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Certification of Electronic Instruments (Statutory Requirements and Retention of Evidence) Standard 2018

This Standard is made under section 236 of the Land Transfer Act 2017 by the Registrar-General of Land.

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Statutory Requirements and Retention of Evidence Standard 2018

- 1 Title**
- This is the Certification of Electronic Instruments (Statutory Requirements and Retention of Evidence) Standard 2018.

2 Commencement

This Standard comes into force on 12 November 2018.

3 Purpose

This Standard specifies Statutory Requirements, and Requirements for the Retention of Evidence in relation to certification of electronic instruments.

4 Interpretation

In this standard, the definitions in the Act and Regulations apply, and unless the context otherwise requires,—

Act means the Land Transfer Act 2017

Regulations means the Land Transfer Regulations 2018

Part 1 Statutory Requirements

5 Effect of specification of Statutory Requirements

- (1) The Registrar General of Land under section 236(1)(d) and (e) sets in relation to the certification of electronic instruments the statutory requirements for instruments of a particular class. The standard is in the table below.
- (2) This standard replaces the Statutory Requirements notice published in the New Zealand Gazette, 26 September 2008, no. 144, page 3925.

6 Statutory Requirements

Statute and Applicable Section	Nature of Provisions	Requirements for Compliance	Class of Instrument	Certifying Practitioner
Burial and Cremation Act 1964 <i>s31</i>	Dedication of denominational burial grounds - registered notice of dedication as a denominational burial ground operates as a perpetual caveat to restrain any dealing with the land manifestly inconsistent with such notice.	Does not contravene s31 of the Burial and Cremation Act 1964.	<ul style="list-style-type: none"> • Transfer • Lease • Lease Variation • Mortgage • Mortgage Variation • Encumbrance • Transmission • Application for Deposit of Unit Title Plan 	Practitioner acting for the: <ul style="list-style-type: none"> • Transferor • Lessor • Lessor • Mortgagor • Mortgagor • Encumbrancer • Applicant • Applicant
Conservation Act 1987 <i>s16A</i>	Section 16A states that the Minister may by notice in the <i>New Zealand Gazette</i> authorise the exchange of any stewardship area for other land.	Complies with s16A of the Conservation Act 1987.	<ul style="list-style-type: none"> • Transfer 	<ul style="list-style-type: none"> • Practitioner acting for the Transferor

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Conservation Act 1987 s26	Section 26 states that the Minister may dispose of stewardship areas or areas of interest therein subject to the requirements to give notice.	Complies with s26 of the Conservation Act 1987.		
Housing Act 1955 s18 s37	Purchaser cannot dispose of interest in State housing land in any agreement or licence registered under s18 unless: (a) the instrument is in favour of the Crown or the Corporation, or the Crown or the Corporation is a party; or (b) the instrument is an application to register the settlement of the land under the Joint Family Homes Act 1964; or (c) the instrument is a disposition by way of mortgage; or (d) the consent of the Corporation is endorsed on the instrument.	Requirements of s37 have been met.	<ul style="list-style-type: none"> • Transfer • Lease • Lease Variation 	Practitioner acting for the: <ul style="list-style-type: none"> • Transferor • Lessor • Lessee
Land Act 1948 s89	Lessee or licensee shall not transfer, sub-lease or otherwise dispose of the interest in land without the consent of the lessor or licensor or notice has been given to the Commissioner of Crown Land.	Consent has been obtained in accordance with s89 of the Land Act 1948, or a copy of the notice given to the Commissioner of Crown Lands and the consent or notice is held.	<ul style="list-style-type: none"> • Lease • Licence 	Practitioner acting for the: <ul style="list-style-type: none"> • Lessor • Licensor
Land Transfer Act 2017 ss87-88 Transmission instrument	The entitlement of the applicant to be registered as owner by operation of law has been verified by the oath or statutory declaration of the applicant.	The application has been verified by the oath or statutory declaration of the applicant.	<ul style="list-style-type: none"> • Transmission 	<ul style="list-style-type: none"> • Practitioner acting for the Applicant
Land Transfer Act 2017 s90 Application to register vesting under	The entitlement of the applicant to be registered as owner by operation of law has been verified by the	The application has been verified by the oath or statutory declaration of the	<ul style="list-style-type: none"> • Application to register vesting under enactment 	<ul style="list-style-type: none"> • Practitioner acting for the Applicant

