

## Important:

This article was published on Sunday, 1 December 2013 - 1:37pm. The information is accurate at the time and is used for reference purposes only.

For up-to-date information please [visit the Land Information New Zealand website \(http://www.linz.govt.nz\)](http://www.linz.govt.nz).



## [Landwrap December 2013 - Issue 104 \(/news/2013-12/landwrap-december-2013-issue-104\)](#)

Landwrap December 2013 - Issue 104

- [South Island Coordinate Update \(/news/2013-12/south-island-coordinate-update\)](#)

LINZ is continuing its work to update coordinates in Landonline that were made inaccurate by the Canterbury and Fiordland earthquakes.

Land Survey Landonline



- [Proof of identity for high risk transactions \(/kb/102\)](#)

Proper client identification is a critical step in any conveyancing transaction and for high-risk transactions there are extra steps needed to confirm identity.

Titles

- [Changing or correcting names in the RGL's records \(/kb/90\)](#)

Regulation 26 of the Land Transfer Regulations 2002 permits the Registrar-General of Land ("RGL") to change or correct names of landowners, mortgagees and other registered proprietors of interests in land in computer registers.

Titles

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## Articles referenced within this issue

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### [South Island Coordinate Update \(/news/2013-12/south-island-coordinate-update\)](#)

LINZ is continuing its work to update coordinates in Landonline that were made inaccurate by the Canterbury and Fiordland earthquakes.

We appreciate that this has been a lengthy process and we are grateful for your patience. Landonline is vital to New Zealand's property rights system and we are continuing to take the utmost caution in making an update of this scale to ensure there is no risk of disruption to our customers.

For this reason we have needed to postpone the update in the past and, despite the safeguards and steps we have in place, there is always a possibility that this adjustment will not be completed this weekend and that we will need to use an additional weekend to complete it.

We are continuing to pursue this before Christmas as other database updates scheduled for the Christmas holiday period build on the update work. However, we understand that December is a busy time for Landonline users and so if there is a need for a further weekend to complete the update we will not look to do this on 21 December but instead redesign the work and plan for the first quarter of 2014. LINZ will provide advance notice about any further work if necessary.

Should you have any questions or concerns, please [contact our Customer Support team \(//www.linz.govt.nz/node/11140\)](http://www.linz.govt.nz/node/11140) in the first instance.

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### [Proof of identity for high risk transactions \(/kb/102\)](#)

Proper client identification is a critical step in any conveyancing transaction and for high-risk transactions there are extra steps needed to confirm identity.

A high-risk transaction is one where the existing landowner, as transferor or mortgagor, is not previously known to the certifying practitioner, and:

- is transferring or mortgaging unencumbered land, or
- provides contact details which are not connected to the physical address of the property, or
- provides unfamiliar or foreign documents to verify identity, or
- is transferring matrimonial property, or
- is a non-resident landowner, or

- has an unusual or unconventional request or instruction about the payment of proceeds of sale or mortgage funds.

## Mitigating risk

To mitigate the risk of identity theft and property fraud, you will need to take extra steps to confirm client identity.

You can make some independent enquiries to verify the details provided to you, for example:

- Talking with the lawyer who acted for the landowner on the previous purchase of the property.
- Searching the historical view of the title to see how long a client has owned the property, which may provide some indication as to the expected age of the landowner.
- If the client is supposed to reside at the property, it may be possible to independently obtain the phone number for a landline associated with the address and calling the landowner at that number.

For audit purposes, make a note of any additional inquiries made to corroborate client identity. A file note or a completed check-list retained with the client's authority and instruction form will generally be sufficient.

[Read about high-risk transactions in the Standard for Verification of Identity \(//www.linz.govt.nz/regulatory/20002\)](http://www.linz.govt.nz/regulatory/20002)

## Client referrals and existing relationships

Even where a new client has been referred by someone known to the law firm (such as another client or a professional such as an accountant or another lawyer), consideration should still be given to the potential risk of fraud, and further enquiries should be made where appropriate.

