

Land Transfer Bill

Government Bill

As reported from the Government Administration Committee

Commentary

Recommendation

The Government Administration Committee has examined the Land Transfer Bill and recommends that it be passed with the amendments shown.

Introduction

The Land Transfer Bill would implement the Government's response to the recommendations from the Law Commission's 2010 report "A New Land Transfer Act". The bill seeks to repeal the Land Transfer Act 1952 and two subsequent amendment Acts (the Land Transfer Amendment Act 1963, and the Land Transfer (Computer Registration and Electronic Lodgement) Amendment Act 2002) and replace them with a new Land Transfer Act.

The bill aims to modernise, simplify, and consolidate the land transfer legislation to improve its clarity and accessibility. The Land Transfer Act 1952 is outdated. It was based on paper-based registration, although the present system is now almost all electronic. The Act contains provisions from legislation dating back more than 100 years, and much of the language is complex.

The bill would make changes to the legislation in areas including the following:

- compensation
- indefeasibility of title
- identity verification
- covenants in gross
- withholding information for a person's safety
- liability of estate administrators for certain costs
- adverse possession process

- Registrar's power to correct the register.

The Torrens system of registration of title is used to provide people with security in their land dealings. The bill would continue its use, retaining the system's core principles.

Proposed amendments

This commentary covers the main amendments we recommend to the bill. It does not cover minor or technical amendments. For example, we propose several amendments that would distinguish the requirements for electronic instruments from paper instruments, by setting the requirements out in separate provisions. We also recommend several technical changes to Schedule 1, for enhanced clarity and workability, and changes so that the form of documents prepared under the Act need not be prescribed by regulations.

Purpose of the bill

Clause 3 sets out the purpose of the bill, which is to modernise the land transfer legislation while continuing the Torrens system of land title in New Zealand. The bill retains the fundamental principles of the Torrens system, which are listed in this clause.

For clarity and certainty, we recommend adding subclause 3(d) to insert the principle of "maintaining integrity of title to estates and interests in land". We consider that this inclusion is necessary to safeguard this principle.

Definitions

We recommend amendments to the interpretation clause (clause 5).

Land

We recommend an amendment to the definition of "land" to include timber, for consistency with wording in the current legislation.

Paper instrument

We recommend adding a definition of "paper instrument", defined as an instrument in paper form. This would provide certainty because the term is currently used throughout the bill without definition.

Electronic instrument

We recommend amending the definition of "electronic instrument" to ensure it covers all instruments in electronic form.

Verification of identity of mortgagor by mortgagee and Title of transferee of mortgage

Compliance costs

We recommend deleting clauses 54 and 55 from the bill.

Concerns were raised with us about the significant compliance costs that may be a consequence of these proposed provisions (clauses 54 and 55).

Clause 54 of the bill as introduced would impose a new requirement on mortgagees to take reasonable steps to verify the identity of the mortgagor and the identity and authority of any person who executes the mortgage.

If the mortgagee does not comply with this requirement, and the mortgage instrument is executed through fraud by someone other than the mortgagor or a person with legal authority, the High Court may set the registered estate or interest of the mortgagee aside. The intent behind this proposed provision is that mortgagees should take reasonable steps to check that they are dealing with the actual registered owner to prevent mortgage fraud.

Clause 55 of the bill as introduced is about the title of the transferee of a mortgage. It sets out the terms by which the transferee of a mortgage can acquire an estate or interest in land.

We are aware of a widely held view that the new identity verification requirements are unnecessary because sufficient protections already exist in the current verification of identity standards.

Additionally, we were informed that mortgage fraud is much less likely to occur in New Zealand than in Australia, because mortgage instruments are lodged through an online process. New Zealand uses an electronic system called Landonline, whereas most of Australia uses paper-based registration.

After examining the issue in detail, we consider that these provisions would impose significant compliance costs on banks. We are concerned that there may also be increased costs to customers as a result of this.

Because of the low occurrence of mortgage fraud, it is likely that the costs of these new requirements would outweigh the benefits.

Consequentially, we recommend removing any requirements and penalties about verifying the identity of mortgagees from the bill as introduced. The occurrence of mortgage fraud should, however, be monitored on an ongoing basis to ensure that the absence of requirements and penalties does not lead to unintended consequences.

Altering the register in cases of manifest injustice

Clauses 56 and 57 of the bill as introduced would give the High Court discretion to alter the land titles register where necessary to avoid manifest injustice. This would enable the court to make an order cancelling the registration of a person as the owner of an estate or interest.

Indefeasibility of title is a fundamental principle of the Torrens system and provides that in general, once registered, a transaction cannot be set aside.

We are aware that there was some uncertainty about when this exception to indefeasibility would apply, so we recommend amendments to clarify the intent of the provisions.

For clarity, we also recommend amending the wording of clause 56(1) to replace “the estate or interest” with “an estate or interest”.

We recommend replacing clause 57 in the bill as introduced with a new clause 57. The amendments we suggest would clarify that the threshold for manifest injustice is very high, and more effectively set out the interplay between “manifest injustice” and “fraud”.

We recommend amending clause 57(2) to clarify that forgery or other dishonest conduct does not, of itself, constitute manifest injustice.

We recommend amending clause 57(3) to clarify that an order made under the manifest injustice section is intended only for exceptional cases where the court is satisfied that compensation could not properly address the injustice.

We also recommend inserting new clauses 57A and 57B. This is necessary to relocate provisions regarding conditions under which the court cannot make an order and registration of an order of court. These provisions have been clearly separated out from clause 57, which is solely concerned with court orders in cases of manifest injustice.

Compensation for loss of estate or interest in land

We recommend amending clause 59(1)(b) to clarify that an individual can still choose to bring a claim for compensation even if they are able to apply for an order for alteration of the register on the grounds of manifest injustice.

Compensation for loss or damage occurring after search and before registration

Clause 60 of the bill would reduce the time period in which a guaranteed search must be obtained from two months to 10 days. A guaranteed search ensures that no other instruments or dealings have been registered against the title before the concerned party’s dealing details are registered.

We recommend amending clause 60(1) to replace the specified time period of “10 working days” with “20 working days”.

We consider that the current period of two months is no longer necessary. However, we accept that there are sometimes delays in which lodged instruments are checked by Land Information New Zealand staff. We also acknowledge that a time period of 10 days may not be adequate for more complex transactions.

Court’s discretion to adjust compensation

Clause 68 would allow the court to adjust the compensation provided for in clauses 64 to 67 if the court considers that the amount of compensation as determined by these clauses would be inadequate or excessive.

The compensation can be adjusted by changing the valuation date, increasing compensation to reflect land values, or both. The bill proposes a formula in regulations to determine the increase in compensation, based on movement in land values.

We are satisfied that the bill as introduced effectively sets out the scope of the court's discretion and clearly outlines what the court must take into account when deciding whether to adjust compensation up or down.

However, we recommend amending clause 68 by replacing subclauses (1) and (2) with new subclauses (1) and (2) to allow compensation adjustments to be determined using a different date than that set in 65(1), including obtaining a market valuation at the date of the judgment of the court in the proceeding.

We recognise the potential unworkability of setting a formula in regulations to allow for increases in market value. We consider that it would be simpler and more effective to require the court to take into account increases in market values by having a second valuation done at the date of judgment.

Consequently, we recommend deleting clause 226(17), which establishes the regulations for prescribing movements in land values.

Consent for variation of leases

We understand that the policy intent of the bill in regard to consent for varying a cross lease is to align with the policy of the 1952 Act. A cross lease should be able to be varied only with the consent of all the mortgagees, as a variation to one lease may affect others.

We consider that it is important that this intention be explicit, so we recommend inserting new clause 92A to add a requirement to obtain consent to a lease variation from the registered mortgagee of an estate or interest in land of all the leases involved.

We also recommend adding a definition of cross lease for the purposes of this section.

Tax statement exemption regulations

We recommend amending clause 226 to insert new subclause (3). This would require the Minister to review the regulations that prescribe exemptions from the tax statement requirements in clauses 77 and 78, after five years. As part of this review, the Minister would also be required to consider whether any matter contained in the regulations should be relocated to the primary legislation. The regulations would not need to be re-enacted if it was deemed that the exemptions still met the policy intent.

The regulation-making power in clause 226(1)(18) and (2) of the bill as introduced provides for regulations to be made which exempt parties or types of transfers from requirements to provide a property transfer tax statement, or an IRD number and a tax information number. These exemptions could only be made under specific circumstances including impracticality, high compliance costs, or low risks of tax avoidance from transfers.

We are aware of the Legislation Advisory Committee's view that limits and safeguards should always apply in relation to the granting of exemptions by regulation. Additionally, as noted by the Regulations Review Committee, there should be appro-

priate controls in cases where legislation authorises instruments to be made which confer exemptions from requirements specified in legislation.

We support the principle that regulated exemptions should be subject to review and this is reflected in the proposed amendment.

We also recommend amending clause 77 to include a definition of an exempt transfer, and we recommend amending clause 78 to state that the provisions do not apply to an exempt transfer.

Transitional regulation-making power

We recommend inserting new clause 226A, which would enable the making of regulations providing for transitional matters.

The criteria for making these regulations include that the Minister is satisfied the regulations are necessary for implementation. Additionally, the regulation-making power and any regulations made would expire three years after the date the provision commences.

These regulation-making powers would assist with the transition to the new land transfer legislation.

Further consequential amendments

We recommend amending the schedule of consequential amendments so that references in recently passed Acts to the Land Transfer Act 1952 and other outdated terminology can be updated.

Issue out of scope of the bill

Persons authorised to certify instruments

During our consideration of the bill, we gave thought to whether clause 28 should be amended to include Fellows of the New Zealand Institute of Legal Executives.

This would provide signing and certification rights for registered legal executives who have at least eight years' experience, are employed by a lawyer or incorporated law firm, and work under the direct supervision of a lawyer. The rights sought would allow Fellows of the New Zealand Institute of Legal Executives to effect sales and purchases of land, among other transactions, by certifying instruments that are lodged for registration with Land Information New Zealand. Currently, only lawyers and conveyancers have these rights as certification under the 1952 Act relies on the occupational regulation of lawyers and conveyancers under the Lawyers and Conveyancers Act 2006.

Conferring these rights on Fellows of the New Zealand Institute of Legal Executives, and making them subject to the same regulatory oversight as lawyers and conveyancers, would require changes to the Lawyers and Conveyancers Act 2006.

Subsequently, we have decided that this policy issue is not within the scope of this bill. We conclude that no substantive amendments can be made to the Lawyers and

Conveyancers Act 2006, because the Land Transfer Bill was not an omnibus bill at introduction.

However, it is our view that further review and potential legislative change to resolve this issue is necessary.

Appendix

Committee process

The Land Transfer Bill was referred to the committee on 15 March 2016. The closing date for submissions was 28 April 2016. We received and considered 20 submissions from interested groups and individuals. We heard oral evidence from seven submitters.

We received advice from Land Information New Zealand. The Regulations Review Committee reported to the committee on the powers contained in clause 226.

Committee membership

Hon Ruth Dyson (Chairperson)

Paul Foster-Bell

Brett Hudson

Mark Mitchell

Hon David Cunliffe replaced Kris Faafoi for this item of business.

Eugenie Sage replaced Mojo Mathers for this item of business.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Louise Upston

Land Transfer Bill

Government Bill

Contents

		Page
1	Title	10
2	Commencement	11
Part 1		
Preliminary provisions		
3	Purpose	11
4	Land subject to this Act	11
5	Interpretation	12
6	Meaning of fraud	15
7	Transitional, savings, and related provisions	15
8	Act binds the Crown	15
Part 2		
Land title and registration		
Subpart 1—Land title register		
<i>Land title register</i>		
9	Registrar to keep register	15
10	Purpose of register	16
11	Contents of register	16
<i>Records of title</i>		
12	Record of title	17
13	Registrar may issue amalgamated or separate records of title	18
14	Separate titles for undivided shares in land	18
15	Record of title created in name of deceased person	18
16	Court may make orders relating to records of title	18

Land Transfer Bill

<i>Qualified records of title</i>		
17	Qualified record of title	18
18	Effect of qualified record of title	19
19	Removal of qualification	19
<i>Retention of information in register</i>		
20	Information in register to be retained	20
<i>Registrar's powers of alteration</i>		
21	Registrar's powers of alteration	20
<i>Registration and notation of instruments</i>		
22	Registration or notation of instrument	21
23	Registration or notation of instrument created or executed by person not registered as owner of estate or interest	21
24	Effect of registration	21
<i>Electronic workspace facilities</i>		
25	Electronic workspace facilities	22
<i>Instruments</i>		
26	Instruments to comply with this Act and other enactments	22
27	Certification of <u>electronic</u> instruments	23
28	Persons authorised to certify <u>electronic</u> instruments	23
29	Revocation of right to certify <u>electronic instruments</u>	23
30	Evidence of certification <u>for electronic instrument</u>	24
31	Effect of certification <u>for electronic instrument</u>	24
32	Lodging of instruments electronically by certain persons	25
33	Execution of paper instruments	25
34	Lodging <u>Certification and lodging of paper instruments</u>	25
35	Priority of instruments	26
36	When paper instruments lodged	26
37	Rejection and requisition of instruments	27
38	Copying and imaging of paper instrument	28
39	Rejection of instrument that cannot be copied	28
<i>Access to register</i>		
40	Access to register	29
41	Registrar may withhold personal <u>information for person's safety</u>	29
42	Application to Registrar to withhold personal <u>information for person's safety</u>	30
43	Exceptions to withholding personal <u>information for person's safety</u>	31
<i>Evidentiary effect of documents</i>		
44	Evidentiary effect of documents	32
<i>Instruments lost before registration or notation</i>		
45	Instruments lost before registration or notation	33

Land Transfer Bill

	<i>Replacement or reconstitution of records</i>	
46	Registrar may replace or reconstitute records	33
	<i>Joint tenancy</i>	
47	Registration of persons as joint tenants	34
48	Severance of joint tenancy	34
	<i>Dealings by overseas Governments</i>	
49	Dealings in land by Government of overseas country	34
	<i>Registers under other Acts</i>	
50	Registers under other Acts	35
	Subpart 2—Title to land	
51	Title by registration	35
52	Exceptions and limitations	36
53	No title to public road or reserve unless authorised	36
54	Verification of identity of mortgagor by mortgagee	37
55	Title of transferee of mortgage	38
	<i>Alteration of register in cases of manifest injustice</i>	
56	Application to court for order for alteration of register in cases of manifest injustice	38
57	Decision of court	38
<u>57</u>	<u>Court may make order only in cases of manifest injustice</u>	<u>39</u>
<u>57A</u>	<u>Court must not make order if estate or interest transferred to third person</u>	<u>40</u>
<u>57B</u>	<u>Registration of order of court</u>	<u>40</u>
	Subpart 3—Compensation	
	<i>Grounds for compensation</i>	
58	Compensation for loss or damage resulting from Registrar's error or from system failure	40
59	Compensation for loss of estate or interest in land	40
60	Compensation for loss or damage occurring after search and before registration	41
61	Exceptions to compensation	42
	<i>Notice of claim</i>	
62	Notice of claim	43
	<i>Consideration of claim</i>	
63	Consideration of claim	43
	<i>Calculation of compensation for deprivation of estate or interest in land</i>	
64	Maximum amount of compensation for deprivation of estate or interest in land	43

Land Transfer Bill

65	Valuation of estate or interest in land and matters relating to onus of proof	44
66	Improvements made to land	44
67	Benefit obtained by claimant to be taken into account	44
68	Court's discretion to adjust compensation	44
69	Contribution by claimant to loss	45
70	Award of interest on compensation	45
	<i>Further provisions where compensation paid</i>	
71	Right of subrogation	45
72	Certain compensation recoverable by Crown as debt	46
	Part 3	
	Dealings in estates and interests in land	
	Subpart 1—Transfers, transmissions, and vesting	
	<i>Transfers of estates and interests</i>	
73	Transfer of estates and interests	46
74	Transfer of part of land in record of title	47
75	Effect of transfer of leases and mortgages	47
76	Life and other limited freehold estates	47
	<i>Tax statement required for registration of instrument to transfer some estates in land</i>	
77	Interpretation	48
78	Transferors and transferees must provide tax statement stating that transfer non-notifiable or providing tax information	49
79	Content of tax statement	50
80	Omissions and errors	51
81	Offence to provide false or misleading tax information	52
82	Chief executive must supply tax information to Commissioner of Inland Revenue	52
83	Other provisions concerning use of tax information	52
84	Certifier and chief executive must hold tax statement and provide copies	52
85	Status of tax information	53
86	Disclosure of information between authorised persons	53
	<i>Transmissions</i>	
87	Transmission instrument required to register transmission	54
88	Effect of registering transmission instrument	54
	<i>Vesting</i>	
89	Vesting of land by court order	54
90	Vesting of land by statute	54

