



# Land Transfer Amendment Regulations 2000

Michael Hardie Boys, Governor-General

## Order in Council

At Wellington this 22nd day of May 2000

Present:

His Excellency the Governor-General in Council

Pursuant to section 236 of the Land Transfer Act 1952, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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**consequential on Land Transfer**  
**(Automation) Amendment Act 1998**

## Regulations

### 1 Title

- (1) These regulations are the Land Transfer Amendment Regulations 2000.
- (2) In these regulations, the Land Transfer Regulations 1966<sup>1</sup> are called “the principal regulations”.

<sup>1</sup> SR 1966/25

### 2 Commencement

These regulations come into force on 22 June 2000.

### 3 New regulation 2 substituted

The principal regulations are amended by revoking regulation 2, and substituting the following regulation:

#### “2 Interpretation

In these regulations, unless the context otherwise requires,—

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

“**computer register** has the same meaning as in section 2(1) of the Land Transfer (Automation) Amendment Act 1998

“**medium** has the same meaning as in section 2(1) of the Land Transfer (Automation) Amendment Act 1998.”

### 4 Land Registry Offices

- (1) Regulation 3(1) of the principal regulations is amended by omitting the words “In and for each district”, and substituting the words “For each district”.
- (2) Regulation 3 of the principal regulations is amended by inserting, after subclause (1), the following subclause:

“(1A) A Land Registry Office does not have to be located in the district for which it is the Land Registry Office.”

**5 New regulations 5 and 5A substituted**

The principal regulations are amended by revoking regulations 5, 5A, and 5B, and substituting the following regulations:

**“5 Records and indexes**

“(1) In addition to the registers provided for by the Act and by the Land Transfer (Automation) Amendment Act 1998, the Registrar must keep the following records for each district:

“(a) a record of all instruments received for registration, which must specify for each instrument—

“(i) the reference number or other unique identifier given to the instrument; and

“(ii) the date and time when the instrument was received; and

“(iii) the reference number or other unique identifier of the provisional register, certificate of title, or computer register that is to be affected by the proposed registration of the instrument; and

“(b) an indexing system that enables any provisional register, certificate of title, or computer register to be identified by reference to the name of the registered proprietor concerned or to the description of the land concerned; and

“(c) a record of all applications to bring land under the operation of the Act or the Land Transfer (Automation) Amendment Act 1998.

“(2) The Registrar may comply with subclause (1) by keeping the records in any medium or combination of media.

**“5A Paper**

No application or instrument may be received or registered unless it is on paper that is—

“(a) cream or white; and

“(b) free from discoloration and blemishes; and

“(c) international size A4 paper of a density of not less than 80 g/m<sup>2</sup>; and

“(d) approved by the Registrar for the purpose.”

**6 Certain non-conforming documents acceptable**

Regulation 5D(2) of the principal regulations is amended by omitting the expression “regulations 5A to 5C”, and substituting the expression “regulations 5A and 5C”.

**7 Form of memoranda setting forth provisions intended for inclusion in instruments, and instruments used with such memoranda**

Regulation 6A of the principal regulations is amended by adding the following paragraph:

“(d) for instruments that are intended to transfer estates or interests or create rights of way or other easements, and that are intended to be used in conjunction with such memoranda, form E set out in that schedule.”

**8 New regulation 7 substituted**

The principal regulations are amended by revoking regulation 7, and substituting the following regulation:

**“7 Forms of instruments**

“(1) Every application or instrument for which a form is set out in the Second Schedule of the Act—

“(a) must comply with section 237 of the Act or regulation 6A, as the case may require; and

“(b) to the extent that it is not printed, must be fairly and legibly written or typed in permanent dense black or blue ink; and

“(c) if it is typed, and to be kept or registered (otherwise than under the Land Transfer (Automation) Amendment Act 1998), the original, and not a carbon copy, must be retained in the Land Registry Office.

“(2) In the case of instruments presented for registration in duplicate or triplicate, each part must be an exact replica of the other or others, both as to the body of the instrument and as to—

“(a) original signatures and any seals; and

“(b) any provisions relating to its execution, making, attestation, or verification; and

“(c) any declaration or consent; and

“(d) any other matter endorsed on or annexed to the instrument.

