

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE ON THE  
STATUTES AMENDMENT BILL]

*Hon. Mr Mason*

## LAND TRANSFER AMENDMENT

### ANALYSIS

Title  
1. Short Title

2. Bringing down encumbrances when  
lessee acquires fee simple  
3. When plan deemed to be deposited

### A BILL INTITULED

#### An Act to amend the Land Transfer Act 1952

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

1. **Short Title**—This Act may be cited as the Land Transfer Amendment Act 1960, and shall be read together with and deemed part of the Land Transfer Act 1952\* (hereinafter referred to as the principal Act).
- 10 2. **Bringing down encumbrances when lessee acquires fee simple**—The principal Act is hereby amended by inserting, after section 118, the following section:
- 15 “118A. (1) Where the registered lessee of any land acquires the fee simple estate in that land pursuant to a right or obligation to purchase contained in his lease (not being a lease under the Land Act 1948 or any former Land Act), the Registrar, upon the registration of the memorandum of transfer of the fee simple estate to that lessee or his personal representative,

\*1957 Reprint, Vol. 7, p. 615  
Amendments: 1958, No. 75; 1959, No. 29

and upon the request so to do by the transferee endorsed on or attached to the memorandum of transfer at the time of its registration, shall record on the title to the fee simple estate, in the order among themselves of their registered priority, all the registered encumbrances, liens, and interests to which the lease was subject at the time of registration of that memorandum of transfer or at the time of expiry of the term of the lease, whichever is the earlier; and thereupon the fee simple estate shall be subject to those encumbrances, liens, and interests.

“(2) Notwithstanding anything in section 37 hereof, any registered encumbrances, liens, and interests to which the fee simple estate is subject at the time of registration of the transfer shall have priority over those to which the estate is subject under subsection (1) of this section.

“(3) Where the Registrar considers it expedient so to do, he may make such entries on his register and on the duplicate certificate of title as he considers necessary to evidence any such priorities.

“(4) Encumbrances, liens, and interests recorded on the title to the fee simple estate in any land pursuant to subsection (1) of this section shall, when so recorded, no longer have effect to prevent the merger of the leasehold estate in the fee simple estate in respect of that land.”

**3. When plan deemed to be deposited**—Section 167 of the principal Act is hereby amended by adding the following subsection:

“(5) For the purposes of this Act a plan shall be deemed to be deposited when a certificate to that effect, endorsed on the plan and dated, is signed by the Registrar and sealed with his official seal. The date of deposit to be stated in the certificate shall be the date on which all requirements, statutory or otherwise, precedent to the deposit of the plan or incidental thereto have been complied with to the satisfaction of the Registrar.”