate in the land must consent to an application under **subsection (1)(c)**.
- (5) A person whose consent is required to the exercise of a power to dispose of the fee simple estate in possession must consent to an application under **subsection (1)(d)**. 10
- (6) An application under **subsection (1)(e)** is subject to any trust that affects the land.
- (7) An application that relates to land in which 2 or more persons own undivided shares must be made by all the owners of the undivided shares. 15
- (8) An application by a mortgagor of the land may be made only with the consent of the mortgagee.
- (9) An application by a mortgagee of the land may be made only in connection with the exercise of a power of sale.
- (10) The application must be in the prescribed form and contain the prescribed information. 20
- (11) **Section 37** applies with necessary modifications to an application that does not comply with this subpart as if the application were an instrument lodged for registration. 25
- Compare: 1952 No 52 ss 20, 21, 25

172 Notice of application

- (1) If it appears to the Registrar that an applicant may be entitled to have the relevant land brought under this Act, the Registrar must give notice of the application as follows:
- (a) public notice; and 30
- (b) notice to every person who it appears to the Registrar has or may have an estate or interest in the land; and
- (c) notice to every person, other than the applicant, who is an occupier of the land or an owner or occupier of adjoining land; and
- (d) notice in any other way and to any other persons the Registrar thinks fit. 35
- (2) A notice under **subsection (1)** must—
- (a) specify the prescribed period within which a caveat may be lodged under **section 173** to prevent the land being brought under this Act; and
- (b) be in the prescribed form and contain the prescribed information.

- (3) If the Registrar considers that giving notice under **subsection (1)** has not been effective or that it is desirable to give further notice of the application, the Registrar may—
- (a) give notice again under that subsection; and
 - (b) specify in the notice a further period within which a caveat may be lodged to prevent the land being brought under this Act. 5

Compare: 1952 No 52 ss 23, 24, 25, 26, 28

173 Caveat against bringing land under Act

- (1) The following persons may, within the period specified in a notice under **section 172** for an application about certain land, lodge a caveat preventing the Registrar from bringing the land under this Act: 10
- (a) a person who claims to be entitled to a freehold estate in the land, whether through adverse possession or on other grounds:
 - (b) a person who claims to be entitled to an estate or interest in the land that is not a freehold estate, whether under an instrument or not. 15

(2) A caveat document must be executed by the caveator or the caveator's agent.

(3) A caveat document must be in the prescribed form and contain the prescribed information.

(4) **Sections 143 and 145 to 147** apply with necessary modifications to the caveat as if it were a caveat against dealings. 20

Compare: 1952 No 52 s 136

174 Effect of caveat

As long as a caveat against bringing land under this Act remains in force, the Registrar must not bring the land under this Act.

Compare: 1952 No 52 s 140

25

175 Notice of caveat

The Registrar must give notice of a caveat against bringing land under this Act to the applicant.

Compare: 1952 No 52 s 142(a)

176 Procedure where caveat lodged under section 173(1)(a) 30

(1) This section applies if a caveat is lodged under **section 173(1)(a)**.

(2) The caveator must—

- (a) commence a proceeding in the court to determine the entitlement of the applicant to have the land brought under this Act; and

- (b) give notice to the Registrar that the proceeding has been commenced. 35

- (3) The proceeding must be commenced and the notice must be given within 60 working days after the date on which the caveat is lodged. Otherwise, the caveat lapses.
- (4) In a proceeding under this section, the court may—
- (a) order that—
 - (i) the applicant is entitled to have the land brought under this Act; and
 - (ii) the caveat lapses; or
 - (b) order that the applicant is not entitled to have the land brought under this Act; or
 - (c) make any other order the court thinks fit.
- (5) The Registrar must give effect to any order of the court in a proceeding under this section or, if there is an appeal against the decision of the court, to the decision of the court on the appeal.
- (6) The following documents must be served on the Registrar:
- (a) a sealed copy of every order or decision of the court under this section:
 - (b) a copy of a notice of appeal against an order or a decision of the court under this section:
 - (c) a sealed copy of every order or decision of a court on appeal under this section.

Compare: 1952 No 52 s 144

177 Procedure where caveat lodged under section 173(1)(b)

- (1) This section applies if a caveat is lodged under **section 173(1)(b)**.
- (2) The applicant must, within 20 working days after receiving a notice under **section 175**, give notice to the Registrar and serve notice on the caveator stating whether or not the applicant agrees to the land being brought under this Act subject to the estate or interest of the caveator. If notice is not given and served, the Registrar must refuse the application.
- (3) If the applicant gives and serves a notice stating that the applicant agrees to the land being brought under this Act subject to the estate or interest of the caveator,—
- (a) the caveat lapses; and
 - (b) the Registrar must register the applicant as the owner of the estate to which the application relates subject to the estate or interest of the caveator.
- (4) If the applicant gives and serves a notice stating that the applicant does not agree to the land being brought under this Act subject to the estate or interest of the caveator, the caveator must—

- (a) commence a proceeding in the court to determine the entitlement of the applicant to have the land brought under this Act free from the estate or interest of the caveator; and
- (b) give notice to the Registrar that the proceeding has been commenced.
- (5) If **subsection (4)** applies, the proceeding must be commenced and the notice must be given within 60 working days after the date on which the applicant's notice is served on the caveator. Otherwise, the caveat lapses. 5
- (6) In a proceeding under this section, the court may—
- (a) order that—
- (i) the applicant is entitled to have the land brought under this Act free from any estate or interest of the caveator; and 10
- (ii) the caveat lapses; or
- (b) order that the applicant is entitled to have the land brought under this Act subject to the estate or interest of the caveator; or
- (c) make any other order the court thinks fit. 15
- (7) The Registrar must give effect to any order of the court in a proceeding under this section or, if there is an appeal against the decision of the court, to the decision of the court on the appeal.
- (8) The following documents must be served on the Registrar:
- (a) a sealed copy of every order or decision of the court under this section: 20
- (b) a copy of a notice of appeal against an order or a decision of the court under this section:
- (c) a sealed copy of every order or decision of a court on appeal under this section.
- (9) This section is subject to **section 178**. 25
Compare: 1952 No 52 ss 58, 59, 144

178 Registrar may require instrument creating or recording estate or interest of caveator

- (1) For the purpose of giving effect to an agreement or order under **section 177**, the Registrar may require the applicant and the caveator to lodge for registration or notation an instrument that is in a suitable form, and that contains sufficient particulars, to create or record the estate or interest of the caveator. 30
- (2) If the interest of the caveator cannot be registered or noted under this Act, the Registrar may require the caveator to lodge a caveat under **section 137** to protect the interest. 35

179 Withdrawal of application

- (1) An applicant may withdraw an application under **section 171** at any time before registration of the applicant as the owner of the estate to which the application relates.
- (2) An application may be withdrawn only if— 5
- (a) a person who has lodged a caveat under **section 173** consents to the withdrawal or, if the person does not consent, the court makes an order approving the withdrawal; and
- (b) a person who has consented to the application under **section 171(3), (4), (5), or (8)** consents to the withdrawal or, if the person does not consent, the court makes an order approving the withdrawal. 10

Compare: 1952 No 52 ss 29, 140

180 Registration of applicant

- The Registrar must register the applicant as the owner of the estate to which the application relates if— 15
- (a) the applicant has complied with this subpart; and
- (b) the Registrar has given all required notices; and
- (c) no caveat has been lodged under **section 173**, or any caveat lodged under that section has lapsed or been withdrawn; and
- (d) there is no reason to prevent the Registrar from doing so. 20

Compare: 1952 No 52 s 27

181 Cancellation of previous documents of title

- (1) The Registrar must, on registering an applicant as the owner of the estate in land to which the application relates, cancel any previous document of title to the land. 25
- (2) If the document relates to any other land, the Registrar must endorse the document to the effect that it is cancelled only to the extent of the land of which the applicant has become registered as owner.

Compare: 1952 No 52 s 30

182 Registration of Crown grant under Deeds Registration Act 1908 unnecessary 30

The Registrar does not need to register a Crown grant under the Deeds Registration Act 1908 if the land to which the grant relates is the subject of an application under this subpart.

Compare: 1952 No 52 s 32 35

Subpart 3—Title to access strips

183 Meaning of access strip

For the purposes of this subpart, **access strip**, in relation to an application under this subpart,—

- (a) means land (whether or not subject to this Act) that has been set aside as part of a subdivision for the purpose of providing access from adjoining lots and any other lots in the subdivision to an existing road and that at the time of the application is, in the opinion of the Registrar, being used principally for that purpose; but 5
- (b) does not include land accepted or declared by a local authority to be a road or street or a service lane or an access way. 10

Compare: 1952 No 52 s 89A(1), (5)

184 Application by adjoining owners for title to access strip

- (1) The registered owners of the fee simple estate in lots adjoining an access strip (the **adjoining owners**) may apply to the Registrar for the issue of a record of title to the access strip. 15
- (2) **Subsection (1)** does not apply to an adjoining owner who owns a freehold estate in the access strip.
- (3) The application must be in the prescribed form and contain the prescribed information. 20
- (4) For the purposes of this section, 2 or more lots that adjoin an access strip and that arise from the subdivision of a single lot that originally adjoined the access strip must each be treated as a single lot in the original subdivision.
- (5) **Section 37** applies with necessary modifications to an application that does not comply with this section as if the application were an instrument lodged for registration. 25

Compare: 1952 No 52 s 89A(1), (2)

185 Notice of application

- (1) If the Registrar is satisfied that the application complies with **section 184**, the Registrar must— 30
 - (a) give public notice of the application; and
 - (b) give notice of the application to every person who,—
 - (i) if the access strip is subject to this Act, appears from the register to be the owner of a freehold estate in the access strip; or
 - (ii) if the access strip is not subject to this Act, appears to the Registrar to be the owner of a freehold estate in the access strip; and 35

- (c) give notice of the application to the territorial authority and any statutory body that would, if the access strip were a road or a service lane or an access way, have jurisdiction over it; and
 - (d) give notice of the application to every other person as the Registrar thinks fit. 5
- (2) The notice must—
- (a) specify a date within the prescribed period by which a person may lodge a caveat under **section 186** to prevent the application proceeding; and
 - (b) be in the prescribed form and contain the prescribed information.
- (3) The Registrar may, before granting the application, extend the period within which a caveat may be lodged under **section 186**. 10

Compare: 1952 No 52 s 89C

186 Caveats against application

- (1) The following persons may lodge a caveat preventing the application from being granted as to the whole or part of the freehold estate in the access strip: 15
- (a) if the access strip is subject to this Act, a person who is the registered owner of a freehold estate in the access strip;
 - (b) if the access strip is not subject to this Act, a person who claims to be entitled to a freehold estate in the access strip.
- (2) A caveat must be lodged within the time specified in the notice under **section 185** or any period extended by the Registrar. 20
- (3) A caveat document must be executed by the caveator or the caveator's agent.
- (4) A caveat document must be in the prescribed form and contain the prescribed information.
- (5) The Registrar must note the caveat,— 25
- (a) if the access strip is subject to this Act, on the record of title for the access strip; or
 - (b) if the access strip is not subject to this Act, on the relevant record for the access strip under the Deeds Registration Act 1908.
- (6) While it remains noted, a caveat prevents an application being granted, but does not prevent a dealing affecting the access strip. 30
- (7) **Sections 143, 145, and 147** apply with necessary modifications to a caveat as if the caveat were a caveat against dealings.

187 Notice of caveat

The Registrar must give notice of the caveat to the applicant. 35

188 Removal of caveat

The court may, on application by the applicant, order that the caveat be removed.

189 Procedure where caveat lodged

- (1) In the case of an access strip that is subject to this Act, if the Registrar is satisfied that a caveat is lodged by a person who is registered as the owner of a freehold estate in the access strip, the Registrar must refuse the application to the extent that it relates to an estate protected by the caveat. 5
- (2) In the case of an access strip that is not subject to this Act, if the Registrar is satisfied that a caveat is lodged by a person who is the owner of a freehold estate in the access strip, the Registrar must refuse the application to the extent that it relates to an estate protected by the caveat. 10
- (3) A caveat must remain noted under **section 186** if an application is fully or partially refused.

190 Owner of access strip who is not adjoining owner 15

- (1) This section applies to an owner of the freehold estate in the access strip who is not an adjoining owner and who,—
- (a) after reasonable inquiries have been made, cannot be found; or
- (b) consents to the application and to forfeiting ownership of the estate to the applicants. 20
- (2) The consent must be in the prescribed form.
- (3) The application must be accompanied by—
- (a) proof of the matters referred to in **subsection (1)(a)**; or
- (b) the form of consent referred to in **subsection (1)(b)**.
- (4) If the application complies with this section, the estate of the owner vests in the applicants. 25

Compare: 1952 No 52 s 89A(3)

191 Adjoining owner with interest in access strip who is not applicant

- (1) This section applies to a person who is not an applicant, but who—
- (a) is an adjoining owner; and 30
- (b) has an estate or interest in the access strip.
- (2) The person may consent to forfeiting ownership of the estate or interest to the applicants.
- (3) The consent must be in the prescribed form.
- (4) If the person consents under **subsection (2)**, the application must be accompanied by the form of consent. 35

- (5) If the person consents to forfeiting ownership of the estate or interest, the estate or interest of the person in the access strip vests in the applicants.
- (6) If the person does not consent to forfeiting ownership of the estate or interest, the estate or interest of the person in the access strip continues to exist and is not affected by the grant of the application. 5

Compare: 1952 No 52 s 89B

192 Adjoining owner with no interest in access strip who is not applicant

- (1) This section applies to a person who is not an applicant, but who—
- (a) is an adjoining owner; and
- (b) does not have an estate or interest in the access strip. 10
- (2) The person may consent to waiving any right to apply for a record of title to the access strip.
- (3) The consent must be in the prescribed form.
- (4) If the person consents under **subsection (2)**, the application must be accompanied by the consent. 15
- (5) If the person consents to waiving any right to apply for a record of title to the access strip, the person has no right at any time to apply under this subpart for a record of title to the access strip.
- (6) If the person does not consent to waiving any right to apply for a record of title to the access strip, the person does not lose the right to apply for a record of title to the access strip. 20

193 Record of title for access strip

- (1) The Registrar may create a record of title for the access strip and the adjoining lot to which it relates if satisfied that—
- (a) the application complies with this subpart; and 25
- (b) no caveat prevents the application from being granted; and
- (c) there is no other reason to refuse to grant the application.
- (2) The record of title must be created in the name of the applicant or, if there are 2 or more applicants, in the names of the applicants as tenants in common in their appropriate shares. 30
- (3) The record of title must record,—
- (a) if the access strip is subject to this Act, any interests registered or noted on the former record of title for the access strip; or
- (b) if the access strip is not subject to this Act, any existing interest to which the access strip is subject that is capable of being registered or noted under this Act. 35
- (4) The share of an applicant in the access strip is equal to the proportion that the applicant's lot bears to the aggregate of—

- (a) the lots of all adjoining owners who are applicants; and
 - (b) the lots of any persons to whom **section 191(6) or 192(6)** applies.
- (5) On creating a record of title under this section, the Registrar must cancel any previous record of title for the fee simple estate in the whole of the access strip.
- (6) The creation of a record of title under this section for, or for a share in, an access strip that is not subject to this Act has the effect of bringing the land comprised in the access strip under this Act. 5

194 Provisions applying when record of title created for access strip

- (1) The following provisions apply on creation of a record of title under **section 193**: 10
- (a) the owner of an access strip or of a share in an access strip must not transfer or mortgage the access strip or share unless, at the same time, the owner disposes of or mortgages the adjoining lot to the transferee or mortgagee:
 - (b) the Registrar must note the record of title for the relevant share in the access strip and the record of title for each adjoining lot to which the share relates to the effect that the adjoining lot is subject to **paragraph (a)**: 15
 - (c) the share in an access strip held by persons who are the owners as joint tenants or tenants in common of an adjoining lot to which the share relates vests in those persons in the same manner: 20
 - (d) a power of sale in a mortgage of an adjoining lot or part of an adjoining lot to which the share in an access strip relates extends to the share in the access strip:
 - (e) **paragraph (d)** applies to a lot settled as a joint family home under the Joint Family Homes Act 1964 after the creation of the record of title, whether the share in the access strip is owned by the husband and wife (as defined in that Act) or by either of them. 25
- (2) In this section, **mortgage** includes a charge securing the payment of money under this Act or any other enactment. 30
- (3) **Subsection (1)(a)** does not apply to the settlement of an adjoining lot under the Joint Family Homes Act 1964.

Compare: 1952 No 52 s 89E

Subpart 4—Limited certificates of title

195 Purpose of this subpart 35

The purpose of this subpart is to continue, with appropriate modification, provisions of Part 12 of the Land Transfer Act 1952 in relation to estates in land for which limited certificates of title have been issued following the bringing of the land under—

- (a) that Act pursuant to Part 12 of that Act; or
- (b) the Land Transfer Act 1915 pursuant to the Land Transfer (Compulsory Registration of Titles) Act 1924.

196 Meaning of limited certificate of title

For the purpose of this subpart, **limited certificate of title** means a certificate of title for an estate in land that— 5

- (a) is limited as to parcels or title, or both; and
- (b) was issued under—
 - (i) the Land Transfer Act 1952 pursuant to section 167(2) or Part 12 of that Act; or 10
 - (ii) the Land Transfer Act 1915 pursuant to the Land Transfer (Compulsory Registration of Titles) Act 1924.

197 Registrar's minutes

- (1) The Registrar must retain the Registrar's minutes kept under section 193 of the Land Transfer Act 1952. 15
- (2) The Registrar may update the Registrar's minutes to record the action taken to comply with requisitions or requirements relating to any limited certificate of title.
- (3) The Registrar's minutes do not form part of the register. 20
Compare: 1952 No 52 ss 193, 194

198 Record of title to indicate limitations

The record of title under this Act for an estate in land for which a limited certificate of title has been issued must indicate that the record of title is limited as to parcels or title, or both.

Compare: 1952 No 52 s 191 25

199 Effect of limited record of title

- (1) The provisions of this Act apply to—
 - (a) an estate for which there is a limited record of title; and
 - (b) the registration or notation of an estate or interest affecting that estate.
- (2) The only persons who cannot, because of the limitation, set aside the title of the registered owner of the estate, or of an estate or interest affecting that estate, are persons who are or have been registered owners of any of those estates or interests while subject to the limitation. 30
- (3) **Section 44** applies to a limited record of title subject to—
 - (a) compliance with any applicable requisitions or requirements specified in the Registrar's minutes; and 35

- (b) the estate or interest of a person in the land that appears from the Registrar's minutes to exist or possibly exist; and
 - (c) the title of any person who is adversely in actual occupation of the land and is entitled to an estate or interest in the land.
- (4) The issue of a limited certificate of title (and the limited record of title that derives from it) does not prevent the Limitation Act 2010 or any other enactment that prescribes a limitation period from applying in favour of— 5
- (a) a person in adverse possession of land at the time the limited certificate of title was issued; or
 - (b) a person claiming through or under a person referred to in **paragraph (a)**. 10

Compare: 1952 No 52 ss 198, 199

200 Removal of limitations from limited record of title

- (1) The Registrar may—
- (a) note on a limited record of title that the record of title is no longer subject to the limitation; or 15
 - (b) create a replacement record of title that is not subject to the limitation.
- (2) The Registrar may act under **subsection (1)** only if satisfied that—
- (a) the limitation can be removed from the record of title; and
 - (b) the title of the registered owner has not been extinguished by the operation of the Limitation Act 2010 or any other enactment that prescribes a limitation period. 20
- (3) The Registrar, in satisfying himself or herself that the limitation can be removed from the record of title,—
- (a) must have regard to— 25
 - (i) any action taken to comply with any requisition or requirement in the Registrar's minutes in relation to the record of title; and
 - (ii) any other matters the Registrar considers material; and
 - (b) may decide that compliance with a requisition or requirement has become unnecessary because of the lapse of time. 30

Compare: 1952 No 52 s 195

201 Further restriction on removal of limitation from limited record of title limited as to parcels

- (1) The Registrar must not act under **section 200(1)** in relation to a limited record of title that is limited as to parcels unless— 35
- (a) the Registrar is satisfied by the deposit of a survey plan or other evidence that no part of the land is held in occupation adverse to the title of the registered owner of the land; and

- (b) the Registrar gives notice to the owners or occupiers of any adjoining land of the Registrar's intention to take the action; and
- (c) within the prescribed period specified in the notice, or any period of extension allowed by the Registrar, no person to whom a notice is given lodges a caveat under **section 206**. 5
- (2) However, the Registrar need not give notice to the owners or occupiers of adjoining land who have given written consent to the removal of the limitation.
Compare: 1952 No 52 s 207
- 202 Other estates and interests subject to limitation** 10
- A registered or noted estate or interest, other than the freehold estate for which a limited record of title has been created, is subject to the same limitation as stated in the limited record of title for the freehold estate.
Compare: 1952 No 52 s 203
- 203 Applications by persons claiming title to land for which there is limited record of title** 15
- (1) This section applies to a person who claims to be entitled to a freehold estate in land for which there is a limited record of title—
- (a) by adverse possession as against the title of the registered owner that commenced before a limited certificate of title was issued for the land; or 20
- (b) under a title that appears from the Registrar's minutes to exist or possibly exist.
- (2) A person to whom this section applies may apply under **subpart 2** to be registered as the owner of the estate, and that subpart applies to the application with all necessary modifications. 25
- (3) If the applicant is the registered owner of land adjoining the claimed land, **subpart 2** applies with the following additional modifications:
- (a) **section 172(1)(a)** does not apply (so there is no requirement for public notice); and
- (b) the Registrar is not required to give notice of the application under **section 172(1)** to any person who has given written consent to the application. 30
- Compare: 1952 No 52 s 200
- 204 Certain interests extinguished** 35
- (1) This section applies to land for which there is a limited record of title that is limited as to title (which derives from a limited certificate of title).
- (2) An estate or interest in the land is extinguished if—
- (a) it existed before the first limited certificate of title was issued; and

- (b) it is not registered or noted on the limited record of title 12 years after the date on which the first limited certificate of title was issued.
- (3) **Subsection (2)** does not apply to an estate or interest—
- (a) of a person who is in actual occupation of the land and is entitled to the estate or interest; or 5
- (b) of a person in adverse possession of the land.
- (4) If 12 years have passed since the date on which the first limited certificate of title was issued, the Registrar may create a record of title for the land that is no longer limited as to title. 10
- Compare: 1952 No 52 s 204
- 205 Status of caveats lodged under section 205(1) of Land Transfer Act 1952**
- (1) This section applies to a caveat lodged under the Deeds Registration Act 1908 in accordance with section 205(1) of the Land Transfer Act 1952.
- (2) The caveat must, for the purposes of this Act, be treated as having been lodged under **section 173** against an application to bring land to which the caveat relates under this Act. The provisions of **subpart 2** apply with any necessary modifications to the application and the caveat. 15
- Compare: 1952 No 52 s 205
- 206 Caveats against limited record of title limited as to parcels**
- (1) The following persons may lodge a caveat against a limited record of title that is limited as to parcels: 20
- (a) an occupier of the land:
- (b) an owner or occupier of adjoining land.
- (2) A caveat document must be executed by the caveator or the caveator's agent.
- (3) A caveat document must be in the prescribed form and contain the prescribed information. 25
- (4) **Sections 138, 141 to 143, and 145 to 147** apply with necessary modifications to the caveat.
- (5) The caveat does not prevent registration or notation of an instrument affecting the land recorded in a limited record of title to the extent that it is limited as to title. 30
- Compare: 1952 No 52 s 205

Part 5 Miscellaneous provisions

Subpart 1—General provisions

Covenants implied in instruments

- 207 Implied covenants requiring persons to give effect to instruments** 5
- (1) The covenants referred to in **subsection (2)** are implied in every instrument used to create, transfer, or charge an estate or interest under this Act on the part of the person creating, transferring, or charging the estate or interest under the instrument (**person A**) with the person deriving the estate or interest under the instrument (**person B**). 10
- (2) The covenants are that person A will, before or after registration of the instrument,—
- (a) do everything necessary to give effect to the terms, conditions, and other covenants stated or implied in the instrument; and
- (b) on request by person B and at person B’s cost, execute any instruments necessary for person B to acquire the estate or interest. 15

Compare: 1952 No 52 s 154

Provisions incorporated in instruments by reference

- 208 Incorporation in instruments of provisions in memorandum**
- (1) For the purposes of this section, **memorandum** means a memorandum in the prescribed form containing provisions to be incorporated by reference in instruments of a class specified in the memorandum. 20
- (2) The Registrar may,—
- (a) at the request of any person, register a memorandum prepared by that person and approved by the Registrar; or 25
- (b) register a memorandum prepared by the Registrar.
- (3) A memorandum is registered on the date recorded by the Registrar as the date on which the memorandum is registered.
- (4) A memorandum registered under this section is part of the register only for the purposes of **section 40** (which relates to access to the register). 30
- (5) An instrument of a class specified in a registered memorandum that incorporates all or any of the provisions contained or referred to in the memorandum must be treated as incorporating those provisions subject to any modifications stated in the instrument.

- (6) **Subsection (5)** does not limit or affect a provision of an instrument that incorporates provisions other than those referred to in that subsection.

Compare: 1952 No 52 s 155A

Instruments under this Act that may be used under other Acts

209 Instruments under this Act may be used under other Acts 5

- (1) Regulations may be made specifying instruments under this Act that may be used, with or without modification, under any other Act that provides for the registration or notation of any instrument or thing under this Act.

- (2) Neither this section nor any regulations made for the purposes of **subsection (1)** affect the operation of any other Act that— 10

(a) provides for the registration or notation of any instrument or thing under this Act; but

(b) does not expressly adopt an instrument prescribed by those regulations.

Compare: 1952 No 52 s 99B

Powers of attorney 15

210 Registered owner may deal with estate or interest by attorney

An attorney acting under a power of attorney that confers the necessary authority may—

(a) execute an instrument under this Act; or

(b) authorise the creation of, transfer, charge, or other dealing in relation to an estate or interest in land under this Act; or 20

(c) make an application under this Act to the Registrar or to a court.

Compare: 1952 No 52 s 150

211 Deposit of power of attorney

- (1) A power of attorney under which an instrument in paper form is executed must be deposited with the Registrar before the instrument is registered. 25

- (2) A power of attorney may be deposited with the Registrar where an attorney authorises the lodging of an electronic instrument or does any other act under this Act under the power of attorney.

- (3) In this section, **power of attorney** includes a duplicate or certified copy of a power of attorney. 30

Compare: 1952 No 52 s 151

212 Notice of revocation of power of attorney

- (1) Notice of the revocation, termination, suspension, or ceasing to have effect, in whole or in part, of a power of attorney deposited under **section 211** may be given to the Registrar. 35

- (2) The deposit under **section 211** of a subsequent power of attorney does not revoke an earlier power of attorney deposited under that section unless notice under **subsection (1)** has been given in relation to the earlier power of attorney.
- (3) The revocation, termination, suspension, or ceasing to have effect of a power of attorney, in whole or in part, does not affect the execution of an instrument or anything done under the power of attorney before notice under **subsection (1)** is received by the Registrar. 5
- Compare: 1952 No 52 s 152

Review and appeal 10

213 Review by Registrar of decision

- (1) This section applies to—
- (a) a person who is registered as the owner of an estate or interest in land:
 - (b) a person who claims to be entitled to an estate or interest in land.
- (2) A person to whom this section applies who is dissatisfied with a decision by the Registrar or by a person acting under delegation from the Registrar may apply by notice to the Registrar for the Registrar to review the decision. 15
- (3) The Registrar must give notice of the application to any other person who, in the Registrar's opinion, is affected or is likely to be affected by the review.
- (4) The Registrar may— 20
- (a) investigate the matter:
 - (b) require the applicant to provide evidence or information relevant to the matter.
- (5) The applicant and any person affected or likely to be affected by the review may make submissions in writing to the Registrar. 25
- (6) The Registrar must review the matter as soon as practicable and may—
- (a) confirm the original decision; or
 - (b) substitute any other decision the Registrar thinks fit.
- (7) The Registrar must give notice of the Registrar's decision together with reasons to— 30
- (a) the applicant; and
 - (b) any person to whom the Registrar gave notice under **subsection (3)**, whether or not that person made submissions to the Registrar under **subsection (5)**.