- “(3) The Registrar may waive the requirements of subclause (2) in respect of any declaration, consent, or other matter that is endorsed on or annexed to an instrument simply for evidentiary purposes to enable the instrument to be registered.”

**9 Registrar may refuse to register instruments in certain cases**

Regulation 8 of the principal regulations is amended by revoking paragraph (d), and substituting the following paragraphs:

“(d) which is not capable of being copied or imaged for the purposes of section 19 of the Land Transfer (Automation) Amendment Act 1998:

“(e) which for any other reason is incapable of complete registration.”

**10 New regulation 15 substituted**

The principal regulations are amended by revoking regulation 15, and substituting the following regulation:

**“15 Presentation for registration**

“(1) In this regulation, **document** means—

“(a) an application to bring land under the Act; or

“(b) an instrument, dealing, or other matter that is required to be registered, or entered in the register, or deposited with the Registrar.

“(2) A person claiming under a document, or anyone acting on his or her behalf, may present the document by hand or by post at the relevant Land Registry Office.

“(3) A document can be presented by hand only during the hours fixed under regulation 4.”

**11 New regulation 18 substituted**

The principal regulations are amended by revoking regulation 18, and substituting the following regulation:

**“18 Production of duplicate certificate or instrument**

“(1) This regulation applies to an instrument whose registration will—

“(a) require the entry of a memorial of the instrument on the duplicate certificate or other instrument of title; or

“(b) result in the issue of a new certificate of title under section 13(2) of the Land Transfer (Automation) Amendment Act 1998.

“(2) An instrument to which this regulation applies may be received for registration only if the duplicate certificate or other instrument of title is either produced with the instrument or has been previously lodged for the purposes of registration, except in any case when—

“(a) the Registrar dispenses with the production of the duplicate certificate or other instrument of title under section 44 of the Act; or

“(b) the Registrar intends to give notice or has given notice, under section 211 of the Act, for the production of the duplicate certificate or other instrument of title; or

“(c) section 17(3) of the Land Transfer (Automation) Amendment Act 1998 applies; or

“(d) the instrument gives effect to a decree or order of a court, or to a proclamation, Order in Council, or to another instrument made or issued under an Act; or

“(e) an Act provides that the production of the duplicate is not required.”

## 12 New regulation 29 substituted

The principal regulations are amended by revoking regulation 29, and substituting the following regulation:

### “29 Searches

“(1) During the hours fixed under regulation 4, any person may search, in a Land Registry Office, any of the following:

“(a) the register:

“(b) the provisional register:

“(c) the records kept in accordance with regulation 5:

“(d) all registered and deposited instruments and plans.

“(2) A person may search, by means of remote log-on access, any computer register or the copy or image of a document produced in accordance with section 19 of the Land Transfer (Automation) Amendment Act 1998, if the person is authorised by the chief executive of the Department to access the database on which documents of that kind are contained.

“(3) A licence of the kind referred to in subclause (2) and the right conferred by that subclause are each subject to any limits that

the Registrar may from time to time specify for the purpose of safeguarding the operation and effectiveness of the relevant database.”

**13 Regulation 32 revoked**

The principal regulations are amended by revoking regulation 32.

**14 New regulation 35 substituted**

The principal regulations are amended by revoking regulation 35, and substituting the following regulation:

**“35 Plan not to be deposited until appropriate consents given and other requirements complied with**

“(1) No plan by way of subdivision may be deposited unless the Registrar is satisfied that all necessary consents or certificates have been given in accordance with the Resource Management Act 1991, and have not lapsed.

“(2) No plan showing new roads, streets, rights of way, access ways, service lanes, or land set apart as reserves may be deposited unless the Registrar is satisfied that all the requirements of all relevant enactments relating to the provision, widening, and dedication of roads and streets have been complied with.

“(3) To avoid any doubt, the reference to enactments in subclause (2) includes the provisions of sections 125 to 127 of the Public Works Act 1928 to the extent that those provisions are saved by section 9(8) of the Local Government Amendment Act 1979.”

**15 Fees**

Regulation 36 of the principal regulations is amended by revoking subclause (1), and substituting the following subclauses:

“(1) Subject to these regulations, the fees set out in Schedule 1 in respect of the matters specified in that schedule are payable to the Registrar.

