

Secondary Legislation for the Land Transfer Act 2017

Consultation document

5 March 2018



Foreword

The Land Transfer Act 2017 (**the Act**) was passed on 10 July 2017. The Act is to come into force 18 months after that date or by way of an order in council specifying an earlier date. LINZ is planning for the new system to come into force on 12 November 2018.

The Act preserves the Torrens land transfer system. It is directed at modernising the law and producing efficiencies and ease of access to the law.

Secondary legislation is required to support the Act. The matters our new regulations are to cover include:

- Information to be included in instruments
- Certification requirements for instruments
- Witnessing requirements
- Notice periods for applications and other matters
- Implied rights and powers for easements
- Evidence for applications to withhold register information
- Threshold for Registrar-General of Land decisions on compensations claims
- Transitional arrangements

Along with the new regulations, I have developed standards and directives, which are all forms of secondary legislation delegated to me to issue.

I am pleased to release an exposure draft of the regulations on behalf of the Minister for Land Information, together with the draft standards and directives for consultation. This is an opportunity for interested parties to comment and make submissions on all aspects of the new secondary legislation.

I welcome and invite your feedback. It is important that the new legislation is workable and supports the Act. The final form will reflect Government's and my consideration of the views you express. I welcome your contribution.

Robbie Muir

Registrar-General of Land

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1 Have your say

Land Information New Zealand (**LINZ**) invites your comments on an exposure draft of the Land Transfer Regulations 2018 (**the regulations**) on behalf of the Minister for Land Information.

The Registrar-General of Land (**RGL**) intends to set standards and directives under section 236 of the Act. The RGL invites you to comment on exposure drafts of the standards and directives collectively called interventions.

Closing date for submissions

Please email your completed feedback to: consultation@linz.govt.nz by 5pm Friday 27 April 2018.

Please include your name, address, contact phone number, and the name of the organisation you represent, if applicable, in your email.

Confidentiality

LINZ is subject to the Official Information Act 1982 and under that Act provides information it holds upon request. Please identify any information that you wish to remain confidential and give reasons for your request.

Enquiries

Email: consultation@linz.govt.nz

Postal address: Regulatory Frameworks
Land Information New Zealand
PO Box 5501
Wellington 6145

Useful links

Further information can be found using the following links:

- Land Transfer Act 2017:
<http://www.legislation.govt.nz/act/public/2017/0030/latest/whole.html>
- Land Transfer Act 1952:
<http://www.legislation.govt.nz/act/public/1952/0052/43.0/DLM271086.html>
- Land Transfer Amendment Act 1963:
<http://www.legislation.govt.nz/act/public/1963/0061/latest/DLM349454.html>
- Land Transfer (Computer Register and Electronic Lodgement) Amendment Act 2002:
<http://www.legislation.govt.nz/act/public/2002/0011/latest/DLM140137.html>
- Statutory Land Charges Registration Act 1928:
<http://www.legislation.govt.nz/act/public/1928/0018/latest/whole.html>

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- Land Transfer Regulations 2002:
<http://www.legislation.govt.nz/regulation/public/2002/0213/latest/DLM138000.html>
 - RGL standards and guidelines for current land transfer regime:
<https://www.linz.govt.nz/land/land-registration/standards-and-guidelines>
 - The Law Commission's 2010 report, *A New Land Transfer Act* NZLC 116:
<http://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC%20R116.pdf>

Education and information on the Act

Alongside our work on new regulations, standards and directives, LINZ recognises that property lawyers and others will need to be supported with appropriate information on the new Act. Arrangements are already underway with the continuing education arms of both the Auckland District Law Society and New Zealand Law Society for a programme of webinars and seminars this year. The details of these sessions will be published soon.

2 Overview

The purpose of this document is to introduce and describe the regulations and interventions that LINZ wishes to consult on.

2.1 Background to the secondary legislation

The Act received assent on 10 July 2017. When it comes into force later this year it will replace the Land Transfer Act 1952 as the statutory framework for land title registration in New Zealand.

While the fundamental principles of our Torrens land registration system have been retained, the new Act modernises the legislation and adopts a range of reforms proposed by the Law Commission in its 2010 report, *A New Land Transfer Act* NZLC 116.

