

381

(Hon. Mr. Bowen.)

Land Transfer Act 1870 Amendment.

ANALYSIS.

- | | |
|---|--|
| <p>Title.
Preamble.
1. Short Title.
2. Interpretation.
3. Act to be incorporated with " Land Transfer Act, 1870."
4. Repeal of " Land Transfer Act, 1870," as to fees chargeable by land brokers.
5. No claim on Assurance Fund in respect of unregistered instruments affecting land brought under the provisions of the said Act.
6. Contribution to Assurance Fund on grants to Natives may be apportioned in certain cases.</p> | <p>7. Acknowledgments by married women under "Conveyancing Ordinance Amendment Act, 1874," to be sufficient for purposes of Land Transfer Act.
8. Fees which may be taken by land brokers under the said Act.
9. Land broker to certify to correctness of instrument.
10. Penalty for acting as land broker without authority, or for taking fees other than as authorized.
11. Suit or proceeding under Act may be prosecuted by District Land Registrar.</p> |
|---|--|

A BILL INTITULED

AN ACT to amend "The Land Transfer Act, 1870."

Title.

WHEREAS it is expedient that "The Land Transfer Act, 1870," should be amended in several particulars:

Preamble.

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

5

1. The Short Title of this Act shall be "The Land Transfer Act 1870 Amendment Act, 1875."

Short Title.

2. In this Act the words "the said Act" shall mean "The Land Transfer Act, 1870." The term "land broker" shall mean and include all persons authorized to transact business under the said Act.

Interpretation.

10

3. This Act shall be read and construed as incorporated with and as part of the said Act.

Act to be incorporated with " Land Transfer Act, 1870." Repeal of " Land Transfer Act, 1870," as to fees chargeable by land brokers.

15

4. So much of the said Act as relates to the fees which may be charged by land brokers for the transaction of business under the said Act is hereby repealed.

No claim on Assurance Fund in respect of unregistered instruments affecting land brought under the provisions of the said Act.

20

5. When land shall have been brought under the provisions of the said Act upon the application of any person claiming to be the proprietor thereof, no person claiming any estate or interest in such land by virtue of any deed or instrument which prior to the bringing of such land under the said Act might have been registered against the

same under the provisions of "The Deeds Registration Act, 1868," shall have any claim or action against the Registrar-General of Land, or against the Assurance Fund, by reason of deprivation of such estate or interest occasioned by bringing the said land under the provisions of the said Act in accordance with such application, unless such deed or instrument shall have been duly registered as aforesaid. 5

Contribution to Assurance Fund on grants to Natives may be apportioned in certain cases.

6. The District Land Registrar may, if required by the lessee or purchaser from the grantees of any land within his district granted to persons of the Native race, make a separate assessment of the amount payable for contribution to the Assurance Fund in respect of the portion of land so leased or purchased, which assessment the District Land Registrar shall have power to make on such evidence as to the value of the land as he shall deem sufficient; and upon payment of the amount so assessed, and of all fees due for the issue and registration of the Crown grant, the land so leased or purchased shall be released from further liability to the Assurance Fund in respect of the grant, and the District Land Registrar may thereupon register the lease or transfer thereof. 10 15

Acknowledgments by married women under "Conveyancing Ordinance Amendment Act, 1874," to be sufficient for purposes of Land Transfer Act.

7. The acknowledgment by any married woman, in accordance with the provisions of "The Conveyancing Ordinance Amendment Act, 1874," of any instrument purporting to deal with her interest in land under the said Act, shall be sufficient for the purposes of the said Act, and all such instruments heretofore acknowledged as aforesaid shall be as valid and effectual as if made after the passing of this Act. 20

Fees which may be taken by land brokers under the said Act.

8. The Registrar-General may, with the sanction of the Governor, prescribe the fees which may be taken by land brokers for the transaction of business under the said Act, and may from time to time, with the like sanction, make such regulations as he may deem necessary or expedient in that behalf, and subject thereto the fees to be charged by land brokers for transacting business under the said Act shall be those specified in the Schedule hereto, and no charge, except as mentioned in the Schedule, shall be made for transacting any business for which a fee is specified in the Schedule. 25 30

Land broker to certify to correctness of instrument.

9. No land broker shall make any charge in respect of any application or instrument under the said Act, unless he shall have certified the correctness thereof in manner required by the said Act. 35

Penalty for acting as land broker without authority, or for taking fees other than as authorized.

10. If any person not being duly authorized shall for fee or reward act in the capacity of a land broker under the said Act, or if any person being duly authorized as a land broker shall make any charge contrary to the provisions aforesaid, for transacting business under the said Act, such person shall incur a penalty not exceeding fifty pounds, to be recovered in like manner as penalties imposed by the said Act may be recovered; and such person, if a land broker, shall, until satisfaction of such penalty, be disqualified to act as such. 40

Suit or proceeding under Act may be prosecuted by District Land Registrar.

11. Any suit or proceeding for recovery of penalties or otherwise which by the Act may be prosecuted by or in the name of the Registrar-General, may, if the Registrar-General shall so direct, be prosecuted by or in the name of any District Land Registrar. 45

Schedule.

SCHEDULE.

SCALE OF CHARGES FOR LAND BROKERS.		£ s. d.
For application to bring under "The Land Transfer Act, 1870," where the land remains in the original grantee, although it may have been or still remains subject to the lease or mortgage*—		
Where the value does not exceed £400		0 10 0
Where the value does not exceed £800		¼th p. ct.
Where the value exceeds £800		1 0 0
For filling up and entering caveats, exclusive of any professional charges incident to litigation pending		0 10 0
Memorandum of transfer, lease, mortgage, or encumbrance †—		£ s. d.
Where the value does not exceed £400		0 10 0
Where it exceeds £400		¼th p. ct.
Where it exceeds £800		1 0 0
Whenever any implied covenant is modified, or any covenant not being of those for which abbreviated forms of words are hereinbefore prescribed is introduced in any instrument, extra—		0 5 0
Whenever any original section or allotment or parcel of land included in an existing grant or other instrument is broken in any dealing, extra ...		0 10 0
Transfer of mortgage or lease or surrender of lease		0 5 0
Power of attorney without registration abstract		0 10 0
Power of attorney with registration abstract		1 0 0

* These charges include filling up applications, procuring declaration and signatures, procuring diagram from Land Office, and attendance and delivery at Registry Office. Where the title has not remained in the original grantee, an extra charge may be made proportionate to the trouble, such cases being more in the nature of conveyancing.

† In the case of lease, and of annuity secured by encumbrance, ten years' rent, or ten years of such annuity, to be assumed as the value for the purpose of calculating the percentage.