

LAND TRANSFER (AUTOMATION) AMENDMENT BILL

EXPLANATORY NOTE

General Policy Statement

The Government has commenced a programme to modernise the land titles system through the use of computer technology. The automated system will reduce the costs of administration and better meet the business requirements of its clients. The system of registration and recording is ideally suited to automation. At present registration is a manual and labour-intensive process. Administration is based on 12 districts, which largely correspond to the provincial boundaries existing in 1870 when the system was first set up. This Bill authorises the conversion of the manual titles system to an automated system and provides for ongoing registration using computers. It provides the opportunity to create 1 national register with a reduced number of branch offices. In addition, all powers and duties are vested in 1 official—the Registrar-General of Land (“the Registrar-General”). The Land Transfer Act 1952 (“the principal Act”) at present vests an original jurisdiction in the District Land Registrars of each of the 12 districts. An important goal of the modernization programme is to apply consistent decision-making under delegation from the Registrar-General across the whole country.

This Bill will enable the first phase of the automated system to be implemented. Further legislation will be required to authorise the second major phase of the modernization programme. At that time a wholly electronic conveyancing service linking all users of the land titles system—lawyers, banks, local authorities and others—with the registry in a seamless electronic system will be established.

It should be noted that, by virtue of the provisions of *Part 3* abolishing the office of District Land Registrar, vesting all the present powers of District Land Registrars in the Registrar-General, and giving the Registrar-General broad powers of delegation, most references in the Bill to the Registrar-General should be read as references to officers of the Land Registry Office acting under delegation from the Registrar-General. It is likely that the people in fact performing duties and exercising powers under the principal Act and the Bill immediately after the Bill’s commencement will be the people who were District Land Registrars or Assistant Land Registrars immediately before that commencement.

Clause by Clause Analysis

Clause 1 relates to the Bill's Short Title and commencement. The Bill comes into force on 1 February 1999.

PART 1

PRELIMINARY

Clause 2 defines certain terms that are not defined in the principal Act.

Clause 3 sets out in general terms the purposes of the Bill.

PART 2

AUTOMATION OF LAND TITLE SYSTEM

Clause 4 provides that once land becomes subject to this Bill matters required by law to be recorded or registered under the principal Act must instead be recorded or registered under the Bill. Land will otherwise remain subject to the principal Act.

Creation of Computer Registers

Clause 5 authorises the conversion of manual title records to a computer-based system. Upon conversion, the folium of the register constituted under section 33 of the principal Act is closed. When the registered proprietor's certificate of title is produced to the Registrar for any reason it must be cancelled, and a new computer certificate of title must be issued. Until it is cancelled, the certificate of title issued under the principal Act has full effect.

Clause 6 describes the information which must be included in the computer freehold register.

Clause 7 authorises the conversion to the computer system of interests less than freehold, provisional registers, and proclamations, etc. Leases, deeds of easement affecting land for which there is no certificate of title, forestry licences, and easement certificates affecting Crown land are included in the first category. Partition Orders issuing out of the Maori Land Court may be included in the provisional register. A facility may be established to record registration against proclamations. This is a flexible provision which ensures that leasehold certificates of title may be provided for in the computer system and enables interests which are not recorded against certificates of title to also be included. It also allows transactions affecting such matters to be registered in the computer system.

Clause 8 describes the information which must be included in the computer interest register.

Clause 9 empowers the creation of computer registers for unit titles. Although the Unit Titles Act 1972 draws heavily on the provisions of the principal Act it is a self-contained code and special provision must be made to align its machinery provisions with this Bill.

Clause 10 authorises computer registers for cross-lease and timeshare arrangements.

Clause 11 permits the registers to be held in any electronic, electromagnetic, optical, digital, or photographic process or system and any other means of recording or storing information.

Certificates of Title

Clause 12 authorises the issue of certificates of title after a computer register is created on the subdivision, amalgamation or constitution of a register for any land. Because they will be re-issued after every transaction is registered,

certificates of title issued under this Bill will contain only current information. There will still, however, be easy access to the historical record of matters previously recorded or registered, whether in the computer system or under the present system.

A separation will occur when, for example, a local authority removes a requirement that 2 or more allotments be held together.

Clause 13 provides that a certificate of title issued under the Bill must bear the New Zealand Coat of Arms, and be authenticated by being sealed by the Registrar-General. The sealing may be effected manually or by some automatic process (for example as part of the process by which the certificate is printed); and the certificate may have any additional authentication (for example distinctive paper) the Registrar-General thinks fit.

Clause 14 deals with the way certain statutory provisions must be read. If land is subject to the Bill, any references in the principal Act or in the Unit Titles Act 1972 to certificates of title that apply to that land must be read as references to the appropriate computer register. Where a provision in the principal Act or in any other Act authorises the Registrar to issue a certificate of title, the Registrar is authorised to create the appropriate computer register and issue a certificate of title under the Bill.

Easements

Clause 15 is designed in substitution for section 69 of the principal Act which incorporates the rights created by easements in the land having the benefit of the grant. In addition to achieving the same result for computer registers, the new provision also covers the situation where a computer register has been created in respect of 1 tenement affected by an easement and where other affected tenements are still held in manual folios under the principal Act. There is no limit on the number of tenements that may be affected by an easement—there could be up to 20 or 30. The section permits an easement to be described in identifiers in the computer register(s) and as memorials in the manual folio(s).

Registration and Access to the Register

Clause 16 is a key provision of *Part 2*. The New Zealand land titles system is used as a means of administering and enforcing a number of statutory systems, many of which are not directly connected with the registration and guarantee of title to land. As a consequence, while in comparable overseas jurisdictions there are perhaps 100 enactments affecting land titles, more than 900 New Zealand enactments affect the land titles system in some way or other.

Accordingly, while legislation in those jurisdictions providing for a computer-based registration system has amended relevant enactments directly, this clause provides that statutory requirements to take some action that supposes the existence and operation of a paper-based registration system (for example requirements to issue a certificate of title, or register some matter and then issue a certificate of title) may be satisfied by the taking of the appropriate equivalent action under the computer-based registration system envisaged by the Bill.

Clause 17 authorises registration to take place using modern information technology which in some instances may be used in combination with paper and where a requirement exists to make entries in the register or on a certificate of title these requirements may be satisfied by entries in the computer registers.

Clause 18 enables the Registrar-General to determine the definitive form of any instrument. The intention in most cases is that an instrument presented to the

Registrar-General will be copied or imaged, the copy or image will become the definitive form, and the instrument lodged will be returned.

