

**Reprint
as at 12 November 2018**

Deeds Registration Act 1908

Public Act 1908 No 40
Date of assent 4 August 1908

Contents

| | Page |
|--|------|
| Title | 3 |
| 1 Short Title, etc | 3 |
| 2 Instruments excepted from Act | 3 |
| 3 Interpretation | 4 |
| 4 Registration districts | 4 |
| 5 Deeds Register Office | 4 |
| 6 Registrar of Deeds | 5 |
| 7 Registrars to give security | 5 |
| 8 Seal of Register Office | 5 |
| What may be registered | |
| 9 Instruments affecting land | 5 |
| 10 Crown grants to be registered before delivery to grantee | 6 |
| 11 Instruments made before the issue of Crown grants | 6 |
| 12 Effect of such registration of instruments under last preceding section | 6 |
| 13 Effect of issue of Crown grant on such registration | 6 |
| 14 Registration ineffectual unless made in proper office | 6 |
| 15 Certified copies of registered instruments | 7 |

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 Department of Justice.

| | | |
|----|---|----|
| 16 | Powers of attorney | 7 |
| 17 | Judgments, etc | 7 |
| 18 | Memorials | 7 |
| 19 | Registration of copy of instrument | 8 |
| 20 | Instrument in Maori to have translation | 9 |
| | Mode of registration | |
| 21 | Book of primary entry | 9 |
| 22 | Note of presentation and entry in index book | 9 |
| 23 | How entry to be made | 9 |
| 24 | Mistake in entry | 10 |
| 25 | Receipt for instrument | 10 |
| 26 | Instrument to have plan of land | 10 |
| 27 | Exceptions to foregoing rule | 10 |
| 28 | Registration number of prior instrument to be endorsed | 10 |
| 29 | Order of registration | 11 |
| 30 | Instruments to be copied | 11 |
| 31 | Copies to be checked | 11 |
| 32 | Instrument affecting lands not delineated on plan | 11 |
| 33 | Endorsement on Crown grant | 12 |
| | District Agents | |
| 34 | Registration through District Agents | 12 |
| | Registration to give priority | |
| 35 | Avoidance of unregistered deed or contract | 13 |
| 36 | Avoidance of will | 13 |
| 37 | Avoidance of judgment, etc | 13 |
| 38 | Avoidance of lease not taking effect in possession | 13 |
| 39 | Registration not to avail against express notice | 13 |
| 40 | Volunteers protected in certain cases | 14 |
| 41 | Avoidance of instrument deducing title through unregistered instrument | 14 |
| | Deposit of instruments | |
| 42 | Powers of attorney | 14 |
| 43 | Deposit to be a discharge from covenant to produce | 14 |
| 44 | Deposited instrument to be numbered | 15 |
| 45 | Instruments to be kept | 15 |
| 46 | Receipt for deposited instrument | 15 |
| | Alterations of boundaries of districts | |
| 47 | Where boundaries of district altered, copy of original register to have same force and effect | 15 |
| | Miscellaneous | |
| 48 | Production and evidence of registered instruments | 16 |

| | | |
|----|---|----|
| 49 | Registrar not bound to produce register without Judge's order | 16 |
| 50 | Copies of or extracts from instruments | 17 |
| 51 | Registration, when compulsory | 17 |
| 52 | Fees on registration | 18 |
| 53 | Regulations | 18 |
| 54 | Practice of Deeds Register Offices | 19 |
| | Schedule 1 | 20 |
| | Enactments consolidated | |
| | Schedule 2 | 21 |
| | Scale of fees | |

An Act to consolidate certain enactments of the General Assembly relating to the registration of deeds affecting land

BE IT ENACTED by the General Assembly of Parliament assembled, and by the authority of the same, as follows:—

1 Short Title, etc

- (1) The Short Title of this Act is the Deeds Registration Act 1908.
- (2) This Act is a consolidation of the enactments mentioned in Schedule 1 hereto, and with respect to those enactments the following provisions shall apply:
 - (a) All districts, offices, appointments, seals, regulations, rules, Proclamations, Orders in Council, orders, warrants, registers, books, registrations, records, instruments, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated:
 - (b) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

2 Instruments excepted from Act

This Act does not apply to land subject to the provisions of the Land Transfer Act 2017, or of any Act heretofore in force for like purposes, or to any record of title for land now or hereafter issued under any such Act in lieu of a Crown grant for such land, or to any other instrument within the meaning of any such Act affecting such land.

