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# LAND TRANSFER (COMPULSORY REGISTRATION OF TITLES) BILL.

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## COPY OF MEMORANDUM FROM REGISTRAR-GENERAL OF LAND ACCOMPANYING ORIGINAL DRAFT OF BILL.

Wellington, 29th March, 1923.

The Honourable the ATTORNEY-GENERAL, Wellington.

As directed, I respectfully submit the enclosed draft Bill to make provision for bringing all land under the Land Transfer Act.

The estimated proportion of land throughout the Dominion alienated from the Crown in fee and not under the Act is less than 20 per cent. of the whole of the alienated land; appended is a table showing the proportions in each district.

The estimated number of holdings or titles still under the old system is 70,000, and the number is increasing, in spite of lands being brought under the Land Transfer Act, at the average rate of 4 per cent. per annum.

In framing the scheme it had to be considered whether certificates of title should be issued—

1. With title fully guaranteed; or
2. Without guarantee of antecedent title; or
3. With title partly guaranteed.

The first course is obviously impossible, for proprietors cannot be compelled to remedy defects in their titles.

The second is open to the grave objection that the Deeds Register would still have to be searched by conveyancers upon every new transaction.

I have chosen the last or, perhaps it would be better to say, a combination of the three. The second will only apply to cases where the documentary title has been extinguished under the Statutes of Limitation in favour of some one in adverse possession.

The scheme is, to have an official examination of the titles made and put on record, and to issue certificates of title guaranteed, except as to the specific defects that shall be found by the Examiners to exist. A person searching the title will then only have to inspect the certificate of title (partially guaranteed) and the Registrar's minutes setting forth the defects. There will be no need to search the Deeds Register.

In practice I have little doubt that the result will be that defects will be remedied upon the first dealing with the land. The certificate of title will then be converted into a fully guaranteed one.

To issue fully guaranteed titles without requiring surveys would be to invite numerous claims upon the Assurance Fund in cases, which abound especially in towns, where the documentary-title holder has lost his title to part of the land by the encroachment and adverse possession of his neighbour, and in cases where descriptions of land in deeds are erroneous.

It is proposed, therefore, to avoid the immediate necessity for surveys by issuing titles not to be guaranteed as to the position, area, or boundaries of the land till such time as the proprietor (or it may be the adjoining proprietors) shall deposit a survey plan or plans showing what the proprietor is in possession of, and the correct measurements.

The scheme is intended to remove every obstacle that may impede the Registrar in the immediate issue of certificates of title. With this end in view it is not even required that the title deeds shall be surrendered to the Registrar, but it is provided that the necessary deeds must be surrendered before a title becomes fully guaranteed.

The proprietor is not required to do anything or to pay anything for bringing his land under the Act, but, although you suggested that people could not be made to pay for doing what they did not want to do, I have provided for a charge of £1 5s. for the first certificate of title. This charge is estimated to bring in £100,000, which sum I feel confident is more than enough to carry out the scheme without any ultimate cost to the country. The payment of this fee should entail no hardship, seeing that payment is deferred until a dealing is required to be registered, and that the proprietor will usually be saved more than that amount upon the first dealing by reason of the lower scale of charges for preparing instruments under the Land Transfer Act.

In considering the cost of the scheme, it is only fair to point out that there will be a recurring loss of about £7,000 per annum consisting of Assurance Fund fees and profit now derived from registration of deeds. On the other hand, the Department has always shown a profit ranging from perhaps 80 per cent. downwards on the working-cost; for the year 1921-22 this amounted to about £20,000.

I take the opportunity of saying that, in my opinion, as much as is necessary of this annual profit ought to be expended in providing permanent and adequate accommodation not only for present needs, but also for future expansion for thirty or forty years, and in enabling facilities to be provided in the shape of index-books and maps that will enable the title to any parcel of land to be found in two or three minutes if only the section number or the owner's name is known. It would be possible to do this with little expense, and the expense would be recouped over and over again in the resulting saving of time.

