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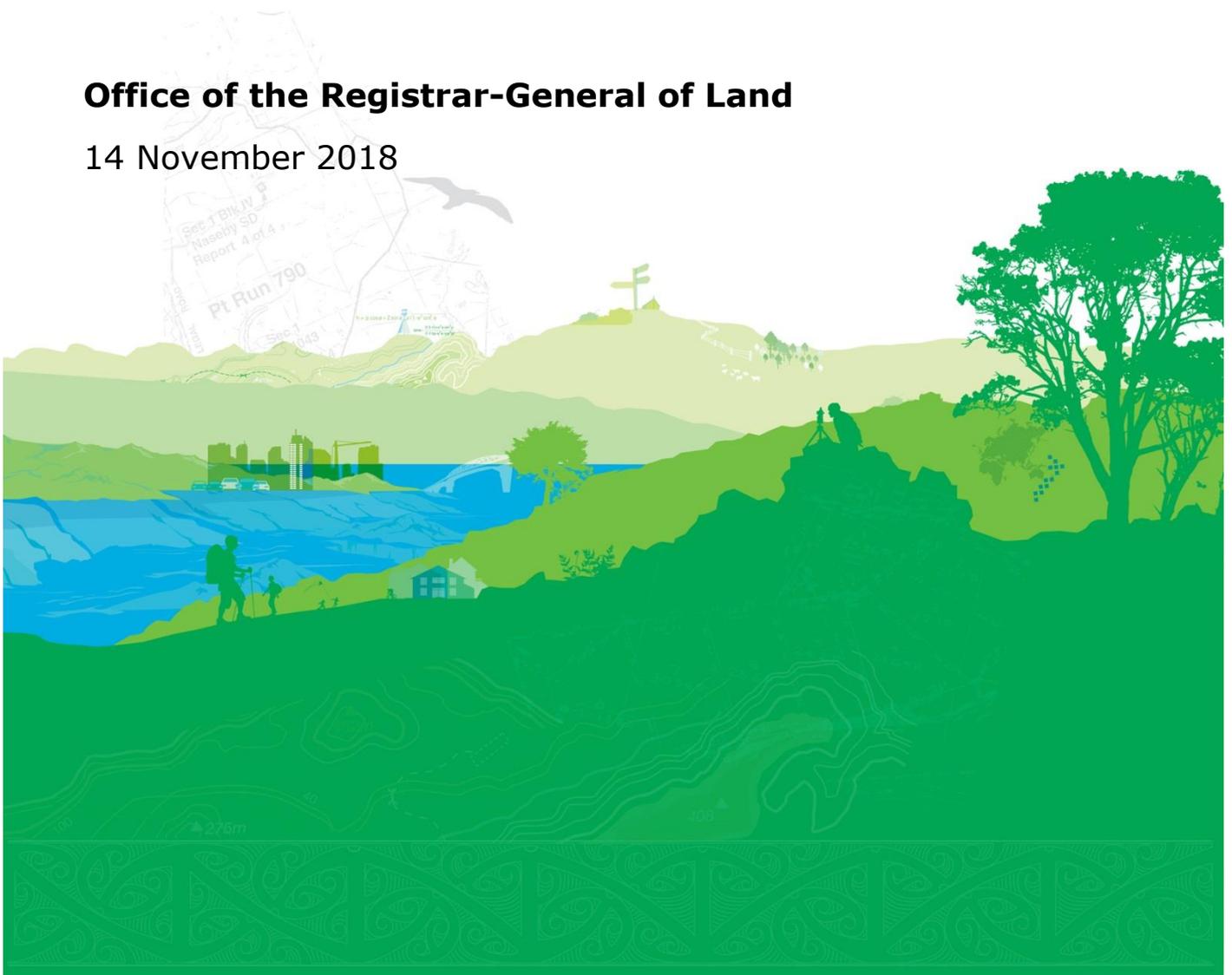
Caveats and Other Stops on Registration

Guideline 2018

LINZG20773

Office of the Registrar-General of Land

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Introduction

A key outcome of maintaining the integrity of the land transfer system is that “all transactions entered into the register are, prima facie, materially correct and legally valid”.

One objective which supports this is “ensuring that transactions are completely and accurately entered and maintained in the register”.

