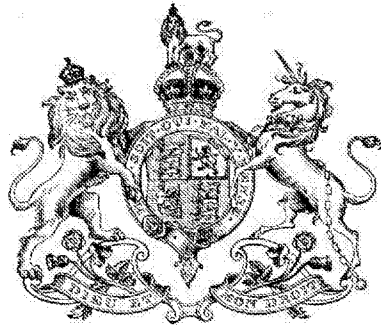


New Zealand.

DEEDS REGISTRATION.

1908, No. 40.

AN ACT to consolidate certain Enactments of the General Assembly relating to the Registration of Deeds affecting Land.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) The Short Title of this Act is "The Deeds Registration Act, 1908." Short Title.

(2.) This Act is a consolidation of the enactments mentioned in the First Schedule hereto, and with respect to those enactments the following provisions shall apply:— Enactments consolidated.

(a.) All districts, offices, appointments, seals, regulations, rules, Proclamations, Orders in Council, orders, warrants, registers, books, registrations, records, instruments, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated. Savings.

(b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

2. This Act does not apply to land subject to the provisions of "The Land Transfer Act, 1908," or of any Act heretofore in force for like purposes, or to any certificate of title for land now or hereafter Instruments excepted from Act.

issued under any such Act in lieu of a Crown grant for such land, or to any other instrument within the meaning of any such Act affecting such land.

Interpretation.
1868, No. 51, sec. 3

3. In this Act, if not inconsistent with the context,—

“Instrument” includes any grant of land by the Crown, deed, contract, will, codicil, exemplification or certified copy of will, probate, testamentary order, certificate, notice, memorial, map, plan, or other document of any kind affecting land and authorised by this or any other Act to be registered under this Act or any other Act heretofore in force for like purposes :

“Land” includes every estate or interest in land over which the Native title is extinguished, except land under “The Land Transfer Act, 1908” :

“Registration district” or “district” means a district constituted under this Act.

Registration districts.
Ibid, sec. 4
1896, No. 21, sec. 3

4. (1.) Each provincial district shall be a registration district for the purposes of this Act :

Provided that every registration district in existence immediately before this Act comes into operation, whether created by or under any special or by or under any general Act, shall be deemed to be a district constituted under this Act :

Provided also that the Governor by Order in Council may from time to time define and alter the boundaries of any district, and may create new districts.

1868, No. 51, sec. 6

(2.) Every such Order in Council shall come into operation on and from a day to be fixed by the Order, and shall be gazetted.

Deeds Register Office.
Ibid, sec. 6

5. In every district there shall be an office called “The Deeds Register Office” for registering such instruments affecting land as are by law authorised to be registered.

Registrars.
Ibid, sec. 7

6. (1.) The Governor may from time to time appoint for each Deeds Register Office a fit person to be Registrar of Deeds thereof.

Deputy Registrars.
Ibid, sec. 8

(2.) He may also from time to time appoint for each Deeds Register Office a fit person to be Deputy Registrar of Deeds, who shall have and may exercise in the absence of the Registrar all the powers conferred on the Registrar :

Provided that every act done by the Deputy Registrar shall be as valid as if done by the Registrar; and it shall not be necessary in any case to prove that any act of the Deputy Registrar was done in the absence of the Registrar.

Clerks.
Ibid, sec. 9

(3.) The Governor may also from time to time appoint for each Register of Deeds as many clerks and subordinate officers as may be necessary for the performance of the business of the office.

Registrars to give security.
Ibid, sec. 11

7. Where the fidelity of any Registrar or Deputy Registrar is not guaranteed under any Act for the time being in force relating to the Civil Service of New Zealand, such Registrar or Deputy Registrar shall give security for the due execution of the duties of his office in such manner and to such amount as the Governor thinks fit.

Seal of Register Office.
Ibid, sec. 12

8. In every Register Office there shall be kept a seal, of the impression whereof judicial notice shall be taken in all Courts without any evidence of such seal having been impressed or any other evidence relating thereto.