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enactment	oath or statutory declaration of the applicant.	applicant.		
Land Transfer Act 2017 s137 Transfer of a registered licence	The Registrar must not register a transfer of a registered licence unless the Registrar is satisfied that an instrument disposing of the shares to which the licence relates to the person acquiring the licence under the transfer has been registered by the company or its directors.	An instrument disposing of the shares to the person acquiring the licence has been registered in the Companies Office.	<ul style="list-style-type: none"> • Transfer of Licence to Occupy 	<ul style="list-style-type: none"> • Practitioner acting for the Transferor
Land Transfer Act 2017 s154(5) Trusts of Reserves.	Section 154(5) states that the Registrar must not register an instrument or record any matter that prejudicially affects any trust to which the section applies	Does not contravene s154 (5) of the Land Transfer Act 2017.	<ul style="list-style-type: none"> • Transfer • Mortgage • Mortgage Variation • Lease • Lease Variation • Encumbrance • Application for Deposit of Unit Title Plan 	Practitioner acting for the: <ul style="list-style-type: none"> • Transferor • Mortgagor • Mortgagor • Lessor • Lessor • Encumbrancer • Applicant
Maori Housing Amendment Act 1938 s11	Purchaser cannot dispose of land held under an agreement under s8 by sale, lease, mortgage, assignment or in any other manner unless the statutory procedures set out in s11 have been complied with.	Consent has been obtained in accordance with s11 of the Maori Housing Amendment Act 1938 and is held.	<ul style="list-style-type: none"> • Transfer • Mortgage • Mortgage Variation • Encumbrance • Lease • Lease Variation • Licence to Occupy 	Practitioner acting for the: <ul style="list-style-type: none"> • Transferor • Mortgagor • Mortgagor • Encumbrancer • Lessor • Lessor • Licensor
Maori Housing Amendment Act 1938 s14	Lessee cannot assign their leasehold interest without the consent of the Chief Executive of the Ministry of Māori Development.	Consent has been obtained in accordance with s14 of the Maori Housing Amendment Act 1938 and is held.	<ul style="list-style-type: none"> • Transfer • Lease • Variation of Lease • Sub lease 	Practitioner acting for the: <ul style="list-style-type: none"> • Transferor • Lessor • Lessor • Lessor
Maori Purposes Act 1970 s30	Land vested in Poho-o-Rawiri Marae Committee cannot be sold without the confirmation of the Māori Land Court.	Consent has been obtained in accordance with s30 of the Maori Purposes Act 1970 and is held.	<ul style="list-style-type: none"> • Transfer 	<ul style="list-style-type: none"> • Practitioner acting for the Transferor
Maori Purposes Act 1993 s16	Section 16 specifies that no land acquired under section 87 of Maori Affairs Restructuring Act 1989 (for Kokiri Centres) is to be sold, leased or exchanged without the consent of the Minister of Māori	Consent has been obtained in accordance with s16 of the Maori Purposes Act 1993 and is held.	<ul style="list-style-type: none"> • Transfer • Lease • Lease Variation 	Practitioner acting for the: <ul style="list-style-type: none"> • Transferor • Lessor • Lessor

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	Affairs.			
Maori Reserved Land Act 1955 s86	The Māori Trustee may sell Township land: (a) with the written consent of the beneficial owners or the trustees of owners with a legal disability; or (b) pursuant to a resolution of the assembled owners.	Is duly authorised pursuant to s86 of the Maori Reserved Land Act 1955 and s157 of Te Ture Whenua Maori Act 1993.	<ul style="list-style-type: none"> • Transfer • Lease • Lease Variation 	Practitioner acting for the: <ul style="list-style-type: none"> • Transferor • Lessor • Lessor
Maori Reserved Land Amendment Act 1997 s12	The RGL must not register a transfer of any land that is subject to a lease to which this Act applies or of the lessee's interest in a lease to which this Act applies unless: (a) the transfer is to the lessor or lessee; or (b) where the transfer is to a third party, the lessor or lessee that is not a party to the transfer consents in writing to the transfer; or (c) the transfer is accompanied by a certificate from the solicitor acting for the transferor that the transfer does not contravene the provisions in Schedule 1.	Complies with s12 and the provisions of schedule 1.	<ul style="list-style-type: none"> • Transfer 	<ul style="list-style-type: none"> • Practitioner acting for the Transferor
Mining Tenures Registration Act 1962 s16	Mining licence cannot be transferred until notice is given to Commissioner of Crown Lands.	Complies with s16 of the Mining Tenures Registration Act 1962.	Transfer	<ul style="list-style-type: none"> • Practitioner acting for transferor
New Zealand Railways Corporation Restructuring Act 1990 s23 s24 s25	The Act enables New Zealand Railways Corporation to dispose of railways land held by the Crown (or Corporation). Section 23 requires the Railways Corporation to offer this land back to persons from whom the land was acquired (or to their successor). The transferor must notify and obtain the Chief Executive's (LINZ) consent in order	Complies with s23 and/or s24 and/or s25 of the New Zealand Railways Corporation Restructuring Act 1990.	<ul style="list-style-type: none"> • Transfer 	<ul style="list-style-type: none"> • Practitioner acting for the Transferor