214 Appeal to court 35

A person who is dissatisfied with either of the following decisions may appeal to the court against the decision:

- (a) a decision under this Act by the Registrar, or the Registrar and the Attorney-General, or by a person acting under delegation from the Registrar:
- (b) a decision by the Registrar under **section 213**.

Application to court by Registrar

- 215 Registrar may apply to court for directions** 5
- (1) The court may, on the application of the Registrar, give directions concerning the performance of any function or the exercise of any power by the Registrar under this Act.
 - (2) The Registrar must serve notice of the application on—
 - (a) any person who is registered as the owner of an estate or interest likely to be affected by the application; and 10
 - (b) any other person as the court directs.
 - (3) A person to whom a notice is given is entitled to appear and be heard as a party to the application. 15
- Compare: 1952 No 52 s 222

Notice to Registrar of proceedings

- 216 Notice to Registrar of proceedings**
- (1) A plaintiff must serve notice on the Registrar of any proceeding under this Act to which the Registrar is not otherwise a party.
 - (2) The Registrar may intervene in, and contest and argue any question arising in, the proceeding. 20
 - (3) The Registrar is to be taken to be a party to the proceedings with all the rights, duties, and liabilities of a party, except that the court must not make an order for costs against the Registrar unless there are special circumstances that in the opinion of the court make it appropriate to do so. 25

Offences

- 217 Offences in relation to registration**
- (1) A person commits an offence if the person, with intent to defraud,—
 - (a) brings about the registration or noting of an instrument or information or a matter or thing under this Act; or 30
 - (b) brings about the destruction, removal, deletion, or alteration of an instrument or information or a matter or thing registered or noted under this Act.
 - (2) A person who commits an offence against **subsection (1)** is liable on conviction to imprisonment for a term not exceeding 7 years. 35

218 False statements

- (1) A person commits an offence if the person—
- (a) makes or gives or authorises the making or giving of a statement, certificate, or document under this Act knowing that it is false or misleading in a material particular or being reckless as to whether it is false or misleading in a material particular; or 5
 - (b) omits or authorises the omission from a statement, certificate, or document under this Act of any information or matter knowing that the omission makes the statement, certificate, or document false or misleading in a material particular or being reckless as to whether it is false or misleading in a material particular. 10
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to imprisonment for a term not exceeding 3 years.

Compare: 1952 No 52 ss 164(3), 225(1)(c), (d)

Notices 15

219 Public notice

For the purposes of this Act, **public notice** of a matter relating to land means a notice that—

- (a) is published—
 - (i) in the *Gazette* and in 1 or more newspapers circulating in the area where the land is located; and 20
 - (ii) in any other way that the Registrar may direct; and
- (b) gives sufficient information about the matter to enable persons who might respond to the notice to understand it. 25

Compare: 1952 No 52 s 240

220 Giving of notice to persons other than Registrar

- (1) A notice required or permitted by this Act to be given by the Registrar or any other person (the **sender**) to another person (the **recipient**) may be given by—
- (a) delivering it to the recipient; or
 - (b) delivering it to the recipient's usual home or business address; or 30
 - (c) posting it to the recipient at the recipient's usual home or business address; or
 - (d) if the recipient has given the sender a fax number for the purpose of receiving notices by fax, faxing it to that number; or
 - (e) if the recipient has given the sender an email address for the purpose of receiving notices by email, emailing it to that address; or 35

- (f) if an instrument to which a notice relates was generated at an electronic workspace facility, sending or directing it to that facility; or
- (g) any other prescribed method.
- (2) **Subsection (1)** applies unless a provision of this Act requires the notice to be given in a particular way. 5
- (3) In this section, **recipient** includes the authorised agent of a person.
- (4) In relation to a notice that is required or permitted by this Act to be given to a company, section 388 of the Companies Act 1993 applies.
- Compare: 1952 No 52 s 240B
- 221 Notice to Registrar** 10
- (1) A notice required or permitted by this Act to be given to the Registrar may be given—
- (a) by posting it to a designated Land Registry Office; or
- (b) if the Registrar has specified a fax number for the purpose of receiving notices of that class by fax, by faxing it to that number; or 15
- (c) if the Registrar has specified an email address for the purpose of receiving notices of that class by email, by emailing it to that address; or
- (d) if the Registrar has specified that notices of that class may be sent or delivered from an electronic workspace facility, by sending or delivering it from that facility; or 20
- (e) by any other prescribed method.
- (2) **Subsection (1)** applies unless a provision of this Act requires the notice to be given in a particular way.
- (3) The Registrar must give notice of the address of the designated land registry office— 25
- (a) in the *Gazette*; and
- (b) in any other way the Registrar considers appropriate (for example, on an Internet site maintained by the department).
- Compare: 1952 No 52 s 240C
- 222 When notices given** 30
- (1) For the purposes of this Act, a notice is given,—
- (a) if sent by post, at the time when the notice would in the ordinary course of post be delivered:
- (b) if sent by fax, at the time shown on the record of transmission:
- (c) if sent by email, at the time a record of transmission shows that it was received in the electronic communications system: 35

- (d) if sent to or from an electronic workspace facility, at the time a record of transmission shows that it was received in the electronic communications system:
- (e) in the case of any prescribed method, at the time prescribed.
- (2) **Subsection (1)** does not apply if a person shows that through no fault on the person's part, the notice was not received within the time specified in **subsection (1)**. 5
- (3) For the purposes of **subsection (1)(a)**, it is sufficient to prove that the notice was properly addressed and posted.
- (4) For the purposes of **subsection (1)(c) and (d)**,— 10
electronic communications system means,—
- (a) in the case of an email system, the electronic communications system for sending and receiving email; and
- (b) in the case of an electronic workspace facility, the electronic communications system by which users of the facility can send and receive communications 15
- record of transmission** includes—
- (a) an acknowledgement from an electronic communications system; or
- (b) the absence of notification that a transmission has not been received into or processed by an electronic communications system. 20

Compare: 1952 No 52 s 240D

Plans

223 Registrar may require plans

- (1) The Registrar is not required to perform any of the following functions under this Act unless the land is adequately defined: 25
- (a) deal with an application:
- (b) register an instrument:
- (c) create or alter or cancel a record of title:
- (d) note a record of title:
- (e) perform any other function under this Act in relation to land. 30
- (2) In this section, land is adequately defined if—
- (a) it is shown on a plan deposited under this section as a separate lot or a discrete area; and
- (b) the plan is suitable for the particular function for which it is required; and 35
- (c) the plan complies with the Cadastral Survey Act 2002 or any former enactment in force when the plan was prepared.

- (3) **Subsection (2)** is subject to any other enactment that makes different provision for spatially defining land for the purposes of registration under this Act.
- (4) For the purposes of this Act, a plan is deposited—
- (a) on the date recorded by the Registrar as the date on which the plan is deposited; or 5
 - (b) if the deposit of the plan depends on registration of an instrument or dealing, on the date recorded by the Registrar as the date of lodgement of the instrument or dealing.

Compare: 1952 No 52 s 167

224 Registrar may specify form of deposit document 10

- (1) The Registrar may specify the form of any consent, approval, certificate, or other matter under this or any other enactment required for—
- (a) the deposit of a plan under **section 211**; or
 - (b) the creation of a record of title; or
 - (c) any other prescribed matter. 15
- (2) A specified form may differ from a form prescribed by regulations for the same matter.
- (3) A form specified under **subsection (1)** for a consent, approval, certificate, or other matter under this Act must be used for the consent, approval, certificate, or other matter. 20
- (4) If a form is specified under **subsection (1)** for a consent, approval, certificate, or other matter that under any enactment other than this Act may be included in a document under this section, the consent, approval, certificate, or other matter may be given or done—
- (a) under the other enactment; or 25
 - (b) in the form specified by the Registrar under **subsection (1)**.
- (5) A form specified for the purposes of **subsection (1)(a)** must include a representation or reference that—
- (a) links it to the plan that is to be deposited; and
 - (b) gives the person approving or consenting appropriate information about the effect of depositing the plan; and 30
 - (c) indicates that person's approval or consent to the deposit of the plan.
- (6) A specified form—
- (a) may take the form of an electronic instrument; but
 - (b) must not be registered under this Act. 35
- (7) **Section 234(2) and (3)** applies to the specification of a form as if the form were a standard set under that section.

Compare: 1952 No 52 s 167A

225 Cost of survey to correct plans

The Crown must meet the cost of a survey certified by the Surveyor-General as required to correct an error in a plan deposited under this Act or in a record of title.

Compare: 1952 No 52 s 170

5

*Regulations***226 Regulations**

- (1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:
- (a) regulating the practice applying to and the conduct of dealings under this Act: 10
 - (b) prescribing the forms required to be used for the purposes of this Act and the information that must be contained in them, including any documents that must accompany them:
 - (c) prescribing the periods of time within which anything must be done, or for which anything must be done, each of which may be prescribed as a range of periods from which a prescribed period to be specified in a notice given under this Act may be chosen: 15
 - (d) prescribing the manner in which instruments must refer to the register:
 - (e) specifying procedures by which mortgagees may— 20
 - (i) prevent electronic instruments affecting estates or interests in land over which they hold a mortgage from being registered without their consent:
 - (ii) be notified of the registration of electronic instruments:
 - (f) specifying the classes of electronic instruments and instruments in paper form that require certification: 25
 - (g) authorising classes of persons who may certify instruments under this Act:
 - (h) prescribing for each class of instrument the matters that must be certified, including all or any of the following matters: 30
 - (i) that the person giving the certificate has authority to act for the party specified in the regulations and that the party has the legal capacity to give the authority:
 - (ii) that the person giving the certificate has taken reasonable steps to confirm the identity of the person who gave the authority to act: 35
 - (iii) if statutory requirements have been specified by the Registrar for instruments of a particular class, that the instrument complies with those requirements:

- (iv) that the person giving the certificate has evidence showing the truth of the certifications and that the evidence will be retained for a prescribed period:
- (i) prescribing information that must be recorded in the register under **section 11**: 5
- (j) specifying for the purposes of **section 17(1)(b)** circumstances in which a qualification may be recorded in a record of title:
- (k) specifying for the purposes of **section 18(c)** anything to which the provisions of this Act are subject if title is qualified because of a circumstance prescribed by regulations: 10
- (l) specifying classes of instruments that must be lodged electronically (if lodged by certain persons) under **section 32**:
- (m) specifying for the purposes of **section 33** the persons who must execute paper instruments, the manner in which the instruments must be executed, and the persons who must witness the instruments: 15
- (n) specifying any orders of a court that may be included under **section 42(3)(b)** in an application for the withholding of personal information:
- (o) prescribing offices that qualify an office holder as a representative under **section 49(5)**:
- (p) prescribing the amount for the purposes of **sections 62 and 63** and the prescribed interest rate for the purposes of **section 70**: 20
- (q) prescribing the manner in which movements in land values are to be calculated for the purpose of **section 68**:
- (r) for the purposes of **sections 77 and 78** (and where the conditions in **subsection (2)** of this section are satisfied),— 25
- (i) specifying transfers of specified estates in land that are exempt from the requirements of **section 78**, including by reference to the nature of the transferor, transferee, transaction, type of estate in land, class of estate in land, or otherwise:
- (ii) specifying transfers of specified estates in land that are non-notifiable transfers (which may be non-notifiable in relation to the transferee or the transferor, or both), including by reference to the nature of the transferor, transferee, transaction, type of estate in land, class of estate in land, or otherwise: 30
- (s) declaring estates in land that are specified estates in land for the purposes of **section 77**: 35
- (t) prescribing for the purposes of **section 101** conditions and powers that are, on registration of a mortgage priority instrument, implied in a mortgage the priority of which is postponed:

- (u) prescribing the rights and powers implied in different classes of easements for the purposes of **section 110**:
 - (v) specifying instruments that may, under **section 209**, be used with or without modification under any other enactment that provides for the registration or notation of any instrument or thing under this Act: 5
 - (w) prescribing under **sections 220(1)(g) and 221(1)(e)** a method for giving notices:
 - (x) prescribing under **section 222(1)(e)** the time when a notice is given:
 - (y) prescribing any matter for which the Registrar may specify certain forms under **section 224(1)**: 10
 - (z) specifying fees and charges under **section 227**:
 - (za) providing for any other matters contemplated by this Act, necessary for its administration, or necessary for giving it full effect.
- (2) Regulations may be made under **subsection (1)(r)** only on the recommendation of the Minister for Land Information, if the Minister is satisfied that— 15
- (a) requiring persons to comply with the requirements of **section 78** in the case of the transfers proposed to be specified as exempt or non-notifiable would be impractical or involve high compliance costs; or
 - (b) there is a low risk of tax avoidance in relation to the transfers proposed to be specified as exempt or non-notifiable. 20

Fees and charges

227 Fees and charges

- (1) Regulations made under **section 226** may specify—
- (a) the fees and charges payable for—
 - (i) the performance or exercise of functions, duties, or powers of the Registrar under this Act or any other enactment: 25
 - (ii) the performance or exercise of functions, duties, or powers of the chief executive under this Act:
 - (iii) the performance of functions of the chief executive in relation to the administration and operation of this Act, including the provision of the register and other facilities and services by the chief executive: 30
 - (b) the fees and charges payable, having regard to the costs and expenses incurred by the department of State for the time being responsible for the administration of the Cadastral Survey Act 2002 in providing a national survey control system for— 35
 - (i) cadastral surveys supporting title to land under this Act; and
 - (ii) the maintenance of cadastral survey data:

- (c) the amount of the fees or charges or the method by which they are to be calculated:
- (d) the persons liable to pay the fees and charges:
- (e) the circumstances in which and the person by whom the payment of the whole or part of the fees and charges may be remitted or waived: 5
- (f) the manner in which the fees and charges are to be paid.
- (2) The chief executive or the Registrar may refuse to perform or exercise a function, duty, or power for which a fee is payable until—
 - (a) the fee has been paid; or
 - (b) the Registrar has accepted a credit arrangement for the payment of the fee. 10
- (3) Despite **subsection (2)**, the Registrar may—
 - (a) dispense with payment of all or any part of a fee payable under this Act; or
 - (b) refund all or any part of a fee paid under this Act. 15
- (4) Regulations made under **section 226** may prescribe—
 - (a) that interest is payable on an unpaid fee at the rate prescribed for the time being under section 87 of the Judicature Act 1908; and
 - (b) the circumstances and manner in which that interest is payable.

Land registration districts 20

228 Land registration districts

- (1) The Governor-General may, by Order in Council,—
 - (a) alter the boundaries of a district:
 - (b) amalgamate 2 or more districts:
 - (c) create new districts: 25
 - (d) give a name to a district:
 - (e) abolish all districts.
- (2) Unless the Registrar considers it appropriate to do so, an Order in Council under **subsection (1)** does not require the Registrar to alter or amalgamate parts of the register, including a record of title, a qualified record of title, or a limited record of title. 30

Registrar-General of Land

229 Registrar-General of Land

- (1) There must be a Registrar-General of Land appointed under the State Sector Act 1988. 35

- (2) Unless the person is a barrister and solicitor of the High Court, no person may be—
- (a) appointed Registrar-General of Land; or
 - (b) directed under section 62(1) of the State Sector Act 1988 to exercise or perform a power or duty of the Registrar-General. 5
- (3) In exercising or performing the powers and duties of the Registrar, the Registrar and every delegate of the Registrar must have regard to the following objectives:
- (a) to ensure an efficient and effective system for registering dealings in land: 10
 - (b) to manage the risk of fraud and improper dealings:
 - (c) to ensure public confidence in the land titles system:
 - (d) to ensure the maintenance of the integrity of the register and the right to claim compensation under **subpart 3 of Part 2**. 15
- Compare: 1952 No 52 s 4
- 230 Seal of office**
- (1) The Registrar may have a seal of office with the impression of the New Zealand Coat of Arms and the words “Registrar-General of Land, New Zealand”.
 - (2) The seal may be electronic or mechanical.
 - (3) An instrument that bears a representation of the Registrar’s seal and that appears to be issued by or on behalf of the Registrar is, in the absence of proof to the contrary, to be treated as having been issued by or under the direction of the Registrar. 20
- Compare: 1952 No 52 s 6
- 231 Delegation of Registrar’s duties and powers** 25
- (1) The Registrar may delegate in writing any of the Registrar’s duties and powers under this Act or any other Act other than—
 - (a) a power or duty under any of **sections 63, 208(2)(b), 213, 215, 224, and 234**; or
 - (b) the power to delegate under this section. 30
 - (2) A delegation may be made to—
 - (a) a specified person:
 - (b) persons of a specified class:
 - (c) the holder of a specified office.
 - (3) A delegation may be— 35
 - (a) general; or
 - (b) specific; or

- (c) limited to performing a duty or exercising a power in relation to a particular activity or operation or class of activity or operation.
- (4) A delegation may be made to a person whether or not that person is an employee of the department or of any other department or ministry of the Public Service. 5
- (5) A delegation—
- (a) does not affect or prevent the performance of a duty or the exercise of a power by the Registrar:
- (b) does not affect the responsibility of the Registrar for the actions of a person to whom a duty or power is delegated: 10
- (c) may be revoked by the Registrar in writing:
- (d) continues in force despite a change in the person holding office as Registrar:
- (e) is subject to any directions or conditions imposed by the Registrar.
- (6) A person to whom a duty or power has been delegated may perform the duty or exercise the power in the same manner and with the same effect as if the duty or power had been conferred directly on the person by this Act. 15
- (7) A person to whom a duty or power is delegated must perform the duty or exercise the power in accordance with any standard set or directive issued by the Registrar under **section 234**. 20
- (8) A person who purports to act under a delegation is, in the absence of proof to the contrary, presumed to be acting in accordance with the delegation.
- (9) A person to whom a duty or power is delegated who is not an employee of the department must, if requested to do so, produce evidence of the delegation. 25
- Compare: 1952 No 52 s 5

232 Registrar not required to give certain evidence

- (1) Unless the court makes an order requiring the Registrar or a delegate of the Registrar to do so, neither the Registrar nor a delegate is obliged to—
- (a) produce in court evidence of information registered or recorded on the register or of an instrument registered or recorded on the register or in the custody of the Registrar or the delegate; or 30
- (b) give evidence of any matter in court.
- (2) The court may not make an order under **subsection (1)** unless it is satisfied that—
- (a) the personal attendance of the Registrar or the delegate is necessary; and 35
- (b) the evidence cannot be given by—
- (i) the production of a copy of an instrument certified under **section 44(5)** or a record of title certified under **section 44(6)**; or

(ii) any other means.

Compare: 1952 No 52 s 241

233 Registrar and other persons not personally liable

- (1) Neither the Registrar nor a delegate of the Registrar is personally liable for any act or omission in performing or exercising or purporting to perform or exercise a function, duty, or power— 5
- (a) under this Act; or
- (b) that the Registrar or delegate reasonably believed he or she could perform or exercise.
- (2) **Subsection (1)** does not apply if the Registrar or delegate acted, or omitted to act, in bad faith. 10

Compare: 1952 No 52 s 243

234 Registrar may set standards and issue directives

- (1) The Registrar may set standards and issue directives in relation to—
- (a) the administration and operation of the register: 15
- (b) dealings by practitioners and other persons authorised to give certificates under this Act:
- (c) the retention of evidence under **section 30** by practitioners and other persons authorised to give certificates under this Act:
- (d) compliance by any person with a requirement under this Act. 20
- (2) The Registrar must not set a standard or issue a directive unless the Registrar—
- (a) consults with any organisation that represents persons who will be affected by the standard or directive; and
- (b) gives the organisation an opportunity to comment on the proposed standard or directive; and 25
- (c) considers any comments made by the organisation.
- (3) The Registrar must publish standards and directives on an Internet site maintained by the department.
- (4) A standard or directive is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act. 30

Subpart 2—Amendments, repeals, and revocations

Amendments to Property Law Act 2007

235 Amendments to Property Law Act 2007

Sections 236 to 244 amend the Property Law Act 2007. 35

236 Section 4 amended (Interpretation)

(1) In section 4, definition of **person bound**, replace “or a restrictive covenant” with “a restrictive covenant, or a covenant in gross (as defined by **section 307A**)”.

(2) In section 4, replace the definition of **person entitled** with: 5

person entitled means,—

(a) in relation to an easement, a positive covenant, or a restrictive covenant benefiting land, an owner or occupier of the land who is entitled to enforce the easement or covenant:

(b) in relation to a covenant in gross (as defined by **section 307A**), a person who benefits from and is entitled to enforce the covenant 10

237 New cross-heading above section 301 inserted

Above section 301, insert:

Positive and restrictive covenants (benefiting land)

238 Section 304 amended (Whether, and to what extent, administrator bound by covenant to which section 303 applies) 15

In section 304(1), delete “positive”.

239 Section 306 amended (Certain duties under, and law on, restrictive covenants not limited or affected by section 303)

In section 306, replace “Section 303 does” with “Sections 303 and **307C** do”. 20

240 New sections 307A to 307F and cross-heading inserted

After section 307, insert:

Covenants in gross

307A Covenants in gross

In **sections 307B to 307F and 318A to 318E**, covenant in gross means a covenant that— 25

(a) is expressed in an instrument coming into operation on or after the commencement of this section; and

(b) requires the covenantor to do something, or to refrain from doing something, in relation to the covenantor’s land; and 30

(c) benefits another person, but is not attached to other land.

307B Construction of covenant in gross

(1) A covenant in gross is enforceable by—

(a) the covenantee; and

- (b) persons claiming through the covenantee.
- (2) A covenant in gross binds—
- (a) the covenantor; and
- (b) the covenantor’s successors in title; and
- (c) persons claiming through the covenantor or the covenantor’s successors in title. 5
- (3) **Subsections (1) and (2)** are subject to any contrary intention that appears in the instrument in which the covenant is expressed.
- (4) For the purposes of this section,—
- (a) the covenantor’s successors in title include an occupier for the time being of the burdened land: 10
- (b) a covenant in gross that requires the covenantor to refrain from doing something may relate to a subject matter not in existence when the covenant is made.
- 307C Legal effect of covenant in gross** 15
- (1) A covenant in gross is binding in equity on—
- (a) every person who becomes the owner of the burdened land,—
- (i) whether by acquisition from the covenantor or from any of the covenantor’s successors in title; and
- (ii) whether or not for valuable consideration; and 20
- (iii) whether by operation of law or in any other manner; and
- (b) every person who is for the time being the occupier of the burdened land.
- (2) A covenant in gross ceases to be binding on a person referred to in **subsection (1)** when that person ceases to be the owner or occupier of the burdened land, but without prejudice to that person’s liability for breach of the covenant arising before that person ceased to be the owner or occupier of the land. 25
- (3) **Subsections (1) and (2)** are subject to any contrary intention that appears in the instrument in which the covenant is expressed.
- (4) The benefit of a covenant in gross is capable of being assigned. 30
- (5) This section overrides any other rule of law or equity, but is subject to **sections 307D and 307E**.
- 307D Whether, and to what extent, administrator bound by covenant in gross**
- (1) This section applies to an administrator of the estate of a person who was bound, at the time of that person’s death, by a covenant in gross. 35
- (2) The administrator is bound by the covenant—

<ul style="list-style-type: none"> (a) only if assets of the estate are available in the administrator’s hand for meeting the obligations under the covenant; and (b) if so, only to the extent that they are so available. 	5
307E How rights under covenant in gross rank in relation to other unregistered interests	
<ul style="list-style-type: none"> (1) The rights under a covenant in gross rank, in relation to all other unregistered interests affecting the same land, as if the covenant were an equitable and not a legal interest. (2) The ranking, under subsection (1), of rights under a covenant in gross is subject to the effect of the notation of the covenant, under section 307F, in the register kept under section 9 of the Land Transfer Act 2016. 	10
307F Notation of covenants in gross	
<ul style="list-style-type: none"> (1) This section applies to a covenant in gross that burdens land under the Land Transfer Act 2016. (2) The Registrar may note on the record of title created under section 12 of the Land Transfer Act 2016 for the land burdened by a covenant in gross all or any of the following: <ul style="list-style-type: none"> (a) a covenant to which this section applies: (b) an instrument purporting to affect the operation of a covenant noted under paragraph (a): (c) a modification or revocation of a covenant noted under paragraph (a). (3) A covenant noted under subsection (2) is an interest noted on the register to which section 52(1)(b) of the Land Transfer Act 2016 applies. (4) Notation of a covenant under subsection (2) makes the covenant an interest of the kind specified in subsection (3), but does not in any other way give the covenant any greater operation than it would otherwise have. (5) Covenant, in subsections (3) and (4), includes an instrument purporting to modify the operation, and a modification or revocation, of a covenant noted under subsection (2)(a). 	15 20 25
241 Cross-heading above section 308 amended	
<p>In the cross-heading above section 308, after “<i>covenants</i>”, insert “<i>benefiting land</i>”.</p>	30
242 Cross-heading above section 313 amended	
<p>In the cross-heading above section 313, after “<i>covenants</i>”, insert “<i>benefiting land</i>”.</p>	35

- 243 Section 317 amended (Court may modify or extinguish easement or covenant)**
- (1) In section 317(1)(d), replace “entitled” with “entitled; or”.
 - (2) After section 317(1)(d), insert:
 - (e) in the case of a covenant, the covenant is contrary to public policy or to any enactment or rule of law; or 5
 - (f) in the case of a covenant, for any other reason it is just and equitable to modify or extinguish the covenant, wholly or partly.
- 244 New sections 318A to 318E and cross-heading inserted** 10
- After section 318, insert:
- Enforcement, modification, and extinguishment of covenants in gross*
- 318A Application of sections 308 to 312 to positive covenants in gross**
- (1) Sections 308 to 312 apply, with any necessary modifications, to a positive covenant in gross as if it were a covenant to which those sections apply.
 - (2) In this section, **positive covenant in gross** means a covenant in gross that requires the covenantor to do something in relation to the covenantor’s land. 15
- 318B Application of section 313 to covenants in gross**
- Section 313 applies, with any necessary modifications, to a covenant in gross as if it were a covenant to which that section applies.
- 318C Application for order under section 318D** 20
- (1) A person bound by a covenant in gross may apply to a court for an order under **section 318D** modifying or extinguishing the covenant.
 - (2) The application may be made in a proceeding brought by that person for the purpose or in a proceeding brought by any person in relation to, or in relation to land burdened by, that covenant. 25
 - (3) The application must be served on—
 - (a) the territorial authority in accordance with relevant rules of court, unless the court directs otherwise on an application for the purpose; and
 - (b) any other persons, and in any manner, the court directs on an application for the purpose. 30
- 318D Court may modify or extinguish covenant in gross**
- (1) On an application (made and served in accordance with **section 318C**) for an order under this section, a court may, by order, modify or extinguish (wholly or partly) the covenant to which the application relates if satisfied that—
 - (a) the covenant ought to be modified or extinguished (wholly or partly) because of a change since its creation in all or any of the following: 35

- (i) the nature or extent of the use being made of the burdened land;
- (ii) the character of the neighbourhood;
- (iii) any other circumstances the court considers relevant; or
- (b) after reasonable inquiries have been made, the covenantee cannot be found; or 5
- (c) the continuation of the covenant in its existing form would impede the reasonable use of the burdened land in a different way, or to a different extent, from that which could reasonably have been foreseen by the original covenantor and covenantee at the time of its creation; or
- (d) every person entitled who is of full age and capacity— 10
- (i) has agreed that the covenant should be modified or extinguished (wholly or partly); or
- (ii) may reasonably be considered, by act or omission, to have abandoned, or waived the right to, the covenant, wholly or partly; or
- (e) the proposed modification or extinguishment will not substantially injure any person entitled; or 15
- (f) the covenant is contrary to public policy or to any enactment or rule of law; or
- (g) for any other reason, it is just and equitable to modify or extinguish the covenant, wholly or partly. 20
- (2) An order under this section modifying or extinguishing the covenant may require the applicant for the order to pay to any other person specified in the order reasonable compensation as determined by the court.
- (3) Nothing in this section limits or affects the operation of any other enactment or rule of law under which a covenant in gross may be— 25
- (a) declared void or voidable; or
- (b) set aside, cancelled, or extinguished; or
- (c) modified or varied.
- 318E Registration and recording of orders under section 318D**
- (1) If an order is made under **section 318D** in respect of a covenant in gross that is noted (in accordance with **section 307F**) on the record of title for the land burdened by the covenant, the Registrar must enter on the record of title all amendments or entries necessary to give effect to the order. 30
- (2) The amendments and entries are, when entered, binding on every person who is, or who later becomes, a person entitled, whether or not that person— 35
- (a) was of full age and capacity at the time the order was made; or
- (b) was a party to the proceeding.