Land Transfer Bill

Subpart 2—Leases

91	Lease instrument required to register lease	55
92	Variation of leases	55
<u>92A</u>	<u>Consent of registered mortgagee to variation of lease</u>	<u>56</u>
93	Surrender of lease	56
94	Registration of interests on replacement lease	57
95	Recording of interests when lessee acquires fee simple	58
96	Covenant by or right for lessee to purchase fee simple estate	58
97	Re-entry by lessor	59

Subpart 3—Mortgages

98	Mortgage takes effect only as security	60
99	Mortgage instrument required to register mortgage	60
100	Mortgage variation instrument required to vary mortgage	60
101	Mortgage priority instrument required to vary priority of mortgages	61
102	Transfer of mortgaged land by mortgagee sale	61
103	Discharge of mortgage	62
104	Court may order mortgage to be discharged if mortgagee's remedies barred by Limitation Act 2010	62
105	Discharge of mortgage securing annuity or rentcharge	63

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

Easements and profits à prendre

106	Interpretation	63
107	Registration and surrender of easements and <i>profits à prendre</i>	63
108	Easement instruments	64
109	Creation or surrender of easement on deposit of plan	64
110	Rights and powers implied in easements	65
111	Easement variation instrument required to vary easements and <i>profits à prendre</i>	65
112	Merger, and extinguishment through lapse of time, of easements and <i>profits à prendre</i>	66
113	Extinguishment of easements and <i>profits à prendre</i> on occurrence of event	66
114	Redundant easements	67

Notation of covenants under Property Law Act 2007

115	Notation of covenants under Property Law Act 2007	68
-----	---	----

Subpart 5—Statutory land charges

116	Application of this subpart	69
117	Registration of charge	69
118	Priority of charge	69
119	Release of charge	69

Land Transfer Bill

120	Protection of Registrar	70
	Subpart 6—Flat and office-owning <u>office owning</u> companies	
121	Interpretation	70
122	Issue of share certificates	71
123	Registration of licence to occupy	71
124	Registrar may require plan	72
125	Effect of registration of licence	72
126	Registration of instruments against licence	72
127	Mortgage of licence	72
128	Rights of mortgagee of registered licence	73
129	Restriction on disposal of licence or shares if licence subject to mortgage	73
130	Restrictions on cancellation, etc, of licence subject to registered mortgage	74
131	Registration of cancellation, etc, of licence	74
132	Surrender of licence	75
133	Bringing down of mortgage on new licence	75
134	Priority of replacement mortgage over land of company	76
135	Exercise of power of sale by mortgagee of licence	76
136	Registration of transfer of licence or new licence by Registrar	77
	Subpart 7—Caveats	
137	Caveats against dealings with land	77
138	Notice of caveat against dealings	78
139	Effect of caveat against dealings	78
140	Caveat against dealings not to prevent transfer by mortgagee under power of sale	79
141	Removal of caveat against dealings	79
142	Lapse of caveat against dealings	80
143	Withdrawal of caveat against dealings	81
144	Caveator may consent to registration of instrument	81
145	Second caveat against dealings may not be lodged	81
146	Registrar not required to verify entitlement to lodge caveat against dealings	81
147	Compensation for lodging of improper caveat against dealings	81
	<i>Registrar's caveats</i>	
148	Registrar may lodge caveat	82
149	Notice of caveat	82
150	Effect of Registrar's caveat	82
151	Registrar may withdraw caveat	82
	Subpart 8—Trusts	
152	Trusts not to be entered on register	82
153	Trusts of reserves	83

Part 4
Miscellaneous applications and other matters

Subpart 1—Applications for title based on adverse possession

154	Application for record of title based on adverse possession	83
155	Information relating to land	84
156	Incapacity of registered owner	85
157	Minors	85
158	Certain applications prohibited	85
159	Evidence	86
160	Notice of application	86
161	Caveats against application	87
162	Notice of caveat	87
163	Caveat by registered owner of fee simple or other freehold estate	87
164	Caveat by beneficial or equitable owner of fee simple or other freehold estate	87
165	Caveat by registered owner of, or person noted as entitled to, other estate or interest	88
166	Caveat by other person entitled to other estate or interest	89
167	Registration of applicant as owner of freehold estate	90
168	Cancellation of record of title	90
169	Application relating to land of dissolved company	91

Subpart 2—Applications to bring land under Act

170	Land to which this subpart applies	91
171	Applications to bring land under Act	92
172	Notice of application	93
173	Caveat against bringing land under Act	93
174	Effect of caveat	94
175	Notice of caveat	94
176	Procedure where caveat lodged under section 173(1)(a)	94
177	Procedure where caveat lodged under section 173(1)(b)	95
178	Registrar may require instrument creating or recording estate or interest of caveator	96
179	Withdrawal of application	96
180	Registration of applicant	96
181	Cancellation of previous documents of title	97
182	Registration of Crown grant under Deeds Registration Act 1908 unnecessary	97

Subpart 3—Title to access strips

183	Meaning of access strip	97
184	Application by adjoining owners for title to access strip	97
185	Notice of application	98
186	Caveats against application	98
187	Notice of caveat	99

Land Transfer Bill

188	Removal of caveat	99
189	Procedure where caveat lodged	99
190	Owner of access strip who is not adjoining owner	99
191	Adjoining owner with interest in access strip who is not applicant	100
192	Adjoining owner with no interest in access strip who is not applicant	100
193	Record of title for access strip	101
194	Provisions applying when record of title created for access strip	101
	Subpart 4—Limited certificates of title	
195	Purpose of this subpart	102
196	Meaning of limited certificate of title	102
197	Registrar’s minutes	102
198	Record of title to indicate limitations	103
199	Effect of limited record of title	103
200	Removal of limitations from limited record of title	103
201	Further restriction on removal of limitation from limited record of title limited as to parcels	104
202	Other estates and interests subject to limitation	104
203	Applications by persons claiming title to land for which there is limited record of title	104
204	Certain interests extinguished	105
205	Status of caveats lodged under section 205(1) of Land Transfer Act 1952	105
206	Caveats against limited record of title limited as to parcels	106
	Part 5	
	Miscellaneous provisions	
	Subpart 1—General provisions	
	<i>Covenants implied in instruments</i>	
207	Implied covenants requiring persons to give effect to instruments	106
	<i>Provisions incorporated in instruments by reference</i>	
208	Incorporation in instruments of provisions in memorandum	107
	<i>Instruments under this Act that may be used under other Acts</i>	
209	Instruments under this Act may be used under other Acts	107
	<i>Powers of attorney</i>	
210	Registered owner may deal with estate or interest by attorney	107
211	Deposit of power of attorney	108
212	Notice of revocation of power of attorney	108
	<i>Review and appeal</i>	
213	Review by Registrar of decision	108
214	Appeal to court	109

Land Transfer Bill

	<i>Application to court by Registrar</i>	
215	Registrar may apply to court for directions	109
	<i>Notice to Registrar of proceedings</i>	
216	Notice to Registrar of proceedings	109
	<i>Offences</i>	
217	Offences in relation to registration	110
218	False statements	110
	<i>Notices</i>	
219	Public notice	110
220	Giving of notice to persons other than Registrar	111
221	Notice to Registrar	111
222	When notices given	112
	<i>Plans</i>	
223	Registrar may require plans	113
224	Registrar may specify form of deposit document	113
225	Cost of survey to correct plans	114
	<i>Regulations</i>	
226	Regulations	114
<u>226A</u>	<u>Regulations providing for transitional matters</u>	<u>118</u>
	<i>Fees and charges</i>	
227	Fees and charges	118
	<i>Land registration districts</i>	
228	Land registration districts	119
	<i>Registrar-General of Land</i>	
229	Registrar-General of Land	119
230	Seal of office	120
231	Delegation of Registrar's duties and powers	120
232	Registrar not required to give certain evidence	121
233	Registrar and other persons not personally liable	122
234	Registrar may set standards and issue directives	122
	Subpart 2—Amendments, repeals, and revocations	
	<i>Amendments to Property Law Act 2007</i>	
235	Amendments to Property Law Act 2007	122
236	Section 4 amended (Interpretation)	123
237	New cross-heading above section 301 inserted	123
	<i>Positive and restrictive covenants (benefiting land)</i>	
238	Section 304 amended (Whether, and to what extent, administrator bound by covenant to which section 303 applies)	123

239	Section 306 amended (Certain duties under, and law on, restrictive covenants not limited or affected by section 303)	123
240	New sections 307A to 307F and cross-heading inserted	123
<i>Covenants in gross</i>		
307A	Covenants in gross	123
307B	Construction of covenant in gross	123
307C	Legal effect of covenant in gross	124
307D	Whether, and to what extent, administrator bound by covenant in gross	124
307E	How rights under covenant in gross rank in relation to other unregistered interests	125
307F	Notation of covenants in gross	125
241	Cross-heading above section 308 amended	125
242	Cross-heading above section 313 amended	125
243	Section 317 amended (Court may modify or extinguish easement or covenant)	126
244	New sections 318A to 318E and cross-heading inserted	126
<i>Enforcement, modification, and extinguishment of covenants in gross</i>		
318A	Application of sections 308 to 312 to positive covenants in gross	126
318B	Application of section 313 to covenants in gross	126
318C	Application for order under section 318D	126
318D	Court may modify or extinguish covenant in gross	126
318E	Registration and recording of orders under section 318D	127
<i>Repeals and revocations</i>		
245	Land Transfer Act 1952 and Statutory Land Charges Registration Act 1928 repealed	128
246	Regulations and orders revoked	128
<i>Amendments to other enactments</i>		
247	Amendments to other enactments	128
Schedule 1		129
Transitional, and savings, and related provisions		
Schedule 2		134
Consequential amendments		

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.
- (2) One or more orders may be made under **subsection (1)** bringing different provisions into force on different dates. 5
- (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 10

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 15
- (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: 20
 - (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; and 25
- (d) by all of the above means, maintains the integrity of title to estates and interests in land.

4 Land subject to this Act

The following land is subject to this Act: 30

- (a) land that is subject to the Land Transfer Act 1952 immediately before the commencement of this ~~Act~~ section;
- (b) land alienated or contracted to be alienated from the Crown in fee simple after the commencement of this ~~Act~~ section;
- (c) land made subject to this Act by or under this Act or any other Act: 35

- (d) land that is, after the commencement of this ~~Act~~ section, vested in a person for a freehold estate under any other Act, including any Act relating to Māori land.

5 Interpretation

- (1) In this Act, unless the context otherwise requires,— 5
- 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
- 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 10
- 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
- electronic instrument** means an instrument ~~prepared in an electronic workspace facility~~ in electronic form 15
- 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)
- estate or interest** means every estate or interest in land, and includes a mortgage or charge on land 20
- fraud** has the meaning given to it in **section 6**
- freehold estate**—
- (a) includes a life estate; but
- (b) does not include a lease for life 25
- 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 30
- instrument**—
- (a) means a document in paper or electronic form; and 35
- (b) includes a caveat document
- intellectual or mental impairment** means a clinically recognisable intellectual or mental impairment, whether or not it is or includes—

- (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— 5
- (a) estates and interests in land:
- (b) buildings and other permanent structures on land:
- (c) land covered with water:
- (~~e~~) ~~plants and trees on land~~
- (d) plants, trees, and timber on or under land 10
- 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 15
- 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**— 20
- (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 25
- (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 30
- (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 35
- (b) includes a person who has a future estate or interest in land
- paper instrument** means an instrument in paper form

- 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
- public notice** has the meaning given to it in **section 219** 5
- 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
- register** means the register of land subject to this Act that is kept by the Registrar under **section 9** 10
- Registrar** means the Registrar-General of Land appointed ~~under~~ in accordance with **section 229**
- Surveyor-General** means the person holding the office of Surveyor-General under the Cadastral Survey Act 2002 15
- 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
- working day** means a day of the week other than— 20
- (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
 - (c) if 1 January falls on a Friday, the following Monday; and 25
 - (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.
- (2) In any form or document the content of which is 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: 30
- (a) an owner, transferor, transferee, mortgagor, mortgagee, lessor, lessee, or trustee:
 - (b) a person seised of or owning or having or taking an estate or interest in land. 35

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.
- (2) For the purposes of **subsection (1)**, the fraud must be against— 5
- (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,— 10
- (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.
- (3) For the purpose of **subpart 2_3 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. 15

7 Transitional, savings, and related provisions

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

8 Act binds the Crown 20

This Act binds the Crown.

Part 2**Land title and registration**

Subpart 1—Land title register

Land title register 25**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— 30
- (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.

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

10 Purpose of register

The purpose of the register is to— 5

- (a) provide a public record of land that is subject to this Act, including a record of—
 - (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: 10
- (b) provide the mechanism for creating title to estates and interests in land that, subject to this Act, cannot be set aside:
- (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: 15
- (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— 20
 - (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: 25
 - (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: 30
 - (g) the plans deposited under this Act:
 - (h) any prescribed information. 35
- (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. 5

Records of title

12 Record of title

- (1) The Registrar may, from the information recorded in the register, create a record of title for—
 - (a) freehold estates: 10
 - (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:
 - (e) a proclamation or notice published in the *Gazette* and registered under this Act pursuant to any other Act. 15
- (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: 20
 - (d) a reference to any instrument or other matter creating the estate or interest or subdividing the land:
 - (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: 25
 - (g) for each registered or noted instrument affecting the estate or interest,—
 - (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: 30
 - (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:
 - (i) any other information—
 - (i) that must be included under any other enactment; or 35
 - (ii) that the Registrar considers necessary to give effect to this Act or any other enactment.

- (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.
Compare: 2002 No 11 ss 7–13
- 13 Registrar may issue amalgamated or separate records of title** 5
- (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. 10
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. 15
- (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** 20
- 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.
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— 25
- (a) cancel the record of title for any estate or interest in land or cancel any entry on the record of title; or
- (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. 30
Compare: 1952 No 52 s 85

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 35

- (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 5
 - (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. 10
- (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. 15
- 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 20
- (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 25
- (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.

Compare: 1952 No 52 s 54

19 Removal of qualification 30

- (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.
- (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. 35

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 5
- (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. 10

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**: 15
 - (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. 20
- (2) The Registrar must not alter the register under **subsection (1)(a), (b), or (c)** 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,— 25
 - (i) the Registrar gives notice of intention to alter the register; and
 - (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. 30
- (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 notation if—
- (a) the person lodging the instrument complies with the requirements of this Act and any other enactment; and 5
 - (b) the instrument is lodged in a form that complies with the requirements of 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. 10
- (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

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. 15

Compare: 1952 No 52 s 76

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. 20
- (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— 25
- (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,—
- (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 30
 - (b) in the case of a mortgage, the estate or interest becomes liable as security; or
 - (c) in the case of an instrument that surrenders, discharges, or varies an estate or interest, the estate or interest is extinguished or varied. 35

- (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.
- (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. 5
- Compare: 1952 No 52 s 41(1), (4)–(6)

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. 10
- (2) The Registrar must not approve an electronic facility unless satisfied that adequate provision is made to ensure that—
- (a) instruments prepared in the facility comply with the requirements of this Act when lodged; and 15
 - (b) the Registrar is able to carry out the Registrar’s functions and duties under this Act.
- (3) The Registrar may, at any time, withdraw approval of an electronic workspace facility that fails to meet the requirements ~~referred to in~~ of **subsection (2)**.
- (4) The Registrar may monitor activities in an electronic workspace facility for the purpose of detecting fraud and improper dealings. 20
- (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;
 - (b) audit the electronic workspace facility to ensure compliance with the conditions; 25
 - (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)**. 30
- 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. 35

- 27 Certification of electronic 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:~~
- (b) ~~instruments in paper form of a class specified in regulations as requiring certification.~~ 5
- (1) An electronic instrument of a class specified in regulations as requiring certification may be lodged only if it is certified.
- (2) ~~An instrument is certified by being certified—~~
- (a) ~~as to each matter prescribed for that class of instrument; and~~ 10
- (b) ~~in the prescribed form.~~
- (2) An electronic instrument is certified by being certified as to each matter prescribed for that class of instrument.
- Compare: 1952 No 52 ss-164, s 164A
- 28 Persons authorised to certify electronic instruments** 15
- (1) The following persons are the only persons who may certify electronic instruments for the purposes of this Act:
- (a) practitioners:
- (b) a person of a class authorised by regulations to certify electronic instruments. 20
- (2) Regulations may specify that a class of persons is authorised to certify all electronic instruments or electronic instruments of a specified class.
- (3) A person (including a practitioner) must not certify an electronic instrument while the person's authority to give a certificate is revoked under **section 29**. 25
- Compare: 1952 No 52 s 164B(1)
- 29 Revocation of right to certify electronic instruments**
- (1) The Registrar may, by notice, revoke a person's authority to give a certificate for electronic instruments if the Registrar believes on reasonable grounds that the person—
- (a) has given a fraudulent certificate for an electronic instrument; or 30
- (b) has given a certificate that is materially incorrect for an electronic instrument; or
- (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**. 35
- (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.