The existing Act requires notices of applications to bring land under the Act to be advertised for a month and to be posted to adjoining owners and others. This provision was intended to protect the Assurance Fund and adjoining owners and others, but in my opinion such an obstacle to the immediate issue of certificates of title would jeopardize the fulfilment of the scheme for many years. Other provision is made to afford the necessary protection to the fund and to adjoining owners.

Claimants of interests under or adverse to that of the registered proprietor are given twelve years in which to prosecute and substantiate their claims if such claims are recognized by the Registrar, after which their rights are barred and extinguished, unless they are in possession and rightfully entitled.

Caveats cannot be lodged to prevent the issue of certificates of title, but may be lodged giving notice of claims, and such claims may be prosecuted as if the Act had not been passed.

The effect of bringing under the Land Transfer Acts land vested in trustees who have no power to sell is to give them the power (but not the right) to sell and to pass a good title, which they could not have done before. This difficulty is met by constituting the Registrar a trustee for the purpose of the execution of any instrument dealing with the land.

I have adhered to the wording of the principal Act so far as it was possible to do so, and the Bill is, in effect, a temporary modification of the Act.

I expressed the opinion that the work could not be done in five years. I now think that it might be, except perhaps in the Auckland district, in which about half of the land to be affected is situated. The main difficulties will be finding additional examiners and clerks, and finding room for them to work at the Deeds Registers. The hours during which the public may search the Deeds Registers will have to be materially curtailed. The Registrar at Auckland advises me that the scheme could be carried out in his district only if additional accommodation were first provided.

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C. E. NALDER,  
Registrar-General of Land.

STATEMENT SHOWING THE PROPORTION OF LAND IN EACH REGISTRATION DISTRICT NOT UNDER THE LAND TRANSFER ACT AND UNDER THAT ACT RESPECTIVELY.

Registration District.	Deeds.	Land Transfer.
	Per Cent.	Per Cent.
Auckland .. .. .	24.5	75.5
Poverty Bay .. .. .	1.5	98.5
Taranaki .. .. .	14	86
Wellington .. .. .	8.6	91.4
Hawke's Bay .. .. .	25.5	75.5
Marlborough .. .. .	35.8	64.2
Nelson .. .. .	33	67
Westland .. .. .	14.7	85.3
Canterbury .. .. .	9.1	90.9
Otago .. .. .	26.5	73.5
Invercargill .. .. .	11.7	88.3
Average .. .. .	18.6	81.4

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Hon. Sir Francis Bell.

LAND TRANSFER (COMPULSORY REGISTRATION OF TITLES).

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title and commencement.</li> <li>2. Interpretation.</li> <li>3. All private European land to be brought under principal Act.</li> <li>4. Application to bring land under principal Act deemed to be made.</li> <li>5. Applications to be dealt with as under principal Act.</li> <li>6. Special provisions as to applications under this Act.</li> <li>7. Registrar may issue "ordinary" or "limited" certificate of title.</li> <li>8. Definition and form of limited certificate.</li> <li>9. Notices of issue of certificate of title to be given.</li> <li>10. "Registrar's minutes" of defects found in titles. Copy of minutes to be sent to proprietor. Minutes may be revised.</li> <li>11. Registrar's minutes may be searched.</li> <li>12. Limited certificate of title may be made ordinary.</li> <li>13. Ordinary certificate of title not to issue till title good.</li> <li>14. Memorials on limited certificate of title to be evidence.</li> </ol> | <ol style="list-style-type: none"> <li>15. Application of principal Act to limited certificate of title.</li> <li>16. Persons claiming title adverse to that of proprietor under a limited certificate of title may make application.</li> <li>17. No right of action by registered proprietor of limited certificate of title against Registrar-General for interests excepted from guarantee.</li> <li>18. No person deemed to be deprived of any interest excepted from guarantee.</li> <li>19. Memorial of title endorsed on limited certificate to be limited.</li> <li>20. After twelve years, interests excepted from guarantee to be extinguished.</li> <li>21. As to caveats in respect of applications under this Act.</li> <li>22. As to trustees without power to sell.</li> <li>23. Restrictions on issue of ordinary certificate of title.</li> <li>24. Protection of Registrar-General.</li> <li>25. Registration of deeds affecting land subject to this Act.</li> <li>26. Fees.</li> </ol> |
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A BILL INTITLED

AN ACT to provide for bringing under the Land Transfer Act, 1915, Title. all Land heretofore alienated from the Crown for an Estate in Fee-simple and not already subject to that Act.

