

**Reprint  
as at 3 June 2017**

## **Land Transfer (Hawke's Bay) Amendment Act 1933**

Public Act    1933 No 39  
Date of assent    22 December 1933

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### **An Act to amend the Land Transfer (Hawke's Bay) Act 1931**

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

**This Act is administered by the Ministry of Justice.**

## 1 Short Title

This Act may be cited as the Land Transfer (Hawke's Bay) Amendment Act 1933, and is part of the Land Transfer Act 1952 ("the principal Act").

Section 1 was amended, as from 1 February 1999, by section 43(3) Land Transfer (Automation) Amendment Act 1998 (1998 No 123) by substituting the words "is part of the Land Transfer Act 1952 (**the principal Act**)" for the words "shall be read together with and deemed part of the Land Transfer (Hawke's Bay) Act 1931".

## 2 Definitions

In this Act—

### **The principal Act** *[Repealed]*

The principal Act: the reference to the Land Transfer Act 1952 was substituted, as from 1 January 1953, for a reference to the Land Transfer Act 1915 by section 245(1) Land Transfer Act 1952 (1952 No 52).

The principal Act: this definition was repealed, as from 1 February 1999, by section 43(3) Land Transfer (Automation) Amendment Act 1998 (1998 No 123).

The expression **the special Act** means the Land Transfer (Hawke's Bay) Act 1931

The expression **adopted** means used for the purpose of making a copy under section 4 of the special Act, and **adoption** has a corresponding meaning.

## 3 Registrar to make a new register for district

- (1) The Registrar is hereby directed to make a new register for the district, and for that purpose is hereby given all such necessary authority as is not expressly conferred by the "special Act" or this Act.
- (2) This section is in substitution for section 3 of the special Act, and that section is hereby repealed accordingly.

## 4 Registrar may apply to Hawke's Bay Adjustment Court for declaratory order in respect of matters concerning the new register

*[Repealed]*

Section 4: repealed, on 3 June 2017, by section 4(2) of the Statutes Repeal Act 2017 (2017 No 23).

## 5 Modification of section 44 of principal Act for purposes of special Act

The Registrar shall have power, and from the passing of the **special Act** shall be deemed to have had power, to act under the provisions of section 44 of the principal Act without the necessity of complying with the proviso to subsection (2) thereof; and he may dispense with copying any outstanding duplicate of any instrument.

Subsection (5) was amended, as from 1 February 1999, by section 43(3) Land Transfer (Automation) Amendment Act 1998 (1998 No 123) by substituting the expression "section 44" for the expression "section 40".

**6 Registrar may decline to issue certificates or to register certain instruments until prescribed conditions satisfied**

- (1) Notwithstanding any enactment or rule of law to the contrary, the Registrar shall not be bound to issue any certificate of title upon a Warrant, or to embody in the provisional register as a folium thereof any certificate under the hand of the Commissioner of Crown Lands to the effect that any purchase money has been paid, or to register any lease or licence issued under the Land Act 1948, or any other Act, or to register any vesting of any estate or interest in any person whomsoever under a statute which does not expressly direct that the estate or interest shall vest free from all encumbrances, restrictions, liens, and interests, unless and until he is informed under the hand of the Commissioner of Crown Lands, or until he is reasonably satisfied, either,—
- (a) That on the said date (as defined by the **special Act**) no caveat was noted and no interest of any kind was registered in the old register or under the Deeds Registration Act 1908, as the case may be, affecting the land comprised in such Warrant, certificate under the hand of the Commissioner of Crown Lands, lease, or licence, or statute, as the case may be; or
- (b) If a caveat had been noted or an instrument had existed on the said date, then that such interest or caveat has been reregistered or disclosed in writing to the Registrar in such a manner as to enable him to bring forward a memorial of it, or that it has been otherwise protected in accordance with the provisions of this Act or the **special Act**.
- (2) The Registrar on being satisfied of the existence of such a caveat or interest on the said date shall bring forward a memorial thereof on any certificate of title, provisional register, lease, or licence, which he shall issue or register.

In subsection (1) the reference to the Land Act 1948 was substituted, as from 1 April 1949, for references to the Land Act 1924 and the Land for Settlements Act 1925 by section 185(1) Land Act 1948 (1948 No 64).

**7 New instruments executed under section 15 not dependent on any confirmation or approval that may have been required in respect of destroyed instruments**

Where pursuant to section 15 of the special Act any person is required to execute an instrument in replacement of a destroyed instrument, it shall not be necessary to obtain in respect of the new instrument any consent, approval, or confirmation that may have been required in respect of the destroyed instrument, but unless and until the contrary is proved, every such consent, approval, or confirmation shall be deemed to have been duly given in respect of the destroyed instrument on or before its registration.

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## **Eprint notes**

### **1     *General***

This is an eprint of the Land Transfer (Hawke's Bay) Amendment Act 1933 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2     *About this eprint***

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

### **3     *Amendments incorporated in this eprint***

Statutes Repeal Act 2017 (2017 No 23): section 4(2)