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	to dispose of railways land.			
Otago Regional Council (Kuriwao Endowment Lands) Act 1994 s13(4)	Endowment Lands to which this Act applies cannot be disposed of unless the Council agrees to dispose of the land by resolution and after public notice has been given.	Certificate of compliance under s13(4) of this Act has been obtained and held.	<ul style="list-style-type: none"> • Transfer 	<ul style="list-style-type: none"> • Practitioner acting for Transferor
Overseas Investment Act 2005 s1C	A conveyancer must not lodge certain instruments if the conveyancer has not obtained a statement from the person acquiring an interest in residential land under a transaction (or has reasonable grounds for believing that the statement is not correct in a material particular); and the conveyancer must take reasonable steps to ensure that a copy of the statement is kept for a period of at least 7 years after the date on which the instrument is lodged.	A statement has been obtained from the: <ul style="list-style-type: none"> • Transferee • Lessee • Licensee • Grantee and is held.	<ul style="list-style-type: none"> • Transfer • Lease • Lease Variation • Licence to Occupy • Easement instrument to grant a profit à prendre (regulated as defined in the Overseas Investment Act 2005) 	Practitioner acting for the: <ul style="list-style-type: none"> • Transferee • Lessee • Licensee • Grantee
Public Bodies Leases Act 1969 Powers of certain public bodies to lease land	The Public Bodies Leases Act 1969 contains powers of certain public bodies to lease land and statutory provisions in relation to leasing e.g. restraints on lessor's power to lease farm land (s11); public notice requirements (s17); commencement of term of lease (s18).	The leasing authority has complied with the provisions of the Public Bodies Leases Act 1969	<ul style="list-style-type: none"> • Lease • Lease Variation 	Practitioner acting for the: <ul style="list-style-type: none"> • Lessor • Lessor
Reserves Act 1977 s112(1)	Prohibits dealing with any reserve except in conformity with the trusts upon which the reserve is held.	Does not contravene s112(1) of the Reserves Act 1977 and s154 of the Land Transfer Act 2017 .	<ul style="list-style-type: none"> • Transfer • Mortgage • Mortgage Variation • Transmission • Lease • Lease Variation • Encumbrance • Easement instrument to grant easement or profit à prendre • Easement variation 	Practitioner acting for the: <ul style="list-style-type: none"> • Transferor • Mortgagor • Mortgagor • Applicant • Lessor • Lessor • Encumbrancer • Grantor • Grantor