Section 2: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

3 Interpretation

In this Act, if not inconsistent with the context,—

Instrument includes any grant of land by the Crown, deed, contract, will, codicil, exemplification or certified copy of will, probate, testamentary order, certificate, notice, memorial, map, plan, or other document of any kind affecting land and authorised by this or any other Act to be registered under this Act or any other Act heretofore in force for like purposes

Land includes every estate or interest in land over which the Maori title is extinguished, except land under the Land Transfer Act 2017

Section 3 **Land**: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Land: this definition was amended, as from 27 November 1947, by section 2(2) Maori Purposes Act 1947 (1947 No 59) by substituting the word “Maori” for the word “Native”.

Registration district or **district** means a district constituted under this Act.

Compare: 1868 No 51 s 3

4 Registration districts

- (1) Each provincial district shall be a registration district for the purposes of this Act:

Provided that every registration district in existence immediately before this Act comes into operation, whether created by or under any special or by or under any general Act, shall be deemed to be a district constituted under this Act:

Provided also that the Governor-General by Order in Council may from time to time define and alter the boundaries of any district, and may create new districts.

- (2) Every such Order in Council shall come into operation on and from a day to be fixed by the Order, and shall be gazetted.

Compare: 1868 No 51 ss 4, 5

5 Deeds Register Office

- (1) For every district there shall be an office called the Deeds Register Office for registering such instruments affecting land as are by law authorised to be registered.
- (2) A Deeds Register Office may be the office for more than 1 district.

Compare: 1868 No 51 s 6

Section 5 was amended, as from 1 June 2002, by section 65(3) Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 (2002 No 11), by substituting the word “For” for the word “In”.

Subsection (2) was inserted, as from 1 June 2002, by section 65(3) Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 (2002 No 11).

6 Registrar of Deeds

- (1) The Registrar-General of Land appointed in accordance with section 231 of the Land Transfer Act 2017 is the Registrar for every Deeds Register Office.
- (2) The Registrar may delegate any of the Registrar's powers and duties under this Act in accordance with section 233 of the Land Transfer Act 2017.

Section 6 was substituted, as from 1 June 2002, by section 65(3) Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 (2002 No 11).

Section 6(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 6(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

7 Registrars to give security

Where the fidelity of the Registrar is not guaranteed under any Act for the time being in force relating to the Civil Service of New Zealand, the Registrar shall give security for the due execution of the duties of his office in such manner and to such amount as the Governor-General thinks fit.

Compare: 1868 No 51 s 11

Section 7 was amended, as from 1 June 2002, by section 65(3) Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 (2002 No 11), by substituting the words "the Registrar" for the words "any Registrar or Deputy Registrar".

Section 7 was amended, as from 1 June 2002, by section 65(3) Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 (2002 No 11), by substituting the words "the Registrar" for the words "such Registrar or Deputy Registrar".

8 Seal of Register Office

In every Register Office there shall be kept a seal, of the impression whereof judicial notice shall be taken in all Courts without any evidence of such seal having been impressed or any other evidence relating thereto.

Compare: 1868 No 51 s 12

What may be registered

9 Instruments affecting land

Every Crown grant of land within New Zealand, and every instrument whereby land in New Zealand is affected, may be registered in the Register Office of the district wherein such land is situate:

Provided that no lease or agreement for a lease for any term not exceeding 7 years from the date thereof, and no assignment thereof, shall be registered.

Compare: 1868 No 51 s 14

10 Crown grants to be registered before delivery to grantee

- (1) Every Crown grant of land shall, before the same is delivered to the grantee or other the person entitled to receive the same, be registered in the registration district within which the land comprised in such grant is situate.
- (2) It shall be the duty of every Commissioner of Crown Lands, or other officer or person charged with the delivery of Crown grants, to transmit the same for registration accordingly on payment of the registration and other fees payable in respect thereof.

Compare: 1868 No 51 s 15

11 Instruments made before the issue of Crown grants

Instruments relating to waste lands of the Crown purchased of or acquired from either the Crown, the New Zealand Company, or the Canterbury Association for founding a colony in New Zealand may be registered notwithstanding the non-issue of a Crown grant or conveyance of such land; provided that the position and boundaries of the land so dealt with appear to be accurately laid down upon some map of the Crown Lands Office of the district in which such land is situate, and that the map is marked with the sectional number or other designation by which it is intended to describe the land in the Crown grant or conveyance of the same.

Compare: 1868 No 51 s 16

12 Effect of such registration of instruments under last preceding section

Notwithstanding such non-issue as aforesaid, all instruments that have been or hereafter are registered shall have the same force and effect as between the parties to such instrument, and all persons claiming by, from, through, under, or in trust for them, but no further or otherwise, as if the Crown grants or conveyances last aforesaid had been duly issued prior to such registration.