An equally important objective which supports this outcome is “ensuring that no transactions are where a stop (e.g. caveat, charging order) on registration exists”.

Where there is a legal “stop” on registration, the Registrar-General of Land’s role is to prevent or restrict transactions being entered.

Examples of legal stops include:

- caveats under Land Transfer Act 2017 and other Acts (see Schedule 1 of this guideline);

- notices that take effect as if they were caveats (eg Notices of claim under s42(3) of the Property (Relationships) Act 1976);

- charging orders, statutory land charges and other stops – (see Schedule 2 of this guideline).

The relevant statutes contain mandatory requirements that the RGL must comply with.

For information about caveats relating to applications for adverse possession – see Adverse Possession Guideline 2018.

Purpose of this guideline

This guideline is to assist individuals to understand the statutory requirements for caveats and other stop notices.

It is not intended as legal advice for people who wish to pursue a claim against a landowner. Any person contemplating lodging a caveat or some other form of stop notice should seek independent legal advice before doing so.

This guideline supersedes *LINZG20706 Amended Guideline for Stop Notices* published on 11 February 2011 by the RGL, LINZ, Wellington.

References

The following documents are relevant to this guideline:

- Land Transfer Act 2017;
- Land Transfer Regulations 2018;
- Requisitions Periods Directive 2018;
- Recording Memorials on the Register Standard 2018;
- Adverse Possession Guideline 2018;
- Approval of Electronic Workspace Facility 2018.

Interpretation

References in this guideline to sections, parts, subparts and regulations refer to the Land Transfer Act 2017 and Land Transfer Regulations 2018 (as applicable) unless otherwise stated.

Terms used in this guideline that are defined in the Land Transfer Act 2018 have the meaning given to them in that Act, unless otherwise stated.

Terms and Definitions

A&I Form	means the Authority and Instruction Form; this authorises the practitioner to act on behalf of the client. The approved forms can be found in the NZLS <i>e-dealing</i> Guidelines.
Act	Land Transfer Act 2017.
Caveator	means the person claiming the estate or interest to be protected by the caveat.
Certifier	see Practitioner.
Client	means the party on whose behalf the practitioner is certifying.
Client care Rules	means the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008
Electronic Workspace Facility	a facility approved under s25(1) of the Act
Practitioner	means a lawyer or conveyancing practitioner who certifies; the Certifier.

r, rr or regulation	indicates a regulation/s, in the Land Transfer Regulations 2018 unless otherwise specified.
Regulations	Land Transfer Regulations 2018
RGL	Registrar-General of Land, appointed in terms of section 231 of the Act and delegates.
Rejection	means an instrument lodged for registration that does not comply with s26 of the Act, which is returned to the person who lodged it (or another appropriate person) (refer s37).
Requisition	means an instrument lodged for registration that does not comply with s26 of the Act, which is retained by the Registrar for correction by the lodging party (refer s37).
s, ss or section	Indicates a subsection/s or section/s, in the Land Transfer Act 2017 unless otherwise specified.
Stop	a charging order, statutory land charge, or other legislative provision that prevents or restricts the registration of dealings.

1 Caveats

1.1 Making an application to lodge a caveat

1.1.1 Context, criteria and process

The types of caveats permitted by *the Land Transfer Act 2017* are listed in Part A of Schedule 1 of this guideline, together with a reference to the relevant section of the Act.

The types of caveats permitted by *other legislation* and able to be lodged under the Land Transfer Act 2017, are listed in Part B of Schedule 1 of this guideline, together with a reference to the relevant section of the other authorizing legislation.

Caveats may only be lodged if the conditions in the relevant sections of the Act, Regulations or other legislation, are satisfied. Those sections will also inform the type of process that is followed once the caveat is lodged.

The RGL is only authorised to ensure that a caveat complies *on its face* with the requirements of the Act, and is not required or able “to be satisfied that the caveator is in fact or in law entitled to lodge a caveat against dealings” (s147). Provided that a caveat is in proper form, the RGL is under a duty to enter the caveat; there is no discretion.

Acceptable caveats are “noted” against the register, rather than registered on it.

The RGL is not required to make enquiries beyond the face of the caveat or to be satisfied that the caveator is in fact or in law entitled to the estate or interest claimed in the caveat.

1.1.2 Form and required information

Caveats must meet the requirements of the applicable legislation and common law as to content and form.

