



THE LAND ACT REGULATIONS 1949, AMENDMENT NO. 8

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 2nd day of September 1986

Present:

THE RIGHT HON. G. W. R. PALMER PRESIDING IN COUNCIL

PURSUANT to the Land Act 1948, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Land Act Regulations 1949, Amendment No. 8, and shall be read together with and deemed part of the Land Act Regulations 1949* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2. Fees payable to Department—The principal regulations are hereby amended by revoking regulations 25 to 31 (as substituted by regulation 2 of

*S.R. 1949/37

Amendment No. 1: S.R. 1952/181
 Amendment No. 2: S.R. 1958/170
 Amendment No. 3: *(Revoked)*
 Amendment No. 4: *(Revoked)*
 Amendment No. 5: *(Revoked)*
 Amendment No. 6: S.R. 1974/283
 Amendment No. 7: S.R. 1978/60

the Land Act Regulations 1949, Amendment No. 7), and substituting the following regulations:

“25. For every lease or licence or other instrument issued by the Board over Crown land there shall be paid to the Department all disbursements for registration fees and production fees, together with the following fee:

	Fee \$
“(a) For every lease or licence—	
“(i) Where the rental value or purchase price is less than \$50,000, or, where a rent only is fixed, the rent is less than \$2,250 per year ..	50
“(ii) Where the rental value or purchase price is not less than \$50,000 but is less than \$100,000, or, where a rent only is fixed, the rent is not less than \$2,250 per year but is less than \$4,500 per year ..	75
“(iii) Where the rental value or purchase price is \$100,000 or more, or, where a rent only is fixed, the rent is \$4,500 per year or more ..	100
“(b) For every memorandum of surrender, memorandum of variation, or certificate of incorporation	25
“(c) For every deed of grant of easement ..	75.

“26. With every application for consent to transfer, sublease, or otherwise dispose of (other than by way of mortgage) an interest in Crown land subject to a lease or licence, there shall be paid to the Department the following fee:

	Fee \$
“(a) Where the consideration for the disposition is less than \$50,000, or, where the rent for the sublease is less than \$2,250 per year	50
“(b) Where the consideration for the disposition is not less than \$50,000 but is less than \$100,000, or where the rent for the sublease is not less than \$2,250 per year but is less than \$4,500 per year ..	75
“(c) Where the consideration for the disposition is \$100,000 or more, or, where the rent for the sublease is \$4,500 per year or more ..	100.

“27. (1) With every notice of intention to acquire the fee simple of Crown land comprised in a lease or licence there shall be paid to the Department the following fee:

	Fee
“(a) Where the capital value of the land is \$100,000 or less	\$45 plus \$1.50 per \$1,000 or part thereof of the capital value

	Fee
“(b) Where the capital value of the land is more than \$100,000 but not more than \$1,000,000 ..	\$195 plus \$1.25 per \$1,000 or part thereof by which the capital value exceeds \$100,000
“(c) Where the capital value of the land is more than \$1,000,000 but not more than \$5,000,000 ..	\$1,320 plus 75 cents per \$1,000 or part thereof by which the capital value exceeds \$1,000,000
“(d) Where the capital value of the land is more than \$5,000,000	\$4,320 plus 50 cents per \$1,000 or part thereof by which the capital value exceeds \$5,000,000.

“(2) For the purposes of subclause (1) of this regulation, the capital value of any land is the capital value shown for it on the most recent district valuation roll under section 8 of the Valuation of Land Act 1951.

“28. With every application for a revaluation under section 139, section 141, or section 142 of the Act there shall be paid to the Department a fee of \$45 in the case of urban land and of \$75 in the case of farm land or pastoral land or commercial or industrial land.

“29. For every warrant or other certificate of title under the Land Transfer Act 1952 issued pursuant to section 116 of the Land Act 1948 there shall be paid to the Department a fee of \$25 plus all disbursements for registration fees and production fees.

