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Applications to Correct or Change Names in the Register

Guideline 2018

LINZG20780

Office of the Registrar-General of Land

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Introduction

A key intermediate outcome and objective of the land registration system is that:

- “*the register correctly records the state of every legal title and legal substance of every transaction*”; and that
- “*all transactions are authorised by or on behalf of entitled parties*”.

Two mechanisms that contribute to this are the Registrar-General of Land’s (RGL’s) powers to alter the register:

- to correct an error made by a person in preparing or submitting a document or information for registration under section 21(1)(b) of the Land Transfer Act; and
- for any other purpose with the consent in writing of the persons affected under section 21(3) of the Act; and

in accordance with regulations 17(1)(a), (3) and (4) of the Regulations.

These empower the Registrar-General of Land (RGL) to correct or change a name in the Register (fulfilling the intermediate outcome regarding correct records), provided the RGL is satisfied that the name of the applicant:

- has changed in that way, or
- was recorded in error in the register.

Purpose of this guideline

This guideline:

- assists individuals and practitioners to understand the requirements and process for applying to correct or change a name in the Register; and
- includes guidance on electronic and paper form applications, and the additional documents needed to support applications.

This guideline does not apply to the following alterations:

- any name incorrectly stated in the RGL’s records as a result of a registry error. In that case the RGL may correct the error under section 21(1)(a) of the Act in accordance with *Alterations to the Register Guideline 2018*;
- a boundary change resulting from accretion or erosion. In that case, refer to *Guideline for accretion and erosion claims 2018*.

This guideline supersedes *LINZG20704 Guideline for making applications to change or correct names in the Registrar-General of Land’s records*.

References

The following documents are relevant to this guideline:

- Companies Act 1993
- Incorporated Societies Act 1908
- Land Transfer Act 2017
- Land Transfer Regulations 2018
- *LINZS20018 Authority and Identity Requirements for E-Dealing Standard 2018*
- *LINZG20775 Authority and Identity Requirements for E-Dealing Guideline 2018*
- *LINZS20012 Certification of Electronic Instruments (Statutory Requirements and Retention of Evidence) Standard 2018*
- *LINZG20776 Identity Requirements for Paper Instruments Guideline 2018*
- Property (Relationships) Act 1976

Interpretation

References in this guideline to sections, parts, subparts and regulations refer to the Land Transfer Act 2017 and Land Transfer Regulations 2018 (as applicable) unless otherwise stated.

Terms used in this guideline that are defined in the Land Transfer Act 2018 have the meaning given to them in that Act, unless otherwise stated.

Terms and Definitions

Act	means the Land Transfer Act 2017.
Applicant/s	a person who makes an application to correct or change a name in the Registrar-General of Land's records, and includes an owner of a legal or an equitable estate or interest in land.
Application	an instrument in paper or electronic form to correct or change a name in the RGL's records.
Declarant	the person declaring as to the facts in a statutory declaration.
Electronic Application	an application for change of name containing the information prescribed in the Regulations under section 227(1) of the Act, prepared on an electronic template form approved by the RGL (see Approval of Forms 2018), and

lodged electronically by a Practitioner authorised to certify the transaction in accordance with sections 26-32 of the Act (refer also to *LINZG20775 Authority and Identity Requirements for E-Dealing Guideline 2018*).

High Risk Transaction	is one where the risk of improper dealing or landowner identity fraud is greater due to the circumstances of the transaction and the client – see also section 4.2 of <i>LINZG20775 Authority and Identity Requirements for E-Dealing Guideline 2018</i> .
Instrument	has the meaning in section 5 of the Act.
LINZ	means Land Information New Zealand.
Paper Application	an application containing the information prescribed in the Regulations under section 227(1) of the Act, prepared on a paper form approved by the RGL (see Approval of Forms 2018), and certified and lodged manually in accordance with sections 33-39 of the Act (refer also to <i>LINZG20776 Identity Requirements for Paper Instruments Guideline 2018</i>).
Practitioner	has the meaning in section 5 of the Act.
r, rr or regulation	indicates a regulation/s, in the Land Transfer Regulations 2018 unless otherwise specified.
Register	has the meaning in section 5 of the Act.
Registrar-General of Land (RGL)	has the meaning in section 231 of the Act.
Record of Title	has the meaning in section 5 of the Act.
Regulations	means the Land Transfer Regulations 2018.
s, ss or section	indicates a subsection/s or section/s, in the Land Transfer Act 2017 unless otherwise specified.