Compare: 1868 No 51 s 17

13 Effect of issue of Crown grant on such registration

The issue of a Crown grant of land subsequent to the registration of any instrument relating to such land shall give and be deemed to have given to such instrument the like operation and effect as if such registration had taken place subsequent to the issue of the Crown grant.

Compare: 1868 No 51 s 18

14 Registration ineffectual unless made in proper office

- (1) Where any registration district has been duly constituted, no instrument affecting land included therein shall, if registered after the constitution thereof, be or be deemed to have been duly registered so far as relates to such land unless and until the same has been registered in the register for such district.

- (2) Notwithstanding any alteration of the boundaries of any registration district, every instrument duly registered before such alteration in the Register of Deeds for the original district shall be deemed to have been duly registered.

Compare: 1868 No 51 ss 58 and 59

15 Certified copies of registered instruments

- (1) A certified copy, verified by the seal of any Deeds Register Office as a copy of an instrument registered in such office, or as a copy of a recorded copy of any such registered instrument, may be registered in any other district wherein the original instrument might have been registered, and in the same manner as the original instrument might have been registered.
- (2) The registration of any such certified copy so verified as aforesaid shall, from the time or respective times of registration, have the same force and effect as if the original instrument had been in each case so registered.

Compare: 1868 No 51 ss 19 and 20

16 Powers of attorney

Every power of attorney by which any person is authorised to deal with land may be registered, with the accompanying affidavits and declarations (if any), by causing the same to be recorded in any Register Office.

Compare: 1868 No 51 s 23

17 Judgments, etc

Every judgment, decree, or order of the High Court, every entry of satisfaction of a judgment registered under this Act whereof satisfaction has been duly entered up in the office of the Registrar of the High Court, every suit pending in the High Court, every petition for the winding up of a company by the Court, every bankruptcy, and every private Act may, where the same respectively affect any land or the title to any land, be registered by causing a memorial thereof to be deposited and entry thereof to be made in the Deeds Register Office of the district wherein the land is situate.

Compare: 1868 No 51 s 24

The words "High Court" were substituted for the words "Supreme Court", as from 1 April 1980, pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

18 Memorials

- (1) The memorial of every "suit pending" shall express the date of the commencement thereof, the title of the action, the nature and object of the proceeding, and shall be certified by the Registrar of the High Court.
- (2) The memorial of every petition for the winding up of a company by the Court shall express the name of the petitioner, the name of the company, and the date of the presentation of the petition, and shall be certified by the Registrar of the High Court.

- (3) The memorial of every judgment, decree, or order whereby the title to any land is affected shall express the date thereof, the title of the action, and so much of the judgment, decree, or order as relates to the land affected thereby, and shall be certified by the Registrar of the High Court.
- (4) The memorial of every judgment, decree, or order for the recovery of a sum of money shall specify and contain such particulars as are required in that behalf by the provisions of the Code of Civil Procedure of the High Court relating to charging orders affecting land, so far as the same are applicable.
- (5) The memorial of the entry of satisfaction of any judgment registered under this Act shall set forth the names of the plaintiff and defendant, the time when such entry was so made, the amount of the judgment debt of which satisfaction has been so entered, and shall be certified by the signature of the officer authorised to make such entries.
- (6) The memorial of every bankruptcy shall express the name, place of abode, and condition or calling of the bankrupt, and the date on which he was adjudged bankrupt, and shall be certified by the signature of the proper officer of the adjudging Court.
- (7) The memorial of every private Act shall express the title, date, and number thereof.
- (8) Every memorial shall also describe the lands to which the same relates, by reference to the number of the section or other distinguishing number given or assigned in the register books to the parcel of land whereof such land constitutes the whole or a part, and by reference to the number (if any) assigned thereto in the book of consecutive numbers hereinafter mentioned.

Compare: 1868 No 51 ss 25-31

The words "High Court" were substituted for the words "Supreme Court", as from 1 April 1980, pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

19 Registration of copy of instrument

- (1) Where, on summary application in that behalf, it appears to the satisfaction of a Judge of the High Court that any will or other instrument affecting land cannot be produced for the purpose of being registered, but there is produced a copy of the will or instrument authenticated to the Judge's satisfaction, he may, by writing under his hand endorsed on the copy, authorise the same to be registered instead of the original will or instrument in like manner as the original will or instrument might have been registered.
- (2) In such case the registration of the copy shall have the same force and effect as if the original will or other instrument had then been registered.

