



**THE LAND TRANSFER REGULATIONS 1966,
AMENDMENT NO. 11**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 13th day of February 1995

Present:

THE RIGHT HON. J. B. BOLGER PRESIDING IN COUNCIL

PURSUANT to section 236 of the Land Transfer Act 1952, Her 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—These regulations may be cited as the Land Transfer Regulations 1966, Amendment No. 11, and shall be read together with and deemed part of the Land Transfer Regulations 1966* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of April 1995.

2. Office hours—The principal regulations are hereby amended by revoking regulation 4, and substituting the following regulation:

*S.R. 1966/25

Amendment No. 1: *(Revoked)*
 Amendment No. 2: *(Revoked)*
 Amendment No. 3: *(Revoked)*
 Amendment No. 4: *(Revoked)*
 Amendment No. 5: *(Revoked)*
 Amendment No. 6: *(Revoked)*
 Amendment No. 7: S.R. 1987/113
 Amendment No. 8: *(Revoked)*
 Amendment No. 9: *(Revoked)*
 Amendment No. 10: S.R. 1993/395

“4. Every Land Registry Office shall, on every day when it is required by regulation 3 of these regulations to be open, be open during such hours as the Registrar-General fixes from time to time, either generally or in any particular case.”

3. Form of documents—The principal regulations are hereby amended by revoking regulation 6, and substituting the following regulations:

“5A. **Paper**—(1) Except as provided in subclause (2) of this regulation, no application or instrument shall be received or registered unless it is on paper that is—

“(a) Cream or white laid or goatskin; and

“(b) Free from discoloration and blemishes; and

“(c) Approved by the Registrar-General for the purpose; and

“(d) In the case of a single-page document, international size A4 paper of a density of not less than 100 g/m²; and

“(e) In the case of a document that is not a single-page document, either—

“(i) Pages of international size A4; or

“(ii) One or more pages of international size A3, each folded in half crosswise,—
of a density of not less than 80 g/m² (if 2 or more, securely bound together in a manner approved by the Registrar-General).

“(2) An application or instrument may (if otherwise in order) be received or registered if—

“(a) A form is prescribed for it by the Act and set out in the Second Schedule to the Act; and

“(b) It is written upon a printed form—

“(i) Supplied by the Registrar-General or the Registrar; or

“(ii) Approved by the Registrar-General or the Registrar, and printed, before the commencement of the Land Transfer Regulations 1966, Amendment No. 11; and

“(c) Inset sheets used with the form are of good quality, and the same size as the form; and

“(d) In the case of an application or instrument written upon a printed form approved by the Registrar-General or the Registrar, the paper upon which it is written is of the best quality, and of a size approved by the Registrar-General or the Registrar.

“5B. **Printed forms**—(1) Except as provided in subclause (2) of this regulation, no application or instrument that has been created by the completion and execution of a printed form shall be received or registered unless—

“(a) Every page of the form has, at the top, bottom, and both sides, a margin, at least 10 mm wide that is free (except for any initialling or signing of corrections in accordance with paragraph (b) or paragraph (c) of regulation 12 (2) of these regulations) from all printing and writing; and—

“(b) The form is clearly and permanently printed in a manner that enables its reproduction by all common reprographic means.

“(2) An application or instrument may (if otherwise in order) be received or registered if—

“(a) A form is prescribed for it by the Act and set out in the Second Schedule to the Act; and

“(b) It is written upon a printed form—

“(i) Supplied by the Registrar-General or the Registrar; or

“(ii) Approved by the Registrar-General or the Registrar, and printed, before the commencement of the Land Transfer Regulations 1966, Amendment No. 11; and

“(c) The margin of the form is free (except for any initialling or signing of corrections in accordance with paragraph (b) or paragraph (c) of regulation 12 (2) of these regulations) of all writing.

“5c. **Annexure schedules**—(1) Where,—

“(a) An application or instrument has been created by the completion and execution of a printed form that requires certain matters to be contained in or attached to an additional sheet of paper; or

“(b) A panel or space on an application or instrument that has been created by the completion and execution of a printed form is too small for all the matters intended to be written in it,—

the application or instrument shall not be received or registered unless those matters are contained in an annexure schedule in form A in the Third Schedule to these regulations, completed in accordance with subclauses (2) to (4) of this regulation.