1 Background

Applications can be made by persons wishing to have:

- a correction to an error in the person's name registered, under the provisions of r17(1)(a); or
- a change of name registered, under the provisions of r17(3).

Applications are typically made to:

- update surnames, where the current registered name is out of date e.g. due to changes of name as a result of marriage, reversion to maiden names, change by deed poll (the latter can relate to first, middle or surnames) etc.;
- correct a spelling error in a first, middle or surname, caused either by the lodging party or LINZ staff¹;
- include an additional middle name which forms part of the registered owner's official name but it was omitted on the Register, whether by error on the part of the practitioner or by incomplete instructions at the time of the original registration.

If satisfied of the basis for the application the RGL may record that correction or change in the register. The consent requirements of s21(2) of the Act will be satisfied if the landowner whose name is corrected or changed has signed or authorised the application.

2 Form and required information

An application under s21 must meet the requirements of the Act and Regulations as to content and form² (see r5).

2.1 Applications on electronic instruments

A practitioner must certify as to the standard matters required under r7.

Before doing so, a practitioner must comply with *LINZS20018 Authority and Identity Requirements for E-Dealing Standard 2018*, in particular the requirements to:

- (a) obtain authority and confirm legal capacity;
- (b) verify identity and take additional actions for high risk transactions; and
- (c) retain evidence³.

¹ A typographical error made by LINZ staff does not need to be corrected by an application to correct the name of the applicant. A request can be made to LINZ staff to have the error corrected by way of departmental dealing – see *Alterations to the Register Guideline 2018*.

² See Approved forms for Land Transfer Act 2017.

³ The evidence to support the grounds for the application must be retained with the A&I form as evidence in support of the certifications under s30(1) of the Act.

Practitioners must exercise caution and apply sound judgment to ensure applicants are properly identified as the relevant landowner to manage the risk of improper dealing or identity fraud.

It is important to note that an application to correct or change the name of a landowner is a “high risk”⁴ transaction.

Further guidance is available in *LINZS20018 Authority and Identity Requirements for E-Dealing Standard 2018*.

2.2 Applications in paper form

For paper applications:

- (a) a natural person may use form 1;
- (b) a company or other corporate body may use form 2, tailored to fit the circumstances;

to apply to correct or change a name in the RGL’s records.

While form 2 is intended for use by companies and incorporated societies, it may also be used by a corporation sole or any other type of legally recognised entity.

Copies of the forms can be found in Schedules 1 and 2.

Further guidance is available in *LINZG20776 Identity Requirements for Paper Instruments Guideline 2018*.

2.3 Amendments to paper forms

Minor amendments to either form 1 or form 2 may be made, providing the intent of the application remains clear.

2.4 Execution of paper forms

Applications using form 1 or form 2 may be signed by the applicant or their practitioner in accordance with r13 and Schedule 3 of the Regulations.

2.5 Certification of paper instruments

Prior to lodging a paper application, the application must be certified by the applicant or their solicitor as to the “required matters”, described in r14(3) and Schedule 3 of the Regulations as the “comprehensive matters” (see also s34 of the Act).

⁴ Refer to *LINZG20775 Authority and Identity Requirements for E-Dealing Guideline 2018*.

3 Grounds for the application

In order for the RGL to be satisfied that:

- (a) a name has been recorded incorrectly in his or her records; or
- (b) a name has changed;

the grounds for the application should be clear from the application and the accompanying evidence.

4 Evidence

Practitioners must obtain suitable evidence to support the grounds for the application.⁵

4.1 Documentary evidence

A New Zealand government-issued certificate (or a suitable overseas equivalent) that shows the applicant has changed their name may be sufficient evidence for the grounds of an application, if it self-explanatory.

A **certified copy** of such a certificate will usually be sufficient.

Example: Marriage

Where a person's name has changed as a result of marriage (i.e. a change to their maiden name to record their married name), a marriage certificate will usually be sufficient evidence.

Example: Dissolution of Marriage

Where a person's name has changed as a result of dissolution of marriage (i.e. the person is reverting from their married name back to their maiden name), the order of dissolution of marriage will usually be sufficient evidence.

Example: Name Change registered with the Department of Internal Affairs

Where a person has changed their name through the Department of Internal Affairs (Births, Deaths and Marriages), the name change certificate will usually be sufficient.

Example: Corporate Change of Name registered with the New Zealand Companies Office

If a corporate body has changed their name through the New Zealand Companies Office, the certificate of incorporation will usually be sufficient.