- (3) If an order is made under **section 318D** in respect of a covenant in gross to which **subsection (1)** does not apply, a court may, on an application for the purpose and by a written direction, require the order to be noted on any instruments of title or register relating to the burdened land.
- (4) Every person to whom a written direction under **subsection (3)** is addressed must comply with that direction. 5

Repeals and revocations

245 Land Transfer Act 1952 and Statutory Land Charges Registration Act 1928 repealed

- (1) The Land Transfer Act 1952 (1952 No 52) is repealed. 10
- (2) The Statutory Land Charges Registration Act 1928 (1928 No 18) is repealed.

246 Regulations and orders revoked

- (1) The Land Transfer Regulations 2002 (SR 2002/213) are revoked.
- (2) The Land Transfer (Compulsory Electronic Lodgement) Order 2007 (SR 2007/87) is revoked. 15
- (3) The Land Transfer (Compulsory Electronic Lodgement) Order 2008 (SR 2008/379) is revoked.

Amendments to other enactments

247 Amendments to other enactments

The enactments specified in **Schedule 2** are amended in the manner set out in that schedule. 20

Schedule 1

Transitional and savings provisions

s 7

- 1 Existing land registration districts continued** 5
- The land registration districts existing immediately before the commencement of this Act continue until altered under **section 228**.
- 2 Instruments lodged and matters in process before commencement date**
- (1) This clause applies to—
- (a) an instrument lodged with the Registrar but not fully dealt with under Part 3 of the Land Transfer Act 1952 before the commencement of this Act: 10
- (b) an application or other process begun under the Land Transfer Act 1952 before the commencement of this Act:
- (c) court proceedings under the Land Transfer Act 1952 in progress before the commencement of this Act. 15
- (2) An instrument referred to in **subclause (1)(a)**—
- (a) must be dealt with (by registration or noting or otherwise) in accordance with that Act as if that Act had not been repealed; but
- (b) after it has been dealt with as referred to in **paragraph (a)**, has effect as if it had been done under this Act. 20
- (3) If an instrument to which **subclause (2)** applies is returned under section 43 of the Land Transfer Act 1952 and is lodged for registration after the commencement of this Act, this Act applies, subject to any other specific provision in this schedule.
- (4) The repeal of the Land Transfer Act 1952 does not affect the completion of any matter referred to in **subclause (1)(b) and (c)**. 25
- (5) The Land Transfer Act 1952 continues to have effect for the purpose of the matters referred to in this section as if it had not been repealed.
- 3 Instruments executed before commencement date but lodged after commencement date** 30
- The Registrar may in his or her discretion accept the lodgement of an instrument under this Act that was executed but not lodged before the commencement of this Act if the Registrar is satisfied that the instrument complies in substance with the requirements of this Act.
- 4 Application of this Act to estates registered on provisional register under Land Transfer Act 1952** 35
- (1) This clause applies to—

- (a) an estate registered on the provisional register under section 50 of the Land Transfer Act 1952; and
- (b) land to which section 53 of the Land Transfer Act 1952 applies.
- (2) **Sections 18 and 19** apply with necessary modifications to that estate or land, and to any interest or other matter registered or noted on the provisional register that affects the estate or land, as if a qualified record of title had been created for the estate or land. 5
- (3) However, the Registrar may still apply **section 17** in order to create a qualified record of title for the estate or land.
- 5 Application of section 54** 10
- Nothing in **section 54** applies to a mortgage instrument executed before the commencement of this Act.
- 6 Covenants implied in certain mortgages and instruments**
- Despite the repeal of the Land Transfer Act 1952,—
- (a) the covenants, conditions, and powers set out in schedule 3 of that Act that are implied in a mortgage, the priority of which is postponed under section 103 of that Act, continue to be implied in the mortgage as if that Act had not been repealed: 15
- (b) the covenants set out in full in schedule 4 of that Act continue to be implied in an instrument in which they were implied in accordance with section 155 of that Act immediately before the repeal of that Act as if that Act had not been repealed. 20
- 7 Guaranteed searches**
- (1) This clause applies if a person obtained a search copy in respect of land before the commencement of this Act. 25
- (2) Despite its repeal by **section 245**, section 172A of the Land Transfer Act 1952 continues to apply in respect of the search copy.
- 8 Titles where “no survivorship” noted on register**
- (1) This clause applies to any land or estate or interest in land if immediately before the commencement of this Act, the words ‘no survivorship’ were noted on the title to the land, estate, or interest in land under section 130 or 131 of the Land Transfer Act 1952. 30
- (2) Despite the repeal of the Land Transfer Act 1952, sections 132 and 133 of that Act apply with any necessary modifications in relation to that land or estate or interest in land. 35

9 Requirements and authorisations under certain existing enactments

- (1) This clause applies to any enactment that relates to land subject to this Act, but does not apply to this Act or any enactment amended by this Act.
- (2) A requirement or an authorisation for the Registrar to issue a certificate of title or computer register is satisfied by creating an appropriate record of title. 5
- (3) A requirement that any person produce or deliver a certificate of title does not apply.
- (4) A requirement or an authorisation for the Registrar to cancel a certificate of title or computer register is satisfied by doing an act in relation to a record of title that has the same effect. 10
- (5) A requirement or an authorisation for the Registrar to do anything specified in **subclause (6)** is satisfied by the Registrar doing either or both of the following:
- (a) making an equivalent entry on a record of title;
- (b) creating an appropriate record of title. 15
- (6) The requirement or authorisation must be for the Registrar to—
- (a) make an entry in the register; or
- (b) enter a memorandum in the register or endorse a memorandum on a certificate of title, a duplicate certificate of title, or a computer register; or
- (c) amend a certificate of title or computer register; or 20
- (d) make any other entry or endorsement or notation in the register or on a certificate of title, a duplicate certificate of title, or a computer register; or
- (e) file or deposit any instrument, covenant, notice, or resolution in a Land Registry Office; or 25
- (f) certify, endorse, note, notify, or record any matter, information, or thing against, in, or on a document held in any Land Registry Office.
- (7) If the Registrar takes action under **subclause (5)** in relation to a requirement or an authorisation, any requirement for the Registrar to take action in relation to a duplicate or triplicate of a document affected by the requirement or authorisation does not apply. 30

10 Land Information New Zealand (Fees and Charges) Regulations 2003 continued in force

The Land Information New Zealand (Fees and Charges) Regulations 2003 continue in force and, to the extent they were made under the Land Transfer Act 1952, are treated as if they were made under the “Land Transfer Act **2016**”. 35

11 Application of sections 77 to 86

Sections 77 to 86 do not apply to any transfer of land if—

- (a) the contract for the transfer of the land was entered into before 1 October 2015; and
- (b) the transfer is registered on or before 1 April 2016.

Schedule 2 Consequential amendments

s 247

Part 1 Amendments to other Acts 5

Administration Act 1969 (1969 No 52)

In section 18(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**” in each place.

In section 18(3), replace “District Land Registrar” with “Registrar-General of Land”.

Anglican Trust for Women and Children Act 1962 (1962 No 4 (P)) 10

In section 7(5), replace “Every District Land Register and every other person having charge of any register” with “The Registrar-General of Land and every other person having charge of a register”.

In section 7(5), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Anglican Trust for Women and Children Amendment Act 1968 (1968 No 4 (P)) 15

In section 3, definition of **Registrar**, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

ANZ Banking Group (New Zealand) Act 1979 (1979 No 1 (P))

In section 2(1), definition of **land**, replace “section 2 of the Land Transfer Act 1952” with “**section 5** of the Land Transfer Act **2016**”. 20

In section 15(1), replace “District Land Registrar” with “the Registrar-General of Land”.

In section 15(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Auckland Harbour Board (Westhaven) Vesting and Empowering Act 1979 (1979 No 20 (L)) 25

In section 8(2), replace “District Land Registrar for the North Auckland Land Registration District” with “Registrar-General of Land”.

In the heading to section 13, replace “**District Land Registrar**” with “**Registrar-General of Land**”.

In section 13, replace “District Land Registrar for the North Auckland Land Registration District” with “Registrar-General of Land”. 30

In section 13, replace “certificate or certificates of title” with “record or records of title”.

Auckland Harbour Bridge Authority Dissolution Act 1983 (1983 No 153)

In section 4(4), replace “Registrar for the North Auckland Land Registration District” with “Registrar-General of Land”.

Auckland Improvement Trust Act 1971 (1971 No 9 (L))

In section 10, replace “District Land Registrar for the Land Registration District of Auckland” with “Registrar-General of Land”. 5

Auckland War Memorial Museum Act 1996 (1996 No 4 (L))

In section 30(1), replace “No Registrar of Deeds or District Land Registrar or other person charged with the keeping of any books or registers is” with “The Registrar-General of Land, the Registrar of Deeds, and any other person charged with the keeping of any books or registers are not”. 10

In section 30(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Australia and New Zealand Banking Group Act 1970 (1970 No 1 (P))

In section 3, definition of **land**, replace “section 2 of the Land Transfer Act 1952” with “**section 5** of the Land Transfer Act **2016**”. 15

In section 14(1), replace “District Land Registrar” with “Registrar-General of Land”.

In section 14(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Building Act 2004 (2004 No 72)

In section 10(c)(i), replace “Land Transfer Act 1952 and comprised in 1 certificate of title or for which 1 certificate of title” with “Land Transfer Act **2016** and comprised in 1 record of title or for which 1 record of title”. 20

In section 74(1)(b), replace “certificate of title” with “record of title”.

In section 74(2), replace “certificate of title” with “record of title”.

In section 74(4), replace “certificate of title” with “record of title”.

In section 75(1)(a), replace “certificate of title” with “record of title”. 25

In the heading to section 78, replace “**certificate of title**” with “**record of title**”.

In section 78(1), replace “certificate of title” with “record of title” in each place.

Repeal section 78(2).

In the heading to section 79, replace “**certificate of title**” with “**record of title**”.

In section 79, replace “certificates of title” with “records of title”. 30

In the heading to section 80, replace “**Certificates of title**” with “**Records of title**”.

In section 80(1)(a), replace “certificates of title” with “records of title”.

In section 80(1)(b), replace “certificates of title” with “records of title”.

In section 80(2), replace “certificates of title” with “records of title”.

Building Act 2004 (2004 No 72)—*continued*

In the heading to section 81, replace “**Mortgage, charge, or lien**” with “**Mortgage or charge**”.

In section 81(1)(a), replace “mortgage, charge, or lien” with “mortgage or charge”.

In section 81(1)(b), replace “mortgage, charge, or lien” with “mortgage or charge” in each place. 5

In section 81(2), replace “mortgage, charge, or lien” with “mortgage or charge” in each place.

In section 81(3), replace “mortgage, charge, or lien” with “mortgage or charge” in each place.

In section 81(3), replace “certificate of title” with “record of title” in each place. 10

In section 82(1), replace “certificates of title” with “records of title” in each place.

In section 82(1)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 82(2), replace “section 167 of the Land Transfer Act 1952” with “**section 223** of the Land Transfer Act **2016**”. 15

In section 83(4)(a), replace “certificate of title” with “record of title”.

In section 83(4)(b), replace “mortgage, charge, or lien” with “mortgage or charge”.

In section 83(5), replace “mortgage, charge, or lien” with “mortgage or charge”.

Repeal section 83(6).

In section 125(2)(c), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 20

In section 125(2)(d), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”.

In section 155(2)(c), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 25

In section 155(2)(d), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”.

In section 392(2)(c), replace “certificate of title” with “record of title”.

In the heading to section 434, replace “**certificates of title**” with “**records of title**”.

In section 434(1)(a), replace “certificate of title” with “record of title”. 30

Building Societies Act 1965 (1965 No 22)

In section 2(1), definition of **land**, paragraph (b)(i), replace “section 121A of the Land Transfer Act 1952” with “**section 121** of the Land Transfer Act **2016**”.

In section 34(5), replace “District Land Registrar” with “Registrar-General of Land”.

In section 34(5), delete “and on any outstanding documents of title”. 35

Building Societies Act 1965 (1965 No 22)—*continued*

In section 113S(1), replace “District Land Registrar” with “Registrar-General of Land”.

In section 113S(3), replace “any District Land Registrar under the Land Transfer Act 1952” with “the Registrar-General of Land under the Land Transfer Act **2016**”.

Burial and Cremation Act 1964 (1964 No 75)

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In section 31(4), replace “District Land Registrar” with “Registrar-General of Land”.

In section 31(5), replace “certificate of title, such notice may, at the discretion of the District Land Registrar, be deemed to be a transfer of the land for the purposes of sections 92 to 94 and section 167 of the Land Transfer Act 1952” with “record of title, that record may, at the discretion of the Registrar-General of Land, be deemed to be a transfer of the land for the purposes of **sections 74 and 223** of the Land Transfer Act **2016**”.

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In section 45C(3), replace “District Land Registrar” with “Registrar-General of Land”.

In section 45C(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

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In section 45C(3), replace “certificate of title” with “record of title”.

In section 53(1), replace “District Land Registrar” with “Registrar-General of Land”.

In section 53(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 53(1), replace “certificate of title” with “record of title”.

In section 53(2), replace “District Land Registrar” with “Registrar-General of Land”.

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In section 53(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 53(2), replace “certificate of title” with “record of title”.

In section 53(3), replace “section 2 of the Land Transfer Act 1952” with “**section 5** of the Land Transfer Act **2016**”.

In section 53(4), replace “District Land Registrar” with “Registrar-General of Land”.

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Cadastral Survey Act 2002 (2002 No 12)

In section 47(4), replace “section 167 of the Land Transfer Act 1952” with “**section 223** of the Land Transfer Act **2016**”.

In section 52(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Replace section 52(2)(b) with:

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- (b) the powers of the Registrar under **section 21** of the Land Transfer Act **2016**, or the provisions of **section 225** of that Act:

In section 69(3)(c), replace “Land Transfer Act 1952” with “Land Transfer Act **2016** or any enactment it replaced”.

In section 69(3)(d), replace “Land Transfer Act 1952” with “Land Transfer Act **2016** or any enactment it replaced”.

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Canterbury Earthquake Recovery Act 2011 (2011 No 12)

In section 9(g), replace “computer registers” with “records of title”.

In section 36(1)(b), replace “section 167 of the Land Transfer Act 1952” with “**section 223** of the Land Transfer Act **2016**”.

In section 36(3), replace “computer registers” with “records of title”. 5

Replace section 36(4) with:

- (4) If an adjoining owner fails to respond within 10 working days (or any further period allowed by the chief executive) after the date of service of the request for consent or refuses to consent, the chief executive may direct the Registrar-General of Land to issue a record of title qualified as described in **section 17(1)(a)** of the Land Transfer Act **2016** upon deposit of the cadastral survey dataset. 10

Repeal section 36(5).

Replace section 36(6) with:

- (6) The chief executive may direct the Registrar-General of Land to— 15
- (a) remove the limitation as to parcels from any computer register limited as to parcels issued in accordance with **subsection (4)** (as it read before the commencement of the Land Transfer Act **2016**):
- (b) remove the qualification from a qualified record of title issued in accordance with **subsection (4)**. 20

Replace section 37(2) with:

- (2) Any dispute against the lodgement of a caveat under **section 206** of the Land Transfer Act **2016** against a qualified record of title issued in accordance with a direction under **section 36(4)** or against a computer register that is issued limited as to parcels in accordance with a direction under **section 36(4)** (as it read before the commencement of the Land Transfer Act **2016**) must be heard and determined in accordance with section 69 and treated as an appeal. 25

In section 39(3)(c), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 39(3)(d), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”. 30

In section 54(4), replace “computer register” with “record of title”.

In section 56(1), replace “computer register” with “record of title”.

In section 56(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**” in each place. 35

In section 56(4), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Charitable Trusts Act 1957 (1957 No 18)

Replace section 4(3) with:

Charitable Trusts Act 1957 (1957 No 18)—continued

(3) Every memorandum made under this section of an appointment of new trustees must, if it affects land under the Land Transfer Act **2016**, be lodged with the Registrar-General of Land; and, as regards that land, the appointment has no operative effect until the memorandum or a copy of it has been certified by the Registrar-General of Land.

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In section 14(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 14(2), replace “District Land Registrar for the land registration district in which the land is situated” with “Registrar-General of Land”.

Child Support Act 1991 (1991 No 142)

In section 169(5)(a), replace “Statutory Land Charges Registration Act 1928” with “Land Transfer Act **2016**.”

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In section 169(11), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 184(6), replace “appropriate District Land Registrar” with “Registrar-General of Land”.

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In section 184(6), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 184(6), replace “District Land Registrar in whose office the mining privilege is recorded” with “Registrar-General of Land”.

In section 187(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Children’s Health Camps Board Dissolution Act 1999 (1999 No 141)

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In section 3(2)(b), delete “and on any outstanding documents of title”.

Christchurch City Council (Lancaster Park) Land Vesting Act 2008 (2008 No 5 (L))

In section 13(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In Schedule 1, third column, replace “Certificate of title” with “Record of title”.

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In Schedule 2, third column, replace “Certificate of title” with “Record of title”.

Christchurch City Reclamation and Empowering Act 1964 (1964 No 13 (L))

In section 7, replace “District Land Registrar for the Land Registration District of Canterbury” with “Registrar-General of Land”.

In section 7, replace “certificate or certificates of title” with “record or records of title”.

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City of Dunedin Lands Vesting Act 1906 (1906 No 35 (L))

In the heading to section 8, replace “certificates of title” with “records of title”.

In section 8, replace “District Land Registrar of Otago” with “Registrar-General of Land”.

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City of Dunedin Lands Vesting Act 1906 (1906 No 35 (L))—continued

In section 8, replace “certificates of title” with “records of title”.

City of Dunedin Leasing Empowering Act 1952 (1952 No 10 (L))

In section 4, replace “District Land Registrar” with “Registrar-General of Land”.

Climate Change Response Act 2002 (2002 No 40)

In section 4(1), replace the definition of **registered lease** with:

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registered lease,—

- (a) in relation to a lease in respect of land registered under the Land Transfer Act **2016**, means a lease registered under that Act:
- (b) in relation to a lease in respect of land that is not registered under the Land Transfer Act **2016**, means a lease registered under the Deeds Registration Act 1908

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In section 195(1)(b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016** or any former Land Transfer Act”.

In section 195(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Companies Act 1993 (1993 No 105)

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In section 225A(1), replace “no Registrar of Deeds or District Land Registrar or other person charged with the keeping of any books or registers shall be” with “the Registrar-General of Land, Registrar of Deeds, or other person charged with the keeping of any books or registers is not”.

In section 225A(5), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

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In section 296(4), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 299(4), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 331(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 331(4), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

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Conservation Act 1987 (1987 No 65)

In section 16A(8), replace “District Land Registrars are” with “The Registrar-General of Land is”.

In section 17ZA(1), replace “registered proprietor” with “registered owner”.

Repeal section 17ZA(2), (3), and (4).

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Replace section 17ZC(4) and (5) with:

- (4) An instrument of any variation or extension must be executed by the Minister and by the concessionaire and, if it relates to a lease or licence or easement registered under the Land Transfer Act **2016**, must be registered under that Act.

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Conservation Act 1987 (1987 No 65)—*continued*

(5) If the instrument of variation or extension relates to a lease for which a record of title has been issued, the memorandum must be noted on the record of title.

In section 17ZC(6), replace “memorandum” with “instrument” in each place.

In section 24D(1), replace “Land Transfer Act 1952, the District Land Registrar of the land registration district affected shall, without fee, record on the certificate of title for that land a statement to the effect that the land to which the certificate of title” with “Land Transfer Act **2016**, the Registrar-General of Land must, without fee, record on the record of title for that land a statement to the effect that the land to which the record of title”.

In section 24D(1A), replace “certificate of title for the land under the Land Transfer Act 1952, the District Land Registrar shall, without fee, record the reduction or increase or exemption on the certificate of title” with “record of title for the land under the Land Transfer Act **2016**, the Registrar-General of Land must, without fee, record the reduction or increase or exemption on the record of title”.

In section 24D(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 24D(2A), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 24D(7), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 24E(6), replace “District Land Registrars are” with “The Registrar-General of Land is”.

In section 24K(6), replace “certificate of title” with “record of title”.

In section 24K(6), replace “District Land Registrar of the land registration district affected” with “Registrar-General of Land”.

In section 24K(6), replace “certificates of title” with “records of title”.

In section 26(6), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 26(7), replace “A District Land Registrar” with “The Registrar-General of Land”.

In section 27(1)(b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 27(2), replace “District Land Registrar of the land registration district affected” with “Registrar-General of Land”.

In section 27(3), replace “certificate or instrument” with “record”.

In section 27(3), replace “a District Land Registrar” with “the Registrar-General of Land”.

In section 27(3)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 27A(1)(d), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Conservation Act 1987 (1987 No 65)—*continued*

In section 27A(1)(e), replace “District Land Registrar of the land registration district affected” with “Registrar-General of Land”.

In section 27A(1)(e), replace “in the appropriate folio of the register” with “on the appropriate record of title”.

In section 27A(4), replace “certificate or instrument of title, a District Land Registrar” with “a record of title, the Registrar-General of Land”. 5

In section 27A(4)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 50(1), replace “District Land Registrar” with “Registrar-General of Land”.

In the heading to section 60F, replace “**Certificate of title**” with “**Record of title**”. 10

Replace section 60F(1) with:

- (1) On the written request of the Director-General in respect of any of the land for the time being held under this Act for conservation purposes or for the purposes of the Department, the Registrar-General of Land must issue a record or records of title under the Land Transfer Act **2016** (in the name of Her Majesty the Queen for conservation purposes or for the purposes of the Department). 15

In section 60F(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Replace section 60F(3) with:

- (3) If the survey of any land is inadequate for the issue of a record of title under **subsection (1)**, the Registrar-General of Land may require the Director-General to deposit such other plan as the Registrar-General of Land, after consultation with the Surveyor-General, thinks sufficient to comply with **section 223** of the Land Transfer Act **2016**. 20

In section 64(5), replace “District Land Registrar” with “Registrar-General of Land”.

In section 64(5)(a), replace “certificate of title” with “record of title”. 25

Corporations (Investigation and Management) Act 1989 (1989 No 11)

In section 72(1), replace “District Land Registrar” with “the Registrar-General of Land”.

In section 72(2), replace “District Land Registrar” with “the Registrar-General of Land”. 30

Countrywide Banking Corporation Limited Act 1994 (1994 No 1 (P))

In section 2, definition of **land**, replace “section 2 of the Land Transfer Act 1952” with “**section 5(1)** of the Land Transfer Act **2016**”.

In section 8(1), replace “District Land Registrar” with “Registrar-General of Land”.

In the heading to section 12, replace “**Land Transfer Act 1952**” with “**Land Transfer Act 2016**”. 35

In section 12, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Credit Contracts and Consumer Finance Act 2003 (2003 No 52)

In section 75(5), replace “sections 62 to 64, 75, 182, and 183 of the Land Transfer Act 1952” with “**sections 24, 44, 51, and 52** of the Land Transfer Act **2016**”.

In section 76(1), replace “section 137(1)(a) of the Land Transfer Act 1952” with “**section 137(1)(a)** of the Land Transfer Act **2016**”. 5

In section 76(2)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Criminal Proceeds (Recovery) Act 2009 (2009 No 8)

In section 60(1), replace “section 99 of the Land Transfer Act 1952” with “**section 89** of the Land Transfer Act **2016**”. 10

In section 60(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 72(1), replace “section 99 of the Land Transfer Act 1952” with “**section 89** of the Land Transfer Act **2016**”.

In section 72(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 147(1), replace “section 99 of the Land Transfer Act 1952” with “**section 89** of the Land Transfer Act **2016**”. 15

In section 147(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Crown Forest Assets Act 1989 (1989 No 99)

In the heading to section 6, replace “**Certificates of title**” with “**Records of title**”.

In section 6(1), replace “a District Land Registrar” with “the Registrar-General of Land”. 20

In section 6(1), delete “in the land registry office of the land registration district concerned”.

In section 6(1), delete “and on any outstanding documents of title”.

In section 6(2), replace “A District Land Registrar” with “The Registrar-General of Land”. 25

In section 6(2), replace “certificate of title” with “record of title” in each place.

In section 6(2), delete “in form No 2 of Schedule 1 of the Land Transfer Act 1952, amended as appropriate”.

In section 7(2), replace “District Land Registrar” with “Registrar-General of Land”. 30

In section 8A(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 8A(1), replace “certificate of title has been issued, a District Land Registrar shall, on written application by either of the responsible Ministers, register the instrument granting or reserving the easement by constituting it a folium of the register” with “record of title has been issued, the Registrar-General of Land must, on written application by either of the responsible Ministers, register the instrument granting or reserving the easement by creating a record of title for the easement”. 35

Crown Forest Assets Act 1989 (1989 No 99)—*continued*

In section 8A(2), replace “a District Land Registrar” with “the Registrar-General of Land”.

In section 8A(3), replace “District Land Registrar” with “Registrar-General of Land”.

In section 8A(4), replace “constituted a folium of the register” with “registered”.

Replace section 8A(5) with:

- (5) Where an instrument granting or reserving an easement over or in favour of Crown forest land has been registered under subsection (1) and the land is later registered under the Land Transfer Act **2016**, the Registrar-General of Land must make all entries necessary to record the registration of the easement on the record of title for the land.

In section 9(3), replace “a District Land Registrar or Chief Surveyor” with “the Registrar-General of Land or Surveyor-General”.

In section 9(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 10(7), replace “a District Land Registrar or Chief Surveyor” with “the Registrar-General of Land or Surveyor-General”.

In section 10(7), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 19(1), replace “District Land Registrar of the district in which the licensed land is situated” with “Registrar-General of Land”.

Replace section 19(2) with:

- (2) On registration of the certificate,—
- (a) the Registrar-General of Land must enter particulars of that certificate and of every protective covenant on the relevant records of title; and
- (b) if no record of title has been issued for the land, the Registrar-General of Land must issue a record of title for the certificate.

In section 19(3), replace “District Land Registrar” with “Registrar-General of Land”.

In section 21(1), replace “District Land Registrar of the district in which the licensed land is situated” with “Registrar-General of Land”.

In section 21(2), replace “District Land Registrar of the district in which the land is situated” with “Registrar-General of Land”.

In section 21(4), replace “District Land Registrar” with “Registrar-General of Land”.

In section 21(4)(a), replace “instruments” with “records”.

Replace section 21(4)(b) with:

- (b) if no record of title has been issued for the land, record particulars of the variation of the covenant on the record of title issued for the covenant certificate under **section 19(2)(b)**.

In section 25(1), replace “District Land Registrar of the district in which the licensed land is situated” with “Registrar-General of Land”.