- “(1A) The Registrar may permit a person to pay fees in accordance with a credit arrangement.
- “(1B) A party to a credit arrangement who fails to pay a fee in accordance with the arrangement is liable to pay interest on that fee—
- “(a) at the rate prescribed for the time being under section 87 of the Judicature Act 1908; and
- “(b) from the date on which the fee should have been paid to the date on which it is paid.
- “(1C) In any case where there is no credit arrangement, any fee in respect of a requested matter is payable before the request is met.”

## 16 New regulation 36A inserted

The principal regulations are amended by inserting, after regulation 36, the following regulation:

### “36A Registrar to pay reasonable costs of resubmitting instrument following defective imaging

If the Registrar is satisfied that any costs or expenses have been reasonably incurred in resubmitting an instrument in accordance with section 20 of the Land Transfer (Automation) Amendment Act 1998, the Registrar must reimburse the person concerned for those costs or expenses.”

## 17 Schedule 1 amended

Schedule 1 is amended by revoking items 11 and 12, and substituting the following items:

- |     |  |   |
|-----|--|---|
| 11  | For inspecting in a Land Registry Office—  |   |
|     | (a) a grant or certificate of title, or a lease or licence registered or entered in the register in accordance with the Land Act 1948  | 8 |
|     | (b) a document (other than a plan) not specified in paragraph (a) ... ..   | 2 |
| 12  | For supplying (whether by electronic means or otherwise) a search copy of any grant or certificate of title or computer register, or any lease or licence registered or entered in the register in accordance with the Land Act 1948 ... | 7 |
| 12A | For supplying search copies of computer registers—   |   |
|     | (a) for a copy showing only current information (other than the relevant plan) ...   | 5 |
|     | (b) for a copy showing current and historical information (other than the relevant plan)   | 6 |



12B For supplying (whether by electronic means or otherwise) a copy of a document (other than a plan) not specified in item 11(a) ... .. 2

### **18 Third Schedule amended**

- (1) The Third Schedule of the principal regulations is amended by revoking form D, and substituting form D set out in Part 1 of Schedule 1 of these regulations.
- (2) The Third Schedule of the principal regulations is amended by adding form E set out in Part 2 of Schedule 1 of these regulations.

### **19 Amendments to principal regulations consequential on Land Transfer (Automation) Amendment Act 1998**

The principal regulations are amended in the manner indicated in Schedule 2.

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# Schedule 1

## Amendments to Third Schedule of principal regulations

### Part 1

### *New Form D substituted in Third Schedule of principal regulations*

#### 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, the 2-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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**Lessor** [*surnames must be underlined*]

**Lessee** [*surnames must be underlined*]

**Estate or interest:** [*insert, e.g., fee simple; leasehold in lease no. ...., etc.*]

**Term**

**Rental**

**Operative clause**

Dated this      day of      20

**Attestation**

	<p>Signed in my presence by the lessor Signature of witness</p> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p><b>Witness to complete in BLOCK letters</b> <i>(unless typewritten or legibly stamped)</i> Witness name Occupation Address</p>
Signature, or common seal of lessor	<p>Signed in my presence by the lessee Signature of witness</p> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p><b>Witness to complete in BLOCK letters</b> <i>(unless typewritten or legibly stamped)</i> Witness name Occupation Address</p>
Signature, or common seal of lessee	

Certified correct for the purposes of the Land Transfer Act 1952

Solicitor for the lessee

Part 2

New Form E added to Third Schedule of  
principal regulations

Form E

Instrument transferring estate or interest or creating easement,  
and intended for use in conjunction with memorandum

TRANSFER

Land Transfer Act 1952

If there is not enough space in any of the panels, the 2-page form incorporating the  
Annexure Schedule should be used: no other format will be received.

Land Registration District

[Empty box for Land Registration District]

Certificate of title no.

All or part?

Area and legal description – [insert only when part or stratum, CT]

[Empty box for Certificate of title no.]

[Empty box for All or part?]

[Empty box for Area and legal description]

Transferor [surnames must be underlined]

[Empty box for Transferor]

Transferee [surnames must be underlined]

[Empty box for Transferee]

Estate or interest or easement to be created: [insert, e.g., fee simple; leasehold in lease no. ...., right of way, etc.]