“(2) Where more than 2 or more annexure schedules are used they shall be consecutively numbered.

“(3) An annexure schedule that—

“(a) Extends any matter contained in a panel or space on the application or instrument to which it is annexed; or

“(b) Creates or provides for any condition, covenant, restriction, or other provision or matter,—

shall be initialled or signed by each signatory, and by either that signatory’s witnesses (if any) or a solicitor acting on the signatory’s behalf.

“(4) Subject to subclause (3) of this regulation, every annexure schedule shall be completed in a manner approved by the Registrar concerned.

“5D. **Certain non-conforming documents acceptable**—(1) In subclause (2) of this regulation, ‘old instrument’ means an instrument executed before the 1st day of April 1995.

“(2) Notwithstanding regulations 5A to 5C of these regulations,—

“(a) Any old instrument may (if otherwise in order) be received and registered if it is in a form that was acceptable at the time it was executed; and

“(b) Any instrument that is a discharge of, or other dealing with, an old instrument may (if otherwise in order) be received and registered if—

“(i) It is engrossed on or annexed to the old instrument; and

“(ii) The old instrument has been registered or is registrable.

“6. **Printing of forms**—(1) Subject to subclause (2) of this regulation, the Registrar-General may, on any terms the Registrar-General thinks fit,—

“(a) License persons to print and sell to the public; or

“(b) License law practitioners, land brokers, departments of State, and other persons or bodies approved by the Registrar-General for the purpose, to print and use for their own purposes,—

forms intended to be completed, executed, and lodged with Registrars or the Registrar-General.

“(2) The Registrar-General shall not license any person under subclause (1) of this regulation unless—

“(a) The person has sent the Registrar-General 2 copies of the proposed form; and

“(b) The Registrar-General has approved the form for the purposes of section 237 of the Act, noted the approval on 1 of the copies, and returned it to the person.

“**6A. Form of memoranda setting forth provisions intended for inclusion in instruments, and instruments used with such memoranda**—There are hereby prescribed for the purposes of section 155A of the Act—

“(a) For memoranda (within the meaning of subsection (1) of that section), form B set out in the Third Schedule to these regulations:

“(b) For mortgages intended to be used in conjunction with such memoranda, form C set out in that schedule:

“(c) For leases intended to be used in conjunction with such memoranda, form D set out in that schedule.”

4. Correction of errors—Regulation 12 of the principal regulations is hereby amended by revoking subclauses (2) and (3), and substituting the following subclause:

“(2) The Registrar shall refuse to register an instrument containing a correction unless—

“(a) The correction has been effected by deleting the words or figures written in error, and writing the correct words or figures above them; and

“(b) Where the correction affects or could effect the interests of any signatory of the instrument, it is initialled or signed by each signatory of the instrument, and by either that signatory’s witnesses (if any) or a solicitor acting on that signatory’s behalf in the transaction; and

“(c) Where the correction affects or could affect the interests of any person receiving the benefit under the instrument (not being a signatory of the instrument), it is initialled or signed by each such person or a solicitor acting on the person’s behalf in the transaction.”

5. Presentation for registration—Regulation 15 of the principal regulations is hereby amended by omitting the words “between the hours of 9 a.m. and 0.30 p.m. or between the hours of 1.30 p.m. and 3 p.m.”, and substituting the words “on a day when the office is required by regulation 3 (1) of these regulations to be open and at a time when it is required by regulation 4 of these regulations to be open”.

6. New schedule added—The principal regulations are hereby amended by adding the schedule set out in the Schedule to these regulations.