⁵ See Part 2 Section 8 of *LINZS20012 Certification of Electronic Instruments (Statutory Requirements and Retention of Evidence) Standard 2018*.

4.2 Statutory declarations

4.2.1 By the applicant

A statutory declaration **by the applicant**⁶ may be necessary if the evidence to support the grounds for the application is not self-explanatory or the information requires verification or expansion.

Situations where a statutory declaration may be required are:

- (a) The applicant's name is incorrect in the RGL's records and is not evidenced by a certificate described in section 4.1 above.
- (b) The applicant has adopted an alias or there is more than one version of his or her name and this is not evidenced by a certificate described in section 4.1 above.
- (c) There are discrepancies between the supporting evidence or photo ID and the applicant's correct name.
- (d) When the supporting evidence provided, e.g. a marriage certificate, was issued by an unfamiliar organisation in another country or is in a foreign language.

4.2.1.1 By the applicant that is a corporate body

A statutory declaration supporting an application by a corporate body should be made by a person who has appropriate authority to do so in terms of the corporate body's constitution or governing legislation.

A statutory declaration by a practitioner would not be appropriate in this case, unless he or she has the appropriate authority.

4.2.1.2 By a practitioner

A statutory declaration or statement by a practitioner may be sufficient where the circumstances are within his or her personal knowledge; that is, where the applicant's name is incorrect in the RGL's records due to an error in an instrument previously lodged by that practitioner. For example, a minor typographical error in the electronic instrument or where the practitioner has recorded the applicant's name and surname in the wrong order.

4.2.2 Details of statutory declaration

Applicants may wish to satisfy the statutory requirements by providing evidence as to the following matters by way of statutory declaration:

⁶ A statutory declaration by the applicant or their solicitor can be suitable evidence to support the application. When considering any other person, they must be independent of the applicant and the transaction. A statutory declaration for company or incorporated society applicants is included in Form 2. For individuals, an example is attached at Schedule 3.

- (a) specify the Record of Title and, if applicable, the instrument number affected by the application;
- (b) explain in sufficient detail how the applicant's name came to be recorded incorrectly in the Record of Title⁷;
- (c) confirm that the applicant is one and the same person as the landowner/interest-holder whose name is recorded on the Record of Title;
- (d) request the applicant's name be corrected or changed on the Record of Title;
- (e) include a certified copy of the applicant's government-issued photo identification recording their correct name⁸;
- (f) for high risk transactions, include further proof that the applicant is the landowner by attaching a document connecting them to the property.

An example statutory declaration for individual applicants can be found in Schedule 3.

5 When an application should not be used

An application to correct or change a name cannot be used to change the ownership of any land, estate, or interest in land.

If a person is applying to correct or change the name of a landowner in the Register to a name that is significantly different, a practitioner should:

- (a) obtain additional evidence to verify the application is not designed to effect a change in ownership, and;
- (b) take further steps to verify the identity of the applicant in line with the requirements for high risk transactions in *LINZG20775 Authority and Identity Requirements for E-Dealing Guideline 2018*.

6 A correction or change of name in the Register may not be necessary

6.1 Choosing not to alter due to transfer or discharge of interest

There may be a case where a landowner authorises electronic lodgement and their name has changed or is shown incorrectly in the RGL's records, but they do not wish to correct or change their name, for example:

⁷ If the practitioner does not know how the applicant's name came to be recorded incorrectly on the Record of Title he or she should make all necessary enquiries to ascertain this (e.g. contacting, and if necessary obtaining a statutory declaration from, the previous solicitor who acted for the applicant).

⁸ Any discrepancies between the name of the applicant and the name that is recorded on their photo ID should be reconciled as part of the statutory declaration.

(a) the correction is for a minor typographical error, for example: 'Ann/Anne' or 'Diana/Dianna'.

(b) the landowner is transferring land or discharging their mortgage and going off the RGL's records.

In such cases it may not be necessary to apply to correct or change the landowner's name in the RGL's records in order to complete registration of the transaction.

A practitioner may be able to make certifications under:

- regulation 7(5) of the Regulations for electronic instruments; and
- regulation 14(3) of the Regulations for paper instruments;

upon receipt of suitable evidence, as described in section 4.1 above, to account for discrepancies between the landowner's name as it is recorded in the RGL's records and in their identity documentation.

6.1.1 Evidence to reconcile name discrepancies

Documents referred to in section 4 above would be sufficient to meet the requirements of regulations 7(5) and 14(3) of the Regulations.