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

10 1. (1.) This Act may be cited as the Land Transfer (Compulsory Registration of Titles) Act, 1923, and shall be read together with and deemed part of the Land Transfer Act, 1915 (hereinafter referred to as the principal Act). Short Title and commencement.

(2.) This Act shall come into operation on the first day of April, nineteen hundred and twenty-four.

Interpretation.

2. In this Act, if not inconsistent with the context,—

“Application” means an application to bring land under the principal Act :

“Application under this Act” means an application deemed to have been made as provided in section *four* of this Act :

“Applicant” means the person deemed by section *four* of this Act to be the applicant :

“Ordinary certificate of title” means a certificate of title in the Form B in the Second Schedule to the principal Act :

“The Registrar’s minutes” means the minutes of the Registrar referred to in section *ten* of this Act. 10

All private European land to be brought under principal Act.

3. (1.) The Registrar shall proceed, with all convenient speed, but subject to the provisions of section nineteen of the principal Act, to bring under the principal Act all land heretofore alienated from the Crown for an estate in fee-simple, and not already subject to that Act, so that all such land shall be brought under the principal Act within five years after the coming into operation of this Act, or as soon thereafter as may be. 15

(2.) This section shall not apply to Native land.

Application to bring land under principal Act deemed to be made.

4. As soon as the Examiner shall proceed, for the purposes of this Act, to examine the title to any land to which this Act applies, or the Registrar shall proceed to bring any such land under the provisions of the principal Act, application to bring that land under the principal Act shall be deemed to have been made by a person competent to make the same, and the proprietor of any estate of freehold in fee-simple in such land shall be deemed to be the applicant. 20 25

Applications to be dealt with as under principal Act.

5. Except as hereinafter provided, the Examiner of Titles and the Registrar shall deal with all such applications in accordance with the provisions of the principal Act in respect of applications, and shall do all such acts in relation thereto as they, or either of them, ought to do in respect of applications under that Act. 30

Special provisions as to applications under this Act.

6. (1.) In respect of any application under this Act it shall not be necessary—

(a.) That the applicant or any other person surrender the instruments of title, or furnish the schedule or abstract, or make the declaration, or append the plan respectively referred to in section twenty-one of the principal Act : 35

(b.) That any persons interested be parties to the application, or that notice of the application be advertised in the *Gazette* or in any newspaper : 40

(c.) That the Registrar post or forward any notice required by the principal Act :

(d.) For the Registrar to wait the expiration of any time before issuing a certificate of title in respect of an application under this Act, but he may delay the issue of any such certificate of title for such cause as he thinks sufficient. 45

(2.) An application under this Act shall not be capable of being withdrawn by the applicant.

(3.) The applicant shall not be entitled to direct the issue to any other person of a certificate of title to be issued upon an application under this Act. 50

7. (1.) The Registrar shall issue a certificate of title for an estate in fee-simple in the land the subject of such application, in accordance with the provisions of the principal Act as amended by this Act, in the name of the proprietor appearing to be entitled thereto.

Registrar may issue "ordinary" or "limited" certificate of title.

5 (2.) If in respect of any land it appears to the Registrar and Examiner that the Registrar ought to have issued an ordinary certificate of title if application to bring that land under the provisions of the principal Act had been made by a person competent to make the same, and if the Registrar is satisfied that the applicant is in  
10 possession of the land, and that the position and boundaries of the land are sufficiently defined by the instruments of title or by any deposited plan or plans, the certificate of title shall be an ordinary certificate of title.

(3.) Save as provided in the *last preceding* subsection, the certificate  
15 of title to be issued under this Act shall be a limited certificate of title, as hereinafter defined.

8. (1.) A limited certificate of title may be a certificate of title limited either as to description of parcels or as to title, or limited both as to description of parcels and as to title.

Definition and form of limited certificate.

