

Property Law Amendment Act 1927

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An Act to amend the Property Law Act, 1908.

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

1 Short Title.

This Act may be cited as the Property Law Amendment Act, 1927, and shall be read together with and deemed part of the Property Law Act, 1908 (hereinafter referred to as the principal Act).

2 Interpretation.

In this Act—

“Duly registered” means registered in the manner provided by the Deeds Registration Act, 1908, where the title to the lands affected is not under the Land Transfer Act, 1915; and means registered in the manner provided by the Land Transfer Act, 1915, where the title to the lands affected is under that Act.

3 Conditions precedent to lawful grant of rights of access of light or air.

A grant of the right of access of light or air made at any time after the commencement of this Act may be enforced if such grant—

- (a) Is made by deed, or by an instrument in an appropriate form provided by the Land Transfer Act, 1915, as the case may require:
- (b) Is duly registered within twelve months from the date of the execution thereof by the grantor:
- (c) Limits and defines accurately the area or parcel of land on, to, or over which the uninterrupted access of light or air, or light and air, is intended to be provided for.

4 Effect of grants.

- (1) Every such grant shall, if duly registered within the period defined in the last preceding section, confer upon the owner for the time being of the dominant tenement such rights as may be therein defined in respect of the access of light or air, or light and air; and such rights shall enure, unless otherwise provided, notwithstanding that any buildings erected upon the dominant tenement may be altered or destroyed and replaced by other buildings.
- (2) The erection of buildings of any height not encroaching upon the area limited and defined as aforesaid shall not be deemed to be an infringement of the right or a derogation from the grant.

5 Consequential repeal.

The three last preceding sections of this Act are in substitution for the second proviso to section one hundred and thirteen of the principal Act, and that proviso is hereby consequentially repealed, but shall, notwithstanding its repeal, continue to apply with respect to grants made before the passing of this Act.

6 Presumption of survivorship with respect to claims to property.

15 Geo. V, c. 20, s. 184

In all cases where, after the passing of this Act, two or more persons have died in circumstances rendering it uncertain which of them survived the other or others, such deaths shall (subject to any order of the Court), for all purposes affecting the title to property, be presumed to have occurred in order of seniority, and accordingly the younger shall be deemed to have survived the elder.

7 Mortgages Final Extension Act, 1924, repealed.

Whereas by the Mortgages Final Extension Act, 1924, provision was made whereby the term of any mortgage to which that Act applied could, by means of an extension order made by the Supreme Court, or in certain cases by a Stipendiary Magistrate, be extended to a date not later than the thirty-first day of March, nineteen hundred and twenty-seven: And whereas all extension orders made under the authority of the said Act have now expired, and it is desirable that the said Act should be repealed: Be it therefore enacted as follows:—

The Mortgages Final Extension Act, 1924, is hereby repealed.

8 Section 75 of principal Act amended.

Section seventy-five of the principal Act is hereby amended by adding, after the words “is absent from New Zealand” in subsection one, the words “or is dead.”