- (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.
- (4) The Registrar may revoke a person's authority under **subsection (1)(b) or (c)** only after— 5
- (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.
- (5) The Registrar may, by notice, reinstate any person's authority that was revoked under this section if the Registrar is satisfied that the person— 10
- (a) will not give a certificate that is fraudulent or materially incorrect for an electronic instrument; and
- (b) will comply with **section sections 30, 78(2)(b), 80(1)(b), and 84**.
- Compare: 1952 No 52 s 164B(2)–(4) 15

30 Evidence of certification for electronic instrument

- (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.~~
- (1) If a person, in giving a certificate for an electronic instrument, certifies that he or she has evidence relied on in support of matters stated in the certificate, the person must retain that evidence for the prescribed period. 20
- (2) The Registrar may specify standards that, if met, provide sufficient evidence to satisfy the requirement in **subsection (1)**.
- (3) The Registrar may, by notice, require a person who has given a certificate for an electronic instrument to provide to the Registrar— 25
- (a) the evidence referred to in **subsection (1)**, if applicable; or
- (b) a statutory declaration as to—
- (i) any further information required by the Registrar; or
- (ii) the circumstances of the preparation and electronic transmission of ~~an~~ the instrument. 30
- (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 for electronic instrument

- (1) On registration, an electronic instrument certified under **section 27**— 35
- (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 electronic instrument certified under **section 27**.

Compare: 1952 No 52 s 164E

32 Lodging of instruments electronically by certain persons 5

(1AA) An electronic instrument must be prepared in and lodged from an electronic workspace facility.

- (1) ~~An instrument must be lodged from an electronic workspace facility if the instrument—~~
- ~~(a) is of a class specified in regulations as requiring electronic lodgement under this section; and~~ 10
 - ~~(b) is lodged by—~~
 - ~~(i) a practitioner; or~~
 - ~~(ii) a person of a class authorised by regulations to certify the instrument.~~ 15

(1) An instrument must be lodged as an electronic instrument if the instrument is lodged by, or under the direction of,—

- (a) a practitioner; or
 - (b) a person of a class required by regulations to electronically lodge that class of 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.~~
- (2) However, the instrument—
- (a) must not be lodged as an electronic instrument if it belongs to a class specified by regulations as not being capable of electronic lodgement; and 25
 - (b) need not be lodged as an electronic instrument 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. 30

Compare: 1952 No 52 s 157

34 Lodging Certification and lodging of paper instruments

(1AA) A paper instrument that creates, transfers, or otherwise affects an estate or interest in land under the provisions of this Act may be lodged only if it is certified by— 35

- (a) the party to the instrument who is specified by regulations for that class of instrument; or
- (b) a practitioner who acts for that party.
- (1AB) A paper instrument is certified by being certified—
- (a) as to each matter prescribed for that class of instrument; and 5
- (b) in the prescribed form (if any).
- (1) A paper instrument must be lodged by posting the instrument to a land registry office designated for that purpose by the Registrar.
- (2) The Registrar must give notice of the address of the designated land registry office— 10
- (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-ss 47(1), (2), 164
- 35 Priority of instruments** 15
- (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.
- (3) This section is subject to— 20
- (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**
- (1) An instrument that is lodged by being posted to a designated land registry office is treated as having been lodged— 25
- (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.
- (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. 30
- (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.
- (4) If lodged together, the instruments must be registered— 35
- (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.
- (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 5
- (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.
- Compare: 1952 No 52 ss 41(2), (3), 47(4)–(6)
- 37 Rejection and requisition of instruments 10**
- (1) An instrument lodged for registration or notation that does not comply with **section 26** may, together with any instruments lodged with it,—
- (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 15
- (b) be retained by the Registrar for correction (otherwise known as being requisitioned).
- (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 20
- (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.
- (3) A notice under **subsection (2)** must state the reasons for rejecting or retaining the instrument. 25
- (4) If an instrument retained under **subsection (1)(b)** is not corrected within the specified time, the Registrar may—
- (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. 30
- (5) If an instrument is returned under **subsection (1)(a) or (4)(b)**, the Registrar may retain any fees paid to the Registrar. 35
- (6) Fees retained by the Registrar under **subsection (5)** are forfeited to the Crown.

- (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— 5
- (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. 10
- (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— 15
- (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— 20
- (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,— 25
- (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: 30
- (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:
- (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. 35

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,—
- (a) provide a person with a copy of an instrument registered or noted in the register or that forms part of the register: 5
- (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.
- (3) The copies referred to in **subsection (1)** may be provided in electronic form if the chief executive so determines. 10
- (4) A determination under **subsection (3)** may be made subject to specified conditions.
- (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 15
- (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~~ for person's safety

- (1) The Registrar may do the following during any withholding period granted to a person under this section: 20
- (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. 25

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.
- (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. 30
- (4) The Registrar must, as soon as is reasonably practicable after making the decision, give notice to the person of—
- (a) the decision; and 35
- (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.
- (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. 5
- (7) The Registrar must decide to end the withholding period if he or she—
- (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). 10
- (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—
- (a) the decision; and 15
 - (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. 20
- (10) This section overrides any requirements of this Act that relate to the register.

42 Application to Registrar to withhold personal information for person’s safety

- (1) A person may apply to the Registrar to grant a withholding period under **section 41**. 25
- (2) The application must include—
- (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 30
 - (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
 - (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. 35
- (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: 5
- (d) any other relevant evidence.
- (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. 10
- 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—
- (a) a withholding period applies to the person; and 15
- (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. 20
- 43 Exceptions to withholding personal information for person's safety**
- (1) Even if the Registrar ~~may~~ is entitled to 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—
- (a) to conduct a transaction with the protected person; or 25
- (b) to have an instrument registered or noted under this Act or any other enactment; or
- (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. 30
- (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)**.
- (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 35
- (b) as soon as practicable after providing the copy to the person who requires it, if it is impracticable to give notice before that.
- (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.
- (5) In this section, **protected person** means the person to whom the relevant withholding period applies under **section 41**. 5

Evidentiary effect of documents

44 Evidentiary effect of documents

- (1) **Subsection (2)** applies to a document that—
- (a) appears to be or to represent an electronic image of an instrument registered or noted in the register under this Act; and 10
 - (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
 - (b) that the instrument is registered or noted in the register under this Act.
- (3) **Subsection (4)** applies to a document that— 15
- (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—
- (a) of the information contained in the record of title as at the date and time stated in the document; and 20
 - (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. 25
- (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
 - (b) that the instrument is registered or noted in the register under this Act. 30
- (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
 - (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 35

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. 5

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

- (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 10
 - (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.
- (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. 15
- (3) 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 being entitled to an interest in the land; and 20
 - (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; 25
 - 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.

Compare: 1952 No 52 ss 56, 57

Replacement or reconstitution of records 30

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:
 - (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: 35

- (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.
- (3) The replacement or reconstituted document or information has the same effect as if it were the original. 5
- (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.
- Compare: 1952 No 52 ss 215A, 215B 10

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.
- (2) **Subsection (1)**— 15
- (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

48 Severance of joint tenancy 20

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

49 Dealings in land by Government of overseas country 25

- (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.
- (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: 30
- (a) the transfer of an estate or interest in land to or from the overseas Government:
- (b) the lease or mortgage of an estate or interest in land by the overseas Government: 35

- (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. 5
- (4) This section does not affect the use of an electronic instrument for anything referred to in **subsection (2)**.
- (5) In this section,—
- overseas Government** means— 10
- (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:
- (c) a local or regional government or authority in a country other than New Zealand: 15
- (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. 20
- 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. 25
- (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. 30

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. 35

- (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— 5
- (a) the exceptions and limitations in **sections 52 to 57A, 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— 10
- (a) for valuable consideration; or
 - (b) from a fictitious person.
- (5) Nothing in this section affects the *in personam* jurisdiction of the court. 15
Compare: 1952 No 52 ss 62, 63(1), 64

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: 20
 - (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: 25
 - (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. 30
- (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— 35
- (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

- (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.~~ 5
- (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**.~~ 10
- (3) ~~**Subsection (2)** does not limit the ways in which a person may comply with **subsection (1)**.~~
- (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—~~ 15
- (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.~~ 20
- (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.~~ 25
- (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—~~
- (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.~~ 30
- (7) ~~The court may, in any proceeding, set aside the registered estate or interest of the mortgagee in the land if—~~
- (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.~~ 35
- (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.

Alteration of register in cases of manifest injustice

5

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

- (1) This section and ~~section 57~~ **sections 57 to 57B** 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. 10
- (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. 15
- (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. 20

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.
- (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. 25
- (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).
- (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 30
 - (b) failure by person B to comply with any statutory power or authority in acquiring the estate or interest; and
 - (c) if the estate or interest is in Māori freehold land, failure by a person to comply with Te Ture Whenua Māori Act 1993; and 35
 - (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~~
- (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~~ 5
- (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~~ 10
- (j) ~~the conduct of person A and person B in relation to the acquisition of the estate or interest; and~~
- (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.~~ 15

57 Court may make order only in cases of manifest injustice

- (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 the registered owner of the estate or interest. 20
- (2) For the purpose of **subsection (1)**, the existence of forgery or other dishonest conduct does not, of itself, constitute manifest injustice.
- (3) An order under this section may be made only if the court is satisfied that in the circumstances the injustice could not properly be addressed by compensation or damages, whether under **subpart 3** or otherwise. 25
- (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 30
- (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 35
- (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
- (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 5
- (j) the conduct of person A and person B in relation to the acquisition of the estate or interest; and
- (k) any other circumstances that the court thinks relevant.
- (5) 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

57A Court must not make order if estate or interest transferred to third person

The court must not make an order under **section 57** if person B has transferred the estate or interest to a third person, that third person acting in good faith.

57B Registration of order of court 15

- (1) The Registrar of the court must serve a copy of the order on the Registrar.
- (2) The Registrar must, on receiving a copy of the order, make the alterations to the register required to give effect to the order.

Subpart 3—Compensation

Grounds for compensation 20

58 Compensation for loss or damage resulting from Registrar's error or from system failure

- (1) This section applies to a person who suffers any loss or damage as a result of—
- (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 25
- (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.

Compare: 1952 No 52 s 172(a) 30

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.~~ 35

- (1) A person may bring a proceeding in the court against the Crown for compensation if the person,—
- (a) by reason of anything in **subsection (2)**, is deprived of an estate or interest in land; and
- (b) by this Act, is barred from bringing an action for possession or other action for recovery of the estate or interest (other than an application for an order under **section 57**). 5
- (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: 10
- (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. 15
- (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** 20
- (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 25
- 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 ~~40~~ 20 working days commencing on the day after the date on which the transaction is settled 30
- 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.
- (2) For the purposes of this section, a transaction is settled when— 35
- (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 be-

- come registered as owner of the estate or interest to which the transaction relates; or
- (b) the parties otherwise agree.
- (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 5
- (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.
- (4) A purchaser may bring a proceeding in the court against the Crown for compensation if— 10
- (a) the search copy of the record of title does not disclose the registration or ~~lodgment~~ lodgement of the instrument or document; and
- (b) the instrument or document was registered or lodged before the earlier of the following:
- (i) the expiry of the second period: 15
- (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. 20

Compare: 1952 No 52 s 172A

61 Exceptions to compensation

- (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: 25
- (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):~~ 30
- (~~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,— 35

- (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.

Compare: 1952 No 52 ss 60, 178

Notice of claim 5

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,—
 - (a) if the amount of the claim does not exceed the prescribed amount, to the Registrar; or 10
 - (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.

Consideration of claim 15

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.
- (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. 20

Calculation of compensation for deprivation of estate or interest in land

64 Maximum amount of compensation for deprivation of estate or interest in land 25

- (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.
- (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. 30
- (3) This section is subject to **sections 65, 66, and 67**.

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.
- (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. 5
- 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. 10
- (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.
- 67 Benefit obtained by claimant to be taken into account** 15
- 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.
- 68 Court's discretion to adjust compensation** 20
- (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:~~
- (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**.~~ 25
- (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.~~ 30
- (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 use the market value as at a different date to that set in **section 65(1)** (including, if the court thinks fit, as at the date of the judgment of the court in the proceeding). 35
- (2) When deciding whether to adjust compensation up or down under **subsection (1)**, the court must take into account—

- (a) 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; and
- (b) any increase in market values between the date set in **section 65(1)** and the date of the judgment of the court in the proceeding. 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. 20
- (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.
- (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. 5
- (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.
- (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

15

Dealings in estates and interests in land

Subpart 1—Transfers, transmissions, and vesting

Transfers of estates and interests

- 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. 20
- (2) A transfer instrument must be in the prescribed form and contain the prescribed information.
- (3) A transfer instrument must be executed— 25
- (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—
- (a) register under **section 76** a life estate with successive future estates or any other freehold estate that terminates when a future event happens: 30
- (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**—
- (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 35

- (ii) the assignment of the benefit of a covenant in gross to which **section 307F** of the Property Law Act 2007 applies.

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. 5
- (2) The Registrar—
- (a) must cancel the record of title to the extent that it relates to the land transferred; and
- (b) may create a new record of title for the land transferred in the name of the transferee; and 10
- (c) may create a new record of title in the name of the registered owner for the part of the land not transferred.

Compare: 1952 No 52 ss 92–94

75 Effect of transfer of leases and mortgages 15

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—

- (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. 20

Compare: 1952 No 52 s 97

76 Life and other limited freehold estates

- (1) A transfer instrument must be used by the registered owner of a fee simple estate in order to register the following freehold estates: 25
- (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—
- (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 30
- (c) record on the new record of title the registered interest of every person entitled to a future estate.
- (3) The Registrar must, on application by a person who becomes vested in possession of a future estate,— 35
- (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.

Compare: 1952 No 52 s 95

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

- 77 Interpretation** 5
- (1) For the purpose of this section and **sections 78 to 86**, unless the context otherwise requires,—
- 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 10
- chief executive** means the chief executive of the department
- exempt transfer** means a transfer of a specified estate in land that is specified as exempt from the requirements of **section 78** by regulations made under this Act
- main home** means, for a person, the 1 dwelling— 15
- (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 20
- 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 25
- (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 30
- 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— 35
- (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**—
- (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: 5
- (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: 10
- (iii) any other transfer specified in regulations made under this Act as a non-notifiable transfer; but
- (b) does not include—
- (i) a transfer described in **paragraph (a)(i)** if the transferee will own the land as a trustee: 15
- (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: 20
- (iv) any transfer, in relation to a transferee or a transferor who is an offshore person. 25
- Compare: 1952 No 52 s 156A 25

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—
- (a) each of the transferors and transferees completes a tax statement; and 30
- (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 35
- (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**.

(4) This section does not apply to an exempt transfer.

Compare: 1952 No 52 s 156B

5

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

10

(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

15

(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

20

(ii) provide all of the information set out in **subsection (2)**.

(2) The information must include all of the following:

25

- (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

30

(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,—

- (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.

