

This Bill was formerly clauses 47 and 48 of the Law Reform (Miscellaneous Provisions) Bill (No. 3), as reported from the Justice and Law Reform Committee. Clause 47 has been replaced by clause 1, the Short Title clause, of this Bill. Clauses found in other Bills are indicated by points of ellipsis.

[AS REPORTED FROM THE JUSTICE AND LAW REFORM COMMITTEE]

House of Representatives, 9 March 1995.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 21 March 1995.

Hon. D. A. M. Graham

LAND TRANSFER AMENDMENT (NO. 3)

ANALYSIS

<p>Title 1. Short Title</p>	<p>48. Application for certificate of title based on possession</p>
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A BILL INTITULED

An Act to amend the Land Transfer Act 1952

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

5 **1. Short Title**—This Act may be cited as the Land Transfer Amendment Act (No. 3) 1995, and shall be read together with and deemed part of the Land Transfer Act 1952.

48. Application for certificate of title based on possession—(1) Section 3 of the Land Transfer Amendment Act 1963 is hereby amended by adding the following subsection:

“(3) For the purposes of this Part of this Act, possession of any land by 1 or more joint tenants or tenants in common at any time (whether after or before the commencement of the Land Transfer Amendment Act (No. 3) 1995)—

“(a) Shall not of itself be (or be deemed to have been) possession of the land by the other tenant or tenants; and

“(b) Shall be (or be deemed to have been) capable of being adverse possession as against the other tenant or tenants.”

(2) Section 13 of the Limitation Act 1950 is hereby consequentially amended by adding the following subsection:

“(3) (4) For the purposes of this section, 1 or more joint tenants or tenants in common of any land can take (and shall be deemed at all times before the commencement of the Land Transfer Amendment Act (No. 3) 1995 to have been able to take) adverse possession of the land as against the other tenant or tenants.”

Struck Out

(3) No person has, by virtue of the enactment of this section, any right of action in respect of any matter arising before the commencement of **section 48 of this Act and this section** that the person (or some other person from whom the person derives the right) did not have immediately before that commencement.

New

(3) The enactment of this Act does not impose on any person any liability for any action, or failure or refusal to act, occurring before the commencement of this Act.