

Important:

This article was published on Wednesday, 1 January 2014 - 11:20am. 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 January 2014 - Issue 105 \(/news/2014-01/landwrap-january-2014-issue-105\)](/news/2014-01/landwrap-january-2014-issue-105)

Landwrap January 2014 - Issue 105

- [South Island Coordinate Update completed \(/news/2014-01/south-island-coordinate-update-completed\)](/news/2014-01/south-island-coordinate-update-completed)



In December, LINZ completed the update of coordinates in Landonline that were made inaccurate by the Canterbury and Fiordland earthquakes.

Land Survey Landonline

- [Proof of identity for dealings \(/kb/79\)](/kb/79)

Establishing the identity of your client is a key part of helping us maintain the integrity of the land titles system. Here's what you need to do, and help for the 'what ifs?' of identity verification.

Titles

- [Register now for Locate14 \(/news/2014-01/register-now-for-locate14\)](/news/2014-01/register-now-for-locate14)

'The changing landscape of surveying' will be a central theme of the Locate14 Conference being held in Canberra from April 7 to 9, 2014.

About LINZ Corporate

- [Interim guideline to aspects of survey requirements applicable to Māori land surveys \(/news/2014-01/interim-guideline-aspects-survey-requirements-applicable-m%C4%81ori-land-surveys\)](/news/2014-01/interim-guideline-aspects-survey-requirements-applicable-m%C4%81ori-land-surveys)

LINZ has published the 'Interim guideline to aspects of survey requirements applicable to Māori land surveys (LINZG65703)'.

Land Survey

- [Interim guideline to sea boundaries and the Marine and Coastal Area Act \(/news/2014-01/interim-guideline-sea-boundaries-and-marine-and-coastal-area-act\)](/news/2014-01/interim-guideline-sea-boundaries-and-marine-and-coastal-area-act)

LINZ has published the 'Interim guideline to sea boundaries and the Marine and Coastal Area (Takutai Moana) Act 2011 (LINZG65705)'.

Land Survey

Articles referenced within this issue

[South Island Coordinate Update completed \(/news/2014-01/south-island-coordinate-update-completed\)](/news/2014-01/south-island-coordinate-update-completed)

In December, LINZ completed the update of coordinates in Landonline that were made inaccurate by the Canterbury and Fiordland earthquakes.

Most South Island coordinates were affected and the update ensures that the information in Landonline reflects their current positions. This was the first time a change of this scale was made in Landonline, and potentially internationally. LINZ would, once again, like to thank users for their patience while the update was carried out.

Now that the update has been completed, there are some steps you need to take to ensure South Island data is up to date in your Landonline workspace, if you haven't done so already. Details of these and more information on the update is available on the [Landonline website \(/www.linz.govt.nz/landonline-system-updates/south-island-coordinate-update\)](http://www.linz.govt.nz/landonline-system-updates/south-island-coordinate-update).

[Proof of identity for dealings \(/kb/79\)](/kb/79)

Establishing the identity of your client is a key part of helping us maintain the integrity of the land titles system. Here's what you need to do, and help for the 'what ifs?' of identity verification.

The Standard for Verification of Identity for Registration under the Land Transfer Act 1952 outlines the statutory requirements for proof of identity. Read the Standard (link to LINZS20002).

Basic requirements for ID

To establish the identity of your client, you'll need to obtain:

- An original, current photo ID – such as a passport or a New Zealand government-issued driver’s licence or firearms licence
- For transfers and mortgages of unencumbered land, a document provided by your client showing the landowner’s name and the physical address of the property – such as a rates bill, bank statement or power bill.

You must retain a copy of the photo ID and record that it is a true copy of the original you have seen. On the A&I form, section 5 includes the statements “(b) I have sighted the original form(s) of identity ticked above” and “(c) I have attached a copy of ID(s) used”.