6.2 Exception for significant error or change of name

For anything more than a minor typographical error, where the landowner is staying on the Record of Title after registration, it is recommended that an application be made to correct or change their name in the RGL's records.

A significant error, for example, is where a name (such as a middle name) is omitted or the surname differs.

6.3 Exception for registration of paper instruments

If a landowner lodges a paper instrument using a corrected or new name, it will be necessary to apply to correct or change the name in the RGL's records before the paper instrument can be registered.

7 Changes by a corporate body affecting multiple records of title

A corporate body with multiple registered land interests may apply to have a correction or change of its name recorded against all or any relevant Records of Title in a single electronic application.

8 Applications by caveators or claimants

8.1 Caveat or notice of claim under the Property (Relationships) Act 1976

If a caveator or claimant under the Property (Relationships) Act 1976 has changed their name, or their name is incorrectly stated in the RGL's records, the RGL will not record the correction or change under regulation 17(1)(a), (2), (3) and (4) of the regulations. This is because a caveat or notice of claim is merely notice of an interest and the caveator or claimant is not a registered owner of an estate or interest in land.

8.1.1 Evidence of change or incorrect name of caveator or claimant

When a caveator or claimant consents to a transaction or withdraws a caveat or notice of claim, supporting documentation as referred to in 1.1.1 above may be:

- (a) attached to a manual (paper instrument) or consent, or
- (b) retained by a certifying practitioner with the caveator's or claimant's consent or authorisation for withdraw.

9 Māori Land

The RGL cannot record a correction or change of name in respect of Māori freehold land. However, the RGL will record a name correction or change on receipt for registration of an Order of the Māori Land Court under section 88(2) of the Te Ture Whenua Maori Act 1993.

Schedule 1: Application for correction or change of name – natural person

This approved format may be used for lodgement as a paper instrument under the Land Transfer Act 2017

Form 1

Application for correction or change of name

(Regulation 17 Land Transfer Regulations 2018)

Land registration district(s)

BARCODE

Record of Title (unique identifier)

Applicant

Surname(s) must be underlined.

Estate or interest of Applicant *Insert, e.g. fee simple, leasehold in lease, unique identifier*

Application

Delete items listed below that do not apply as appropriate.

The Applicant applies to the Registrar, on the grounds set out below:

1. To **Correct** his or her name in the register under regulation 17(1)(a) Land Transfer Regulations 2018.
2. To Record the **change of name** in the register under regulation 17(3) Land Transfer Regulations 2018.

**Grounds for
application**

Delete items listed below that do not apply, or state other grounds as appropriate

For a Correction:

1) The name has been entered in the Register incorrectly:

(a) Due to an **error**.

Or

For a Change of Name:

2) The name has been **Changed** by:

(a) A Change of name application with Department of Internal Affairs Births, Deaths and Marriages Office.

(b) Marriage.

(c) Dissolution of Marriage.

(d) [Other – please specify]

3) The correct/new name is shown above in the Applicant panel.

Evidence to support application

Delete items listed below that do not apply as appropriate.

The following evidence⁹ accompanies this application:

- 1) For change of name applications after 25 January 2009, a certified copy of Name Change Certificate. Or
- 2) For change of name applications between September 1995 and 24 January 2009, a certified copy of Change of Name by Statutory Declaration. Or
- 3) For change of name applications before September 1995, a certified copy of deed poll. Or
- 4) A certified copy of a Marriage Certificate. Or
- 5) A certified copy of Dissolution of Marriage.

Dated this day of 20

Attestation

	<p>Signed in my presence by the Applicant</p> <p><i>Signature of witness</i></p> <p><i>Witness to complete in BLOCK letters (unless legibly printed)</i></p> <p>Witness name</p> <p>Occupation</p> <p>Address</p>
<p>Signature [common seal] of Applicant</p>	

⁹ If the circumstances of the error, or the evidence supplied, are not sufficiently clear, the Registrar **may require** a statutory declaration in order to be satisfied that the name should be corrected or changed.

I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.¹⁰

Certified by [Practitioner for Applicant]
or [Applicant]

Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:

1. You should seek independent legal advice before signing this change or correction of name instrument.
2. You should not sign this change or correction of name instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the change or correction of name have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the change or correction of name instrument and must be able to confirm the identity of the person signing.
5. When registered this change or correction of name instrument will become part of the public record under the Land Transfer Act 2017.

¹⁰ See Regulation 14(3) Land Transfer Regulations 2018.