Compare: 1868 No 51 s 32

The words "High Court" were substituted for the words "Supreme Court", as from 1 April 1980, pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

20 Instrument in Maori to have translation

Every instrument in the Maori language presented for registration shall be accompanied by a translation of the same into English, the correctness of which shall be certified to the satisfaction of the Registrar by some Interpreter licensed under the the Maori Affairs Act 1953, or other qualified person, and the translation shall be recorded as part of the original deed.

Compare: 1868 No 51 s 33

The Maori Affairs Act 1953 has been substituted for the repealed Native Land Court Act 1894.

Mode of registration

21 Book of primary entry

The Registrar shall prepare and keep a book of primary entry containing in consecutive order the registration number of every instrument registered in his office, the volume and page of the entry in the record book wherein the instrument is registered, and such other particulars and references as he thinks fit.

Compare: 1868 No 51 s 34

22 Note of presentation and entry in index book

- (1) On the presentation of any instrument for registration the Registrar shall number the instrument and make a note thereon of the day and hour of the receipt thereof, and stamp the same at the end of such note with the seal of the Registrar Office, and enter the same in the book of primary entry.
- (2) The foregoing duty of the Registrar shall be performed in the presence of the party presenting the instrument, if that party so requires.
- (3) The Registrar shall thereupon cause an entry of such instrument to be made in the index book under the proper head or title, specifying the day and hour of presentation and the nature of the instrument:

Provided that no such entry in the index book shall be made in respect of any power of attorney.

Compare: 1868 No 51 ss 35 and 36

23 How entry to be made

- (1) Every entry in the index book shall be made under a head or title indicating the allotment or allotments, or part or parts thereof, comprised in the land to which such entry refers.
- (2) All such entries shall be made in the order in which the instruments to which they refer are presented for registration.

Compare: 1868 No 51 ss 37 and 38

24 Mistake in entry

- (1) Where a mistake has been made in an entry in the index book the Registrar shall rectify the same by a new entry, in such form as may be convenient, specifying the day and hour of each correction.
- (2) The erroneous entry shall not be erased or obliterated.

Compare: 1868 No 51 s 39

25 Receipt for instrument

Every person by whom any instrument is brought or sent to the Register Office for the purpose of registration may require a receipt for the same, which receipt shall be stamped with the seal of the office, and shall specify the nature and number of the instrument and the day and hour when the same was received by the Registrar.

Compare: 1868 No 51 s 40

26 Instrument to have plan of land

Except where otherwise provided by this Act, or by regulations hereunder, every instrument presented for registration shall, for the purpose of more easily identifying the land to which it relates, have drawn in the margin thereof or endorsed thereon or annexed thereto a plan of that land, showing the extent, boundaries, and relative position thereof, and indicating also the sectional number assigned thereto:

Provided that such plan shall not be required in the case of a power of attorney, or of a memorandum under the Crown Proceedings Act 1950.

Compare: 1868 No 51 s 43

The Crown Proceedings Act 1950 has been substituted for the repealed Crown Suits Act 1908.

27 Exceptions to foregoing rule

Any deed or other instrument of disclaimer or of appointment of trustees may be registered, although such deed or instrument does not contain either a description of the land intended to be affected thereby or a plan of such land, provided the deed or will creating the trust has been registered and a memorandum in writing is endorsed or otherwise written upon such deed of disclaimer or appointment, setting forth the date, registration number, and date of registration of the original deed or will, and the names of the parties thereto, and such particulars of the land intended to be affected by the deed of disclaimer or appointment presented for registration as shall be sufficient for identifying the said land with the land comprised in the original deed or will.

Compare: 1868 No 51 s 44

28 Registration number of prior instrument to be endorsed

Except in the case of a power of attorney, or of a memorandum under the Crown Proceedings Act 1950, every instrument presented for registration shall

have endorsed thereon the registration number of the instrument last registered which assured, dealt with, or otherwise affected the same land or any part or parts thereof respectively:

Provided that if it be shown to the satisfaction of the Registrar that such last registered instrument is lost or inaccessible, the number of some other previously registered instrument (if any) relating to the said land or to some part thereof shall be endorsed as aforesaid; and in case all the previously registered instruments relating to the said lands are lost or inaccessible, and none of the numbers endorsed on them can be discovered, the Registrar may dispense with the said endorsement.

Compare: 1868 No 51 s 45

The Crown Proceedings Act 1950 has been substituted for the repealed Crown Suits Act 1908.

29 Order of registration

The order in which instruments shall be registered in every Deeds Registry Office shall be the order in which the same are received.