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			<p>instrument</p> <ul style="list-style-type: none"> • Covenant instrument to note certain covenants • Covenant variation instrument 	
<p>Reserves Act 1977 <i>s115(1)</i></p>	<p>Where a lease or licence includes a right to transfer, the lessee or licensee shall not transfer, sublease, mortgage or otherwise dispose of his interest without the consent of the administering body. Does not apply to reserves for railway purposes (<i>s115(5)</i>).</p>	<p>Does not contravene <i>s115(1)</i> of the Reserves Act 1977.</p>	<ul style="list-style-type: none"> • Transfer • Mortgage • Sublease 	<p>Practitioner acting for the:</p> <ul style="list-style-type: none"> • Transferor • Mortgagor • Lessor
<p>Te Ture Whenua Maori Act 1993 <i>s126</i> <i>s150A or</i> <i>s150B</i> <i>s151</i></p>	<p>Alienation by Māori incorporation or trustees prevented by <i>s126</i> unless confirmation of the Court under <i>s151</i> is obtained or instrument noted by the Registrar of the Court under <i>s150B</i>.</p>	<p>Confirmation of the Court has been obtained and is held in accordance with <i>s151</i> or Instrument has been noted by the Registrar (whichever is applicable).</p>	<ul style="list-style-type: none"> • Transfer • Lease • Lease Variation • Mortgage • Encumbrance • Easement instrument to grant easement or profit à prendre • Easement variation instrument • Covenant instrument to note certain covenants • Covenant variation instrument • Licence to Occupy 	<p>Practitioner acting for the:</p> <ul style="list-style-type: none"> • Transferor • Lessor • Lessor • Mortgagor • Encumbrancer • Grantor • Grantor • Licensor
<p>Te Ture Whenua Maori Act 1993 <i>s126</i> <i>s150C</i> <i>s151</i> <i>s157</i></p>	<p>Sale or gift by other owners (as defined in <i>s147(1)(a)-(c)</i>) prevented by <i>s126</i> unless confirmation of the Court under <i>s151</i> is obtained. Section 157 allows for the alienation of any interest in Māori freehold land if a resolution of assembled owners has been obtained. The</p>	<p>Confirmation of the Court has been obtained and is held in accordance with <i>s151</i>.</p>	<ul style="list-style-type: none"> • Transfer 	<ul style="list-style-type: none"> • Practitioner acting for the Transferor

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	Māori Trustee (or Court appointed agent) is duly authorised by s157 to execute an instrument as the agent of the owners.			
Te Ture Whenua Maori Act 1993 s126 s150C s151 s160	Alienation (lease licence forestry right profit, mortgage, charge, or encumbrance) by other owners (as defined in s147(1)(a)-(c)) prevented by s126 unless confirmation of the Court under s160 is obtained. Where the Registrar refuses to issue a certificate of confirmation under this section, the application may be referred to the Court as if it were an application dealt with under s151.	A certificate of confirmation has been obtained from the Māori Land Court in accordance with s160 or s151 of Te Ture Whenua Maori Act 1993 and is held.	<ul style="list-style-type: none"> • Transfer • Lease • Lease Variation • Mortgage • Encumbrance • Easement instrument to grant easement or profit à prendre • Easement variation instrument • Covenant instrument to note certain covenants • Covenant variation instrument • Licence to Occupy • Application for Deposit of Unit Title Plan 	Practitioner acting for the: <ul style="list-style-type: none"> • Transferor • Lessor • Mortgagor • Encumbrancer • Grantor <ul style="list-style-type: none"> • Grantor <ul style="list-style-type: none"> • Licensor <ul style="list-style-type: none"> • Applicant

Part 2 Requirements for the Retention of Evidence

7 Evidence

Under section 236(1)(c) the Registrar sets the Standard for Retention of Evidence under the Act in the table below.

8 Requirements for the Retention of Evidence

Class of Electronic Instrument	Requirements for the Retention of Evidence
Application to correct or change name (section 21 Land Transfer Act 2017 and regulation 17 Land Transfer Regulations 2018)	<p>Practitioner acting for the applicant –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the applicant confirming that the practitioner is authorised to act for the applicant. • That reasonable steps have been taken to confirm the identity and legal capacity of the applicant. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable). <p>In addition, for an:</p>

	<p>Application by Company or Incorporated Society</p> <ul style="list-style-type: none"> • Copy of document(s) evidencing grounds for the application (including a Certificate of Incorporation in the changed name). A statutory declaration will be necessary if the documentary evidence is not self-explanatory and the information requires verification or expansion. <p>Application by Natural Person</p> <ul style="list-style-type: none"> • Copy of document(s) evidencing grounds for the application, including appropriate certificate(s). A statutory declaration will be necessary if the documentary evidence is not self-explanatory and the information requires verification or expansion. 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. In this 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. <p>Refer to LINZ <i>Applications to correct or change names in the RGL's records</i> Guideline 2018 for more information.</p>
<p>Application to record boundary change resulting from accretion or erosion (section 21 Land Transfer Act 2017 and regulation 17 Land Transfer Regulations 2018)</p>	<p>Practitioner acting for the applicant –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the applicant confirming that the practitioner is authorised to act for the applicant. • That reasonable steps have been taken to confirm the identity and legal capacity of the applicant. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable). <p>Refer to <i>Alterations to the Register</i> Guideline for more information.</p>
<p>Application to cancel fencing covenant or fencing agreement (section 21 Land Transfer Act 2017 and regulation 19 Land Transfer Regulations 2018)</p>	<p>Practitioner acting for the applicant –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the applicant confirming that the practitioner is authorised to act for the applicant. • That reasonable steps have been taken to confirm the identity and legal capacity of the applicant. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
<p>Transfer instrument to transfer estate or interest in land</p> <p>Transfer instrument to assign benefit of certain covenants in gross (section 73 Land Transfer Act 2017)</p>	<p>Practitioner acting for the transferor –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the transferor confirming that the practitioner is authorised to act for the transferor. • That reasonable steps have been taken to confirm the identity and legal capacity of the transferor. • That any consents or other matters necessary to comply with the

