



Land Transfer Act 1870 Amendment Act 1874

1874

- Citation:** 38 V. No 15
Date of Assent: 31 August, 1874
Commencement: Date of Assent
- Repeal:** Repealed 1 January, 1886 by 1885, No 57
Amendments: –
Type of Legislation: Public
Subject: Alienation of Maori Land
Govt Admin Specific to Maori/Maori Land
Validation
- Relevant Sections:**
- Preamble:* Under the Land Transfer Act 1870 no provision was made for registration of instruments affecting land granted under Native Land Acts until a Crown grant had been issued.
 - s4:* Land over which Native title has been extinguished by virtue of any Acts repealed by the Native Land Act 1873 is deemed to have been subject to this Act from the date of registration of the Crown grant.
 - s5:* Grants are to be registered as soon as convenient. Grantees rights are to be subject to any instruments affecting the land which are created after the grant's ante-vesting date and are registered in the Deeds Registry.
 - s6:* On registration of the grant, the District Land Registrar is to be satisfied as to interests created by alienation deeds in Deeds Registry and then to do whatever is necessary, as if the estates created by those deeds were on the provisional register.
 - s7:* Informal instruments affecting the land, executed between the ante-vesting date and prior to registration of the grant, may be registered.
 - s8:* Former acts by the Registrar, if done in terms of *ss6 & 7*, are validated.
 - s9:* Land over which Native title has not been extinguished shall be subject to this Act upon any order of Native Land Court under the Native Land Act 1873 declaring that land to be held in freehold tenure.
 - s10:* Until Crown grant is registered, dealings with the land shall be registered on the provisional register.
 - s11:* Grants to be in duplicate.

Relevant Sections, Commentary and Cross Reference continued over page



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s12: If a NLCT order is annulled by a rehearing being ordered, dealings with the land which have been provisionally registered shall be cancelled.

s13: Repeals *s78* Native Land Act 1873 and provides instead that no Crown grant of land included in any Memorial of Ownership is to be issued until one month after the expiration of time for a rehearing to be applied for.

s14: No claim may be made on the Assurance Fund by reason of a deed having been executed by a minor or a wife if the fact of being a minor or the husband's name was not recorded on the title.

Commentary: This Act allows for transactions made in the period between a NLCT order and a Crown Grant being issued to be provisionally registered. It is an attempt to prevent title complications arising.

Cross Reference: NZPD vol 16 (1874) 867 - 868

Reported Court Case:

Hami Tikitiki v. Assets Co. Ltd. (1899) (ss.9 - 10): 18 N.Z.L.R. 226,
2 G.L.R. 137.