20 (2.) A limited certificate of title shall be in the Form B, in the Second Schedule to the principal Act, with the addition, after the words "certificate of title under Land Transfer Act," of the words "limited as to parcels," or "limited as to title," or "limited as to parcels and title," as the case may require.

25 9. Notice of the issue of a certificate of title under the provisions of this Act shall be sent by the Registrar through the post by registered letter to every person having any estate or interest evidenced by such certificate of title, or by any memorial endorsed thereon.

Notices of issue of certificate of title to be given.

30 10. (1.) Before issuing a limited certificate of title, the Registrar shall file with his records a minute signed by him clearly setting forth the acts or matters that ought to be done or proved, and the requisitions that ought to be complied with, in order to justify him in issuing an ordinary certificate of title. Such requisitions shall, if necessary, include a requisition for the surrender of the instruments of title referred  
35 to in section twenty-one of the principal Act, and may include a requisition for the deposit of a plan of a survey of the land.

"Registrar's minutes" of defects found in titles.

(2.) He shall thereupon send by registered letter a copy of the Registrar's minutes through the post to the proprietor of the land or of any estate or interest therein as evidenced by the Deeds Register  
40 or the instruments of title.

(3.) The Registrar may from time to time revise and amend the Registrar's minutes so as to indicate which of the acts, or matters, or requisitions therein referred to have been done or proved or complied with, and may alter or add to such minutes, but not so as to prejudice  
45 the limited title of, or throw any onus upon, a purchaser or mortgagee, *bona fide* for valuable consideration, from the registered proprietor of the land or of any estate or interest in the land comprised in a limited certificate of title. All such revisions and additions shall be authenticated by the signature of the Registrar.

Copy of minutes to be sent to proprietor. Minutes may be revised.

50 11. The Registrar's minutes shall for the purpose of sections forty-one and forty-two of the principal Act be deemed to be part of the Register.

Registrar's minutes may be searched.

Limited certificate of title may be made ordinary.

12. (1.) Upon the doing of such acts or the proof of such matters, and on compliance with such requisition or requisitions, as are set forth in the Registrar's minutes, to the satisfaction of the Registrar, he shall, at his discretion, either cancel the limited certificate of title and issue, upon payment of the prescribed fee, an ordinary certificate of title, or constitute the limited certificate of title an ordinary certificate of title by the endorsement thereon of a memorial to the effect that such certificate of title has ceased to be a certificate of title limited as to parcels, or limited as to title, or limited as to parcels and title, as the case may be, and such certificate of title shall thereupon take effect in all respects as an ordinary certificate of title. 5 10

(2.) If at any time it appears to the Registrar that by reason of lapse of time or for any other reason, any act or proof or compliance set forth in the Registrar's minutes has become unnecessary, he may issue an ordinary certificate of title in lieu of a limited certificate of title, or may constitute a limited certificate of title an ordinary certificate of title in the manner provided in the *last preceding* subsection. 15

Ordinary certificate of title not to issue till title good.

13. Except as otherwise provided in this Act, so long as a certificate of title continues to be limited, no new certificate of title other than a limited certificate of title shall be issued in substitution therefor, or for any part of the land comprised therein, unless, in the latter case, the matters in respect of which it is limited do not affect the part of the land for which such new certificate of title is issued. 20

Memorials on limited certificate of title to be evidence.

14. Every entry on a limited certificate of title, if purporting to be duly made and signed, shall be received in all Courts of law and equity as evidence of the particulars therein set forth, and shall, as against the person named in the original limited certificate of title for any land, and all persons claiming through, under, or in trust for him, be conclusive evidence that the person named in such entry is seised or possessed of the estate or interest of which he is expressed to be the registered proprietor. 25 30

Application of principal Act to limited certificate of title.