What may be Registered.

9. Every Crown grant of land within New Zealand, and every instrument whereby land in New Zealand is affected, may be registered in the Register Office of the district wherein such land is situate :

Instruments affecting land.
1868, No. 51, sec. 14

Provided that no lease or agreement for a lease for any term not exceeding seven years from the date thereof, and no assignment thereof, shall be registered.

10. (1.) Every Crown grant of land shall, before the same is delivered to the grantee or other the person entitled to receive the same, be registered in the registration district within which the land comprised in such grant is situate.

Crown grants to be registered before delivery to grantee.
Ibid, sec. 15

(2.) It shall be the duty of every Commissioner of Crown Lands, or other officer or person charged with the delivery of Crown grants, to transmit the same for registration accordingly on payment of the registration and other fees payable in respect thereof.

11. Instruments relating to waste lands of the Crown purchased of or acquired from either the Crown, the New Zealand Company, or the Canterbury Association for founding a colony in New Zealand may be registered notwithstanding the non-issue of a Crown grant or conveyance of such land ; provided that the position and boundaries of the land so dealt with appear to be accurately laid down upon some map of the Crown Lands Office of the district in which such land is situate, and that the map is marked with the sectional number or other designation by which it is intended to describe the land in the Crown grant or conveyance of the same.

Instruments made before the issue of Crown grants of lands to which such instruments relate.
Ibid, sec. 16

12. Notwithstanding such non-issue as aforesaid, all instruments that have been or hereafter are registered shall have the same force and effect as between the parties to such instrument, and all persons claiming by, from, through, under, or in trust for them, but no further or otherwise, as if the Crown grants or conveyances last aforesaid had been duly issued prior to such registration.

Effect of such registration.
Ibid, sec. 17

13. The issue of a Crown grant of land subsequent to the registration of any instrument relating to such land shall give and be deemed to have given to such instrument the like operation and effect as if such registration had taken place subsequent to the issue of the Crown grant.

Effect of issue of Crown grant on such registration.
Ibid, sec. 18

14. (1.) Where any registration district has been duly constituted, no instrument affecting land included therein shall, if registered after the constitution thereof, be or be deemed to have been duly registered so far as relates to such land unless and until the same has been registered in the register for such district.

Registration ineffectual unless made in proper office.
Ibid, sec. 58

(2.) Notwithstanding any alteration of the boundaries of any registration district, every instrument duly registered before such alteration in the Register of Deeds for the original district shall be deemed to have been duly registered.

Ibid, sec. 59

15. (1.) A certified copy, verified by the seal of any Deeds Register Office as a copy of an instrument registered in such office, or as a copy of a recorded copy of any such registered instrument, may be registered in any other district wherein the original instru-

Certified copie of registered instruments.
Ibid, sec. 19

ment might have been registered, and in the same manner as the original instrument might have been registered.

1868, No. 51, sec. 20

(2.) The registration of any such certified copy so verified as aforesaid shall, from the time or respective times of registration, have the same force and effect as if the original instrument had been in each case so registered.

Powers of attorney.
Ibid, sec. 23

16. Every power of attorney by which any person is authorised to deal with land may be registered, with the accompanying affidavits and declarations (if any), by causing the same to be recorded in any Register Office.

Judgments, &c.
Ibid, sec. 24
1903, No. 53, sec. 209

17. Every judgment, decree, or order of the Supreme Court, every entry of satisfaction of a judgment registered under this Act whereof satisfaction has been duly entered up in the office of the Registrar of the Supreme Court, every suit pending in the Supreme Court, every petition for the winding-up of a company by the Court, every bankruptcy, and every private Act may, where the same respectively affect any land or the title to any land, be registered by causing a memorial thereof to be deposited and entry thereof to be made in the Deeds Register Office of the district wherein the land is situate.