	<p>statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).</p> <p>Practitioner acting for the transferee –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the transferee confirming that the practitioner is authorised to act for the transferee. • That reasonable steps have been taken to confirm the identity and legal capacity of the transferee. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
<p>Transmission instrument (section 87 Land Transfer Act 2017)</p>	<p>Practitioner acting for the applicant –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the applicant confirming that the practitioner is authorised to act for the applicant. • That reasonable steps have been taken to confirm the identity and legal capacity of the applicant. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable). <p>In addition, for a:</p> <p>Transmission by Survivorship on death of registered owner</p> <ul style="list-style-type: none"> • Copy of document(s) evidencing entitlement to be registered as owner (including a certified copy of the entry in the Register of Deaths), verified by the oath or statutory declaration of the applicant(s). <p>Transmission to Executor or Administrator on death of registered owner</p> <ul style="list-style-type: none"> • Copy of document(s) evidencing entitlement to be registered as owner [including a certified copy of Probate/Letter of Administration granted by the High Court of New Zealand to the applicant(s)], verified by the oath or statutory declaration of the applicant(s). <p>Transmission to the Official Assignee in bankruptcy of the estate of the registered owner</p> <ul style="list-style-type: none"> • Copy of document(s) evidencing entitlement to be registered as owner verified by the oath or statutory declaration of the applicant(s). <p>Transmission to Amalgamated Company pursuant to Part 13 Companies Act 1993</p> <ul style="list-style-type: none"> • Copy of document(s) evidencing entitlement to be registered as owner as specified in Transmission following Amalgamation of Companies Guideline 2018.

	<p>Transmission by Her Majesty the Queen pursuant to Section 324 Companies Act 1993</p> <ul style="list-style-type: none"> • Copy of declaration with evidence of dissolution/disclaimer or non-distribution and public notice under s324(3) Companies Act 1993. <p>Transmission by Bona Vacantia to Her Majesty the Queen pursuant to Section 77 Administration Act 1969</p> <ul style="list-style-type: none"> • Copy of document(s) evidencing entitlement to be registered as owner (including evidence of death and intestacy and evidence that none of the persons potentially entitled under s77 Administration Act 1969 exist).
<p>Application to register vesting under enactment (section 90 Land Transfer act 2017)</p>	<p>Practitioner acting for the applicant –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the applicant confirming that the practitioner is authorised to act for the applicant. • That reasonable steps have been taken to confirm the identity and legal capacity of the applicant. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
<p>Lease instrument (section 91 Land Transfer Act 2017)</p> <p>Lease variation instrument (section 92 Land Transfer Act 2017)</p> <p>Lease surrender instrument (section 94 Land Transfer Act 2017)</p>	<p>Practitioner acting for the lessor –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the lessor confirming that the practitioner is authorised to act for the lessor. • That reasonable steps have been taken to confirm the identity and legal capacity of the lessor. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable). <p>Practitioner acting for the lessee –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the lessee confirming that the practitioner is authorised to act for the lessee. • That reasonable steps have been taken to confirm the identity and legal capacity of the lessee. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
<p>Application to note merger of estate or interest (other than easement or profit à prendre) (regulation 18 Land Transfer Regulations 2018)</p>	<p>Practitioner acting for the applicant –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the applicant confirming that the practitioner is authorised to act for the applicant. • That reasonable steps have been taken to confirm the identity and legal capacity of the applicant.

