

Reprint  
as at 12 November 2018



## Land Transfer (Compulsory Electronic Lodgement) Order 2007 (SR 2007/87)

Land Transfer (Compulsory Electronic Lodgement) Order 2007: revoked, on 12 November 2018, by section 249(2) of the Land Transfer Act 2017 (2017 No 30).

Anand Satyanand, Governor-General

### Order in Council

At Wellington this 26th day of March 2007

Present:

His Excellency the Governor-General in Council

Pursuant to section 24 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This order is administered by Land Information New Zealand.**

- 5           Conveyancers to lodge transfers and mortgages electronically on           4  
                  and after 1 August 2007

## Order

### 1    **Title**

This order is the Land Transfer (Compulsory Electronic Lodgement) Order 2007.

### 2    **Commencement**

This order comes into force on 1 May 2007.

### 3    **Interpretation**

In this order, unless the context otherwise requires,—

**1952 Act** means the Land Transfer Act 1952

**2002 Act** means the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002

**conveyancer** means—

- (a) a landbroker licensed by the Registrar-General under section 229 of the 1952 Act; or
- (b) a person who holds a current practising certificate under section 57 of the Law Practitioners Act 1982

**discharge instrument** means either of the following:

- (a) a discharge of mortgage under section 111 of the 1952 Act;
- (b) a withdrawal instrument

**discharge of mortgage** means an instrument that—

- (a) fully discharges or releases the land or estate or interest in 1 or more computer registers; and
- (b) affects only 1 registered mortgage

**mortgage instrument** means a mortgage instrument made under section 101(1) of the 1952 Act that—

- (a) is a mortgage of the whole of any land or estate or interest for which 1 computer register has been created; or
- (b) is a mortgage of the whole of any land or estate or interest for which more than 1 computer register has been created, if the registered proprietor is the same in each case, and is by way of a single mortgage instrument in favour of 1 mortgagee or co-mortgagees who take the mortgage either jointly or as tenants in common

**transfer instrument** means a transfer instrument made for the purposes of registering a transfer of land under section 90(1) of the 1952 Act that—

- (a) is a transfer of the whole of any land or estate or interest for which a computer register has been created or is a transfer of the whole of any land or estate or interest for which more than 1 computer register has been created, if the registered proprietor is the same in each case; and
- (b) operates so that co-transferees take title either jointly or as tenants in common; and
- (c) does not express a purpose for which any land or estate or interest is held by the transferor or transferee; and
- (d) does not create or reserve any new rights, interests, covenants, or conditions (other than by creating a fencing covenant as defined in the Fencing Act 1978)

**withdrawal instrument** means an instrument that—

- (a) releases a family benefit charge under section 14(3) or (4) of the Family Benefits (Home Ownership) Act 1964; or
- (b) discharges a charging order under rule 599 of the District Courts Rules 1992; or
- (c) discharges a compensation certificate under section 19(7) of the Public Works Act 1981; or
- (d) discharges an encumbrance under section 111 of the 1952 Act; or
- (e) discharges a statutory land charge under any of the following:
  - (i) section 7 of the Statutory Land Charges Registration Act 1928;
  - (ii) section 52 of the Electricity Act 1968;
  - (iii) section 57(3) of the Estate and Gift Duties Act 1968;
  - (iv) section 14L(5) of the Farm Ownership Savings Act 1974;
  - (v) section 18 of the Legal Aid Act 1969;
  - (vi) section 40 of the Legal Services Act 1991;
  - (vii) section 32 of the Legal Services Act 2000;
  - (viii) section 326(10), 331(1), 335(7), 355(5), 465, 468(5), 511(6), 626(1), 650(5), 674(7), or 692ZK(3) of the Local Government Act 1974;
  - (ix) section 372 of the Municipal Corporations Act 1954;
  - (x) section 73(5), 74(5), or 107(6) of the Public Works Act 1981;
  - (xi) section 162(5) of the Rating Powers Act 1988;
  - (xii) section 109(5) or 315(3) of the Resource Management Act 1991;
  - (xiii) section 5A of the Rural Housing Act 1939;
  - (xiv) section 125 of the Social Security Act 1964;

- (xv) section 25 of the Soil Conservation and Rivers Control Act 1941;  
or
- (f) discharges a charge on land noted on the register under the authority of any enactment other than the 1952 Act or the 2002 Act; or
- (g) withdraws wholly or partially a caveat under section 147 of the 1952 Act; or
- (h) withdraws wholly or partially a notice of claim under section 42(3) of the Property (Relationships) Act 1976.

#### **4 Conveyancers to lodge discharges electronically on and after 1 May 2007**

- (1) Section 24 of the 2002 Act applies on and from 1 May 2007 to conveyancers lodging discharge instruments.
- (2) Conveyancers who wish to lodge a discharge instrument with the Registrar-General of Land on or after that date must lodge the instrument electronically under the 2002 Act.

#### **5 Conveyancers to lodge transfers and mortgages electronically on and after 1 August 2007**

- (1) Section 24 of the 2002 Act applies on and from 1 August 2007 to conveyancers lodging mortgage instruments or transfer instruments.
- (2) Conveyancers who wish to lodge a mortgage instrument or transfer instrument with the Registrar-General of Land on or after that date must lodge the instrument electronically under the 2002 Act.

Diane Morcom,  
Clerk of the Executive Council.

### **Explanatory note**

*This note is not part of the order, but is intended to indicate its general effect.*

This order applies section 24 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 (the **2002 Act**) to conveyancers whenever they—

- lodge a discharge instrument on or after 1 May 2007;
- lodge a transfer or mortgage instrument on or after 1 August 2007.

The effect of this order is that, on and after the relevant date, a conveyancer will have to lodge a discharge, transfer, or mortgage instrument electronically unless section 24(3)(a) or (b) of the 2002 Act applies. By virtue of section 24(3), this order will not apply to a conveyancer who has been barred from giving certifications under section 164B of the Land Transfer Act 1952 or who receives a dispensation granted by the

Registrar in a case where the Registrar considers it impractical or inappropriate to present an instrument electronically.

The different classes of instruments are defined consistently with the corresponding definitions in the Land Transfer Regulations 2002. Under the 2002 Act, a conveyancer is a licensed landbroker or person who holds a practising certificate under section 57 of the Law Practitioners Act 1982. On the commencement of the relevant provisions of the Lawyers and Conveyancers Act 2006, conveyancers will be called practitioners.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 29 March 2007.

## Reprints notes

### **1** *General*

This is a reprint of the Land Transfer (Compulsory Electronic Lodgement) Order 2007 that incorporates all the amendments to that order as at the date of the last amendment to it.

### **2** *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3** *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4** *Amendments incorporated in this reprint*

Land Transfer Act 2017 (2017 No 30): section 249(2)