“30. For the preparation and registration of every mortgage or variation of mortgage or other instrument securing, or required in connection with the securing of, an advance under section 119 or section 120 of the Act there shall be paid to the Department all disbursements for stamp duty, registration fees, and production fees, together with the following fee:

	Fee
“(a) Mortgage of land securing—	\$
“(i) Advance of \$50,000 or less	100
“(ii) Advance of more than \$50,000 but not more than \$100,000	150
“(iii) Advance of more than \$100,000	200

	Fee
“(b) Variation of mortgage increasing the principal sum	The fee prescribed in paragraph (a) of this regulation for a mortgage securing an advance equal to the increase in the principal sum
	\$
“(c) Variation of mortgage not increasing the principal sum	40
“(d) Instrument by Way of Security or collateral mortgage of land securing—	
“(i) Advance of \$50,000 or less	50
“(ii) Advance of more than \$50,000 but not more than \$100,000	75
“(iii) Advance of more than \$100,000	100
“(e) Debenture securing—	
“(i) Advance of \$50,000 or less	50
“(ii) Advance of more than \$50,000 but not more than \$100,000	75
“(iii) Advance of more than \$100,000	100
“(f) Deed of Covenant, Assignment, or Agreement	75
“(g) Release of mortgage on repayment of loan or on conversion from current account to instalment account	25
“(h) Partial release of mortgage	25
“(i) Memorandum of Priority	25
“(j) Renewal of Instrument by Way of Security	25
“(k) Satisfaction of Instrument by way of Security	25.

“31. For every production of a certificate of title or other instrument held by the Commissioner there shall be paid to the Department a fee of \$11, and, for each title or instrument additional to the first produced at the same time, a fee of \$2.”

3. Fees payable for approval of surveys—The principal regulations are hereby amended by revoking regulation 32A (as inserted by regulation 3 of the Land Act Regulations 1949, Amendment No. 7), and substituting the following regulation:

“32A. (1) Subject to subclauses (3) to (5) of this regulation, for the examination or approval under any Act of any survey plan other than a plan prepared as a result of a redefinition survey (whether presented on one sheet or several sheets), there shall be paid to the Department by the person lodging the documents concerned the following fee:

“(a) In the case of a survey comprising solely company or cross-lease plans, a fee of \$80 plus \$5 for each separately labelled building or part of a building that is proposed to be subject to or part of a lease:

“(b) In the case of a survey comprising solely unit title plans, a fee of \$150, plus \$10 for each principal unit or accessory unit shown on a plan in respect of which that fee has not previously been paid:

“(c) Subject to subclause (2) of this regulation, in every other case, a fee equal to the total of the following amounts:

“(i) \$150:

“(ii) \$20 for every second or additional survey sheet:

“(iii) \$20 for every second or additional title sheet:

“(iv) In relation to each survey, \$25 for each proposed easement in relation to which the servient tenements are separately identified:

“(v) \$50 for each lot, severance, or parcel having an area of less than 4000 m²:

“(vi) \$80 for each lot, severance, or parcel having an area of 4000 m² or more but not more than 8¹ hectares:

“(vii) \$100 for each lot, severance, or parcel having an area of more than 8 hectares.

“(2) The amounts otherwise payable under subparagraphs (iv) to (vii) of subclause (1)(c) of this regulation in respect of any survey shall be halved if the plans concerned are all compiled or computed.

“(3) Where plans of part of a survey are lodged for examination or approval at different times, subclause (1) of this regulation shall apply as if each set of plans lodged at the same time are plans of a separate survey.

“(4) Where plans of survey that have been absent from the Department (whether on requisition or voluntary uplifting) for more than 3 months, or any longer period specified by the Chief Surveyor in any particular case having regard to the reasonable practicability of returning those plans within 3 months, are returned there shall be paid to the Department by the person returning them the same fees that would be payable if they were being lodged for the first time.

“(5) Where—

“(a) Plans of survey that have been absent from the Department (whether on requisition or voluntary uplifting) are returned in circumstances where no further fees would otherwise be payable under subclause (4) of this regulation; but

“(b) The survey definition or dimensions of any lot or easement have been changed, or a new lot or easement has been added,—

the Chief Surveyor may require the person returning those plans to pay, and in that case there shall be paid to the Department by that person in respect of every lot or easement changed or added, the appropriate fee specified in subparagraphs (iv) to (vii) of subclause (1)(c) of this regulation.”

4. Revocation—The Land Act Regulations 1949, Amendment No. 7 are hereby consequentially revoked.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations increase the fees payable under the Land Act Regulations 1949.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 4 September 1986.

These regulations are administered in the Department of Lands and Survey.