Compare: 1868 No 51 s 46

30 Instruments to be copied

- (1) All instruments excepting memorials shall be fairly copied into books provided for that purpose to be called “record books”.
- (2) An alphabetical index shall be kept as a means of reference to registered powers of attorney and memorials.

Compare: 1868 No 51 ss 41 and 42

31 Copies to be checked

Before any instrument that has been registered is returned to the person who presented the same for registration or who is authorised to receive the same, such person shall satisfy himself that the recorded copy thereof in the books of the office is correct, and shall sign his name at the foot or in the margin of such copy as an attestation of the correctness thereof.

Compare: 1868 No 51 s 47

32 Instrument affecting lands not delineated on plan

- (1) Where an instrument has been registered, and it afterwards appears to the satisfaction of the Registrar that the same relates to other land besides the land delineated on the deed or in any plan annexed thereto, a plan of such other land accompanied by a statutory declaration of some credible person may be registered in the Register of Deeds where such instrument was registered.
- (2) The Registrar shall thereupon make the appropriate entries in the index or title books relating to such other land, and shall cause the plan and declaration to be recorded, and the registration of the instrument shall take effect as against such other land from the time of the presentation of the plan.

- (3) The Registrar shall make upon the recorded copy of the instrument so registered as aforesaid a memorandum referring to the page or folio of the record book wherein the plan and declaration are recorded, and such other entries or references as he deems necessary or convenient.
- (4) The aforesaid declaration shall refer by the Registrar's number and date to the registered instrument, and shall state that, to the best of declarant's knowledge and belief, the lands described and delineated in the plan accompanying such declaration are affected by the aforesaid registered instrument.

Compare: 1868 No 51 s 48

33 Endorsement on Crown grant

Where, after registration of a Crown grant, an endorsement is made thereon certifying the date of payment of the purchase money for the land comprised in the grant, or the date at which the grantee became entitled to a grant of that land, or describing more correctly the boundaries thereof, such endorsement may be registered by a copy thereof being endorsed or otherwise noted on the recorded copy in the Register of Deeds wherein the grant was registered.

Compare: 1868 No 51 s 49

District Agents

34 Registration through District Agents

- (1) The Governor-General may from time to time appoint in and for each district fit and proper persons as District Agents, who may receive and transmit to the Registrar for registration any instruments the Registrar is required or empowered to register; and may also, on registration of any instrument, receive the same from the Registrar on behalf of the persons entitled to possession thereof.
- (2) Instruments forwarded for registration through a District Agent shall, as between themselves, be entitled to registration in the order in which they are lodged with the Agent; but, as against all other instruments, shall be entitled to priority according to the time of actual reception by the Registrar.
- (3) On the return of any instrument by the Registrar through a District Agent the provisions of section 31 hereof shall not apply, but in lieu thereof the Registrar shall attest the correctness of the recorded copy of the instrument.
- (4) The Governor-General in Council may prescribe fees to be taken under this section, and may make such regulations with regard to the matters aforesaid as may be necessary or expedient.

Compare: 1886 No 28 ss 3-6

Registration to give priority

35 Avoidance of unregistered deed or contract

Every deed or contract authorised by this Act to be registered as aforesaid shall, so far as regards any land to be affected thereby, be void as against any person claiming for valuable consideration under any subsequent deed or contract duly registered unless the earlier deed or contract was registered before the registration of the subsequent deed or contract.

Compare: 1868 No 51 s 50

36 Avoidance of will

Every will shall, so far as regards land to be affected thereby, be void as against any person claiming for valuable consideration under any deed or contract duly registered made after the death of the testator by his heir at law, or by any person claiming as his devisee or executor under a former will, or as his administrator either with a former will annexed or otherwise, or by any other person by whom such subsequent deed or contract might have been made if such will as first aforesaid had not been executed, unless such will as first aforesaid is registered before the registration of the subsequent deed or contract:

Provided that every will registered within 2 years after the death of the testator shall be as valid and effectual as if the same had been registered immediately after the death of such testator.

Compare: 1868 No 51 s 52

37 Avoidance of judgment, etc

Every judgment, decree, order, suit pending, petition for winding up a company by the Court, bankruptcy, and every private Act, shall, so far as regards any land to be affected thereby, be void and of no effect as against any person claiming for valuable consideration under a subsequent deed or contract duly registered, unless a memorial thereof is registered before the registration of the subsequent deed or contract.

Compare: 1868 No 51 s 53

38 Avoidance of lease not taking effect in possession

Every lease or agreement for a lease hereinbefore forbidden to be registered shall be void as against any person claiming for valuable consideration under a subsequent deed or contract duly registered so long as actual possession does not go along with such lease or agreement.