The Act is premised on the well established concept of an electronic register, reflecting the digital environment in which conveyancing and land registration now operates. The Act:

- consolidates the Land Transfer Act 1952, Land Transfer Amendment Act 1963, and Land Transfer (Computer Register and Electronic Lodgment) Amendment Act 2002
- increases the breadth of regulation-making powers
- clarifies the extent and application of the new powers for the RGL to correct the register, set standards, issue directives, and have more control over statutory land charges
- modifies compensation provisions
- introduces limited discretion which allows courts to make an order cancelling registration, where not cancelling it (in line with the usual state guarantee) would result in 'manifest injustice'
- provides for covenants in gross to be noted on the title in the same way that other land covenants are
- introduces new terminology (for example, record of title, owner, personal representative, practitioner) and definitions (for example, working day)
- provides a definition of fraud for land transfer purposes
- incorporates and updates processes for adverse possession claims

New secondary legislation is required to support the Act.

2.2 Developing the Regulations

The content of the new regulations is set by the empowering provision section 227 of the Act. Many individual sections of the Act, for example section 27, also specify requirements. The Act provides a detailed framework for the content of regulations.

In April 2017 LINZ circulated a document *Regulations to give effect to new Land Transfer Act* to selected stakeholders. The material in this current document is similar, but provides more detail.

2.2.1 Context for Regulations

The new regulations are summarised in **Annex 1**. Although these regulations have similarities to the Land Transfer Regulations 2002 (**LTR 2002**) (which will be revoked when the Act comes into force), there are some differences.

The LTR 2002 were made when the move to electronic transactions was being implemented. The legislation tended to be neutral as to the form of instrument and electronic instruments were added into the current legislative scheme by amending legislation. Not all instruments were identified as being capable of being electronic.

To clarify the coverage of the regulations, we have set out in **Annex 2** what has happened to the LTR 2002 matters under the new regime.

NEARLY ALL INSTRUMENTS CAPABLE OF BEING ELECTRONIC

There is now a presumption under the Act that all instruments are capable of being electronic unless the regulations prescribe that they are not capable of electronic lodgement.

PRESCRIBED INFORMATION AND FORMS

Regulation 5 of the draft regulations provides the detail of the information contained in instruments such as:

- Transfer instruments
- Mortgage instruments
- Caveat documents
- Applications, eg an application to bring land under the Act.

The treatment of forms in the new regulations reflects a shift in the way the regulatory system of the Act deals with them.

Previously the LTR 2002 prescribed forms for paper instruments. When electronic instruments required “forms”, the RGL specified them under the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 (see *NZ Gazette* 26 September 2008 p 3925). The “forms” specified were either electronic images of a paper instrument or an electronic template instrument.

Although forms may be prescribed under the regulations, LINZ does not intend to recommend this to government. Instead, the regulations will prescribe the information to be contained in forms (Schedule 2). The regulations will authorise the RGL to approve forms containing this information. This will give more flexibility to make format changes.

CERTIFICATION OF ELECTRONIC INSTRUMENTS

The regulations cover the details of certification such as who certifies and the matters that they certify.

Regulation 12 LTR 2002 *Form of certification* has been replaced by new regulation 7 and columns nos 3 to 6 in Schedule 3. Some of the details have been modernised.

PAPER INSTRUMENTS (MANUAL DEALINGS)

There are still a small number of dealings that people elect to conduct themselves without a practitioner. These are manual dealings and draft regulations 11 and 12 cover certification and signing of these documents / instruments.

OTHER MATTERS

The regulations will also cover matters carried over from the previous regulations such as:

- rights and powers implied in easements
- conditions and powers implied in a mortgage postponed in priority
- additional detail covering the status of instruments lodged with the RGL but not yet registered

2.2.2 Key issues for the Regulations

Although we invite you to consider all regulations, the following are some of the key issues that you may wish to consider further.

DO THE REGULATIONS FIT SEAMLESSLY INTO THE SECONDARY LEGISLATION PACKAGE?

The regulations form part of a legislation package consisting of the Act, regulations and standards and directives. Please feel free to highlight any gaps or duplication of regulations with the Act or with the standards or directives.

NOTICE PERIODS

Draft regulation 25 specifies periods in public notices within which certain things must be done. This regulation is new as many of these periods were contained in LINZ guidelines or were dealt with differently, for example with the adverse possession regime now rewritten in Part 4 subpart 2 of the Act.