These requirements are reflected in the fields on the approved form¹ which must be completed prior to lodgement, and which themselves reflect the regulations which require applicants to provide the specified “core” and “additional information”, as well as accompanying documents (see r5, and the part of Schedule 2 of the Regulations that relates to the particular type of caveat being lodged).

A copy of an approved paper form of caveat against dealings is attached at Schedule 3 to illustrate typical requirements.

The *core information* is listed in r5 of the Regulations.

¹ See Land Transfer Act 2017 Forms Approval 2018 which approve (i) electronic template forms where possible and otherwise electronic image forms – both for electronic lodgement, and (ii) paper forms for manual lodgement (under s227(1)(4)).

The *additional information* for caveats is listed in Column 3 of Schedule 2 of the Regulations against the relevant section for the type of caveat being lodged.

For example, the additional information required for a Caveat against dealings under s138 of the Act in Schedule 2 of the Regulations is:

A description of the nature of the estate or interest claimed by the caveator (which must be stated with sufficient certainty) or, for a caveat under s138(1)(d)(ii) of the Act, the matters that establish that there is a risk that the estate or interest may be lost through fraud.

Details of how the estate or interest claimed is derived from the registered owner.

These requirements are strictly enforced and any caveat that does not comply cannot be accepted. So even though a link to the registered owner might be inferred from the Record of Title, failure to clearly show on the face of a caveat how the interest claimed is derived from the Register Owner may result in it being unacceptable and incapable of being entered.

The *accompanying documents* required (if any) are listed in Column 4 of Schedule 2 of the Regulations; none are listed for Caveats against dealings under s138.

1.1.3 Grounds

The basis for a caveat must, on its face, meet relevant statutory requirements for the type of caveat being lodged. For example, s138(1) lists the bases for a *caveat against dealings*. This includes an interest as:

- Purchaser of land under an agreement for sale and purchase;
- Lessee under an unregistered lease or agreement to lease;
- Grantee of an unregistered easement;
- Mortgagee of an unregistered easement;
- Mortgagee under an unregistered mortgage or agreement to mortgage; or
- Beneficiary of a trust (cestui que trust).

Examples of interests that don't support a caveat, established by case law include:

- A mere contractual right;
- A licence
- A shareholder in a company that owns land;
- A guarantor; or
- An unsecured creditor.

The Act and other statutes referred to in Schedule 1 of this guideline contain the statutory requirements for the various caveats.

As noted above, the RGL is only required to ensure that a caveat complies *on its face* with the requirements of the Act.

By contrast, if a caveat is lodged without reasonable cause:

- a person (including their agent) may be liable under s148 to pay compensation to a person who suffers loss or damage as a result; and
- a Practitioner may be in breach of Client Care Rules and subject to censure by their Professional body.

1.1.3.1 Caveat against dealing against own estate or interest

In addition to the various grounds for caveats and stops outlined in the legislative provisions listed in Schedule 1, the Act codifies the following two bases for caveats *against dealings* by a registered owner against their estate or interest:

An interest different to registered ownership: s138(1)(d)(i) codifies the existing case law which allows a caveat against dealings by the registered owner of the land where the caveat is based on an interest that is distinct from that of registered owner.

Risk of fraud: s138(1)(d)(ii) introduces the ability for an owner to caveat their own estate or interest on the basis that there is a risk that it may be lost through fraud (which is defined in s6).

In such a case, a caveator must establish, to the satisfaction of the RGL, that the risk is present at the time the caveat is lodged.

The caveator must therefore set out the basis of the risk and sufficient evidence to support the claim; a claim of the mere possibility of fraud is unlikely to be enough.

Suitable evidence may include a statutory declaration by the caveator as to the facts creating the risk of fraud, or independent evidence from someone in a position to verify the claim such as a letter from a police officer involved in a related complaint or investigation.

The RGL may requisition borderline cases in the manner outlined in 1.1.6 below, for further information.

1.1.4 Address for notices

A caveator must provide an address where they can receive notices from LINZ relating to the caveat; this is part of the core information (r5(2)(k)(ii)).

1.1.4.1 Types of address

Any of the following types of address will be sufficient:

- a street number and name, town or city and postcode²;
- a PO Box or Private Bag address and postcode³;
- an email address;
- for caveats generated from an approved electronic workspace facility, an address on that facility that notices may be sent or directed to (s221(1)(f)); or
- a facsimile address – whilst this is permitted (s221) it is the least preferable option due to the rapidly diminished use of this form of communication.