Crown Forest Assets Act 1989 (1989 No 99)—*continued*

Replace section 25(2) with:

- (2) On registration of the easement certificate,—
- (a) the Registrar-General of Land must enter particulars of that certificate and of the easements on the register and on all relevant records of title; and
 - (b) if no record of title has been issued for the land, the Registrar-General of Land must issue a record of title for the easement.

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In section 25(3), replace “District Land Registrar” with “Registrar-General of Land”.

In section 25(4), replace “section 90D of the Land Transfer Act 1952” with “**section 110** of the Land Transfer Act **2016**.”

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In section 26(1), replace “District Land Registrar of the district in which the licensed land is situated” with “Registrar-General of Land”.

In section 26(2), replace “District Land Registrar of the district in which the licensed land is situated” with “Registrar-General of Land”.

In section 26(4), replace “Registrar shall” with “Registrar-General of Land must”.

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In section 26(4)(a), replace “instruments” with “records”.

Replace section 26(4)(b) with:

- (b) if no record of title has been issued for the land, record particulars of the variation of the easement on the record of title for the easement issued under **section 25(2)(b)**.

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In section 26(5), replace “section 90E of the Land Transfer Act 1952” with “**section 111** of the Land Transfer Act **2016**”.

In section 30(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 30(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 30(2), replace “constituting it a folium of the register” with “creating a record of title for the licence”.

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In section 30(3), replace “deposited in the Land Registry Office of the district where the land is situated” with “lodged with the Registrar-General of Land”.

In section 30(3), replace “District Land Registrar for that district shall, subject to subsection (4), on receipt of the licence in triplicate, register the licence even though a plan of the land has not been deposited in accordance with section 167 of the Land Transfer Act 1952” with “Registrar-General of Land must, subject to subsection (4), on receipt of the licence, register the licence even though a plan of the land has not been deposited in accordance with **section 223** of the Land Transfer Act **2016**”.

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In section 30(4), replace “District Land Registrar a certificate from the Chief Surveyor for the district in which the licensed land is situated” with “Registrar-General of Land a certificate from the Surveyor-General”.

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Replace section 30(5) with:

Crown Forest Assets Act 1989 (1989 No 99)—*continued*

(5) If a plan of the licensed land has not been deposited in accordance with **section 223** of the Land Transfer Act **2016**, the Registrar-General of Land must, in accordance with **section 17** of that Act,—

(a) if the licensed land is subject to the Land Transfer Act **2016**, record on the record of title for the licensed land that the title is qualified as described in **section 17(1)(a)** of that Act; or

(b) if the licensed land is not subject to the Land Transfer Act **2016**, record on the record of title for the licence that the title is qualified as described in **section 17(1)(a)** of that Act.

Repeal section 30(6) and (7).

In section 31(3), replace “District Land Registrar” with “Registrar-General of Land”.

In section 31(4), replace “District Land Registrar” with “Registrar-General of Land”.

In section 32, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Crown Grants Act 1908 (1908 No 33)

In section 32(1), replace “District Land Registrar of the district” with “Registrar-General of Land”.

In section 32(2), replace “District Land Registrar” with “Registrar-General of Land”.

In section 32(3), replace “certificate of title under the Land Transfer Act 1952” with “record of title under the Land Transfer Act **2016**”.

In section 36B, replace “District Land Registrar” with “Registrar-General of Land”.

Crown Minerals Act 1991 (1991 No 70)

In section 10, replace “certificate of title” with “record of title”.

Replace section 83(1) with:

83 Notation of access rights on land titles

(1) On entering into an access arrangement that is of more than 6 months duration from its date of commencement, the permit holder or applicant for a permit who entered into the arrangement must as soon as practicable lodge with the Registrar-General of Land a notice of the particulars of the arrangement with a copy of the arrangement attached, and any fee prescribed by regulations under the Land Transfer Act **2016**.

(2) A copy of an arrangement lodged under **subsection (1)** may have excluded from it any monetary sums paid or agreed to be paid under it.

(3) On receipt of a notice under **subsection (1)** and of the prescribed fee, the Registrar-General of Land must, if everything is in order, note the notice by recording it on the relevant record of title.

Replace section 84(2) with:

Crown Minerals Act 1991 (1991 No 70)—continued

(2) The notation on a record of title by the Registrar-General of Land of the particulars of a permit or access arrangement operates only as notice of the existence of the permit or access arrangement and does not create any estate or interest under the Land Transfer Act **2016**.

In section 85(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 5

In section 85(1), replace “a District Land Registrar” with “the Registrar-General of Land”.

In section 86(1), replace “certificate of title, provisional register, or other instrument of title” with “record of title”.

In section 86(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**” 10
in each place.

In section 86(3), replace “certificate of title, provisional register, or other instrument of title registered or lodged in his or her office” with “record of title”.

In section 86(4), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Repeal section 86(5). 15

In section 87(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Repeal section 88.

Crown Pastoral Land Act 1998 (1998 No 65)

In section 23I(7), replace “computer register” with “record of title”.

In section 61(1), replace “appropriate District Land Registrar” with “Registrar-General 20
of Land”.

In section 61(2), replace “District Land Registrar” with “Registrar-General of Land”.

In section 61(2), replace “every relevant instrument of title” with “the record of title”.

In section 61(4), replace “instrument of title” with “record of title”.

In section 61(5)(b), replace “certificate of title” with “record of title”. 25

In section 64, replace “appropriate District Land Registrar” with “Registrar-General
of Land”.

In section 64, replace “instrument of title” with “record of title”.

In section 69(2), replace “District Land Registrar” with “Registrar-General of Land”.

In section 69(2), replace “certificate of title” with “record of title”. 30

In section 97(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 97(3), replace “District Land Registrar of the land registration district in
which the land over which a sustainable management covenant has been reserved is
situated” with “Registrar-General of Land”.

In section 99, replace “District Land Registrar” with “the Registrar-General of Land”. 35

Crown Research Institutes Act 1992 (1992 No 47)

In section 29(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 31(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 31(2), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”.

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In section 31(3), delete “section 138 of”.

In section 35(1), replace “A District Land Registrar” with “The Registrar-General of Land”.

In section 35(1)(a), replace “that is incorporated in the register or otherwise registered in the Land Registry Office of the land registration district concerned” with “for which a record of title has been issued”.

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Replace section 35(3) with:

- (3) The Registrar-General of Land, on written application by any person authorised by a shareholding Minister and on payment of the prescribed fee, issue a record of title for land vested in a Crown Research Institute pursuant to section 29(1) of this Act.

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In section 35(4), replace “certificate of title” with “record of title”.

Replace section 36(1) and (2) with:

- (1) Before the Registrar-General of Land issues a record of title in respect of any land vested in a Crown Research Institute pursuant to section 29(1), the Registrar-General of Land must either receive or request from the Surveyor-General a certificate in the form set out in Schedule 2 of the Land Act 1948 as to the legal description of the land, any trusts, reservations, or restrictions affecting the land, and any other matters that the Registrar-General of Land considers appropriate.
- (2) A certificate in accordance with **subsection (1)** must be accepted by the Registrar-General of Land.

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Replace section 37(1) with:

- (1) Where land is vested in a Crown Research Institute pursuant to section 29(1), subject to the reservation of or together with any easement, not being an easement previously registered under the Land Transfer Act 1952, the Chief Executive of Land Information New Zealand or the Surveyor-General must include in the certificate given under section 36(1) of this Act a sufficient description of the easement and particulars as to the rights and powers, terms, covenants, conditions, or restrictions attaching to it.

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In section 37(2), replace “District Land Registrar shall enter a memorial of the easement upon the relevant certificate of title” with “Registrar-General of Land must register the easement”.

Replace section 37(3) with:

Crown Research Institutes Act 1992 (1992 No 47)—continued

- (3) If an easement is registered under subsection (2), it must be treated for all purposes, including all subsequent dealings, as if it had been created under the Land Transfer Act **2016**.

In section 37(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Deeds Registration Act 1908 (1908 No 40) 5

In section 2, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 2, replace “certificate of title” with “record of title”.

In section 3, definition of **land**, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 6(1), replace “section 4 of the Land Transfer Act 1952” with “**section 229** of the Land Transfer Act **2016**”. 10

In section 6(2), replace “section 5 of the Land Transfer Act 1952” with “**section 231** of the Land Transfer Act **2016**”.

Dempsey Trust Act 1892 (1892 No 11) (L)

In the Schedule, clause 21 of the form of lease, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 15

In the Schedule, paragraph under the heading “**The Schedule Hereinbefore Referred to**”, replace “certificate of title” with “record of title”.

District Courts Act 1947 (1947 No 16)

In section 96A(5), replace “appropriate District Land Registrar if the title to the land is under the Land Transfer Act 1952” with “Registrar-General of Land if the title to the land is under the Land Transfer Act **2016**”. 20

In section 96A(5), replace “District Land Registrar in whose office the mining privilege is recorded” with “Registrar-General of Land”.

Replace section 96A(6) with: 25

- (6) The Registrar-General of Land must, without fee, register the charging order under the Land Transfer Act **2016** or the Deeds Registration Act 1908, or record it and note its particulars on the filed copy of the mining privilege to which it relates, as the case may require.

District Grand Lodges and District Grand Royal Arch Chapters of English Freemasons of New Zealand Trustees Act 1976 (1976 No 1) (P) 30

In section 2, definition of **legal proceedings**, replace “any District Land Registrar” with “the Registrar-General of Land”.

In section 6(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 6(1), replace “registered proprietors” with “registered owners”. 35

In section 8, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

District Grand Lodges and District Grand Royal Arch Chapters of English Freemasons of New Zealand Trustees Act 1976 (1976 No 1) (P)—*continued*

In section 8, replace “in the appropriate District Land Registry” with “with the Registrar-General of Land”.

In section 8, replace “certificate of title” with “record of title”.

In section 11, replace “any District Land Registrar” with “the Registrar-General of Land”. 5

In Schedule 1, replace “certificate of title, Volume [*Volume number*], folio [*folio number*] in the [*specify*] Registry” with “record of title [*reference number*]”.

In Schedule 2, replace “certificate of title” with “record of title”.

Domestic Actions Act 1975 (1975 No 53)

In section 10(2), replace “the provisions of the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”. 10

In section 10(3), replace “Registrar or ” with “Registrar-General of Land or ”.

Domestic Violence Act 1995 (1995 No 86)

In section 2, definition of **dwellinghouse**, paragraph (a), replace “section 121A of the Land Transfer Act 1952” with “**section 121** of the Land Transfer Act **2016**”. 15

Earthquake Commission Act 1993 (1993 No 84)

In section 28(1), replace “appropriate District Land Registrar” with “Registrar-General of Land”.

In section 28(3), replace “District Land Registrar” with “Registrar-General of Land”.

In section 28(5), replace “District Land Registrar, and the District Land Registrar” with “Registrar-General of Land, and the Registrar-General of Land”. 20

In Schedule 3, clause 3(d), replace “certificate of title” with “record of title”.

Education Act 1989 (1989 No 80)

In section 204(2), replace “District Land Registrar for the land registration district in which the land is situated” with “Registrar-General of Land”. 25

In section 207(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 208(1), replace “A District Land Registrar” with “The Registrar-General of Land”.

In section 208(1)(a), replace “proprietor” with “owner”.

In section 208(1)(a), replace “in the land registry office of the land registration district concerned” with “under the Land Transfer Act **2016**”. 30

In section 208(1)(b), delete “and on any outstanding documents of title”.

In section 208(3), replace “A District Land Registrar” with “The Registrar-General of Land”.

Education Act 1989 (1989 No 80)—*continued*

In section 208(3), replace “certificate of title” with “record of title”.

In section 208(3), delete “in form No 1 in Schedule 1 of the Land Transfer Act 1952, amended as appropriate”.

In section 208(4), replace “certificate of title” with “record of title”.

In section 209(1), replace “a District Land Registrar” with “the Registrar-General of Land” 5

In section 209(1), replace “certificate of title” with “record of title”.

In section 209(1), replace “the District Land Registrar” with “the Registrar-General of Land” in each place.

In section 209(2), replace “certificate of title” with “record of title” in each place. 10

In section 209(2), replace “District Land Registrar” with “Registrar-General of Land” in each place.

In the heading to section 211, replace “**District Land Registrar**” with “**Registrar-General of Land**”.

In section 211(1), replace “District Land Registrar” with “Registrar-General of Land”. 15

In section 211(1) replace “certificate of title” with “record of title”.

In section 213(2), replace “certificate of title” with “record of title”.

In section 217(8), replace “District Land Registrar for the land registration district in which the land is situated” with “Registrar-General of Land”.

In section 243(4), replace “District Land Registrar for the land registration district in which the land is situated” with “Registrar-General of Land”. 20

Education Lands Act 1949 (1949 No 24)

In section 15(2), replace “District Land Registrar” with “Registrar-General of Land”.

In section 15(2), replace “certificate of title” with “record of title” in each place.

In section 15(2), replace “such certificate” with “such record”. 25

In section 15(6), replace “District Land Registrar” with “Registrar-General of Land”.

In section 15(6), replace “certificate of title” with “record of title” in each place.

In the heading to section 17, replace “**certificate of title**” with “**record of title**”.

In section 17(1), replace “certificate of title” with “record of title” in each place.

In section 17(1), replace “District Land Registrar” with “Registrar-General of Land” 30 in each place.

In section 17(1), replace “the certificate” with “the record”.

In section 17(2), replace “certificate of title” with “record of title” in each place.

In section 18, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Electricity Act 1992 (1992 No 122)

In section 2(3), definition of **specific agreement**, paragraph (a)(iii), replace “registered proprietor” with “registered owner”.

Energy Companies Act 1992 (1992 No 56)

In section 2(1), definition of **land**, replace “section 2 of the Land Transfer Act 1952” with “**section 5(1)** of the Land Transfer Act **2016**”. 5

In section 53(1), replace “District Land Registrar” with “Registrar-General of Land”.

Estate and Gift Duties Act 1968 (1968 No 35)

In section 87A(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 87A(1), replace “certificate of title” with “record of title”. 10

In section 87A(1)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**” in each place.

In section 87A(1)(a), replace “District Land Registrar for the land registration district in which the land is situated” with “Registrar-General of Land”.

In section 87B(4), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 15

Fencing Act 1978 (1978 No 50)

In section 5(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 6(1), replace “Land Transfer Act 1952 after” with “Land Transfer Act **2016** after”.

Finance Act 1986 (1986 No 134) 20

In section 3(4)(d), replace “Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”.

Finance Act 1988 (1988 No 107)

In section 8(1), definition of **land**, replace “section 2 of the Land Transfer Act 1952” with “**section 5** of the Land Transfer Act **2016**”. 25

In section 14(1), replace “District Land Registrar” with “Registrar-General of Land”.

Finance Act (No 2) 1989 (1989 No 51)

In section 6(2), replace “District Land Registrars are hereby authorised to make such entries in their respective registers” with “The Registrar-General of Land is authorised to make such entries in records of title”. 30

In section 6(3), replace “Chief Surveyor for the land district in which the land is situated” with “Surveyor-General”.

Finance Act (No 2) 1994 (1994 No 134)

In section 5(7), replace “The District Land Registrar of the Otago Land Registration District shall do all things, and make all entries in the registers” with “The Registrar-General of Land must do all things, and make all entries in the register”.

Forest and Rural Fires Act 1977 (1977 No 52)

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In section 29(2), replace “the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”.

Forestry Encouragement Act 1962 (1962 No 20)

In section 2(1), definition of **Registrar**, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**” in each place.

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In section 2(1), definition of **Registrar**, replace “District Land Registrar or the Registrar of Deeds, as the case may require, for the land registration district within which the land is situated;” with “Registrar-General of Land or the Registrar of Deeds, as the case may require;”.

In section 5(5), replace “enter a memorial of the agreement upon the register against the title to the land of the owner or occupier who is a party to the agreement specified in the application.” with “register the agreement.”

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In section 5(5), delete “In any such case it shall not be necessary for the Registrar to record the like memorial on the duplicate certificate of title or lease.”

In section 5(5), replace “memorial” where it appears in the final sentence, with “register”.

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In section 5(7A), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”.

In section 5(9), replace “section 105 of the Land Transfer Act 1952” with “**section 102** of the Land Transfer Act **2016**”.

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In section 5(10), replace “section 102 of the Land Transfer Act 1952” with “**section 100** of the Land Transfer Act **2016**”.

In section 7(2), replace “section 105 of the Land Transfer Act 1952” with “**section 102** of the Land Transfer Act **2016**”.

In section 7(2)(a), replace “Land Transfer Act 1952, of a memorandum of priority under section 103 of that Act” with “Land Transfer Act **2016**, of a mortgage priority instrument under **section 101** of that Act”.

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In section 7(2)(b), replace “Land Transfer Act 1952, of a memorandum of priority” with “Land Transfer Act **2016**, of a mortgage priority instrument”.

In section 7(2)(b), replace “which memorandum” with “which instrument”.

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In section 7(2A), replace “section 103 of the Land Transfer Act 1952” with “**section 101** of the Land Transfer Act **2016**”.

Forestry Encouragement Act 1962 (1962 No 20)—*continued*

In section 7(2B), replace “memorandum of priority” with “mortgage priority instrument”.

In section 7(2B), replace “the memorandum” with “the instrument” in each place.

Forestry Rights Registration Act 1983 (1983 No 42)

In section 2, definition of **forestry covenant**, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 5

In section 2, definition of **land**, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 3(2), replace “Land Transfer Act 1952 against the title of the estate of the proprietor” with “Land Transfer Act **2016** against the title of the estate of the owner”. 10

In section 3(2A), replace “certificate of title has been issued under the Land Transfer Act 1952” with “record of title has been issued under the Land Transfer Act **2016**”.

In section 5(1), replace “Land Transfer Act 1952, instead of complying with section 167” with “Land Transfer Act **2016**, instead of complying with **section 223**”.

In section 5(1), replace “Part 11 of the Land Transfer Act 1952 in respect of any such boundary not defined in accordance with the said section 167” with “**subpart 3 of Part 2** of the Land Transfer Act **2016** in respect of any such boundary not defined in accordance with **section 223** of that Act”. 15

In section 5(2), replace “section 167(5) of the Land Transfer Act 1952” with “**section 223(3)** of the Land Transfer Act **2016**”. 20

In section 5(3), replace “certificate of title” with “record of title”.

In section 5A(1), replace “certificate of title has been issued under the Land Transfer Act 1952, the holder may request the appropriate Registrar” with “record of title has been issued under the Land Transfer Act **2016**, the holder may request the Registrar-General of Land”. 25

Replace section 5A(2) and (3) with:

- (2) The Registrar-General of Land must, at the request of the holder, create a record of title for the forestry right.
- (3) No record of title may be issued unless a licensed cadastral surveyor certifies that the land the land to which that forestry right relates is within the boundaries of a parcel of land identified on a plan lodged in the office of the Surveyor-General or Registrar-General of Land. 30

In section 5A(4), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 7(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Forests Act 1949 (1949 No 19) 35

In the heading to section 67K, replace “**certificate of title**” with “**record of title**”.

Forests Act 1949 (1949 No 19)—*continued*

In section 67K(1), replace “appropriate District Land Registrar” with “Registrar-General of Land”.

Replace section 67K(2) to (4) with:

- (2) The Registrar-General of Land must, at the request of the owner, note the plan in the register. 5
- (3) If no record of title for the land has been issued, the Registrar-General of Land must create a record of title for the plan.
- (4) No sustainable forest management plan may be received for the issue of a record of title under **subsection (3)** unless it has endorsed on it a certificate by a licensed cadastral surveyor certifying that the land specified in that plan is within the boundaries of a parcel of land identified on a plan lodged with the Surveyor-General or the Registrar-General of Land. 10

In section 67K(6), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 67K(7), replace “certificate” with “record”.

In section 67K(7), replace “section 167 of the Land Transfer Act 1952” with “**section 223** of the Land Transfer Act **2016**”. 15

In section 67K(8), replace “Part 11 of the Land Transfer Act 1952” with “**subpart 3 of Part 2** of the Land Transfer Act **2016**”.

In section 67K(8), replace “the said section 167” with “**section 223** of that Act”.

In section 67K(9), replace “section 167(5) of the Land Transfer Act 1952” with “**section 223** of the Land Transfer Act **2016**”. 20

In section 67K(10), replace “District Land Registrar” with “Registrar-General of Land”.

In section 67K(10), replace “certificate of title” with “record of title”.

In section 67K(11), replace “the appropriate District Land Registrar or District Registrar of the Maori Land Court” with “the Registrar-General of Land or the appropriate District Registrar of the Maori Land Court”. 25

In section 67K(11), replace “the appropriate District Land Registrar or District Registrar shall” with “the Registrar-General of Land or the appropriate District Registrar must”. 30

In section 67ZD(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Replace section 67ZD(2) with:

- (2) If a forest sink covenant relates to land for which no record of title has been created, the Registrar-General of Land must— 35
 - (a) create a record of title for the covenant if—

Forests Act 1949 (1949 No 19)—*continued*

- (i) a licensed cadastral surveyor has certified that the land to which the covenant relates is within the boundaries of an identified parcel of land; and
- (ii) the Registrar-General of Land is satisfied that the certificate is correct; and
- (b) record the certificate of the licensed cadastral surveyor on the record of title issued for the covenant.

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In section 67ZD(4), replace “computer register for the district in which the affected land is located” with “record of title”.

In section 67ZD(5), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

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In section 67ZD(6), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 67ZD(6)(a), replace “in the computer register” with “on the record of title”.

In section 67ZD(7)(b), replace “a deposit plan” with “a plan capable of deposit under **section 223** of the Land Transfer Act **2016**”.

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In section 67ZD(8), replace “section 167(5) of the Land Transfer Act 1952” with “**section 223** of the Land Transfer Act **2016**”.

In section 67ZD(9), replace “section 167 of the Land Transfer Act 1952” with “**section 223** of the Land Transfer Act **2016**”.

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In section 67ZD(9), replace “computer register” with “record of title”.

In section 67ZE(1), replace “the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”.

In section 67ZE(4), replace “the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”.

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Friendly Societies and Credit Unions Act 1982 (1982 No 118)

In the heading to section 32, replace “**District Land Registrar**” with “**Registrar-General of Land**”.

In section 32(1), replace “any District Land Registrar” with “the Registrar-General of Land”.

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In section 33(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 33(1), replace “registered proprietors” with “registered owners”.

In section 33(2), replace “District Land Registrar” with “Registrar-General of Land”.

In section 33(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 33(3), replace “District Land Registrar” with “Registrar-General of Land”.

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In section 57(4), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Friendly Societies and Credit Unions Act 1982 (1982 No 118)—*continued*

In section 112(3)(d), replace “a District Land Registrar” with “the Registrar-General of Land”.

In section 112(3)(e), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 113(8), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 5

General Finance Limited Act 1988 (1988 No 2) (P)

In section 2, definition of **land**, replace “section 2 of the Land Transfer Act 1952” with “**section 5(1)** of the Land Transfer Act **2016**”.

In section 9(1), replace “District Land Registrar” with “Registrar-General of Land”.

In section 9(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 10

Gisborne District Council (Alfred Cox Park) Validation Act 2006 (2006 No 1) (L)

In the Schedule, replace “certificate of title” with “record of title”.

Goods and Services Tax Act 1985 (1985 No 141)

In section 2(1), definition of **land**, paragraph (a)(iv), replace “flat-owning or office-owning company, as defined in section 121A of the Land Transfer Act 1952” with “company as defined in **section 121** of the Land Transfer Act **2016**”. 15

In section 3(3)(c), replace “flat-owning or office-owning company (as defined in section 121A of the Land Transfer Act 1952)” with “company (as defined in **section 121** of the Land Transfer Act **2016**)”.

Government Roothing Powers Act 1989 (1989 No 75) 20

In section 43, repeal the definition of **District Land Registrar**.

Replace section 71(4) with:

- (4) The Minister must cause a copy of every Order in Council made under subsection (1)(b), and of every plan referred to in it, to be deposited in the office of the Registrar-General of Land; and on receipt of it the Registrar-General of Land must record the Order in Council against the relevant record of title. 25

Replace section 91(2) with:

- (2) Any notice given by the Agency under this section may be registered by the Agency under the Land Transfer Act **2016** against every record of title affected by the notice by lodging the notice with the Registrar-General of Land. 30

In section 91(3), replace “certificate of title” with “record of title”.

Replace section 91(4) to (6) with:

- (4) On receipt of any notice issued under this section and the prescribed fee (if any), the Registrar-General of Land must, if everything is in order, note the notice on every relevant record of title. 35

Government Roding Powers Act 1989 (1989 No 75)—continued

(5) The notation by the Registrar-General of Land on a record of title of the particulars of a notice is evidence of the existence of the notice but does not create any estate or interest under the Land Transfer Act **2016**.

(6) Any notice recorded by the Registrar-General of Land under **subsection (4)** may be cancelled or varied upon production by the Agency of a notice of cancellation or notice of variation.

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In section 93(1), replace “Lands” with “Land”.

In section 94(c), replace “District Land Registrar” with “Registrar-General of Land” in each place.

In the heading to section 95, replace “**District Land Registrar**” with “**Registrar-General of Land**”.

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In section 95(1), replace “District Land Registrar” with “Registrar-General of Land” in each place.

In section 95(2), replace “District Land Registrar” with “Registrar-General of Land”.

In section 95(3)(a), replace “District Land Registrar” with “Registrar-General of Land”.

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Grand Lodge of Freemasons of New Zealand Trustees Act 1903 (1903 No 1) (P)

In section 9, replace “certificate of title” with “record of title”.

In section 9, replace “certificates of title” with “records of title”.

In section 11, replace “any District Land Registrar” with “the Registrar-General of Land”.

20

In the Schedule, replace “certificate of title” with “record of title”.

Harbour Boards Dry Land Endowment Revesting Act 1991 (1991 No 104)

In the heading to section 8, replace “**certificates of title**” with “**records of title**”.

In section 8(1), replace “certificate of title” with “record of title”.

25

In section 8(1), replace “appropriate District Land Registrar” with “Registrar-General of Land”.

In section 8(2), replace “certificate of title” with “record of title” in each place.

In section 8(2), replace “appropriate District Land Registrar” with “Registrar-General of Land”.

30

In section 8(2), replace “the District Land Registrar” with “the Registrar-General of Land”.

Repeal section 8(3).

In the heading to section 9, replace “**certificates of title**” with “**records of title**”.

In section 9(1), replace “for deposit at the office of the appropriate District Land Registrar” with “with the Registrar-General of Land”.

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Harbour Boards Dry Land Endowment Revesting Act 1991 (1991 No 104)—*continued*

- In section 9(2), replace “District Land Registrar” with “Registrar-General of Land”.
- In section 9(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In section 9(2), replace “certificate of title” with “record of title”.
- In section 9(3), replace “certificate of title” with “record of title” in each place.
- In section 9(3), replace “District Land Registrar” with “Registrar-General of Land”. 5
- In section 9(4), replace “District Land Registrar” with “Registrar-General of Land”.
- In section 9(4), replace “certificate of title” with “record of title” in each place.
- In section 9(5), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In section 9(5), replace “certificate of title” with “record of title”.
- In section 10, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 10
- In the Schedule, replace “certificate of title” with “record of title” in each place.