Do you think these proposed notice periods are fair and practical? We are looking for a balance to give people time to respond to the notice but at the same time having an efficient process.

SCHEDULE 5 RIGHTS AND POWERS IMPLIED IN EASEMENTS

This schedule as currently prepared is based on the status quo. One of the classes of easement is in clause 2(f) of the schedule – *a right to convey telecommunications and computer media*. We consider that this wording may need modernising and we would like your views. This wording occurs in three places.

We would also like to receive comments on any other classes of easement that might be included. For example we have already received suggestions that party wall easements could be included.

This consultation is a good opportunity to canvas whether the schedule could usefully be expanded, whether in the current rewrite or in the future.

COURT ORDERS

Ideally we would like to make court orders registrable electronically. We are seeking views on this proposal.

2.3 Developing the Interventions

2.3.1 Outcomes for the Interventions

The RGL manages (avoids or mitigates) residual operational risks to land transfer processes through implementing outcome- and risk-based interventions (standards, directives and guidelines).

These interventions work towards both strategic and intermediate outcomes. The RGL's strategic outcomes are:

- 1. Registered land owners or right holders have confidence that their rights are secure, well understood and easily tradable*
- 2. The land titles register supports statutory administrative controls on use and enjoyment of land*

The intermediate outcomes which underpin the new interventions are:

- 1a The register correctly records the state of every title and legal substance of every transaction*
- 1b All transactions entered into the register are, prima facie, materially correct and legally valid*
- 1c Title information is easily found, obtained and interpreted*
- 1d Fair outcomes for registered land owners or right holders who are deprived of their rights*
- 1e The register prevents access to identifying information about persons during granted withholding periods*
- 2a Statutory conditions / restrictions that affect land are discoverable*
- 2b Statutory requirements are complied with*

DETERMINING THE INTERVENTIONS

To identify what interventions needed to be developed, we examined core regulatory risks around our existing and new operational processes under the Act.

2.3.2 Context for the Interventions

We have released drafts of six standards and one directive for consultation. A schedule of these proposed interventions is provided in **Annex 3**.

The standards and directives are statutory interventions set or issued under section 236 of the Act. These are disallowable instruments for the purposes of the Legislation Act 2012.

The key factors considered in developing the proposed interventions include:

MODERNISATION OF EXISTING REGIME

The nature of the legislative update has largely been to modernise the existing regime. The existing land transfer processes are largely retained with upgrades that reflect the electronic operating environment.

This approach is evident in the new authority given to the RGL to use standards and directives (secondary legislation) to set requirements for a range of matters that support e-dealing. Due to the staged transition from the paper environment, these were previously in primary or other secondary legislation eg, regulations, RGL's specification published in the *Gazette*.

To clarify the coverage of the interventions, we have set out in **Annex 4** what has happened to the matters covered in the New Zealand *Gazette* 2008 p 3925.

SIMILAR RISKS AND INTERVENTIONS

The interventions cover matters such as:

- Identity verification requirements
- Electronic Instruments' certification and evidence requirements
- Requisition periods (with reduced period for caveats)
- Applications for withholding register information
- Applications for title to accretion and dry river or stream bed
- Recording memorials on the register
- Requirements for obtaining certification rights in Landonline.

Many of the topics were already covered in RGL interventions, and these have been updated. For example, the new safety exception to public access has been addressed in the updated standard on withholding information. The majority of new interventions relate to matters previously within Statutory Regulations, such as statutory requirements and evidence for certifications.

The explicit direction in section 236(4) of the Act that standards and directives are disallowable instruments has underpinned our decisions on where in the suite of interventions we should place any given requirement. Therefore, even current interventions being carried over may have had their content divided and re-distributed between Standards, Directives and other interventions such as guidelines, depending on the effect of the content.

NEW FORMAT

The new standards and directives are drafted in a form recommended by PCO to meet our obligations ahead of the government's 'Access to Secondary Legislation Project'¹.

The new drafting style, the direction at section 236(4) of the Act, and the modern statutory language, have together resulted in shorter standards and directives, which only contain requirements that have legislative effect. They now have the look and feel of regulations that are drafted by PCO and published on the NZL website.

Guidance that may have previously been located in a given standard is to be consolidated in relevant guidelines. We are currently working on new and updated topic-related guidelines to explain best practice for property transactions under the Act, and will keep you informed of proposals for publication.