Compare: 1868 No 51 s 51

39 Registration not to avail against express notice

The priority given under the provisions hereinbefore contained to any person claiming for valuable consideration shall not avail if before the execution of the deed or contract under which he claims he had actual personal knowledge

affecting him with fraud or was served either personally or through his solicitor in the transaction with an express notice in writing of an earlier deed or contract, whether registered or not.

Compare: 1868 No 51 s 54

40 Volunteers protected in certain cases

(1) Every person who claims without valuable consideration through any other person who has claimed for valuable consideration shall be entitled to the same protection as the person through whom he so claims.

(2) *[Repealed]*

Compare: 1868 No 51 s 55

Subprov 2 was repealed, as from 1 January 1953, by section 155(2) Property Law Act 1952 (1952 No 51)

41 Avoidance of instrument deducing title through unregistered instrument

Every deed or contract, although duly registered, whereby title is derived or agreed to be derived from any person claiming under an unregistered deed or contract, shall be void as against any person claiming for valuable consideration under any subsequent deed or contract duly registered, whereby title is derived or agreed to be derived from any person claiming under a deed or contract duly registered.

Compare: 1868 No 51 s 57

Deposit of instruments

42 Powers of attorney

Every power of attorney, with the verifications (if any) of the due execution of the same, may be deposited at the Register Office for safe custody and reference.

Compare: 1868 No 51 s 60

43 Deposit to be a discharge from covenant to produce

(1) Where a covenant has been entered into, or is implied by law, to produce any instrument authorised by this Act to be registered, or any power of attorney, the person having possession of that instrument or power of attorney (whether he be the covenantor or implied covenantor or not) may deposit the same in the Register Office for safe custody and reference, and such deposit shall operate as a release and discharge from every express or implied covenant for production of the same.

(2) Any person on whom it may be incumbent to enter into a covenant for the production of any instrument authorised by this Act to be registered, or of any

power of attorney, may deposit the same at the Register Office for safe custody and reference in lieu of entering into a covenant for production.

Compare: 1868 No 51 ss 61 and 62

44 Deposited instrument to be numbered

- (1) Upon any instrument being deposited as aforesaid, the Registrar shall number the same and make a note thereon of the day and hour of the receipt thereof, and shall stamp the same at the end of such note with the seal of the Register Office.
- (2) All instruments deposited as aforesaid, including such as have been already deposited, shall be numbered consecutively from one upwards.
- (3) *[Repealed]*

Compare: 1868 No 51 s 63

The Stamp and Cheque Duties Act 1971 was substituted for the repealed Stamp Duties Act 1908.

Subsection (3) was repealed, as from 20 May 1999, by section 7 Stamp Duty Abolition Act 1999 (1999 No 61).

45 Instruments to be kept

The Registrar must ensure that all deposited instruments are indexed, marked with the date of deposit, and reasonably available for reference or copying within the custody of the Registrar.

Section 45 was substituted, as from 1 June 2002, by section 65(3) Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 (2002 No 11).

46 Receipt for deposited instrument

- (1) Every person by whom any instrument is deposited under the provisions of this Act may require a receipt for the same.
- (2) Such receipt shall be stamped with the seal of the Register Office, and shall specify the Registrar's number endorsed on the instrument, the date of such receipt, the date of the instrument deposited, and the names of the parties thereto.
- (3) Every such receipt, and also a copy of any such instrument certified under the seal of the Register Office, shall be admissible as evidence that the instrument to which the same has reference has been deposited in the Register Office in pursuance of this Act.

Compare: 1868 No 51 s 65

Alterations of boundaries of districts

47 Where boundaries of district altered, copy of original register to have same force and effect

- (1) Where by an alteration in the boundaries of any registration district any land formerly comprised therein becomes included in any other district, a copy of

the original register, so far as the same affects the land so included, shall be deposited by the Registrar in the register for that other district.

- (2) Such copy shall, for all the purposes of this Act, have the same force and effect as the original register, and shall, as regards the lands affected by the alteration of boundaries, be deemed to be the original register and be admissible in evidence as such.
- (3) For the purposes of this section **register** includes all registers, record books, indices, and books of reference required to be kept under this Act or by any regulations thereunder.

Compare: 1902 No 18 ss 2 and 3

Subsection (1) was amended, as from 1 June 2002, by section 65(3) Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 (2002 No 11), by substituting the words “in the register for that other district” for the words “of the first-mentioned district with the Registrar of such other district”.