Health Act 1956 (1956 No 65)

- In section 2(1), definition of **owner**, replace “Land Transfer Act 1952 as the proprietor” with “Land Transfer Act **2016** as owner”.
- In section 53A(5), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 15
- In section 53A(5), replace “appropriate District Land Registrar” with “Registrar-General of Land”.
- In section 53A(5), replace “the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”.
- In section 132(c), replace “the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”. 20

Health Sector (Transfers) Act 1993 (1993 No 23)

- In section 6(2)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In section 11H(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In section 11H(4)(d), replace “certificate of title” with “record of title”. 25
- In Schedule 1, clause 4(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In Schedule 1, clause 4(2), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”.
- In Schedule 1, clause 4(3), delete “, for the purposes of section 138 of the Land Transfer Act 1952,”. 30
- In Schedule 1, replace clause 9(1) with:

- (1) The Registrar-General of Land must, on written application by any person authorised by the Minister and on payment of the prescribed fee,—

Health Sector (Transfers) Act 1993 (1993 No 23)—*continued*

- (a) register a transferee as the owner, in substitution for the transferor, of the estate or interest of the transferor, in any land for which a record of title has been issued and that is transferred to the transferee under this Act; and
- (b) make such entries against that record of title and do anything else that may be necessary to give effect to this clause. 5

In Schedule 1, replace clause 9(3) with:

- (3) The Registrar-General of Land must, on written application by any person authorised by the Minister and on payment of the prescribed fee, issue a record of title for land vested in a transferee in accordance with clause 10(1) of this schedule. 10

In Schedule 1, clause 9(4), replace “certificate of title” with “record of title”.

In Schedule 1, clause 9(4), replace “seized” with “seised”.

In Schedule 1, clause 10(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 15

In Schedule 1, replace clause 11 with:

11 Land certification

- (1) Before the Registrar-General of Land issues a record of title in respect of any land vested in a transferee under clause 10, the Registrar-General of Land must receive from the chief executive as defined in section 4 of the Cadastral Survey Act 2002 or the Surveyor-General a certificate in the form set out in Schedule 2 of the Land Act 1948 as to the legal description of the land, any trusts, reservations, or restrictions affecting the land, and any other matters that the Registrar-General of Land considers appropriate. 20
- (2) A certificate received in accordance with **subclause (1)** must be filed by the Registrar-General of Land and is conclusive evidence to the Registrar-General of Land of the matters required to be stated in that certificate. 25

In Schedule 1, clause 12(1), replace “Land Transfer Act 1952, the Director-General within the meaning of section 2 of the Survey Act 1986 or any Chief Surveyor shall” with “Land Transfer Act **2016**, the Surveyor-General must”. 30

In Schedule 1, clause 12(2), replace “District Land Registrar” with “Registrar-General of Land”.

In Schedule 1, clause 12(2), replace “certificate of title” with “record of title”.

In Schedule 1, clause 12(3), replace “certificate of title” with “record of title”.

In Schedule 1, clause 12(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 35

Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26)

In section 6, definition of **registered interest**, paragraph (a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 41(1)(a), replace “section 62 of the Land Transfer Act 1952” with “**section 51** of the Land Transfer Act **2016**”. 5

In section 41(1)(c), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 41(2), replace “certificate of title” with “record of title”.

In section 41(2), replace “section 167 of the Land Transfer Act 1952” with “**section 223** of the Land Transfer Act **2016**”. 10

In section 41(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Housing Act 1955 (1955 No 51)

In section 17, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Replace section 18(1) to (4) with:

- (1) Despite anything to the contrary in the Land Transfer Act **2016**, an agreement for sale or a licence to occupy under section 16 or 17 may be registered under the Land Transfer Act **2016** by creating a record of title for it, and the same registration fee is payable on any such agreement or licence as on a lease instrument. 15
- (2) Any such agreement or licence may describe the land comprised in it by reference to the plan of the land held by the Corporation as well as by any other mode of description; and, where a copy of that plan is deposited with the Registrar-General of Land or a plan of the land is endorsed on the agreement or licence, the Registrar-General of Land must register the agreement or licence even though a plan of the land has not been deposited in accordance with **section 223** of the Land Transfer Act **2016**. 20 25
- (3) If a plan of the land has not been deposited in accordance with **section 223** of the Land Transfer Act **2016**, the Registrar-General of Land may record in the record of title for the agreement or licence that the title is qualified as described in **section 17(1)(a)** of the Land Transfer Act **2016**. 30

In section 18(7), replace “District Land Registrar” with “Registrar-General of Land”.

In section 18(7), replace “memorandum of extension of a lease” with “lease variation instrument”.

In section 18(8), replace “District Land Registrar” with “Registrar-General of Land”.

In section 18(9), replace “District Land Registrar, before issuing a certificate of title under the Land Transfer Act 1952” with “Registrar-General of Land, before issuing a record of title under the Land Transfer Act **2016**”. 35

In section 18(9), replace “the certificate of title” with “the record of title”.

Housing Act 1955 (1955 No 51)—*continued*

In section 23(1), replace “section 63 of the Land Transfer Act 1952” with “**sections 51 and 52** of the Land Transfer Act **2016**”.

In section 26(2)(a), replace “District Land Registrar” with “Registrar-General of Land”.

In section 26(5), replace “Part 11 of the Land Transfer Act 1952” with “**subpart 3 of Part 2** of the Land Transfer Act **2016**”. 5

In section 29(1), replace “District Land Registrar” with “Registrar-General of Land”.

In section 29(1), delete “; and shall be so registered without production of the duplicate certificate of title or other document of title relating to the land if the Corporation is unable to produce the same”. 10

In section 29(2), replace “registered proprietor” with “registered owner”.

In section 29(4), replace “Registrar” with “Registrar-General of Land”.

Repeal section 29(7).

In section 29(8), replace “Registrar” with “Registrar-General of Land” in each place.

In section 29(9), replace “Part 11 of the Land Transfer Act 1952” with “**subpart 3 of Part 2** of the Land Transfer Act **2016**”. 15

In section 29(9), replace “Registrar” with “Registrar-General of Land”.

In section 36(3), replace “any District Land Registrar” with “the Registrar-General of Land”.

In section 36(4), replace “memorandum of transfer” with “transfer instrument”. 20

In section 37, replace “No District Land Registrar shall” with “The Registrar-General of Land must not”.

Replace section 38 with:

38 Cancellation of restrictions imposed under former legislation on freehold titles in respect of dwellings 25

- (1) This section applies when the Registrar-General of Land is presented with a record of title issued pursuant to the Housing Act 1919, the Workers’ Dwellings Act 1910, or any former Workers’ Dwellings Act.
- (2) The Registrar-General of Land must, without requiring the payment of any fee, at the request of the Corporation, cancel any endorsement, memorial, restriction, or limitation imposed by or under any of the Acts listed in **subsection (1)** or by or under section 22 of the State Advances Corporation Act 1936. 30
- (3) The Registrar-General of Land must not cancel an easement issued under Part 2 of the Finance Act (No 2) 1952 unless the Corporation requests him or her to do so. 35

Housing Accords and Special Housing Areas Act 2013

In section 47(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Housing Assets Transfer Act 1993 (1993 No 50)

In section 5(2), replace “a District Land Registrar or Chief Surveyor” with “the Registrar-General of Land or Surveyor-General”.

In section 5(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 7(2), replace “District Land Registrars and” with “The Registrar-General of Land and all”.

Replace section 8 with:

8 Title to housing assets vested in Corporation

- (1) The Registrar-General of Land must, on written application by any person authorised by either of the Ministers and on payment of any prescribed fee, register the Corporation as the owner, in substitution for the Crown, of the estate or the interest of the Crown in—
- (a) land, other than land that is registered under the Land Transfer Act **2016**, that is vested in the Corporation pursuant to this Act; or
- (b) land that is subject to the Land Transfer Act **2016** but for which no record of title has been issued and that is vested in the Corporation pursuant to this Act.
- (2) Every application under **subsection (1)** must—
- (a) state that the land has been vested in the Corporation under this Act; and
- (b) contain a description of the land that is sufficient to identify it; and
- (c) in the case of land that has not previously been registered under the Land Transfer Act **2016**, be accompanied by a certificate from the Surveyor-General in the form required by **section 9(1)**.
- (3) The Registrar-General of Land must, on written application by any person authorised by either of the Ministers and on payment of any prescribed fee, register the Corporation as owner, in substitution for the Crown, of the estate or interest of the Crown as mortgagee under any mortgage of land that is vested in the Corporation pursuant to this Act.
- (4) Any other person charged with the keeping of any books or registers must, on written application by any person authorised by either of the Ministers and on payment of any prescribed fee,—
- (a) register the Corporation, in substitution for the Crown, as the mortgagee under any mortgage of land or as the holder of any other security, not being a mortgage or security registered under the Land Transfer Act **2016**, that is vested in the Corporation pursuant to this Act; and
- (b) make any entries in those books or registers necessary for that purpose.
- (5) Every application under **subsection (3) or (4)** must—
- (a) state that the mortgage or security has been vested in the Corporation under this Act; and

Housing Assets Transfer Act 1993 (1993 No 50)—continued

- (b) contain a description of the mortgage or security that is sufficient to identify it.

Replace section 9(1) with:

- (1) Before the Registrar-General of Land issues a record of title in respect of any land, other than land that is registered under the Land Transfer Act **2016**, that is vested in the Corporation pursuant to this Act, the Registrar-General of Land must either receive under the hand of, or request from, the chief executive within the meaning of section 4 of the Cadastral Survey Act 2002 or the Surveyor-General a certificate in a form substantially similar to the form set out in Schedule 2 of the Land Act 1948 as to the legal description of the land, any trusts and reservations affecting it, and any other matters that the Registrar-General of Land considers appropriate.

In section 9(2), replace “shall be filed by the District Land Registrar in the land registry office and shall be conclusive evidence to the District Land Registrar” with “must be recorded by the Registrar-General of Land in the register and is conclusive evidence to the Registrar-General of Land”.

In section 10(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 10(2), replace “District Land Registrar” with “Registrar-General of Land”.

In section 10(2), replace “certificate of title” with “record of title”.

In section 10(3), replace “certificate of title” with “record of title”.

In section 10(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Housing Corporation Act 1974 (1974 No 19)

In section 26(2), definition of **registered**, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 49(3), replace “A District Land Registrar shall” with “The Registrar-General of Land must”.

In section 49(3), replace “in his land registration district under the Land Transfer Act 1952” with “under the Land Transfer Act **2016**”.

Housing Restructuring and Tenancy Matters Act 1992 (1992 No 76)

In section 2(1), repeal the definition of **District Land Registrar**.

In section 25(2), replace “District Land Registrars and other persons charged with the keeping of books or registers are” with “The Registrar-General of Land and every other person charged with the keeping of books or registers are”.

Replace section 28(1) to (5) with:

- (1) The Registrar-General of Land must, on written application by any person authorised by either of the shareholding Ministers and on payment of any prescribed fee,—

Housing Restructuring and Tenancy Matters Act 1992 (1992 No 76)—*continued*

- (a) register the company as the owner, in substitution for the Crown, of the estate or the interest of the Crown in land that is incorporated in the register or otherwise registered and that is vested in the company pursuant to this Part; and
- (b) register the company as the owner, in substitution for the Corporation, of the estate or the interest of the Corporation in land that is incorporated in the register or otherwise registered and that is vested in the company pursuant to this Part. 5
- (2) The powers conferred by **subsection (1)** may be exercised in respect of any estate or interest that is incorporated in the register by virtue of a lease or licence that has expired or been determined. 10
- (3) The Registrar-General of Land must, on written application by any person authorised by either of the shareholding Ministers and on payment of the prescribed fee, issue a record of title for land, other than land that is registered under the Land Transfer Act **2016**, that is vested in the company pursuant to this Part. 15
- (4) The Registrar-General of Land must, on written application by a person authorised by either of the shareholding Ministers and on payment of the prescribed fee, issue a record of title for land that is subject to the Land Transfer Act **2016** but for which no record of title has been issued and that is vested in the company pursuant to this Part. 20
- (5) Every application under **subsection (1)** must—
- (a) state that the land has been vested in the Corporation under this Act; and
- (b) contain a description of the land that is sufficient to identify it; and
- (c) in the case of land that has not previously been registered under the Land Transfer Act **2016**, be accompanied by a certificate from the Surveyor-General in the form required by **section 29(1)**. 25

Replace section 29(1) with:

- (1) Before the Registrar-General of Land issues a record of title in respect of any land, other than land that is registered under the Land Transfer Act **2016**, that is vested in the company pursuant to this Part, the Registrar-General of Land must either receive under the hand of, or request from, the chief executive within the meaning of section 4 of the Cadastral Survey Act 2002 or the Surveyor-General a certificate in a form substantially similar to the form set out in Schedule 2 of the Land Act 1948 as to the legal description of the land, any trusts, reservations, or restrictions affecting the land, and any other matters that the Registrar-General of Land considers appropriate. 30 35

In section 29(2), replace “shall be filed by the District Land Registrar in the land registry office and shall be conclusive evidence to the District Land Registrar” with

Housing Restructuring and Tenancy Matters Act 1992 (1992 No 76)—*continued*

“must be recorded by the Registrar-General of Land in the register and is conclusive evidence to the Registrar-General of Land”.

Replace section 30(1) with:

- (1) Where land is vested in the company pursuant to this Part subject to the reservation of or together with any easement, not being an easement previously registered under the Land Transfer Act **2016**, the chief executive within the meaning of section 4 of the Cadastral Survey Act 2002 or the Surveyor-General must include in the certificate given under **section 29(1)** of this Act a sufficient description of the easement and particulars as to the rights and powers, terms, covenants, conditions, or restrictions attaching to it. 5 10

In section 30(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 30(2), replace “District Land Registrar” with “Registrar-General of Land”.

In section 30(2), replace “certificate of title” with “record of title”.

In section 30(3), replace “certificate of title” with “record of title”.

In section 30(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 15

Replace section 36(1) with:

- (1) The Registrar-General of Land must, on written application by any person authorised by either of the shareholding Ministers and on payment of the prescribed fee, register the Crown as the proprietor, in substitution for the company, of the estate or interest of the company in any land that is incorporated in the register or otherwise registered and that is vested in the Crown pursuant to an Order in Council made under section 35. 20

In section 172(c), replace “registered proprietor” with “registered owner”.

Hutt Valley Drainage Act 1967 (1967 No 3 (L))

In section 30(1)(c)(ii), replace “registered proprietor” with “registered owner” in each place. 25

In section 30(1)(c)(iii), replace “registered proprietor” with “registered owner”.

Income Tax Act 2007 (2007 No 97)

In section CB 25(2)(b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 30

In section DG 11(8B)(c) replace “certificate of title within the meaning of the Land Transfer Act 1952” with “record of title within the meaning of the Land Transfer Act **2016**”.

In section DG 11(8B)(c)(i) replace “certificate of title” with “record of title”.

In section DG 16(1B)(c) replace “certificate of title within the meaning of the Land Transfer Act 1952” with “record of title within the meaning of the Land Transfer Act **2016**”. 35

Income Tax Act 2007 (2007 No 97)—continued

In section DG 16(1B)(c)(i) replace “certificate of title” with “record of title”.

In section EB 24(4)(b)(ii), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Incorporated Societies Act 1908 (1908 No 212)

In section 27(5), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 5

In section 27(5), replace “District Land Registrar for the land registration district in which the land is situated” with “Registrar-General of Land”.

In section 27(5), replace “District Land Registrar may” with “Registrar-General of Land may”.

Industrial and Provident Societies Act 1908 (1908 No 81) 10

In section 10(h), replace “District Land Registrar of any district to which its operations extend” with “Registrar-General of Land”.

In section 10(h), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 10(h), replace “District Land Registrar to” with “Registrar-General of Land to”. 15

Insolvency Act 2006 (2006 No 55)

In section 105(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 122(2)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 122(3), replace “registered proprietor” with “registered owner”. 20

In the heading to section 210, replace “**Land Transfer Act 1952**” with “**Land Transfer Act 2016**”.

In section 210, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In the heading to section 216, replace “**Land Transfer Act 1952**” with “**Land Transfer Act 2016**”. 25

In section 216, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 318(b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Irrigation Schemes Act 1990 (1990 No 52)

In section 2, repeal the definition of **District Land Registrar**.

In section 4(6)(c), replace “District Land Registrar” with “Registrar-General of Land”. 30

In section 4(6)(c)(i), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 4(6)(c)(ii), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 35

Irrigation Schemes Act 1990 (1990 No 52)—continued

In section 4(7), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 4(8), replace “District Land Registrar” with “Registrar-General of Land” in each place.

In section 4(9), replace “District Land Registrar” with “Registrar-General of Land”.

In section 4(10), replace “Part 11 of the Land Transfer Act 1952” with “**subpart 3 of Part 2** of the Land Transfer Act **2016**”. 5

In section 4(11), replace “registered proprietor” with “registered owner”.

In section 4(12), replace “District Land Registrar” with “Registrar-General of Land”.

In section 4(12), replace “memorandum of transfer” with “transfer instrument”.

In section 4(12), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 10

In section 5(3)(d), replace “District Land Registrar” with “Registrar-General of Land”.

In section 5(4), replace “District Land Registrar” with “Registrar-General of Land” in each place.

In section 5(5), replace “Part 11 of the Land Transfer Act 1952” with “**subpart 3 of Part 2** of the Land Transfer Act **2016**”. 15

In section 5(6), replace “registered proprietor” with “registered owner”.

In section 5(7), replace “memorandum of transfer” with “transfer instrument”.

In section 5(7), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 9(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 20

In section 10(1), replace “A District Land Registrar” with “The Registrar-General of Land”.

In section 10(1)(a), delete “in the Land Registry Office of the land registration district concerned”.

In section 10(2), replace “A District Land Registrar” with “The Registrar-General of Land”. 25

In section 10(2), replace “certificate of title for land vested in the transferee pursuant to section 9(2) of this Act in form 1 of Schedule 1 of the Land Transfer Act 1952, amended as appropriate” with “record of title for land vested in the transferee”.

In section 10(2), replace “The District Land Registrar” with “The Registrar-General of Land”. 30

In section 10(2), replace “such certificate of title” with “such record of title”.

In section 11(1), replace “a District Land Registrar” with “the Registrar-General of Land”.

In section 11(1), replace “certificate of title” with “record of title”. 35

In section 11(1), replace “the District Land Registrar” with “the Registrar-General of Land” in each place.

Irrigation Schemes Act 1990 (1990 No 52)—continued

In section 11(2), replace “District Land Registrar” with “Registrar-General of Land” in each place.

In section 11(2), delete “in the Land Registry Office”.

Joint Family Homes Act 1964 (1964 No 45)

In section 2, definition of **flat-owning company**, replace “flat-owning company within the meaning of Part 7A of the Land Transfer Act 1952” with “company within the meaning of **subpart 6 of Part 3** of the Land Transfer Act **2016**”. 5

In section 2, definition of **land**, replace “Part 7A of the Land Transfer Act 1952” with “**subpart 6 of Part 3** of the Land Transfer Act **2016**”.

In section 2, definition of **registered proprietor**, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**” in each place. 10

In section 2, definition of **registered proprietor**, replace “registered as proprietor of the land” with “registered owner”.

In section 2, definition of **Registrar**, replace “District Land Registrar or the Registrar of Deeds for the district in which the land is situated” with “Registrar-General of Land or the Registrar of Deeds”. 15

In section 5(1)(d), replace “Part 7A of the Land Transfer Act 1952” with “**subpart 6 of Part 3** of the Land Transfer Act **2016**”.

In section 5(2)(a), replace “certificate of title” with “record of title”.

In section 7(1)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 20

In section 7(1)(a), delete “, and on the duplicate grant, certificate of title, lease, licence, or other instrument of title,”.

In section 10(6)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Replace section 10(7) with: 25

(7) In any case where the land in respect of which a settlement is cancelled comprises a lease or licence from a flat-owning company, upon the cancellation being effected in respect of the land in accordance with subsection (6), it is deemed to have been effected in respect of the relative shares.

Replace section 12(1)(b) with: 30

(b) on receipt of any such written advice the company must, where any change in the name or names of the registered holder or holders of the relative shares is involved, register the person or persons named in the advice as the registered holder or holders of the shares, and issue a share certificate in his, her, or their name or names in respect of the shares. 35

Judicature Act 1908 (1908 No 89)

Replace section 26I(1)(c) with:

Judicature Act 1908 (1908 No 89)—*continued*

- (c) any proceedings under which relief is claimed solely under any of the provisions of **sections 141, 142, 145, 176, 177, or 179** of the Land Transfer Act **2016** (which provisions relate to caveats):

Land Act 1948 (1948 No 64)

- In section 42(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 5
- In section 42(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**” in each place.
- In section 42(2)(a), replace “District Land Registrar” with “Registrar-General of Land”.
- In section 42(3), replace “District Land Registrar” with “Registrar-General of Land”. 10
- In section 42(4), replace “certificate of title” with “record of title”.
- In section 48(4), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In section 48(5), replace “District Land Registrar” with “Registrar-General of Land” in each place.
- In section 48(5), replace “certificate of title” with “record of title” in each place. 15
- In section 48(5), replace “registered proprietor” with “registered owner”.
- In section 48(5), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In section 54(3), replace “registered under the Land Transfer Act 1952” with “registered under the Land Transfer Act **2016**”.
- In section 54(3), replace “registered proprietor under a certificate of title under the Land Transfer Act 1952” with “registered owner under a record of title under the Land Transfer Act **2016**”. 20
- In section 60(4), replace “District Land Registrar” with “Registrar-General of Land” in each place.
- Repeal section 60(5). 25
- In section 60B(3), replace “Part 11 of the Land Transfer Act 1952” with “**subpart 3 of Part 2** of the Land Transfer Act **2016**”.
- In section 65(9), replace “certificate of title” with “record of title”.
- Replace section 82(1) with:
- (1) For every lease or licence issued under this Act except leases and licences referred to in subsection (4) the Registrar-General of Land must, after execution by the Commissioner and the lessee or licensee, create a record of title for the lease or licence. 30
- Replace section 82(1A) with:
- (1A) If the land comprised in any such lease or licence is not properly defined by survey or for any other reason cannot be fully described, the Registrar-General of Land may register the lease or licence, but must record on the record of title 35

Land Act 1948 (1948 No 64)—*continued*

for the lease or licence that the title is qualified as described in **section 17(1)(a)** of the Land Transfer Act **2016**.

Repeal section 82(1B).

In section 82(3), replace “District Land Registrar” with “Registrar-General of Land”.

In section 82(3A), replace “a lease or licence constitutes a folium of the register in the office of the District Land Registrar” with “a record of title has been issued for the lease or licence”.

In section 82(3A)(a), replace “District Land Registrar” with “Registrar-General of Land”.

In section 82(3A)(b), replace “District Land Registrar to issue a certificate of title under the Land Transfer Act 1952” with “Registrar-General of Land to issue a record of title under the Land Transfer Act **2016**”.

In section 82(3A)(b), replace “District Land Registrar shall issue a certificate of title” with “Registrar-General of Land must issue a record of title”.

Replace section 83(1) and (2) with:

- (1) The Registrar-General of Land must create a record of title for any lease or licence that is, under section 48 or 82(4) (other than licences issued under section 68 or Part 11), not required to be registered under the Land Transfer Act **2016** if the lease or licence is presented by the Commissioner to the Registrar-General of Land for registration.
- (2) Subject to the requirements of this Act relating to dealings with any lease or licence, any instrument or notice of any kind which is registrable against a lease under the Land Transfer Act **2016** by virtue of that Act or any other Act is registrable against any lease or licence recorded under **subsection (1)**, and may be so registered in the manner prescribed by the Act by virtue of which it is registrable.

In section 83(3)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 83(3)(a), replace “prescribed by” with “prescribed under”.

In section 83(3)(b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 83(4), replace “District Land Registrar” with “Registrar-General of Land”.

Replace section 88(5) with:

- (5) On production to the Registrar-General of Land of a certificate, signed by the Commissioner, of any increase in the rental value or in the rent or purchase price payable under any lease or licence pursuant to this section, the Registrar-General of Land must record details of the increase on the record of title issued for the lease or licence.

In section 91, replace “District Land Registrar” with “Registrar-General of Land”.

Land Act 1948 (1948 No 64)—*continued*

In section 91A(2), replace “District Land Registrar” with “Registrar-General of Land”.

In section 113(1), replace “District Land Registrar” in the first place it appears with “Registrar-General of Land”.

In section 113(1), replace “District Land Registrar, who shall thereupon endorse on the relevant lease or licence a memorial of the same” with “Registrar-General of Land, who must enter details of this on any record of title issued for the lease or licence” 5

In section 113(2), replace “on the endorsement on the lease or licence of an appropriate memorial by the District Land Registrar” with “on the entry of details on the record of title for the lease or licence by the Registrar-General of Land” 10

Replace section 113(4) with:

- (4) In this section, **lease or licence** includes a lease, current at the date when the land first became Crown land subject to this Act, of land of which Her Majesty the Queen is the registered owner under a record of title under the Land Transfer Act **2016**. 15
- (5) Where land is incorporated in any lease of the type described in **subsection (4)**, the Registrar-General of Land, on production of the certificate by the Commissioner referred to in subsection (1), must issue a record of title in the name of Her Majesty the Queen for the land incorporated in the lease. 20
- (6) Every record of title issued under **subsection (5)** continues in force until the expiration or sooner determination of the lease, and must then be cancelled by the Registrar-General of Land.

In section 114(2)(b), replace “certificate of title for the land, the District Land Registrar” with “record of title for the land, the Registrar-General of Land” 25

In section 114(3)(b), replace “District Land Registrar” with “Registrar-General of Land”.

In section 114(4), replace “District Land Registrar” with “Registrar-General of Land”.

In section 115(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 116(1), replace “certificate of title under the Land Transfer Act 1952” with “record of title under the Land Transfer Act **2016**”. 30

Replace section 116(2) and (3) with:

- (2) No authority other than a certificate by the chief executive within the meaning of section 4 of the Cadastral Survey Act 2002 or the Surveyor-General as provided for in **subsection (3)** is necessary for the issue of a record of title under subsection (1). 35
- (3) On completion of all necessary surveys (if any) the chief executive within the meaning of section 4 of the Cadastral Survey Act 2002 or the Surveyor-General may file in the office of the Registrar-General of Land a certificate in the

Land Act 1948 (1948 No 64)—*continued*

form set out in Schedule 2 of this Act certified as correct by the chief executive within the meaning of section 4 of the Cadastral Survey Act 2002 or the Surveyor-General. Every such certificate has the same effect as a warrant issued under section 12 of the Land Transfer Act 1952, and the Registrar-General of Land must issue a record of title for the land under the Land Transfer Act **2016**. 5

In section 116(4), replace “certificate of title” with “record of title”.

In section 116(4), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 116(6), replace “District Land Registrar” with “Registrar-General of Land”.

Replace section 116(7) with: 10

(7) If it appears that the estate of any person named in a certificate filed under **subsection (3)** as entitled to the land described in the certificate has become vested in any other person claiming through the named person, the Registrar-General of Land may issue a record of title direct to the other person. The record of title must be made subject to all encumbrances, estates, and interests appearing to affect the land at the date the record of title is issued. 15

In section 116(8), replace “certificate of title” with “record of title”.

In section 124(1), replace “certificate of title” with “record of title”.

In section 124A(1), replace “certificate of title” with “record of title”.

In section 144(2), replace “District Land Registrar” with “Registrar-General of Land”. 20

In section 144(2), delete “, and on the outstanding copy thereof when produced to him”.

In section 147(3), replace “District Land Registrar” with “Registrar-General of Land”. 25

In the heading to section 160, replace “**certificate of title**” with “**record of title**”.

In section 160(1), replace “District Land Registrar” with “Registrar-General of Land”.

In section 160(1), replace “certificate of title” with “record of title”.

In section 160(3), replace “any District Land Registrar or Registrar of the High Court” with “the Registrar-General of Land or any Registrar of the High Court”. 30

In section 167(6), replace “District Land Registrar” with “Registrar-General of Land”.

Replace section 170(2) with:

(2) The memorandum of renewal or variation must— 35
 (a) be signed by the Commissioner and by the lessee or licensee; and
 (b) be registered with the Registrar-General of Land.

Land Act 1948 (1948 No 64)—*continued*

(2A) Upon receiving a memorandum of renewal or variation under **subsection (2)**, the Registrar-General of Land must,—

- (a) if no record of title exists for the leasehold interest being renewed or varied, record the renewal or variation on the register; or
- (b) if a record of title exists for the leasehold interest being renewed or varied, update the record of title.