¹ This PCO lead project includes clearly defining what constitutes secondary legislation and working with agencies to locate all secondary legislation on the single, centralised New Zealand Legislation website.

2.3.3 Key Issues for the Interventions

We welcome your feedback on all aspects of the interventions and have highlighted some key topics for you to consider as follows.

CLIENT IDENTITY VERIFICATION AND OTHER INFORMATION

In relation to solicitors certifying obligations, and in particular the various requirements on solicitors to obtain appropriate information (such as documents verifying identity), we are aware of recent increased obligations.

Of note are the obligations to collect tax information introduced via the Land Transfer Amendment Act 2015 and identity verification obligations under the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (**AMF**) (and related AMF Lawyers and Conveyancers Guideline of December 2017).

When reviewing and updating our Identity Verification standard, we considered opportunities to minimise the burden on solicitors and their clients, particularly the ability to reuse identity information collected for the purposes of another regime.

We have also noted that the AMF regime has adopted a tiered risk-based approach to identity verification, referred to as 'Customer Due Diligence'. Although this approach is similar to our increased identity verification requirements for high risk transactions, our definition is necessarily different due to our regime's need to establish a link between the authorising individual and the registered owner of the property.

More generally, initiatives are underway across government in relation to improving identity verification mechanisms. The Identity Verification interventions for the Act have therefore been scheduled for annual review to ensure emerging processes that could ease regulatory burden on our stakeholders are considered, and if appropriate, accommodated in our interventions, as soon as possible.

WITHHOLDING TITLE INFORMATION BASED ON SAFETY

The Act expands the basis for withholding title information beyond situations where a domestic protection order has been granted, to situations where the RGL is satisfied a person or their family's safety may be prejudiced. We have provided a new draft standard to implement this process.

The test of whether or not the safety threshold has been met in order to approve an application to withhold information is at the RGL's discretion. When reviewing and updating the standard, we determined that no fixed rules could be made because decisions will need to be made separately, each according to the facts of the particular situation. We are currently working on a guideline to clarify the process.

REQUISITION PERIODS – REDUCED TIMEFRAME FOR CAVEATS

There is a new directive for requisition periods. Caveats have a reduced period to ensure a caveat that has been requisitioned will not unduly prevent registration due to the requisition period.

FORMS

Although the regulations prescribe information for most forms, the format or medium of both electronic and paper forms will be approved by the RGL. We are currently working on these forms, which are mostly updates of the existing forms. We will keep you informed, including of proposals for publication.

Annex 1: Land Transfer Regulations 2018 Summary

Number	Name	Summary
1	Title	
2	Commencement	The commencement date is provisionally set for 12 November 2018.
3	Interpretation	
4	Transitional, savings, and related provisions	
<i>Electronic and paper instruments – information and documents required</i>		
5	Information and documents required for instruments	<p>Section 227(1)(3) provides that regulations may be made prescribing information to be contained in, and documents that must accompany, any instrument, application, notice, certificate, record, or any other thing for the purposes of the LTA 2017. This regulation prescribes information required for instruments.</p> <p>Core information which is common to all instruments is in regulation 5(2). Additional information which applies to specified instruments is in column 3 of schedule 2.</p> <p>Under section 227(1)(3) documents that must accompany an instrument to be lodged are specified in column 4 of schedule 2.</p>
6	Registrar may approve matters of format or medium for supplying information or documents	Unlike the LTA Regulations 2002 these regulations will not prescribe forms. Instead the RGL will approve forms containing the prescribed information. This regulation authorises under section 227(1)(4) the RGL to give the approvals.
<i>Electronic instruments – certification, execution, etc</i>		
7	Certification of electronic instruments	<p>This regulation is linked to section 27 LTA 2017. The regulation specifies who certifies and prescribes the matters for which they certify.</p> <p>The standard matters are in regulation 7(3). There are applicable additional matters in regulation 7(4).</p> <p>Schedule 3 column 4 specifies the matters to be certified for each instrument and column 4 specifies the party for whom the matter is to be certified.</p>