15. (1.) Except as otherwise provided in this Act, all the provisions of the principal Act shall, so far as the circumstances of the case will admit, apply with respect to the land comprised in a limited certificate of title, and to the registration of instruments and other matters affecting the same, save that the title of the proprietor of an estate or interest in any land comprised in a limited certificate of title shall be indefeasible only against the person named in the original limited certificate of title for such land, and all persons claiming through, under, or in trust for him : 35 40

Provided that a limited certificate of title, and the memorials entered thereon of outstanding interests in the land comprised therein, shall be evidence or conclusive evidence, as the case may be, of the matters referred to in section sixty-eight of the principal Act, subject only to— 45

(a.) The doing of the acts, and proof of the matters, and compliance with the requisitions set forth in the Registrar's minutes :

(b.) The title to the land, or to any estate or interest in the land, of any person, the existence of which title, or the probable or possible existence of which, is set forth or indicated in the Registrar's minutes : 50

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(c.) The title of any person to or in any existing lease or agreement for a lease for a term not exceeding seven years from the date thereof:

(d.) The title (if any) of any person adversely in actual occupation of, and rightfully entitled to, any such land or any part thereof.

(2.) Sections fifty-eight, fifty-nine, sixty-one, sixty-eight, seventy-two, one hundred and ninety-seven, and one hundred and ninety-eight of the principal Act shall, in their application to a limited certificate of title, be deemed to be modified accordingly.

16. So long as any land continues to be comprised in a limited certificate of title any person claiming to be seised or possessed of an estate of freehold in such land or any part thereof—

Persons claiming title adverse to that of proprietor under a limited certificate of title may make application.

(a.) By virtue of possession adverse to the title of the proprietor in whose name such certificate of title was issued; or

(b.) Under any title the existence of which, or the probable or possible existence of which, is set forth in the Registrar's minutes,

may make an application under the provisions of the principal Act as if this Act had not been passed and the limited certificate of title had not been issued. The Examiner and Registrar shall deal with such application in the manner provided in the principal Act, and if they are satisfied as to the grounds of the applicant's claim the Registrar shall, in due course, issue an ordinary certificate of title to the applicant and shall call in and cancel or correct the limited certificate of title, as the case may require, under the powers conferred upon him by the principal Act for the correction of errors.

17. No action shall lie against the Registrar-General by the registered proprietor of any land, or of any estate or interest in land, comprised in any certificate of title limited as to title by reason of the title or the priority of title of any person mentioned in paragraphs (b), (c), and (d) of subsection one of section fifteen hereof.

No right of action by registered proprietor of limited certificate of title against Registrar-General for interests excepted from guarantee.

18. (1.) Until the expiration of twelve years from the date of the first certificate of title limited as to title of any land, no person shall be deemed to have been deprived of the land, or of any estate or interest in the land, comprised in that certificate, or in any certificate of title limited as to title issued in lieu thereof, through the bringing of such land under the provisions of the principal Act, and no such person shall be barred from bringing an action for possession or other action for the recovery of such land, estate, or interest.

No person deemed to be deprived of any interest excepted from guarantee.

(2.) Where by the Registrar's minutes the existence, or the probable or possible existence, of a title to any estate or interest in land is indicated, no dealing with that estate or interest shall be capable of being registered until the estate or interest, if capable of registration, is registered.

19. The registered title to any estate or interest less than freehold evidenced by a limited certificate of title, or by a memorial endorsed thereon, shall be deemed to be limited to the same extent as that certificate so long as the certificate continues to be a limited certificate of title, and it shall not be necessary for the Registrar to place any notice of such limitation upon the instrument creating or evidencing such estate or interest.

Memorial of title endorsed on limited certificate to be limited.

After twelve years, interests excepted from guarantee to be extinguished.

20. (1.) After the expiration of twelve years from the date of the first certificate of title limited as to title for any land—
- (a.) Any claim, estate, or interest upon or in any such land existing before such date, and not evidenced by the certificate of title of such land or by a memorial endorsed thereon, including the claim of any caveator in the Form No. 1 in the Schedule to this Act, shall, except as provided in section fifty-eight of the principal Act, be barred and extinguished: 5
- (b.) No action for the recovery of damages from the Assurance Fund shall lie in respect of any claim, estate, or interest referred to in the *last preceding* paragraph: 10
- (c.) No person who is deprived of any such land, or of any estate or interest in any such land, through the bringing of the same under the principal Act by virtue of this Act shall be entitled to bring an action against the Registrar-General as nominal defendant for recovery of damages: 15
- (d.) Such certificate of title, or any certificate of title issued in substitution therefor or for any part of the land comprised therein, shall be deemed to be no longer limited as to title, and the Registrar may, unless such certificate of title is limited also as to parcels, issue an ordinary certificate of title for such land, or may constitute such limited certificate of title an ordinary certificate of title, and it shall thereupon take effect in all respects as an ordinary certificate of title. 20

(2.) The foregoing provisions of this section shall not operate so as to extend any period after the expiration of which any such claim or action would have been barred, or any such estate or interest would have been extinguished, by virtue of any other Act or law. 25

As to caveats in respect of applications under this Act.