[Refer to G5 of the Standard for Verification of Identity LINZS20002](http://www.linz.govt.nz/regulatory/20002)
[\(/www.linz.govt.nz/regulatory/20002\)](http://www.linz.govt.nz/regulatory/20002)

[Find out who can witness an A&I \(/www.linz.govt.nz/land/land-registration/prepare-and-submit-your-dealing/authority-instruction-ai#witness\)](http://www.linz.govt.nz/land/land-registration/prepare-and-submit-your-dealing/authority-instruction-ai#witness)

High-risk transactions

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.

[Refer to chapter 5.1 and 5.2 and page G8 of the Standard for Verification of Identity LINZS20002](http://www.linz.govt.nz/regulatory/20002)
[\(/www.linz.govt.nz/regulatory/20002\)](http://www.linz.govt.nz/regulatory/20002)

[Read more about establishing identity for high-risk transactions \(/www.linz.govt.nz/kb/102\)](http://www.linz.govt.nz/kb/102)

Using videoconferencing facilities

While witnessing in person is generally the preferred approach, LINZ and the Property Law Section consider the use of videoconferencing or Skype to be an acceptable practice where the lawyer or conveyancer who will be certifying and signing the transaction in Landonline:

- 1. has known their client for more than 12 months;**
- 2. has a copy of their client’s current photo ID on file (the original having previously been sighted); and**
- 3. is able to clearly see their client and confirm what documentation is being signed**

When adopting this approach the witness certification in the A&I form should be modified (or a further certification added) to indicate that video conferencing was used and confirm that each of the above conditions are met.

Witnessing an A&I form involves not only verification of client identity but also of their legal capacity and bona fides. The videoconference witnessing session **must** be abandoned if the lawyer or conveyancer:

- has any doubts whatsoever as to the identity or capacity of the client;

- has any concerns that the client may be acting under duress or at the direction of another person; or
- is unable to clearly see and confirm what documentation is being signed in the course of the videoconference session.

Other important considerations to be mindful of when deciding whether to witness the signing of an A&I by videoconference include:

- whether videoconferencing is appropriate when you are dealing with (for example) a very elderly client or one that has limited technical knowledge, or if you have not had any direct contact with your client in recent years;
- whether the ID you hold on file is still current (e.g. an expired passport will not meet the conditions for videoconference witnessing);
- whether you and your client both have adequate videoconferencing facilities to ensure adequate image clarity/audibility throughout the videoconference connection (the session should be abandoned if any technical issues are encountered during the videoconference);

NOTE:

1. *This practice note should be read in conjunction with the [LINZ Identity Verification Standard \(LINZS20002\)](http://www.linz.govt.nz/regulatory/20002) ([//www.linz.govt.nz/regulatory/20002](http://www.linz.govt.nz/regulatory/20002)) and the [NZLS Property Transactions and E-Dealing Practice Guidelines](https://www.lawsociety.org.nz/law-society-services/law-society-sections/property-law-section/e-dealing-consultant/property-transactions-and-e-dealing-practice-guidelines-july-2012) (<https://www.lawsociety.org.nz/law-society-services/law-society-sections/property-law-section/e-dealing-consultant/property-transactions-and-e-dealing-practice-guidelines-july-2012>).*
2. *This limited endorsement for witnessing by videoconference and relates ONLY to the witnessing of A&I forms.*

What if?

My client has no photo ID

If your client is new to the firm and has no photo identification, you should formally verify his or her identity using a reliable witness or gaining assurance in a reasonable way. You must also document the steps taken to verify identity.

If using a witness, they should be an independent person (i.e. not a relative, partner or spouse), aged 18 or over, whose identity you can verify with a reliable form of photo ID (preferably a passport) and who has known your client for at least a year. The supporting evidence should take the form of a statutory declaration with a recent photograph of your client attached and witnessed.

In some cases, you can establish identity in a way that is practical and provides the right level of assurance. For example, if you have an elderly client who is a long-term rest home resident – you can confirm his or her identity with a manager or senior member of staff. This could be documented in a written letter or correspondence after a face to face meeting.

You can download a Declaration of Identity template at the end of this page.

My client's photo ID has expired

An expired or non-current photo ID does not provide sufficient confirmation of the client's identity. If your client doesn't have a current form of photo ID, you will need to verify identity as outlined in paragraph 4.2 of the Standard.