Number	Name	Summary
8	Certification of orders of Māori Land Court and notices under Retirement Villages Act 2002	<p>Section 28(1)(b) LTA 2017 provides that regulations may authorise additional classes of persons to certify electronic instruments and section 28(2) LTA 2017 provides that regulations may specify the classes of instruments these other certifiers may certify.</p> <p>Under regulation 8 officers of the Māori Land Court may certify certain orders made by the Māori Land Court and the Registrar of Retirement Villages may certify certain notices.</p>
9	Parties treated as having executed electronic instruments	<p>This regulation is linked to section 31 LTA 2017.</p> <p>Electronic instruments can not be physically signed by a party or parties so section 31(1)(a) provides that an instrument that is certified under section 27 is to be treated as having been executed by every party specified for the purpose in regulations.</p> <p>The regulation refers to schedule 3 which specifies the parties in column 3.</p>
10	Instruments not capable of electronic lodgement	<p>The LTA 2017 assumes that all instruments are capable of being lodged electronically. But regulations may be made specifying instruments as not capable of electronic lodgement (section 31). This regulation specifies that a memorandum as not capable of electronic lodgement.</p>
<i>Paper instruments – certification, execution, etc</i>		
11	Execution of paper instruments	<p>This regulation provides for the execution of paper instruments and is based on regulation 16 LTR 2002 but is not identical. See section 33 LTA 2017.</p>
12	Certification of paper instruments	<p>This is an updated feature of the LTA 2017. The standard matters for a paper instrument are set out in regulation 12(3). The classes of paper instruments requiring certification and the certifying parties are specified in columns 1 and 6 of schedule 3.</p>
13	Person who may execute paper instrument for overseas Government	<p>This regulation provides details for execution of paper instruments by representatives of overseas governments and overseas states and provinces.</p>
14	Unacceptable changes to paper instruments	<p>This regulation is based on regulation 22 LTR 2002. It sets standards for the quality of paper instruments including regulating changes to these instruments.</p>

Number	Name	Summary
<i>Applications and instruments for certain dealings</i>		
15	Correction or change of name and boundary change from accretion or erosion	This regulation relates to sections 11 and 21 LTA 2017 and is also related to regulation 26 LTR 2002. It provides for an application to be made for the purposes of corrections or changes of name or to record a boundary change resulting from accretion or erosion. The prescribed information for the application form(s) is in schedule 2.
16	Merger of estates or interests	This regulation follows from regulation 25 LTR 2002.
17	Cancellation of fencing covenant or agreement	This regulation follows from section 71 LTA 1952.
18	Conditions and powers implied in mortgage with postponed priority when mortgage priority instrument registered	This regulation inserts schedule 4 into the regulations. Previously the subject matter of this regulation was in schedule 3 of the LTA 1952.
19	Rights and powers implied in easements	This regulation inserts schedule 5 into the regulations. Previously the subject matter of this regulation was in schedule 4 of the Land Transfer Regulations 2002.
20	Death of caveator	This is based on regulation 29 LTR 2002.
<i>Withdrawal and recording of lodged instruments etc</i>		
21	Withdrawing instruments after lodgement	This is based on regulation 23 LTR 2002.
22	Record of lodged instruments and other matters	This is based on regulation 31 LTR 2002.
<i>Application to withhold information</i>		
23	Application to withhold information may include non-contact order as evidence.	This is a new regulation. Section 41 LTA 2017 empowers the RGL to withhold information for a person's safety. A person may apply under section 42 LTA 2017 for information to be withheld. Evidence to support the application may include "any prescribed order of the court" (section 42(3) (b)). Government has decided to prescribe a non-contact order made under section 9(1) of the Victims' Orders Against Violent Offenders Act 2014 as provided in this regulation.