5

In the heading to section 171, replace “**certificate of title**” with “**record of title**”.

In section 171(1), replace “certificate of title” with “record of title”.

In the Schedule 2 heading, replace “**certificate of title under the Land Transfer Act 1952**” with “**record of title under Land Transfer Act 2016**”.

10

In Schedule 2, replace “issue of certificate of title” with “issue of record of title”.

In Schedule 2, replace “District Land Registrar is hereby authorised to issue accordingly a certificate of title under the Land Transfer Act 1952” with “Registrar-General of Land is hereby authorised to issue a record of title under the Land Transfer Act **2016**”.

15

Land Drainage Act 1908 (1908 No 96)

Replace the heading to section 71 with “**Deed of assent to be filed with Registrar-General of Land**”.

In section 71, replace “District Land Registrar for the registration district wherein the land affected by such deed is situate” with “Registrar-General of Land”.

20

In section 75, replace “District Land Registrar for the registration district wherein the lands are situate” with “Registrar-General of Land”.

Land Transfer (Hawke’s Bay) Act 1931 (1931 No 27)

In section 1(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 2, definition of **Registrar**, replace “Registrar-General” with “Registrar-General of Land”.

25

Land Transport Management Act 2003 (2003 No 118)

Replace section 64 with:

64 Registration of leases

If a lease under section 63 is in the form of a deed and no record of title has been issued, the Minister may request the Registrar-General of Land to register the lease by issuing a record of title for it pursuant to **section 12** of the Land Transfer Act **2016**.

30

Lawyers and Conveyancers Act 2006 (2006 No 1)

In section 6, definition of **conveyancing**, paragraph (d), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 6, definition of **conveyancing**, paragraph (f), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

5

In section 150(h), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 159(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 178, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 188(2)(g), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

10

In Schedule 2, clause 4(h), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In Schedule 2, clause 6(f), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In Schedule 3, clause 10(2)(d), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

15

Legal Services Act 2011 (2011 No 4)

In section 18(4), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”.

In section 36(4)(a), replace “Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”.

20

Limitation Act 2010 (2010 No 110)

In section 19(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 19(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 25(1)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

25

Local Government Act 1974 (1974 No 66)

In section 327A, replace “District Land Registrar” with “Registrar-General of Land”.

Replace section 345(2) with:

- (2) If the council pursuant to subsection (1)(a)(i) sells the land to the owner or owners of any adjoining land, it may require, despite the provisions of any other enactment, the amalgamation of that land with the adjoining land under 1 record of title. The Registrar-General of Land may, if he or she thinks fit, dispense with any survey that would otherwise be required for the purposes of the issue of a record of title under this section, and may issue a record of title qualified as described in **section 17(1)(a)** of the Land Transfer Act **2016**.

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In section 345(2A), replace “certificate of title” with “record of title” in each place.

Local Government Act 1974 (1974 No 66)—*continued*

- In section 345(2A)(a), replace “certificates of title” with “records of title”.
- In section 345(2B), replace “certificate of title” with “record of title” in each place.
- In section 345(2B), replace “District Land Registrar” with “Registrar-General of Land”.
- In section 345(5), replace “certificate of title” with “record of title”. 5
- In section 345(5), replace “District Land Registrar” with “Registrar-General of Land”.
- In section 346C(c), replace “District Land Registrar” with “Registrar-General of Land” in each place.
- In section 346G(1), replace “District Land Registrar” with “Registrar-General of Land”. 10
- In section 346G(2)(a), replace “District Land Registrar” with “Registrar-General of Land”.
- In section 346H(1), replace “District Land Registrar” with “Registrar-General of Land” in each place. 15
- In section 346H(2), replace “District Land Registrar” with “Registrar-General of Land” in each place.
- In section 348(2)(b)(i), replace “section 62 of the Land Transfer Act 1952” with “**section 51** of the Land Transfer Act **2016**”.
- In section 351, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 20
- In the heading to section 352, replace “**Registrar**” with “**Registrar-General of Land**”.
- In section 352, replace “District Land Registrar” with “Registrar-General of Land”.
- In section 352, replace “certificate of title” with “record of title”.
- In section 352, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 25
- In section 354(3), replace “District Land Registrar” with “Registrar-General of Land”.
- In section 461(1), replace “District Land Registrar” with “Registrar-General of Land” in each place.
- In section 461(2), replace “District Land Registrar” with “Registrar-General of Land”. 30
- In section 461(2), replace “register and upon the outstanding duplicate certificate of title for that land, which certificate of title shall be produced to him for that purpose” with “record of title”.
- In section 462(3)(a), replace “District Land Registrar” with “Registrar-General of Land”. 35

Local Government Act 1974 (1974 No 66)—continued

In section 462(3)(b), replace “District Land Registrar shall enter on the register and on the outstanding certificates of title to the lands served by that drain (which shall be produced to him for the purpose)” with “Registrar-General of Land must enter on the records of title for the land served by that drain”.

In section 517ZD(2), replace “, together with such plans, if any, as the Registrar-General of Land requires, in the Land Registry Office for the district in which the land is situated” with “with the Registrar-General of Land, together with such plans, if any, as the Registrar-General of Land requires”. 5

In section 517ZD(3)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 10

In section 517ZD(3)(b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 517ZD(4), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 517ZD(5), replace “Part 11 of the Land Transfer Act 1952” with “**subpart 3 of Part 2** of the Land Transfer Act **2016**”. 15

In section 517ZD(6), replace “registered proprietor” with “registered owner”.

In section 517ZD(7), replace “memorandum of transfer to be registered under the Land Transfer Act 1952” with “transfer instrument to be registered under the Land Transfer Act **2016**”. 20

Replace section 517ZE(3)(d) with:

- (d) be lodged by the local authority with the Registrar-General of Land who must register it against the title to that land.

In section 517ZE(6), replace “Part 11 of the Land Transfer Act 1952” with “**subpart 3 of Part 2** of the Land Transfer Act **2016**”. 25

In section 517ZE(7), replace “registered proprietor” with “registered owner”.

In section 517ZE(8), replace “memorandum of transfer registered under the Land Transfer Act 1952” with “transfer instrument registered under the Land Transfer Act **2016**”.

In section 517ZG(2), replace “certificate of title” with “record of title”. 30

In Schedule 10, clause 10, replace “District Land Registrar” with “Registrar-General of Land”.

Local Government Act 2002 (2002 No 84)

In section 208(d), replace “Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”. 35

In section 220(3), replace “Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”.

Local Government Act 2002 (2002 No 84)—continued

In Schedule 9, clause 3(1), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”.

In Schedule 9, clause 3(2), delete “, for the purposes of section 138 of the Land Transfer Act 1952,”.

Local Government (Rating) Act 2002 (2002 No 6) 5

In section 5, definition of **land transfer register**, replace “section 33 of the Land Transfer Act 1952” with “**section 9** of the Land Transfer Act **2016**”.

In section 11(1)(b)(i), replace “section 115 of the Land Transfer Act 1952” with “**section 91** of the Land Transfer Act **2016**”.

In section 11(2)(b)(iii)(B), replace “section 115 of the Land Transfer Act 1952” with “**section 91** of the Land Transfer Act **2016**”. 10

In section 11(4)(b), replace “certificate of title” with “record of title”.

In section 32(1), replace “certificate of title” with “record of title” in each place.

Replace section 83 with:

83 Registration of instruments 15

An instrument executed under section 73 or 80 may be registered under the Land Transfer Act **2016**.

In section 90(6)(a), replace “certificate of title” with “record of title” in each place.

Loyal Orange Institution of New Zealand (Incorporated) Trust Act 1954 (1954 No 3 (P)) 20

In section 11, replace “All District Land Registrars” with “The Registrar-General of Land”.

In section 11, replace “District Land Registrar” with “Registrar-General of Land”.

In section 11, delete “proprietor or”.

In section 13, replace “any District Land Registrar appointed for and acting in any district situated under the Land Transfer Act 1952 or any other Act for the time being in force in New Zealand relating to the transfer and registration of title to land” with “the Registrar-General of Land”. 25

In section 13, replace “certificate of title” with “record of title” in each place.

In section 13, replace “memorandum of mortgage” with “mortgage instrument” in each place. 30

In section 13, replace “registered proprietor” with “registered owner”.

In section 15, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Maori Affairs Restructuring Act 1989 (1989 No 68)

In section 13A(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 35

Maori Affairs Restructuring Act 1989 (1989 No 68)—*continued*

In section 20(2), replace “District Land Registrar” with “Registrar-General of Land”.

In section 20(2), replace “certificate of title” with “record of title”.

In section 22, replace “District Land Registrar” with “Registrar-General of Land” in each place.

In section 33, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 5

In section 33, delete “, and for the purposes of registration it shall not be necessary to produce the certificate or certificates of title”.

In section 43(5), replace “District Land Registrar or the Registrar of Deeds, as the case may be, of the land registration district in which the land is situated” with “Registrar-General of Land or the Registrar of Deeds, as the case may be”. 10

In section 55(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 62(4), replace “District Land Registrar shall endorse on the certificate of title or other relevant instrument of title” with “Registrar-General of Land must record on the record of title”.

In section 64(3), replace “District Land Registrar” with “Registrar-General of Land”. 15

In section 64(3), replace “certificates of title” with “records of title”.

In section 86A(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 86A(2), replace “District Land Registrar of the district in which the land is situated” with “Registrar-General of Land”.

Replace section 86A(3) to (5) with: 20

- (3) On receipt of any such certificate, the Registrar-General of Land must register the certificate in accordance with the following provisions of this section.
- (4) If the title to the land affected by the order referred to in the certificate is registered under the Land Transfer Act **2016**, the Registrar-General of Land must register the certificate against the record of title for the land. 25
- (5) If the title to the land is not registered under the Land Transfer Act **2016**, the Registrar-General of Land must register the certificate by issuing a qualified record of title for the certificate.

In section 86A(6)(c), replace “memorandum of lease” with “lease instrument”.

Replace section 86A(7) with: 30

- (7) On deposit for registration of the order of the court constituting the title to any land, the Registrar-General of Land must cancel the registration of the certificate given by the Registrar of the court and must issue a record of title (which may be a record of title qualified as described in **section 17(1)(a)** of the Land Transfer Act **2016**), and transfer to the record of title all entries and memorials then appearing in the register in respect of land comprised in the order of the court. 35

Maori Reserved Land Act 1955 (1955 No 38)

In section 6(1), replace “District Land Registrar” with “Registrar-General of Land”.

In section 6(1), replace “certificates of title” with “records of title”.

In section 6(2), replace “District Land Registrar” with “Registrar-General of Land”.

In section 6(2), replace “certificate of title” with “record of title”. 5

In section 13(3), replace “District Land Registrar” with “Registrar-General of Land”.

In section 13(3), replace “certificate of title” with “record of title” in each place.

In section 14(3), replace “District Land Registrar” with “Registrar-General of Land”.

In section 14(3), replace “certificates of title” with “records of title”.

Replace section 78(1) with: 10

- (1) Upon the production of any lease of any reserved land, duly executed by the lessee and the Māori Trustee, and the payment of the appropriate fee, the Registrar-General of Land must issue a record of title for that leasehold estate.

In section 78(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 78(3), replace “District Land Registrar may require a plan of the land to be deposited in the Land Registry Office in accordance with the provisions of section 167 of the Land Transfer Act 1952” with “Registrar-General of Land may require the deposit of a plan of the land that complies with **section 223(2)** of the Land Transfer Act **2016**”. 15

In section 78(4), replace “Land Transfer Act 1952, the District Land Registrar shall register against the substituted lease or the certificate of title for the leasehold interest, as the case may be,” with “Land Transfer Act **2016**, the Registrar-General of Land must register against the record of title for the leasehold estate”. 20

In section 79(2), replace “memorandum of variation under section 116 of the Land Transfer Act 1952” with “lease variation instrument under **section 92** of the Land Transfer Act **2016**”. 25

In section 87(7), replace “District Land Registrar” with “Registrar-General of Land”.

In section 87(7), replace “certificates of title” with “records of title”.

Maori Reserved Land Amendment Act 1997 (1997 No 101)

In the heading to section 11, replace “**District Land Registrar to note certificate of title**” with “**Registrar-General of Land to note record of title**”. 30

In section 11(1), replace “District Land Registrar” with “Registrar-General of Land”.

In section 11(2), replace “certificate of title” with “record of title”.

In section 11(3), replace “certificate of title” with “record of title” in each place.

In section 11(3), replace “District Land Registrar” with “Registrar-General of Land”. 35

In the heading to section 12, replace “**District Land Registrar**” with “**Registrar-General of Land**”.

Maori Reserved Land Amendment Act 1997 (1997 No 101)—*continued*

In section 12, replace “District Land Registrar” with “Registrar-General of Land”.

In section 13(4), replace “Land Transfer Act 1952, the registered proprietor” with “Land Transfer Act **2016**, the registered owner”.

In section 14(9), definition of **lessor**, replace “Land Transfer Act 1952, the registered proprietor” with “Land Transfer Act **2016**, the registered owner”. 5

In section 15(4), definition of **lessor**, replace “Land Transfer Act 1952, the registered proprietor” with “Land Transfer Act **2016**, the registered owner”.

In section 16(4)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 16(4)(b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 10

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)

In section 9(1), definition of **Registrar**, replace “section 4 of the Land Transfer Act 1952” with “**section 229** of the Land Transfer Act **2016**”.

In section 9(1), definition of **specified freehold land**, paragraph (c), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 15

In the heading to section 22, replace “**computer freehold registers**” with “**records of title**”.

In section 22(1), replace “computer freehold register” with “record of title”.

In section 22(2), replace “computer freehold register” with “record of title”. 20

In section 22(2)(a), replace “computer interest register under section 9 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002” with “record of title”.

In section 22(2)(b), replace “computer interest register” with “record of title”.

In section 22(3), replace “computer interest register” with “record of title” in each place. 25

In the heading to section 23, replace “**computer freehold register**” with “**record of title**”.

In section 23(1), replace “computer freehold register” with “record of title” in each place. 30

In section 23(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 23(2)(a), replace “computer freehold register” with “record of title”.

In section 23(2)(b), replace “computer freehold register under section 7 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002” with “record of title”. 35

In section 23(2)(c), replace “computer freehold register” with “record of title” in each place.

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)—continued

In section 23(2)(d), replace “computer interest register under section 9 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002” with “record of title”.

In section 23(2)(d), replace “computer freehold register” with “record of title”.

In section 39(2)(d), replace “computer register” with “record of title”. 5

In section 39(3)(a), replace “computer register under the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002” with “record of title”.

In section 39(3)(b), replace “that computer register” with “that record of title”.

In section 43(6)(d), replace “computer register” with “record of title”.

In section 43(7), replace “computer register under the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002” with “record of title”. 10

In section 44(1), replace “computer register” with “record of title”.

In section 44(5)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 44(6), replace “computer register” with “record of title”. 15

Masonic Property Trusts Act 1956 (1956 No 1 (P))

In section 6, replace “registered proprietors” with “registered owners”.

In section 9, replace “certificate of title” with “record of title”.

In section 9, replace “proprietor or proprietors” with “owner or owners”.

In section 13, replace “any District Land Registrar” with “the Registrar-General of Land”. 20

In the Schedule, replace “certificate of title, Register Book, Volume [*number*], folio [*number*]” with “record of title [*reference*]”.

Mauao Historic Reserve Vesting Act 2008 (2008 No 31)

In section 14(2)(a), replace “proprietors” with “owners”. 25

In section 14(3), replace “computer freehold register” with “record of title” in each place.

In section 14(3)(a), replace “computer freehold register” with “record of title”.

In section 14(3)(a), replace “proprietors” with “owners”.

In section 14(4), replace “proprietors” with “owners”. 30

In section 14(5), replace “computer freehold register” with “record of title”.

In section 14(6), replace “computer freehold register” with “record of title”.

In section 15(b), replace “computer freehold register” with “record of title”.

Methodist Church Property Trust Act 1887 (1887 No 4 (P))

In section 7, replace “any District Land Registrar” with “the Registrar-General of Land”.

In the Schedule, replace “Certificate of Title” with “record of title”.

Mining Tenures Registration Act 1962 (1962 No 48)

5

In section 2(1), repeal the definition of **District Land Registrar**.

In section 2(4)(b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 4(6)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 5(5), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 9(1), replace “District Land Registrar” with “Registrar-General of Land” in each place. 10

In section 9(2), replace “District Land Registrar” with “Registrar-General of Land”.

Replace section 10(1) with:

- (1) Despite anything in the Land Transfer Act **2016**, the Registrar-General of Land must, without fee, issue a record of title under that Act for every licence forwarded to him or her by the Mining Registrar under the provisions of section 9. 15

In section 10(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**” in each place.

In section 10(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**” in each place. 20

Replace section 10(4) with:

- (4) If the Registrar-General of Land has created a record of title for a licence of land that is not properly defined by survey or cannot for any other reason be fully described, the Registrar-General may record in the record of title that the title is qualified as described in **section 17(1)(a)** of the Land Transfer Act **2016**. 25

Repeal section 10(5).

In section 10(6), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 10(7), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 30

In section 11(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 11(b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**” in each place.

In section 12(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 12(2), replace “District Land Registrar” with “Registrar-General of Land”. 35

In section 13(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 14(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Mining Tenures Registration Act 1962 (1962 No 48)—*continued*

In section 14(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 15(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 15(1), delete “at the Principal Land Office for the land district in which the land is situated”.

In section 16, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 5

In section 16, replace “District Land Registrar” with “Registrar-General of Land”.

In section 17(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 18(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 18(7), replace “certificate of title” with “record of title” in each place.

In section 18(8), replace “certificate of title” with “record of title”. 10

In section 19(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In the heading to section 22, replace “**certificate of title**” with “**record of title**”.

Replace section 22(1)(a) and (b) with:

- (a) if the fee simple is so acquired, the Registrar-General of Land may issue to the licensee or to the proprietor of the grant, as the case may be, a record of title for the land that is qualified as described in **section 17(1)(a)** of the Land Transfer Act **2016**: 15
- (b) if a renewable lease is so acquired, the Registrar-General of Land may accept the lease for registration but must issue a record of title for the lease that is qualified as described in **section 17(1)(a)** of the Land Transfer Act **2016**. 20

Replace section 22(2) with:

- (2) **Section 19** of the Land Transfer Act **2016** does not apply to a qualified record of title issued for a renewable lease (meaning that the qualification cannot be removed). 25
- (3) **Section 200** of the Land Transfer Act **2016** does not apply to a limited record of title issued for a renewable lease (meaning that the limitation cannot be removed).

In the heading to section 25, replace “**District Land Registrar**” with “**Registrar-General of Land**”. 30

In the heading to section 25, replace “**certificate of title**” with “**record of title**”.

In section 25, replace “District Land Registrar” with “Registrar-General of Land”.

In section 25, replace “certificate of title” with “record of title” in each place.

In section 25, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**” in each place. 35

In Schedule 1, replace “District Land Registrar at [*specify*]” with “Registrar-General of Land”.

Mining Tenures Registration Act 1962 (1962 No 48)—continued

In Schedule 1, clause 1, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In the Schedule 2 heading, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In the Schedule 3 heading, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 5

In Schedule 3, item relating to section 171(1) and (2) of the Land Act 1948, replace “certificate of title” with “record of title”.

In the Schedule 4 heading, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 10

Ministry of Works and Development Abolition Act 1988 (1988 No 42)

In section 7(2), replace “any District Land Registrar, Registrar of Companies, or Registrar of the High Court” with “the Registrar-General of Land, any Registrar of Companies, or any Registrar of the High Court”.

National Parks Act 1980 (1980 No 66) 15

In section 73(6), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In the heading to section 76, replace “Certificates of title” with “Records of title”.

In section 76(1), replace “Registrar for the Land Registration District in which is situated any land forming part of any national park shall” with “Registrar-General of Land must”. 20

In section 76(1), replace “certificate or certificates of title under the Land Transfer Act 1952” with “record or records of title under the Land Transfer Act **2016**”.

National Provident Fund Restructuring Act 1990 (1990 No 126)

In section 33(1), replace “District Land Registrar” with “Registrar-General of Land”.

New Plymouth Airport Act 1961 (1961 No 2 (L)) 25

In section 6(8), replace “section 167 of the Land Transfer Act 1952” with “**section 223** of the Land Transfer Act **2016**”.

New Zealand Railways Staff Welfare Society Dissolution Act 1999 (1999 No 17)

In section 6(1), replace “District Land Registrar” with “the Registrar-General of Land”. 30

Otago Regional Council (Kuriwao Endowment Lands) Act 1994 (1994 No 4 (L))

In section 3(1), definition of **Registrar**, replace “Registrar for the Otago Land Registration District” with “Registrar-General of Land”.

In section 15(2)(a), replace “shall record on the certificate of title or, if appropriate, on the lease” with “must record on the record of title for the lease”. 35

Otago Regional Council (Kuriwao Endowment Lands) Act 1994 (1994 No 4 (L))
—continued

In section 15(3)(a), replace “certificate of title” with “record of title” in each place.

In section 15(3)(a), replace “proprietor” with “owner”.

In section 18(2), replace “certificates of title” with “records of title”.

In section 18(2), replace “registered proprietor” with “registered owner”.

In column 3 of Schedule 1, replace “**Certificate of Title**” with “**Record of title**”. 5

Palmerston North Reserves Empowering Act 1966 (1966 No 28 (L))

In section 4A(4), replace “District Land Registrar” with “Registrar-General of Land”.

In section 4A(4), replace “memorandum of transfer” with “transfer instrument”.

Replace section 9 with:

- | | | |
|----------|--|----|
| 9 | Records of title | 10 |
| (1) | The Registrar-General of Land, on the application of the Council along with the deposit of any plans and documents he or she may require, must,— | |
| | (a) if there is a record of title for land vested in the Council under this Act, without fee, update the record of title for the land; or | |
| | (b) if there is no record of title for land vested in the Council under this Act, on payment of the prescribed fee, create a record of title for the land. | 15 |
| (2) | The Registrar-General of Land is empowered and directed to do all such other things as may be necessary to give effect to subsection (1) . | |

In section 12(2), replace “District Land Registrar for the Wellington Land Registration District” with “Registrar-General of Land”. 20

In section 12(6), replace “District Land Registrar” with “Registrar-General of Land”.

In Schedule 2, form 1, replace “District Land Registrar” with “Registrar-General of Land”.

In Schedule 2, form 1, delete “Wellington Land Registration District”.

In Schedule 2, form 1, replace “registered proprietor” with “registered owner”. 25

In Schedule 2, form 1, replace “certificate of title” with “record of title”.

In Schedule 2, form 2, replace “District Land Registrar” with “Registrar-General of Land”.

In Schedule 2, form 2, delete “Wellington Land Registration District”.

In Schedule 2, form 2, replace “registered proprietor” with “registered owner”. 30

In Schedule 2, form 2, replace “certificate of title” with “record of title”.

Presbyterian Church Property Act 1885 (1885 No 33)

Replace section 17 with:

Presbyterian Church Property Act 1885 (1885 No 33)—*continued***17 Transfer of freehold property to trustees**

- (1) Upon receipt of a statutory declaration that complies with **subsection (2)**, the Registrar-General of Land must transfer the land to which the statutory declaration relates to the trustees in their corporate name.
- (2) The statutory declaration must—
- (a) be made by any 3 of the trustees incorporated under this Act; and
 - (b) relate to land described in a record of title; and
 - (c) state that the land referred to in **paragraph (b)** is held on behalf of the trustees.

5

Privacy Act 1993 (1993 No 28)

10

In Schedule 2, Part 1, replace the item relating to the Land Transfer Act 1952 with:

Land Transfer Act **2016****Section 9****Private Schools Conditional Integration Act 1975 (1975 No 129)**

In section 2(1), definition of **land**, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 16(2), replace “the provisions of the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”.

15

In section 16(3), replace “the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”.

Property Law Act 2007 (2007 No 91)

In section 4, repeal the definition of **deed**.

20

In section 4, definition of **instrument**, paragraph (a)(ii), replace “Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002” with “Land Transfer Act **2016**”.

In section 4, definition of **instrument**, repeal paragraph (b).

In section 4, replace the definition of **land not under the Land Transfer Act 1952** with:

25

land not under the Land Transfer Act 2016 means land other than land referred to in **section 4** of that Act

In section 4, replace the definition of **land under the Land Transfer Act 1952** with:

land under the Land Transfer Act 2016 means all land referred to in **section 4** of that Act

30

In section 4, definition of **owner**, paragraph (a)(ii), replace “section 121A of the Land Transfer Act 1952” with “**section 121** of the Land Transfer Act **2016**”.

In section 4, definition of **proprietor**, replace “registered proprietor” with “registered owner”.

35

Property Law Act 2007 (2007 No 91)—*continued*

In section 4, definition of **registered**, replace paragraph (a) with:

- (a) in relation to an instrument concerning land under the Land Transfer Act **2016**, means land registered under that Act:

In section 4, definition of **registered**, paragraph (b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

5

In section 4, definition of **vehicular right of way**, paragraph (b)(i), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 5(1)(a), replace “section 41 of the Land Transfer Act 1952” with “**section 24** of the Land Transfer Act **2016**”.

Replace section 8(5) with:

10

- (5) Without limiting subsection (4), this Act applies subject to the Land Transfer Act **2016**.

Replace section 41 with:

41 Vendor must ensure record of title not limited or qualified as to title (whether or not also limited or qualified as to parcels)

15

- (1) This section applies to an agreement for the sale and purchase of land comprised in a register or record of title that—

- (a) was created before the making of the agreement; and
 (b) is limited as to title under **subpart 4 of Part 4** of the Land Transfer Act **2016** or is qualified as to title under **section 17** of that Act, whether or not it is also limited as to parcels under **subpart 4 of Part 4** of that Act or qualified as described in **section 17(1)(a)** of that Act.

20

- (2) The vendor must, before the time of settlement, and unless the agreement provides otherwise,—

- (a) do all acts (for example, prove all matters and comply with all requisitions by the Registrar-General) necessary to cause the record of title for the land to cease to be limited or qualified as to title (whether or not it remains limited as to parcels or qualified as described in **section 17(1)(a)** of Land Transfer Act **2016**); and
 (b) meet the expenses of complying with **paragraph (a)**, including payment of any fee prescribed under the Land Transfer Act **2016**.

25

30

In section 44(1)(b), replace “section 164A(3) of the Land Transfer Act 1952” with “**section 27** of the Land Transfer Act **2016**”.

Replace section 44(5) with:

- (5) In this section,—
electronic instrument has the meaning given to it in **section 5(1)** of the Land Transfer Act **2016**

35

Property Law Act 2007 (2007 No 91)—*continued*

electronic workspace facility has the meaning given to it in **section 5(1)** of the Land Transfer Act **2016**

paper instrument means an instrument in paper form

practitioner means a practitioner as defined in section 6 of the Lawyers and Conveyancers Act 2006.

5

In section 57(1), replace “certificate of title or computer register” with “record of title” in each place.

In section 60(3), replace “section 41 of the Land Transfer Act 1952” with “**sections 24 and 36** of the Land Transfer Act **2016**”.

In section 83(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 10

In section 84(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 85(6), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 95(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 107(3)(d), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”. 15

In section 111(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 121(1)(d), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”.

In section 146(2), replace “section 172 of the Land Transfer Act 1952” with “**section 58 or 59** of the Land Transfer Act **2016**”. 20

In section 156(1)(b)(iv), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”.

In section 165(1)(b)(iv), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”.

In section 179(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 25

In section 179(3)(a), replace “section 105” with “**section 102**”.

In section 183(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 183(2)(a), replace “section 105” with “**section 102**”.

In section 188(2)(b)(v), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”. 30

In section 198(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 201(e), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”.