[Read the Standard for verification of identity \(//www.linz.govt.nz/regulatory/20002\)](http://www.linz.govt.nz/regulatory/20002)

My client is bankrupt

[Read about A&Is for bankrupt clients \(//www.linz.govt.nz/kb/324\)](http://www.linz.govt.nz/kb/324)

My client is overseas

If your client is traveling or residing overseas, or living in another part of New Zealand, you do not personally need to witness the A&I being signed. You need to be comfortable that the person verifying identity has followed the correct steps and can reasonably be relied upon.

If you have an overseas client it is reasonable for you to rely on a notary public, or someone else specified in regulation 16(4) of the Land Transfer Regulations 2002, to witness and verify their identity.

My client's name on their photo ID doesn't match the name on their title

If the name on a photo ID does not match the name recorded on the computer register (title), then you will need to take steps to verify that the client and the person named on the register are the same person.

If the names are inconsistent for a legitimate reason – for example married and maiden names, minor misspellings, or a partial rather than full name – it may not be necessary to change or correct the client's name on the computer register. You should retain additional documentation, ideally in the form of a statutory declaration from the client, with supporting evidence such as a marriage certificate.

If the client's name on the computer register is wrong and needs to be corrected, you will need to correct the name on the register, following the process in the Registrar-General of Land's Guideline for making applications to change or correct names in the RGL's records (LINZG20704).

In any of these circumstances, if the client is not already well known to the firm or certifying practitioner, or the transaction qualifies as 'high risk' in terms of the Standard, then further independent inquiries should be undertaken to confirm the client's identity as landowner.

[Read the guideline for changing or correcting names \(//www.linz.govt.nz/regulatory/20704\)](http://www.linz.govt.nz/regulatory/20704)

[Read the Standard for verification of identity \(see paragraph 5 and page G8\)](http://www.linz.govt.nz/regulatory/20002)

[\(//www.linz.govt.nz/regulatory/20002\)](http://www.linz.govt.nz/regulatory/20002)

My client's identity is being confirmed by someone else (delegate witness)

You do not have to personally witness the A&I being signed, but you do need to be sure that the person you delegate this to has followed the correct steps to establish proof of identity. A suitable choice may be another lawyer, a legal executive, an accountant or a Justice of the Peace.

If someone other than the certifying practitioner is verifying the client's identity, records or file notes should be kept to show that the person was independent and trusted. If the person is another

practitioner at your firm, then this will be clear from the job title or occupation listed for them on the A&I. You will be required to provide this information for a compliance review.

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

I already know my client

If you know your client personally and can vouch for their identity, you still need to view and retain a suitable current photo ID, but you do not need the additional verification document showing their name and physical address. This applies even to transactions that are usually considered high-risk, such as transfers and mortgages.

Note: You could be considered to know a longstanding client, but you wouldn't be able to reasonably claim to know a client who was referred from another professional, friend or relative.

File Attachments

- [Standard for verification of identity for registration under the Land Transfer Act 1952 - LINZS20002 \(https://www.linz.govt.nz/system/files_force/media/regulatory-documents/linzs20002_-_standard_for_verification_of_identity_for_registration_under_the_land_transfer_act_1952_1_0.pdf?download=1\)](https://www.linz.govt.nz/system/files_force/media/regulatory-documents/linzs20002_-_standard_for_verification_of_identity_for_registration_under_the_land_transfer_act_1952_1_0.pdf?download=1) PDF | 298.33 KB

Related Content

- [Standard for verification of identity for registration under the Land Transfer Act 1952 - LINZS20002 \(/regulatory/20002\)](http://regulatory/20002)
- [Guideline for making applications to change or correct names in the Registrar-General of Land's records - LINZG20704 \(/regulatory/20704\)](http://regulatory/20704)

Last Updated:
29 May 2017

[Register now for Locate14 \(/news/2014-01/register-now-for-locate14\)](/news/2014-01/register-now-for-locate14)

'The changing landscape of surveying' will be a central theme of the Locate14 Conference being held in Canberra from April 7 to 9, 2014.

Surveying has seen many changes over the past decade and promises to be an environment of continued review, change and renewal in the future.

