

Serial Number 1951/112

**THE LAND TRANSFER REGULATIONS 1948,  
AMENDMENT NO. 2**

B. C. FREYBERG, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington, this 23rd day of  
May, 1951

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Land Transfer Act, 1915, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

**REGULATIONS**

1. (1) These regulations may be cited as the Land Transfer Regulations 1948, Amendment No. 2, and shall be read together with and deemed part of the Land Transfer Regulations 1948\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of July, 1951.

2. Regulation 15 of the principal regulations is hereby amended by adding the following subclause as subclause (2) thereof:—

“(2) Notwithstanding anything in the last preceding subclause, where land situated in more than one registration district is being dealt with the Registrar may require a separate instrument to be drawn up and duly executed for registration in each registration district affected.”

3. The principal regulations are hereby amended by inserting, after regulation 35, the following new heading and regulation:—

“ POWERS OF ATTORNEY

“ 35A. (1) The Registrar may decline to deposit any power of attorney or a duplicate or attested copy thereof, unless the original has been duly signed (or, if executed by a corporation, sealed), duly attested, and, if required by him, duly proved in accordance with sections 169 to 171 of the Act, or duly verified in accordance with section 176 of the Act, section 21 of the Statutes Amendment Act, 1939, or section 9 of the Evidence Amendment Act, 1945, as the case may be.

“(2) Regulation 10 of these regulations shall, with the necessary modifications, apply to the deposit with the Registrar pursuant to section 160 of the Act of any power of attorney or duplicate or attested copy thereof.”

\* Statutory Regulations 1948, Serial number 1948/137, page 422.

Amendment No. 1 : Statutory Regulations 1949, Serial number 1949/111, page 425.

4. (1) Regulation 36 of the principal regulations is hereby amended by adding the following proviso :—

“ Provided that the Public Trustee, the State Advances Corporation of New Zealand, and any Government Department may pay search fees at such periodic intervals as may be approved by the Registrar-General of Land.”

(2) Regulation 40 of the principal regulations is hereby amended by adding the following additional proviso :—

“ Provided also that the Public Trustee, the State Advances Corporation of New Zealand, and any Government Department may enter the necessary particulars at such periodic intervals as may be approved by the Registrar-General of Land.”

(3) Regulation 48 of the principal regulations is hereby amended by inserting at the beginning thereof the words “ Except where these regulations otherwise provide ”.

5. Regulation 49 of the principal regulations is hereby amended by omitting from subclause (2) the words “ (including improvements) ”, and substituting the words “ (excluding the value of any buildings thereon) ”.

6. The principal regulations are hereby amended by revoking the Schedule and substituting the following Schedule :—

#### “ SCHEDULE

#### FEES PAYABLE TO DISTRICT LAND REGISTRARS UNDER THE LAND TRANSFER ACT, 1915

Registering memorandum of transfer :—

(a) Where monetary consideration or value of the estate or interest transferred does not exceed £100	£ s. d.
.. .. .	0 10 0
(b) Where monetary consideration or value of the estate or interest transferred does not exceed £1,000	1 10 0
(c) For every other transfer	2 0 0

Registering memorandum of mortgage :—

(a) Where principal sum secured or intended to be secured does not exceed £100	0 10 0
(b) Where principal sum secured or intended to be secured does not exceed £1,000	1 10 0
(c) For every other mortgage	2 0 0

Registering memorandum of encumbrance or lease
 0 15 0 |

Registering Crown lease or licence
 0 15 0 |

Registering discharge of mortgage or encumbrance
 0 10 0 |

Registering any instrument varying the provisions of a mortgage
 0 10 0 |

Registering memorandum of priority of mortgage
 0 10 0 |

Registering discharge of any charge not elsewhere provided for
 0 10 0 |

Registering surrender of lease
 0 10 0 |

Registering memorandum of extension or variation of lease
 0 10 0 |

For any certificate of title in lieu of Crown grant issued for the land comprised in a road closed under the provisions of subsection (3) of section 29 of the Public Works Amendment Act, 1948
 No fee. |

For any certificate of title in lieu of Crown grant issued for any land granted under the provisions of section 99 of the Public Works Act, 1928
 No fee. |

For any certificate of title in lieu of Crown grant issued for any land granted or given by the Crown pursuant to any contract for the exchange of land authorized by any Act
 No fee. |