35

- (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 5
 - (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. 10
- (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) In this section, **IRD number** has the meaning given to tax file number by section 3(1) of the Tax Administration Act 1994. 15
- (6) For the purpose of **subsection (1)(d)**, **home** means a dwelling mainly used as a residence.
- 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: 20
- (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)**: 25
 - (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:
 - (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. 30
- (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— 35
- (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. 40

Compare: 1952 No 52 s 156D

40

- 81 Offence to provide false or misleading tax information** 5
- (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. 5
- (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. 10
- Compare: 1952 No 52 s 156E
- 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. 15
- (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 20
- (b) the form in which the information must be supplied; and
- (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** 25
- 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— 30
- (a) in aggregate form only; and
- (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** 35
- (1) A certifier must—
- (a) retain each tax statement given to him or her in accordance with **section 78(2) or 79_80** 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.
- (2) The chief executive must—
- (a) retain each tax statement given to him or her in accordance with **section 78(3) or 79_80** for 10 years; and 5
- (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 10
- 85 Status of tax information**
- (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. 15
- 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— 20
- (a) an authorised person from disclosing tax information to another authorised person for the purpose of **sections 78, 80, 82, 83, and 84**; or
- (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 25
- (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**. 30
- (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 35
- (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.

Compare: 1952 No 52 s 156J

Transmissions

- 87 Transmission instrument required to register transmission** 5
- (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.
- Compare: 1952 No 52 s 122 10

- 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
- (b) holds the estate or interest subject to any equitable or other interests to which it was subject. 15
- Compare: 1952 No 52 s 123

Vesting

- 89 Vesting of land by court order** 20
- (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.
- Compare: 1952 No 52 s 99 25

- 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.
- (2) The application must ~~be in the prescribed form and~~ contain the prescribed information. 30
- (3) The Registrar must register the vesting of the estate or interest in accordance with the enactment.
- 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. 5
- (3) The lease instrument must be executed by—
- (a) the lessor; and
- (b) the lessee.
- (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. 10
- (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.
Compare: 1952 No 52 ss 115, 119
- 92 Variation of leases** 15
- (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. 20
- (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. 25
- (5) A lease variation instrument must be executed by—
- (a) the lessor; and
- (b) the lessee.
- (6) On registration of the lease variation instrument, the lease— 30
- (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— 35
- (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—
- (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 5
 - (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.~~ 10
- Compare: 1952 No 52 ss 116, 119

92A Consent of registered mortgagee to variation of lease

- (1) 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. 15
- (2) If a lease variation instrument relates to a cross lease, the consent of the following must be obtained before registration of the lease variation instrument:
- (a) any registered mortgagee of the cross lease;
 - (b) any other registered mortgagee of a cross lease held by a person who has an estate or interest in an undivided share in the same land. 20
- (3) In this section, **cross lease** means a lease of a building or part of a building on or to be erected on land owned in common that is granted by all of the owners of the land to the owner of an estate or interest in any undivided share in the land.

93 Surrender of lease 25

- (1) A lease surrender instrument must be used in order to register the surrender of a registered lease.
- (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— 30
- (a) the lessor; and
 - (b) the lessee.
- (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— 35
- (a) the lease surrender instrument states that the lease is surrendered under section 216 of the Property Law Act 2007; and

- (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**,— 5
- (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— 10
- (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 registration of the lease or on the expiry or surrender of the prior lease, whichever is earlier; and 15
- (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: 20
- (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— 25
- (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
- (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 30
- (ii) that the owner of the burdened land consents to continuing to benefit the lease.
- (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 35

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.

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. 5
- (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 10
 - (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— 15
 - (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. 20
- (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. 25
- (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)**.
- (6) The interests referred to in **subsection (3)** have, as between themselves, the same priority they had immediately before the registration of the transfer. 30
- (7) This section does not apply to a lease of land under the Land Act 1948.

Compare: 1952 No 52 s 118A

96 Covenant by or right for lessee to purchase fee simple estate

- (1) A registered lease may include— 35
 - (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—
- (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. 5
- (3) A covenant or right to which **subsection (1)** applies is an interest in land to which **section 51** applies.

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. 10
- (2) If the lessor takes possession of the leased land under an order of the court,— 15
- (a) the application must be accompanied by a copy of the order; and
 - (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,— 20
- (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
 - (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 25
 - (b) the Registrar must note the records of title to the effect that the lessor has taken possession of the leased land.
- (4) On noting of the record of title, the estate of the lessee and of every person claiming under the lessee terminates. 30
- (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.

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.

Compare: 1952 No 52 s 100

5

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—

(a) be executed by the mortgagor; and

(b) ~~be in the prescribed form and~~ contain the prescribed information.

10

(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—

(a) be executed by the encumbrancer; and

(b) ~~be in the prescribed form and~~ contain the prescribed information.

15

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:

20

(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.

25

(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.

30

(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.

35

(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. 5

(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. 10

(2) Despite **section 35** (which relates to the priority of instruments), the mortgages 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. 15

(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. 20

(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. 25

(7) The consent under **subsection (6)** binds the submortgagee and every person who subsequently derives an interest in the submortgage from the submortgagee. 30

(8) In this section, **mortgage** includes a registered charge securing the payment of money under this Act or any other Act.

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. 35

(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.
- (3) The transfer instrument cannot be registered if the mortgage is subject to a sub-mortgage. 5
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.
- (2) The estate or interest identified in the instrument ceases to be subject to the mortgage on registration of a mortgage discharge instrument. 10
- (3) A mortgage discharge instrument must—
- (a) be executed by the mortgagee; and
- (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. 15
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— 20
- (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 25
- (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.
- (2) The Registrar must register the order discharging the mortgage on lodgement of a sealed copy of the order. 30
- (3) The mortgage is discharged on registration of the order.
- (4) The court may direct that—
- (a) public notice of an application be given under this section:
- (b) notice of the application be served on any person the court specifies. 35
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—
- (a) the annuitant has died; or 5
 - (b) the annuity has ceased in accordance with the terms of the mortgage instrument.
- (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 10
 - (b) all arrears owing under the mortgage have been paid, satisfied, or discharged.

Compare: 1952 No 52 s 113

Subpart 4—Easements, *profits à prendre*, and covenants under Property Law Act 2007 15

Easements and profits à prendre

106 Interpretation

In this subpart,—

grantee, in relation to an easement or a *profit à prendre*, means— 20

- (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 25

rights and powers includes terms, conditions, and covenants.

Compare: 1952 No 52 s 90E

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

- (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*: 30
- (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. 35

- (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.
- (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
- (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.

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

108 Easement instruments 10

- (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.
- (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*. 15
- (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*.
- (5) The consent of a mortgagee under **subsection (3) or (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 90A, 90E

109 Creation or surrender of easement on deposit of plan 25

- (1) A deposit document that specifies the matters referred to in **subsection (3)** may be used in order to create or surrender an easement.
- (2) The deposit document must be in a form specified by the Registrar under **section 224**.
- (3) The matters that must be specified are— 30
- (a) the burdened land and, except for an easement in gross, the benefited land, including reference to the register; and
 - (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— 35
 - (i) prescribed by regulations; or
 - (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. 5
- (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.
- (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. 10
- 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. 15
- (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
 - (b) include other rights and powers; or 20
 - (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. 25
- 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*. 30
- (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. 35

- (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— 5
- (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 10

- (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. 15
- (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. 20
- (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

25

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

- (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. 30
- (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. 35
- (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*.
- (6) A notice under **subsection (5)** must—
- (a) ~~be in the prescribed form; and~~ 5
- (a) contain the prescribed information; 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
- (c) specify the prescribed period within which the person may object to the application. 10
- (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.
- (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. 15
- (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.
- Compare: 1952 No 52 s 70 20

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— 25
- (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.
- (3) The application must ~~be in the prescribed form and~~ contain the prescribed information. 30
- (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.
- (5) Otherwise, the Registrar must give notice of the application as follows: 35
- (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—

- (a) ~~be in the prescribed form; and~~
 (a) contain the prescribed information; 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. 5
- (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. 10
- (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. 15
 Compare: 1952 No 52 s 70

Notation of covenants under Property Law Act 2007

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: 20
 (b) a covenant in gross to which **section 307F** of the Property Law Act 2007 applies:
 (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. 25
- (3) A covenant variation instrument must be used in order to note on the register that a covenant is affected or modified.
- (4) A covenant instrument and a covenant variation instrument must ~~be in the prescribed form and~~ contain the prescribed information. 30
- (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.
- (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. 35

- (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.

Compare: 1952 No 52 s 90F

Subpart 5—Statutory land charges 5

116 Application of this subpart

- (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. 10
- (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 15

- (1) A charge to which this subpart applies may be registered by lodging a notice with the Registrar.
- (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. 20
- (3) The Registrar must register the charge on receipt of the notice.
- (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 25

118 Priority of charge

- (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. 30

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

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— 35
- (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 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 5
- (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— 10

- (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. 15

Compare: 1928 No 18 s 11(1)

Subpart 6—Flat and ~~office-owning~~ 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 20
- constitution** has the meaning given to it in section 2(1) of the Companies Act 1993
- flat** includes an apartment used or intended for use as a residence 25
- 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
- (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 30
- 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 35
- 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**

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. 5

- (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. 10

Compare: 1952 No 52 s 121A

122 Issue of share certificates

- (1) A flat or ~~office-owning~~ 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. 15
- (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;
 - (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— 20
 - (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 25
 - (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.

Compare: 1952 No 52 s 121B

123 Registration of licence to occupy 30

- (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.
- (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. 35

Compare: 1952 No 52 s 121C

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 5
 - (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 10
- (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. 15
- (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 20
 - (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

25

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.

Compare: 1952 No 52 s 121E(1)

30

127 Mortgage of licence

- (1) The mortgagee of a registered licence must notify the company that issued the licence of—
 - (a) the particulars of the mortgage:
 - (b) any discharge of the mortgage. 35
- (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
- (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 5
 - (ii) the mortgage has been discharged.
- (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)**,— 10
- (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 the applicable subsection were complied with; or 15
 - (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. 20

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— 25

- (a) have custody of the licensee's copy of the licence and the share certificate for the shares to which the licence relates; and
- (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. 30

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 35
 - (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**.

- (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— 5
- (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. 10
- (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. 15

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— 20
- (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 25
 - (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. 30

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— 35
- (a) a notice executed by the company of the cancellation, revocation, or rescission; and
 - (b) if the licence is subject to a registered mortgage,—

- (i) a certificate ~~in the prescribed form~~ that meets any prescribed requirements, 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 5
- (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)**,—
- (a) the company commits an offence and is liable on conviction to a fine not exceeding \$5,000; 10
- (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 15
- (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. 20

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. 25
- (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. 30

133 Bringing down of mortgage on new licence

- (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**). 35

- (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.
- (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 5
 - (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. 10
- (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.
- Compare: 1952 No 52 s 121L 15

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
 - (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 20
 - (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. 25
- (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.
- (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. 30

Compare: 1952 No 52 s 121O

135 Exercise of power of sale by mortgagee of licence

- (1) This section applies to the exercise of a power of sale contained or implied in a registered mortgage of a registered licence. 35
- (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.
- (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. 5
- 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. 10
- (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 15
- (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— 20
- (a) claims an estate or interest in the land, whether capable of registration or not; or
- (b) has a beneficial estate or interest in the land under an express, implied, resulting, or constructive trust; or 25
- (c) is transferring the estate or interest in the land to another person to be held on trust; or
- (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. 30
- (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. 35

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

5

- (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—
- (a) register or note an instrument lodged for registration or notation before the lodging of the caveat: 10
- (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): 15
- (c) if the caveat affects only the fee simple estate, register or note an instrument that relates to any other estate or interest: 20
- (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):
- (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: 25
- (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: 30
- (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:
- (i) create separate records of title in place of a single record of title:
- (j) register further caveats, statutory land charges, or charging orders: 35
- (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:

- (~~h~~) ~~register or note an instrument in the register of a class authorised by regulations.~~
- (~~l~~) register or note in the register an instrument of a class specified 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)**. 5
Compare: 1952 No 52 s 141(1), (2), (5)
- 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— 10
- (a) the transfer results from—
- (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 15
- (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 20
- (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 25
- (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 30
- (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** 35
- 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:
- (a) a person who wishes to register an instrument affecting the estate or interest protected by the caveat; or 5
 - (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.
- (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,— 10
- (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
 - (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. 15
- (4) The orders are— 20
- (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,— 25
- (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,— 30
- (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; 35
 - (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.

5

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.
- (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.

10

15

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.
- (2) Consent is subject to the rights of the caveator.

20

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**.

25

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

30

Compare: 1952 No 52 s 148A

147 Compensation for lodging of improper caveat against dealings

35

- (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.

- (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.

Compare: 1952 No 52 s 146

Registrar's caveats 5

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—
- (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: 10
 - (c) a person on account of a misdescription of the land or the estate or interest in the land on the record of title:
 - (d) a person through fraud or improper conduct.
- (2) **Sections 137 to 147** do not apply to a Registrar's caveat. 15
- 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.

150 Effect of Registrar's caveat 20

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.

151 Registrar may withdraw caveat 25

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. 30
- (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—
- (a) **sections 137 and 153**; and 35

- (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

- (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. 5
- (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. 10
- (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—
- (a) in the capacity in which the land is held under the enactment; and 15
- (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.
- (6) In this section,— 20
- 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. 25

Compare: 1952 No 52 s 129

Part 4

30

Miscellaneous applications and other matters

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— 35

- (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 5
- (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 10
- (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 15
- (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. 20
- (5) This section is subject to **sections 156 and 157**.
Compare: 1963 No 61 ss 3, 6
- 155 Information relating to land** 25
- (1) In this section,—
- occupation boundary** means any of the following that limits or defines the land occupied by the applicant:
- (a) a fence, wall, hedge, building, ditch, or other artificial thing:
- (b) a natural feature of land 30
- title boundaries** means the boundaries of the land shown—
- (a) on the record of title or Crown grant; or
- (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— 35
- (a) a certificate by a licensed cadastral surveyor that the occupation boundaries or any that exist coincide with the title boundaries; or

- (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. 5

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. 10
- (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. 15
- (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 20
- (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 25
- (d) any other matters the court thinks relevant.

Compare: 1963 No 61 s 4

157 Minors

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. 30

Compare: 1963 No 61 s 4

158 Certain applications prohibited

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; 35
- (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:

- (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: 5
- (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. 10

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 15
- (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: 20
 - (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 25
 - (d) notice in any other way and to any other persons the Registrar thinks fit.
- (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 30
 - (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 35
 - (b) specify in the notice a further period within which a person may lodge a caveat to prevent the application from being granted.

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.
- (3) A caveat document must— 5
 - (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. 10

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

163 Caveat by registered owner of fee simple or other freehold estate 15

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:
- (b) a life estate: 20
- (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 25

- (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: 30

- (a) an estate in fee simple:
- (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. 35

- (2) 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
- (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)**. 5
- (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 10
 - (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 15

- (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
 - (b) the estate or interest is not an estate of a kind referred to in **section 163 or 164**. 20
- (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. 25
- (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. 30
- (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— 35
 - (a) the registered owner of the freehold estate for the purposes of **section 104**; and
 - (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. 5

Compare: 1963 No 61 s 11

166 Caveat by other person entitled to other estate or interest

- (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 10
 - (b) the estate or interest is not an estate or interest of a kind referred to in **section 163 or 164**; and
 - (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. 15
- 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— 20
- (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. 25
- (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. 30
- (5) If the caveator complies with **subsection (3)(a)** within the permitted period,—
- (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. 35
- (6) If the caveator complies with **subsection (3)(b)** within the permitted period, **subsection (7)** applies to the caveat.

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
 - (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. 5
- (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). 10
- (9) If the applicant does not give notice of his or her agreement, the Registrar must refuse the application.

Compare: 1963 No 61 s 12

167 Registration of applicant as owner of freehold estate 15

- (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
 - (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 20
 - (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. 25

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—
- (a) cancel any previous record of title for the freehold estate; or 30
 - (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.
- (3) On cancellation of the record of title,—
- (a) the estate of the previous registered owner is extinguished; and 35
 - (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.

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— 5
- (a) the registered owner of which was a company or any other body corporate that has ~~been dissolved~~ ceased to exist; and
- (b) that vests in the Crown as *bona vacantia*.
- (2) The Registrar must not proceed with the application unless,— 10
- (a) if the Crown is entitled under an enactment to disclaim the estate,— 10
- (i) the Crown has disclaimed the estate; and
- (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 15
- (b) if the Crown is not entitled under an enactment to disclaim the estate, the Secretary to the Treasury consents to the application.
- (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. 20
- (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 25
- (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. 30

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—

- (a) is not subject to this Act; and 35
- (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.