Miscellaneous

48 **Production and evidence of registered instruments**

The Registrar shall from time to time, on the application in writing and at the cost of any person having or claiming any interest in any land,—

- (a) Produce all or any of the instruments of title relating to that land in his custody or possession for the purposes of registration, or deposited in his office for safe custody, at any trial or hearing in any Court in New Zealand, and upon the execution of any commission for the examination of witnesses, and before any arbitrators or umpire appointed under any Act or rule of Court, and otherwise as occasion requires:

Provided that all fees chargeable in respect of any such instrument, or in respect of the registration thereof or of the title to the land affected thereby, have been duly paid:

- (b) Deliver to the person applying for the same copies of or extracts from such instruments, and cause such copies or extracts to be examined and certified, and all such certified copies or extracts verified by the seal of the Deeds Register Office shall be admissible as secondary evidence.

Compare: 1868 No 51 s 66

Section 48 was amended, as from 1 June 2002, by section 65(3) Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 (2002 No 11), by substituting the words “The Registrar” for the words “Every Registrar of Deeds”.

49 **Registrar not bound to produce register without Judge’s order**

Notwithstanding anything in the last preceding section, it is hereby declared that the Registrar is not bound to produce in any Court of law or elsewhere than in the Deeds Registry for the district any register or other document in his custody as Registrar for the purposes of this Act, or to attend before any Court

or elsewhere to give evidence as such Registrar, except by order of a Judge of the High Court, which order shall not be made unless such Judge is satisfied that such attendance or production is necessary, and that the required evidence cannot be given by certified copy of such register or instrument.

Compare: 1889 No 29 s 7

The words "High Court" were substituted for the words "Supreme Court", as from 1 April 1980, pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

Section 49 was amended, as from 1 June 2002, by section 65(3) Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 (2002 No 11), by substituting the words "the Registrar is not" for the words "no Registrar of Deeds shall be".

Section 49 was amended, as from 1 June 2002, by section 65(3) Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 (2002 No 11), by substituting the words "custody as Registrar for the purposes of this Act" for the words "custody as such Registrar".

50 Copies of or extracts from instruments

- (1) The Registrar shall supply copies of or extracts from any index or title book which by this Act he is required to keep, or copies of or extracts from any instrument that has been recorded or deposited, or any memorial that has been deposited, to any person entitled to the same, and such person shall have liberty to examine the index, recorded copy, instrument, or memorial for the purpose of satisfying himself of the correctness of the copy or extract so supplied.
- (2) *[Repealed]*
- (3) *[Repealed]*
- (4) Every copy or extract so supplied as aforesaid shall have written or endorsed thereon a certificate under the seal of the office, stating that such copy or extract is an examined copy of or extract from such index or recorded copy, or deposited memorial or other instrument as aforesaid.
- (5) Every copy or extract so verified shall be admissible as secondary evidence of the contents of the instrument or entry of or from which it purports to be a copy or extract.

Compare: 1868 No 51 ss 67-70

Subprov 2 was repealed, as from 1 April 1987, by section 25(1) Official Information Amendment Act 1987 (1987 No 8)

Subprov 3 was repealed, as from 1 April 1987, by section 25(1) Official Information Amendment Act 1987 (1987 No 8)

51 Registration, when compulsory

Any person having an interest in land through or under any instrument hereby authorised to be registered may require any person having possession thereof to cause the same to be registered, and, if he refuses so to do, any Judge of the High Court may on a summary application make such order respecting the registration of such instrument and the costs thereof as he thinks fit.

Compare: 1868 No 51 s 71

The words “High Court” were substituted for the words “Supreme Court”, as from 1 April 1980, pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

52 Fees on registration

- (1) The Registrar shall be entitled to receive the fees specified in Schedule 2 hereto, or such fees as may from time to time be payable in lieu thereof under any regulations made by the Registrar-General under this Act.
- (2) All fees shall be paid in advance.
- (3) All fees received under the authority of this Act shall be paid into the Public Account and form part of the Crown Bank Account.

Compare: 1868 No 51 ss 72 and 77

The words “Consolidated Revenue Account” were substituted, as from 1 April 1964, for the words “Consolidated Fund” pursuant to section 4(4) Public Revenues Amendment Act 1963 (1963 No 46).

These words were in turn substituted, as from 1 April 1978, by section 114(6) Public Finance Act 1977 (1977 No 65) by the words “Consolidated Account”.

These words were further substituted, as from 1 July 1989, by section 83(1) Public Finance Act 1989 (1989 No 44) by the words “Crown Bank Account”.

Subsection (1) was amended, as from 1 June 2002, by section 65(3) Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 (2002 No 11), by substituting the word “The” for the word “Every”.