1.1.4.2 Change of address

Subject to the prohibition outlined below, if a caveator wishes to change the address where they can receive notices from LINZ relating to a caveat, they can so do at any time prior to the RGL receiving an application for the lapse of the caveat under s143, by sending written notice to the RGL⁴ via:

- email to customersupport@linz.govt.nz; or
- submission of an [online enquiry form](https://www.linz.govt.nz/online-enquiry-form) available on our website here: <https://www.linz.govt.nz/online-enquiry-form>;
- post or courier to any LINZ offices:

Office	Postal Address	Physical delivery address
LINZ Christchurch Office	Private Bag 4721 Christchurch 8140	CBRE House 112 Tuam Street Christchurch 8011
LINZ Hamilton Office	Private Bag 3028 Hamilton 3204	65 Bryce Street Hamilton 3240
LINZ Wellington Office	PO Box 5501 Wellington 6145	Level 7, Radio New Zealand House 155 The Terrace Wellington 6011

² A postcode is preferred but a caveat will be accepted without this

³ A postcode is preferred but a caveat will be accepted without this

⁴ Whilst s222 also refers to fax and delivery via electronic workspace facility, this is unsuitable for change of address for delivery of notices to do with caveats.

1.1.4.3 No change of address during s143(1) lapsing process

As noted above, a caveator cannot give notice of a change of address (in the manner outlined in 1.1.1.4) during the period commencing on receipt by the RGL of a s143(1) application to lapse a caveat against dealings, and ending on receipt by the RGL of an order in the manner outlined in s143(3)(b) (r31).⁵

1.1.5 Authority

An electronic instrument form of caveat or other stop must be executed and certified in the manner outlined in rr 7, 11, and Schedule 3 of the Regulations.

An electronic instrument that is certified is, on registration, treated as having been executed by the parties in column 3 of the table in Schedule 3 (r 11) of the Act, so doesn't need to be executed as well.

The practitioner acting for the caveator must hold appropriate evidence to support the certifications; confirmation by email, letter, file note (e.g. recording oral instructions) or other documentation that the practitioner is authorised to act for the caveator/claimant.

A paper instrument form of caveat against dealings must be signed by the caveator or their agent.

1.1.6 Non-compliant caveats – requisition and rejection

1.1.6.1 Reasons and test

If a caveat clearly does not meet the general requirements in 1.1 above, the RGL will return it (rejection); where there is uncertainty, the RGL will retain it pending correction (requisition) (s37).

In deciding whether the caveator has grounds for the caveat, the RGL must only assess what is on the face of the caveat and if it satisfies the statutory requirements must enter it.

The RGL is not required to make enquiries beyond the face of the caveat or to be satisfied that the caveator is in fact or in law entitled to the estate or interest claimed in the caveat.

1.1.6.2 Time period for correct – requisitions

A caveator has 10 working days commencing the day after notice of the requisition is given to rectify the caveat (see Requisition Periods Directive 2018).

⁵ An alternative outcome of that process is that the caveat lapse; this is not covered in 1.2.1.5 on the basis that if the caveat lapses the address for notices would not need to change.

The RGL is not required to make enquiries beyond the face of the caveat or to be satisfied that the caveator is in fact or in law entitled to the estate or interest claimed in the caveat.

1.2 No second caveats against dealing – with limited exceptions

1.2.1 Prohibition and exception

Unless a High Court orders otherwise, a caveator is prohibited by s146 from lodging a second *caveat against dealings* to protect the same estate or interest as an earlier caveat against dealings which has either:

- been removed (via Court Order – s142); or
- lapsed (under s141(2)(a) or 143)

The prohibition does not apply where the first caveat has *been withdrawn*.

LINZ staff will search back a minimum of 10 years to ensure that a caveat is not a second caveat.

1.2.2 Test

Caveators cannot avoid the prohibition by using different words which have the same meaning ie they describe the same estate or interest being protected by the earlier caveat.

LINZ must reject such caveats where from the face of it, they contravene s146.

LINZ must requisition borderline cases in the manner outlined in 1.1.6 above. If the requisition is not satisfied the caveat should be rejected.

1.2.3 If application to lapse being processed

If a second caveat is lodged after LINZ has received a s143(1)(b) application to lapse the first caveat, LINZ will wait until the lapsing process is complete before deciding whether or not to accept the second caveat. If the first caveat lapses, the second caveat cannot be accepted unless a High Court orders otherwise.

1.3 Effect of caveats

1.3.1 General effects

A caveat against dealings has the effect of “freezing” the register until caveat lapses, is withdrawn, or removed by Court Order. Instruments permitted by the caveat or to which the caveator has consented may still be registered⁶.

Schedule 1 of this guideline outlines caveat provisions in more detail.

1.3.2 RGL notice of caveat to registered owner

The RGL must give notice (in the manner outlined in s221 of the Act) of the lodging of a *caveat against dealings*, to the registered owner of the estate or interest against which the caveat is lodged (s139).

For other caveat types, the question of notice will be dealt with according to the statutory provisions under which the caveat is authorised.

No further dealings may be registered in respect of the estate or interest against which the caveat has been lodged, unless:

- The caveat has been removed, withdrawn or lapsed (see 1.4 below); or
- The caveator has consented (see 1.3.1 and 1.3.3) or
- A statutory exception exists (either within the Land Transfer Act 2017 (s140, 141) or another statute which specifically overrides the Land Transfer Act 2017).

1.3.3 Caveator’s consent to registration

A dealing that would otherwise be prohibited may be registered with the consent of the caveator. Such dealing is subject to the rights of the caveator (s145).

1.4 Removal, withdrawal and lapsing of caveats

1.4.1 General comments

The Land Transfer Act 2017 contains mechanisms for removing caveats as outlined in the following paragraph and in Schedule 1 of this guideline.

⁶ s140(2)-(3), s151

1.4.2 Removal

1.4.2.1 Authority and form

The High Court may order the removal of a caveat against dealings, upon application by a person with an estate or interest affected by it (s142).

Applicants may lodge a sealed duplicate order electronically or manually. The requirements for lodgement of electronic Court Orders under s142 that remove a caveat are set out in r8.

1.4.3 Withdrawal

1.4.3.1 Authority and form – by caveator or their agent

Note:

A caveat may be withdrawn by a caveator or their agent⁷:

- acting under written authority (s144(1)); or
- where a registrable instrument giving effect to the caveated follows a withdrawal (s144(2)), acting under authority which need not be in writing.

If a caveator dies while a caveat is in force, the caveator's legal personal representative (eg executor or administrator of their estate) may withdraw the caveat under this provision⁸.

The withdrawal application must:

- be on the approved form (s227(1)(4)); and
- contain the core information (r5) set out in Schedule 1 (p22) of the Regulations; no "additional information" or "accompanying documents" have been prescribed.

A copy of the evidence of the appointment should be retained with the A&I relating to the dealing.

1.4.3.2 Complete or partial withdrawal

Caveats may be withdrawn as to the whole or any defined part of the land subject to the caveat.

⁷ includes personal representatives for deceased caveator

⁸ A transmission should not be registered, as the caveat is not an interest in land

1.4.4 Lapsing

1.4.4.1 Authority and form

A person of the type described in s143, can apply under that section for a caveat or notice of claim to lapse.

An approved form is attached at Schedule 4. Alternatively, a letter from the Registered Owner setting out the relevant details will suffice.

For information about how caveats against applications for adverse possession lapse – see Adverse Possession Guideline 2018.

1.4.4.2 Effect

Notice of application to lapse caveat/notice of claim

The RGL must give notice (in the manner outlined in s221 of the Act) of the lodging of the application to lapse the caveat/notice of claim, to the caveator at the address given in the caveat⁹ (s143(2)).

This notice will generally be given within 5 working days of the application.

Section 223 determines when notices are deemed to have been given.

Withdrawal of application to lapse

An applicant may withdraw the lapsing application before a notice under s143 is given (as determined by s223).

Withdrawal of caveat

A caveator may withdraw the caveat at any time before a notice under s143 is given

Lapse of caveat

The caveat *will lapse* unless:

- within 10 working days after the date on which notice is given under s143(2), the caveator gives notice to the RGL that an application has been made to the court for an order that the caveat not lapse; and
- within 20 working days after the date on which the caveator/claimant gives a notice to the RGL under the above subparagraph, a Court Order of the kind referred to in ss143(4) is served on the RGL.

There is no recommended form - a letter from the caveator setting out sufficient details to identify the caveat and a sealed duplicate copy of the Court Order will suffice. An emailed copy can be sent ahead if the original is to follow.

⁹ Or any Change of Address notified in terms of (x) above) (s143(2))

The Court Orders in ss143(4) are:

- An order that the caveat not lapse;
- An interim order that the caveat not lapse; or
- An order adjourning the application.

Notice to the RGL must be given in accordance with s222 of the Act.

Delivery of notices

Section 223 determines when notices are deemed to have been given, and enable the calculation of the time periods referred to above. The working days should be counted from the day after the notice is given, and finish at the end of the last day.

1.4.4.3 Recording of lapses caveats

A caveat will be recorded as having lapsed at 7:00 am on the next working day following the last day of the prescribed period or any extended period.

If the caveat has lapsed as a result of a Court order, the caveat will be recorded as having lapsed on the day the Court order was received by LINZ.

1.4.4.4 Transfer power of sale

A caveat will lapse as a result of a mortgagee sale under s141, if the conditions in s141(1)(b) and (c) are satisfied, ie:

- the caveat was lodged after the empowering registered mortgage; and
- relates to the same interest as the mortgage; and
- arises under an unregistered mortgage or agreement to mortgage dated later than the registration date of the mortgage.

The prior existence of a Court Order under s143 that a caveat not lapse will not affect the operation of s141(3).

1.5 RGL Caveats

1.5.1 Grounds

Section 149 of the Act allows the RGL to enter a caveat in certain circumstances, for example, to prevent fraud or improper dealing s149(1).

1.5.2 Notice

The RGL must give notice (in the manner outlined in s221 of the Act) of the RGL's caveat to the Registered owner of the estate or interest against which the caveat is lodged (s150).

1.5.3 Effect

Such caveats have the effect of preventing further recording or registration unless permitted by the RGL¹⁰

1.5.4 Removal

RGL's caveats remain until withdrawn by the RGL (s152). Sections 138-148 of the Act (which includes the lapsing process under s143) do not apply (s149(2)).

1.5.5 Freezing orders and asset protection orders

Upon receipt of the orders listed below, the RGL may lodge a caveat to prevent the registration of any dealing in contravention of the order.

Type of Order	Authorising Legislation
Freezing order (formerly known as a Mareva injunction)	Part 32 High Court Rules 2016
Asset Protection Order	s207 Insolvency Act 2006

¹⁰ See s151

2 Notices of Claim under s42 of the Property (Relationships) Act 1976

A person claiming an interest in land under the Property (Relationships) Act 1976 (“PRA”) may lodge a notice of claim against the title under s42 of that Act.

The form is prescribed in Schedule 1 of the Property (Relationships) Forms Regulations 2001.

A notice of claim takes effect as if it were a caveat against dealings and the LTA provisions apply subject to changes in s42(3) PRA.

3 Statutory land charges

A statutory land charge arises where legislation provides for a debt to be a charge on land. In these circumstances the authorising legislation may make special provision for registration of a notice of charge.

A notice of charge may be registered under subpart 5 of the Act.

Whether a statutory land charge operates as a stop on registration depends on the authorising legislation, which also governs how discharges are made. If that authorizing legislation is silent on discharges, then the provisions in Part 5 of the Act applies.

For a summary about statutory land charges, see Schedule 2 Part B.

4 Charging orders

A person who has obtained a judgment or order for the payment of money may apply to the Court for a charging order. Various types of charging order are listed in Schedule 2 Part B.

The extent to which a charging order prevents registration, and the manner of removing them, is set out in the relevant legislation

In addition, as a charging order is an interest in land, a transfer in exercise of a power of sale under a prior mortgage will remove it (s103 of the Act).

For a summary about charging orders, see Schedule 2 Part B.

Schedule 1: Part A: Land Transfer Act 2017 Caveats

Column 1 Type of Caveat	Column 2 Who can lodge	Column 3 Form and information (core, additional and accompanying documents)	Column 4 Effect	Column 5 Removal of caveat
s138 Caveat against dealings	s138(1), s147 RGL not required to verify entitlement	r5, Schedule 2 For lodgment as an electronic instrument see the RGL's Approved electronic Forms for Land Transfer Act 2017 For lodgment as a paper instrument see the RGL's Approved Paper Forms for Land Transfer Act 2017	s139 RGL must give notice s140(1) RGL must not register anything, subject to exceptions s140(2) and 141(1), or a matter specifically authorised by another statute that specifically overrides the Act See s145 caveator may consent but registration subject to caveator's rights.	s142 Court order s143 Lapsing process s144 Withdrawal s145 Caveator consent
s149 RGL's caveat	s149(1)		s150 RGL must give notice s151 registration prohibited unless RGL satisfied it will not prejudice the person in whose favour the caveat has been lodged. s149(2) – ss138-148 do not apply to a RGL's caveat	s152 RGL withdrawal
S174 Caveat against bringing	s174	r5, Schedule 2 For lodgment as an	s176 RGL must give notice	Various – see Part 4, subpart

Column 1 Type of Caveat	Column 2 Who can lodge	Column 3 Form and information (core, additional and accompanying documents)	Column 4 Effect	Column 5 Removal of caveat
land under the Act		<p>electronic instrument see the RGL's Approved electronic Forms for Land Transfer Act 2017</p> <p>For lodgment as a paper instrument see the RGL's Approved Paper Forms for Land Transfer Act 2017</p>	<p>s175 RGL must not bring land under Act</p> <p>s177 s174(1)(a) Caveator of freehold estate to take Court Proceedings within 60 working days – Court order dealing with caveat</p> <p>s178 s174(1)(b) Caveator of estate other than freehold to give notice within 20 working days</p>	2 ss171-183
s162 Caveat against Adverse Possession application	S162(1)	<p>r5, Schedule 2</p> <p>For lodgment as an electronic instrument see the RGL's Approved electronic Forms for Land Transfer Act 2017</p> <p>For lodgment as a paper instrument see the RGL's Approved Paper Forms for Land Transfer Act 2017</p>	s164-9	s164-9
s205(1) LTA 52 (now repealed) – caveats under the Deeds Registration Act 1908 against bringing	N/A	N/A	s206 transitional provision for existing s205(1) LTA 52 caveats	s206 – treats it as caveat lodged under s174 with provisions of subpart 2 of Part 4

Column 1 Type of Caveat	Column 2 Who can lodge	Column 3 Form and information (core, additional and accompanying documents)	Column 4 Effect	Column 5 Removal of caveat
land under the Act				
s207 Caveats against limited records of title limited as to parcels	s207(1)	r5, Schedule 2 Land Transfer Act 2017 Approval of Forms 2018	s207(4)	s207(4)

Schedule 1: Part B: Caveats under other legislation

Notice of Claim – takes effect as if it were a caveat	s42(3) Property (Relationships) Act 1976	Schedule 1 of the Property (Relationships) Forms Regulations 2001	See s42(3) of the Property (Relationships) Act 1976	ss142, 143, 144 Land Transfer Act 2017
Caveat in respect of resolution or order	s195(3) of the Unit Titles Act 2017	Form 25 of the Unit Titles Regulations 2011	See ss32, s53, s169, 196, 197, 213	ss183, 188, 196, 197 Unit Titles Act 2017
Caveat to prevent registration of joint family home	s6(1) of the Joint Family Homes Act 1964	Form 3 Joint Family Homes Regulations 1965	s6 of the Joint Family Homes Act 1964	s6 of the Joint Family Homes Act 1964 Form 5 Joint Family Homes Regulations 1965

Schedule 2: Part A: Notices of claim – types, effect and how to remove

Notices under other legislation				
Type	Authority	Form	Effect	Removal
Notice of Claim – takes effect as if it were a caveat	S42(3) Property (Relationships) Act 1976	Schedule 1 of the Property (Relationships) Forms Regulations 2001	See s42(3) of the Property (Relationships) Act 1976	Ss 142, 143, 144 Land Transfer Act 2017