In section 209(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 212(4), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 35

Property Law Act 2007 (2007 No 91)—*continued*

In section 215(3)(b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 216(5), replace “section 117 of the Land Transfer Act 1952” with “**section 94** of the Land Transfer Act **2016**”.

In section 257(1)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 257(3), replace “section 121 of the Land Transfer Act 1952” with “**section 97** of the Land Transfer Act **2016**”.

In section 257(4), replace “notified” with “noted”.

In section 257(4), replace “section 121 of the Land Transfer Act 1952” with “**section 97** of the Land Transfer Act **2016**”.

In section 297(2)(d), replace “section 90A of the Land Transfer Act 1952” with “**section 107** of the Land Transfer Act **2016**”.

In section 297(2)(e), replace “section 90C of the Land Transfer Act 1952” with “**section 111** of the Land Transfer Act **2016**”.

In section 297(5)(a), replace “section 90D of the Land Transfer Act 1952” with “**section 110** of the Land Transfer Act **2016**”.

In section 297(6), replace “section 90D of the Land Transfer Act 1952” with “**section 110** of the Land Transfer Act **2016**”.

In section 299(3), replace “or the Land Transfer Act 1952” with “, the Land Transfer Act 1952, or the Land Transfer Act **2016**”.

In section 299(4)(b), replace “or the Land Transfer Act 1952” with “, the Land Transfer Act 1952, or the Land Transfer Act **2016**”.

In section 305(2), replace “notification” with “notation”.

In section 305(2), replace “(as defined in section 2 of the Land Transfer Act 1952)” with “kept under **section 9** of the Land Transfer Act **2016**”.

In the heading to section 307, replace “**Notification**” with “**Notation**”.

In section 307(1)(b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 307(3), replace “enter in the register (as defined in section 2 of the Land Transfer Act 1952) relating to” with “note on the record of title created under **section 12** of the Land Transfer Act **2016** for”.

In section 307(3), replace “notification” with “notation”.

In section 307(3)(b) and (c), replace “notified” with “noted”.

Replace section 307(4) with:

Property Law Act 2007 (2007 No 91)—continued

(4) A covenant noted under subsection (3) is an interest noted on the register relating to the burdened land to which **section 52(1)(b)** of the Land Transfer Act **2016** applies.

In section 307(5), replace “Notification” with “Notation”.

In section 307(6), replace “notified” with “noted”. 5

In section 318(1), replace “in the register (as defined in section 2 of the Land Transfer Act 1952) relating to” with “on the record of title for”.

In section 318(1)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 318(1)(b), replace “notified” with “noted”. 10

In section 318(3), delete “a memorandum of”.

In section 325(6)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 330(5)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 15

In section 339(2)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 339(6)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 350(4), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 20

In the cross-heading above section 351, replace “*Land Transfer Act 1952*” with “*Land Transfer Act 2016*”.

In section 351(a)(ii), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In Schedule 2, clause 14(2)(c), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 25

In Schedule 2, clause 17(5)(f), replace “a request to the Registrar-General under section 117 or 118A of the Land Transfer Act 1952” with “an application to the Registrar-General under **section 94 or 95** of the Land Transfer Act **2016**”.

In Schedule 2, repeal clause 19(2). 30

In the Schedule 6 heading, replace “**Land Transfer Act 1952**” with “**Land Transfer Act 2016**”.

Property (Relationships) Act 1976 (1976 No 166)

In section 2, definition of **dwellinghouse**, replace “section 121A of the Land Transfer Act 1952” with “**section 121** of the Land Transfer Act **2016**”. 35

In section 2, definition of **homestead**, paragraph (b)(i), replace “section 121A of the Land Transfer Act 1952” with “**section 121** of the Land Transfer Act **2016**”.

Property (Relationships) Act 1976 (1976 No 166)—continued

In section 41(1), replace “District Land Registrar” with “Registrar-General of Land”.

In section 41(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 41(3), replace “District Land Registrar” with “Registrar-General of Land”.

In section 42(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 42(2), replace “District Land Registrar” with “Registrar-General of Land”. 5

In section 42(3), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”.

In section 42(3), replace “subsections (3) and (4) of section 141” with “**section 140**”.

In section 42(3)(a), replace “section 143 or section 145 or section 145A” with “**section 141 or 142**”. 10

In section 42(3)(b), replace “section 148” with “**section 145**”.

In section 42(4), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Protection of Personal and Property Rights Act 1988 (1988 No 4)

In section 38(3), replace “section 122 of the Land Transfer Act 1952 to have a transmission registered, a District Land Registrar” with “**section 87** of the Land Transfer Act **2016** to have a transmission registered, the Registrar-General of Land”. 15

In section 97(3), replace “section 122 of the Land Transfer Act 1952” with “**section 87** of the Land Transfer Act **2016**”.

In section 97(3), replace “a District Land Registrar” with “the Registrar-General of Land”. 20

In section 109(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 109(2), replace “registered proprietor” with “registered owner”.

In section 109(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In Schedule 1, clause 1(a)(iii), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 25

In Schedule 1, clause 1(a)(vii), replace “section 122 of the Land Transfer Act 1952” with “**section 87** of the Land Transfer Act **2016**”.

Provincial Grand Lodge of New Zealand (Irish Constitution) Trustees Act 1946 (1946 No 1 (P)) 30

In section 9, replace “certificate of title” with “record of title”.

In section 9, replace “proprietor or proprietors” with “owner or owners” in each place.

In section 13, replace “any District Land Registrar” with “the Registrar-General of Land”. 35

In the Schedule, replace “certificate of title” with “record of title”.

Public Authorities (Party Wall) Empowering Act 1919 (1919 No 17)

In section 3(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Public Bodies Leases Act 1969 (1969 No 141)

In section 23(1B), replace “section 117 of the Land Transfer Act 1952” with “**section 94** of the Land Transfer Act **2016**”.

5

Public Trust Act 2001 (2001 No 100)

In section 105(3), replace “registered proprietor” with “registered owner”.

In section 105(4)(b), replace “registered proprietor” with “registered owner”.

In section 135(3), replace “Land Transfer Act 1952, the District Land Registrar” with “Land Transfer Act **2016**, the Registrar-General of Land”.

10

In section 135(4), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 144(3)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Public Works Act 1981 (1981 No 35)

In section 2, repeal the definition of **District Land Registrar**.

15

In section 2, insert in its appropriate alphabetical order:

Registrar-General of Land means the Registrar-General of Land referred to in **section 229** of the Land Transfer Act **2016**, and includes the Registrar of Deeds

In section 17(2), replace “memorandum of transfer under the Land Transfer Act 1952” with “transfer instrument under the Land Transfer Act **2016**”.

20

In section 18(1)(b), replace “District Land Registrar” with “Registrar-General of Land”.

In section 18(1)(b), replace “certificate of title” with “record of title”.

In section 18(4), replace “District Land Registrar” with “Registrar-General of Land”.

25

In section 18(7)(e), after “Land Transfer Act 1952”, insert “(as it was before the repeal of that Act)”.

In section 19(1), replace “District Land Registrar” with “Registrar-General of Land”.

In section 19(1), replace “certificate of title” with “record of title”.

In section 19(3), replace “certificate of title” with “record of title”.

30

In section 19(4), replace “District Land Registrar” with “Registrar-General of Land”.

In section 19(7), replace “District Land Registrar” with “Registrar-General of Land”.

In section 23(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 23(2), delete “Entry on the Provisional Register shall not be deemed to be registration within the meaning of this subsection.”

35

Insert after section 23(2):

Public Works Act 1981 (1981 No 35)—*continued*

(2A) For the purposes of subsection (2), land that is registered with a qualified record of title is not land that is registered under the Land Transfer Act **2016**.

In section 23(7), replace “District Land Registrar” with “Registrar-General of Land”.

In section 23(7), replace “certificate of title” with “record of title”.

In section 23(8), replace “District Land Registrar” with “Registrar-General of Land”. 5

In section 32(a), replace “any certificate of title issued under the Land Transfer Act 1952” with “any record of title issued under the Land Transfer Act **2016**”.

In section 32(a), replace “the certificate of title” with “the record of title”.

In section 32(c), replace “in the office of the District Land Registrar in accordance with the provisions of the Land Transfer Act 1952” with “with the Registrar-General of Land in accordance with the provisions of the Land Transfer Act **2016**”. 10

In section 35, replace “District Land Registrar” with “Registrar-General of Land”.

In section 42(6), replace “memorandum of transfer” with “transfer instrument” in each place.

In section 42(6), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 15

In section 42(6), replace “certificate of title” with “record of title” in each place.

In section 42(6), replace “District Land Registrar” with “Registrar-General of Land”.

In section 42(7), replace “memorandum of transfer” with “transfer instrument”.

In the heading to section 47, replace “**certificates of title**” with “**record of title**”.

In section 47(1), replace “District Land Registrar” with “Registrar-General of Land”. 20

In section 47(1), replace “certificate of title” with “record of title” in each place.

In section 47(2), replace “certificate of title” with “record of title”.

In section 47(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Repeal section 47(3).

In section 47(4), replace “certificate of title” with “record of title”. 25

In section 51(2), replace “section 64 of the Land Transfer Act 1952” with “**section 51** of the Land Transfer Act **2016**”.

In section 54(3), replace “District Land Registrar” with “Registrar-General of Land”.

In section 56, replace “District Land Registrar” with “Registrar-General of Land”.

In section 57(1), replace “held by the District Land Registrar” with “held by the Registrar-General of Land”. 30

In section 57(1), replace “in the office of the District Land Registrar” with “by the Registrar-General of Land”.

In section 57(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 57(2)(a), replace “District Land Registrar” with “Registrar-General of Land”. 35

Public Works Act 1981 (1981 No 35)—*continued*

In section 57(2)(b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Replace section 57(4) with:

- (4) If the land is subject to the Land Transfer Act **2016**, the Registrar-General of Land must register the Proclamation or declaration and plan against the land. 5

Repeal section 57(5).

In section 58, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 73(3), replace “the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”.

In section 73(4), replace “registered proprietor” with “registered owner”. 10

In section 73(5), replace “the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”.

In section 74(3), replace “the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”.

In section 74(4), replace “registered proprietor” with “registered owner”. 15

In section 74(5), replace “the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”.

In section 107(4), replace “the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”.

In section 107(5), replace “registered proprietor” with “registered owner”. 20

In section 107(6), replace “the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”.

In section 107(7), replace “in the office of the District Land Registrar” with “with the Registrar-General of Land”.

Replace section 107(8) and (8A) with: 25

- (8) Upon receipt of a certificate from the Minister or the Minister of Railways, the Registrar-General of Land must, without payment of any fee,—
- (a) if there is no record of title for the land, create a record of title for the land; or
 - (b) if there is a record of title for the land, update the record of title for the land. 30

In section 107(9), replace “memorandum of transfer” with “transfer instrument”.

In section 107(9), replace “District Land Registrar” with “Registrar-General of Land”.

In section 107(9A), replace “certificate of title” with “record of title” in each place. 35

In section 107(9A), replace “District Land Registrar” with “Registrar-General of Land”.

Public Works Act 1981 (1981 No 35)—*continued*

Replace section 107(9B) with:

(9B) Where any land is so amalgamated, the Registrar-General of Land may, if he or she thinks fit, dispense with any survey that would otherwise be required for the purposes of the issuing of a record of title under this section, and may issue a record of title qualified as described in **section 17(1)(a)** of the Land Transfer Act **2016**. 5

In section 107(9C), replace “District Land Registrar” with “Registrar-General of Land” in each place.

In section 107(9C), replace “certificate of title” with “record of title”.

In section 107(10), replace “District Land Registrar” with “Registrar-General of Land” in each place. 10

Replace section 107(11) with:

(11) The land comprised in a record of title issued pursuant to a certificate issued under subsection (8), if it is not already subject to the Land Transfer Act **2016**, becomes subject to that Act as from the date fixed by the certificate as the date of acquisition of title to it, and that date is for all purposes deemed to be the ante-vesting date. 15

In section 107(14), replace “certificate of title” with “record of title”.

In section 107(15), replace “certificate of title” with “record of title”.

Replace section 107(16) with: 20

(16) The Registrar-General of Land must record on the relevant record of title memorials showing that the land is affected by subsections (14) and (15) and the certificate.

In section 107(18), replace “District Land Registrar” with “Registrar-General of Land”. 25

In section 114(2)(i), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 115(1), replace “District Land Registrar” with “Registrar-General of Land”.

In section 115(2)(a), replace “certificate of title” with “record of title”.

In section 115(2)(c), replace “registered proprietor” with “registered owner”. 30

In section 115(3), replace “District Land Registrar” with “Registrar-General of Land”.

In section 115(5), replace “registered proprietor” with “registered owner” in each place.

In section 115(6), replace “memorandum of transfer” with “transfer instrument”.

In section 115(6), replace “registered proprietor” with “registered owner” in each place. 35

In section 115(8), replace “District Land Registrar” with “Registrar-General of Land”.

Public Works Act 1981 (1981 No 35)—*continued*

In section 117(5), replace “District Land Registrar” with “Registrar-General of Land”.

In section 119(2)(a), replace “registered proprietor or proprietors” with “registered owner or owners”.

In section 119(2)(a), replace “certificate of title” with “record of title”.

In section 120(2), replace “District Land Registrar shall note the stopping upon the appropriate folio of the proper register book” with “Registrar-General of Land must note the stopping on the appropriate record of title”. 5

In section 120(3), replace “certificate of title” with “record of title” in each place.

In section 120(3), replace “registered proprietor or proprietors” with “registered owner or owners”. 10

In section 120(3), replace “District Land Registrar” with “Registrar-General of Land”.

In section 120(4), replace “registered proprietor” with “registered owner”.

In section 120(4), replace “District Land Registrar” with “Registrar-General of Land”. 15

In section 120(5), replace “District Land Registrar to make an appropriate entry without fee in respect of the incorporation on the lease or licence or other instrument of title which is registered in his office, and also upon the outstanding duplicate of it” with “Registrar-General of Land to make an appropriate entry without fee on any relevant record of title”. 20

In section 120(7), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 120(9), replace “certificate of title” with “record of title”.

In section 120(10), replace “certificate of title” with “record of title”.

In section 120(10), replace “District Land Registrar shall enter in the appropriate register and record on any relevant instrument” with “Registrar-General of Land must enter on the register”. 25

In section 220(1), replace “District Land Registrar” with “Registrar-General of Land”.

In section 220(3), replace “District Land Registrar” with “Registrar-General of Land”. 30

In section 220(5), replace “District Land Registrar” with “Registrar-General of Land” in each place.

In section 221(1), replace “District Land Registrar” with “Registrar-General of Land” in each place.

In section 221(2), replace “District Land Registrar” with “Registrar-General of Land”. 35

In section 221(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Public Works Act 1981 (1981 No 35)—*continued*

In section 221(4), replace “District Land Registrar” with “Registrar-General of Land”.

In section 229(3), replace “registered proprietor” with “registered owner”.

In section 236(4), replace “District Land Registrar” with “Registrar-General of Land” in each place. 5

Queen Elizabeth the Second National Trust Act 1977 (1977 No 102)

In section 22(6), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Replace section 22(7) with:

(7) On application by the board, the Registrar-General of Land must note the covenant on the register. 10

In section 22(8), replace “certificate or instrument of title” with “record or other instrument of title”.

In section 22(8), replace “District Land Registrar” with “Registrar-General of Land” in each place.

In section 22(8), replace “section 167 of the Land Transfer Act 1952” with “**section 223** of the Land Transfer Act **2016**”. 15

Replace section 22A(4) with:

(4) On application by the board, the Registrar-General of Land must note the variation instrument executed under this section on the register. 20

In section 22A(5), replace “certificate or instrument of title” with “record or other instrument of title”. 20

In section 22A(5), replace “District Land Registrar” with “Registrar-General of Land” in each place.

In section 22A(5), replace “section 167 of the Land Transfer Act 1952” with “**section 223** of the Land Transfer Act **2016**”. 25

Ratings Valuations Act 1998 (1998 No 69)

In the heading to section 5A, replace “**certificate of title**” with “**record of title**”.

In section 5A, replace “**certificate of title** means a certificate of title” with “**record of title** means a record of title”.

In section 5A(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 30

In section 5A(c), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In the heading to section 5B, replace “**certificate of title**” with “**record of title**”.

In section 5B(1), replace “certificate of title” with “record of title” in each place.

In section 5B(2)(a), replace “certificates of title” with “records of title”.

In section 5B(2)(b), replace “certificate of title” with “record of title”. 35

Ratings Valuations Act 1998 (1998 No 69)—continued

In section 5B(3)(b)(i)(B), replace “section 115 of the Land Transfer Act 1952” with “**section 91** of the Land Transfer Act **2016**”.

In section 5B(3)(b)(ii), replace “certificate of title” with “record of title”.

In the heading to section 5C, replace “**certificate of title**” with “**record of title**”.

In section 5C(1), replace “certificate of title” with “record of title” in each place. 5

In section 5C(4)(a), replace “certificate of title” with “record of title”.

In section 5C(5)(b)(ii), replace “certificate of title” with “record of title”.

Real Estate Agents Act 2008 (2008 No 66)

In section 4(1), definition of **land**, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 10

In section 4(1), definition of **transaction**, paragraph (c), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 4(2), replace “Part 7A of the Land Transfer Act 1952” with “**subpart 6 of Part 3** of the Land Transfer Act **2016**”.

Reserve Bank of New Zealand Act 1989 (1989 No 157) 15

In section 125(1), replace “No Registrar of Deeds, or District Land Registrar,” with “Neither the Registrar of Deeds nor the Registrar-General of Land,”.

In section 135(1), replace “District Land Registrar” with “Registrar-General of Land”.

In section 135(2), replace “District Land Registrar” with “Registrar-General of Land”. 20

Reserves Act 1977 (1977 No 66)

In section 12(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Repeal section 15(7).

In section 26A(3), replace “certificate of title” with “record of title”. 25

In section 26A(3), replace “District Land Registrar” with “Registrar-General of Land” in each place.

Replace section 27(5) with:

(5) On the cancellation of any vesting, any record of title or other instrument of title issued in respect of the reserve must, on the written request of the Commissioner, be noted accordingly by the Registrar-General of Land. 30

In section 48(4), replace “District Land Registrar for the land registration district in which is situated any reserve in respect of which any right or easement has been granted under this section shall” with “Registrar-General of Land must”.

In section 48(4), replace “certificate of title” with “record of title”. 35

Reserves Act 1977 (1977 No 66)—*continued*

In section 48(5), replace “certificate of title” with “record of title”.

In section 48(5), replace “District Land Registrar” with “Registrar-General of Land”.

In section 76(5), replace “certificate or instrument of title, the District Land Registrar may require the deposit of a plan in accordance with section 167 of the Land Transfer Act 1952” with “record or instrument of title, the Registrar-General of Land may require the deposit of a plan in accordance with **section 223** of the Land Transfer Act **2016**”. 5

Replace section 76(6) with:

- (6) On the application of the Commissioner, the Registrar-General of Land must note on the register the declaration that the land is protected private land. 10

Replace section 77(4) with:

- (4) Notwithstanding any rule of law or equity to the contrary, every conservation covenant runs with and binds the land that is subject to the burden of the covenant, and is deemed to be an interest in the land for the purposes of the Land Transfer Act **2016**. 15

- (4A) On the application of the Commissioner in the case of an agreement to which the Minister is a party, and of the local authority in the case of an agreement to which a local authority is a party, the Registrar-General of Land must note the covenant on the register. 20

In section 77(5), replace “certificate or instrument of title” with “record or instrument of title”. 20

In section 77(5), replace “a District Land Registrar” with “the Registrar-General of Land”.

In section 77(5)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 25

In section 77A(1)(d), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 77A(1)(e), replace “the District Land Registrar of the land registration district affected” with “the Registrar-General of Land”.

In section 77A(1)(e), replace “in the appropriate folio of the register” with “on the appropriate record of title”. 30

In section 77A(4), replace “certificate or instrument of title” with “record or instrument of title”.

In section 77A(4), replace “a District Land Registrar” with “the Registrar-General of Land”. 35

In section 77A(4)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 111(1), replace “District Land Registrar” with “Registrar-General of Land”.

Reserves Act 1977 (1977 No 66)—*continued*

In the heading to section 112, replace “**District Land Registrar**” with “**Registrar-General of Land**”.

In section 112(1), replace “No District Land Registrar shall” with “The Registrar-General of Land must not”.

In section 112(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 5

In section 112(2), replace “section 129 of the Land Transfer Act 1952” with “**section 153** of the Land Transfer Act **2016**”.

In section 112(2), replace “provisions of the Land Transfer Act 1952” with “provisions of the Land Transfer Act **2016**”.

Replace section 114(2) with: 10

- (2) The memorandum of variation must be executed by the administering body and by the lessee or licensee, and, if the lease or licence is registered with the Registrar-General of Land, must be registered with the Registrar-General of Land, who must record the variation on the relevant record of title.

In the heading to section 116, replace “**Certificate of title**” with “**Record of title**”. 15

In section 116(1), replace “District Land Registrar for the land registration district in which is situated any reserve vested in the Crown” with “Registrar-General of Land”.

In section 116(1), replace “certificate or certificates of title under the Land Transfer Act 1952” with “record or records of title under the Land Transfer Act **2016**”.

In section 116(1), replace “that reserve” with “any reserve vested in the Crown”. 20

Replace section 116(2) with:

- (2) If the survey of the reserve is inadequate for the purposes of **section 223** of the Land Transfer Act **2016**, the Registrar-General of Land may issue a record of title qualified as described in **section 17(1)(a)** of the Land Transfer Act **2016**. 25

Repeal section 116(3).

Repeal section 116(4).

Repeal section 116(5).

In section 116(6), replace “certificate of title” with “record of title” in each place.

In section 116(6), replace “District Land Registrar” with “Registrar-General of Land”. 30

In section 116(6), replace “note the register” with “update the record”.

Replace section 116(7) with:

- (7) Any instrument that relates to the land in any such record of title and is duly executed by a person having the proper authority may be registered in accordance with the Land Transfer Act **2016**, and the Registrar-General of Land must note the interest on the record of title. 35

In section 116(8), replace “District Land Registrar” with “Registrar-General of Land”.

Reserves Act 1977 (1977 No 66)—*continued*

In section 116(9), replace “certificate of title” with “record of title”.

In section 116(9), replace “District Land Registrar” with “Registrar-General of Land”.

Resource Management Act 1991 (1991 No 69)

In section 2(1), definition of **company lease**, replace “section 121A of the Land Transfer Act 1952” with “**section 121** of the Land Transfer Act **2016**”. 5

In section 2(1), definition of **survey plan**, paragraph (a)(i), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 2(1), definition of **survey plan**, paragraph (a)(ii), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 109(1)(a), replace “section 62 of the Land Transfer Act 1952” with “**section 51** of the Land Transfer Act **2016**”. 10

In section 109(1)(b), replace “under the Land Transfer Act 1952” with “under the Land Transfer Act **2016**”.

In section 109(1)(b), replace “section 105 of the Land Transfer Act 1952” with “**section 102** of the Land Transfer Act **2016**”. 15

In section 109(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 218(1)(a)(i), replace “certificate of title” with “record of title”.

In section 218(1)(a)(v), replace “certificate of title” with “record of title”.

In section 218(1)(b), replace “certificate of title” with “record of title” in each place.

In section 218(2)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 20

In section 218(2)(b)(ii), replace “Part 7A of the Land Transfer Act 1952” with “**subpart 6 of Part 3** of the Land Transfer Act **2016**”.

In section 218(2)(d), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 25

Replace section 218(3)(a) with:

- (a) subject to the Land Transfer Act **2016** and is comprised in 1 record of title or for which 1 record of title could be issued under that Act; or

In section 220(2)(a), replace “certificate of title” with “record of title”.

In section 221(4)(a), replace “section 62 of the Land Transfer Act 1952” with “**section 51** of the Land Transfer Act **2016**”. 30

In section 221(4)(b), replace “under the Land Transfer Act 1952” with “under the Land Transfer Act **2016**”.

In section 221(4)(b), replace “section 105 of the Land Transfer Act 1952” with “**section 102** of the Land Transfer Act **2016**”. 35

In section 221(5), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Resource Management Act 1991 (1991 No 69)—*continued*

Replace section 224(b)(i) with:

- (i) in the case of land subject to the Land Transfer Act **2016**, every registered owner of an interest, including any encumbrance, in the land; or

- In section 225(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 5
- In section 226(1), replace “certificate of title” with “record of title”.
- In section 226(1), replace “certificate issued” with “record of title issued”.
- In section 226(1)(bc), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In section 226(1)(d), replace “certificate of title” with “record of title”. 10
- In section 226(2), replace “certificate of title” with “record of title”.
- In section 226A(1)(a), replace “certificate of title” with “record of title”.
- In section 226A(2), replace “certificate of title” with “record of title”.
- In section 226A(2), replace “memorandum of lease” with “lease instrument”.
- In section 227(1)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 15
- In section 228(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In section 228(1)(b), replace “to the Land Transfer Act 1952” with “to the Land Transfer Act **2016**”.
- In section 228(1)(b), replace “certificate of title” with “record of title”. 20
- In section 228(1)(b), delete “as if section 16 of the Land Transfer Act 1952 applied”.
- In section 228(2), replace “certificate of title” with “record of title”.
- In section 232(2)(d), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In section 234(1), replace “registered proprietor” with “registered owner”. 25
- In section 235(1), replace “registered proprietor” with “registered owner”.
- In section 237(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In section 237(4)(b), replace “certificate of title” with “record of title”.
- In section 237B(1), replace “registered proprietor” with “registered owner”.
- In section 237B(2)(a), replace “registered proprietor” with “registered owner”. 30
- In section 237B(8), replace “registered proprietor” with “registered owner”.
- In section 237E(2), replace “registered proprietor” with “registered owner” in each place.
- In section 237F, replace “registered proprietor” with “registered owner” in each place.

Resource Management Act 1991 (1991 No 69)—*continued*

- In section 237G(2), replace “registered proprietor” with “registered owner” in each place.
- In section 237G(3), replace “registered proprietor” with “registered owner” in each place.
- In section 237H(1), replace “registered proprietor” with “registered owner”. 5
- In section 237H(2), replace “registered proprietor” with “registered owner”.
- Repeal section 238(2).
- In section 240(2)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In section 240(2)(a), replace “certificate of title” with “record of title”. 10
- In section 240(3)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In section 240(3)(a), replace “section 62 of that Act” with “**section 51** of that Act”.
- In section 241(1), replace “certificate of title” with “record of title”.
- In section 241(1)(b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 15
- In section 241(1)(c), replace “certificate of title” with “record of title”.
- In section 241(2)(a), replace “certificate of title” with “record of title”.
- In section 241(2)(a), replace “certificates of title” with “records of title”.
- In section 241(2)(b), replace “certificate of title” with “record of title” in each place. 20
- In section 242(1)(a)(ii), replace “certificate of title” with “record of title”.
- In section 242(1), replace “certificates of title” with “records of title”.
- In section 242(2), replace “certificate of title” with “record of title”.
- In section 242(2), replace “certificates of title” with “records of title”.
- In section 242(3), replace “certificate of title” with “record of title”. 25
- In section 243, replace “certificate of title” with “record of title”.
- Replace section 243(d) with:
- (d) the Registrar-General of Land must endorse on any relevant records of title, a memorial that the easement is subject to the provisions of this section: 30
- Replace section 243(f)(i) with:
- (i) where the survey plan has not been approved by the Surveyor-General, a memorandum of the cancellation must be endorsed on the survey plan or notice of the cancellation must be forwarded by that authority to the Surveyor-General who must update his or her records accordingly: 35

Resource Management Act 1991 (1991 No 69)—*continued*

In section 246(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 246(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 246(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 315(3), replace “Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”. 5

In section 355(4)(c), replace “certificate of title” with “record of title”.

In section 355(5), replace “certificate of title” with “record of title”.

In section 408(1)(a), replace “certificate of title” with “record of title”.