53 Regulations

- (1) The Registrar may from time to time make regulations—
 - (a) For numbering, endorsing, arranging, and distinguishing the instruments presented for registration, and for the entry of convenient references in and to the same:
 - (b) For making, arranging, and preserving indexes and other books of reference, and specifying the particulars to be entered therein:
 - (c) For identifying and delineating lands intended to be affected by instruments presented for registration:
 - (d) For making, arranging, and preserving maps or plans of land referred to in registered instruments, and for distinguishing sections and allotments on such maps or plans:
 - (e) For indicating and distinguishing subdivisions of sections and allotments:
 - (f) Concerning the deposit of instruments for safe custody:
 - (g) Declaring the fees payable in respect of instruments deposited, whether for safe custody or for registration, under this Act, and prescribing the manner of collecting any such fees:
 - (h) Altering the scale of fees given in Schedule 2 hereto, and prescribing new and other fees to be paid under this Act, and the matters in respect whereof they shall be paid:

- (i) Concerning the return and delivery of such instruments to the proper parties:
 - (j) Generally for keeping the registers and controlling the manner of registration and safe custody of instruments, and the practice and procedure of the Register Offices, and otherwise providing for the due execution of any law for the time being in force relating to the registration and safe custody of instruments.
- (2) Any such regulations may apply either to all registration districts or to some one or more of such districts only.
 - (3) All such regulations shall be submitted to the Governor-General in Council for his approval, and, if approved by him, shall be published in the *Gazette*, and shall have the force of law from the date of such publication.
 - (4) *[Repealed]*
 - (5) A table of fees payable under this Act shall be hung up in some conspicuous place in every Deeds Register Office.

Compare: 1868 No 51 ss 73, 75, and 76

Subsection (1) was amended, as from 1 June 2002, by section 65(3) Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 (2002 No 11), by substituting the word “Registrar” for the words “Registrar-General of Land”.

Subsection (4) was repealed, as from 19 December 1989, by section 11 Regulations (Disallowance) Act 1989 (1989 No 143).

54 Practice of Deeds Register Offices

The Registrar may make rules regulating the practice of Deeds Register Offices, but the rules must not be inconsistent with the provisions of this Act.

Section 54 was substituted, as from 1 June 2002, by section 65(3) Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 (2002 No 11).

Schedule 1
Enactments consolidated

Section 1(2)

- 1868, No 51— The Deeds Registration Act 1868.
- 1886, No 28— The Deeds and Instruments Registration Act 1886: So far as applicable.
- 1889, No 29— The Land Transfer Act 1885 Amendment Act 1889: Section 7, so far as applicable.
- 1902, No 18— The Land and Deeds Registration Districts Act 1902: So far as applicable.

Schedule 2 Scale of fees

| | Sections 52 and 53 |
|--|--------------------|
| | \$ |
| For the registration of any instrument | 1.00 |
| For the recording and comparing thereof, for every folio of 72 words | 0.05 |
| For every section or part of section, allotment, or part of allotment contained in any map or plan delineated on or annexed to any instrument presented for registration (exclusive of sections or allotments unaffected by the instrument but necessarily delineated to show the boundaries of the land dealt with by the instrument) | 0.10 |
| For every copy of or extract from any recorded or deposited instrument, or memorial— | |
| For every folio of 72 words therein | 0.05 |
| For every section or allotment or part of a section or allotment delineated thereon | 0.10 |
| For every copy of or extract from the general index, for every line | 0.05 |
| For every search or inspection of indexes or recorded or deposited instruments, for each individual property, section, or allotment in respect of which search or inspection is made | 0.10 |
| For every certificate under seal verifying a copy of or extract from any recorded or deposited instrument, in addition to the fee per folio for copying | 0.50 |
| On the deposit of any instrument for safe custody | 1.00 |
| For every attendance to produce any instrument under section 48 of this Act, for each day or part of a day's attendance | 2.10 |
| For the registration of any map or plan accompanied by a statutory declaration | 1.00 |
| For recording, per folio of 72 words | 0.05 |
| For every section or part of a section delineated | 0.10 |
| For recording any instrument in the Maori language, and for any copy of the recorded copy thereof, per folio of 72 words | 0.10 |
| For recording the translation of any instrument in the Maori language, per folio of 72 words | 0.05 |

All references to decimal currency were substituted for references to the former currency, as from 10 July 1967, pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Eprint notes**1 *General***

This is an eprint of the Deeds Registration Act 1908 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*

Land Transfer Act 2017 (2017 No 30): section 250