Clause 19 authorises the Registrar-General to requisition an instrument presented for the registration of some matter under the Bill if some or all of it is unsuitable for imaging or the imaging process has been defective for any reason.

Clause 20 provides for the creation of unique identifiers for computer registers, and matters to be recorded in them.

The identifier for a computer register will serve the same purpose as a certificate of title number serves now; and will be used for the corresponding certificate of title issued under this Act.

The identifier for an instrument or plan will serve the same purpose as the number assigned to an instrument or plan on registration or deposit serves now.

Identifiers may be slightly more complex than the numbers now used, if only to differentiate between the present registration districts.

Clause 21 describes how registration is completed in the computer system.

Clause 22 establishes that the registers established under this Bill are registers for the purposes of the principal Act.

Clause 23 provides that the information in the computer system must be retained. A complete historical file will be maintained in the system or elsewhere.

Clause 24 extends to the computer register the right of search and the right to take copies.

Clause 25 permits registration to be received by post. Posted instruments are treated as presented for registration on the next day after receipt by the Registrar but before any other matter presented on that day in relation to the same land.

Caveats and notices under the Matrimonial Property Act 1976 will not be able to be presented by post for registration.

Evidentiary Provisions

Clause 26 is the equivalent of section 75 of the principal Act (which in future will apply only to land that has not become subject to the Bill), and prescribes the evidentiary effect of a certificate of title. In the computer system a certificate of title is conclusive unless the contrary is proved by the production of a statement by the Registrar.

Clause 27 makes admissible in evidence a computer printout of any instrument recorded in a medium other than paper when certified by the Registrar as a true representation of the instrument.

It is the equivalent of section 45 in the principal Act which provides for certified copies of the register to be admissible in evidence.

Sections 65–69 of Principal Act Excluded

Clause 28 excludes sections of the principal Act which are not relevant to computer registers.

PART 3

ADMINISTRATION

Clause 29 abolishes the offices of District Land Registrar, Assistant Land Registrar and Examiner of Titles and a subsequent provision gives all statutory powers to the Registrar. The Registrar will delegate powers to appropriate officers of the Department.

Clause 30 ensures that references to District Land Registrars in enactments other than the principal Act, and the references in the principal Act to District Land Registrars of particular districts are read as references to the Registrar-General. This has the effect of vesting all the powers of the District Land Registrar in the Registrar-General.

PART 4

AMENDMENTS TO PRINCIPAL ACT AND OTHER ACTS

Clause 31 amends the principal Act so as to make explicit something that has always been implicit—that the principal Act binds the Crown.

Clause 32 repeals section 3 of the principal Act, and substitutes a *new section 3*. *New section 3* provides for the alterations of boundaries, amalgamations or abolition of the existing registration districts. On the abolition of all of the districts a unified national register will replace the existing district registers.

Clause 33 repeals section 4 of the principal Act, and substitutes a *new section 4*. The *new section 4* does not repeat provisions for the appointments of District Land Registrars, Assistant Land Registrars, and Examiners of Titles. Instead it provides only for the appointment of a Registrar-General.

Clause 34 repeals sections 5 to 9, and substitutes 2 new sections.

New section 5 has no existing equivalent. It empowers the Registrar-General to delegate powers (excluding certain specified powers that will remain with him or her) to employees of Land Information New Zealand (“LINZ”). For the most part, the powers delegated will be those at present exercised by District Land Registrars and Assistant Land Registrars.

New section 6 provides for the Registrar-General’s seal of office to be used in place of the seals of the individual District Land Registrars.

The present section 5 of the principal Act (which relates to the appointment of deputies) and section 6 (which enables offices to be held concurrently) are not replaced.

The present section 7 of the principal Act (which requires the Registrar-General, District Land Registrars, and Examiners of Titles to be legally qualified) is not replaced; but the requirement for the Registrar-General to be legally qualified is continued in proposed *new section 4*.

The present section 8 (which makes officers appointed under the principal Act “subject to the provisions of any Act for the time being regulating the Public Service”) is not replaced; but proposed *new section 4* (which requires the Registrar-General to be appointed under the State Sector Act 1988) and proposed *new section 5* (which requires delegates of the Registrar-General’s powers and functions to be employees of LINZ) together have the same effect.

Clause 35 repeals section 216 of the principal Act, and substitutes a *new section 216*.

Proposed *new section 216* gives an initial right to refer to the Registrar-General for reconsideration decisions made by employees of LINZ under delegation from the Registrar-General.

Clause 36 adds to section 225 of the principal Act (which specifies offences in relation to the fraudulent obtaining of title to land) a new offence relating to the fraudulent recording of information on the computer system.

Clause 37 adds to section 226 of the principal Act (which specifies certain other offences in relation to title to land) new offences relating to the operation of the computer system.

Clause 38 authorises the Registrar-General to approve credit arrangements for the payment of fees and provides for interest on overdue fees to be prescribed by regulation.

Clause 39 adds to section 236 of the principal Act (which empowers the making of regulations) a general power to make regulations providing for any other matters contemplated by or necessary for giving full effect to the principal Act or to this Bill and for their due administration.

Clause 40 re-enacts section 241 of the principal Act in a form in which the Registrar-General or his or her delegates take the place of the District Land Registrar in Court proceedings.

Clause 41 repeals and replaces section 243 of the principal Act (which protects officers of the Land Registry Office from personal liability when acting under the principal Act), to reflect the abolition of the offices of District Land Registrar, Assistant Land Registrar, and Examiner of Titles and the establishment of a system under which powers formally exercised by the holders of those offices are to be exercised by employees of LINZ under delegation from the Registrar-General. The protection given by the new section is substantially the same as that given by the existing section, except that the new section clarifies that the protection also applies to persons who attempt to exercise powers they genuinely and reasonably, but mistakenly, believe they have. The protection will also apply to persons who held office under the principal Act before the commencement of the Bill.

Clause 42 makes consequential amendments to the principal Act, the Land Transfer Amendment Act 1963, the Land Transfer (Hawke's Bay) Act 1931 and the Land Transfer (Hawke's Bay) Amendment Act 1933.

SCHEDULES
Schedule 1
Amendments to Principal Act
Schedule 2
Amendments to Land Transfer Amendment Act 1963

Schedule 3
Amendments to Land Transfer (Hawke's Bay) Act 1931 and Land Transfer (Hawke's Bay) Amendment Act 1933

A BILL INTITULED

An Act to amend the Land Transfer Act 1952 and to make provision for automation of the land titles system in New Zealand

BE IT ENACTED by the Parliament of New Zealand as follows: 5

- 1. Short Title and commencement**—(1) This Act may be cited as the Land Transfer (Automation) Amendment Act 1998, and is part of the Land Transfer Act 1952 (“the principal Act”).
 (2) This Act comes into force on 1 February 1999.

