

Land Transfer Act 2017 Factsheet for eDealing users

Below you'll find the key changes you need to know about when the new Land Transfer Act 2017 (LTA 2017) commences on 12 November 2018. The Act has been modernised while retaining the fundamentals of the title registration system, like the State guarantee.

The processes for depositing plans, issuing new titles and registering easements will essentially remain the same. However the LTA 2017 brings in some key terminology changes; new provisions for land covenants and qualified titles and changes to notice periods for some types of applications.

For more detail about these changes, please read the [Landonline 3.19 LTA 2017 release notes](#).

You can also find links to the new standards, guidelines, directives and forms on the [Land Information New Zealand website](#).

When will the changes happen?

The LTA 2017 will come into force on 12 November 2018.

We have put together a list of frequently asked questions about how to manage the various transitions scenarios, which is [available on our website](#).

One important transition relates to lodged instruments with an attached image which are 'part signed' as at **5pm, 9 November**. These part signed instruments will:

- have their certifications and signatures cleared, and
- revert to a 'Draft' status.

You can either:

- complete signing before close of business before 5pm, 9 November, or
- re-certify and re-sign all roles for the instrument on or after 12 November.

Template instruments that have stepped down to **lodge** due to added text are not affected and will retain their 'part signed' status.

New terms

| Old Term | New Term | Definition |
|---|---|---|
| Registered Proprietor | Registered Owner | |
| Computer register and certificate of title | Record of title | This can be created for freehold estates, leasehold estates, stratum estates, other estates or interests or a proclamation or interest published in the Gazette. |
| Servient Tenement and Dominant Tenement | Burdened land and benefited land | 'Burdened land' describes land over which an easement or land covenant is created. Land to which an easement or land covenant is appurtenant is referred to as the 'benefited land'. |
| Provisional | Qualified | <p>Created to record transactions against land where the requirements to have a normal Record of Title issued have not been met.</p> <p>Circumstances where this term may apply are outlined in s17 of the Act. This includes where the land is not adequately defined by survey. They are most commonly used when dealing with Māori Land Court Orders.</p> <p>Land provisionally registered under the 1952 Act will be treated as though it is held in a qualified record of title.</p> |

Contact details

For more information, please contact our LINZ customer support line:

Email: customersupport@linz.govt.nz | Call 0800 665 463

Changes to current instruments

Five instruments have been updated to reflect the requirements of the Act.

| Old code | New instrument type | New code |
|------------|--|----------|
| S145, A145 | Application under s143 LTA 2017 | A143 |
| A89A | Application for Title to Access Strip under s185 LTA 2017 | A185 |
| A99A | Application under s90 LTA 2017 | A90 |
| APP | Application for Record of Title ss155, 172 or 204 LTA 2017 | AP17 |
| M145 | Application under s143 LTA 2017 | M143 |

New instruments

The Act introduces eight new instruments listed below.

| New code | New instrument type |
|----------|--|
| LCOV | Land Covenant s116(1)(a) or (b) LTA 2017 |
| VLC | Variation of Land Covenant s116(3) LTA 2017 |
| RLC | Revocation of Land Covenant s116(1)(c) LTA 2017 |
| PRLC | Partial Revocation of Land Covenant s116(1)(c) LTA 2017 |
| C132 | Cancellation/Revocation/Rescission of Licence to Occupy s132 LTA 2017 |
| EE | Extinguishment of Easement ss113, 114, or 115 LTA 2017 |
| A120 | Application for release of statutory land charge s120(3) LTA 2017 |
| CFEN | Application to cancel fencing covenant or agreement s21 LTA 2017, r17 LTR 2018 |

E-capable caveats

Six instrument types are now e-capable with certifications, including:

| | |
|------|---|
| CHO | Charging Order |
| CO | Court Order |
| COCF | Court Order under the Criminal Proceeds (Recovery) Act 2009 |
| ROCF | Restraining Order under Section 42 Proceeds of Crime Act 1991 |
| FOCF | Forfeiture Order under the Criminal Proceeds (Recovery) Act 2009 |
| RO42 | Restraining Order under the Criminal Proceeds (Recovery) Act 2009 |

E-capable instruments

There are three new e-capable caveats listed below.

| New code | New caveat name |
|----------|--|
| XAPP | Caveat against application for record of title ss162, 174, or 187 LTA 2017 |
| XUTA | Caveat forbidding Subdivision of Land s195 Unit Titles Act 2010 |
| XJFH | Caveat under the Joint Family Homes Act 1964 |

Notice periods

- All notice periods (requisition and fee exempt periods) are now calculated in 'working days' rather than days. Please see [LINZ Requisition Period Directive 2018 LINZD20017](#) for more information.
- The notice period to lodge a caveat against the removal of limitations has increased to 40 working days from the current 21 days.

Applicant certification changes

There have been a number of changes to certifications to align with the LTA, which are outlined in the '[Certifications](#)' [section of the release notes](#). Below is an example of an updated certification.

Court Order: now e-capable with its own default certifications.

Applicant Certifications

Default

I certify this instrument is a correct copy of a sealed copy of the court order

I certify that I hold evidence showing the truth of the certification I have given and will retain that evidence for the prescribed period



Authority and instruction forms

From 12 November 2018, you can generate the updated A&I forms from Landonline or use the new templates available on our [Land Registration forms page](#), as well as on the [Law Society website](#).

If an A&I form was signed prior to 12 November, you can

rely on that A&I form and do not need to go ask the client to sign a new A&I form.

More detail about this process is available in the frequently asked questions on the [Land Transfer Act 2017 page](#) of our website.