Schedule 2: Application for correction or change of name – corporate body

This approved format may be used for lodgement as a paper instrument under the Land Transfer Act 2017

Form 2

Application for change of name (company or incorporated society)

(Regulation 17, Land Transfer Regulations 2018)

Land registration district(s)

BARCODE

Applicant company or society

Former name

New name

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Application

The Applicant applies to the Registrar **to enter in the record(s) of title** referred to in the Schedule of estate(s) or interest(s) a memorial of the change of name of the Applicant on the grounds set out below.

Grounds for application

Delete words in [] as appropriate.

The Applicant has changed its name by resolution under the provisions of the [[Companies Act 1993](#)] [[Incorporated Societies Act 1908](#)].

Evidence to support application

Delete words in [] as appropriate.

The statutory declaration in the **Annexure Schedule** and the certified copy of the certificate of incorporation in the changed name under the provisions of the [[Companies Act 1993](#)] [[Incorporated Societies Act 1908](#)].

Schedule of estate(s) or interest(s) *Continue in additional Annexure Schedule if necessary.*

Unique identifier(s) of Record of Title(s)	Estate or interest	Instrument identifier (if any)

Annexure Schedule

Change of name (company or incorporated society)

Statutory declaration

Delete words in [] as required.

I, ¹¹, of

solemnly and sincerely declare that:

- 1 I am [a director] [an authorised signatory] [the Secretary] of ¹².
- 2 I am authorised to make this declaration, having full knowledge of the matters set out below.
- 3 The Applicant is registered under its former name, as set out in the application, as proprietor of the estates and interests specified in the application and of all other estates and interests of which it is the registered proprietor under its former name.
- 4 On the day of 20 the Applicant changed its name to ¹³.
- 5 The change of name was delivered to and registered with the Registrar of [Companies] [Incorporated Societies] under the provisions of the [Companies Act 1993] [Incorporated Societies Act 1908] and a certified copy of the Certificate of Incorporation evidencing the change of name is attached marked 'A'.
- 6 To the best of my knowledge, information, and belief there is no other person entitled to any estate or interest at law or in equity affecting the estates or interests registered in the Applicant's former name set out in the application.

¹¹ Insert name, address, and occupation

¹² Insert new company/society name

¹³ Insert new company/society name

7 I truly believe the Applicant to be entitled to be registered as proprietor in its new name of the estates or interests referred to in the application, of which the Applicant is registered in its former name as proprietor of those estates or interests, and of all other estates and interests of which it is the registered proprietor under its former name.

AND I make this declaration conscientiously believing the same to be true by virtue of the [Oaths and Declarations Act 1957](#)

DECLARED at)
 this day of 20)
 before me:)

A person authorised to take a statutory declaration under the [Oaths and Declarations Act 1957](#)

Dated this day of 20

Attestation

	<p>Signed in my presence by the Applicant</p> <p><i>Signature of witness</i></p> <p><i>Witness to complete in BLOCK letters (unless legibly printed)</i></p> <p>Witness name</p> <p>Occupation</p> <p>Address</p>
	<p>Signature [common seal] of Applicant</p>

I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.¹⁴

¹⁴ See Regulation 14(3) Land Transfer Regulations 2018.

Certified by [Practitioner for Applicant]
or [Applicant]

Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:

1. You should seek independent legal advice before signing this change of name instrument.
2. You should not sign this change of name instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the change of name have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the change of name instrument and must be able to confirm the identity of the person signing.
5. When registered this change of name instrument will become part of the public record under the Land Transfer Act 2017.

Schedule 3: Example statutory declaration template

I, *[name of applicant/declarant]*, of *[town/city of residence]* do solemnly and sincerely declare that:

1. My correct name is *[full and correct name of the applicant]*.
2. I am one and the same person as *[the incorrect name of the applicant as it is recorded in the Record of Title]* recorded in Record of Title [].
3. *[Statement as to how the applicant's name came to be incorrectly recorded in the Record of Title]*
4. I am the holder of government-issued photo identification, an extract of which, recording my correct name, showing my photograph and the identification number, is annexed to this declaration and marked with the letter "A".

(And if the transaction is high risk as per section 1.4 above)

5. As further proof that I am the owner of the land in Record of Title [], a document connecting me to the property is annexed to this declaration and marked with the letter "B".

I apply for my correct name to be recorded on Record of Title [].

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared at *[insert location]* this *[insert day]*

of *[insert month]* *[insert year]*

before me:

Solicitor of the High Court of New Zealand

(or other person authorised to take a statutory declaration)