Memorial of suit
pending.
1868, No. 51, sec. 26

18. (1.) The memorial of every "suit pending" shall express the date of the commencement thereof, the title of the action, the nature and object of the proceeding, and shall be certified by the Registrar of the Supreme Court.

Of petition for
winding-up.

(2.) The memorial of every petition for the winding-up of a company by the Court shall express the name of the petitioner, the name of the company, and the date of the presentation of the petition, and shall be certified by the Registrar of the Supreme Court.

Of judgment.
Ibid, sec. 25

(3.) The memorial of every judgment, decree, or order whereby the title to any land is affected shall express the date thereof, the title of the action, and so much of the judgment, decree, or order as relates to the land affected thereby, and shall be certified by the Registrar of the Supreme Court.

Of judgment debt
or charging order.
Ibid, sec. 27

(4.) The memorial of every judgment, decree, or order for the recovery of a sum of money shall specify and contain such particulars as are required in that behalf by the provisions of the Code of Civil Procedure of the Supreme Court relating to charging orders affecting land, so far as the same are applicable.

Of satisfaction of
judgment.
Ibid, sec. 31

(5.) The memorial of the entry of satisfaction of any judgment registered under this Act shall set forth the names of the plaintiff and defendant, the time when such entry was so made, the amount of the judgment debt of which satisfaction has been so entered, and shall be certified by the signature of the officer authorised to make such entries.

Of bankruptcy.
Ibid, sec. 28

(6.) The memorial of every bankruptcy shall express the name, place of abode, and condition or calling of the bankrupt, and the date on which he was adjudged bankrupt, and shall be certified by the signature of the proper officer of the adjudging Court.

Of private Act.
Ibid, sec. 29

(7.) The memorial of every private Act shall express the title, date, and number thereof.

Lands affected to
be described.
Ibid, sec. 30

(8.) Every memorial shall also describe the lands to which the same relates, by reference to the number of the section or other

distinguishing number given or assigned in the register-books to the parcel of land whereof such land constitutes the whole or a part, and by reference to the number (if any) assigned thereto in the book of consecutive numbers hereinafter mentioned.

19. (1.) Where, on summary application in that behalf, it appears to the satisfaction of a Judge of the Supreme Court that any will or other instrument affecting land cannot be produced for the purpose of being registered, but there is produced a copy of the will or instrument authenticated to the Judge's satisfaction, he may, by writing under his hand indorsed on the copy, authorise the same to be registered instead of the original will or instrument in like manner as the original will or instrument might have been registered.

Copy of instrument may be registered in certain cases. 1868, No. 51, sec. 32

(2.) In such case the registration of the copy shall have the same force and effect as if the original will or other instrument had then been registered.

20. Every instrument in the Maori language presented for registration shall be accompanied by a translation of the same into English, the correctness of which shall be certified to the satisfaction of the Registrar by some Interpreter licensed under "The Native Land Court Act, 1894," or other qualified person, and the translation shall be recorded as part of the original deed.

Instrument in Maori to have translation. Ibid, sec. 33

Mode of Registration.

21. The Registrar shall prepare and keep a book of primary entry containing in consecutive order the registration number of every instrument registered in his office, the volume and page of the entry in the record-book wherein the instrument is registered, and such other particulars and references as he thinks fit.

Book of primary entry. Ibid, sec. 34

22. (1.) On the presentation of any instrument for registration the Registrar shall number the instrument and make a note thereon of the day and hour of the receipt thereof, and stamp the same at the end of such note with the seal of the Register Office, and enter the same in the book of primary entry.

Note of presentation. Ibid, sec. 35

(2.) The foregoing duty of the Registrar shall be performed in the presence of the party presenting the instrument, if that party so requires.

(3.) The Registrar shall thereupon cause an entry of such instrument to be made in the index-book under the proper head or title, specifying the day and hour of presentation and the nature of the instrument:

Entry in index-book. Ibid, sec. 36

Provided that no such entry in the index-book shall be made in respect of any power of attorney.

