

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and having this day passed as now printed is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.
Legislative Council,
21st June, 1888.

A reservation of road being made in a certificate of title where no Crown grant was issued, objection was made that the reservation was invalid as not made according to the Crown Grants Act. The clauses 2 and 3 in this Bill are for the removal of the objection.

Clause 6 is necessary because the authority of the Surveyor-General under section 7 of "The Land Act, 1885," is deemed not to extend to land under the Land Transfer Acts, and the definition of "surveyor" in "The Public Works Act, 1882," falls short in the same manner.

Hon. Sir F. Whitaker.

LAND TRANSFER ACT AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Reservation of road by Governor's warrant to have same effect as if reserved in Crown grant. Reservation of road in certificate of title not to vitiate the same.</p> <p>4. Certificate of title for balance of land not transferred may remain valid if sufficiently descriptive of such balance.</p> | <p>5. Cost of survey for correction of plans, &c., to be paid out of Assurance Fund.</p> <p>6. Authorised surveyor may enter land to make survey.</p> <p>7. Mortgagee's right to distrain goods, &c., of mortgagor repealed.</p> <p>8. Power to cancel surveyors' licenses.</p> <p>9. Saving of interests not capable of registration.</p> |
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A BILL INTITLED

AN ACT to amend "The Land Transfer Act, 1885."

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

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| <p>5</p> <p>15</p> <p>20</p> <p>25</p> | <p>1. The Short Title of this Act is "The Land Transfer Act Amendment Act, 1888."</p> <p>2. For the purposes of this Act,— "Road" in any reservation means a road one hundred links wide, unless otherwise expressed. "Warrant" means and includes every warrant heretofore or hereafter issued under the hand of the Governor for the issue of a certificate of title in lieu of a Crown grant under the provisions of "The Land Transfer Act, 1885," or of any Act thereby repealed.</p> <p>3. The reservation in any warrant, as hereinbefore defined, of any right of road, or right to take or lay off any road, shall, as from the date of such warrant, have the like effect as if such reservation had been contained in a Crown grant on the like date of the land the subject thereof.</p> <p>Such reservation, and all rights existing by virtue thereof, shall be deemed sufficiently protected by the general reservation in any certificate of title of the right of the Crown to take and lay off roads under the provisions of any Act of the General Assembly, and no certificate of title shall be impeached on the ground of uncertainty or otherwise on account of any such reservation therein contained.</p> | <p>Title.</p> <p>Short Title.</p> <p>Interpretation.</p> <p>Reservation of road by Governor's warrant to have same effect as if reserved in Crown grant.</p> <p>Reservation of road in certificate of title not to vitiate the same.</p> |
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Certificate of title for balance of land not transferred may remain valid if sufficiently descriptive of such balance.

4. When any certificate of title is partially cancelled by indorsement thereon of a memorial of transfer of a portion of the land, the Registrar may at his discretion, if the portion transferred is clearly defined on the face of such certificate, allow the person entitled to the untransferred balance of the land to retain such certificate, and the same shall, as to such untransferred balance, remain in full force and virtue. 5

Cost of survey for correction of plans, &c., to be paid out of Assurance Fund.

5. The cost of any survey authorised by the Surveyor-General for correction of any Land Transfer plan or certificate shall be borne and paid by the Assurance Fund upon the certificate of the Surveyor-General that such survey has been duly made and was necessary for the purpose aforesaid. 10

Authorised surveyor may enter land to make survey.

6. Any surveyor authorised by the Surveyor-General to make or revise any survey required for the purposes of the Land Transfer Act may at any time in the daytime enter upon any land with such assistants and instruments as may be necessary, and may do all things necessary for such survey or revision in accordance with existing regulations in that behalf. 15

Before entry, such surveyor shall, when practicable, give reasonable notice to the owner or occupier of the land, and shall, if required by such owner or occupier, produce and show the authority under which he claims to enter as aforesaid. 20

Any person wilfully preventing or obstructing any survey authorised as aforesaid, or destroying, effacing, or removing any survey pegs or marks relating thereto, shall incur for each such offence a penalty not exceeding *twenty* pounds, and shall be liable to make good any loss or damage thereby occasioned. 25

The Surveyor-General may delegate his powers and duties under this Act to the Chief Surveyor of any district so far as the same are to be exercised within the limits of such district. 30

Mortgagee's right to distrain goods, &c., of mortgagor repealed.

7. So much of section ninety-six of "The Land Transfer Act, 1885," as gives to a mortgagee power to distrain and sell the goods and chattels of the mortgagor is hereby repealed.

Power to cancel surveyors' licenses.

8. The Surveyor-General, subject to the approval of the Governor, may revoke, either absolutely or for such time as he shall think fit, the license of any surveyor licensed under "The Land Transfer Act, 1885," upon the ground of negligence, incompetence, or misconduct on the part of such surveyor. Any person whose license is so cancelled shall cease to be a licensed surveyor from and after the day when a notification of such cancellation is gazetted. 35

Saving of interests not capable of registration.

9. No lease or agreement for lease for less than three years of any land or estate or interest in land under "The Land Transfer Act, 1885," shall be void by reason of anything in the said Act contained: Provided that, as against a registered proprietor without notice, any such lease or agreement made or entered into after the coming into operation of this Act shall be valid so long only as actual possession of the land shall go therewith.