Number	Name	Summary
<i>Notices – information and documents required, specified periods etc.</i>		
24	Information and documents required for notices given by Registrar	This regulation sets up schedule 6 which prescribes information to be contained in notices given by the RGL under the Act
25	Periods specified in notices given by the Registrar	This regulation contains a table which sets out the applicable periods where a provision requires a prescribed period.
26	Periods relating to notices given under the Land Transfer (Hawke's Bay) Act 1931	This regulation sets out notice periods applicable to the Land Transfer (Hawkes Bay) Act 1931, which remains in force.
27	Notices and objections about certain alterations to register	This regulation is made under section 227(1)(15) LTA 2017 and prescribes requirements relating to the RGL's notice to be given under section 21(2)(b) LTA 2017.
28	Certificate with notice by flat or office owning company to end licence subject to mortgage.	<p>The subject matter of this regulation is new. It applies to flat or office owning companies that issue licences [to occupy] to shareholders of the company and it applies in circumstances where the company intends to cancel a licence. Where the licence is subject to a registered mortgage the Act requires the company to give notice to the mortgagee (the lender) of the matters that need to be remedied in order to prevent the cancellation and to give the mortgagee the opportunity to remedy the matters (section 131(1) LTA 2017.</p> <p>The certificate requirements in this regulation apply where the company has cancelled revoked or rescinded the licence. If the licence is subject to a registered mortgage the company must provide the RGL with either a certificate stating that it has given the mortgagee the notice required under section 131(1) and the matters have not been remedied (section 132(1)(b)(i)) or a copy of the mortgagee's consent to the cancellation (section 132(1)(b)(ii)). This regulation prescribes the requirements for the company's certificate under section 132(1)(b)(i).</p>
29	Change of address for notice about certain caveats.	This is based on regulation 28 LTR 2002.
<i>Compensation</i>		
30	Claim for compensation	This is a new regulation. Section 62 LTA 2017 covers notices of claim. If the claim is at or below a prescribed amount the claim should be lodged with the RGL. If the claim is

Number	Name	Summary
		above the prescribed amount it is lodged with the RGL and the Attorney-General. The amount prescribed under section 227(1)(25) is \$10,000.
31	Interest rate for inclusion in compensation	Interest may be paid on an amount of compensation ordered by a court or accepted by the Attorney-General and RGL section 70LTA 2017). The prescribed rate of interest is to be calculated in accordance with Schedule 2 of the Interest on Money Claims Act 2016.
<i>Fees</i>		
32	Fees	
<i>Schedules</i>		
1	Transitional, savings, and related provisions	
2	Instruments-additional information and accompanying documents required	
3	Instruments-certification and execution	
4	Conditions and powers that are implied in mortgage postponed in priority when mortgage priority instrument registered	
5	Rights and powers implied in easements	
6	Notices-information and accompanying documents required	
7	Fees	

Annex 2: Land Transfer Regulations 2002

A short guide to the revocation of these regulations and translation (if any) into new legislation or approvals under the Land Transfer Act 2017 scheme.

No	Title	Comment
1	Title	
		Part 1 Preliminary provisions
2	Commencement	
3	Interpretation	
		Part 2 Instruments
4	Classes of instruments capable of being electronic instruments	This regulation set out the requirements for an instrument to be an electronic instrument. The regulation is no longer required because under the LTA 2017 all instruments are capable of being electronic unless regulations prescribe otherwise. This regulation also established schedule one which is no longer required.
5	How instruments must refer to register	This regulation is not carried forward. The essence of regulation 5 is captured in the prescribed information requirements of the new regulations. See regulation 5(2).
6	Who must sign paper instruments	A counterpart to this regulation is still required. See regulation 11 and schedule 3 column 3.
7	Physical properties of paper documents	This regulation will not be carried forward as a regulation. The subject matter will be covered under a RGL's approval and the RGL will be authorised under the new regulations to give these approvals.
8	Forms of paper instrument	The form of paper instruments will no longer be prescribed as regulations.
9	Form of registrable memorandum	The form of registrable memorandum will not be prescribed in the regulations.
10	Rights and powers implied in easements	This regulation is carried forward. See regulation 19 and schedule 5.
		Part 3 Certification and execution of instruments
11	Parties in respect of whom certification under section 164A of Act is required	The underlying thinking of this regulation which covers certification of electronic instruments will be carried forward. See regulation 7 and schedule 3.
12	Form of certification	Regulation 7 now prescribes matters to be certified for electronic instruments.
13	Legal effect of certifications	This concept of deemed execution is carried forward as regulation 9. The drafting approach is different in that the detail of the regulation is now contained in schedule 3.
14	Period for which certifier must keep evidence showing truth of certification	This regulation prescribes a period of 10 years for retention of evidence by a certifier and is carried forward - see regulation 7(5).