For every leasehold certificate of title where the rent reserved by the lease does not exceed £20 per annum
 0 15 0 |

For every other leasehold certificate of title
 1 10 0 |

For every certificate of title on transfer for a monetary consideration or value not exceeding £100
 1 0 0 |

## "SCHEDULE—continued

FEES PAYABLE TO DISTRICT LAND REGISTRARS UNDER THE LAND TRANSFER  
ACT, 1915—continued

	£	s.	d.
For every other certificate of title .. .. .	2	0	0
Registering transmission .. .. .	1	0	0
Registering any vesting effected by Act of Parliament unless otherwise provided by that Act .. .. .	1	0	0
Entering notice of marriage or other change or correction of name ..	1	0	0
Registering vesting of lease in mortgagee consequent on refusal of Official Assignee to accept same .. .. .	1	0	0
Registering re-entry by lessor .. .. .	1	0	0
Registering any order of the Maori Land Court .. .. .	1	0	0
Entering notice of writ or order of the Supreme Court .. .. .	1	0	0
Noting caveat (not including any notice required pursuant to section 151 of the Act) .. .. .	0	10	0
Cancellation or withdrawal of caveat and for every notice relating to any caveat (similar notices to different persons being deemed to be separate notices) .. .. .	0	5	0
Registering any instrument or dealing with any matter not otherwise provided for .. .. .	1	0	0
When any instrument or other matter purports to deal with or affect land included in more than one folium of the register book, for each folium after the first .. .. .	0	4	0
Depositing any map or plan .. .. .	0	10	0
Fees for checking plans and diagrams are to be charged as follows:—			
(a) For each £1,000 or part of £1,000 of the value of the land (excluding the value of any buildings thereon) comprised in any plan of survey .. .. .	1	0	0
(b) For any plan, not being a plan of survey, or for any diagram endorsed on a transfer or other instrument .. .. .	0	10	0
(c) For the plan of any land vested in a local authority as defined in section 2 of the Public Works Act, 1928, the fees shall be at the rate prescribed in paragraph (a), but shall not exceed the sum of .. .. .	5	0	0
Depositing power of attorney, declaration of trust, or any other instrument .. .. .	0	10	0
Noting revocation of power of attorney .. .. .	0	10	0
Noting determination of easement or <i>profit à prendre</i> .. .. .	0	15	0
Cancelling covenants or agreements relating to fences .. .. .	0	15	0
For recording on a new lease or licence the encumbrances, liens, and interests to which it is deemed to be subject under the provisions of section 5 of the Land Transfer Amendment Act, 1939, or any other enactment .. .. .	0	10	0
For noting any merger .. .. .	0	10	0
For any notice to produce deeds or instruments .. .. .	0	5	0
For every single search .. .. .	0	2	0
For every general search .. .. .	0	5	0
For certified copy of any instrument—			
Not exceeding five folios .. .. .	0	5	0
For every folio or part folio after first five .. .. .	0	0	6
For every section or part of a section in a plan forming part of the certified copy .. .. .	0	1	0
For issuing any provisional certificate of title .. .. .	1	0	0
For issuing provisional lease or mortgage: The same fees as for a certified copy.			
For approving any form .. .. .	0	1	0
For administering oath or affirmation in lieu of oath .. .. .	0	5	0
For a certificate under section 170 or section 171 of the Act .. .. .	0	5	0
For exhibiting deeds surrendered by applicant .. .. .	0	5	0
Attending at Court to produce documents or to give evidence: For each day or part of a day .. .. .	2	2	0"

T. J. SHERRARD,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

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

Regulation 2 authorizes the Registrar, when a document is presented for registration affecting land in more than one registration district, to require a separate instrument to be drawn up for registration in each registration district affected.

Regulation 3 authorizes the Registrar to require the due execution of powers of attorney presented for deposit.

Regulation 4 enables search fees payable by Government Departments to be paid at periodic intervals instead of at the time of each search.

Regulation 5 is consequential on the new scale of fees relating to the checking of plans and diagrams. The declaration to be lodged with a survey plan is to state the value of the land excluding the value of buildings thereon.

Regulation 6 substitutes a new scale of fees payable to District Land Registrars.

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Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 24th day of May, 1951.

These regulations are administered in the Department of Justice.