If the person who makes the referral is able to vouch for the identity of the new client, the practitioner taking that referral should retain a file note of the matter to show how the referral or existing relationship provided them with the necessary assurance of the client's identity.

## Compliance reviews

When a high-risk transaction is selected for a compliance review, you will need to provide supporting documentation including:

- the landowner's photo ID and a document connecting them to the property (rates bill, bank statement or power bill), and
- other relevant documentation, such as a file note or completed checklist, to show the additional enquiries made or matters considered when establishing proof of identity.

[Read more about compliance reviews and evidentiary requirements \(//www.linz.govt.nz/land/land-registration/prepare-and-submit-your-dealing/compliance-review-and-evidentiary-requirements\)](http://www.linz.govt.nz/land/land-registration/prepare-and-submit-your-dealing/compliance-review-and-evidentiary-requirements)

## File Attachments

- [Registrar-General of Land e-dealing Compliance Review \(https://www.linz.govt.nz/system/files\\_force/media/knowledgebase-attachments/DocumentaryEvidenceDealingCertifications.pdf?download=1\)](https://www.linz.govt.nz/system/files_force/media/knowledgebase-attachments/DocumentaryEvidenceDealingCertifications.pdf?download=1) PDF | 69.14 KB

## Related Content

- [Standard for verification of identity for registration under the Land Transfer Act 1952 - LINZS20002 \(//regulatory/20002\)](http://www.linz.govt.nz/regulatory/20002)
- [Proof of identity for dealings \(/kb/79\)](http://www.linz.govt.nz/kb/79)
- [Self-assessment questionnaire for law firms \(/land/land-registration/user-guides-and-resources/self-assessment-questionnaire-for-law-firms\)](http://www.linz.govt.nz/land/land-registration/user-guides-and-resources/self-assessment-questionnaire-for-law-firms)

Last Updated:

14 December 2015

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## [Changing or correcting names in the RGL's records \(/kb/90\)](http://www.linz.govt.nz/kb/90)

Regulation 26 of the Land Transfer Regulations 2002 permits the Registrar-General of Land ("RGL") to change or correct names of landowners, mortgagees and other registered proprietors of interests in land in computer registers.

This article summarises the RGL's requirements for changing or correcting names, which are set out in detail in the [Guideline for making applications to change or correct names in the Registrar-General of Land's records: LINZG20704 \(//www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzg20704\)](http://www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzg20704) ("the Guideline").

**Electronic application** - section 1 of the [Guideline \(//www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzg20704\)](http://www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzg20704)

An electronic application for change or correction of name must be certified by a practitioner for the registered proprietor whose name is to be changed or corrected ("the applicant"). The practitioner will need to retain supporting evidence as follows:

1. The applicant's A & I and photo ID and/or other evidence that the practitioner has verified the applicant's identity (as set out in [LINZS20002: Standard for verification of identity for registration under the Land Transfer Act 1952 \(//www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzs20002\)](http://www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzs20002) ).
2. Evidence that the applicant's name has changed or is spelt incorrectly:
  - The applicant will need to provide a supporting statutory declaration, unless the change of name is corroborated by an official NZ government record such as a marriage certificate, marriage dissolution order, or name change certificate, or a Companies Office certificate of incorporation

which shows both the original name (as recorded in the register) and the applicant's new or corrected name.

- If the applicant is a new client and the change or correction of name is not supported by an official NZ government record, then a practitioner should consider the risk of property fraud involving identity theft and make his or her own inquiries, and require the client to produce other reliable documentation, to establish the client's ownership connection with the land
- A statutory declaration or statement by a practitioner may be sufficient evidence, for example, where the registered proprietor's name was spelt incorrectly in an instrument lodged by the practitioner.