With the latest information on legislation briefs, to new and exciting developments in the profession, this is one of six compelling conference streams and will pose the questions: What next? Where next? What will the role of surveyor look like in the future?

This is the ideal opportunity to hear from top notch presenters on:

- Legislative Surveying Landscape across Australia and New Zealand

- FIG Presentations
- Latest Technology briefs
- Attracting a new generation of Surveyors – the future workforce
- Licensing, Registration and CPD for you
- Surveyor-General Round Table

About Locate 14

Locate14 is the new premier national spatial information conference and exhibition in Australia and New Zealand. Locate14 consolidates the top industry events including spatial@gov (<mailto:spatial@gov>) Conference and Exhibition (managed by the Office of Spatial Policy), the Surveying & Spatial Sciences Conference and the Asia-Pacific Spatial Excellence Awards.

Brought to you by: Office of Spatial Policy, SSSI, SIBA, PSMA

Supported by: Land Information New Zealand, ANZLIC, CRCSI, ASIERA

To register, visit www.locateconference.com (<http://www.locateconference.com>).

[Interim guideline to aspects of survey requirements applicable to Māori land surveys \(/news/2014-01/interim-guideline-aspects-survey-requirements-applicable-m%C4%81ori-land-surveys\)](/news/2014-01/interim-guideline-aspects-survey-requirements-applicable-m%C4%81ori-land-surveys)

LINZ has published the 'Interim guideline to aspects of survey requirements applicable to Māori land surveys (LINZG65703)'.

The main purpose of this guideline is to provide guidance to the Māori Land Court on survey matters as they relate to Māori land surveys and the [Rules for Cadastral Survey \(/www.linz.govt.nz/node/11214\)](http://www.linz.govt.nz/node/11214) issued by the Surveyor-General. Related information on the Māori Land Court requirements, the Registrar-General of Land's requirements and LINZ processes have also been included for some topics. This information is also relevant to surveyors who carry out Māori land surveys.

The new '[Interim guideline to aspects of survey requirements applicable to Māori land surveys \(LINZG65703\) \(/www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzg65703\)](http://www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzg65703)' is available on the LINZ website and supplements the information in the '[Interpretation guide to the Rules for Cadastral Survey 2010 \(LINZG65700\) \(/www.linz.govt.nz/survey-titles/cadastral-surveying/cadastral-standards/DocumentSummary.aspx%3Fdocument%3D266\)](http://www.linz.govt.nz/survey-titles/cadastral-surveying/cadastral-standards/DocumentSummary.aspx%3Fdocument%3D266)'.

[Interim guideline to sea boundaries and the Marine and Coastal Area Act \(/news/2014-01/interim-guideline-sea-boundaries-and-marine-and-coastal-area-act\)](/news/2014-01/interim-guideline-sea-boundaries-and-marine-and-coastal-area-act)

LINZ has published the 'Interim guideline to sea boundaries and the Marine and Coastal Area (Takutai Moana) Act 2011 (LINZG65705)'.

The purpose of this guideline is to:

- (a) facilitate the correct interpretation of the [Rules for Cadastral Survey 2010](http://www.linz.govt.nz/node/11214) ([//www.linz.govt.nz/node/11214](http://www.linz.govt.nz/node/11214)) in regard to the survey of land affected by Marine and Coastal Area (Takutai Moana) Act 2011, and
- (b) outline requirements for showing common marine and coastal area in a cadastral survey dataset (CSD).

The new '[Interim guideline to sea boundaries and the Marine and Coastal Area \(Takutai Moana\) Act 2011 \(LINZG65705\)](http://www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzg65705) ([//www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzg65705](http://www.linz.govt.nz/about-linz/news-publications-and-consultations/search-for-regulatory-documents/linzg65705))' is available on the LINZ website and supplements the information in the '[Interpretation guide to the Rules for Cadastral Survey 2010 \(LINZG65700\)](http://www.linz.govt.nz/regulatory/65700)' ([//www.linz.govt.nz/regulatory/65700](http://www.linz.govt.nz/regulatory/65700)).