15	How certificates of correctness must be executed	Certificates of correctness are no longer required.
16	How paper instruments must be executed	Regulation 11 is the replacement for this regulation.
		Part 4 Registration
		<i>Supporting documents</i>
17	Revoked	
18	Revoked	
19	Deposit of plans	Not required
20	When plans must be deposited	This is not required. It is now covered by section 224 LTA 2017.
		<i>Registration process</i>
21	Things that must not be registered	This is not required. Most of this regulation is now covered by section 26 LTA 2017. The content of the regulation 21 (g) is now included in regulation 14.
22	Alterations to instruments	This will be carried forward in regulation 14.
23	Withdrawal of instruments after lodgement	This will be carried forward as regulation 21.
24	Registration as to part of land affected	Not required.
25	Merger of estates and interests	This will be carried forward in regulation 16.
26	Change of name	A replacement regulation has been drafted which takes a slightly different approach given the new section 21 LTA 2017 (see part of regulation 15).
27	Notice to caveator of instrument presented for registration	This will be covered by section 143 LTA 2017.
28	Change by caveator of address for service	This will be carried forward as regulation 29.
29	Death of caveator	This will be carried forward as regulation 20.
30	Powers of attorney	This is not required. If a power of attorney must be deposited under section 212(1) LTA 2017, regulation 30(1) will be covered by section 211 LTA 2017.
		<i>Records and their integrity</i>
31	Records and indexes	This regulation is substantially repeated in regulation 29.
32	Documents must not be altered while retained by Registrar	This regulation is no longer required as the factual situation it addressed does not arise in the electronic environment.
33	Documents must not be altered after registration	The substance of these regulations is not carried forward as section 21 LTA 2017 covers alterations to the register.
34	Plans must not be altered after deposit	The substance of these regulations is not carried forward as section 21 LTA 2017 covers alterations to the register.
		Part 5 Certificates of title
35	Revoked	

36	Revoked	
37	Revoked	
38	Area of land or number of parcels or subdivisions on 1 title.	LINZ proposes not to continue with this regulation. Section 86 LTA 1952 required a regulation whereas the 2017 Act does not. Section 224 LTA 2017 and section 13 for example give the RGL adequate powers to exercise discretion in relation to deciding the area of land or numbers of allotments that may be included in a record of title so a regulation is not needed to reinforce this discretion.
		Part 6 Administration
39	Prescribed notice periods	The new regulations will prescribe notice periods. See regulations 25 and 26.
40	Where and when services must be available	This regulation is not carried forward.
41	Assistance to persons searching	LINZ is not proposing to continue with this regulation.
		Part 7 Fees
42	Fees	
43	Fees are inclusive of GST	
44	Revocation	
		Schedules
1	Electronic instruments	This schedule is no longer required for the reasons set out for regulation 4 above.
2	Forms of paper instrument	This schedule is no longer required. Forms for paper instruments may be approved by the RGL and the new regulation 6 will authorise the RGL to give these approvals.
3	Form of registrable memorandum	This schedule is no longer required as forms are not being prescribed in regulations. Although section 209(1) LTA 2017 provides for information to be prescribed for memoranda LINZ does not intend to recommend any prescribed information.
4	Rights and powers implied in easements	This schedule is carried forward as schedule 5 of the new regulations.
5	Fees payable for matters under the Land Transfer Act 1952	

Annex 3: Schedule of proposed standards and directives

Standards

1. Identity Verification Standard 2018
2. Certification of Electronic Instruments (Statutory Requirements and Retention of Evidence) Standard 2018
3. Boundary Changes – Accretion and Dry Beds (Rivers and Streams) Standard 2018
4. Withholding Information under the Land Transfer Act 2017 Standard 2018
5. Recording Memorials on the Register Standard 2018
6. Allocation of Certification Rights Standard 2018

Directives

1. Requisition Periods Directive 2018

Annex 4: RGL's specifications under section 164A (3) LTA 52 (New Zealand Gazette 26 September 2008)

A short guide to the translation of these specifications, into new legislation or approvals under the Land Transfer Act 2017 scheme

Topic	New position	Comment
Statutory requirements	Certification of Electronic Instruments (Statutory Requirements and Retention of Evidence) Standard 2018	Specified under section 164A LTA 52 now under section 227(1)(11)(iii) Act
Forms of electronic instruments	Information to be in forms prescribed in regulations with the form itself approved by RGL	Prescribed information under section 227(1)(3) RGL's authorisation under section 227(1)(4) Act
Retained evidence requirements	To be specified by the RGL in the 'Certification of Electronic Instruments Standard'	Previously specified under section 164C LTA 1952 now requirements set under section 236 (1)(c) Act