

**LINZG20704**

**Guideline for making  
application to change or  
correct names on the Register**

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## TERMS AND DEFINITIONS

<b>Term/Abbreviation</b>	<b>Definition</b>
LINZ	Land Information New Zealand
LTA	Land Transfer Act 1952
LTR	Land Transfer Regulations 2002
Register	a land transfer Register constituted under the Land Transfer Act 1952
RGL	Registrar-General of Land

## FOREWORD

Regulation 26 of the Land Transfer Regulations 2002 (LTR) permits the Registrar-General of Land (RGL) to change or correct names in the land titles Register in certain circumstances. The Schedule to the Regulations contains prescribed forms that may be used to apply for a change or correction of name. This guideline supplements those requirements.

### Purpose of guideline

The purpose of this guideline is to provide guidance for:

- (a) the making of applications for a change or correction of name, and
- (b) the processing of those applications.

### Rationale for new guideline

Land Information New Zealand (LINZ) is tasked with meeting the Government's desired economic, social, and environmental outcomes in relation to its mandated subject areas. Accordingly, end outcomes, intermediate outcomes, objectives, and sub-objectives have been developed to clearly articulate the regulatory framework for each subject area.

A risk-based approach is then used to determine the optimum level of intervention. If there is a high risk of not achieving an objective or sub-objective, then generally a higher level of intervention is required. Similarly, a low risk of not achieving an objective or sub-objective means a low level of intervention is necessary. The desired intervention is then developed to manage the identified risks and thereby achieve the relevant sub-objectives, objectives and, therefore, the outcome.

This guideline has been developed to mitigate the risk of not achieving the following intermediate outcomes and objectives.

Intermediate outcomes	Objectives
The Register correctly records the state of every title and legal substance of every transaction	Transactions are completely and accurately entered and maintained in the Register
All transactions entered into the Register are, prima facie, materially correct and legally valid	Only legally valid types of transactions are submitted

The outcomes and objectives developed by the RGL for the land transfer system also reflect the objectives stated in s 4(3) of the Land Transfer Act 1952 (LTA).

### Brief history of guideline

This guideline supersedes LINZ 2002, *RGL Guideline 4.1: Guidelines for a National Change of Name by a Company*, Registrar-General of Land, LINZ, Wellington.

## References

This guideline should be read in conjunction with the Land Transfer Regulations 2002, particularly regulation 26 and Forms 23 and 24 of the Schedule.

# **1 INTRODUCTION**

This guideline supplements the statutory requirements in r 26 of the LTR.

## **1.1 Scope**

The guideline applies to changes or corrections of name by:

- (a) individuals, ie natural persons,
- (b) companies and incorporated societies, and
- (c) other corporate bodies.

## **1.2 Intended use of guideline**

This guideline is not intended to be mandatory in nature. It provides further detail to support the statutory provisions and prescribed forms.

It is intended to be used as a guide that may assist applicants and those processing applications by providing more detail regarding changes or corrections of name.

# **2 GENERAL MATTERS**

## **2.1 Witnessing**

Neither Form 23 nor Form 24 of the LTR requires the signatory to have the execution witnessed. This is because this form of application is not an “instrument” for the purposes of s 157(2) of the LTA or r 16(1) of the LTR.

## **2.2 Amending the forms**

Minor amendments to either Form 23 or Form 24 of the LTR may be made. The legal intent of the form should always remain clear when an amendment is made.

# **3 MAKING AN APPLICATION – NATURAL PERSON**

## **3.1 Change or correction of name**

This part applies to both a change of name and a correction of name for a natural person.

## **3.2 Reason for change or correction of name**

The reason for an application should be clear from the application and its accompanying documentation.

In the context of electronic registration, it is not necessary to lodge an application to correct minor typographical errors, eg “Diana/Dianna”, provided evidence as to those errors is kept on the authority and instruction file.

### **3.3 Signing the application**

The application should be signed by the applicant or the applicant’s solicitor.

### **3.4 Accompanying evidence**

Any accompanying evidence need not be an original document and a certified copy will usually be sufficient.

### **3.5 When a statutory declaration is required**

A statutory declaration is usually only necessary if the documentary evidence is not self-explanatory. A declaration should verify and expand on the information in the application.