23. (1.) Every entry in the index-book shall be made under a head or title indicating the allotment or allotments, or part or parts thereof, comprised in the land to which such entry refers.

How entry to be made. Ibid, sec. 37

(2.) All such entries shall be made in the order in which the instruments to which they refer are presented for registration.

Ibid, sec. 38

24. (1.) Where a mistake has been made in an entry in the index-book the Registrar shall rectify the same by a new entry, in such form as may be convenient, specifying the day and hour of each correction.

Mistake in entry. Ibid, sec. 39

(2.) The erroneous entry shall not be erased or obliterated.

Receipt for
instrument.
1868, No. 51, sec. 40

25. Every person by whom any instrument is brought or sent to the Register Office for the purpose of registration may require a receipt for the same, which receipt shall be stamped with the seal of the office, and shall specify the nature and number of the instrument and the day and hour when the same was received by the Registrar.

Instrument to have
plan of land.
Ibid, sec. 43

26. Except where otherwise provided by this Act, or by regulations hereunder, every instrument presented for registration shall, for the purpose of more easily identifying the land to which it relates, have drawn in the margin thereof or indorsed thereon or annexed thereto a plan of that land, showing the extent, boundaries, and relative position thereof, and indicating also the sectional number assigned thereto:

Provided that such plan shall not be required in the case of a power of attorney, or of a memorandum under "The Crown Suits Act, 1908."

Exceptions to
foregoing rule.
Ibid, sec. 44

27. Any deed or other instrument of disclaimer or of appointment of trustees may be registered, although such deed or instrument does not contain either a description of the land intended to be affected thereby or a plan of such land, provided the deed or will creating the trust has been registered and a memorandum in writing is indorsed or otherwise written upon such deed of disclaimer or appointment, setting forth the date, registration number, and date of registration of the original deed or will, and the names of the parties thereto, and such particulars of the land intended to be affected by the deed of disclaimer or appointment presented for registration as shall be sufficient for identifying the said land with the land comprised in the original deed or will.

Registration
number of prior
instrument to be
indorsed.
Ibid, sec. 45

28. Except in the case of a power of attorney, or of a memorandum under "The Crown Suits Act, 1908," every instrument presented for registration shall have indorsed thereon the registration number of the instrument last registered which assured, dealt with, or otherwise affected the same land or any part or parts thereof respectively:

Provided that if it be shown to the satisfaction of the Registrar that such last registered instrument is lost or inaccessible, the number of some other previously registered instrument (if any) relating to the said land or to some part thereof shall be indorsed as aforesaid; and in case all the previously registered instruments relating to the said lands are lost or inaccessible, and none of the numbers indorsed on them can be discovered, the Registrar may dispense with the said indorsement.

Order of
registration.
Ibid, sec. 46

29. The order in which instruments shall be registered in every Deeds Registry Office shall be the order in which the same are received.

Instruments to be
copied.
Ibid, sec. 41
Ibid, sec. 42

30. (1.) All instruments excepting memorials shall be fairly copied into books provided for that purpose to be called "record-books."

(2.) An alphabetical index shall be kept as a means of reference to registered powers of attorney and memorials.

Copies to be
checked.
Ibid, sec. 47

31. Before any instrument that has been registered is returned to the person who presented the same for registration or who is authorised to receive the same, such person shall satisfy himself that the recorded copy thereof in the books of the office is correct,

and shall sign his name at the foot or in the margin of such copy as an attestation of the correctness thereof.

32. (1.) Where an instrument has been registered, and it afterwards appears to the satisfaction of the Registrar that the same relates to other land besides the land delineated on the deed or in any plan annexed thereto, a plan of such other land accompanied by a statutory declaration of some credible person may be registered in the Register of Deeds where such instrument was registered.

Where instrument is found to affect lands not delineated on plan.
1868, No. 51, sec. 48

(2.) The Registrar shall thereupon make the appropriate entries in the index or title-books relating to such other land, and shall cause the plan and declaration to be recorded, and the registration of the instrument shall take effect as against such other land from the time of the presentation of the plan.