171 Applications to bring land under Act

- (1) The following persons may apply in their own right to bring land under this Act: 5
- (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:
- (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: 10
- (c) a person who claims a life estate in possession that is not a lease for life:
- (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. 15
- (2) The following persons may apply to bring land under this Act on behalf of a person to whom **subsection (1)** applies:
- (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: 20
- (ii) Public Trust:
- (iii) a person appointed by the Court to make the application:
- (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. 25
- (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)**.
- (4) A person entitled to a future estate in the land must consent to an application under **subsection (1)(c)**. 30
- (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)**.
- (6) An application under **subsection (1)(e)** is subject to any trust that affects the land. 35
- (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.

- (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. 5
- (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. 10
- 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 15
- (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. 20
- (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— 25
- (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. 30
- 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: 35
- (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.
- (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. 5
- (4) **Sections 143 and 145 to 147** apply with necessary modifications to the caveat as if it were a caveat against dealings.
- 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. 10
- Compare: 1952 No 52 s 140
- 175 Notice of caveat**
- The Registrar must give notice of a caveat against bringing land under this Act to the applicant. 15
- Compare: 1952 No 52 s 142(a)
- 176 Procedure where caveat lodged under section 173(1)(a)**
- (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 20
- (b) give notice to the Registrar that the proceeding has been commenced.
- (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. 25
- (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 30
- (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. 35
- (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.

5

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. 10
- (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,— 15
 - (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. 20
- (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 25
 - (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. 30
- (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
 - (ii) the caveat lapses; or 35
 - (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.

- (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: 5
 - (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**. 10
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. 15
- (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. 20
- 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— 25
- (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. 30
- 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— 35
- (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.

Compare: 1952 No 52 s 27

181 Cancellation of previous documents of title 5

- (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.
- (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. 10

Compare: 1952 No 52 s 30

182 Registration of Crown grant under Deeds Registration Act 1908 unnecessary

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. 15

Compare: 1952 No 52 s 32

Subpart 3—Title to access strips

183 Meaning of access strip 20

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 25
- (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. 30

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.
- (2) **Subsection (1)** does not apply to an adjoining owner who owns a freehold estate in the access strip. 35

- (3) The application must ~~be in the prescribed form and~~ contain the prescribed information.
- (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
- (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.
Compare: 1952 No 52 s 89A(1), (2)
- 185 Notice of application** 10
- (1) If the Registrar is satisfied that the application complies with **section 184**, the Registrar must—
- (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 15
- (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
- (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 20
- (d) give notice of the application to every other person as the Registrar thinks fit.
- (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 25
- (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**. 30
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:
- (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: 35
- (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.
- (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
- (5) The Registrar must note the caveat,—
- (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. 10
- (6) While it remains noted, a caveat prevents an application being granted, but does not prevent a dealing affecting the access strip.
- (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** 15
- The Registrar must give notice of the caveat to the applicant.
- 188 Removal of caveat**
- The court may, on application by the applicant, order that the caveat be removed.
- 189 Procedure where caveat lodged** 20
- (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.
- (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. 25
- (3) A caveat must remain noted under **section 186** if an application is fully or partially refused. 30
- 190 Owner of access strip who is not adjoining owner**
- (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. 35
- (2) The consent must ~~be in the prescribed form~~ contain the prescribed information.

- (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. 5
- 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
 - (b) has an estate or interest in the access strip. 10
- (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~~ contain the prescribed information.
- (4) If the person consents under **subsection (2)**, the application must be accompanied by the form of consent. 15
- (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. 20
- 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. 25
- (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~~ contain the prescribed information.
- (4) If the person consents under **subsection (2)**, the application must be accompanied by the consent. 30
- (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. 35

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
 - (b) no caveat prevents the application from being granted; and 5
 - (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.
- (3) The record of title must record,— 10
 - (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. 15
- (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. 20
- (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.

194 Provisions applying when record of title created for access strip 25

- (1) The following provisions apply on creation of a record of title under **section 193**:
 - (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: 30
 - (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)**: 35
 - (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:

- (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. 5
- (2) In this section, **mortgage** includes a charge securing the payment of money under this Act or any other enactment.
- (3) **Subsection (1)(a)** does not apply to the settlement of an adjoining lot under the Joint Family Homes Act 1964. 10
- Compare: 1952 No 52 s 89E

Subpart 4—Limited certificates of title

195 Purpose of this subpart

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— 15

- (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. 20

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—

- (a) is limited as to parcels or title, or both; and 25
- (b) was issued under—
- (i) the Land Transfer Act 1952 pursuant to section 167(2) or Part 12 of that Act; or
- (ii) the Land Transfer Act 1915 pursuant to the Land Transfer (Compulsory Registration of Titles) Act 1924. 30

197 Registrar's minutes

- (1) The Registrar must retain the Registrar's minutes kept under section 193 of the Land Transfer Act 1952.
- (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. 35

- (3) The Registrar's minutes do not form part of the register.

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. 5

Compare: 1952 No 52 s 191

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 10
 - (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. 15
- (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
 - (b) the estate or interest of a person in the land that appears from the Registrar's minutes to exist or possibly exist; and 20
 - (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— 25
- (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)**. 30

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
 - (b) create a replacement record of title that is not subject to the limitation. 35
- (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.
- (3) The Registrar, in satisfying himself or herself that the limitation can be removed from the record of title,— 5
- (a) must have regard to—
- (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. 10

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— 15
- (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 20
- (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**.
- (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. 25

Compare: 1952 No 52 s 207

202 Other estates and interests subject to limitation

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. 30

Compare: 1952 No 52 s 203

203 Applications by persons claiming title to land for which there is limited record of title

- (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— 35

- (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
- (b) under a title that appears from the Registrar's minutes to exist or possibly exist. 5
- (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.
- (3) If the applicant is the registered owner of land adjoining the claimed land, **subpart 2** applies with the following additional modifications: 10
- (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. 15

Compare: 1952 No 52 s 200

204 Certain interests extinguished

- (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— 20
- (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 25
- (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. 30

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 re- 35

lates under this Act. The provisions of **subpart 2** apply with any necessary modifications to the application and the caveat.

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: 5
 - (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. 10
- (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. 15

Compare: 1952 No 52 s 205

Part 5

Miscellaneous provisions

Subpart 1—General provisions 20

Covenants implied in instruments

207 Implied covenants requiring persons to give effect to instruments

- (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**). 25
- (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 30
 - (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.

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. 5
- (2) The Registrar may,—
- (a) at the request of any person, register a memorandum prepared by that person and approved by the Registrar; or
- (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. 10
- (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).
- (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. 15
- (6) **Subsection (5)** does not limit or affect a provision of an instrument that incorporates provisions other than those referred to in that subsection. 20
- 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**

- (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. 25
- (2) Neither this section nor any regulations made for the purposes of **subsection (1)** affect the operation of any other Act that—
- (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. 30
- Compare: 1952 No 52 s 99B

*Powers of attorney***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— 35
- (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
- (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 5

- (1) A power of attorney under which ~~an instrument in paper form~~ a paper instrument is executed must be deposited with the Registrar before the instrument is registered.
- (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. 10
- (3) In this section, **power of attorney** includes a duplicate or certified copy of a power of attorney.

Compare: 1952 No 52 s 151

212 Notice of revocation of power of attorney 15

- (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.
- (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. 20
- (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. 25

Compare: 1952 No 52 s 152

Review and appeal

213 Review by Registrar of decision 30

- (1) This section applies to— 30
 - (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. 35
- (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—

- (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. 5
- (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— 10
- (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 15

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**. 20

Application to court by Registrar

215 Registrar may apply to court for directions

- (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. 25
- (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
 - (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. 30

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. 35

- (2) The Registrar may intervene in, and contest and argue any question arising in, the proceeding.
- (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. 5

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 10
- (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. 15

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 20
- (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. 25
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to imprisonment for a term not exceeding 3 years. 30
- Compare: 1952 No 52 ss 164(3), 225(1)(c), (d)

Notices

219 Public notice

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

- (a) is published— 35
- (i) in the *Gazette* and in 1 or more newspapers circulating in the area where the land is located; and

- (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.

Compare: 1952 No 52 s 240

- 220 Giving of notice to persons other than Registrar** 5
- (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
 - (c) posting it to the recipient at the recipient's usual home or business address; or 10
 - (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 15
 - (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. 20
- (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** 25
- (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 30
 - (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 35
 - (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—
- (a) in the *Gazette*; and 5
 - (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

- (1) For the purposes of this Act, a notice is given,— 10
- (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: 15
 - (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)**. 20
- (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)**,— 25
- 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 30
- 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. 35

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:
- (a) deal with an application: 5
 - (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.
- (2) In this section, land is adequately defined if— 10
- (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
 - (c) the plan complies with the Cadastral Survey Act 2002 or any former enactment in force when the plan was prepared. 15
- (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 20
 - (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 25

224 Registrar may specify form of deposit document

- (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 30
 - (c) any other prescribed matter.
- (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. 35

- (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 5
 - (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 10
 - (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. 15
- (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. 20

Compare: 1952 No 52 s 170

Regulations

226 Regulations

- (1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes: 25
- (1) regulating the practice applying to and the conduct of dealings under this Act;
 - (2) ~~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:~~ 30
 - (2) prescribing forms for the purposes of this Act:
 - (2a) prescribing information to be contained in, and documents that must accompany, any instrument, application, notice, certificate, record, or any other thing for the purposes of this Act: 35

- (3) ~~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:~~
- (3) prescribing the periods of time within which anything must be done or over which anything must be done: 5
- (3a) prescribing a fixed period, or a range of periods from which a fixed period may be chosen, for any period to be specified in a notice given under this Act:
- (4) prescribing the manner in which instruments must refer to the register: 10
- (5) specifying procedures by which mortgagees may—
- (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: 15
- (6) specifying the classes of electronic instruments ~~and instruments in paper form~~ that require certification:
- (7) authorising classes of persons who may certify electronic instruments under this Act:
- (8) prescribing for each class of electronic instrument the matters that must be certified, including all or any of the following matters: 20
- (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: 25
- (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: 30
- (9) prescribing information that must be recorded in the register under **section 11**:
- (10) specifying for the purposes of **section 17(1)(b)** circumstances in which a qualification may be recorded in a record of title: 35
- (11) 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:

- (11a) prescribing anything for the purposes of **section 21(2)(b)**, which relates to the Registrar giving notice of intention to alter the register and receiving objections to proposed alterations:
- (11b) prescribing anything for the purposes of **section 21(5)**, which relates to material or information the Registrar may have regard to in exercising powers under that section: 5
- (11c) specifying for the purposes of **section 31(1)(a)** every party who is to be treated as having executed electronic instruments or classes of electronic instruments:
- ~~(12) specifying classes of instruments that must be lodged electronically (if lodged by certain persons) under **section 32**:~~ 10
- (12) specifying classes of persons who must electronically lodge, or direct the electronic lodgement of, an instrument of a specified class (for the purposes of **section 32(1)**):
- (12a) specifying classes of electronic instruments that are not capable of electronic lodgement (for the purposes of **section 32(2)(a)**): 15
- (13) 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:
- (13a) specifying for each class of paper instrument the party to the instrument who must, or whose practitioner must, certify the instrument (for the purposes of **section 34(1AA)**): 20
- (13b) prescribing for each class of paper instrument the matters that must be certified:
- (14) specifying any orders of a court that may be included under **section 42(3)(b)** in an application for the withholding of personal information: 25
- (15) prescribing offices that qualify an office holder as a representative under **section 49(5)**:
- (16) prescribing the amount for the purposes of **sections 62 and 63** and the prescribed interest rate for the purposes of **section 70**: 30
- ~~(17) prescribing the manner in which movements in land values are to be calculated for the purpose of **section 68**:~~
- (18) for the purposes of **sections 77 and 78** (and where the conditions in **subsection (2)** of this section are satisfied),—
- (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: 35
- (ii) specifying transfers of specified estates in land that are non-notifiable transfers (which may be non-notifiable in relation to the 40

- 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:
- (19) declaring estates in land that are specified estates in land for the purposes of **section 77**: 5
 - (20) 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:
 - (21) prescribing the rights and powers implied in different classes of easements for the purposes of **section 110**: 10
 - (21a) specifying classes of instruments that the Registrar may, under **section 139(2)(l)**, register or note in the register despite a caveat against dealings on the register:
 - (22) 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: 15
 - (23) prescribing under **sections 220(1)(g) and 221(1)(e)** a method for giving notices:
 - (24) prescribing under **section 222(1)(e)** the time when a notice is given:
 - (25) prescribing any matter for which the Registrar may specify certain forms under **section 224(1)**: 20
 - (26) specifying fees and charges under **section 227**:
 - (27) 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)(18)** only on the recommendation of the Minister for Land Information, if the Minister is satisfied that— 25
 - (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. 30
 - (3) The Minister must, as soon as practicable after the end of each period of 5 years from the commencement of this section,—
 - (a) commence a review of regulations made under **subsection (1)(18)**; and 35
 - (b) consider as part of that review whether any matter contained in the regulations should be enacted in this Act.

226A Regulations providing for transitional matters

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations—
- (a) providing transitional and savings provisions concerning the coming into force of this Act that may be in addition to, or in place of, the transitional and savings provisions in **Schedule 1**; 5
 - (b) providing that specified provisions of the Land Transfer Act 1952, of regulations made under that Act, of this Act, or of other enactments amended, revoked, or repealed by this Act, do not apply, or continue to apply or apply with modifications or additions, or both, for a specified time. 10
- (2) The Minister must not recommend the making of regulations under this section unless the Minister is satisfied that the regulations are necessary or desirable for the orderly implementation of this Act.
- (3) No regulations made under this section may be made, or continue in force, later than 3 years after the date on which this section comes into force. 15
- (4) This section is repealed on the expiry of 3 years after the date on which it comes into force.

Fees and charges

- 227 Fees and charges** 20
- (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:
 - (ii) the performance or exercise of functions, duties, or powers of the chief executive under this Act: 25
 - (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—
 - (i) cadastral surveys supporting title to land under this Act; and 35
 - (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:
 - (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— 5
- (a) the fee has been paid; or
 - (b) the Registrar has accepted a credit arrangement for the payment of the fee.
- (3) Despite **subsection (2)**, the Registrar may— 10
- (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.
- (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 15
 - (b) the circumstances and manner in which that interest payable.

Land registration districts

228 Land registration districts

- (1) The Governor-General may, by Order in Council,— 20
- (a) alter the boundaries of a district:
 - (b) amalgamate 2 or more districts:
 - (c) create new districts:
 - (d) give a name to a district:
 - (e) abolish all districts. 25
- (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.

Registrar-General of Land

30

229 Registrar-General of Land

- (1) There must be a Registrar-General of Land appointed under the State Sector Act 1988.
- (2) Unless the person is a barrister and solicitor of the High Court, no person may be— 35

- (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.
- (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: 5
- (a) to ensure an efficient and effective system for registering dealings in land:
 - (b) to manage the risk of fraud and improper dealings:
 - (c) to ensure public confidence in the land titles system: 10
 - (d) to ensure the maintenance of the integrity of the register and the right to claim compensation under **subpart 3 of Part 2**.

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”. 15
- (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

- (1) The Registrar may delegate in writing any of the Registrar’s duties and powers under this Act or any other Act other than— 25
 - (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.
- (2) A delegation may be made to—
 - (a) a specified person: 30
 - (b) persons of a specified class:
 - (c) the holder of a specified office.
- (3) A delegation may be—
 - (a) general; or
 - (b) specific; or 35
 - (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) A delegation—
- (a) does not affect or prevent the performance of a duty or the exercise of a power by the Registrar: 5
 - (b) does not affect the responsibility of the Registrar for the actions of a person to whom a duty or power is delegated:
 - (c) may be revoked by the Registrar in writing:
 - (d) continues in force despite a change in the person holding office as Registrar: 10
 - (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**.
- (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. 20
- (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.

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— 25
- (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
 - (b) give evidence of any matter in court. 30
- (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
 - (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 35
 - (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—
- (a) under this Act; or 5
 - (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:
 - (b) dealings by practitioners and other persons authorised to give certificates under this Act: 15
 - (c) the retention of evidence under **section 30** by practitioners and other persons authorised to give certificates under this Act for electronic instruments:
 - (d) compliance by any person with a requirement under this Act.
- (2) The Registrar must not set a standard or issue a directive unless the Registrar— 20
- (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
 - (c) considers any comments made by the organisation. 25
- (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.