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	<ul style="list-style-type: none"> • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable). • That the merger has been effected at law and in equity verified by the oath or statutory declaration of the applicant.
<p>Application to note re-entry by lessor (section 98 Land Transfer Act 2017)</p>	<p>Practitioner acting for the applicant –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the applicant confirming that the practitioner is authorised to act for the applicant. • That reasonable steps have been taken to confirm the identity and legal capacity of the applicant. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
<p>Mortgage instrument (section 100(1) Land Transfer Act 2017)</p> <p>Mortgage variation instrument (section 101 Land Transfer Act 2017)</p> <p>Mortgage priority instrument (section 102 Land Transfer Act 2017)</p>	<p>Practitioner acting for the mortgagor –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the mortgagor confirming that the practitioner is authorised to act for the mortgagor. • That reasonable steps have been taken to confirm the identity and legal capacity of the mortgagor. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable). <p>Practitioner acting for the mortgagee –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the mortgagee confirming that the practitioner is authorised to act for the mortgagee. • That reasonable steps have been taken to confirm the identity and legal capacity of the mortgagee. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
<p>Encumbrance instrument (section 100(3) Land Transfer Act 2017)</p>	<p>Practitioner acting for the encumbrancer –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the encumbrancer confirming that the practitioner is authorised to act for the encumbrancer. • That reasonable steps have been taken to confirm the identity and legal capacity of the encumbrancer. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable). <p>Practitioner acting for the encumbrancee –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the encumbrancee confirming that the

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	<p>practitioner is authorised to act for the encumbrancee.</p> <ul style="list-style-type: none"> • That reasonable steps have been taken to confirm the identity and legal capacity of the encumbrancee. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
Mortgage discharge instrument (section 104 Land Transfer Act 2017)	<p>Practitioner acting for the mortgagee –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the mortgagee confirming that the practitioner is authorised to act for the mortgagee. • That reasonable steps have been taken to confirm the identity and legal capacity of mortgagee. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
Application to register discharge of mortgage securing annuity or rent charge (section 106 Land transfer Act 2017)	<p>Practitioner acting for the applicant –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the Applicant confirming that the practitioner is authorised to act for the Applicant. • That reasonable steps have been taken to confirm the identity and legal capacity of the Applicant. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
Discharge instrument to release charge, or record cancellation or expiry of interest, under another enactment (various enactments)	<p>Practitioner acting for the chargeholder (the person authorised by the enactment to require the Registrar to give effect to the instrument) –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the chargeholder confirming that the practitioner is authorised to act for the chargeholder. • That reasonable steps have been taken to confirm the identity and legal capacity of chargeholder. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
<p>Easement instrument, or transfer instrument, to create easement or profit à prendre (sections 108 or 109 Land Transfer Act 2017)</p> <p>Easement instrument, or transfer instrument, to surrender easement or profit à prendre (sections 108 or 109 Land Transfer Act 2017)</p> <p>Easement variation instrument (section 112 Land Transfer Act 2017)</p>	<p>Practitioner acting for the grantor –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the grantor confirming that the practitioner is authorised to act for the grantor. • That reasonable steps have been taken to confirm the identity and legal capacity of the grantor. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable). <p>Practitioner acting for the grantee –</p>

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	<p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the grantee confirming that the practitioner is authorised to act for the grantee. • That reasonable steps have been taken to confirm the identity and legal capacity of the grantee. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
<p>Application to record merger, or extinguishment through lapse of time, of easement or profit à prendre (section 113 Land Transfer Act 2017)</p> <p>Application to record extinguishment of easement or profit à prendre on occurrence of event (section 114 Land Transfer Act 2017)</p> <p>Application to record extinguishment of redundant easement (section 115 Land Transfer Act 2017)</p>	<p>Practitioner acting for the applicant –</p> <p>Documentation evidencing</p> <ul style="list-style-type: none"> • Written authorisation from the Applicant confirming that the practitioner is authorised to act for the Applicant. • That reasonable steps have been taken to confirm the identity and legal capacity of the Applicant. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
<p>Covenant instrument, or transfer instrument, to note certain covenants (section 116(1) or (2) Land Transfer Act 2017)</p> <p>Covenant instrument to revoke certain covenants (section 116(1) Land Transfer Act 2017)</p> <p>Covenant variation instrument (section 116(3) Land Transfer Act 2017)</p>	<p>Practitioner acting for the covenantor –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the covenantor confirming that the practitioner is authorised to act for the covenantor. • That reasonable steps have been taken to confirm the identity and legal capacity of the covenantor. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable). <p>Practitioner acting for the covenantee –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the covenantee confirming that the practitioner is authorised to act for the covenantee. • That reasonable steps have been taken to confirm the identity and legal capacity of the covenantee. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
<p>Notice to register statutory land charge (section 118 Land Transfer Act 2017)</p>	<p>Practitioner acting for the chargeholder (the person entitled to the benefit of the charge) –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • That the notice is lodged under the provision of the enactment specified in the notice.
<p>Certificate of release of statutory land charge</p>	<p>Practitioner acting for the chargeholder (the person entitled to the benefit of the charge) –</p>

