

Hon. Mr. Nash

GREYMOUTH HARBOUR BOARD AMENDMENT

ANALYSIS

Title.	<i>Provision for Registration of Existing Leases</i>
Preamble.	
1. Short Title and commencement.	4. Application for registration of existing leases under Land Transfer Act, 1915.
2. Interpretation.	5. Registration of existing leases.
	6. Registration of instruments of title and outstanding interests.
<i>Registration of Future Leases</i>	<i>Description of Land</i>
3. Future leases to be registered under Land Transfer Act, 1915.	7. Plan to be deposited, or limited certificate of title to be issued.

A BILL INTITULED

AN ACT to provide for the Registration of Leases granted by the Greymouth Harbour Board of Portions of the Westland-Grey Coal Reserve and the Nelson-Grey Coal Reserve.

WHEREAS the Greymouth Harbour Board (herein-after referred to as the Board) is empowered by section three of the Greymouth Harbour Board Act 1884 Amendment Act, 1902, to grant leases in its own name of the lands known as the Westland-Grey Coal Reserve and the Nelson-Grey Coal Reserve, or of any

Title.

Preamble.

1902 (Local),
No. 29

portions thereof: And whereas those lands belong to the Crown and the fee-simple thereof is not vested in the Board: And whereas the lands are not subject to the Land Transfer Act, 1915, and it is desirable that provision be made for the registration of the leases under that Act: 5

See Reprint of Statutes, Vol. VII, p. 1162

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

Short Title. and commencement. 1902 (Local), No. 29

1. (1) This Act may be cited as the Greymouth Harbour Board Amendment Act, 1945, and shall be read together with and deemed part of the Greymouth Harbour Board Act 1884 Amendment Act, 1902 (hereinafter referred to as the principal Act). 10

(2) This Act shall come into force on the first day of January, nineteen hundred and forty-six. 15

Interpretation.

See Reprint of Statutes, Vol. VII, p. 1162

2. Unless the context otherwise requires, expressions used in this Act and in the Land Transfer Act, 1915, have the same meanings in this Act as in that Act.

Registration of Future Leases 20

Future leases to be registered under Land Transfer Act, 1915.

3. (1) Every lease granted by the Board under the principal Act after the commencement of this Act shall be in a form approved by the Registrar, and shall be executed in duplicate by the Board and by the lessee in the manner provided by the Land Transfer Act, 1915, in respect of instruments under that Act. 25

(2) Upon the execution of any such lease it shall be produced at the Land Registry Office for registration under the Land Transfer Act, 1915.

(3) Subject to the provisions of this Act and to the payment of a fee of ten shillings, the Registrar shall register every such lease so produced, and shall in his discretion either— 30

Ibid., p. 1264

- (a) Embody the lease as a folium of the Register; or
- (b) Issue a certificate of title under section three of the Land Transfer Amendment Act, 1925, for the lessee's estate or interest. 35

(4) Upon the registration of any such lease the estate or interest of the lessee shall be deemed to be land subject to the provisions of the Land Transfer Act, 1915. 40

Provision for Registration of Existing Leases

4. (1) Application may be made to the Registrar for the registration under the Land Transfer Act, 1915, of any lease granted by the Board under the principal Act before the commencement of this Act.

Application for registration of existing leases under Land Transfer Act, 1915.

(2) Any application under this section may be made by the lessee for the time being or by any other person claiming an estate or interest in the lease, or by any person acting on behalf of the lessee or other person claiming as aforesaid.

(3) Every application under this section shall be in writing signed by the applicant, and shall be accompanied by a statutory declaration by the applicant that he is not aware of any estate or interest affecting the lease other than the estates or interests specified in the application or in the declaration.

(4) At the time of making any application under this section the applicant shall deliver to the Registrar or arrange for the production to him of—

(a) The deed of lease executed by the Board, and the duplicate lease (if any):

(b) Every instrument evidencing the title of the lessee:

(c) Every instrument (whether or not it has not been registered in the Deeds Register Office) which discloses an outstanding estate or interest that in any way affects the lease:

(d) A duplicate or a certified copy of every instrument referred to in paragraph (c) hereof.

(5) Where any instrument referred to in subsection *four* hereof which has been registered in the Deeds Register Office has been lost or destroyed, the Registrar, on proof to his satisfaction of the loss or destruction and upon payment of the prescribed fee, shall have two copies of the instrument made in the Deeds Register Office which he as Registrar of Deeds shall certify as correct, and for the purposes of this Act those copies shall be deemed to be the original instrument and a duplicate thereof respectively.

Registration of existing leases.

5. (1) When an application is duly made under the *last preceding* section for the registration of any such lease, the Registrar, subject to the provisions of this Act and to the payment of a fee of ten shillings, shall register the lease and shall in his discretion either— 5

(a) Embody the lease as a folium of the Register; or

See Reprint of Statutes, Vol. VII, p. 1264

(b) Issue a certificate of title under section three of the Land Transfer Amendment Act, 1925, for the lessee's estate or interest. 10

(2) Upon the registration of any such lease the estate or interest of the lessee shall be deemed to be land subject to the provisions of the Land Transfer Act, 1915.

Registration of instruments of title and outstanding interests.

6. (1) Upon the registration of any lease under the *last preceding* section,— 15

(a) The Registrar shall register without fee every instrument evidencing the title of the lessee:

(b) Upon payment of a fee of ten shillings for each instrument, the Registrar shall register every instrument which discloses an outstanding estate or interest that in any way affects the lease, if it is disclosed in the application or can otherwise be ascertained: 20

(c) The duplicate or certified copy of any instrument referred to in subsection *four* of section *four* of this Act shall be deemed for the purposes of the Land Transfer Act, 1915, to be the outstanding duplicate of that instrument. 25

(2) The provisions of sections fifty-four and fifty-six of the Land Transfer Act, 1915, shall, so far as they are applicable and with any necessary modifications, apply with respect to every instrument that in any way affects the lease as if the application for registration of the lease were an application to bring the land under the Land Transfer Act, 1915. 30 35

Ibid., p. 1143

(3) Any instrument that in any way affects any lease registered under section *five* of this Act and was registered under the Deeds Registration Act, 1908, or could have been registered under that Act if this Act has not been passed, may, if it is dated before or within *one year* after the date of registration of the lease under section *five* of this Act, be registered under the 40

Land Transfer Act, 1915, notwithstanding that it may not be an instrument in one of the forms prescribed by that Act and may not be certified correct for the purposes of that Act.

5 *Description of Land*

7. (1) Before registering any lease under section *three* or section *five* of this Act the Registrar may require a plan of the land to be deposited in the Land Registry Office in accordance with section one hundred 10 and seventy-eight of the Land Transfer Act, 1915.

Plan to be deposited, or limited certificate of title to be issued.

(2) Where the Registrar is not satisfied that the position and boundaries of the land comprised in any lease produced for registration as aforesaid are sufficiently defined by the lease or by any deposited plan, 15 he may in his discretion, instead of requiring a plan to be deposited as aforesaid, register the lease and issue a certificate of title for the lessee's estate or interest limited as to description of parcels. The provisions of the Land Transfer (Compulsory Registration 20 of Titles) Act, 1924, as to certificates of title limited as to description of parcels, shall, so far as they are applicable and with any necessary modifications, apply with respect to every certificate of title issued under this subsection.

See Reprint of Statutes, Vol. VII, p.1253