PART 1 10

PRELIMINARY

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

“Computer freehold register” means a computer freehold register created by the Registrar under **section 5:** 15

“Computer interest register” means a computer interest register created by the Registrar under **section 7:**

“Computer register” means all or any of a computer freehold register, computer interest register, or computer unit title register, as the case requires: 20

“Computer unit title register” means a computer unit title register created by the Registrar under **section 9:**

“Medium” includes any electronic, electromagnetic, optical, digital, or photographic process or system and any other means of recording or storing information: 25

“Register” means the register referred to in the principal Act.

(2) Words and expressions defined in the principal Act have the same meanings in this Act. 30

3. Purpose—The purposes of this Act are (while preserving the integrity and underlying purposes and principles of the principal Act)—

- (a) To enable the use of modern information technology—

- (i) To register instruments, dealings, and other matters under the principal Act; and
- (ii) To record and store particulars of instruments, dealings, and other matters relating to land and title to land registered under the principal Act; and
- 5 (b) To enable the undertaking of preliminary steps towards the automation of transactions relating to land and title to land; and
- 10 (c) Otherwise to provide for the more efficient operation of the principal Act.

PART 2

AUTOMATION OF LAND TITLE SYSTEM

4. Recording and registration of certain matters to be effected under this Act—Where land is subject to this Act,—

- 15 (a) That land does not cease to be subject to the principal Act; and
- (b) Every matter required by the principal Act, or any other enactment, to be entered, noted, deposited, recorded, registered, or stated in respect of it under the principal Act must instead be done under this Act; and
- 20 (c) The principal Act and every other enactment has effect accordingly.

Creation of Computer Registers

25 **5. Creation of computer freehold registers for freehold land**—(1) The Registrar may create a computer freehold register for any freehold interest in land that is subject to the principal Act.

30 (2) Where a computer freehold register is created for any land, the land becomes subject to this Act and remains subject to the principal Act.

(3) Where a computer freehold register for any land is created under this section,—

- 35 (a) The relevant folium established under section 33 of the principal Act is closed; and
- (b) A certificate of title must be issued under **section 12**, but until that occurs the certificate of title issued under the principal Act remains in force; and
- 40 (c) If any instrument has been registered or deposited under the principal Act in respect of that land, or is subsequently lodged for registration or deposit, the

instrument may be held in its definitive form as determined by the Registrar.

(4) The Registrar need not create a computer freehold register for any land in any particular case if in his or her opinion it is not expedient to do so.

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6. Content of computer freehold registers—Each computer freehold register must comprise—

(a) The unique identifier for that computer freehold register:

(b) A unique description of the land in a form determined by the Registrar from time to time:

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(c) The unique identifier for each instrument relevant to the land and the information necessary to enable its priority to be determined:

(d) The name of the registered proprietor of the freehold interest in the land:

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(e) Any minority or other restriction on the legal capacity of the registered proprietor that is known to the Registrar:

(f) Any other information that is required to be included by any Act or regulation, or that the Registrar considers appropriate to give effect to the requirements of any Act or regulation.

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7. Creation of computer interest registers—(1) In this section, “interest” means—

(a) A lease registered or to be registered under the principal Act; or

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(b) Any matter or interest less than the freehold incorporated or embodied as a folium of the Register under the principal Act; or

(c) Any matter or interest embodied as a folium of the provisional register; or

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(d) Any other matter incorporated or embodied in any other register in a Land Registry Office; or

(e) Any proclamation or notice published in the *Gazette* and registered or to be registered in a Land Registry Office.

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(2) The Registrar may create a computer interest register for any interest that is required or permitted to be registered.

(3) Where a computer interest register is created for any interest, the interest becomes subject to this Act and, if subject to the principal Act, remains subject to the principal Act.

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(4) The Registrar need not create a computer interest register for any interest in any particular case if in his or her opinion it is not expedient to do so.

5 (5) If the principal Act or any other enactment directs or empowers the Registrar to incorporate or embody any registered interest or any other matter as a folium of the Register or provisional register, or in any other register in a Land Registry Office, it is sufficient if the Registrar instead creates a computer interest register for that interest.

10 (6) A requirement in any enactment to certify, endorse, note, notify, or record any matter, information, or thing against, in, or on any instrument for which the Registrar has created a computer interest register is satisfied if the Registrar records the matter, information, or thing in the computer interest
15 register.

8. Content of computer interest registers—Each computer interest register must comprise—

- (a) The unique identifier for that computer interest register:
- (b) A general description of the interest:
- 20 (c) The unique identifier for each instrument relevant to the interest and the information necessary to enable its priority to be determined:
- (d) The date on which the interest was registered:
- (e) The name of the registered proprietor of the interest:
- 25 (f) Any minority or other restriction on the legal capacity of the registered proprietor that is known to the Registrar:
- (g) Any other information that is required to be included by any Act or regulation, or that the Registrar considers
30 appropriate to give effect to the requirements of any Act or regulation.

9. Creation of computer unit title registers for unit titles—(1) The Registrar may create a computer unit title register for any principal unit (and any associated accessory
35 units) under the Unit Titles Act 1972 by—

- (a) Devising unique identifiers for the computer unit title register, and those elements of the information concerned (including information recorded on a supplementary record sheet) that need identifiers; and
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- (b) Using the computer system to record—
 - (i) The unique identifier devised for the computer unit title register; and

- (ii) The time at which the principal unit was originally registered; and
- (iii) The information and unique identifiers concerned.
- (2) Where the Unit Titles Act 1972 directs the Registrar to issue a certificate of title,— 5
- (a) It is sufficient if the Registrar creates a computer unit title register under **subsection (1)** for the unit or units concerned and issues a certificate of title; but
- (b) The stratum estate concerned is subject, and the computer unit title register must state that it is subject (in addition to any other matters) to all reservations, restrictions, encumbrances, liens and interests— 10
- (i) Entered on the unit plan; or 15
- (ii) Recorded under **subsection (1) (b) (iii)** (having formerly been entered on a supplementary record sheet); or
- (iii) Recorded under **subsection (6)** (instead of being entered on a supplementary record sheet or the unit plan). 20
- (3) Where the Unit Titles Act 1972 directs the Registrar to make an entry in or on the Register, or on a certificate of title, or a duplicate of a certificate of title, in respect of a unit or units for which no computer unit title register has been created under **subsection (1)**, it is sufficient if the Registrar— 25
- (a) Creates a computer unit title register under **subsection (1)** for the unit or units concerned; and
- (b) Records in it the matter required to be entered; and
- (c) Issues a certificate of title accordingly. 30
- (4) Where the Unit Titles Act 1972 directs the Registrar to make an entry in or on the Register, or a certificate of title, or a duplicate of a certificate of title, in respect of a unit or units for which a computer unit title register has been created under **subsection (1)**, it is sufficient if the Registrar— 35
- (a) Records in the computer unit title the matter required to be entered; and
- (b) Issues a certificate of title accordingly.
- (5) To the extent that they are applicable, and with any necessary modifications, the provisions of this Part apply to a unit or units in respect of which a computer unit title register has been created under **subsection (1)** as if it were a computer freehold register. 40
- (6) Where the Unit Titles Act 1972 directs the Registrar to make an entry on a supplementary record sheet or unit plan 45

deposited under that Act, it is sufficient if the Registrar records the entry under this Act.