(3.) The Registrar shall make upon the recorded copy of the instrument so registered as aforesaid a memorandum referring to the page or folio of the record-book wherein the plan and declaration are recorded, and such other entries or references as he deems necessary or convenient.

(4.) The aforesaid declaration shall refer by the Registrar's number and date to the registered instrument, and shall state that, to the best of declarant's knowledge and belief, the lands described and delineated in the plan accompanying such declaration are affected by the aforesaid registered instrument.

33. Where, after registration of a Crown grant, an indorsement is made thereon certifying the date of payment of the purchase-money for the land comprised in the grant, or the date at which the grantee became entitled to a grant of that land, or describing more correctly the boundaries thereof, such indorsement may be registered by a copy thereof being indorsed or otherwise noted on the recorded copy in the Register of Deeds wherein the grant was registered.

Indorsement on Crown grant.
Ibid, sec. 49

District Agents.

34. (1.) The Governor may from time to time appoint in and for each district fit and proper persons as District Agents, who may receive and transmit to the Registrar for registration any instruments the Registrar is required or empowered to register; and may also, on registration of any instrument, receive the same from the Registrar on behalf of the persons entitled to possession thereof.

Registration through District Agents.
1866, No. 28, sec. 3

(2.) Instruments forwarded for registration through a District Agent shall, as between themselves, be entitled to registration in the order in which they are lodged with the Agent; but, as against all other instruments, shall be entitled to priority according to the time of actual reception by the Registrar.

Ibid, sec. 4

(3.) On the return of any instrument by the Registrar through a District Agent the provisions of section thirty-one hereof shall not apply, but in lieu thereof the Registrar shall attest the correctness of the recorded copy of the instrument.

Ibid, sec. 5

(4.) The Governor in Council may prescribe fees to be taken under this section, and may make such regulations with regard to the matters aforesaid as may be necessary or expedient.

Ibid, sec. 6

Registration to give Priority.

Avoidance of
unregistered deed
or contract.
1868, No. 51, sec. 50

35. Every deed or contract authorised by this Act to be registered as aforesaid shall, so far as regards any land to be affected thereby, be void as against any person claiming for valuable consideration under any subsequent deed or contract duly registered unless the earlier deed or contract was registered before the registration of the subsequent deed or contract.

Or will.
Ibid, sec. 52

36. Every will shall, so far as regards land to be affected thereby, be void as against any person claiming for valuable consideration under any deed or contract duly registered made after the death of the testator by his heir at law, or by any person claiming as his devisee or executor under a former will, or as his administrator either with a former will annexed or otherwise, or by any other person by whom such subsequent deed or contract might have been made if such will as first aforesaid had not been executed, unless such will as first aforesaid is registered before the registration of the subsequent deed or contract :

Provided that every will registered within two years after the death of the testator shall be as valid and effectual as if the same had been registered immediately after the death of such testator.

Of judgment, &c.
Ibid, sec. 53

37. Every judgment, decree, order, suit pending, petition for winding-up a company by the Court, bankruptcy, and every private Act, shall, so far as regards any land to be affected thereby, be void and of no effect as against any person claiming for valuable consideration under a subsequent deed or contract duly registered, unless a memorial thereof is registered before the registration of the subsequent deed or contract.

Or lease not taking
effect in possession.
Ibid, sec. 51

38. Every lease or agreement for a lease hereinbefore forbidden to be registered shall be void as against any person claiming for valuable consideration under a subsequent deed or contract duly registered so long as actual possession does not go along with such lease or agreement.

Registration not to
avail against express
notice.
Ibid, sec. 54

39. The priority given under the provisions hereinbefore contained to any person claiming for valuable consideration shall not avail if before the execution of the deed or contract under which he claims he had actual personal knowledge affecting him with fraud or was served either personally or through his solicitor in the transaction with an express notice in writing of an earlier deed or contract, whether registered or not.