(For guidance on preparing a change or correction of name in Landonline refer to section 5.3.9 of [Landonline e-dealing user guide \(//www.linz.govt.nz/land/landonline/get-started/landonline-user-guides-and-resources#block-block-64\)](https://www.linz.govt.nz/land/landonline/get-started/landonline-user-guides-and-resources#block-block-64). Please also refer to [Spelling error FAQs \(//www.linz.govt.nz/kb/853\)](https://www.linz.govt.nz/kb/853).)

**Paper application** – Section 2 of the [Guideline \(//www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzg20704\)](https://www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzg20704)

The evidence that the applicant's name has changed or is spelt incorrectly to be supplied with a paper application will be the same as outlined above for an electronic application.

**Change or correction of name may not be necessary** – section 3 of the [Guideline \(//www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzg20704\)](https://www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzg20704)

A registered proprietor whose name has changed or is misspelt in a computer register may not wish to change or correct the name in order to deal with their land, e.g:

1. for a transfer of their land or discharge of mortgage, where their name will be removed from the computer register, or
2. for a minor typographical error.

If an e-dealing is completed in the registered proprietor's former or incorrect name the certifying practitioner must still obtain and retain evidence as outlined above that their client's name has changed or is spelt incorrectly, to account for the difference between the client's correct name in their identity documents and their name in the computer register.

If the registered proprietor will be remaining on the computer register it is recommended that an application for change or correction of name is made.

**Large-scale nationwide changes of name** – section 4 of the [Guideline \(//www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzg20704\)](https://www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzg20704)

The previous paper-based process for recording a large-scale change of name progressively, as and when paper certificates of title and duplicate mortgages and leases were produced to LINZ, should no longer be necessary.

An electronic application can be used for large-scale changes of name, for up to 300 computer registers per application.

**Caveats** – section 5 of the [Guideline \(//www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzg20704\)](https://www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzg20704)

Regulation 26 does not enable the RGL to change or correct the name of a caveator (or claimant under the Property (Relationships) Act 1976) in a computer register. However, when the caveator or claimant consents to a dealing or withdraws a caveat or notice of claim, evidence of their change of name or that their name is incorrect as outlined above should be retained with the consent or authority and instruction for an e-dealing, or included with a paper consent or withdrawal.

**Maori land** – page 4 of the [Guideline \(//www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzg20704\)](https://www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzg20704)

An order made by the Māori Land Court is necessary in order to change or correct names on computer registers for Māori freehold land.

Application for change or correction of name may not be appropriate – section 3 of the Guideline

An application under regulation 26 is not appropriate to:

1. amend a name that is incorrect in a computer register as a result of a LINZ error; in that case please refer to How to Correct a Land Record, below.
2. correct a practitioner error that resulted in the wrong person being registered as proprietor; in that case please refer to [Registration error FAQs \(http://landonline.govt.nz/edealing/faqs-general-info/registration-errors\)](http://landonline.govt.nz/edealing/faqs-general-info/registration-errors).
3. register a statutory vesting of land following a change of a corporate body's identity, such as an amalgamation of companies or building societies; in such cases applications for transmission will be required.

## File Attachments

- [Guideline for making applications to change or correct names in the Registrar General of Lands records \(https://www.linz.govt.nz/system/files\\_force/media/knowledgebase-attachments/Guideline%20for%20making%20applications%20to%20change%20or%20correct%20names%20in%20the%20Registrar%20General%20of%20download=1\)](https://www.linz.govt.nz/system/files_force/media/knowledgebase-attachments/Guideline%20for%20making%20applications%20to%20change%20or%20correct%20names%20in%20the%20Registrar%20General%20of%20download=1) PDF | 244.21 KB

## Related Content

- [Correct a land record \(/land/land-records/correct-land-record\)](https://www.linz.govt.nz/land/land-records/correct-land-record)
  - [Landonline user guides and resources \(/land/landonline/get-started/landonline-user-guides-and-resources\)](https://www.linz.govt.nz/land/landonline/get-started/landonline-user-guides-and-resources)
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