

New Zealand.



ANALYSIS.

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1925, No. 20.

Title.

AN ACT to amend the Land Transfer Act, 1915.

[1st October, 1925.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Land Transfer Amendment Act, 1925, and shall be read together with and deemed part of the Land Transfer Act, 1915 (hereinafter referred to as the principal Act).

Provision in cases where Registrar's requisition is not complied with.

2. (1.) If any requisition made by the Registrar in respect of any instrument presented for registration, whether before or after the passing of this Act, is not complied with within such time as the Registrar may specify in that behalf in a notice forwarded by registered letter through the post to the person who presented such instrument, or to the person entitled under such instrument,—

(a.) The Registrar may refuse to complete or proceed with the registration of the instrument or to do any act or make any entry in relation thereto.

(b.) He may thereupon dispose of the instrument, together with all other documents lodged in connection therewith or such of those documents as he thinks fit, either by delivering the same to the person by whom the instrument was presented, or by sending the same by registered letter through the post addressed to that person, or addressed to the person entitled under such instrument, as the case may require.

(c.) The fees paid in respect of any such instrument, other than the fee for any new certificate of title that has not been prepared, shall be forfeited.

(2.) Before disposing of any such instrument as aforesaid the Registrar shall make a precis of the instrument, containing the number and nature of the instrument, the names of the parties, and a description of the land intended to be affected, and shall attach thereto a copy of the requisition and of the notice aforesaid, and shall file the same in the manner in which the instrument would have been filed if it had been registered.

(3.) The right of appeal from decisions of the Registrar provided for in the principal Act shall apply in respect of the exercise of the powers given to the Registrar by this section.

3. (1.) In the case of any lease, including a lease forming a folium of the Register-book in the office of the Registrar, the Registrar may, if in his opinion the number or nature of the entries thereon or in the Register-book renders it expedient so to do, issue to the registered proprietor a certificate of title for his leasehold interest.

Provision for issue of certificates of title in respect of leasehold interests.

(2.) The certificate of title shall refer to the lessor's certificate of title, if any, and to the lease, and shall state the date of commencement and the length of term, or the date of expiry of the term, created by the lease, and shall in all other respects be, with the necessary modifications, in the Form B in the Second Schedule to the principal Act, and shall be subject to the provisions of the lease and also to the provisions of the principal Act affecting leases.

(3.) On the determination of the lease, otherwise than by effluxion of time, the certificate of title shall be cancelled by the Registrar by endorsement on the folium of the Register-book, and on the expiry of the term of the lease the certificate of title shall be deemed to be so cancelled.

(4.) The Registrar shall enter a memorial of the issue of the certificate of title upon the lease and upon the outstanding duplicate thereof, and also upon the folium of the Register-book of the lessor's certificate of title (if any), and thereafter all dealings with or transmissions of the lease shall be registered on the certificate of title, and not on the folium of the Register-book of the lessor's certificate of title or on the folium constituted by the lease or on the outstanding duplicate of the lease.

(5.) All the provisions of the principal Act with respect to certificates of title shall, with the necessary modifications, apply to a certificate of title issued under this section in respect of a leasehold interest.

(6.) No fee shall be payable for the issue of a certificate of title under this section in any case where the unexpired period of the term of the lease does not exceed five years.

4. The Registrar, with the express approval in every case of the Registrar-General, may, at his discretion, destroy any instruments of title registered under the Deeds Registration Act, 1908, and lodged with any application under the principal Act, and may destroy one of the duplicate copies of any mortgage or lease registered under the principal Act, at any time after the expiration of twenty years from the date of the registration of such instruments of title, or the surrender of such lease, or the expiry of the term thereof, or the discharge of such

Authority to destroy instruments of title in certain cases after expiration of twenty years from registration.

mortgage respectively. He may also, with the like approval, destroy any books the preservation of which is, in his opinion, unnecessary or inexpedient, not being books provided for by sections thirty-three and forty-six of the principal Act, or any application-book, journal, nominal index, or sectional index kept pursuant to regulations under the principal Act.

Provisions as to
form of applications
under principal Act.

5. (1.) Any declaration made for the purposes of the principal Act may be made before a District Land Registrar, or a Justice of the Peace, or a solicitor of the Supreme Court, or a notary public, or any other person authorized by law to take statutory declarations in New Zealand. The Form A in the Second Schedule to that Act shall be deemed to be amended in accordance with the foregoing provisions of this subsection.

(2.) Every application to bring any land under the principal Act made by or on behalf of a company or other body corporate incorporated in New Zealand shall be under the seal of the corporation.

Principal Act
further amended.

6. The principal Act is hereby further amended in the manner indicated in the Schedule hereto.

Schedule.

SCHEDULE.

MISCELLANEOUS AMENDMENTS OF PRINCIPAL ACT.

Number of Section affected.	Nature of Amendment.
Section 2 ..	By omitting from the definition of the term "transmission" all words after the words "an estate or interest," and substituting the words "by operation of law"; and by repealing the definition of the expression "Land Revenue Receiver's receipt."
Sections 46, 48, and 49	By omitting the word "receipt" wherever it occurs, and in each case substituting the word "certificate."
Section 80 ..	By adding the following subsection:— “(6.) Instead of issuing a provisional certificate of title as herein provided, the Registrar, after giving notice similar to that provided for in subsection four hereof, may cancel the certificate of title by an endorsement on the existing folium of the Register-book, and may issue in lieu thereof a new certificate of title for the land.”
Section 82, subsection (1)	By inserting, after the word "easement," the words "or any <i>profit à prendre</i> "; and by adding the following words: "No easement or <i>profit à prendre</i> created as aforesaid in respect of any mortgaged or encumbered land shall be binding on the mortgagee except so far as he has consented thereto."
Section 89 ..	By omitting all the words after the word "aforesaid" in subsection (1); and by omitting the words "or other instrument" in subsection (2).
Section 100 ..	By omitting the words "memorandum of lease" in subsections (1) and (2), and substituting in each case the words "lease or license, or memorandum of lease, or memorandum of mortgage."

MISCELLANEOUS AMENDMENTS TO PRINCIPAL ACT—*continued.*

Number of Section affected.	Nature of Amendment.
Section 104, subsection (1)	By adding the following proviso :— “ Provided that it shall not be necessary for a mortgagor to execute a memorandum of reduction, or for a mortgagee to execute a memorandum of increase, of the mortgage debt or of the rate of interest payable under a mortgage.”
Section 129 ..	By omitting the words “ the date of the marriage and where solemnized.”
Section 188, subsection (2)	By omitting the words “ the Governor may issue his Warrant to the Minister of Finance for payment accordingly.” and substituting the words “ the Minister of Finance may pay such claim in whole or in part to the person entitled thereto in accordance with such certificate.”
Second Schedule ..	By repealing Form H.