5 **10. Composite computer registers**—Where the Registrar considers it appropriate, he or she may create a composite computer register comprising all or any of a computer freehold register, computer interest register, and computer unit title register; and composite certificates of title may be issued accordingly.

10 **11. Format of computer registers**—A computer register may be held or stored in any medium which will enable it to be maintained or accessed for the purposes of this Act and the principal Act, or for any other lawful purpose.

Certificates of Title

15 **12. Issue of certificates of title**—(1) This section applies whenever a registered proprietor seeks a certificate of title under this Act for any purpose, including any amalgamation, subdivision, or separation.

20 (2) On creating a new computer freehold register, a computer interest register for a lease registered or to be registered under the principal Act, or a computer unit title register, or on making an entry on a computer freehold register or computer interest register relating to a matter described in **section 17 (2)**, the Registrar must—

- 25 (a) Prepare a new certificate of title; and
 (b) Cancel any other relevant certificate of title relating to the land that is in the Registrar's custody, and issue the new certificate in its place; and
 (c) Give the new certificate to the person who would otherwise be entitled to receive the certificate of title.

30 (3) The Registrar may not issue a certificate of title under **subsection (2)** unless any previous relevant certificate of title has been produced and cancelled, or the Registrar has dispensed with production of the previous relevant certificate of title and that dispensation is recorded in the new certificate of title.

35 **13. Format of certificates of title**—The format of the certificate of title issued under **section 12** must be determined by the Registrar and must include a representation of the New Zealand Coat of Arms and the seal of the Registrar.

40 **14. References to certificates of title**—(1) If a reference in the principal Act or the Unit Titles Act 1972 to a certificate of

title is a reference to a folium of the Register, it must be read in relation to any land subject to this Act as a reference to the appropriate computer register.

(2) If a reference in the principal Act or the Unit Titles Act 1972 to a certificate of title or duplicate certificate of title is a reference to a certificate of title issued or capable of being issued to the registered proprietor of an estate or interest in any land, it must be read as a reference to the appropriate computer register. 5

(3) Where the Registrar is authorised or directed by the principal Act or any other Act to issue a certificate of title, the Registrar is authorised to create the appropriate computer register and issue the certificate of title under this Act. 10

(4) References to the issue of a certificate of title in the principal Act or any other Act are to be read in relation to land that is subject to this Act as references to the creation of a computer register and the issue of a certificate of title. 15

Easements

15. How easement to be recorded—(1) Whenever any easement or incorporeal right (other than an annuity or rentcharge) in or over any land under this Act or the principal Act is created for the purpose of being annexed to, or used and enjoyed together with, other land under this Act or the principal Act, the Registrar must enter a unique identifier or a memorial of the instrument creating that easement or incorporeal right on the computer register and any certificate of title for the other land. 20 25

(2) That memorial or identifier has, as from the date of its entry, the effect of including the easement or incorporeal right in the computer register and certificate of title. 30

Registration and Access to Register

16. Registration authorised by other statutes—(1) Every requirement or direction of the kind specified in **subsection (2)** is satisfied by the creation under this Act of one or more computer registers for the land concerned, or the recording of an entry in the relevant computer register, as appropriate. 35

(2) The requirements and directions referred to in **subsection (1)** arise where registration is to occur under the principal Act or is directed to take place by any other Act, and—

- (a) That registration requires the issue of a certificate of title for the land concerned; or 40
- (b) The Registrar is directed to issue a certificate of title or amend a certificate of title; or

(c) The Registrar is directed to make an entry in the Register or endorse a memorial on a certificate of title; or

5 (d) The Registrar is directed to file or deposit any instrument or covenant, notice, or resolution in a Land Registry Office.

(3) Where there is a direction in any enactment to certify, endorse, note, notify, or record, any matter, information, or thing against, in, or on a document held in any Land Registry Office (whether or not the direction also applies to the
10 outstanding duplicate of that document), the direction—

(a) Is satisfied if the Registrar records the matter, information, or thing in the computer register in respect of that document; and

15 (b) Does not require the document held in the Land Registry Office or the outstanding duplicate of that document to be certified, endorsed, noted, notified, or recorded.

(4) This section prevails over sections 40 and 42 of the principal Act.

17. Format of registered instruments—(1) The Registrar
20 may authorise the registration or deposit of instruments, and the recording of information, in any medium or on paper.

(2) The Registrar may make an entry in any existing computer register or create a new computer register where a
lawful requirement exists that—

25 (a) A memorial or memorandum be entered in the Register or endorsed on a certificate of title or on the duplicate certificate of title; or

(b) Any other entry or endorsement or notation be made in
30 the Register or on a certificate of title or on the duplicate certificate of title.

(3) This section prevails over section 40 of the principal Act.

18. Registrar may copy instrument and return original—(1) At any time after an instrument has been
35 presented or received under the principal Act, this Act, or any other Act, the Registrar may—

(a) Make a copy or take an image of that instrument in a paper or other medium that then becomes the definitive form of that instrument; and

40 (b) Return the instrument (and any extra copies presented) to the person who presented it with a notation that it has been copied or imaged under this section.

(2) In the absence of proof to the contrary, every matter arising under the principal Act or this Act relating to an

instrument to which this section applies must, for all purposes, be effected and determined as if the instrument had been created in its definitive form for the time being.

(3) Where the Registrar acts under this section, section 38 (1) of the principal Act does not apply.

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19. Instrument presented but copying or imaging defective—(1) In addition to the powers under section 43 of the principal Act, the Registrar may refuse to complete or proceed with the registration of the instrument or do any act or make any entry if the copying or imaging of the instrument or any related instrument has proved to be defective for any reason.

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(2) Where **subsection (1)** applies, the Registrar must notify the person to whom the instrument has been returned and arrange for its resubmission for copying or imaging.