21. (1.) A caveat in the Form K in the Second Schedule to the principal Act shall not be capable of being lodged in respect of an application under this Act, but any person entitled to lodge a caveat in the said form in the case of an application under the principal Act may register under the Deeds Registration Act, 1908, a caveat in the Form No. 1 in the Schedule to this Act, at any time prior to the issue of a certificate of title in respect of the land to which the application under this Act relates. 30 35

(2.) When the Registrar proceeds with an application in respect of any land against which a caveat in the said Form No. 1 has been registered as aforesaid he shall include in the Registrar's minutes a minute in respect of the claim of the caveator. 40

(3.) Any occupier of land the subject of an application under the provisions of this Act, and any adjoining occupier or proprietor, may, so long as any such land is comprised in a certificate of title limited as to parcels, lodge a caveat in the Form No. 2 in the Schedule to this Act at any time after the issue of such certificate of title. 45

(4.) The provisions of sections one hundred and forty-eight, one hundred and fifty-two, one hundred and fifty-four, one hundred and fifty-five, one hundred and fifty-six, and one hundred and fifty-seven, and of subsection one of section one hundred and forty-seven of the principal Act shall, with the necessary modifications, apply to caveats in the said Form No. 1: 50



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Provided that a caveat in the said Form No. 1 shall not prevent the registration of any dealing with the land comprised in any certificate of title limited as to title.

5 (5.) Notice of the issue of a certificate of title under the provisions of this Act shall be sent by the Registrar by registered letter through the post to the caveator of every caveat in the Form No. 1 in the Schedule to this Act registered against the land comprised in such certificate of title.

10 (6.) Subject to the provisions of this Act, the provisions of the principal Act in respect of caveats in the Form K in the Second Schedule to the principal Act shall, with the necessary modifications, apply to caveats in the Form No. 2 in the Schedule to this Act.

15 22. (1.) When a certificate of title is issued under the provisions of this Act to trustees (other than trustees of public reserves) who have no express power to sell the land comprised in such certificate of title, it shall be the duty of the Registrar to register upon such certificate of title a memorial referring to this section ; and thereupon the Registrar shall be deemed to have been nominated and appointed one of the trustees, in the manner and with the effect provided for by section 20 one hundred and thirty-five of the principal Act.

As to trustees without power to sell.

(2.) Subsection two of the said section one hundred and thirty-five is hereby amended by omitting the words " the transfer of," and substituting the words " any dealing with."

25 23. (1.) The Registrar shall not be bound on an application in that behalf to issue an ordinary certificate of title, or to issue an ordinary certificate of title in lieu of a certificate of title limited as to parcels, or to constitute a certificate of title limited as to parcels an ordinary certificate of title—

Restrictions on issue of ordinary certificate of title.

30 (a.) Unless and until he is satisfied, by the deposit of a survey plan, together with such other evidence as he may deem necessary, or by some other means, either that no part of the land to which the application relates is held in occupation adverse to the title of the proprietor appearing by the Deeds Register and the instruments of title, or by the 35 certificate of title limited as to parcels, as the case may be, to be entitled thereto or that no person so holding in adverse occupation has acquired a title by such adverse occupation to the land so held :

40 (b.) Until he has given to the persons appearing to him to be occupiers or proprietors of adjoining land such notices as he deems necessary of his intention to issue or constitute such an ordinary certificate of title and until the expiration of the time limited in any such notice.

45 (2.) The Registrar shall give such notices in any case in which it appears to him that the land, or part of the land, in respect of which an ordinary certificate of title is proposed to be issued or constituted is included in the title of an adjoining occupier or proprietor as evidenced by the Deeds Register or by a certificate of title limited as to parcels of the land of an adjoining occupier or proprietor.

