

Our Ref DOIA 24-014

4 August 2023



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Tēnā koe 

Response to your official information request

Thank you for your official information request received on 10 July 2023 for information about Certificates of Title ("CTs") NA509/154 and NA509/156, why they were issued Limited as to Title, and when and how their 'Limited as to Title' designations were removed.

We can partially respond to your request by releasing copies of the Registrar's minutes for CTs NA509/154 and NA509/156. The Registrar's minutes do not form part of the register ([section 198\(3\) of the Land Transfer Act 2017](#) ("LTA")). However, we are of the view that withholding the Registrar's minutes for CTs NA509/154 and NA509/156 is not outweighed by the public interest to make them available under the Official Information Act 1982 and accordingly we **enclose** copies of them.

For the questions in your request we provide explanations below, using the same paragraph numbers and letters as your request, and referring to the Registrar's minutes for CTs NA509/154 and NA509/156 and relevant provisions of the [Land Transfer \(Compulsory Registration of Titles\) Act 1924](#) ("the 1924 Act").

1. a. The information the Registrar was required to record and retain under section 11 of the 1924 Act is the minute referred to in section 11(1), that is, the Registrar's minutes for CT NA509/154. The Registrar's minutes for CT NA509/154 record the requisitions to be complied with for 'Limited as to Title' (and 'Limited as to Parcels') to be removed, (or for CT NA509/154 to be made an 'ordinary' certificate of title as the 1924 Act and the minutes put it).

The Registrar's minutes record CT NA509/154 ceased to be limited as to title on 16/11/1945 when the requisitions were satisfied. This was recorded on CT NA509/154 itself with a memorial "This certificate of title has ceased to be limited as to title" entered on 16/11/1945. We **enclose** a higher resolution colour copy of CT NA509/154 in case you haven't been able to obtain one previously.

2. a. The Registrar's minutes for CT NA509/156 record the requisitions to be complied with for 'Limited as to Title' to be removed.
b. The person who made the application 2556C that led to the issue of CT NA509/156 was the Registrar, acting under section 3 and following sections of the 1924 Act.
c. The Limited as to Title designation was not removed from CT NA509/156. The Registrar's minutes show the requisitions to be complied with for 'Limited as to Title' to be removed from CT NA509/156 were never complied with.

As you observe later in your email request, the last owner recorded in the deeds index was probably deceased when the Registrar issued CT NA509/156. The Registrar sent notice of the issue of CT NA509/156 under section 10 of the 1924 Act, and a copy of the Registrar's minutes under section 11(2), but we don't know if they did or didn't reach his heirs or assigns, or an attorney acting for him or his estate. If they did reach a representative of the last recorded owner, we don't know why they didn't take steps to satisfy the matters recorded in the minutes.

CT NA509/156 records that it was cancelled in 1963 and new CT NA3A/1150 issued in its place which was not Limited as to Title, as a result of Application 8230. You may wish to search the Application 8230 for more details.

3. CTs NA509/154 and NA509/156 and many other CTs for land in the same area were issued under the national programme to compulsorily bring under the Land Transfer Act ("the Act") all land that had not previously been brought under the Act by landowners' voluntary applications.

The 1924 Act directed the Registrar (the District Land Registrar of the district in which the land was situated) to bring land under the Act (s 3), by applications which were deemed to have been made by the landowners (s 4). The annotations "Title Satisfactory" & "Encumbrances Nil" in the Application 2554C records the examination of title carried out by the Examiner of Titles under section 4. 'Ordinary' certificates of title issued under section 8(2) were exceptions; the great majority of CTs issued were limited CT under section 8(3), where the Registrar sent notice of the issue of CTs under section 10 and a copy of the Registrar's minutes under section 11(2) to every owner recorded in the deeds register. Most owners then satisfied the requisitions in the Registrar's minutes and received an ordinary CT or CT Limited as to Parcels in exchange. However, as you have discovered, the registered proprietor of CT NA509/156 never satisfied their requisitions. And documents filed with Application 2554C show it wasn't until 1945 that the Public Trustee as executor of the deceased registered proprietor approached the Registrar to uplift the limitation as to title from CT NA509/154.

If you wish to discuss this decision with us, please feel free to contact Robert Andrell randrell@linz.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note, this response letter outlining our decision on your request, **with your personal details withheld**, and any attached documentation will be published on the Toitū Te Whenua Land Information New Zealand's website. This is likely to be published by 30 September 2023

Nāku noa, nā

A rectangular box containing a handwritten signature in black ink, which appears to be 'Robbie Muir'.

Robbie Muir

Registrar-General of Land

Proactive Release