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(3) Where this section applies,—

(a) The priority of the instrument is not affected so long as the instrument is resubmitted within 2 months or such other period as the Registrar may allow; and

(b) The Registrar must contribute, to the extent prescribed, to the costs or expenses incurred in resubmitting the instrument; and

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(c) Where any instrument is not resubmitted in accordance with this section, it is to be treated as not having been presented for registration.

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20. Unique identifiers—The Registrar may assign a unique identifier—

(a) For every instrument presented to, deposited with, or registered by the Registrar; and

(b) For every computer register created by the Registrar.

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21. How registration effected—(1) The registration of an instrument or other matter under this Act is effected when the Registrar enters the identifier for the instrument or matter in the relevant computer register.

(2) Section 34 of the principal Act does not apply where registration is effected under this Act.

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22. Information to become part of Register—(1) All information at any time registered under this Act is part of the Register.

(2) This section does not affect the limitation imposed by section 155A (5) of the principal Act.

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(3) This section does not apply to any information that is expressly provided by any other Act not to form part of the Register.

5 **23. Information to be retained**—All information at any time recorded in the computer system must be retained by the Registrar either in the computer system or elsewhere, even if—
 (a) It was erroneous and has been corrected; or
 (b) It is an old description that has been superseded; or
 (c) It was but is no longer current information; or
10 (d) The computer system is no longer being maintained.

24. Rights to search and copy information—(1) The right of access to the Register conferred by section 46 of the principal Act—
15 (a) Has effect as a right to search or examine an instrument in its definitive form as determined under this Act; and
 (b) If the Registrar also holds the instrument in any other form, extends to the document in that form.
 (2) Any right conferred by the principal Act or any other Act
20 to have a copy of an instrument has effect as a right to have a copy of an instrument taken from its definitive form as determined under this Act.
 (3) Any right to search or have a copy of an instrument in the Register is a right to a paper document that shows the
25 information contained in that instrument.
 (4) The rights under this section are in each case subject to payment of any prescribed fee.

25. Presentation by post—(1) Where any instrument is presented to the Registrar by post, it must be treated as having
30 been presented for registration on the business day after the day on which it is received by the Registrar and before any other matter presented on the day of registration in relation to that land.
 (2) Where 2 or more instruments received by post relate to
35 the same land, they have priority as between themselves in the order in which they were date and time stamped as received by the Registrar.
 (3) This section prevails over section 37 (1) of the principal Act.
40 (4) No caveat of any kind or notice of claim under the Matrimonial Property Act 1976 may be presented to the Registrar by post.

Evidentiary Provisions

- 26. Evidentiary effect of certificates of title—**(1) An instrument appearing to be in the format prescribed for a certificate of title issued under this Act and not appearing to have been altered in any way— 5
- (a) Must be received in all Courts as evidence of—
 - (i) The information it contains; and
 - (ii) The recording of that information in the Register; and
 - (b) Is conclusive evidence that at the time it was issued the information shown on it identified all of the interests and other matters in the computer register concerned; and 10
 - (c) Unless the contrary is proved by the production of a statement by the Registrar under **subsection (2)**, is conclusive evidence that— 15
 - (i) The person named in the certificate (or in any information forming part of it) as holding an estate or interest in land to which it relates holds that estate or interest as from the date of the certificate or as from the date from which it is expressed to take effect; and 20
 - (ii) The land to which it relates is subject to the principal Act and this Act.
- (2) In the absence of proof to the contrary, a statement certified by or on behalf of the Registrar as to any matters recorded under this Act is conclusive evidence of those matters. 25
- (3) In the absence of proof to the contrary, the fact that a statement relating to any matter referred to in **subsection (2)** purports to be certified by or on behalf of the Registrar is conclusive evidence that it is certified by or on behalf of the Registrar. 30
- 27. Computer printout, etc, admissible in evidence—**
Where an instrument is recorded or registered in any medium other than paper, a document that represents the instrument is admissible in evidence to the same extent as the original instrument, if the document— 35
- (a) Is generated by or produced from the computer system; and
 - (b) Is in a readily understandable form; and
 - (c) Is certified by or on behalf of the Registrar as a true representation of the instrument. 40

Sections 65 to 69 of Principal Act Excluded

28. Certain provisions of principal Act not to apply in respect of certificates of title issued under this Act—

5 (1) Sections 65 to 69 of the principal Act do not apply where a certificate of title has been created for the land concerned under this Act.

PART 3

ADMINISTRATION

10 **29. Offices of District Land Registrars, Assistant Land Registrars, and Examiners of Titles abolished—**(1) The offices of District Land Registrar, Assistant Land Registrar, and Examiner of Titles are abolished.

15 (2) Those persons holding office as District Land Registrar, Assistant Land Registrar, or Examiner of Titles immediately before the commencement of this section do not cease to be employees of the chief executive of the Department by reason of the abolition of the offices they hold.

30. Statutory references to District Land Registrars—

20 (1) This section applies to every reference in any enactment other than this Act to—

- (a) A District Land Registrar generally; or
- (b) The District Land Registrar of a specified district; or
- (c) The District Land Registrar of the district in which any land is situated.

25 (2) Every reference to which this section applies must be read as a reference to the Registrar and references to land being within a district must be disregarded.

(3) The references to a Registrar in sections 225 and 226 of the principal Act include District Land Registrars.

30

PART 4

AMENDMENTS TO PRINCIPAL ACT AND OTHER ACTS

31. Act binds the Crown—The principal Act is amended by inserting, after section 2, the following section:

“2A. This Act binds the Crown.”

35 **32. Land Registration Districts—**The principal Act is amended by repealing section 3, and substituting the following section:

40 “3.(1) The land registration districts existing at the commencement of the Land Transfer (Automation) Amendment Act 1998 continue until altered under subsection (2).

“(2) The Governor-General may from time to time, by Order in Council,—

“(a) Alter the boundaries of any district:

“(b) Amalgamate any 2 or more districts:

“(c) Create new districts: 5

“(d) Assign a name to any district:

“(e) Abolish all districts.

“(3) The making of an Order in Council under **subsection (2)** does not require any register, computer register within the meaning of the Land Transfer (Automation) Amendment Act 1998, provisional register, books, or indexes to be altered or amalgamated, but the Registrar may do so if appropriate.” 10

33. Registrar-General of Land—(1) The principal Act is amended by repealing section 4, and substituting the following section: 15

“4. (1) There must be a Registrar-General of Land, appointed under the State Sector Act 1988.