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—

(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.	
307E	How rights under covenant in gross rank in relation to other unregistered interests	5
(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	
(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:	15
(a)	a covenant to which this section applies:	
(b)	an instrument purporting to affect the operation of a covenant noted under paragraph (a) :	20
(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.	25
(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) .	
241	Cross-heading above section 308 amended	30
	In the cross-heading above section 308, after “ <i>covenants</i> ”, insert “ <i>benefiting land</i> ”.	
242	Cross-heading above section 313 amended	
	In the cross-heading above section 313, after “ <i>covenants</i> ”, insert “ <i>benefiting land</i> ”.	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
 - (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.

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244 New sections 318A to 318E and cross-heading inserted

After section 318, insert:

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*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.

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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

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- (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.
- (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.

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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,~~ and related provisions

s 7

Part 1
Provisions relating to Act as enacted

5

1 Existing ~~land registration districts matters~~ continued

- (1) The register kept under section 33 of the Land Transfer Act 1952 immediately before the commencement of this clause continues as if it were the register kept under this Act.
- (2) The land registration districts existing immediately before the commencement of this ~~Act clause~~ continue ~~until altered~~ subject to any Order in Council made under **section 228**.
- (3) The person who was the Registrar-General under the Land Transfer Act 1952 immediately before the commencement of this clause continues as if he or she were the Registrar under this Act.

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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 clause~~;
- (b) an application or other process begun under the Land Transfer Act 1952 before the commencement of this ~~Act clause~~;
- (c) court proceedings under the Land Transfer Act 1952 in progress before the commencement of this ~~Act clause~~.
- (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~~ the Land Transfer Act 1952 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.
- (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 clause~~, 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)**.

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- (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.~~
- (5) Any matter that is to be registered or noted under the Land Transfer Act 1952 as a result of this clause may be registered or noted under this Act instead (for example, by the creation of a record of title, if applicable). 5
- 3 Instruments executed ready for lodgement before commencement date but lodged after commencement date**
- (1) This clause applies to an instrument that, immediately before the commencement of this clause,—
- (a) was in a form that complied with the requirements of the Land Transfer Act 1952; but 10
- (b) had not been lodged.
- ~~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.~~ 15
- (2) The Registrar may, for the purpose of facilitating the transition from that Act to this Act,—
- (a) exempt the instrument from any requirement of this Act;
- (b) grant the exemption subject to any terms and conditions. 20
- 3A Applications for order under section 57**
- A person (person A within the meaning of **section 56(1)**) may apply for an order under **section 57** even if either or both of the following occurred before the date on which this clause came into force:
- (a) the relevant instrument referred to in **section 56(1)** was registered; 25
- (b) person A became aware or ought to have become aware of the acquisition by person B within the meaning of **section 56(1)**.
- 4 Application of this Act to estates registered on provisional register under Land Transfer Act 1952**
- (1) This clause applies to— 30
- (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 any 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. 35

- (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~~
Nothing in ~~section 54~~ applies to a mortgage instrument executed before the commencement of this Act. 5
- 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, under section 103(4) of that Act, 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: 10
- (b) the covenants set out in full in ~~schedule~~ 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. 15
- 7** **Guaranteed searches**
- (1) This clause applies if a person obtained a search copy in respect of land before the commencement of this ~~Act~~ clause.
- (2) ~~Despite its repeal by section 245, section 172A of the Land Transfer Act 1952 continues to apply in respect of the search copy.~~ 20
- (2) Despite the repeal of the Land Transfer Act 1952, section 172A of that Act 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~~ clause, 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. 25
- (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. 30
- 8A** **Charges registered under Statutory Land Charges Registration Act 1928**
Any charge that was, immediately before the commencement of this clause, registered under the Statutory Land Charges Registration Act 1928 may be dealt with under this Act as if it had been registered under this Act.
- 9** **Requirements and authorisations under certain existing enactments** 35
- (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.
- (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. 5
- (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: 10
- (a) making an equivalent entry on a record of title:
- (b) creating an appropriate record of title.
- (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 15
- (c) amend a certificate of title or computer register; or
- (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 20
- (e) file or deposit any instrument, covenant, notice, or resolution in a Land Registry Office; or
- (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. 25
- 10 Land Information New Zealand (Fees and Charges) Regulations 2003 continued in force** 30
- ~~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**.~~
- 10 Regulations continued in force**
- (1) The Land Information New Zealand (Fees and Charges) Regulations 2003 continue in force and, to the extent that they were made under the Land Transfer Act 1952, are treated as if they were made under this Act and may be amended or revoked accordingly. 35

- (2) The Land Transfer (Land Information and Offshore Persons Information) Exemption Regulations 2015 made under the Land Transfer Act 1952 continue in force as if they were made under this Act and may be amended or revoked accordingly.
- 11 ~~Application of sections 77 to 86~~** 5
~~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.~~
- 11 Existing computer registers and certificates of title treated as records of title** 10
- (1) Until a record of title is created for an estate or interest in land for which there is a computer register or certificate of title, the computer register or certificate of title is to be treated as if it were a record of title created under this Act.
- (2) In this clause,— 15
certificate of title means a certificate of title issued under the Land Transfer Act 1952
computer register means a computer freehold register, computer interest register, or computer unit title register created under the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002. 20
- 12 Interpretation Act 1999 applies**
Sections 17 to 22 of the Interpretation Act 1999 apply to an enactment repealed by this Act, except as provided in this schedule.

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”.~~

~~In section 18(3), replace “No District Land Registrar or Mining Registrar or bank or company or body or association to which any such certificate is produced shall be” with “The Registrar-General of Land, the Mining Registrar, or any bank, company, body, or association to which any such certificate is produced is not”.~~ 10

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

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”. 15

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))

In section 3, definition of **Registrar**, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 20

~~**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**”.~~

~~In section 15(1), replace “District Land Registrar” with “the Registrar-General of Land”.~~ 25

~~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))

In section 8(2), replace “District Land Registrar for the North Auckland Land Registration District” with “Registrar-General of Land”. 30

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”. 35

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

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”.~~

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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”.

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~~or any other person charged with the keeping of any books or registers ~~are~~is not”.

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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))**~~

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

~~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)

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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”.

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”.

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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”.

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).

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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”.

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

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

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”.

In the heading to section 81, replace “**Mortgage, charge, or lien**” with “**Mortgage or charge**”. 5

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.

In section 81(2), replace “mortgage, charge, or lien” with “mortgage or charge” in each place. 10

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.

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**”. 15

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

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”. 20

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**”.

In section 125(2)(d), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”. 25

In section 133AL(5)(b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 133AL(5)(c), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”. 30

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

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”. 35

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

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

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

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”. 5

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

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

In section 113S(1), replace “No Registrar of Deeds or District Land Registrar or any other person charged with the keeping of any books or registers shall be” with “The Registrar-General of Land, the Registrar of Deeds, or any other person charged with the keeping of any books or registers is not”. 10

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) 15

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**”. 20

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**”. 25

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”. 30

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”. 35

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:

- (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”.

~~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”.~~

~~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.~~

~~Repeal section 36(5).~~

~~Replace section 36(6) with:~~

- ~~(6) The chief executive may direct the Registrar-General of Land to—~~
- ~~(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)**.~~

~~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.~~

Canterbury Earthquake Recovery Act 2011 (2011 No 12) —continued

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**”.

In section 54(4), replace “computer register” with “record of title”. 5

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.

In section 56(4), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Charitable Trusts Act 1957 (1957 No 18) 10

Replace section 4(3) with:

- (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. 15

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) 20

In section 169(5)(a), replace “the Statutory Land Charges Registration Act 1928” with “subpart 5 of Part 3 of the Land Transfer Act **2016**.”

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”. 25

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**”. 30

Children’s Health Camps Board Dissolution Act 1999 (1999 No 141)

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**”. 35

Christchurch City Council (Lancaster Park) Land Vesting Act 2008 (2008 No 5 (L))—continued

In Schedule 1, third column, replace “Certificate of title” with “Record of title”.

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”.~~ 5

~~In section 7, replace “certificate or certificates of title” with “record or records of title”.~~

~~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”.~~ 10

~~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) 15

In section 4(1), replace the definition of **registered lease** with:

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 20

~~In section 195(1)(b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016** or any former Land Transfer Act”.~~

~~Replace section 195(1)(b) with:~~ 25

~~(b) the Registrar-General of Land in relation to land registered under the Land Transfer Act **2016**; and~~

~~In section 195(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.~~

Companies Act 1993 (1993 No 105)

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”. 30

Companies Act 1993 (1993 No 105)—continued

In section 225A(5), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

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**”. 5

In section 331(4), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

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”. 10

Repeal section 17ZA(2), (3), and (4).

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. 15

(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”.~~ 20
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Replace section 24D(1) with:

(1) Upon the registration of any disposition by the Crown of any land under the 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 relates is subject to this Part. 30

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”. 35

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**”.

Conservation Act 1987 (1987 No 65)—*continued*

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”. 5

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”. 10

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”. 15

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**”. 20

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”. 25

In section 27A(4), replace “certificate or instrument of title, a District Land Registrar” with “a record of title, the Registrar-General of Land”.

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”. 30

In the heading to section 60F, replace “**Certificate of title**” with “**Record of title**”.

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). 35

Conservation Act 1987 (1987 No 65)—*continued*

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**.

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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”.

Corporations (Investigation and Management) Act 1989 (1989 No 11)

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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”.

Countrywide Banking Corporation Limited Act 1994 (1994 No 1 (P))

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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**”.

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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**”.

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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**”.

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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**”.

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Criminal Proceeds (Recovery) Act 2009 (2009 No 8)—*continued*

In section 147(1), replace “section 99 of the Land Transfer Act 1952” with “**section 89** of the Land Transfer Act **2016**”.

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**”. 5

In section 6(1), replace “a District Land Registrar” with “the Registrar-General of Land”.

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”. 10

In section 6(2), replace “A District Land Registrar” with “The Registrar-General of Land”.

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”. 15

In section 7(2), replace “District Land Registrar” with “Registrar-General of Land”.

~~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”.~~ 20

Replace section 8A(1) with:

(1) Despite anything in the Land Transfer Act **2016**, where an easement is granted or reserved over or in favour of Crown forest land for which no 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. 25

In section 8A(2), replace “a District Land Registrar” with “the Registrar-General of Land”. 30

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”.

In section 8A(4), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

Replace section 8A(5) with: 35

(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

Crown Forest Assets Act 1989 (1989 No 99)—*continued*

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”. 5

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”. 10

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 15
 - (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”. 20

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: 25

- (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”. 30

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 35
 - (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.

Crown Forest Assets Act 1989 (1989 No 99)—*continued*

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**.”

In section 26(1), replace “District Land Registrar of the district in which the licensed land is situated” with “Registrar-General of Land”. 5

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”.

In section 26(4)(a), replace “instruments” with “records”.

Replace section 26(4)(b) with: 10

- (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)**.

In section 26(5), replace “section 90E of the Land Transfer Act 1952” with “**section 111** of the Land Transfer Act **2016**”. 15

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”.

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”. 20

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**”. 25

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”. 30

Replace section 30(5) with:

- (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 35

Crown Forest Assets Act 1989 (1989 No 99)—*continued*

- (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”. 5

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”. 10

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) 15

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**. 20

(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. 25

(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)~~ 84(1) with: 30

~~(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**”. 35

Crown Minerals Act 1991 (1991 No 70)—continued

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**” 5
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). 10

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 of Land”. 15

~~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”.~~

Replace section 61(2) with:

(2) The Registrar-General of Land must register the notice against the record of title to the land or lease. 20

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”.

In section 64, replace “appropriate District Land Registrar” with “Registrar-General of Land”. 25

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”.

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”. 30

In section 99, replace “District Land Registrar” with “the Registrar-General of Land”.

Crown Research Institutes Act 1992 (1992 No 47)

In section 29(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 35

Crown Research Institutes Act 1992 (1992 No 47)—continued

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**”.

In section 31(3), delete “section 138 of”.

In section 35(1), replace “A District Land Registrar” with “The Registrar-General of Land” 5

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”.

Replace section 35(3) with: 10

- (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, issue a record of title for land vested in a Crown Research Institute pursuant to section 29(1) of this Act.

In section 35(4), replace “certificate of title” with “record of title”. 15

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.~~ 20
- (2) ~~A certificate in accordance with **subsection (1)** must be accepted by the Registrar-General of Land.~~ 25

Replace section 36 with:

36 Land certification

- (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. 30
- (2) The certificate referred to in **subsection (1)** must be accepted by the Registrar-General of Land. 35

Replace section 37(1) with:

Crown Research Institutes Act 1992 (1992 No 47)—continued

(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.~~ 5

~~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”.~~ 10

~~Replace section 37(3) with:~~

(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”.~~ 15

~~Replace section 37 with:~~

37 Certification of easements

(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. 20

(2) The Registrar-General of Land must register the easement on the relevant record of title by reference to the certificate in which it is described as if that certificate were the instrument creating the easement. 25

(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. 30

Deeds Registration Act 1908 (1908 No 40)

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”. 35

In section 6(1), replace “under section 4 of the Land Transfer Act 1952” with “in accordance with **section 229** of the Land Transfer Act 2016”.

Deeds Registration Act 1908 (1908 No 40)—continued

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))-(L)

In the Schedule, clause 21 of the form of lease, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

5

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**”.

10

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:

- (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.

15

District Grand Lodges and District Grand Royal Arch Chapters of English Freemasons of New Zealand Trustees Act 1976 (1976 No 1 (P))-(P)

20

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”.

In section 8, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

25

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 8, replace “proprietor or proprietors” with “owner or owners” in each place.

30

In section 11, replace “any District Land Registrar” with “the Registrar-General of Land”.

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”.

35

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**”.

In section 10(3), replace “Registrar or” with “Registrar-General of Land or” in each place.

5

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**”.

Earthquake Commission Act 1993 (1993 No 84)

In section 28(1), replace “appropriate District Land Registrar” with “Registrar-General of Land”. 10

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”.

In Schedule 3, clause 3(d), replace “certificate of title” with “record of title”. 15

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”.

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”. 20

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**”.

In section 208(1)(b), delete “and on any outstanding documents of title”. 25

In section 208(3), replace “A District Land Registrar” with “The Registrar-General of Land”.

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”. 30

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”.

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. 35

Education Act 1989 (1989 No 80)—continued

In section 209(2), replace “certificate of title” with “record of title” in each place.

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**”. 5

In section 211(1), replace “District Land Registrar” with “Registrar-General of Land”.

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”. 10

In section 243(4), replace “District Land Registrar for the land registration district in which the land is situated” with “Registrar-General of Land”.

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. 15

In section 15(2), replace “such certificate” with “such record”.

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. 20

In section 17(1), replace “District Land Registrar” with “Registrar-General of Land” 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**”. 25

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**”. 30

In section 53(1), replace “District Land Registrar” with “Registrar-General of Land”.

In section 53(1), replace “No Registrar of Deeds or District Land Registrar or any other person charged with the keeping of any books or registers shall be” with “The

Energy Companies Act 1992 (1992 No 56)—*continued*

Registrar of Deeds, the District Land Registrar, or any other person charged with the keeping of any books or registers is not".

Estate and Gift Duties Act 1968 (1968 No 35)

In section 87A(1), replace "Land Transfer Act 1952" with "Land Transfer Act **2016** in each place". 5

In section 87A(1), replace "certificate of title" with "record of title".

~~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". 10

In section 87B(4), replace "Land Transfer Act 1952" with "Land Transfer Act **2016**".

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". 15

Finance Act 1986 (1986 No 134)

In section 3(4)(d), replace "the 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**".~~ 20

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

In section 14(1), replace "No Registrar of Deeds or District Land Registrar or any other person charged with the keeping of any books or registers shall be" with "The Registrar of Deeds, District Land Registrar, or any other person charged with the keeping of any books or registers is not". 25

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)

5

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.

10

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.”

15

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”.

20

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**”.

25

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”.

30

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”.

35

In section 7(2A), replace “charge within the meaning of section 103 of the Land Transfer Act 1952” with “registered charge within the meaning of **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)(4)** 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.

5

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**”.

10

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**”.

15

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**”.

20

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**”.

25

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”.

30

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”.

35

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))
(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)(e), 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**)”. 20

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 “flat or office owning company to which **subpart 6 of Part 3** of the Land Transfer Act **2016** applies”.

In section 3(3)(c), replace “flat-owning or office-owning company (as defined in section 121A of the Land Transfer Act 1952)” with “flat or office owning company to which **subpart 6 of Part 3** of the Land Transfer Act **2016** applies”. 25

Government Roading Powers Act 1989 (1989 No 75)

In section 43, repeal the definition of **District Land Registrar**.