Volunteers protected
in certain cases.
Ibid, sec. 55

40. (1.) Every person who claims without valuable consideration through any other person who has claimed for valuable consideration shall be entitled to the same protection as the person through whom he so claims.

Voluntary
conveyance.
Ibid, sec. 56

(2.) A voluntary conveyance, being duly registered, shall not be defeated by any subsequent conveyance for valuable consideration, whether such latter conveyance is registered or not.

Avoidance of instru-
ment deducting
title through
unregistered
instrument.
Ibid, sec. 57

41. Every deed or contract, although duly registered, whereby title is derived or agreed to be derived from any person claiming under an unregistered deed or contract, shall be void as against any person claiming for valuable consideration under any subsequent deed or contract duly registered, whereby title is derived or agreed to be derived from any person claiming under a deed or contract duly registered.

Deposit of Instruments.

42. Every power of attorney, with the verifications (if any) of the due execution of the same, may be deposited at the Register Office for safe custody and reference.

Powers of attorney.
1868, No. 51, sec. 60

43. (1.) Where a covenant has been entered into, or is implied by law, to produce any instrument authorised by this Act to be registered, or any power of attorney, the person having possession of that instrument or power of attorney (whether he be the covenantor or implied covenantor or not) may deposit the same in the Register Office for safe custody and reference, and such deposit shall operate as a release and discharge from every express or implied covenant for production of the same.

Deposit to be a discharge from covenant to produce.
Ibid, secs. 61, 62

(2.) Any person on whom it may be incumbent to enter into a covenant for the production of any instrument authorised by this Act to be registered, or of any power of attorney, may deposit the same at the Register Office for safe custody and reference in lieu of entering into a covenant for production.

44. (1.) Upon any instrument being deposited as aforesaid, the Registrar shall number the same and make a note thereon of the day and hour of the receipt thereof, and shall stamp the same at the end of such note with the seal of the Register Office.

Deposited instrument to be numbered.
Ibid, sec. 63

(2.) All instruments deposited as aforesaid, including such as have been already deposited, shall be numbered consecutively from one upwards.

(3.) The Registrar shall not receive for deposit any instrument that has not been duly stamped in accordance with the provisions of "The Stamp Duties Act, 1908."

45. The Registrar shall securely keep in the Register Office and not permit to be removed therefrom, except in obedience to legal process for the production thereof, all instruments so deposited as aforesaid, and shall cause the same to be arranged in a convenient manner, and an alphabetical index made thereto for easy reference, which index shall show the number marked by the Registrar and the date of the deposit.

And indexed.
Ibid, sec. 64

46. (1.) Every person by whom any instrument is deposited under the provisions of this Act may require a receipt for the same.

Receipt therefor.
Ibid, sec. 65

(2.) Such receipt shall be stamped with the seal of the Register Office, and shall specify the Registrar's number indorsed on the instrument, the date of such receipt, the date of the instrument deposited, and the names of the parties thereto.

(3.) Every such receipt, and also a copy of any such instrument certified under the seal of the Register Office, shall be admissible as evidence that the instrument to which the same has reference has been deposited in the Register Office in pursuance of this Act.

Alterations of Boundaries of Districts.

47. (1.) Where by an alteration in the boundaries of any registration district any land formerly comprised therein becomes included in any other district, a copy of the original register, so far as the same affects the land so included, shall be deposited by the Registrar of the first-mentioned district with the Registrar of such other district.

Where boundaries of district altered by including lands in other district, copy of original register to be evidence of dealings with lands so included.
1902, No. 18, sec. 3

(2.) Such copy shall, for all the purposes of this Act, have the same force and effect as the original register, and shall, as regards the lands affected by the alteration of boundaries, be deemed to be the original register and be admissible in evidence as such.

1902, No. 18, sec. 2

(3.) For the purposes of this section "register" includes all registers, record-books, indices, and books of reference required to be kept under this Act or by any regulations thereunder.