“(2) No person may be appointed Registrar-General, and no person may be directed under section 62 (1) of the State Sector Act 1988 to exercise or perform any power or duty of the Registrar-General, unless that person is a barrister and solicitor of the High Court.” 20

(2) The person holding office as Registrar-General immediately before the commencement of this Act continues in office and is deemed to have been appointed under **section 4 (1)** of the principal Act as enacted by **subsection (1)**. 25

34. New sections substituted—The principal Act is amended by repealing sections 5 to 9, and substituting the following sections:

“5. Delegation of Registrar’s powers and duties— 30
(1) The Registrar may from time to time, either generally or particularly, delegate to any employee of the chief executive of the Department any of the Registrar’s powers or duties other than—

“(a) Any power or duty under any of sections 172, 172A, 173, 175, **216**, 217, 218, 222, 225, 226, 229, 231, 232, and 238 of the principal Act: 35

“(b) The power of delegation conferred by this section.

“(2) Any delegation may be made to a specified person or to persons of a specified class, or to the holder or holders of a specified office. 40

“(3) Every delegation is revocable in writing at any time.

“(4) No delegation affects or prevents the exercise of any power or the performance of any duty by the Registrar, nor does it affect the responsibility of the Registrar for the actions of any person acting under the delegation.

5 “(5) Any delegation continues in force according to its tenor, despite any change in the person holding office as the Registrar.

“(6) Subject to any general or special directions given by the Registrar, the person to whom any powers or duties are delegated may exercise those powers or perform those duties in the same manner and with the same effect as if they had been conferred on that person directly and not by delegation.

“(7) In the absence of proof to the contrary, an employee of the chief executive of the Department purporting to act under a delegation under this section is presumed to be acting in accordance with its terms.

15 “**6. Registrar to have seal of office**—(1) The Registrar must have and use a seal of office, bearing the impression of the New Zealand Coat of Arms and having inscribed the words
20 ‘Registrar-General of Land, New Zealand’.

“(2) Every instrument bearing a representation of the Registrar’s seal and purporting to be issued by or on behalf of the Registrar is, in the absence of proof to the contrary, to be treated as having been issued by or under the direction of the
25 Registrar.

“(3) Nothing in this section affects the validity of any document signed before the commencement of the Land Transfer (Automation) Amendment Act 1998 and bearing the imprint of the seal of a District Land Registrar or bearing the impression of the Royal Arms instead of the New Zealand
30 Arms.”

35. Review by Registrar of decision—The principal Act is amended by repealing section 216, and substituting the following section:

35 “216. (1) Any proprietor or claimant to any land, estate, or interest who is dissatisfied by any decision by the Registrar or a person acting under delegated authority in relation to the land, estate, or interest may refer the matter, by notice in writing, to the Registrar for reconsideration.

40 “(2) The Registrar may make any investigation into the matter that the Registrar sees fit.

“(3) The Registrar may require the aggrieved person to provide any evidence, information, or explanation that is relevant to the matter.

“(4) The Registrar must, if the aggrieved person so requests, give that person an opportunity of being heard by him or her. 5

“(5) As soon as practicable, the Registrar must decide the matter by—

“(a) Confirming the decision or the refusal to act; or

“(b) Substituting such decision as the Registrar thinks fit.

“(6) The Registrar must furnish to the aggrieved person 10 written reasons for the Registrar’s decision.

“(7) This section applies to every decision of a District Land Registrar or Assistant Land Registrar as if it were a decision of a delegate of the Registrar.”

36. Fraudulently procuring certificate of title, etc— 15

(1) Section 225 (1) of the principal Act is amended by inserting, after paragraph (a), the following paragraph:

“(ab) Fraudulently procures, assists in fraudulently procuring, or is privy to the fraudulent procurement of—

“(i) The recording of any information, matter, or 20 thing under the Land Transfer (Automation) Amendment Act 1998; or

“(ii) The deletion or alteration of any information, matter, or thing recorded under that Act; or”.

(2) Section 225 (2) of the principal Act is amended by 25 inserting, after the word “erasure,”, the words “recording, deletion,”.

37. Other offences under Act—Section 226 of the principal Act is amended by inserting, after paragraph (f) the following paragraphs: 30

“(fa) Fraudulently copies, images, records, or registers any information under the Land Transfer (Automation) Amendment Act 1998; or

“(fb) Fraudulently does or omits to do any act for the purpose of copying, imaging, recording or 35 registering any information under the Land Transfer (Automation) Amendment Act 1998; or

“(fc) Without being authorised by the Registrar to do so,—

“(i) Connects the computer system referred to in the Land Transfer (Automation) Amendment Act 40 1998 to any other computer, or to any terminal or other installation connected to or forming part of any other computer; or

“(ii) Operates or attempts to operate that system (whether by means of any device or apparatus that is part of that system, or by any other means); or
“(iii) Modifies the programming of that system; or”.

5

38. Fees—(1) Section 235 (2) of the principal Act is amended by adding the words “or the Registrar has approved a credit arrangement for the payment of the fee”.

(2) Section 235 of the principal Act is amended by repealing subsection (3), and substituting the following subsection:

10 “(3) Regulations made under this Act may prescribe—

“(a) That interest is payable on any unpaid fee at the rate prescribed for the time being under section 87 of the Judicature Act 1908; and

15 “(b) The circumstances and manner in which that interest is to be paid.”

39. Regulations—Section 236 of the principal Act is amended by adding the following paragraph:

20 “(e) Providing for any other matters contemplated by or necessary for giving full effect to this Act or to the Land Transfer (Automation) Amendment Act 1998 and for their due administration.”

40. Registrar not obliged to produce registers or attend Court—The principal Act is amended by repealing section 241, and substituting the following section:

25 “241. (1) Neither the Registrar nor any delegate of the Registrar is obliged to—

30 “(a) Produce any register or other instrument in his or her custody as the Registrar or Registrar’s delegate in any Court or place other than an office of the Department except by order of the High Court; or

“(b) Attend any Court or other hearing or proceeding, except by order of the High Court.

35 “(2) The High Court may not make an order under **subsection (1) (a)** or **subsection (1) (b)** unless the Court is satisfied that production or personal attendance is necessary and that the required evidence cannot be given by certified copy of the register or instrument.”

41. Personal liability—The principal Act is amended by 40 repealing section 243, and substituting the following section:

“243. (1) Neither the Registrar nor any delegate of the Registrar is personally liable for any act done or omitted in the performance or exercise or intended performance or exercise of a duty or power vested in the Registrar, or a duty or power that the person believes on reasonable grounds to be vested in the Registrar, by this or any other Act. 5

“(2) No person who held an office under this Act before the commencement of the Land Transfer (Automation) Amendment Act 1998 is personally liable for any act done or omitted in the performance or exercise or intended performance or exercise of a duty or power vested in that office, or a duty or power that the person believed on reasonable grounds was vested in the office, by this or any other Act.” 10

42. Other amendments—(1) The principal Act is amended in the manner indicated in **Schedule 1**. 15

(2) The Land Transfer Amendment Act 1963 is amended in the manner indicated in **Schedule 2**.