50 (3.) The Registrar may from time to time, upon such evidence as he deems sufficient, amend the description of parcels in, or the plan upon, a certificate of title limited as to parcels, without calling in the

outstanding duplicate of such certificate of title, but not so as to exclude from such description any land of which the proprietor is in possession and to which he is rightfully entitled for the estate or interest evidenced by such certificate of title.

Protection of  
Registrar-General.

24. No action for the recovery of damages shall lie against the Registrar-General— 5

(a.) By the registered proprietor of land comprised in any certificate of title limited as to parcels, or by any other person, by reason of any error, omission, or misdescription of the parcels of land comprised in such certificate of title : 10

(b.) By any person who is deprived of any land or of any estate or interest in land, of which such person is not in actual occupation, through the bringing of the same under the principal Act in pursuance of the provisions of this Act, or by the registration of any other person as proprietor of such land, unless he has registered a caveat in the Form No. 1 or in the Form No. 2 in the Schedule to this Act. 15

Registration of deeds  
affecting land  
subject to this Act.

25. Any deed affecting any land brought under the principal Act in pursuance of the provisions of this Act, which might have been registered under the provisions of the Deeds Registration Act, 1908, if this Act had not been passed, may, if such deed bears date prior to, or within two months after, the date of the first certificate of title for such land, be registered under the principal Act, notwithstanding that it is not an instrument in one of the forms prescribed by the principal Act. 20

Fees.

26. (1.) Save as otherwise provided in this section, no fee and no contribution to the Assurance Fund shall be payable in respect of the bringing of land under the principal Act, whether by virtue of the provisions of the principal Act or of this Act. 25

(2.) The fee prescribed by regulations under the principal Act for advertising notices of applications under the provisions of that Act shall continue to be payable. 30

(3.) The fee for the first certificate of title issued for any land upon an application under the provisions of the principal Act or of this Act shall be the sum of *one pound five shillings*. Such fee shall not be required to be paid until such certificate of title is required to be delivered by the Registrar to the person entitled thereto, or to be cancelled, or until a dealing with the land or with any estate or interest in the land comprised in such certificate of title is presented for registration. The provisions of section fifty of the principal Act, excepting the proviso thereto, shall apply to such fee. 35 40

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SCHEDULE.

Schedule.

Form No. 1.

CAVEAT GIVING NOTICE OF ESTATE OR INTEREST.

To the District Land Registrar of the District of .

TAKE NOTICE that I [Name of caveator] of [Occupation and address] claiming estate or interest [Here state the nature of the estate or interest claimed, and the ground on which such claim is founded] in [Here describe land by reference to plan to be endorsed hereon] hereby give notice of such claim.

And I appoint [Here state address within the registration district] as the place at which notices relating hereto may be served.

Dated this            day of            , 19 .

Signed by the abovenamed A. B., as caveator, in the presence } A. B.  
of—C. D. [Occupation and address]. }

Form No. 2.

CAVEAT FORBIDDING THE ISSUE OF AN ORDINARY CERTIFICATE OF TITLE, OR THE CONSTITUTION OF A CERTIFICATE OF TITLE LIMITED AS TO PARCELS AS AN ORDINARY CERTIFICATE OF TITLE.

To the District Land Registrar of the District of .

TAKE NOTICE that I [Name of caveator] of [Occupation and address] claiming estate or interest [Here state the nature of the estate or interest claimed and the ground on which such claim is founded] in [Here describe land and reference to plan to be endorsed hereon] hereby forbid the issue of an ordinary certificate of title for the said land or [the constitution of certificate of title limited as to parcels, Volume            , folio            , as an ordinary certificate of title] until this caveat is withdrawn by me, or by order of the Supreme Court or some Judge thereof, or until the same has lapsed under the provisions in that behalf contained in the Land Transfer Acts.

And I appoint [Here state an address within the registration district] as the place at which notices relating hereto may be served.

Dated this            day of            , 19 .

Signed by the abovenamed A. B., as caveator, in the presence } A. B.  
of—C. D. [Occupation and address]. }