

PRESENTER



Robert Metcalf, Land Information New Zealand, Wellington

Robert is a solicitor in the Registrar-General of Land's team at LINZ. He is currently involved in the implementation of the Land Transfer Act 2017, including the preparation of new regulations. Prior to joining LINZ in June 2016, Robert worked for 10 years in private practice in Lower Hutt and Wellington. His areas of practice included commercial and residential conveyancing, subdivisions, leasing, trusts and estate administration.

The statements and conclusions contained in this paper are those of the author(s) only and not those of the New Zealand Law Society. This booklet has been prepared for the purpose of a Continuing Legal Education course. It is not intended to be a comprehensive statement of the law or practice, and should not be relied upon as such. If advice on the law is required, it should be sought on a formal, professional basis.

CONTENTS

LAND TRANSFER ACT 2017 – AN UPDATE	1
INTRODUCTION	1
STRUCTURE OF THE ACT	2
<i>Part 1 – Preliminary provisions</i>	2
<i>Part 2 – Land title and registration</i>	2
<i>Part 3 – Dealings in estates and interests in land</i>	2
<i>Part 4 – Miscellaneous applications and other matters</i>	3
<i>Part 5 – Miscellaneous provisions</i>	3
<i>Schedule 1</i>	3
<i>Schedule 2</i>	3
NEW TERMINOLOGY (SECTION 5)	3
<i>Record of title</i>	3
<i>Registered owner</i>	3
DEFINITION OF FRAUD (SECTION 6)	4
QUALIFIED RECORDS OF TITLE (SECTIONS 17-19)	4
REGISTRAR’S POWERS OF ALTERATION (SECTION 21)	5
CERTIFICATION AND LODGEMENT OF ELECTRONIC INSTRUMENTS (SS 27-32)	6
WITHHOLDING INFORMATION (SECTIONS 41-43)	7
MANIFEST INJUSTICE – AN EXCEPTION TO IMMEDIATE INDEFEASIBILITY (SS 54-57).....	7
COMPENSATION (SECTIONS 58-61)	9
COVENANT INSTRUMENTS AND COVENANTS IN GROSS (SECTION 116).....	9
LIMITED CERTIFICATES OF TITLE (SECTIONS 196-207)	10
CONCLUSION	11
APPENDIX – LEGISLATION COMPARISON TABLES.....	13
LTA 1952 to LTA 2017.....	13
LTA 2017 to LTA 1952.....	17