(3) The Land Transfer (Hawke’s Bay) Act 1931 and the Land Transfer (Hawke’s Bay) Amendment Act 1933 are amended in the manner indicated in **Schedule 3**. 20

SCHEDULES

SCHEDULE 1

Section 42 (1)

AMENDMENTS TO PRINCIPAL ACT

Enactment	Amendment
<p>1952, No. 52—The Land Transfer Act 1952 (R.S. Vol. 22, p. 531)</p>	<p>By repealing the definitions in section 2 of the terms “Registrar” and “Examiner”.</p> <p>By inserting, in their appropriate alphabetical order, the following definitions:</p> <p>“‘Department’ means Land Information New Zealand, or such other department or ministry as has, with the authority of the Prime Minister, for the time being assumed responsibility for the administration of this Act:</p> <p>“‘Each Registrar’ or ‘every Registrar’ means the Registrar-General, acting in respect of each district.”.</p> <p>By adding to the definition of the term “endorsement” in section 2 the words “and any similar addition to an instrument in a medium other than paper:”.</p> <p>By adding to the definition of the term “the Land Transfer Acts” in section 2 the words “and the Land Transfer (Automation) Amendment Act 1998:”.</p> <p>By repealing the definition of the term “Registrar-General” in section 2, and substituting the following definition:</p> <p>“‘Registrar-General’, means the Registrar-General of Land appointed under section 4 (1); and ‘Registrar’ has the corresponding meaning:”.</p> <p>By repealing section 12, and substituting the following section:</p> <p>“12. Issue of certificate of title in lieu of Crown grant—(1) A Crown grant may not be issued for any land subject to the provisions of this Act; but in lieu of a grant the Governor-General may by warrant direct the Registrar to—</p> <p>“(a) Issue a certificate of title for the land in Form No. 1 in the First Schedule; or</p> <p>“(b) Record the appropriate information in the register under the Land Transfer (Automation)</p>

SCHEDULE 1—*continued*AMENDMENTS TO PRINCIPAL ACT—*continued*

Enactment	Amendment
1952, No. 52—The Land Transfer Act 1952 (R.S. Vol. 22, p. 531)— <i>continued</i>	<p>Amendment Act 1998 and issue a certificate of title accordingly.</p> <p>“(2) The—</p> <p>“(a) Issue of a certificate of title under subsection (1)(a), when signed and registered; or</p> <p>“(b) Recording of information in the register under subsection (1)(b), when effected,—</p> <p>has the force and effect of a Crown grant.</p> <p>“(3) This section and sections 14, 17, and 18 of this Act are subject to section 116 of the Land Act 1948, and—</p> <p>“(a) The form of a certificate of title; or</p> <p>“(b) The form in which information is recorded in the register,—</p> <p>may be varied as required by the operation of that section.”</p> <p>By repealing section 22.</p> <p>By omitting from section 23 the words “and Examiner”.</p> <p>By omitting from section 23 the word “district”, and substituting the word “locality”.</p> <p>By omitting from section 24 the words “and Examiner”.</p> <p>By omitting from section 25 (in all 3 places where they occur) the words “and Examiner”.</p> <p>By repealing section 27, and substituting the following section:</p> <p>“27. If no caveat lodged, Registrar may bring land under Act—(1) The Registrar must (by acting under subsection (2)) bring under this Act the land described in any application if, at the expiration of the time limited in respect of the application, it appears to the Registrar that—</p> <p>“(a) All necessary notices have been given; and</p> <p>“(b) No caveats have been lodged; and</p>

SCHEDULE 1—*continued*

AMENDMENTS TO PRINCIPAL ACT—*continued*

Enactment	Amendment
<p>1952, No. 52—The Land Transfer Act 1952 (R.S. Vol. 22, p. 531)—<i>continued</i></p>	<p>“(c) No sufficient cause to the contrary appears.</p> <p>“(2) The Registrar must—</p> <p>“(a) Issue to the applicant or a person specified in writing by the applicant, a certificate of title for the land in Form No. 2 in the First Schedule; or</p> <p>“(b) Record the appropriate information in the register under the Land Transfer (Automation) Amendment Act 1998 and issue a title certificate accordingly.”</p> <p>By omitting from section 26 the words “the Land Registry Office of the district”, and substituting the words “an appropriate office of the Registrar”.</p> <p>By omitting from section 28 (in both places where they occur) the words “and Examiner”.</p> <p>By adding to section 36 the following subsection:</p> <p>“(3) The Registrar may waive the requirement for any instrument or class of instruments to be presented for registration in duplicate.”</p> <p>By omitting from section 41 (1) the words “in manner hereinbefore prescribed”, and substituting the words “under this Act or the Land Transfer (Automation) Amendment Act 1998”.</p> <p>By inserting in section 43, after subsection (1), the following subsection:</p> <p>“(1A) Where the Registrar makes a finding under subsection (1), but has already returned the instrument lodged for registration (other than pursuant to subsection (1) (a)), the Registrar must give a notice to the person by whom the instrument was lodged specifying that—</p> <p>“(a) The return of the instrument is to be regarded as having been made under subsection (1) (a);</p> <p>or</p>

SCHEDULE 1—*continued*AMENDMENTS TO PRINCIPAL ACT—*continued*

Enactment	Amendment
1952, No. 52—The Land Transfer Act 1952 (R.S. Vol. 22, p. 531)— <i>continued</i>	<p>“(b) The instrument is to be regarded as having been retained pursuant to subsection (1) (b),— and the instrument must be treated as so returned or retained for the purposes of this section.”</p> <p>By repealing subsections (5) and (7) of section 43.</p> <p>By omitting from section 44 (1) the words “and Examiner, in case they see”, and substituting the words “where he or she has”.</p> <p>By omitting from the proviso to section 44 (2) the word “district”, and substituting the word “locality”.</p> <p>By repealing section 48.</p> <p>By repealing section 55.</p> <p>By inserting in section 78, after the words “certificate of title”, the words “or computer register as defined in the Land Transfer (Automation) Amendment Act 1998”.</p> <p>By adding to section 90C the following subsection: “(6) References in this section and section 90D to easement certificates include computer interest registers under the Land Transfer (Automation) Amendment Act 1998.”</p> <p>By repealing subsection (3) of section 102, and substituting the following subsection: “(3) The memorandum may be registered under this Act or the Land Transfer (Automation) Amendment Act 1998.”</p> <p>By inserting in section 103 (1), after the words “section 37 hereof”, the words “or section 25 of the Land Transfer (Automation) Amendment Act 1998.”</p> <p>By repealing subsection (5) of section 116, and substituting the following subsection: “(5) The memorandum of extension or memorandum of variation may be registered under this Act or the Land Transfer (Automation) Amendment Act 1998.”</p>

