

# Residential Land Statement

## Guidance for conveyancers and lawyers

Effective date: 6 March 2026

This guidance supersedes all previous versions and is valid until further notice.

## Introduction

1. This guidance is for conveyancers and lawyers assisting their clients to complete a residential land statement under the Overseas Investment Act 2005 (Act).

## Requirement to make a statement

2. Section 51A of the Act requires a person<sup>1</sup> to make a statement (Residential Land Statement) relating to whether the transaction requires consent, if:
  - the person is acquiring an interest in residential land; and
  - the interest acquired is a freehold estate or lease, or any other interest, for a term of three years or more (including rights of renewal, whether of the grantor or grantee); and
  - a conveyancer will lodge, or direct the lodgement of, an instrument recording the acquisition of the interest.
3. The person must make a statement whenever buying residential land. This is defined as land with a property category of residential or lifestyle in the relevant district valuation roll. This should be checked regardless of the way the land is being used. A statement must be made by a person buying residential land only, or residential and otherwise sensitive land.
4. The person must make a statement to the best of their knowledge and belief relating to whether the transaction requires consent (i.e. if the person is eligible to purchase the land) under the Act.
5. Each person acquiring an interest in the residential land must make a statement, except in the following circumstances:
  - A person does not need to make a statement if the person is acquiring an interest under an existing security arrangement (like a mortgage), or an exempted interest (an easement or a profit á prendre that is not a regulated profit á prendre).

<sup>1</sup> Including an individual or an entity such as a company, other body corporate, partnership or trust.

- The beneficiaries of a trust or the shareholders of a body corporate or company are not required to make a statement.
6. One trustee may make a statement on behalf of all trustees in a trust provided that the trustee has both the knowledge of whether or not consent is required, and the authority of the other trustees to do so.
  7. One statement may be made on behalf of a body corporate. The person making the statement must be a member of the governing body (normally a director) and authorised to make the statement. The person making the statement must be the person who signs the statement.
  8. One statement may be made on behalf of other entities (such as a New Zealand government department, Crown entity, foreign government, regional council, territorial authority or unitary authority under the Local Government Act 2002) provided the person making the statement has the knowledge and is authorised to do so. The person making the statement must be the person who signs the statement.
  9. One statement may be made on behalf of a limited partnership by the general partner (or if the general partner is not an individual, a member of the governing body of the general partner), provided the person making the statement is authorised by the limited partnership to do so.
  10. Note:
    - If a person decides to nominate someone else to acquire the residential land, the nominated person (the nominee) must make a statement.
  11. The statement must be made in the manner authorised by Land Information New Zealand (LINZ), as the regulator. LINZ has approved the use of the “Residential Land Statement”. We recommend downloading a new copy of the statement from the LINZ website every time to ensure you are using the most up to date version of the form.<sup>2</sup>
  12. Changes to the Act that came into force on 6 March 2026 mean that it is now possible for people to make residential land statements in digital format and for lawyers and conveyancers to keep residential land statements in digital form and to contract with third parties (such as software service providers) to keep residential land statements digitally.

## Your obligations as a conveyancer

13. Section 51C of the Act states that you **must not** lodge, or direct the lodgement of, an instrument recording the acquisition of residential land if you:
  - have not obtained the required statement (or copy) from your client; or
  - have reasonable grounds for believing that the statement (or copy) is not correct in a material particular.

<sup>2</sup> <https://www.linz.govt.nz/guidance/overseas-investment/buying-residential-property-live>

14. It is important that you do not lodge, or direct the lodgement of, an instrument in either of the above circumstances.
15. If you have reasonable grounds for believing that a statement is not correct in a material particular, we recommend you:
  - discuss the statement with your client and advise them how to interpret the questions correctly
  - advise your client about the offences in the Act – such as providing a statement that is false or misleading in a material particular (section 46); defeating, evading or circumventing the Act (section 43); or resisting, obstructing or deceiving LINZ (section 44)
  - advise your client on the potential consequences for the transaction of not being allowed to lodge the instrument recording the acquisition
  - advise your client on how to ensure the transaction complies with the Act and/or what to do if any non-compliance with the Act has already occurred.
16. If it is reasonable to rely on the statement provided by your client, there is no requirement for you to independently verify any of the information in the statement, or to carry out any further investigation. For example, if your client indicates the transaction does not require consent on the basis they are a New Zealand citizen, you do not have to sight your client's passport unless you have reasonable grounds for believing your client is not a New Zealand citizen.
17. Contact the Overseas Investment team at LINZ if your client needs consent and has already entered into an unconditional agreement for sale and purchase without having obtained consent.
18. Section 51A of the Act states a person acquiring an interest in residential land and completing the statement must make the statement to the best of their knowledge and belief.
19. Section 46 of the Act states that providing a statement that is false or misleading in a material particular is an offence and penalties apply.

## Penalties for non-compliance

20. You must take all reasonable steps to ensure that a copy of the statement is kept for a period of at least seven years after the date on which the instrument is lodged.
21. Conveyancers who do not comply with the conveyancing requirements under section 51C of the Act may be liable to a civil penalty of up to \$20,000 (section 48(2A) refers).
22. Providing a statement that is false or misleading in a material particular is an offence under section 46 of the Act and a person could be liable on conviction to a criminal fine of up to \$300,000.
23. There are also criminal penalties, on conviction, of fines of up to \$300,000 or imprisonment for a term of up to 12 months, if a person commits any other serious offences under the Act such as defeating, evading or circumventing operation of the Act, or resisting, obstructing or deceiving LINZ.
24. Civil penalties for any of the above offences include maximum penalties of \$500,000 for an individual and \$10 million in any other case.

## Landonline

25. The standard certification given by practitioners (that the instrument complies with any statutory requirements specified by the Registrar for that class of instrument) applies to compliance requirements under section 51C of the Act.
26. The matter being certified is that where a statement is required by section 51A of the Act (which could be in relation to registration of a transfer, lease, lease variation, occupation licence, or a profit à prendre regulated by the Act) a statement has been obtained from the relevant party and is held by the practitioner.
27. This requirement has been specified in the Statutory and Evidentiary Requirements for E-dealing Standard 2025.

## Definitions

- a) **Residential land** is defined in section 6 of the Act and means land (including bare land) that has a property category of residential or lifestyle in the relevant district valuation roll. It includes a residential flat in a building owned by a flat-owning company. Land may be residential land even if it is being used for non-residential purposes. The zoning of the land is not relevant to whether or not the land is residential land.
- b) **Residential (but not otherwise sensitive) land** (also referred to as “residential only land”) means land that is or includes residential land, but that is not otherwise sensitive under Part 1 of Schedule 1 of the Act.
- c) **Interest** is defined in section 6 of the Act and includes a legal or equitable interest. An interest could include the freehold or leasehold for a term of 3 years or more, of a house or lifestyle block. An interest is generally acquired when an unconditional agreement for sale and purchase is signed by both parties.
- d) **Conveyancer** is defined in section 51A of the Act and means a lawyer or conveyancer (where lawyer or conveyancer have the same meanings as in the Lawyers and Conveyancers Act 2006).
- e) **Sensitive Land** (land that is otherwise sensitive, in addition to being residential land) is defined in Schedule 1, Part 1 of the Act. Further information on sensitive land can be found at: [www.linz.govt.nz/oio/sensitive](http://www.linz.govt.nz/oio/sensitive).