In section 408(1)(b), replace “certificate of title” with “record of title”.

In section 408(1)(c), replace “certificate of title” with “record of title”. 10

Replace section 417(1)(b) with:

- (b) may, at any time, obtain from the relevant regional council, for the purpose of registration against any record of title under the Land Transfer Act **2016**, a certificate specifying the rights that the holder of that permit has in respect of that land by virtue of paragraph (a). 15

In section 417(3), replace “Part 11 of the Land Transfer Act 1952” with “**subpart 3 of Part 2** of the Land Transfer Act **2016**”.

In section 417(4)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 417(4)(a), replace “section 62 of that Act” with “**section 51** of that Act”. 20

In section 417(4)(b), replace “registered proprietor” with “registered owner”.

In section 417(5), replace “memorandum of transfer” with “transfer instrument”.

In section 417(5), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 417(6), replace “certificate of title” with “record of title”.

In section 417(7), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 25

In section 417(8), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Retirement Villages Act 2003 (2003 No 112)

Replace section 10(2)(b)(i) with:

- (i) copies of any records of title, plans, deeds, leases, or other documents evidencing that description; and 30

In section 10(2)(b)(ii), replace “certificates of title” with “records of title”.

In the heading to section 21, replace “**certificates of title**” with “**records of title**”.

In section 21(2), replace “certificates of title or computer registers” with “records of title”.

Retirement Villages Act 2003 (2003 No 112)—continued

In section 21(3), replace “certificate of title or computer register” with “record of title”.

In section 21(4), replace “certificate of title” with “record of title”.

In section 22(2), replace “certificate of title” with “record of title”.

In section 23(2), replace “certificates of title or computer registers” with “records of title”.

In section 23(3), replace “certificate of title” with “record of title”.

Roman Catholic Bishops Empowering Act 1997 (1997 No 4 (P))

In section 2, definition of **registered proprietor**, replace “proprietor of the estate or interest under the Land Transfer Act 1952” with “owner of the estate or interest under the Land Transfer Act **2016**”.

In section 2, definition of **Registrar**, replace “District Land Registrar or the Registrar of Deeds for the land registration district in which the land is situated” with “Registrar-General of Land or the Registrar of Deeds”.

Social Security Act 1964 (1964 No 136)

In section 61E(1), definition of **owner**, paragraph (c), replace “Part 7A of the Land Transfer Act 1952” with “**subpart 6 of Part 3** of the Land Transfer Act **2016**”.

Soil Conservation and Rivers Control Act 1941 (1941 No 12)

In section 30A(3), delete “In any such case it shall not be necessary for the Registrar to record the like memorial on the duplicate certificate of title or lease.”

In section 30A(14)(d), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 30A(14)(d), replace “District Land Registrar or the Registrar of Deeds, as the case may require, for the land registration district within which the land is situated” with “Registrar-General of Land or the Registrar of Deeds, as the case may require”.

Southland Electricity Act 1993 (1993 No 147)

In section 2(1), repeal the definition of **District Land Registrar**.

In section 19(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 21(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 21(2), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”.

In section 21(3), replace “section 138 of the Land Transfer Act 1952,” with “regulations made for the purpose of **section 137(3)** of the Land Transfer Act **2016**”.

In section 24(1), replace “A District Land Registrar” with “The Registrar-General of Land”.

Southland Electricity Act 1993 (1993 No 147)—continued

In section 24(1)(a), replace “that is incorporated in the register or otherwise registered in the Land Registry Office of the land registration district concerned and” with “that is registered under the Land Transfer Act **2016**”.

Replace section 24(3) with:

- (3) The Registrar-General of Land must, on written application by any person authorised by a shareholding Minister and on payment of the prescribed fee, create a record of title under the Land Transfer Act **2016** for land vested in the company pursuant to section 19(1). 5

In section 24(4), replace “certificate of title is issued” with “record of title is created”.

In section 24(4), replace “seized” with “seised”. 10

In section 25(1), replace “a District Land Registrar” with “the Registrar-General of Land”.

In section 25(1), replace “certificate of title” with “record of title”.

In section 25(1), replace “the District Land Registrar” with “the Registrar-General of Land” in each place. 15

In section 25(2), replace “by the District Land Registrar in the Land Registry Office” with “by the Registrar-General of Land”.

In section 25(2), replace “to the District Land Registrar” with “to the Registrar-General of Land”.

In section 26(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 20

In section 26(2), replace “District Land Registrar” with “Registrar-General of Land”.

In section 26(2), replace “certificate of title” with “record of title”.

In section 26(3), replace “certificate of title” with “record of title”.

In section 26(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

State Insurance Act 1990 (1990 No 36) 25

In section 2, definition of **land**, replace “section 2 of the Land Transfer Act 1952” with “**section 5(1)** of the Land Transfer Act **2016**”.

In section 11(1), replace “District Land Registrar” with “the Registrar-General of Land”.

State-Owned Enterprises Act 1986 (1986 No 124) 30

In section 24(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 25(1), replace “A District Land Registrar” with “The Registrar-General of Land”.

In section 25(1)(a), replace “incorporated in the register or otherwise registered in the land registry office of the land registration district concerned” with “registered under the Land Transfer Act **2016**”. 35

State-Owned Enterprises Act 1986 (1986 No 124)—*continued*

Replace section 25(2) with:

- (2) The Registrar-General of Land must, on written application by any person authorised by a Minister and on payment of the prescribed fee, create a record of title for land vested in a State enterprise pursuant to section 24(1) of this Act.

In section 25(3), replace “certificate of title” with “record of title”. 5

In section 26(1), replace “a District Land Registrar issues a certificate of title” with “the Registrar-General of Land issues a record of title”.

In section 26(1), replace “the District Land Registrar” with “the Registrar-General of Land” in each place.

In section 26(2), replace “certificate of title” with “record of title” in each place. 10

In section 26(2), replace “District Land Registrar” with “Registrar-General of Land” in each place.

In section 26(3), replace “District Land Registrar in the Land Registry Office” with “Registrar-General of Land”.

In section 26(3), replace “to the District Land Registrar” with “to the Registrar-General of Land”. 15

In section 26A(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 26A(2), replace “District Land Registrar” with “Registrar-General of Land”.

In section 26A(2), replace “certificate of title” with “record of title”. 20

In section 26A(3), replace “certificate of title” with “record of title”.

In section 26A(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In the heading to section 27A, replace “**District Land Registrar**” with “**Registrar-General of Land**”.

In section 27A(1), replace “District Land Registrar” with “Registrar-General of Land”. 25

In section 27A(1), replace “certificate of title” with “record of title”.

In section 27C(2), replace “certificate of title” with “record of title”.

Succession (Homicide) Act 2007 (2007 No 95)

In section 13(1), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”. 30

In section 13(3), replace “Land Transfer Act 1952, other than section 141(1)” with “Land Transfer Act **2016**, other than **section 139(1)**”.

In section 13(4), replace “Section 141(2) and (3) of the Land Transfer Act 1952” with “**Sections 139(2) and (3) and 140** of the Land Transfer Act **2016**”. 35

Tax Administration Act 1994 (1994 No 166)

In section 81(4)(v), replace “section 156J of the Land Transfer Act 1952” with “**section 86** of the Land Transfer Act **2016**”.

In section 169(9), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 169(11)(a), replace “the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”. 5

Tourist Hotel Corporation of New Zealand Act 1989 (1989 No 130)

In section 4, definition of **land**, replace “section 2 of the Land Transfer Act 1952” with “**section 5(1)** of the Land Transfer Act **2016**”.

In section 12(1), replace “District Land Registrar” with “the Registrar-General of Land”. 10

Treaty of Waitangi Act 1975 (1975 No 114)

In section 8E(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 8E(2), replace “District Land Registrar of the land registration district within which the land is situated” with “Registrar-General of Land”. 15

In section 8E(3), replace “District Land Registrar” with “Registrar-General of Land”.

In section 8E(3)(a), replace “certificate of title” with “record of title”.

In section 8E(4)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 8HF(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 20

In section 8HF(2), replace “District Land Registrar of the land registration district within which the land is situated” with “Registrar-General of Land”.

In section 8HF(3), replace “District Land Registrar” with “Registrar-General of Land”. 25

In section 8HF(3), replace “certificate of title” with “record of title”.

In section 8HF(4)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Trustee Act 1956 (1956 No 61)

In section 13P(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 30

In section 13P(2), replace “District Land Registrar” with “Registrar-General of Land”.

In section 22(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 47(1)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 35

In section 57(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Trustee Act 1956 (1956 No 61)—*continued*

In section 57(2), replace “section 99 of that Act” with “**section 89** of that Act”.

Trustee Companies Act 1967 (1967 No 35)

In section 4(5), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 24(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 24(3), replace “section 128 of the Land Transfer Act 1952” with “**section 152** of the Land Transfer Act **2016**”. 5

In section 24(4), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 42(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 42(2), replace “District Land Registrar” with “Registrar-General of Land”.

Tutae-Ka-Wetoweto Forest Act 2001 (2001 No 48) 10

In Schedule 2, clause 10.4, replace “certificate(s) of title” with “record(s) of title”.

In Schedule 2, clause 10.4, replace “certificates of title” with “records of title”.

In Schedule 2, clause 10.4, delete “If Rakiura cannot produce any certificate of title it shall, at its own expense, obtain a duplicate of such a certificate of title.”

Unit Titles Act 2010 (2010 No 22) 15

In section 5(1), repeal the definition of **computer register**.

In section 5(1), definition of **land**, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 5(1), definition of **owner**, paragraph (a), replace “proprietor” with “owner”. 20

In section 5(1), definition of **owner**, paragraph (a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 5(1), definition of **Registrar**, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 5(1), definition of **to register**, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 25

In section 5(1), definition of **unit plan**, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 16(1), replace “registered proprietor” with “registered owner”.

In section 16(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 30

In section 16(2)(b), replace “registered proprietor” with “registered owner”.

In section 17(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 17(2), replace “registered proprietor” with “registered owner”.

In section 20(2), replace “computer register” with “record of title”.

Unit Titles Act 2010 (2010 No 22)—*continued*

In section 21(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 24(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 24(3), replace “registered proprietor” with “registered owner”.

Replace section 32(1)(a) with:

- (a) while the record of title to any land to which it relates is limited in any manner referred to in **subpart 4 of Part 4** of the Land Transfer Act **2016**, or is a qualified record of title under that Act: 5

In section 32(1)(b), replace “computer register created under the Land Transfer Act 1952” with “record of title created under the Land Transfer Act **2016**”.

In section 32(1)(c), replace “computer register created under the Land Transfer Act 1952” with “record of title created under the Land Transfer Act **2016**”. 10

In section 33(1), replace “computer register” with “record of title”.

In Part 2, the subpart 6 heading, replace “Computer registers” with “Records of title”.

In the heading to section 43, replace “**computer registers**” with “**records of title**”.

In section 43(1)(a), replace “computer register in the name of the registered proprietor” with “record of title in the name of the registered owner”. 15

In section 43(1)(b), replace “computer register” with “record of title”.

In section 43(1)(c), replace “computer register” with “record of title”.

In section 43(2), replace “registered proprietor” with “registered owner”.

In section 43(3), replace “computer register” with “record of title”. 20

In the heading to section 44, replace “**computer register**” with “**record of title**”.

In section 44(1)(a), replace “computer register” with “record of title”.

In section 44(1)(b), replace “computer register” with “record of title”.

In section 44(2), replace “computer register” with “record of title”.

In section 44(3), replace “computer register” with “record of title”. 25

In the heading to section 45, replace “**computer registers**” with “**records of title**”.

In section 45, replace “section 95 of the Land Transfer Act 1952, no separate computer register” with “**section 76** of the Land Transfer Act **2016**, no separate record of title”.

In the heading to section 46, replace “**computer register**” with “**record of title**”. 30

In section 46, replace “computer register” with “record of title”.

In section 49, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 49(b), replace “computer register” with “record of title”.

In section 53(2), replace “computer register” with “record of title” in each place.

In section 53(3), replace “computer register” with “record of title” in each place. 35

Unit Titles Act 2010 (2010 No 22)—*continued*

- In section 53(4), replace “computer register” with “record of title”.
- In section 53(6), replace “computer register” with “record of title”.
- In section 53(7), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In section 55(1)(b), replace “registered proprietor” with “registered owner”.
- In section 55(2), replace “registered proprietor” with “registered owner”. 5
- In section 57(2), replace “section 167 of the Land Transfer Act 1952” with “**section 223** of the Land Transfer Act **2016**”.
- In section 57(5)(b), replace “computer register” with “record of title”.
- In section 59(5)(a), replace “computer register” with “record of title”.
- In section 60(2), replace “Despite section 67 of the Land Transfer Act 1952, the” with “The”. 10
- In section 60(2), replace “computer register” with “record of title”.
- In section 61(2), replace “sections 90 to 90F of the Land Transfer Act 1952” with “**sections 73, 107 to 111, and 115** of the Land Transfer Act **2016**”.
- In section 61(2), replace “registered proprietor” with “registered owner”. 15
- In section 67(3)(a), replace “computer registers” with “records of title”.
- In section 67(3)(b), replace “computer registers” with “records of title”.
- In section 71(a), replace “computer registers” with “records of title”.
- In section 71(b), replace “computer registers” with “records of title”.
- In the heading to section 72, replace “**Land Transfer Act 1952**” with “**Land Transfer Act 2016**”. 20
- In section 72, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In section 160(2), replace “computer register” with “record of title”.
- In section 166(5)(b), replace “computer register” with “record of title”.
- In section 169(5)(b), replace “computer register” with “record of title” in each place. 25
- In section 169(5)(c), replace “computer register” with “record of title”.
- In section 181(2)(b), replace “computer register” with “record of title”.
- In section 184(3), replace “computer register” with “record of title”.
- In section 184(4), replace “computer register” with “record of title”.
- In section 191(1)(a)(i), replace “registered proprietor” with “registered owner”. 30
- In section 191(1)(a)(i), replace “Part 7A of the Land Transfer Act 1952” with “**sub-part 6 of Part 3** of the Land Transfer Act **2016**”.
- In section 191(1)(a)(ii), replace “registered proprietors” with “registered owners” in each place.
- In section 191(1)(a)(ii), replace “the proprietor” with “the owner”. 35

Unit Titles Act 2010 (2010 No 22)—*continued*

- In section 191(1)(a)(ii), replace “registered proprietor” with “registered owner”.
- In section 191(2), definition of **owners**, replace “registered proprietors” with “registered owners”.
- In section 195(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In section 195(4), replace “computer register” with “record of title”. 5
- In section 198(1), replace “computer register” with “record of title”.
- In section 198(2), replace “computer register” with “record of title” in each place.
- In section 199(3)(b), replace “registered proprietors” with “registered owners”.
- In section 199(3)(b), replace “the proprietors” with “the owners”.
- In section 199(3)(c), replace “the proprietors” with “the owners”. 10
- In section 199(3)(c), replace “registered proprietors” with “registered owners”.
- In the heading to section 200, replace “**computer register**” with “**record of title**”.
- In section 200(1)(a), replace “computer register” with “record of title”.
- In section 200(1)(b), replace “computer register” with “record of title”.
- In section 200(2), replace “computer register” with “record of title” in each place. 15
- In section 200(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In section 200(3), replace “computer register” with “record of title” in each place.
- In section 200(3), replace “section 117(2) to (4) of the Land Transfer Act 1952” with “**section 94(3) to (5) of the Land Transfer Act 2016**”.
- In section 200(4), replace “computer register” with “record of title”. 20
- In section 217(m), replace “computer register” with “register”.

Walking Access Act 2008 (2008 No 101)

In section 4, replace the definition of **register** with:

register means the register kept under **section 9** of the Land Transfer Act **2016** 25

- In section 4, definition of **Registrar-General**, replace “section 4 of the Land Transfer Act 1952” with “**section 229** of the Land Transfer Act **2016**”.
- In section 25(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In section 28(4), replace “computer register” with “record of title”.
- In section 29(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 30
- In section 41(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Waterfront Industry Reform Act 1989 (1989 No 6)

- In section 22, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In section 22, replace “District Land Registrar” with “Registrar-General of Land”.

Waterfront Industry Reform Act 1989 (1989 No 6)—continued

In section 22, replace “the register and on the outstanding certificate of title” with “any relevant record of title”.

Part 2**Amendments to legislative instruments**

Building (Forms) Regulations 2004 (SR 2004/385)	5
In the Schedule, Part 2, form 2, replace “ <i>certificate of title</i> ” with “ <i>record of title</i> ”.	
In the Schedule, Part 2, form 3, paragraph (c), replace “the Statutory Land Charges Registration Act 1928” with “ subpart 5 of Part 3 of the Land Transfer Act 2016 ”.	
In the Schedule, Part 2, form 6, replace “ <i>certificate of title</i> ” with “ <i>record of title</i> ”.	
In the Schedule, Part 2, form 8, replace “ <i>certificate of title</i> ” with “ <i>record of title</i> ”.	10
In the Schedule, Part 2, form 11, replace “ <i>certificate of title</i> ” with “ <i>record of title</i> ”.	
In the Schedule, Part 2, form 15, replace “ <i>certificate of title</i> ” with “ <i>record of title</i> ”.	
Canterbury Earthquake (Resource Management Act—Burwood Resource Recovery Park) Order 2011 (SR 2011/254)	
In the Schedule, replace “Computer Freehold Register” with “record of title” in each place.	15
Climate Change (Forestry Sector) Regulations 2008 (SR 2008/355)	
In regulation 10(2)(b), replace “Land Transfer Act 1952” with “Land Transfer Act 2016 ”.	
In regulation 10(3)(c), replace “computer register” with “record of title”.	20
In regulation 11, replace “computer register” with “record of title”.	
In regulation 12(3)(a), replace “computer register” with “record of title”.	
In regulation 12(3)(b), replace “computer register” with “record of title”.	
In regulation 17(b), replace “computer register” with “record of title”.	
In regulation 24(b)(i)(A), replace “computer freehold register” with “record of title”.	25
In regulation 24(b)(i)(B), replace “computer freehold register” with “record of title”.	
In Schedule 3, form 1, replace “ <i>computer register</i> ” with “ <i>record of title</i> ”.	
In Schedule 3, form 2, Schedule, Part B, replace “ <i>computer register</i> ” with “ <i>record of title</i> ”.	
Climate Change (Pre-1990 Forest Land Allocation Plan) Order 2010 (SR 2010/190)	30
In the Schedule, clause 5(1)(a)(i), replace “Land Transfer Act 1952” with “Land Transfer Act 2016 ”.	

Climate Change (Pre-1990 Forest Land Allocation Plan) Order 2010 (SR 2010/190)—continued

In the Schedule, clause 5(2)(b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In the Schedule, clause 6(1)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In the Schedule, clause 6(2)(b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In the Schedule, clause 9(1)(F), replace “computer freehold registers (titles)” with “records of title”.

Fire Safety and Evacuation of Buildings Regulations 2006 (SR 2006/123)

In Schedule 4, form 1, paragraph 1, replace “Certificate of title” with “Record of title”.

Forests (Permanent Forest Sink) Regulations 2007 (SR 2007/354)

In regulation 4(3)(c), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In Schedule 2, form 1, Schedule A, replace “*computer register*” with “*record of title*” in each place.

In Schedule 2, form 2, Schedule A, replace “*computer register*” with “*record of title*” in each place.

In Schedule 2, form 3, Schedule A, replace “*computer register*” with “*record of title*”.

In Schedule 2, form 3, Schedule B, replace “*computer register*” with “*record of title*” in each place.

In Schedule 2, form 4, under the heading “**Grant of forest sink covenant**”, replace “computer register” with “record of title” in each place.

In Schedule 2, form 4, under the heading “**Grant of forest sink covenant**”, replace “registered proprietor” with “registered owner”.

In Schedule 2, form 4, Schedule A, replace “*computer register(s)*” with “*record(s) of title*”.

In Schedule 2, form 5, replace “computer register” with “record of title”.

In Schedule 2, form 5, Schedule A, replace “*computer register*” with “*record of title*”.

In Schedule 2, form 5, Schedule B, replace “*computer register*” with “*record of title*” in each place.

Forests (Planted Indigenous Forest Certificate) Regulations 2007 (SR 2007/27)

Replace regulation 5(3)(a)(i) with:

- (i) the current record of title; or

Revoke regulation 5(3)(a)(ii).

Forests (Planted Indigenous Forest Certificate) Regulations 2007 (SR 2007/27)—*continued*

In regulation 5(3)(a)(iii), replace “computer freehold register” with “record of title”.

Incorporated Societies Regulations 1979 (SR 1979/93)

In regulation 9, replace “a District Land Registrar” with “the Registrar-General of Land”.

In Schedule 2, replace “District Land Registrar” with “Registrar-General of Land”. 5

In Schedule 2, delete “[*specify*] Land Registration District”.

In Schedule 2, replace “Land Transfer Act 1952 as proprietor(s)” with “Land Transfer Act **2016** as owner(s)”.

In Schedule 2, in the Schedule, replace “Certificate of title” with “Record of title”.

Lawyers and Conveyancers Act (Conveyancers: Registration and Practice) Regulations 2008 (SR 2008/189) 10

In the Schedule, clause 2(f)(i), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Lawyers and Conveyancers Act (Conveyancing Practitioners: Conduct and Client Care) Rules 2008 (SR 2008/244) 15

In rule 8(c), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In rule 9(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Lawyers and Conveyancers Act (Lawyers: Nominee Company) Rules 2008 (SR 2008/213)

In rule 11.2, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 20

In Schedule 5, item 4, replace “certificate of title” with “record of title”.

Local Government (Auckland Regional Parks) Order 2008 (SR 2008/254)

In the Schedule, first column, replace “Computer freehold register or certificate of title” with “Record of title”.

Local Government (Tamaki Makaurau Reorganisation) Council-controlled Organisations Vesting Order 2010 (SR 2010/358) 25

In Schedule 1, Part 2, under the heading “*Manukau City Council*”, replace “certificate of title” with “record of title”.

In Schedule 2, third column, replace “Leasehold title register” with “Record of title”.

In Schedule 2, third column, replace “Leasehold computer register” with “Record of title” in each place. 30

Maori Occupation Orders Regulations 1994 (SR 1994/201)

In regulation 3(2)(c), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In regulation 3(2)(c), replace “certificate of title” with “record of title”.

Mining Tenures Registration Regulations 1996 (SR 1996/65)

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In regulation 2(b), replace “required for a Memorandum of Extension under section 116 of the Land Transfer Act 1952” with “required for a lease variation instrument under **section 92** of the Land Transfer Act **2016**”.

In the Schedule, replace “Certificate of Title” with “Record of title”.

Overseas Investment Regulations 2005 (SR 2005/220)

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In regulation 3(1), revoke the definition of **certificate of title**.

In regulation 14(b), replace “certificate of title” with “record of title”.

Property Law (Mortgagees’ Sales Forms) Regulations 2007 (SR 2007/363)

In the Schedule, form 1, under the heading **Notes for mortgagee or receiver completing notice**, paragraph 3(d), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”.

15

Resource Management (Forms, Fees, and Procedure) Regulations 2003 (SR 2003/153)

In Schedule 1, form 31, Schedule A, replace “*certificate of title*” with “*record of title*”.

20

In Schedule 1, form 31, Schedule B, replace “*in the Land Registry Office*” with “*by the Registrar-General of Land*”.

In Schedule 1, form 32, Schedule A, replace “*certificate of title*” with “*record of title*”.

In Schedule 1, form 32, Schedule B, replace “*in the Land Registry Office*” with “*by the Registrar-General of Land*”.

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Retirement Villages (Fees) Regulations 2006 (SR 2006/297)

In regulation 4(b), replace “certificates of title or computer registers” with “records of title”.

In regulation 6(a), replace “certificates of title or computer registers” with “records of title”.

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In regulation 6(c), replace “certificates of title or computer registers” with “records of title”.

In regulation 7, replace “certificates of title or computer registers” with “records of title”.

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Retirement Villages (General) Regulations 2006 (SR 2006/298)

In regulation 14(4)(a)(ii), replace “Part 7A of the Land Transfer Act 1952” with “**subpart 6 of Part 3** of the Land Transfer Act **2016**”.

In Schedule 1, form 1, replace “*all relevant computer registers and all relevant certificates of title*” with “*all relevant records of title*”. 5

In Schedule 1, form 3, replace “*computer registers and certificates of title*” with “*records of title*”.

In Schedule 1, form 4, replace “certificates of title and computer registers: [*describe the certificates of title and computer registers*]” with “records of title [*describe the records of title*]”. 10

Rock Oyster Farming Regulations 1964 (SR 1964/207)

In regulation 64, replace “in the Land Registry Office” with “under the Land Transfer Act **2016**”.

In regulation 64, replace “District Land Registrar” with “Registrar-General of Land”.

Securities Act (Contributory Mortgage) Regulations 1988 (SR 1988/143)

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In regulation 20(2)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In regulation 30(3)(a), replace “certificate of title” with “record of title”.

In regulation 31(a)(v), replace “memorandum of transfer (registrable under the Land Transfer Act 1952)” with “transfer instrument (registrable under the Land Transfer Act **2016**)”. 20

In regulation 39(3)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In Schedule 3, item 4, replace “certificate of title” with “record of title”.

In Schedule 11, item 3, replace “address, book and folio number of the certificate of title” with “address and record of title reference”. 25

In Schedule 12, item 3, replace “address, book and folio number of the certificate of title” with “address and record of title reference”.

Unit Titles Regulations 2011 (SR 2011/122)

Replace regulation 33(f)(vii) with: 30

(vii) records of title; and

In Schedule 2, form 1, replace “*computer register*” with “*record of title*” in each place.

In Schedule 2, form 1, paragraph 1, replace “registered proprietor” with “registered owner”. 35

In Schedule 2, form 1, paragraph 1, replace “registered proprietors” with “registered owners”.

Unit Titles Regulations 2011 (SR 2011/122)—*continued*

- In Schedule 2, form 1, paragraph 1, replace “computer register” with “record of title”.
- In Schedule 2, form 2, replace “*computer register*” with “*record of title*” in each place.
- In Schedule 2, form 2, paragraph 1, replace “registered proprietor” with “registered owner”.
- In Schedule 2, form 2, paragraph 1, replace “registered proprietors” with “registered owners”.
- In Schedule 2, form 3, table, second column, replace “**Computer register**” with “**Record of title**”.
- In Schedule 2, form 4, table, second column, replace “**Computer register**” with “**Record of title**”.
- In Schedule 2, form 5, table, second column, replace “**Computer register**” with “**Record of title**”.
- In Schedule 2, form 9, replace “Computer register” with “Record of title” in each place.
- In Schedule 2, form 18, paragraph 2, replace “*computer register*” with “*record of title*”.
- In Schedule 2, form 20, replace “*computer register*” with “*record of title*” in each place.
- In Schedule 2, form 21, replace “*computer register*” with “*record of title*” in each place.
- In Schedule 2, form 23, replace “*computer register*” with “*record of title*” in each place.
- In Schedule 2, form 24, replace “Registered proprietor(s)” with “Registered owner(s)”.
- In Schedule 2, form 24, replace “*registered proprietors*” with “*registered owners*”.
- In Schedule 2, form 24, replace “*computer register*” with “*record of title*” in each place.
- In Schedule 2, form 24, paragraph 2, replace “registered proprietor” with “registered owner”.
- In Schedule 2, form 24, paragraph 2, replace “registered proprietors” with “registered owners”.
- In Schedule 2, form 24, paragraph 2, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In Schedule 2, form 24, note, replace “computer registers” with “records of title”.
- In Schedule 2, form 25, replace “**registered proprietor**” with “**registered owner**”.

Unit Titles Regulations 2011 (SR 2011/122)—*continued*

In Schedule 2, form 30, table, third column, replace “*computer register*” with “*record of title*”.

In Schedule 2, form 32, replace “Computer registers” with “Records of title”.