Replace section 71(4) with: 30

- (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.

Replace section 91(2) with: 35

Government Roding Powers Act 1989 (1989 No 75)—continued

(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.

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.

(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.

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**”.

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”.

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 9, replace “proprietor” with “owner” in each place.

In section 9, replace “proprietors” with “owners” in each place.

In section 11, replace “any District Land Registrar” with “the Registrar-General of Land”.

In the Schedule, replace “certificate of title” with “record of title”.

Greater Christchurch Regeneration Act 2016 (2016 No 14)

In section 75(1)(b), replace “section 167 of the Land Transfer Act 1952” with “the Land Transfer Act **2016**”.

Greater Christchurch Regeneration Act 2016 (2016 No 14)—continued

In section 75(3), replace “computer registers” with “records of title”.

Replace section 75(4) to (7) 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, upon deposit of the cadastral survey dataset or survey plan, to issue a record of title qualified as described in **section 17(1)(a)** of the Land Transfer Act 2016. 5
- (5) The chief executive may direct the Registrar-General of Land to disapply the application of **section 206** of the Land Transfer Act 2016 in respect of any qualified record of title issued in accordance with **subsection (4)**, and the Registrar-General of Land must remove the qualification as to title. 10
- (6) **Subsection (5)** is subject to any relevant determination by a court under sub-part 4.

In section 76(1), replace “section 75(6)” with “**section 75(5)**”. 15

In section 76(2), replace “section 205(4) of the Land Transfer Act 1952 against a computer register that is issued limited as to parcels” with “**section 206** of the Land Transfer Act 2016 against a qualified record of title issued”.

In section 78(4)(a), replace “Land Transfer Act 1952” with “Land Transfer Act 2016”. 20

In section 78(4)(b), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act 2016”.

In section 101(1), replace “computer register or computer registers” with “record of title or records of title”.

In section 101(3)(a), replace “computer register” with “record of title”. 25

In section 101(3)(b), replace “computer registers” with “records of title”.

In section 103(3), replace “computer register” with “record of title”.

In section 103(4), replace “computer register” with “record of title”.

In section 105(1), replace “computer register” with “record of title”.

In section 105, replace “Land Transfer Act 1952” with “Land Transfer Act 2016” in each place. 30

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”.

In section 8(1), replace “appropriate District Land Registrar” with “Registrar-General of Land”. 35

In section 8(2), replace “certificate of title” with “record of title” in each place.

Harbour Boards Dry Land Endowment Revesting Act 1991 (1991 No 104)—*continued*

In section 8(2), replace “appropriate District Land Registrar” with “Registrar-General of Land”.

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

Repeal section 8(3). 5

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”.

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**”. 10

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”.

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. 15

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**”.

In the Schedule, replace “certificate of title” with “record of title” in each place.

Health Act 1956 (1956 No 65) 20

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**”.

In section 53A(5), replace “appropriate District Land Registrar” with “Registrar-General of Land”. 25

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**”.

Health Sector (Transfers) Act 1993 (1993 No 23) 30

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”.

Health Sector (Transfers) Act 1993 (1993 No 23)—*continued*

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,”. 5

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,—
- (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 10
- (b) make such entries against that record of title and do anything else that may be necessary to give effect to this clause. 15

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. 20

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**”.

In Schedule 1, replace clause 11 with: 25

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. 30
- (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. 35

Health Sector (Transfers) Act 1993 (1993 No 23)—*continued*

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”.

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**”.

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**”.

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**”.

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.

(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~~ under **section 223** of the Land Transfer Act **2016**.

(3) If a plan of the land has not been deposited ~~in accordance with~~ that adequately defines the land under **section 223** of the Land Transfer Act **2016**, the Regis-

Housing Act 1955 (1955 No 51)—*continued*

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**.

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**”.

In section 18(9), replace “the certificate of title” with “the record of title”.

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**”.

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”.

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**”.

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”.

In section 37, replace “No District Land Registrar shall” with “The Registrar-General of Land must not”.

Replace section 38 with:

Housing Act 1955 (1955 No 51)—*continued***38 Cancellation of restrictions imposed under former legislation on freehold titles in respect of dwellings**

- (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. 5
- (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.
- (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. 10

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) 15

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”. 20

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— 25
- (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. 30
- (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)**. 35

Housing Assets Transfer Act 1993 (1993 No 50)—continued

- (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. 5
- (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 10
- (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 15
- (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. 20
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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”. 30

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”. 35

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**”.

Replace section 49(3) with:

(3) The Registrar-General of Land must, on written application by the Corporation, register it as the owner of any estate or interest that is registered under the Land Transfer Act **2016** and is vested in the Corporation by this section.

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 or any other person charged with the keeping of books or registers is”.

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,—
 - (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.
- (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.
- (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.
- (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**

Housing Restructuring and Tenancy Matters Act 1992 (1992 No 76)—*continued*

but for which no record of title has been issued and that is vested in the company pursuant to this Part.

- (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)**.

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.

~~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 “must be recorded by the Registrar-General of Land in the register and is conclusive evidence to the Registrar-General of Land”.~~

Replace section 29(2) with:

- (2) A certificate referred to in **subsection (1)** must be recorded by the Registrar-General of Land in the register and is conclusive evidence to the Registrar-General of Land of the matters required to be stated in it.

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.

~~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**”.~~

Housing Restructuring and Tenancy Matters Act 1992 (1992 No 76)—*continued*

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~~ **owner**, 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.

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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.

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In section 30(1)(c)(iii), replace “registered proprietor” with “registered owner”.

Income Tax Act 2007 (2007 No 97)

In section CB 6A(1)(a), replace “Land Transfer Act 1952” with “Land Transfer Act 2016” in each place.

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In section CB 6A(2)(a), replace “Land Transfer Act 1952” with “Land Transfer Act 2016” in each place.

In section CB 25(2)(b), replace “Land Transfer Act 1952” with “Land Transfer Act 2016”.

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”.

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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”.

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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”.

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

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Incorporated Societies Act 1908 (1908 No 212)

In section 27(5), replace “Land Transfer Act 1952” with “Land Transfer Act 2016”.

In section 27(5), replace “District Land Registrar for the land registration district in which the land is situated” with “Registrar-General of Land”.

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Incorporated Societies Act 1908 (1908 No 212)—*continued*

In section 27(5), replace “District Land Registrar may” with “Registrar-General of Land may”.

Industrial and Provident Societies Act 1908 (1908 No 81)

In section 10(h), replace “District Land Registrar of any district to which its operations extend” with “Registrar-General of Land”. 5

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”.

Insolvency Act 2006 (2006 No 55)

In section 105(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 10

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”.

In the heading to section 210, replace “**Land Transfer Act 1952**” with “**Land Transfer Act 2016**”. 15

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**”.

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**”. 20

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”.

In section 4(6)(c)(i), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 25

In section 4(6)(c)(ii), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

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. 30

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**”.

In section 4(11), replace “registered proprietor” with “registered owner”. 35

Irrigation Schemes Act 1990 (1990 No 52)—continued

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**”.

In section 5(3)(d), replace “District Land Registrar” with “Registrar-General of Land”. 5

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**”.

In section 5(6), replace “registered proprietor” with “registered owner”. 10

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**”.

In section 10(1), replace “A District Land Registrar” with “The Registrar-General of Land”. 15

In section 10(1)(a), replace “proprietor” with “owner”.

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”. 20

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”. 25

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”.

In section 11(1), replace “the District Land Registrar” with “the Registrar-General of Land” in each place. 30

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**”.

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 “flat or office owning company to which **subpart 6 of Part 3** of the Land Transfer Act **2016** applies”. 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 “person 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~~ 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 and 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(3), replace “certificate of title” with “record of title”.
- 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. 15
- In section 48(5), replace “certificate of title” with “record of title” in each place.
- 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**”. 20
- 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**”.
- In section 60(4), replace “District Land Registrar” with “Registrar-General of Land” in each place. 25
- Repeal section 60(5).
- 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: 30
- (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.
- Replace section 82(1A) with: 35

Land Act 1948 (1948 No 64)—*continued*

(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 for the lease or licence that the title is qualified as described in **section 17(1)(a)** of the Land Transfer Act **2016**.

5

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”.

10

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**”.

15

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.

20

(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.

25

In section 83(3)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

30

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”.

35

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-

Land Act 1948 (1948 No 64)—*continued*

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”.

In section 91A(2), replace “District Land Registrar” with “Registrar-General of Land”. 5

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” 10

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”.

Replace section 113(4) with: 15

(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**.

(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. 25

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”.

In section 114(3)(b), replace “District Land Registrar” with “Registrar-General of Land”. 30

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**”.

Replace section 116(2) and (3) with: 35

(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).

Land Act 1948 (1948 No 64)—*continued*

(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 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”. 10

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:

(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”. 20

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”.

In section 144(2), delete “, and on the outstanding copy thereof when produced to him”. 25

In section 147(3), replace “District Land Registrar” with “Registrar-General of Land”.

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”. 30

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”.

In section 167(6), replace “District Land Registrar” with “Registrar-General of Land”. 35

Replace section 170(2) with:

(2) The memorandum of renewal or variation must—

Land Act 1948 (1948 No 64)—continued

- (a) be signed by the Commissioner and by the lessee or licensee; and
 - (b) be registered with the Registrar-General of Land.
- (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 5
 - (b) if a record of title exists for the leasehold interest being renewed or varied, update the record of title.

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”. 10

In the Schedule 2 heading, replace “**certificate of title under the Land Transfer Act 1952**” with “**record of title under Land Transfer Act 2016**”.

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**”. 20

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”.

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) 25

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”.

Land Transport Management Act 2003 (2003 No 118)

Replace section 64 with: 30

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**. 35

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 “the 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**.

30

35

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”.

Replace section 462(3)(b) with:

- (b) the Registrar-General of Land must enter on the records of title for the land served by that drain a memorandum that the drain has become a public 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”.

Replace section 517ZD(2) with:

- (2) The scheme owner must, upon receipt of the certificate, lodge it, with the Registrar-General of Land, together with such plans, if any, as the Registrar-General of Land requires.

In section 517ZD(3)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

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**”.

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**”.

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**”.

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”.

Local Government Act 1974 (1974 No 66)—continued

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 “the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”.

5

In section 220(3), replace “the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”.

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,”.

10

Local Government (Rating) Act 2002 (2002 No 6)

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**”.

15

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**”.

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.

20

Replace section 83 with:

83 Registration of instruments

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.

25

Loyal Orange Institution of New Zealand (Incorporated) Trust Act 1954 (1954 No 3 (P))

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”.

30

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”.

35

Loyal Orange Institution of New Zealand (Incorporated) Trust Act 1954 (1954 No 3 (P))—continued

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.

In section 13, replace “registered proprietor” with “registered owner”.

In section 15, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 5

Maori Affairs Restructuring Act 1989 (1989 No 68)

In section 13A(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

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. 10

In section 33, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

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”. 15

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”. 20

In section 64(3), replace “District Land Registrar” with “Registrar-General of Land”.

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”. 25

Replace section 86A(3) to (5) with:

- (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. 30
- (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 land. 35

Maori Affairs Restructuring Act 1989 (1989 No 68)—*continued*

In section 86A(6)(c), replace “memorandum of lease” with “lease instrument”.

Replace section 86A(7) with:

- (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.

5

Maori Reserved Land Act 1955 (1955 No 38)

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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”.

In section 13(3), replace “District Land Registrar” with “Registrar-General of Land”.

15

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:

- (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.

20

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**”.~~

25

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 in accordance with **section 223** of the Land Transfer Act **2016**”.

30

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”.

35

Maori Reserved Land Act 1955 (1955 No 38)—*continued*

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**”.

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”. 5

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**”.

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”. 10

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”.

In the heading to section 12, replace “**District Land Registrar**” with “**Registrar-General of Land**”.

In section 12, replace “District Land Registrar” with “Registrar-General of Land”. 15

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”.

In section 15(4), definition of **lessor**, replace “Land Transfer Act 1952, the registered proprietor” with “Land Transfer Act **2016**, the registered owner”. 20

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**”. 25

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)

In section 9(1), definition of **Registrar**, replace “under section 4 of the Land Transfer Act 1952” with “in accordance 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**”. 30

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”.

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)—continued

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. 5

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. 10

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”. 15

In section 23(2)(c), replace “computer freehold register” with “record of title” in each place.

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”. 20

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”.

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”. 25

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”.

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**”. 30

In section 44(6), replace “computer register” with “record of title”.

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”. 35

Masonic Property Trusts Act 1956 (1956 No 1 (P))—continued

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”.

In the Schedule, replace “certificate of title, Register Book, Volume [*number*], folio [*number*]” with “record of title [*reference*]”. 5

~~Mauao Historic Reserve Vesting Act 2008 (2008 No 31)~~

~~In section 14(2)(a), replace “proprietors” with “owners”.~~

~~In section 14(3), replace “computer freehold register” with “record of title” in each place.~~ 10

~~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”.~~

~~In section 14(5), replace “computer freehold register” with “record of title”.~~

~~In section 14(6), replace “computer freehold register” with “record of title”.~~ 15

~~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 entered in Register Book, vol, folio” with “record of title”. 20

Mining Tenures Registration Act 1962 (1962 No 48)

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**”. 25

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.

In section 9(2), replace “District Land Registrar” with “Registrar-General of Land”.

Replace section 10(1) with: 30

- (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.

Mining Tenures Registration Act 1962 (1962 No 48)—*continued*

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.

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**.

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**”.

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 11(b), replace “District Land Registrar” with “Registrar-General of Land”.

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”.

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**”.

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**”.

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”.

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 re-

Mining Tenures Registration Act 1962 (1962 No 48)—*continued*

cord of title for the land that is qualified as described in **section 17(1)(a)** of the Land Transfer Act **2016**:

- (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**.

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).
- (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**”.

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.

In Schedule 1, replace “District Land Registrar at [*specify*]” with “Registrar-General of Land”.

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**”.

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**”.

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)

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”. 5

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”. 10

New Plymouth Airport Act 1961 (1961 No 2 (L))

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”. 15

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”. 20

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”. 25

In column 3 of Schedule 1, replace “**Certificate of Title**” with “**Record of title**”.

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: 30

9 Records of title

(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 35

Palmerston North Reserves Empowering Act 1966 (1966 No 28 (L))—continued

- (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.
- (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”. 5

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”. 10

In Schedule 2, form 1, replace “registered proprietor” with “registered owner”.

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”. 15

In Schedule 2, form 2, replace “registered proprietor” with “registered owner”.

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:

- 17 Transfer of freehold property to trustees** 20
- (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— 25
- (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.

Privacy Act 1993 (1993 No 28)

In Schedule 2, Part 1, replace the item relating to the Land Transfer Act 1952 with: 30

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**”.

Private Schools Conditional Integration Act 1975 (1975 No 129)—continued

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**”.

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) 5

In section 4, repeal the definition of **deed**.

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). 10

In section 4, replace the definition of **land not under the Land Transfer Act 1952** with:

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: 15

land under the Land Transfer Act 2016 means all land referred to in **section 4** of that Act

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”. 20

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**”. 25

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**”. 30

Replace section 8(5) with:

(5) Without limiting subsection (4), this Act applies subject to the Land Transfer Act **2016**.

Replace section 41 with:

Property Law Act 2007 (2007 No 91)—continued**41 Vendor must ensure record of title not limited or qualified as to title (whether or not also limited or qualified as to parcels)**

- (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 5
 - (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.
- (2) The vendor must, before the time of settlement, and unless the agreement provides otherwise,— 10
- (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 15
 - (b) meet the expenses of complying with **paragraph (a)**, including payment of any fee prescribed under the Land Transfer Act **2016**.

In section 44(1)(b), replace “section 164A(3) of the Land Transfer Act 1952” with “**section 27** of the Land Transfer Act **2016**”. 20

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**
- electronic instrument** means an electronic instrument (as defined by **section 5(1)** of the Land Transfer Act **2016**) that relates to the transfer of, or other dealing with, land or that evidences title to land 25
- 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 30
- paper instrument** means a paper instrument (as defined by **section 5(1)** of the Land Transfer Act **2016**) that relates to the transfer of, or other dealing with, land or that evidences title to land
- practitioner** means a practitioner as defined in section 6 of the Lawyers and Conveyancers Act 2006. 35

In section 57(1), replace “certificate of title or computer register” with “record of title” in each place.

