Land Information New Zealand
Toitū te whenua

Land Transfer Act 2017 Factsheet for surveyors

This factsheet outlines important changes you need to know about when the new Land Transfer Act 2017 (LTA) came into effect on 12 November 2018. The new 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 essentially remains the same.

However the Act brought in some key terminology changes; new provisions for land covenants and qualified titles and changes to notice periods for some types of applications.

LINZ also consulted on proposed new Land Transfer regulations and standards, which were published in November 2018.

When did the changes happen?

The LTA came into effect on 12 November 2018.

Instruments lodged or applications started before the new Act may be dealt with under the 1952 Act.

Instruments completed prior to commencement in a form compliant with the 1952 Act may be accepted if the Registrar-General of Land grants an exemption.

Fees and charges

The fees and charges remained the same.

New terms

Old Term	Current Term	Definition
Registered Proprietor	**Registered Owner**	This refers to a) the owner of a legal or an equitable estate or interest in land; and b) includes a person who has a future estate or interest in land.
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.

Memorandum of Easement template and schedule

Easements continue to be presented as required by the Rules for Cadastral Survey 2010 (rule 10.2). To align with the LTA and meet the requirements of s243 of the Resource Management Act 1991, the easement schedule templates include reference to 'burdened' and 'benefited' as illustrated below.

These new templates are be available on the LINZ website as of 12 November 2018.

There are also changes to the Certificate of Title appearances.

(Pursuant to s243 Resource Management Act 1991)

Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)

Example of an updated easement schedule template

Qualified titles

The Act introduces the concept of qualified record of title to address the need for registering information in a way that does not confer full indefeasibility.

The circumstances in which such qualifications may apply are set out in s17 of the Act and include where the land is not adequately defined by survey.

Land provisionally registered under the 1952 Act is treated as though it is held in a qualified record of title.

Limited titles

The provisions for limited titles continued under the new Act, however no new limited titles can be created.

The Limited Titles consent form for uplifting limitations as to parcels without being defined by survey was updated to reflect the new terminology and must be used from 12 November onwards.

The notice period to lodge a caveat against the removal of limitations has increased to 40 working days from the current 21 days. All notice periods are now working days rather than days.

New standards and guidelines

The following standards and guidelines have been updated:

- Guideline for the deposit of survey plans for the subdivision of land - LINZG20708
- Guideline for accretion claims - LINZG20711
- Standard for title adjustments from water boundary changes - LINZS20005 has been reissued as 'Boundary Changes – Accretion and Dry Beds (Rivers and Streams)' Standard 2018 – consultation draft here

There are two new guidelines:

- Part 4 Applications: Adverse possession and Access Strips Guideline 2018
- Application to bring land under the Act - Dry Riverbeds and Streambeds guideline 2018

Adverse possession

The new Act does not change the legal principles or qualifying time periods that apply to applications for title by adverse possession.

Subpart 1 of Part 4 'Applications for title based on adverse possession' replaced the Land Transfer Amendment Act 1963.

The requirements for a surveyor's certificate that occupation boundaries coincide with title boundaries or a survey plan defining the land being adversely occupied were clarified and simplified. The certificate or survey plan now must accompany the initial application (section 156).

Applications for title to land held in a limited title, based on adverse possession that commenced before a limited title was issued for the land, will continue to be dealt with as an application to bring land under the LTA (section 204 and subpart 2 of Part 4). A new provision exempts public notice and allows written consents to be obtained instead of serving notice if the applicant is the registered owner of land adjoining the claimed land (section 204(3)).

Landonline changes

We have updated Landonline as follows:

- The title search screen CDE_S01 changed to a 'Record of title' from 'CT'
- Survey screens with references to 'CT' changed to 'RT'
- Territorial Authority certificates were updated where required
- The Landonline automated easement schedule includes references to burdened or benefited land.

Contact details

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

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