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(s120(1) Land Transfer Act 2017)	<p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the chargeholder confirming that the practitioner is authorised to act for the chargeholder. • That reasonable steps have been taken to confirm the identity and legal capacity of the chargeholder. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
<p>Application for release of statutory land charge (section 120(3) Land Transfer Act 2017)</p>	<p>Practitioner acting for the applicant –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the applicant confirming that the practitioner is authorised to act for the applicant. • That reasonable steps have been taken to confirm the identity and legal capacity of the applicant. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
<p>Licence to occupy (section 124 Land Transfer Act 2017)</p> <p>Licence surrender instrument (section 133 Land Transfer Act 2017)</p>	<p>Practitioner acting for the licensor –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the licensor confirming that the practitioner is authorised to act for the licensor. • That reasonable steps have been taken to confirm the identity and legal capacity of the licensor. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable). <p>Practitioner acting for the licensee –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the licensee confirming that the practitioner is authorised to act for the licensee. • That reasonable steps have been taken to confirm the identity and legal capacity of the licensee. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
<p>Notice of cancellation, revocation, or rescission of licence (section 132(1) Land Transfer Act 2017)</p>	<p>Practitioner acting for the licensor –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the licensor confirming that the practitioner is authorised to act for the licensor. • That reasonable steps have been taken to confirm the identity and legal capacity of the licensor. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).

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<p>Caveat against dealings document (section 138 Land Transfer Act 2017)</p> <p>Withdrawal of caveat against dealings (s144 Land Transfer Act 2017)</p> <p>Caveat document against application for record of title based on adverse possession (section 162 Land Transfer Act 1952)</p> <p>Caveat document against bringing land under Act (section 174 Land Transfer Act 2017)</p> <p>Caveat document against application for record of title to access strip (section 187 Land Transfer Act 2017)</p> <p>Caveat document against record of title limited as to parcels (section 207 Land Transfer Act 2017)</p>	<p>Practitioner acting for the caveator –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • The practitioner is authorised to act for the caveator (e.g. by A&I form, email, letter, file note or other documentation)
<p>Application for lapse of caveat against dealings (s143 Land Transfer Act 2017)</p>	<p>Practitioner acting for the applicant –</p> <p>Confirmation (by email, letter, file note or other documentation) that the practitioner is authorised to act for the applicant.</p>
<p>Notice of claim to interest (section 42(2) Property (Relationships) Act 1976)</p>	<p>Practitioner acting for the claimant –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • The practitioner is authorised to act for the caveator (e.g. by A&I form, email, letter, file note or other documentation)
<p>Application for record of title based on adverse possession (section 155 Land Transfer Act 2017)</p>	<p>Practitioner acting for the applicant –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the applicant confirming that the practitioner is authorised to act for the applicant. • That reasonable steps have been taken to confirm the identity and legal capacity of the applicant. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
<p>Application to bring land under Act (section 172 Land Transfer Act 2017)</p>	<p>Practitioner acting for the applicant –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the applicant confirming that the practitioner is authorised to act for the Applicant. • That reasonable steps have been taken to confirm the identity and legal capacity of the applicant. • That any consents or other matters necessary to comply with the

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	<p>statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).</p>
<p>Application for record of title to access strip (section 185 Land Transfer Act 2017)</p>	<p>Practitioner acting for the applicant –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the applicant confirming that the practitioner is authorised to act for the Applicant. • That reasonable steps have been taken to confirm the identity and legal capacity of the applicant. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
<p>Application for freehold estate in land with limited record of title (section 204 Land Transfer Act 2017)</p>	<p>Practitioner acting for the applicant –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the applicant confirming that the practitioner is authorised to act for the Applicant. • That reasonable steps have been taken to confirm the identity and legal capacity of the applicant. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
<p>Application to register settlement of land as joint family home (sections 4, 5 or 12A Joint Family Homes Act 1964 and Forms 1 and 1A of the Joint Family Home Regulations 1965)</p>	<p>Practitioner acting for the applicant –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the applicant confirming that the practitioner is authorised to act for the Applicant. • That reasonable steps have been taken to confirm the identity and legal capacity of the applicant. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable). • Copy of the application to register land or other land as a Joint Family Home verified by the statutory declaration of the applicant(s).
<p>Caveat document against application to register settlement of land as joint family home (section 6(1) Joint Family Homes Act 1964)</p>	<p>Practitioner acting for the caveator –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • The practitioner is authorised to act for the caveator (e.g. by A&I form, email, letter, file note or other documentation)
<p>Application to cancel registration of settlement of land as joint family home (section 10 Joint Family Homes Act 1964)</p>	<p>Practitioner acting for the applicant –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the applicant confirming that the practitioner is authorised to act for the Applicant. • That reasonable steps have been taken to confirm the identity and legal capacity of the applicant.