Miscellaneous.

Production and evidence of registered instruments.
1868, No. 51, sec. 6

48. Every Registrar of Deeds shall from time to time, on the application in writing and at the cost of any person having or claiming any interest in any land,—

(a.) Produce all or any of the instruments of title relating to that land in his custody or possession for the purposes of registration, or deposited in his office for safe custody, at any trial or hearing in any Court in New Zealand, and upon the execution of any commission for the examination of witnesses, and before any arbitrators or umpire appointed under any Act or rule of Court, and otherwise as occasion requires :

Provided that all fees chargeable in respect of any such instrument, or in respect of the registration thereof or of the title to the land affected thereby, have been duly paid :

(b.) Deliver to the person applying for the same copies of or extracts from such instruments, and cause such copies or extracts to be examined and certified, and all such certified copies or extracts verified by the seal of the Deeds Register Office shall be admissible as secondary evidence.

Registrar not bound to attend Court or produce register without Judge's order.
1889, No. 29, sec. 7

49. Notwithstanding anything in the last preceding section, it is hereby declared that no Registrar of Deeds shall be bound to produce in any Court of law or elsewhere than in the Deeds Registry for the district any register or other document in his custody as such Registrar, or to attend before any Court or elsewhere to give evidence as such Registrar, except by order of a Judge of the Supreme Court, which order shall not be made unless such Judge is satisfied that such attendance or production is necessary, and that the required evidence cannot be given by certified copy of such register or instrument.

Copies of or extracts from instruments.
1868, No. 51, sec. 67

50. (1.) The Registrar shall supply copies of or extracts from any index or title-book which by this Act he is required to keep, or copies of or extracts from any instrument that has been recorded or deposited, or any memorial that has been deposited, to any person entitled to the same, and such person shall have liberty to examine the index, recorded copy, instrument, or memorial for the purpose of satisfying himself of the correctness of the copy or extract so supplied.

Ibid, sec. 68

(2.) Before the Registrar supplies any such copy or extract he may require the person applying for the same to sign a declaration that the copy or extract is required in respect of land in which he has or claims or has contracted for some estate or interest, or that he is a barrister or solicitor or a duly authorised agent employed by some other person named and described in the declaration,

and so interested as aforesaid, or that he is the authorised clerk of a barrister or solicitor named and described in the declaration and employed as aforesaid.

(3.) Every person who in any such declaration wilfully states anything that is untrue is liable to a fine not exceeding twenty pounds and not less than five pounds. 1868, No. 51, sec. 69

(4.) Every copy or extract so supplied as aforesaid shall have written or indorsed thereon a certificate under the seal of the office, stating that such copy or extract is an examined copy of or extract from such index or recorded copy, or deposited memorial or other instrument as aforesaid. Ibid, sec. 70

(5.) Every copy or extract so verified shall be admissible as secondary evidence of the contents of the instrument or entry of or from which it purports to be a copy or extract.

51. Any person having an interest in land through or under any instrument hereby authorised to be registered may require any person having possession thereof to cause the same to be registered, and, if he refuses so to do, any Judge of the Supreme Court may on a summary application make such order respecting the registration of such instrument and the costs thereof as he thinks fit. Registration when compulsory. Ibid, sec. 71

52. (1.) Every Registrar shall be entitled to receive the fees specified in the Second Schedule hereto, or such fees as may from time to time be payable in lieu thereof under any regulations made by the Registrar-General under this Act. Fees on registration. Ibid, sec. 72

(2.) All fees shall be paid in advance.