For example, a birth certificate is good primary evidence of the correct spelling of a name and a marriage certificate is good primary evidence that an applicant has adopted their spouse’s family name.

An example of when documentary evidence may not be self-explanatory is the adoption of an alias when there is no documentary evidence to support it. Another could be where there are discrepancies between the documentary evidence and the applicant’s real name. In either case, a statutory declaration is likely to be required because the information required is so personal to the applicant that nobody else can make it on their behalf.

A statement that the person on the Register and the person referred to in the supporting evidence are one and the same can be made in the application by the applicant or their solicitor.

## **4 MAKING AN APPLICATION – CORPORATE BODY**

### **4.1 Correction**

The process for a company or other corporate body is similar to the process for a natural person. Form 23 of the LTR should be used and tailored to fit the circumstances.

Paragraphs 3.2 to 3.4 above will apply.

A statutory declaration will only be necessary if the documentary evidence is not self-explanatory and the information requires verification or expansion.

### **4.2 Change of name**

Form 24 of the LTR should be used by a company to effect a change of name.

While Form 24 of the LTR is intended for use by companies and incorporated societies, it may also be suitable for use by a corporation sole or any other type of legally recognised entity.

#### **4.2.1 Execution**

The statutory declaration required by Form 24 of the LTR should be executed according to the type of corporate body affected, ie if a company, under the provisions of s 180 of the Companies Act 1993, and if an incorporated society, under the provisions of s 15(1) of the Incorporated Societies Act 1908.

#### **4.2.2 Statutory declaration**

The statutory declaration required as part of Form 24 of the LTR should be made by a person who has appropriate authority within the corporate body. The requirement that a person has appropriate authority to make the declaration will generally be satisfied if it is signed by:

- (a) a director or other authorised signatory of a company,
- (b) one of the officeholders of an incorporated society, or
- (c) a person with appropriate authority under legislation governing a corporate body's constitution.

## **5 NATIONWIDE CHANGES BY A CORPORATE BODY**

### **5.1 Discussion with Registrar-General of Land**

A major company or corporate body with many registered interests spread throughout the country may encounter logistical issues when changing its name on all interests. Any large corporate body is strongly encouraged to discuss the process to be used with the RGL prior to lodging an application for change of name for registration.

### **5.2 Special process**

A special process may be created to facilitate an efficient large-scale change or correction of name. Such a process may involve the following steps.

#### **5.2.1 First application – specific mortgage**

The applications in Forms 23 or 24 of the LTR may be prepared in relation to one specific mortgage affected but refer generally to the other mortgages similarly affected by the change or correction of name.

Registration will occur only for that specified mortgage and the standard registration fee is payable.

### **5.2.2 Subsequent applications – certificate of notation**

A subsequent transaction of any kind, eg discharge or variation of terms of priority, that affects any other interest may then include a certificate of notation that:

- (a) specifies the unique identifier for the previously registered change of name application, and
- (b) contains a request to have the change of name noted.

An example of a suitable certificate of notation is contained in the Appendix.

If the subsequent transaction is in paper format, the certificate of notation should be endorsed on the affected instrument.

If the subsequent transaction is in electronic format, the certificate of notation should be retained in the authority and instruction file.

## **6 MAKING AN APPLICATION – CAVEATOR OR CLAIMANT**

### **6.1 Change or correction of name**

If a caveator or claimant under the Property Relationships Act 1976 requires a change or correction of name, the processes in paragraphs 3 and 4 above may be applied.

### **6.2 Change not noted on Register**

While a caveator or claimant under the Property Relationships Act 1976 may change their name or have it corrected, this change will not be noted on the Register. This is because the caveat or notice of claim is merely notice of an interest rather than a registered estate or interest. The application and any declaration should be appended to any withdrawal of the caveat or notice of claim as evidence of the change or correction.

## Appendix: Certificate of notation

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### APPLICATION

[*new company name*] hereby applies to the Registrar-General of Land to be registered as proprietor as mortgagee under mortgage instrument [*insert mortgage reference number*] in accordance with the registered change of name application referred to below.

Registry

Application number

DATED this                      day of                      20

EXECUTED by the said [*new company name*] )

in the presence of: )

.....

) (authorised signatory/director)

) .....

..... )

(authorised signatory/director)

Name:

Occupation:

Address: