



## Guideline for registration of Māori land transactions under Te Ture Whenua Māori Act 1993

LINZG20728

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## Terms and definitions

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### Introduction

- For the purposes of this guideline, the terms and definitions in the Te Ture Whenua Māori Act 1993 (Act) apply unless stated otherwise. Refer to s 4 of the Act for interpretation.
  - Terms and definitions used in this guideline that are not defined in the Act are defined below.
  - Any reference to a Part or a section in this guideline is a reference to that Part or section of the Act.
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<b>Term/abbreviation</b>	<b>Definition</b>
A&I	authority and instruction form
Act	Te Ture Whenua Māori Act 1993
LINZ	Land Information New Zealand
MLC	Māori Land Court
Registrar	Registrar-General of Land

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## Foreword

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### Introduction

- Most alienations of Māori freehold land require some form of confirmation, either from the Māori Land Court (MLC) itself or via the Registrar of the MLC, in accordance with Part 8 of Te Ture Whenua Māori Act 1993 (Act).
  - Some other alienations of Māori freehold land only require noting by the MLC.
  - Land Information New Zealand (LINZ) is responsible through the Registrar-General of Land (Registrar) for policing compliance when land title transactions are presented for registration. Section 126 of the Act prohibits registration without the requisite confirmation if the Act requires such confirmations.
  - However, noting requirements do not impose any policing obligations on the Registrar.
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### Purpose of guideline

This guideline has been developed by LINZ and the MLC and issued by the Registrar. Its purpose is to give guidance to legal practitioners who have a responsibility to ensure the compliance requirements under the Act are properly addressed.

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### Scope

- This guideline covers compliance requirements for various types of conveyancing matters under the Act affecting Māori freehold land.
  - It does not cover other registration matters.
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### Intended use of guideline

This guideline has been issued by the Registrar for:

- employees of LINZ with delegated authority to exercise registration functions under the Land Transfer Act 1952, and
  - practitioners who lodge dealings affecting Māori freehold land.
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### References

The following are necessary for the application of this guideline:

- Property Law Act 2007
  - Te Ture Whenua Māori Act 1993
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# Requirements and evidence of compliance

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## **Introduction**

In the following sections, this guideline describes both the compliance requirements under the Act and how compliance is evidenced for instruments.

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## **Compliance requirements**

The guideline describes, alongside each instrument type, which of the following compliance requirements is relevant, that is:

- (a) full MLC confirmation, or
  - (b) certificate of confirmation issued by the MLC Registrar under s 160 of the Act, or
  - (c) noting by the MLC Registrar
- 

## **LINZ policing role**

The guideline explains whether the compliance requirement is one that the Registrar is obliged to police.

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## **Evidential requirements**

- (a) Evidence of compliance must always be obtained prior to registration.
  - (b) The guideline sets out the evidence to be produced to demonstrate compliance with MLC confirmation or noting requirements.
  - (c) If it is not self-evident that the instrument falls within or outside these provisions, LINZ may requisition for the submitting party to produce written advice from the MLC that no noting is required.
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# Transfers

## 1. Transfers - fee simple

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**By landowners** Requires MLC confirmation under Part 8 [s 150C(3)(a)].  
(see table in [Appendix A](#), page 26, for evidence of compliance)

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**By trustees constituted under Part 12** Requires MLC confirmation under Part 8 [s 150A(3)(a)].  
(see table in [Appendix A](#), page 26, for evidence of compliance)

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**By Māori incorporation** Requires MLC confirmation under Part 8 of the Act [s 150B(3)(a)].  
(see table in [Appendix A](#), page 26, for evidence of compliance)

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**By Court appointed agent** Requires MLC confirmation under Part 8 [s 150C(3)(a)].  
(see table in [Appendix A](#), page 26, for evidence of compliance)

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**To beneficiary under will**

- (a) This cannot be registered other than by way of an MLC succession order under Part 4.
- (b) A succession order vesting the land in the beneficiary may be presented for registration only by the MLC.

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**By mortgagee in exercise of power of sale under a registered mortgage**

- (a) No confirmation or noting is required (see s 4(C)(vii)).
- (b) The transfer will be executed by:
  - (i) the mortgagee as transferor pursuant to the power of sale, or
  - (ii) the Registrar of the High Court under s 196 of the Property Law Act 2007.
- (c) There is no LINZ policing requirement.

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## 2. Transfers – other than fee simple

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- By landowners**
- (a) Requires certificate of confirmation issued under s 160 and noted by the MLC Registrar [s 150C(3)(b)].
  - (b) Examples of estates or interests other than fee simple are transfer of lease, mortgage, forestry right, or profit.
- (see table in [Appendix A](#), page 27, for evidence of compliance)
- 

- By trustees constituted under Part 12**
- (a) Requires that a copy of the transfer be sent to the MLC Registrar for noting [s 150A(4)].
  - (b) Examples of estates or interests other than fee simple are transfer of lease, mortgage, forestry right, or profit.
  - (c) There is no LINZ policing requirement.
- 

- By Māori incorporation**
- (a) Requires that a copy of the transfer be sent to the MLC Registrar for noting [s 150B(4)].
  - (b) Examples of estates or interests other than fee simple are transfer of lease, mortgage, forestry right, or profit.
  - (c) There is no LINZ policing requirement.
-

# Mortgages, charges, and encumbrances

## 3. Mortgages, charges and encumbrances (or variation) - fee simple

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- By landowners**
- (a) Requires certificate of confirmation issued under s 160 and noted by the MLC Registrar [s 150C(3)(b)].
  - (b) Applies to all mortgages, charges, or encumbrances irrespective of their terms and to all variations of these instruments.
- (see table in [Appendix A](#), page 27, for evidence of compliance)
- 

- By trustees constituted under Part 12**
- (a) Requires that a copy of the mortgage be sent to the MLC Registrar for noting. The applicable provisions are for:
    - (i) mortgages (any term) – s 150A(3)(b)(i),
    - (ii) charges and encumbrances of more than 21 years (including unlimited term) - s 150A(3)(b)(ii),
    - (iii) variations of mortgages, charges, and encumbrances - s 150A(4).
  - (b) Variation that extends term so that it exceeds 21 years or makes term unlimited will be caught by these provisions.
  - (c) There is no LINZ policing requirement.
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## Mortgages, charges and encumbrances (or variation) - fee simple, continued

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### **By Māori incorporation**

- (a) Requires that a copy of the mortgage be sent to the MLC Registrar for noting. The applicable provisions are for:
    - (i) mortgages – s 150B(3)(b)(i),
    - (ii) charges and encumbrances of more than 21 years (including unlimited term) - s 150B(3)(b)(ii),
    - (iii) variations of mortgages, charges, and encumbrances - s 150B(4).
  - (b) Variation that extends term so that it exceeds 21 years or makes term unlimited will be caught by these provisions.
  - (c) There is no LINZ policing requirement.
-

## Mortgages, charges and encumbrances (or variation) – other than fee simple

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### **Of estate or interest – by landowners**

- (a) Requires certificate of confirmation issued under s 160 and noted by the MLC Registrar [s 150C(3)(b)].
  - (b) Applies to all mortgages, charges, and encumbrances irrespective of their term.
  - (c) Examples of estates or interests other than fee simple are mortgage of lease and mortgage of forestry right.
- 

### **By trustees constituted under Part 12**

- (a) Requires that a copy of the mortgage be sent to the MLC Registrar for noting. The applicable provisions are for:
    - (i) mortgages (any term) – s 150A(3)(b)(i),
    - (ii) charges and encumbrances of more than 21 years (including unlimited term) - s 150A(3)(b)(ii),
    - (iii) variations of mortgages, charges, and encumbrances - s 150A(4).
  - (b) Variation that extends term so that it exceeds 21 years or makes term unlimited will be caught by these provisions.
  - (c) Examples of estates or interests other than fee simple are mortgage of lease and mortgage of forestry right
  - (d) There is no LINZ policing requirement.
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## Mortgages, charges and encumbrances (or variation) – other than fee simple, Continued

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### **By Māori incorporation**

- (a) Requires that a copy of the mortgage be sent to the MLC Registrar for noting. The applicable provisions are for:
    - (i) mortgages (any term) – s 150B(3)(b)(i),
    - (ii) charges and encumbrances of more than 21 years (including unlimited term) - s 150B(3)(b)(ii),
    - (iii) variations of mortgages, charges, and encumbrances - s 150B(4).
  - (b) Variation that extends term so that it exceeds 21 years or makes term unlimited will be caught by these provisions.
  - (c) Examples of estates or interests other than fee simple are mortgage of lease and mortgage of forestry right.
  - (d) There is no LINZ policing requirement.)
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## 4. Discharge of mortgage, charge or encumbrance

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### **Discharge of mortgage, charge or encumbrance**

- (a) Requires that a copy of the discharge or surrender must be sent to the MLC Registrar for noting. The applicable provisions are for:
    - (i) landowners - s 150C(4)(b),
    - (ii) trustees incorporated under Part 12 - s 150A(4),
    - (iii) Māori incorporations - s 150B(4).
  - (b) The requirements in (a) only apply if the mortgage, charge, or encumbrance are themselves caught by confirmation or noting requirements.
  - (c) Consequently, discharges of the following are caught:
    - (i) all mortgages
    - (ii) charges or encumbrances by landowners of more than 21 years or unlimited duration,
    - (iii) charges or encumbrances by trustees or Māori incorporation of more than 21 years or unlimited duration.
  - (d) There is no LINZ policing requirement.
-

# Leases, licences, and variations

## 5. Leases/licences and variations of fee simple

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**Less than three years in duration**

Leases and licences of three years or less in duration are not alienations [s 4(c)(iv)].

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**More than three years by landowners (and variations)**

- (a) Requires certificate of confirmation issued under s 160 and noted by the MLC Registrar [s 150C(3)(b)].
- (b) This also applies to leases for life (including those that also have a term in excess of three years).

(see table in [Appendix A](#), page 29, for evidence of compliance)

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**More than 21 years by trustees constituted under Part 12 (and variations)**

- (a) Requires that a copy of the lease or variation must be sent to the MLC Registrar for noting. The applicable provisions are for:
    - (i) leases and licences – s 150A(3)(b),
    - (ii) variations - s 150A(4).
  - (b) This also applies to:
    - (i) variations of leases that were of 21 years or less if the variation extends the term so that it becomes more than 21 years, and
    - (ii) leases for life that also have a term in excess of 21 years.
  - (c) There is no LINZ policing requirement.
- 

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## Leases/licences and variations of fee simple, continued

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### **More than 21 years by Māori incorporation (and variations)**

- (a) Requires that a copy of the lease or variation must be sent to the MLC Registrar for noting. The applicable provisions are for:
    - (i) leases and licences – s 150B(3)(b)
    - (ii) variations - s 150B(4).
  - (b) This also applies to:
    - (i) leases that were of 21 years or less if the variation extends the term so that it becomes more than 21 years, and
    - (ii) leases for life that also have a term in excess of 21 years.
  - (c) There is no LINZ policing requirement.
- 

### **More than three years by court appointed agent (and variations)**

- (a) Requires certificate of confirmation issued under s 160 and noted by the MLC Registrar [s 150C(3)(b)].
  - (b) This also applies to leases for life that also have a term in excess of three years.
- (see table in [Appendix A](#), page 29, for evidence of compliance)
-

## 6. Sublease and dealings with subleases and surrender of lease

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### **Sublease and dealings with subleases**

- (a) No requirement for confirmation or noting is required (but MLC will note if produced).
  - (b) Examples of dealings with subleases are transfers, variations, mortgages, and surrenders.
  - (c) There is no LINZ policing requirement.
- 

### **Surrender of lease (or licence)**

- (a) Requires that a copy of the surrender be sent to the MLC Registrar for noting. The applicable provisions for surrenders are by:
    - (i) landowners – s 150C(4)(b),
    - (i) trustees – s 150A(4),
    - (ii) Māori incorporation – s 150B(4)
  - (b) There is no LINZ policing requirement.
-

# Forestry right or profit à prendre

## 7. Forestry right or profit à prendre (and variations) over fee simple

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### **By landowners (any term) (and variations)**

Requires certificate of confirmation issued under s 160 and noted by the MLC Registrar [s 150C(3)(b)].

(see table in [Appendix A](#), page 30, for evidence of compliance)

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### **By trustees constituted under Part 12 (and variations)**

(a) Requires that, if for a term over 21 years or unlimited duration, a copy of the forestry right be sent to the MLC Registrar for noting. The applicable provisions are for:

(i) forestry right and profit – s 150A(3)(b)(ii)

(ii) variations of forestry right and profit – s 150A(4).

(b) Variation that extends term so that it exceeds 21 years or makes term unlimited will be caught by these provisions.

(c) There is no LINZ policing requirement.

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### **By Māori incorporation (and variations)**

(a) Requires that, if for a term over 21 years or unlimited duration, a copy of the forestry right must be sent to the MLC Registrar for noting. The applicable provisions are for:

(i) forestry right and profit – s 150B(3)(b)(ii)

(ii) variations of forestry right and profit – s 150B(4).

(b) Variation that extends term so that it exceeds 21 years or makes term unlimited will be caught by these provisions.

(c) There is no LINZ policing requirement.

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## 8. Surrender of forestry right or profit à prendre

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### **Surrender of forestry right or profit**

- (a) Requires that a copy of the surrender of forestry right or profit must be sent to the MLC Registrar for noting. The applicable provisions for surrenders are by:
    - (i) landowners - s 150C(4)(b),
    - (ii) trustees incorporated under Part 12 - s 150A(4),
    - (iii) Māori incorporations - s 150B(4).
  - (b) These requirements only apply to (a)(ii) and (iii) above if the forestry right or profit is for a term more than 21 years or unlimited duration.
  - (c) There is no LINZ policing requirement
-

# Easements

## 9. Grant of easement over fee simple

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**By landowners  
(any term)**

Requires certificate of confirmation issued under s 160 and noted by the MLC Registrar [s 150C(3)(b)].

(see table in [Appendix A](#), page 31, for evidence of compliance)

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**More than 21  
years or unlimited  
duration by  
trustees under  
Part 12**

(a) Requires a copy of the easement instrument be sent to the MLC Registrar for noting [s 150A(3)(b)(ii)].

(b) There is no LINZ policing requirement.

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**More than 21  
years or unlimited  
duration by Māori  
incorporation**

(a) Requires a copy of the easement instrument be sent to the MLC Registrar for noting [s 150B(3)(b)(ii)].

(b) There is no LINZ policing requirement.

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## 10. Variation of easement over fee simple

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**By landowners** Requires certificate of confirmation issued under s 160 and noted by the MLC Registrar [s 150C(3)(b)].  
(see table in [Appendix A](#) for evidence of compliance)

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**By trustees under Part 12**

- (a) Requires a copy of the variation of easement be sent to the MLC Registrar for noting [s 150A(4)].
- (b) Variation that extends term so that it exceeds 21 years or makes term unlimited will be caught by these provisions.
- (c) There is no LINZ policing requirement.

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**By Māori incorporation**

- (a) Requires a copy of the variation of easement be sent to the MLC Registrar for noting [s 150B(4)].
- (b) Variation that extends term so that it exceeds 21 years or makes term unlimited will be caught by these provisions.
- (c) There is no LINZ policing requirement.

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## 11. Grant of easement in favour of Māori freehold land

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**Over general land  
in favour of Māori  
freehold land**

- (a) No requirement for confirmation or noting (but MLC will note if produced).
  - (b) There is no LINZ policing requirement.
-

## 12. Grant of easement over or appurtenant to leasehold interest

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**Over or appurtenant to leasehold interest in Māori freehold land**

- (a) There is no requirement for confirmation or noting (but MLC will note if produced).
  - (b) There is no LINZ policing requirement.
-

## 13. Surrender of easement

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### **Surrender of easement**

- (a) Requires that a copy of the surrender of easement be sent to the MLC Registrar for noting. The applicable provisions for surrenders are by:
    - (i) landowners - s 150C(4)(b),
    - (ii) trustees incorporated under Part 12 - s 150A(4),
    - (iii) Māori incorporations - s 150B(4).
  - (b) These requirements only apply to (a)(ii) and (iii) above if the easement is for a term of more than 21 years or unlimited duration.
  - (c) There is no LINZ policing requirement.
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# Transmissions

## 14. Transmissions of fee simple

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### **To personal representative**

- (a) This must be effected by application to the MLC under s 112.
  - (b) A court order vesting land in a personal representative must be presented for registration by the MLC.
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### **To official assignee**

- (a) This must be effected by application to the MLC under s 343.
  - (b) A court order vesting land in a personal representative must be presented for registration by the MLC.
- 

### **By survivorship**

- (a) This must be effected by application to the MLC under section 18(1)(a).
  - (b) A court order determining the survivor to be the owner of the land must be presented for registration by the MLC.
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## 15. Transmissions – other than fee simple

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**Other than fee simple**

- (a) There is no requirement for confirmation or noting (but MLC will note if produced).
  - (b) Examples of estates or interests other than fee simple are transmission of lease, mortgage, or forestry right.
  - (c) There is no LINZ policing requirement.
-

## Appendix A: Compliance requirements under Te Ture Whenua Māori Act 1993 for registration of Māori land transactions with LINZ

INSTRUMENT TYPE	COMPLIANCE REQUIREMENTS <i>(NB: s 126 prohibits registration unless confirmation requirements are complied with)</i>	HOW COMPLIANCE IS EVIDENCED <i>(NB: must always be obtained prior to registration)</i>
<b>Transfers</b>		
Transfer of fee simple <u>by landowners</u>	Confirmation by MLC under Part 8 – 150C(3)(a)	MLC confirmation endorsed on or given in relation to:
Transfer of fee simple <u>by trustees constituted under Part 12</u>	Confirmation by MLC under Part 8 – s 150A(3)(a)	<u>Paper transfer</u> Evidence to be produced:
Transfer of fee simple <u>by Māori incorporation</u>	Confirmation by MLC under Part 8 – s 150B(3)(a)	<ul style="list-style-type: none"> <li>• agreement for sale &amp; purchase, and/or</li> <li>• paper transfer</li> </ul> <u>Electronic transfer</u> Evidence to be produced: <ul style="list-style-type: none"> <li>• A and I Form</li> </ul>
Transfer of fee simple <u>by Court appointed agent</u>	Confirmation by MLC under Part 8 – s 150C(3)(a)	MLC confirmation endorsed on or given in relation to: <u>Paper transfer</u> Evidence to be produced: <ul style="list-style-type: none"> <li>• agreement for sale &amp; purchase, and/or</li> <li>• paper transfer</li> </ul> <u>Electronic transfer</u> Evidence to be produced: <ul style="list-style-type: none"> <li>• A and I Form</li> </ul>
Transfer to beneficiary under a will	Succession Order is presented for registration by MLC. (see <a href="#">page 7</a> for additional information)	Cannot be registered otherwise than by way of a MLC Succession Order under Part 4
Transfer by mortgagee in exercise of power of sale under a registered mortgage	No confirmation required or noting required – see s 4(c)(vii). <i>(see <a href="#">page 7</a> for additional information)</i>	No LINZ policing requirement

<b>INSTRUMENT TYPE</b>	<b>COMPLIANCE REQUIREMENTS</b> <i>(NB: s 126 prohibits registration unless confirmation requirements are complied with)</i>	<b>HOW COMPLIANCE IS EVIDENCED</b> <i>(NB: must always be obtained prior to registration)</i>
Transfer of estate or interest other than fee simple (eg transfer of lease, mortgage, forestry right or profit) <u>by landowners</u>	Certificate of confirmation issued under s 160 and noted by the MLC Registrar – s 150C(3)(b)	Certificate of confirmation endorsed on or given in relation to: <u>Paper transfer</u> Evidence to be produced: <ul style="list-style-type: none"> <li>• agreement for sale &amp; purchase; and/or</li> <li>• paper transfer</li> </ul> <u>Electronic transfer</u> Evidence to be produced: <ul style="list-style-type: none"> <li>• A and I Form</li> </ul>
Transfer of estate or interest other than fee simple (eg transfer of lease, mortgage, forestry right or profit) <u>by trustees constituted under Part 12</u>	Copy of the transfer must be sent to MLC Registrar for noting – s 150A(4)	No LINZ policing requirement
Transfer of estate or interest other than fee simple (eg transfer of lease, mortgage, forestry right or profit) <u>by Māori incorporation</u>	Copy of the transfer must be sent to MLC Registrar for noting – s 150B(4)	No LINZ policing requirement
<b>Mortgages, charges and encumbrances</b>		
Mortgage, charge or encumbrance or variation of mortgage, charge or encumbrance <u>by landowners</u>  (fee simple or other estate or interest, eg mortgage of lease)	Certificate of confirmation issued under s 160 and noted by the MLC Registrar – s 150C(3)(b)	Certificate of confirmation endorsed on or given in relation to: <u>Paper instrument</u> Evidence to be produced: <ul style="list-style-type: none"> <li>• paper instrument</li> </ul> <u>Electronic instrument</u> Evidence to be produced: <ul style="list-style-type: none"> <li>• A and I Form</li> </ul>

<b>INSTRUMENT TYPE</b>	<b>COMPLIANCE REQUIREMENTS</b> <i>(NB: s 126 prohibits registration unless confirmation requirements are complied with)</i>	<b>HOW COMPLIANCE IS EVIDENCED</b> <i>(NB: must always be obtained prior to registration)</i>
Mortgage (any term), or charge and encumbrance of more than 21 years or unlimited term or variation of mortgage, charge or encumbrance of fee simple <u>by trustees constituted under Part 12</u> (fee simple or other estate or interest, eg mortgage of lease)	Copy of the mortgage must be sent to MLC Registrar for noting. Applicable provisions are: <ul style="list-style-type: none"> <li>- s 150A(3)(b)(i) for mortgages</li> <li>- s 150A(3)(b)(ii) for charges and encumbrances</li> <li>- s 150A(4) for variations of mortgages, charges and encumbrances</li> </ul> <i>(see page 9 for additional information)</i>	No LINZ policing requirement
Mortgage (any term) or charge and encumbrance of more than 21 years or unlimited term or variation of mortgage, charge or encumbrance of fee simple <u>by Māori Incorporation</u> (fee simple or other estate or interest, eg mortgage of lease)	Copy of the mortgage must be sent to MLC Registrar for noting. Applicable provisions are: <ul style="list-style-type: none"> <li>- s 150B(3)(b)(i) for mortgages</li> <li>- s 150B(3)(b)(ii) for charges and encumbrances</li> <li>- s 150B(4) for variations of all mortgages, charges and encumbrances</li> </ul> <i>(see page 10 for additional information)</i>	
Discharge of mortgage, charge or encumbrance	Copy of the discharge or surrender must be sent to MLC Registrar for noting. Applicable provisions are: <ul style="list-style-type: none"> <li>- s 150C(4)(b) – landowners</li> <li>- s 150A(4) – trustees incorporated under Part 12</li> <li>- s 150B(4) – Māori incorporations</li> </ul> <i>(see page 13 for additional information)</i>	No LINZ policing requirement

<b>INSTRUMENT TYPE</b>	<b>COMPLIANCE REQUIREMENTS</b> <i>(NB: s 126 prohibits registration unless confirmation requirements are complied with)</i>	<b>HOW COMPLIANCE IS EVIDENCED</b> <i>(NB: must always be obtained prior to registration)</i>
<b>Lease</b> (NB: Leases and licences of 3 years or less in duration are not alienations [s4(c)(iv)])		
Lease/licence of more than 3 years (or variation of lease/licence) of fee simple <u>by landowners</u>	Certificate of confirmation issued and noted by the MLC Registrar under s 160 - s 150C(3)(b) <i>(see page 14 for additional information)</i>	Certificate of confirmation endorsed on or given in relation to: <u>Paper instrument</u> Evidence to be produced: <ul style="list-style-type: none"> <li>• paper lease, licence, or variation</li> </ul> <u>Electronic instrument</u> Evidence to be produced: <ul style="list-style-type: none"> <li>• A and I Form</li> </ul>
Lease/licence of more than 21 years (or variation of lease/licence) of fee simple <u>by trustees constituted under Part 12</u>	Copy of the lease or variation must be sent to MLC Registrar for noting. Applicable provisions are: <ul style="list-style-type: none"> <li>- s 150A(3)(b) for leases and licences</li> <li>- s 150A(4) for variations</li> </ul> <i>(see page 14 for additional information)</i>	No LINZ policing requirement.
Lease/licence of more than 21 years (or variation of lease/licence) of fee simple <u>by Māori incorporation</u>	Copy of the lease or variation must be sent to MLC Registrar for noting. Applicable provisions are: <ul style="list-style-type: none"> <li>- s 150B(3)(b) for leases and licences</li> <li>- s 150B(4) for variations</li> </ul> <i>(see page 15 for additional information)</i>	
Lease of more than 3 years of fee simple <u>by Court appointed agent</u> on behalf of landowners (and variations)	Certificate of confirmation issued and noted by the MLC Registrar under s 160 – s 150C(3)(b)	Certificate of confirmation endorsed on or given in relation to: <u>Paper instrument</u> Evidence to be produced: <ul style="list-style-type: none"> <li>• paper lease, licence or variation</li> </ul> <u>Electronic instrument</u> Evidence to be produced: <ul style="list-style-type: none"> <li>• A and I Form</li> </ul>
Sublease and dealings with subleases, eg transfer, variation, mortgage, surrender	No requirement for confirmation or noting (but MLC will note if produced)	No LINZ policing requirement

<b>INSTRUMENT TYPE</b>	<b>COMPLIANCE REQUIREMENTS</b> <i>(NB: s 126 prohibits registration unless confirmation requirements are complied with)</i>	<b>HOW COMPLIANCE IS EVIDENCED</b> <i>(NB: must always be obtained prior to registration)</i>
Surrender of lease (or licence)	Copy of surrender must be sent to MLC Registrar for noting. Applicable provisions are: - s 150C(4)(b) – by landowners - s 150A(4) – by trustees - s 150B(4) – by Māori incorporation	No LINZ policing requirement
<b>Forestry right or profit a prendre</b>		
Forestry right or profit (and variations) over fee simple <u>by landowners</u> (any term)	Certificate of confirmation issued and noted by the MLC Registrar under s 160 – s 150C(3)(b)	Certificate of confirmation endorsed on or given in relation to: <u>Paper instrument</u> Evidence to be produced: • paper forestry right, profit or variation <u>Electronic instrument</u> Evidence to be produced: • A and I Form
Forestry right or profit (and variation) over fee simple by <u>trustees constituted under Part 12</u> (term over 21 years or unlimited duration)	Copy of the forestry right or profit must be sent to MLC Registrar for noting. Applicable provisions are: - s 150A(3)(b)(ii) for forestry right and profit - s 150A(4) for variation <i>(see page 17 for additional information)</i>	
Forestry right or profit (and variation) over fee simple by <u>Māori incorporation</u> (term over 21 years or unlimited duration)	Copy of the forestry right or profit must be sent to MLC Registrar for noting. Applicable provisions are: - s 150B(3)(b)(ii) for forestry right and profit - s 150B(4) for variation <i>(see page 17 for additional information)</i>	

<b>INSTRUMENT TYPE</b>	<b>COMPLIANCE REQUIREMENTS</b> <i>(NB: s 126 prohibits registration unless confirmation requirements are complied with)</i>	<b>HOW COMPLIANCE IS EVIDENCED</b> <i>(NB: must always be obtained prior to registration)</i>
Surrender of <i>forestry</i> right or profit	A copy of the surrender of forestry right or profit must be sent to MLC Registrar for noting. Applicable provisions are: - s 150C(4)(b) for surrenders by landowners - s 150A(4) for surrenders by trustees - s 150B(4) for surrenders by Māori incorporation  <i>(see <a href="#">page 18</a> of the guideline for additional information)</i>	No LINZ policing requirement
<b>Easements</b>		
<b>Grant of easement over fee simple</b>		
<u>By landowners</u> (any term)	Certificate of confirmation issued and noted by MLC Registrar under s 160 - s 150C(3)(b)	<b>Grant of easement by landowners</b> Certificate of confirmation endorsed on or given in relation to: <u>Paper instrument</u> Evidence to be produced: • paper easement instrument <u>Electronic instrument</u> Evidence to be produced: • A and I Form
By trustees under Part 12 (term of more than 21 years or unlimited duration)	A copy of the easement instrument must be sent to MLC Registrar for noting – s 150A(3)(b)(ii)	No LINZ policing requirement
By Maori incorporation (term of more than 21 years or unlimited duration)	A copy of the easement instrument must be sent to MLC Registrar for noting – s 150B(3)(b)(ii)	No LINZ policing requirement

<b>INSTRUMENT TYPE</b>	<b>COMPLIANCE REQUIREMENTS</b> <i>(NB: s 126 prohibits registration unless confirmation requirements are complied with)</i>	<b>HOW COMPLIANCE IS EVIDENCED</b> <i>(NB: must always be obtained prior to registration)</i>
<b>Variation of easement</b>		
By landowners	Certificate of confirmation issued and noted by MLC Registrar under s 160: s 150C(3)(b)	<b>Variation of easement by landowners</b> Certificate of confirmation endorsed on or given in relation to: <u>Paper instrument</u> Evidence to be produced: <ul style="list-style-type: none"> <li>paper easement instrument</li> </ul> <u>Electronic instrument</u> Evidence to be produced: <ul style="list-style-type: none"> <li>A and I Form</li> </ul>
By trustees under Part 12	A copy of the variation of easement must be sent to MLC Registrar for noting – s 150A(4)	No LINZ policing requirement
By Maori incorporation	A copy of the variation of easement must be sent to MLC Registrar for noting – s 150B(4)	No LINZ policing requirement
<b>Grant of easement – Maori freehold land</b>		
Grant of easement over general land in favour of Māori freehold land	No requirement for confirmation or noting (but MLC will note if produced)	No LINZ policing requirement
Grant of easement over or appurtenant to leasehold interest in Māori freehold land	No requirement for confirmation or noting (but MLC will note if produced)	No LINZ policing requirement

<b>INSTRUMENT TYPE</b>	<b>COMPLIANCE REQUIREMENTS</b> <i>(NB: s 126 prohibits registration unless confirmation requirements are complied with)</i>	<b>HOW COMPLIANCE IS EVIDENCED</b> <i>(NB: must always be obtained prior to registration)</i>
<b>Surrender of easement</b>		
Surrender of easement	<p>A copy of the surrender of easement must be sent to MLC Registrar for noting. Applicable provisions are:</p> <ul style="list-style-type: none"> <li>- s 150C(4)(b) for surrenders by landowners</li> <li>- s 150A(4) for surrenders by trustees</li> <li>- s 150B(4) for surrenders by Māori incorporation</li> </ul> <p><i>(see <a href="#">page 23</a> of the guideline for additional information)</i></p>	No LINZ policing requirement
<b>Transmissions</b>		
Transmission of fee simple to personal representative	Court Order vesting land in personal representative must be presented for registration by MLC	Cannot be effected otherwise than by application to the MLC under s 112
Transmission to Official Assignee	Court Order vesting land in Official Assignee must be presented for registration by MLC	Cannot be effected otherwise than by application to the MLC under s 112 registration by MLC
Transmission of fee simple by survivorship	Court Order vesting land in surviving joint tenant(s) must be presented for registration by MLC	Must be effected by application to the MLC under s 18(1)(a)
Transmission of estate or interest other than fee simple, eg transmission of lease, mortgage or forestry right	No requirement for confirmation or noting of transmission application (but MLC will note if produced)	No LINZ policing requirement