(3.) All fees received under the authority of this Act shall be paid into the Public Account and form part of the Consolidated Fund. Ibid, sec. 77

53. (1.) The Registrar-General of Land may from time to time make regulations— Regulations. Ibid, secs. 73, 75

(a.) For numbering, indorsing, arranging, and distinguishing the instruments presented for registration, and for the entry of convenient references in and to the same :

(b.) For making, arranging, and preserving indexes and other books of reference, and specifying the particulars to be entered therein :

(c.) For identifying and delineating lands intended to be affected by instruments presented for registration :

(d.) For making, arranging, and preserving maps or plans of land referred to in registered instruments, and for distinguishing sections and allotments on such maps or plans :

(e.) For indicating and distinguishing subdivisions of sections and allotments :

(f.) Concerning the deposit of instruments for safe custody :

(g.) Declaring the fees payable in respect of instruments deposited, whether for safe custody or for registration, under this Act, and prescribing the manner of collecting any such fees :

(h.) Altering the scale of fees given in the Second Schedule hereto, and prescribing new and other fees to be paid under this Act, and the matters in respect whereof they shall be paid :

(i.) Concerning the return and delivery of such instruments to the proper parties :

(j.) Generally for keeping the registers and controlling the manner of registration and safe custody of instruments, and the practice and procedure of the Register Offices, and otherwise providing for the due execution of any law for the time being in force relating to the registration and safe custody of instruments.

(2.) Any such regulations may apply either to all registration districts or to some one or more of such districts only.

(3.) All such regulations shall be submitted to the Governor in Council for his approval, and, if approved by him, shall be published in the *Gazette*, and shall have the force of law from the date of such publication.

(4.) All regulations so approved shall forthwith be laid before each House of Parliament if sitting, and if not, then within fourteen days after the commencement of the next ensuing session.

1868, No. 51, sec. 76

(5.) A table of fees payable under this Act shall be hung up in some conspicuous place in every Deeds Register Office.

Conduct of Register Offices.

Ibid, sec. 79

54. Every Registrar may from time to time make rules for regulating the practice of his office :

Provided that such rules shall be approved by the Registrar-General of Land, and shall not be inconsistent with the provisions of this Act.

SCHEDULES.

FIRST SCHEDULE.

ENACTMENTS CONSOLIDATED.

1868, No. 51.—“The Deeds Registration Act, 1868.”

1886, No. 28.—“The Deeds and Instruments Registration Act, 1886” : So far as applicable.

1889, No. 29.—“The Land Transfer Act 1885 Amendment Act, 1889” : Section 7, so far as applicable.

1902, No. 18.—“The Land and Deeds Registration Districts Act, 1902” : So far as applicable.

SECOND SCHEDULE.

SCALE OF FEES.

	£	s.	d.
For the registration of any instrument	0	10	0
For the recording and comparing thereof, for every folio of 72 words	0	0	6
For every section or part of section, allotment, or part of allotment contained in any map or plan delineated on or annexed to any instrument presented for registration (exclusive of sections or allotments unaffected by the instrument but necessarily delineated to show the boundaries of the land dealt with by the instrument)	0	1	0
For every copy of or extract from any recorded or deposited instrument, or memorial—			
For every folio of 72 words therein	0	0	6
For every section or allotment or part of a section or allotment delineated thereon	0	1	0

Sections 52, 53.
Ibid, Schedule.

	£	s.	d.
For every copy of or extract from the general index, for every line ...	0	0	6
For every search or inspection of indexes or recorded or deposited instruments, for each individual property, section, or allotment in respect of which search or inspection is made ...	0	1	0
For every certificate under seal verifying a copy of or extract from any recorded or deposited instrument, in addition to the fee per folio for copying ...	0	5	0
On the deposit of any instrument for safe custody ...	0	10	0
For every attendance to produce any instrument under section 48 of this Act, for each day or part of a day's attendance ...	1	1	0
For the registration of any map or plan accompanied by a statutory declaration ...	0	10	0
For recording, per folio of 72 words...	0	0	6
For every section or part of a section delineated ...	0	1	0
For recording any instrument in the Maori language, and for any copy of the recorded copy thereof, per folio of 72 words ...	0	1	0
For recording the translation of any instrument in the Maori language, per folio of 72 words ...	0	0	6