SCHEDULE 1—*continued*

AMENDMENTS TO PRINCIPAL ACT—*continued*

Enactment	Amendment
1952, No. 52—The Land Transfer Act 1952 (R.S. Vol. 22, p. 531)— <i>continued</i>	<p>By omitting from the proviso to section 121 (1) the word “district”, and substituting the word “locality”.</p> <p>By inserting in section 121C (2), after the word “Act”, the words “or the Land Transfer (Automation) Amendment Act 1998”.</p> <p>By omitting from section 123 (1) the words “and Examiner of Titles”, and by omitting the words “, with the concurrence of the Examiner,”.</p> <p>By omitting from section 124 the words “and Examiner of Titles”.</p> <p>By omitting from section 133 (1) the word “district”, and substituting the word “locality”.</p> <p>By omitting from section 141 (4) the words “District Land”.</p> <p>By omitting from section 158 the words “District Land Registrar, Assistant Land Registrar, or any deputy of either of those officers, or before a”.</p> <p>By omitting from section 159 the word “Registrar,”.</p> <p>By omitting from section 160 the word “Registrar,” each time it appears, and by omitting the words “Assistant Registrar, or any deputy of that officer,”.</p> <p>By inserting in section 183 (1), after the word “Act” (in both places where it occurs), the words “or the Land Transfer (Automation) Amendment Act 1998”.</p> <p>By omitting from section 186 the word “Examiner”, and substituting the word “Registrar”.</p> <p>By omitting from section 187 the words “Examiner of titles and the”.</p> <p>By omitting from section 190 (2) the words “and Examiner”.</p> <p>By omitting from the second sentence of section 200 the words “Examiner and”; and by further omitting from that sentence the words “they are”, and substituting the words “the Registrar is”.</p>

SCHEDULE 1—*continued*AMENDMENTS TO PRINCIPAL ACT—*continued*

Enactment	Amendment
1952, No. 52—The Land Transfer Act 1952 (R.S. Vol. 22, p. 531)— <i>continued</i>	<p>By repealing sections 220 and 221.</p> <p>By omitting from section 235 (4) the words “and section 55 of this Act”.</p> <p>By omitting from section 235 (7) (a) the words “and section 55 of this Act (but not the proviso to it) shall apply to the fee;”.</p> <p>By omitting from section 238 the words “, or by the seal of the Registrar of the district within which the same is used,”.</p> <p>By omitting from section 240 (1) the expression “a” where it secondly occurs, and substituting the word “the”.</p> <p>By omitting from section 242 the words “a District Land Registrar, or”.</p>

SCHEDULE 2

Section 42 (2)

AMENDMENTS TO LAND TRANSFER AMENDMENT ACT 1963

Enactment	Amendment
1963, No. 61—The Land Transfer Amendment Act 1963 (R.S. Vol. 22, p. 675)	By repealing subsection (1) of section 5. By repealing subsection (2) of section 5, and substituting the following subsection: “(2) The Registrar may, if the Registrar thinks fit, dispense with any of the information required to be supplied in the prescribed form of application, if the Registrar is satisfied that that information cannot reasonably be ascertained and supplied by the applicant.” By omitting from paragraph (a) of section 6 the words “and the Examiner are”, and substituting the word “is”; and by omitting from that paragraph the words “they are”, and substituting the words “the Registrar is”. By omitting from section 7 (1) the words “and the Examiner are”, and substituting the word “is”. By omitting from section 15 (1)(b) the words “and the Examiner are”, and substituting the word “is”.

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Section 42 (3)

SCHEDULE 3

AMENDMENTS TO LAND TRANSFER (HAWKE'S BAY) ACT 1931 AND LAND
TRANSFER (HAWKE'S BAY) AMENDMENT ACT 1933

Enactment	Amendment
1931, No. 27—The Land Transfer (Hawke's Bay) Act 1931 (R.S. Vol. 6, p. 729)	<p>By omitting from section 1 (1) the words "shall be read together with and deemed part of the Land Transfer Act 1915 (hereinafter referred to as the principal Act)", and substituting the words "is part of the Land Transfer Act 1952 (the principal Act)".</p> <p>By repealing the definition in section 2 of the term "Registrar", and substituting the following definition: "Registrar" means the Registrar-General."</p> <p>By omitting from section 4 (5) the expression "section 37", and substituting the expression "section 40".</p> <p>By omitting from section 11 (4) the expression "form L", and substituting the expression "form N".</p> <p>By omitting from section 13 (1) the words "lands or other lands administered by the Hawke's Bay Land Board, a lease or licence a duplicate of which was embodied in the old register as a folium thereof has been destroyed, the Commissioner of Crown Lands for the Hawke's Bay Land District", and substituting the words "land or other land administered by the Commissioner of Crown Lands (appointed under section 12A (1) of the Survey Act 1986), a lease or licence a duplicate of which was embodied in the old register as a folium has been cancelled, the Commissioner".</p> <p>By omitting from section 14 (1) the expression "form L", and substituting the expression "form N".</p> <p>By omitting from section 17 (5) the term "D.L.R.", and substituting the word "Registrar".</p> <p>By omitting from section 18 the expression "section 184", and substituting the expression "section 212".</p> <p>By omitting from section 22 the words "any District Land Registrar", in both places where they occur, and substituting in each case the words "the Registrar".</p>

SCHEDULE 3—*continued*

AMENDMENTS TO LAND TRANSFER (HAWKE'S BAY) ACT 1931 AND LAND TRANSFER (HAWKE'S BAY) AMENDMENT ACT 1933—*continued*

Enactment	Amendment
1933, No. 39—The Land Transfer (Hawke's Bay) Amendment Act 1933 (R.S. Vol. 6, p. 39)	By omitting from section 1 the words "shall be read together with and deemed part of the Land Transfer (Hawke's Bay) Act 1931", and substituting the words "is part of the Land Transfer Act 1952 ('the principal Act')". By repealing the definition in section 2 of the term "the principal Act". By omitting from section 5 the expression "section 40", and substituting the expression "section 44".