Schedule 2: Part B: Other stops

Charging Orders, Statutory Land Charges & Other Stops

Column 1 Authorising Legislation	Column 3 Issued by	Column 4 Effect	Column 5 Discharge/ expiry/lapse authorizing legislation	Column 6 Signed by	Column 7 Witness Required?
Charging Orders					
Rule 19.33 and 19.35 District Court Rules 2014 and District Courts Act 2016 registered under s188	District Court	See s186 District Courts Act 2016	Rules 19.37 and 19.38 District Court Rules 2014	Refer relevant legislation	
Rule 19.40 District Court Rules 2014 Interim Orders	District Court	See rule 19.41 District Court Rules 2014	Rules 19.37 and 19.38 District Court Rules 2014		
Rule 17.47 –	High Court	See rule	Rule 17.51		

Column 1 Authorising Legislation	Column 3 Issued by	Column 4 Effect	Column 5 Discharge/ expiry/lapse authorizing legislation	Column 6 Signed by	Column 7 Witness Required?
17.48 High Court Rules 2016 Final registered under 17.48-9		17.40 High Court Rules 2016	HCR 2016		
Rule 17.53 High Court Rules 2016 Interim Charging Order	High Court	Rules 17.53-62 HCR Interim Charging Order	Rules 17.51-62 High Court Rules 2016		Refer relevant legislation
s184 of the Child Support Act 1991	Family or District Court	Does not prevent registration or any subsequent dealing	S184(8), 187 Child Support Act 1991		
Statutory Land Charges – current legislation					
s14M of the Home ownership Savings Act 1974	Housing New Zealand Corporation	s14M of the Home ownership Savings Act 1974	s14M(4) of the Home ownership Savings Act 1974		Refer relevant legislation
s90 of the Local Government (Rating) Act 2002	Chief Executive of the Local Authority	s90(2) of the Local Government (Rating) Act 2002	s90(4) and (5) of the Local Government (Rating) Act 2002		
ss 73, 74, 107 and 221 of the Public Works Act 1981	s73(5), s74(5), s107(5), s221(1)	s73(4), s74(4), s107(5), s221(2)	s73(5), s74(5), s107(6), s221(4)		
Statutory Land Charges – repealed legislation but still operate as stops on registration					

Column 1 Authorising Legislation	Column 3 Issued by	Column 4 Effect	Column 5 Discharge/ expiry/lapse authorizing legislation	Column 6 Signed by	Column 7 Witness Required?
s14L of the Farm ownership Savings Act 1974					Refer relevant legislation
s 101C of the Public Works Act 1928					
s 96 of the Rating Act 1967					
s 162 of the Rating Powers Act 1988					
s 125 of the Social Security Act 1964					
Other – Treaty of Waitangi Claims Settlement legislation					
Treaty of Waitangi Claims Settlement Acts	See relevant provisions of specific legislation				

Schedule 3: Caveat against dealings form

This approved format may be used for paper lodgement under the Land Transfer Act 2017

Form 34

Caveat against dealings with land under the Land Transfer Act 2017

(Section 138 Land Transfer Act 2017)

Land registration district

BARCODE

Record of Title (unique identifier)

All/part

Area/description of part

Record of Title (unique identifier)	All/part	Area/description of part
<input type="text"/>	<input type="text"/>	<input type="text"/>

Caveator

Surname(s) must be underlined.

Description of the nature of the estate or interest claimed, including details of how the estate or interest claimed is derived from the registered owner(s).¹¹

Notice

Take notice that the Caveator forbids the registration of any instrument, or the recording of any matter in the register that transfers, charges, or prejudicially affects the estate or interest protected by this caveat, **except as stated below**, until this caveat is withdrawn by the Caveator, removed by order of the High Court, or until the same has lapsed under the provisions of section 143 of the Land Transfer Act 2017. The exceptions are:

¹¹ For a caveat under s138(1)(d)(ii) LTA 2017, include the matters that establish there is a risk the estate or interest may be lost through fraud.

Schedule 4: Application to Lapse Caveat

RGL Recommended Form

Application to Lapse Caveat/Notice of Claim

(Section 143(1) Land Transfer Act 2017)

To: RGL

Name and Address of Applicant

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Name and Address of Registered Owner (if different)

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Land District

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Unique identifier(s) Or Record of Title(s)	All/part	Area/Description of part or stratum
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Caveat/Notice of Claim Number

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Caveator/Claimant

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The Applicant applies under s143(1)(a) or 143(1)(b) [*delete as applicable*] of the Land Transfer Act 2017 to the Registrar for lapse of the above caveat against dealings

Signature of Applicant _____ Date _____

Notice must be given in accordance with s222 of the Act.