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<p>Instrument creating esplanade strip (section 232 or 235 Resource Management Act 1991)</p> <p>Instrument creating easement for access strip (section 237B Resource Management Act 1991)</p>	<p>Practitioner acting for the grantor –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the registered owner confirming that the practitioner is authorised to act for the registered owner. • That reasonable steps have been taken to confirm the identity and legal capacity of the registered owner. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable). <p>Practitioner acting for the grantee –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the registered owner confirming that the practitioner is authorised to act for the registered owner. • That reasonable steps have been taken to confirm the identity and legal capacity of the registered owner. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
<p>Covenant against transfer, lease or other disposition of part of land (section 240 Resource Management Act 1991)</p>	<p>Practitioner acting for the registered owner of the land –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the registered owner confirming that the practitioner is authorised to act for the registered owner. • That reasonable steps have been taken to confirm the identity and legal capacity of the registered owner. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable). <p>Practitioner acting for the territorial authority for the district –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the registered owner confirming that the practitioner is authorised to act for the registered owner. • That reasonable steps have been taken to confirm the identity and legal capacity of the registered owner.
<p>Application to deposit unit plan (sections 17, 21, 24, 30, or 68, or subpart 3 of Part 4 Unit Titles Act 2010)</p>	<p>Practitioner acting for the applicant –</p> <p>Documentation evidencing:</p> <ul style="list-style-type: none"> • Written authorisation from the applicant confirming that the practitioner is authorised to act for the Applicant. • That reasonable steps have been taken to confirm the identity and legal capacity of the applicant. • That any consents or other matters necessary to comply with the statutory requirements specified by the Registrar-General of Land in this Standard have been obtained (where applicable).
<p>Caveat document forbidding</p>	<p>Practitioner acting for the caveator –</p>

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subdivision of land (section 195(3) Unit Titles Act 2010)	Documentation evidencing: <ul style="list-style-type: none">• The practitioner is authorised to act for the caveator (e.g. by A&I form, email, letter, file note or other documentation).
An order of the Court (s57, 89, 105, 104, 142 and 189 Land Transfer Act 2017 and various enactments)	Practitioner acting for the applicant – Documentation evidencing: <ul style="list-style-type: none">• A certified copy of the court order being a correct copy of the sealed order, which is relied on and will be retained (as required by Regulations 7 and 8 of the Land Transfer Regulations 2018).

Made at Wellington on 8 October 2018.

Robbie Muir
Registrar-General of Land.

Explanatory note

This note is not part of the legislation, but is intended to indicate its general effect.

The purpose of this standard is to set two types of requirement for the certification of electronic instruments.

Statutory Requirements

Section 27 of the Act covers certification of electronic instruments which are to be certified as to each matter prescribed for that class of instrument. Section 227(1)(11) empowers the making of the regulations prescribing the matters. Most of the prescribed matters are in regulation 7 and schedule 3 of the regulations. Section 227(1)(11)(iii) of the Act and regulation 7(3)(c) of the Regulations refer to one class of matters being statutory requirements specified by the Registrar. These are the statutory requirements.

Retained evidence

Section 30(1) of the Act requires any person who certifies that he or she has evidence relied on in support of matters stated in the certificate must retain that evidence for the prescribed period. Under regulation 7(6) the evidence must be held for ten years.

Section 30(2) of the Act provides that the Registrar may specify standards that if met provide sufficient evidence to satisfy the requirement in section 30(1).

The Certification of Electronic Instruments (Statutory Requirements and Retention of Evidence) Standard 2018 does not add direct costs to transactions under the Act. The requirements have "de minimis" business impacts.