Reg. 5

SCHEDULE
NEW THIRD SCHEDULE TO PRINCIPAL REGULATIONS
"THIRD SCHEDULE
"FORMS
Form A
Annexure Schedule

Insert below:—

"Mortgage", "Transfer", "Lease" etc.

dated page of pages

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here

SCHEDULE—*continued*

“THIRD SCHEDULE—*continued*

“FORMS—*continued*

Form B

Memorandum Setting Forth Provisions Intended for Inclusion in Instruments

MEMORANDUM

Land Transfer Act 1952

Class of instrument in which provisions intended to be included:

[Empty rectangular box for class of instrument]

Person executing Memorandum:

[Empty rectangular box for person executing memorandum]

The following provisions are intended for inclusion in instruments of the above class:

[Large empty rectangular box for provisions intended for inclusion]

Dated this day of 19

Execution

[Empty rectangular box for signature and date completion]

SCHEDULE—*continued*
“THIRD SCHEDULE—*continued*

“FORMS—*continued*

Form C

Mortgage Intended for Use in Conjunction with Memorandum

MORTGAGE
Land Transfer Act 1952

If there is not enough space in any of the panels below, the two page form incorporating the Annexure Schedule should be used: no other format will be received.

Land Registration District

Certificate of Title No. All or Part? Area and legal description - *insert only when part or Stratum, CT*

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Mortgagor *Sumames must be underlined*

Mortgagee *Sumames must be underlined*

Estate or Interest: *Insert e.g. Fee simple; Leasehold in Lease No etc.*

Terms

Operative Clause

Dated this	day of	19
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Attestation

Signature, or common seal of Mortgagor	Signed in my presence by the Mortgagor
	Signature of Witness
	Witness to complete in BLOCK letters <i>(unless typewritten or legibly stamped)</i>
	Witness name
Occupation	Address

Certified correct for the purposes of the Land Transfer Act 1952

Solicitor for the Mortgagee

SCHEDULE—*continued*
“THIRD SCHEDULE—*continued*
“FORMS—*continued*
Form D

Lease Intended for Use in Conjunction with Memorandum

LEASE
Land Transfer Act 1952

If there is not enough space in any of the panels below, the two page form incorporating the Annexure Schedule should be used: no other format will be received.

Land Registration District

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Certificate of Title No. All or Part? Area and legal description - insert only when part or Stratum, CT

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Lessor Surnames must be underlined

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Lessee Surnames must be underlined

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Estate or interest: Insert e.g. Fee simple; Leasehold in Lease No etc.

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Term

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Operative Clause

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Dated this day of 19

Attestation

	Signed in my presence by the Lessor Signature of Witness
	Witness to complete in BLOCK letters (unless typewritten or legibly stamped) Witness name Occupation
Signature, or common seal of Lessor	Address
	Signed in my presence by the Lessee Signature of Witness
	Witness to complete in BLOCK letters (unless typewritten or legibly stamped) Witness name Occupation
Signature, or common seal of Lessee	Address

Certified correct for the purposes of the Land Transfer Act 1952
Certified that Part II of the Land Settlement Promotion and Land Acquisition Act 1952 does not apply.
Certified that no lease duty is payable by virtue of Section 35(1) of the Stamp and Cheque Duties Act 1971.
(DELETE INAPPLICABLE CERTIFICATE)

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Solicitor for the Lessee

MARIE SHROFF,
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, which come into force on 1 April 1995—

- (a) Provide for every Land Registry Office (that being the official name of the office usually referred to as the Land Transfer Office) to be open, for all purposes, during hours from time to time fixed by the Registrar-General, on every day it is open for business;
- (b) Prescribe the size and quality of paper on which applications and documents are to be written;
- (c) Prescribe new forms for the purposes of section 155A of the Land Transfer Act 1952, namely—
 - (i) A memorandum of terms intended for inclusion by reference in mortgages and leases; and
 - (ii) A memorandum of mortgage intended to have terms included in it by reference; and
 - (iii) A memorandum of lease intended to have terms included in it by reference; and
 - (iv) An annexure schedule for use with such a mortgage or lease form;
- (d) Amend regulation 12 of the Land Transfer Regulations 1966 to provide that correction on an instrument may be initialled by the parties' solicitors, instead of the people who witnessed the execution of the instrument.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 16 February 1995.

These regulations are administered in the Department of Justice.