[Empty box for Estate or interest or easement to be created]

Consideration

[Empty box for Consideration]

Operative clause

[Empty box for Operative clause]

Dated this       day of       20

[Empty box for Dated this]

Attestation

[Empty box for Signature, or common seal of transferor]	Signed in my presence by the transferor Signature of witness
	Witness to complete in BLOCK letters (unless typewritten or legibly stamped) Witness name Occupation Address

Certified correct for the purposes of the Land Transfer Act 1952

[Empty box for Solicitor for the transferee]

Solicitor for the transferee

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**Schedule 2**  
**Amendments to principal regulations consequential**  
**on Land Transfer (Automation) Amendment**  
**Act 1998**

**Regulation 3(2)**

Omit the words “District Land Registrar” and substitute the word “Registrar”.

**Regulation 4**

Omit the words “Registrar-General” and substitute the word “Registrar”.

**Regulation 5C(4)**

Omit the word “concerned”.

**Regulation 6**

Omit the words “Registrar-General” wherever they occur and substitute in each case the word “Registrar”.

Omit from subclause (1) the words “Registrars or”.

**Regulation 30**

Omit the words “Registrar-General of Land” and substitute the word “Registrar”.

**Schedule 1**

Omit from item 18 the words “Registrar-General of Land” and substitute the word “Registrar”.

Marie Shroff,  
Clerk of the Executive Council.

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**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 22 June 2000, amend the Land Transfer Regulations 1966. The amendments align the principal regulations with the Land Transfer (Automation) Amendment Act 1998, which authorises documents at Land Registry Offices to be held in electronic form. The regulations also set fees for new services, and make other miscellaneous amendments.

*Regulation 4* amends regulation 3 of the principal regulations. The effect of the amendment is that a Land Registry Office will not have to be located in the district for which it is responsible.

*Regulation 5* substitutes *new regulations 5 and 5A* for regulations 5 to 5B of the principal regulations. The effect of the substitution is to update provisions relating to certain records, and to omit from the principal regulations certain requirements governing the physical form of documents presented at Land Registry Offices.

*Regulation 6* is consequential on *regulation 5*.

*Regulation 7* amends regulation 6A of the principal regulations, which prescribes forms for certain types of instruments that incorporate provisions in memoranda previously lodged with the Registrar. The amendment prescribes a new form of that kind for transfers. That form can also be used to create easements.

*Regulation 8* re-enacts regulation 7 of the principal regulations with minor changes that are consequential on the Land Transfer (Automation) Amendment Act 1998.

*Regulation 9* amends regulation 8 of the principal regulations to permit the Registrar to refuse to register instruments that cannot be copied or imaged for the purposes of the Land Transfer (Automation) Amendment Act 1998.

*Regulations 10 and 11* re-enact regulations 15 and 18 of the principal regulations with minor changes that are consequential on the Land Transfer (Automation) Amendment Act 1998.

*Regulation 12* replaces regulation 29 of the principal regulations with a regulation that continues the right to search, during office hours, documents kept in a Land Registry Office. The new regulation also provides for remote access to records kept in electronic form. That form of searching will be available to persons who hold the appropriate authority from the chief executive of Land Information New Zealand.

*Regulation 13* revokes an obsolete regulation of the principal regulations.

*Regulation 14* re-enacts regulation 35 of the principal regulations to up-date statutory references.

*Regulation 15* amends regulation 36 of the principal regulations, which deals with fees. The amendments provide for credit arrangements for fees. Fees that become payable under a credit arrangement

attract interest at the rate prescribed for the purposes of the Judicature Act 1908. The current rate under that Act is 11%.

*Regulation 16* authorises the Registrar to reimburse persons for reasonable costs and expenses incurred in resubmitting instruments that have not been properly imaged.

*Regulation 17* amends Schedule 1 of the principal regulations to set fees for new services. The fee for a search copy of a computer register is \$5 or \$6, depending on the contents of the copy of the computer register. The fee for other documents held in electronic form is \$2.

*Regulation 18* amends the Third Schedule of the principal regulations. The amendment re-enacts, with minor changes, the form for leases that incorporate provisions in memoranda previously lodged with the Registrar. The amendment also adds the new form for transfers referred to above (see *regulation 7*).

*Regulation 19* makes consequential changes to the principal regulations consequential on the abolition of the office of District Land Registrar by the Land Transfer (Automation) Amendment Act 1998.

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Date of notification in *Gazette*: 25 May 2000.

These regulations are administered in Land Information New Zealand.

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