Property Law Act 2007 (2007 No 91)—continued

- 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**”.
- 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**”. 5
- 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**”.
- 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**”. 10
- In section 146(2), replace “section 172 of the Land Transfer Act 1952” with “**section 58 or 59** of the Land Transfer Act **2016**”.
- In section 156(1)(b)(iv), replace “section 137 of the Land Transfer Act 1952” with “**section 137** of the Land Transfer Act **2016**”. 15
- 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**”.
- 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**”. 20
- 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**”.
- 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**”. 25
- 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**”.
- In section 215(3)(b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 30
- 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**”. 35

Property Law Act 2007 (2007 No 91)—continued

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**”.

5

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**”.

10

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**”.

15

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**”.

20

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”.

25

In section 307(3)(b) and (c), replace “notified” with “noted”.

Replace section 307(4) with:

(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.

30

In section 307(5), replace “Notification” with “Notation”.

In section 307(6), replace “notified” with “noted”.

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**”.

35

In section 318(1)(b), replace “notified” with “noted”.

Property Law Act 2007 (2007 No 91)—continued

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**”.

5

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**”.

10

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**”.

15

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).

20

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**”.

25

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**”.

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”.

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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”.

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**”.

35

Property (Relationships) Act 1976 (1976 No 166)—continued

In section 42(3)(a), replace “section 143 or section 145 or section 145A” with “**section 141 or 142**”.

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) 5

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”.

In section 97(3), replace “section 122 of the Land Transfer Act 1952” with “**section 87** of the Land Transfer Act **2016**”. 10

In section 97(3), replace “a District Land Registrar” with “the Registrar-General of Land”.

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**”. 15

In Schedule 1, clause 1(a)(iii), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

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)) 20

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”. 25

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) 30

In section 23(1B), replace “section 117 of the Land Transfer Act 1952” with “**section 94** of the Land Transfer Act **2016**”.

Public Trust Act 2001 (2001 No 100)

In section 105(3), replace “registered proprietor” with “registered owner”.

Public Trust Act 2001 (2001 No 100)—*continued*

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”.

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**”. 5

Public Works Act 1981 (1981 No 35)

In section 2, repeal the definition of **District Land Registrar**.

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 10

In section 17(2), replace “memorandum of transfer under the Land Transfer Act 1952” with “transfer instrument under the Land Transfer Act **2016**”.

In section 18(1)(b), replace “District Land Registrar” with “Registrar-General of Land”. 15

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”.

In section 18(7)(e), after “Land Transfer Act 1952”, insert “(as it was before the repeal of that Act)”. 20

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” in each place.

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”. 25

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.”

Insert after section 23(2):

(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**. 30

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”.

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**”. 35

Public Works Act 1981 (1981 No 35)—*continued*

- 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**”.
- In section 35, replace “District Land Registrar” with “Registrar-General of Land”. 5
- 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**”.
- 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”. 10
- 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”.
- 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”. 15
- 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”.
- In section 51(2), replace “section 64 of the Land Transfer Act 1952” with “**sections 51 and 158** of the Land Transfer Act **2016**”. 20
- 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”.
- In section 57(1), replace “in the office of the District Land Registrar” with “by the Registrar-General of Land”. 25
- In section 57(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**” in each place.
- In section 57(2)(a), replace “District Land Registrar” with “Registrar-General of Land”. 30
- ~~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. 35
- Repeal section 57(5).

Public Works Act 1981 (1981 No 35)—*continued*

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”.

In section 73(5), replace “the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”. 5

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”.

In section 74(5), replace “the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”. 10

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”.

In section 107(6), replace “the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”. 15

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:

- (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,— 20
- (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. 25

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.

In section 107(9A), replace “District Land Registrar” with “Registrar-General of Land”. 30

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**. 35

Public Works Act 1981 (1981 No 35)—*continued*

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. 5

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. 10

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:

(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. 15

In section 107(18), replace “District Land Registrar” with “Registrar-General of Land”.

In section 114(2)(i), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 20

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”.

In section 115(3), replace “District Land Registrar” with “Registrar-General of Land”. 25

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. 30

In section 115(8), replace “District Land Registrar” with “Registrar-General of Land”.

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”. 35

Public Works Act 1981 (1981 No 35)—*continued*

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”.

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”.

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”.

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”.

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”.

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”.

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”.

In section 221(3), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 221(4), replace “District Land Registrar” with “Registrar-General of Land” in each place.

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.

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. 5

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**”. 10

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.

In section 22A(5), replace “certificate or instrument of title” with “record or other instrument of title”. 15

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**”. 20

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**”. 25

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”. 30

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. 35

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**”.

In section 4(1), definition of **transaction**, paragraph (c), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

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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)

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,”.

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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”.

Reserves Act 1977 (1977 No 66)

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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”.

In section 26A(3), replace “District Land Registrar” with “Registrar-General of Land” in each place.

20

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.

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”.

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In section 48(4), replace “certificate of title” with “record of title”.

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”.

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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~~ Registrar-General of Land may require the deposit of a plan ~~in accordance with~~ under **section 223** of the Land Transfer Act **2016**”.

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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.

Reserves Act 1977 (1977 No 66)—*continued*

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**.

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(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.

In section 77(5), replace “certificate or instrument of title” with “record or instrument of title”.

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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**”.

15

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”.

20

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”.

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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”.

In the heading to section 112, replace “**District Land Registrar**” with “**Registrar-General of Land**”.

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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**”.

In section 112(2), replace “section 129 of the Land Transfer Act 1952” with “**section 153** of the Land Transfer Act **2016**”.

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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:

Reserves Act 1977 (1977 No 66)—*continued*

(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, the memorandum of variation must be registered with the Registrar-General of Land, who must record ~~the variation~~ it on the relevant record of title.

5

In the heading to section 116, replace “**Certificate of title**” with “**Record of title**”.

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**”.

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In section 116(1), replace “that reserve” with “any reserve vested in the Crown”.

Replace section 116(1) and (2) with:

(1) The Registrar-General of Land must, on the written request of the Commissioner, issue a record or records of title under the Land Transfer Act **2016** in the name of the Sovereign in respect of any land for the time being comprised in any reserve vested in the Crown.

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(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**.

20

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”.

25

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.

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In section 116(8), replace “District Land Registrar” with “Registrar-General of Land”.

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)

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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**”.

Resource Management Act 1991 (1991 No 69)—*continued*

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**”. 5

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**”. 10

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**”. 15

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**”. 20

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**”. 25

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**”. 30

In section 221(5), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

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 35

In section 225(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In section 226(1), replace “certificate of title” with “record of title”.

Resource Management Act 1991 (1991 No 69)—*continued*

- 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”.
- In section 226(2), replace “certificate of title” with “record of title”. 5
- 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**”. 10
- In section 228(1), replace “to the Land Transfer Act 1952” with “to the Land Transfer Act **2016**” in each place.
- ~~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”. 15
- 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”. 20
- 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”. 25
- 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.
- In section 237G(2), replace “registered proprietor” with “registered owner” in each place. 30
- In section 237G(3), replace “registered proprietor” with “registered owner” in each place.
- In section 237H(1), replace “registered proprietor” with “registered owner”.
- In section 237H(2), replace “registered proprietor” with “registered owner”. 35

Resource Management Act 1991 (1991 No 69)—*continued*

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”.

In section 240(3)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 5

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 each place.

In section 241(1)(b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 10

~~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.

In section 242(1)(a)(ii), replace “certificate of title” with “record of title”. 15

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”.

In section 243, replace “certificate of title” with “record of title”. 20

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:

Replace section 243(f)(i) with: 25

- (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: 30

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 “the Statutory Land Charges Registration Act 1928” with “**subpart 5 of Part 3** of the Land Transfer Act **2016**”. 35

In section 355(4)(c), replace “certificate of title” with “record of title”.

Resource Management Act 1991 (1991 No 69)—*continued*

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”.

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).

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”.

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**”.

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

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”.

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”.

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).

In section 24(4), replace “certificate of title is issued” with “record of title is created”.

Southland Electricity Act 1993 (1993 No 147)—continued

In section 24(4), replace “seized” with “seised”.

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. 5

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”. 10

In section 26(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

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**”. 15

State Insurance Act 1990 (1990 No 36)

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”. 20

State-Owned Enterprises Act 1986 (1986 No 124)

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**”. 25

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. 30

In section 25(3), replace “certificate of title” with “record of title”.

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. 35

State-Owned Enterprises Act 1986 (1986 No 124)—*continued*

In section 26(2), replace “certificate of title” with “record of title” in each place.

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”. 5

In section 26(3), replace “to the District Land Registrar” with “to the Registrar-General of Land”.

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”. 10

In section 26A(2), replace “certificate of title” with “record of title”.

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**”. 15

In section 27A(1), replace “District Land Registrar” with “Registrar-General of Land”.

In section 27A(1), replace “certificate of title” with “record of title”.

In section 27C(2), replace “certificate of title” with “record of title”.

Student Loan Scheme Act 2011 (2016 No 21) 20

In section 54C(1)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

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**”. 25

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**”.

Tax Administration Act 1994 (1994 No 166) 30

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**”. 35

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”. 5

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”.

In section 8E(3), replace “District Land Registrar” with “Registrar-General of Land”. 10

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**”. 15

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”.

In section 8HF(3), replace “certificate of title” with “record of title”. 20

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**”.

In section 13P(2), replace “District Land Registrar” with “Registrar-General of Land”. 25

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**”.

In section 57(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 30

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**”. 35

Trustee Companies Act 1967 (1967 No 35)—continued

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)**~~

~~In Schedule 2, clause 10.4, replace “certificate(s) of title” with “record(s) of title”. 5~~

~~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)

In section 5(1), repeal the definition of **computer register**. 10

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”.

In section 5(1), definition of **owner**, paragraph (a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 15

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**”. 20

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)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 25

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”.

In section 21(1), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 30

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:

Unit Titles Act 2010 (2010 No 22)—*continued*

- (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:

- 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**”. 5
- 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**”.
- 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**”. 10
- 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”.
- 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”. 15
- In section 43(2), replace “computer register” with “record of title”.
- In section 43(3), replace “computer register” with “record of title”.
- 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”. 20
- In section 44(2), replace “computer register” with “record of title”.
- In section 44(3), replace “computer register” with “record of title”.
- 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”. 25
- In the heading to section 46, replace “**computer register**” with “**record of title**”.
- 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”. 30
- 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.
- 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**”. 35

Unit Titles Act 2010 (2010 No 22)—*continued*

- In section 55(1)(b), replace “registered proprietor” with “registered owner”.
- In section 55(2), replace “registered proprietor” with “registered owner”.
- 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”. 5
- 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”.
- 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**”. 10
- In section 61(2), replace “registered proprietor” with “registered owner”.
- 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”. 15
- 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**”.
- In section 72, replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.
- In section 160(2), replace “computer register” with “record of title”. 20
- 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.
- 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”. 25
- In section 184(4), replace “computer register” with “record of title”.
- In section 191(1)(a)(i), replace “registered proprietor” with “registered owner”.
- In section 191(1)(a)(i), replace “within the meaning of Part 7A of the Land Transfer Act 1952” with “to which **subpart 6 of Part 3** of the Land Transfer Act **2016** applies”. 30
- 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”.
- In section 191(1)(a)(ii), replace “registered proprietor” with “registered owner” in each place. 35

Unit Titles Act 2010 (2010 No 22)—*continued*

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”.

In section 198(1), replace “computer register” with “record of title”. 5

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 registered owners”.

In section 199(3)(c), replace “the proprietors” with “the owners”.

In section 199(3)(c), replace “registered proprietors” with “registered owners”. 10

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.

In section 200(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 15

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”.

~~In section 217(m), replace “computer register” with “register”.~~ 20

In section 217(m), delete “computer”.

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”.

Wellington Town Belt Act 2016 (2016 No 1 (L))

In section 5, definition of **Registrar-General**, replace “under section 4 of the Land Transfer Act 1952” with “in accordance with **section 229** of the Land Transfer Act **2016**”. 5

In section 28(2), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**” in each place.

In section 28, replace “computer freehold register” with “record of title” in each place. 10

Part 2**Amendments to legislative instruments****Building (Forms) Regulations 2004 (SR 2004/385)**

In the Schedule, Part 2, form 2, replace “*certificate of title*” with “*record of title*”.

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**”. 15

In the Schedule, Part 2, form 6, replace “*certificate of title*” with “*record of title*”.

In the Schedule, Part 2, form 8, replace “*certificate of title*” with “*record of title*”.

In the Schedule, Part 2, form 11, replace “*certificate of title*” with “*record of title*”.

In the Schedule, Part 2, form 15, replace “*certificate of title*” with “*record of title*”. 20

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.

Climate Change (Forestry Sector) Regulations 2008 (SR 2008/355) 25

In regulation 10(2)(b), replace “or provisionally registered under the Land Transfer Act 1952” with “under the Land Transfer Act **2016**”.

In regulation 10(3)(c), replace “computer register” with “record of title”.

In regulation 11, replace “computer register” with “record of title”.

In regulation 12(3)(a), replace “computer register” with “record of title”. 30

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”.

Climate Change (Forestry Sector) Regulations 2008 (SR 2008/355)—continued

In regulation 24(b)(i)(B), replace “computer freehold register” with “record of title”.

In Schedule 3, form 1, replace “*computer register*” with “*record of title*”.

In Schedule 3, form 2, Schedule, Part B, replace “*computer register*” with “*record of title*”.

Climate Change (Pre-1990 Forest Land Allocation Plan) Order 2010 (SR 2010/190) 5

In the Schedule, clause 5(1)(a)(i), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

In the Schedule, clause 5(2)(b), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 10

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)(Ff), replace “computer freehold registers (titles)” with “records of title”. 15

Electronic Transactions Regulations 2003 (SR 2003/288)

Replace regulation 6 with:

6 Condition relating to requirement that instrument or document be lodged or filed under Land Transfer Act 2016 20

(1) An instrument or a document, other than a certified electronic instrument, that is required to be lodged or filed with the Registrar-General of Land for registration, notation, or deposit under the Land Transfer Act **2016** may be lodged or filed by electronic means if that is provided for in an electronic workspace facility as defined by **section 5(1)** of that Act. 25

(2) In **subclause (1)**, **certified electronic instrument** means an electronic instrument that is required by **section 27** of the Land Transfer Act **2016** to be certified in order to be lodged.

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”. 30

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*” 35 in each place.

Forests (Permanent Forest Sink) Regulations 2007 (SR 2007/354)—continued

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. 5

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*”. 10

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. 15

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).

In regulation 5(3)(a)(iii), replace “*computer freehold register*” with “*record of title*”. 20

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”.

In Schedule 2, delete “[*specify*] Land Registration District”. 25

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)

30

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)

In rule 8(c), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”. 35

Lawyers and Conveyancers Act (Conveyancing Practitioners: Conduct and Client Care) Rules 2008 (SR 2008/244)—*continued*

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**”.

In Schedule 5, item 4, replace “certificate of title” with “record of title”. 5

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) 10

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. 15

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) 20

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) 25

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**”. 30

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*”.

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 with the Registrar-General of Land*”.

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”.

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”.

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*”.

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*]”.

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)

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”.

~~Securities Act (Contributory Mortgage) Regulations 1988 (SR 1988/143)~~ *continued*

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**)”.

In regulation 39(3)(a), replace “Land Transfer Act 1952” with “Land Transfer Act **2016**”.

5

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”.

In Schedule 12, item 3, replace “address, book and folio number of the certificate of title” with “address and record of title reference”.

10

Unit Titles Regulations 2011 (SR 2011/122)

Replace regulation 33(f)(vii) with:

(vii) records of title; and

In Schedule 2, form 1, replace “*computer register*” with “*record of title*” in each place.

15

In Schedule 2, form 1, paragraph 1, replace “registered proprietor” with “registered owner”.

In Schedule 2, form 1, paragraph 1, replace “registered proprietors” with “registered owners”.

In Schedule 2, form 1, paragraph 1, replace “computer register” with “record of title”.

20

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”.

25

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**”.

30

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*”.

35

Unit Titles Regulations 2011 (SR 2011/122)—continued

- 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. 5
- 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. 10
- 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”. 15
- 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**”.
- In Schedule 2, form 30, table, third column, replace “*computer register*” with “*record of title*”. 20
- In Schedule 2, form 32, replace “Computer registers” with “Records of title”.

Legislative history

11 February 2016
15 March 2016

Introduction (Bill 118–1)
First reading and referral to Government Administration
Committee