

**Reprint
as at 12 November 2018**

Statutory Land Charges Registration Act 1928

Public Act 1928 No 18
Date of assent 2 October 1928

Statutory Land Charges Registration Act 1928: repealed, on 12 November 2018, by section 248(2) of the Land Transfer Act 2017 (2017 No 30).

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An Act to provide for the registration of statutory charges on land

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.

1 Short title

This Act may be cited as the Statutory Land Charges Registration Act 1928.

2 Interpretation

In this Act, unless the context otherwise requires,—

land has the same meaning as in the Land Transfer Act 1952 and includes a mining residence site

mining residence site means any residence site in respect of which there exists a licence granted under the Mining Act 1926 or under any former Mining Act; and includes any land in respect of which there exists a lease granted under section 45 or section 47 of the Mining Act 1926 or under the corresponding provisions of any former Mining Act

purchaser means any person (including a mortgagee or lessee) who, for valuable consideration, takes any interest in land or in a charge on land; and **purchase** has a corresponding meaning

registered, in relation to any mining residence site which is not registered under the Land Transfer Act 1952, means registered in the office of a Mining Registrar, and, in relation to any other land, means registered under the Land Transfer Act 1952 or under the Deeds Registration Act 1908; and **register** and **registration** have meanings corresponding to the meaning of the term **registered**

Registrar, in relation to any mining residence site which is not registered under the Land Transfer Act 1952, means the Mining Registrar in whose office the licence or lease is registered; and, in relation to any other land, means the District Land Registrar or the Registrar of Deeds for the district in which the land is situated.

Section 2 **land**: amended, on 22 October 1959, by section 2(1) of the Statutory Land Charges Registration Amendment Act 1959 (1959 No 82).

Section 2 **land**: amended, on 1 January 1953, pursuant to section 245(1) of the Land Transfer Act 1952 (1952 No 52).

Section 2 **mining residence site**: inserted, on 22 October 1959, by section 2(2) of the Statutory Land Charges Registration Amendment Act 1959 (1959 No 82).

Section 2 **registered**: replaced, on 22 October 1959, by section 2(3) of the Statutory Land Charges Registration Amendment Act 1959 (1959 No 82).

Section 2 **Registrar**: replaced, on 22 October 1959, by section 2(3) of the Statutory Land Charges Registration Amendment Act 1959 (1959 No 82).

3 Exemptions from application of Act

- (1) Nothing in this Act shall apply to any charge in respect of unpaid land tax created by or arising under the Land Tax Act 1976.
- (2) Nothing in this Act shall apply to—

- (a) *[Repealed]*
 - (b) *[Repealed]*
 - (c) charges created by or arising under the provisions of section 2 of the Coal Mines Amendment Act 1927:
 - (d) any charge against Maori land the title to which is not at the time of the creation of the charge on the register or the provisional register under the Land Transfer Act 1952.
- (3) No rate assessed by any local authority or other body having rating powers shall be deemed to be a charge on land within the meaning or for the purposes of this Act.

Section 3(1): amended, on 1 April 1977, pursuant to section 81(1) of the Land Tax Act 1976 (1976 No 64).

Section 3(2)(a): repealed, on 1 April 2002, by section 337(1) of the Injury Prevention, Rehabilitation, and Compensation Act 2001 (2001 No 49).

Section 3(2)(b): repealed, on 1 April 1973, by section 247(1) of the Mining Act 1971 (1971 No 25).

Section 3(2)(d): amended, on 1 January 1953, pursuant to section 245(1) of the Land Transfer Act 1952 (1952 No 52).

Section 3(2)(d): amended, on 27 November 1947, by section 2(2) of the Maori Purposes Act 1947 (1947 No 59).

Section 3(3): amended, on 1 July 2003, by section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

4 Charges to which Act applies

- (1) Except as provided in the last preceding section this Act shall apply to all charges on land created or arising (whether before or after the commencement of this Act) by virtue of the operation of any enactment now in force or that may hereafter be in force.
- (2) The provisions of this Act shall apply notwithstanding anything to the contrary in any enactment under which a charge is created or arises.

5 Land charges to be registered

- (1) Every charge to which this Act applies shall so far as regards any land affected thereby be void as against a purchaser under any deed, contract, or instrument which, being executed after the creation of the charge, is duly registered before the registration of such charge:

provided that any such charge that is in existence at the time of the passing of this Act shall not by virtue of this section be prejudicially affected by any purchase if such charge is registered on or before 1 January 1930:

provided further that any such charge created or arising after the passing of this Act and before 1 January 1929, shall not by virtue of this section be prejudicially affected by any purchase if such charge is registered on or before the last-mentioned date.

- (2) A contract relating to land the title to which is under the provisions of the Land Transfer Act 1952 shall for the purposes of this Act be deemed to be duly registered if a caveat protecting such contract shall have been duly entered upon the title and shall not have been removed therefrom.

Section 5(1): amended, on 25 October 1930, by section 2 of the Statutory Land Charges Registration Amendment Act 1930 (1930 No 23).

Section 5(2): amended, on 1 January 1953, pursuant to section 245(1) of the Land Transfer Act 1952 (1952 No 52).

6 Mode of effecting registration

- (1) Registration of charges may be effected under this Act by depositing with the Registrar a notice in the form No 1 in the Schedule.
- (2) On receipt of a notice under the last preceding subsection the Registrar shall register the charge.
- (3) Notice of a charge to be given under this section may be signed on behalf of any corporation entitled to the benefit of such charge by the chairman or the secretary, clerk, or other responsible officer of the governing body of such corporation.
- (4) The fee payable for the registration of the charge shall be deemed to be an addition to the amount of the charge, and shall be recoverable accordingly by the person paying the same from the person liable for the satisfaction of the charge.

Section 6(2): amended, on 8 December 1971, by section 2(a) of the Statutory Land Charges Registration Amendment Act 1971 (1971 No 133).

Section 6(2): amended, on 22 October 1959, by section 2(4) of the Statutory Land Charges Registration Amendment Act 1959 (1959 No 82).

Section 6(4): amended, on 8 December 1971, by section 2(b) of the Statutory Land Charges Registration Amendment Act 1971 (1971 No 133).

7 Release of registered charge

- (1) Upon the production of a certificate in form No 2 in the Schedule to this Act, signed by the person or authority entitled to the benefit of the charge, releasing the land from the whole or part of the charge, or releasing any part of the land from the whole or any part of the charge, the Registrar shall make an entry in the register and (where necessary) on the outstanding instrument of title, noting that the charge is released wholly or partially.
- (2) In the case of a charge registered for the benefit of a corporation, a certificate under this section may be signed on behalf of such corporation by the chairman or the secretary, clerk, or other responsible officer of the governing body of the corporation.
- (3) If it appears to the Registrar that any charge registered under this Act has been wholly or partially satisfied, and that for any reason it is impossible or impracticable to obtain a certificate to that effect as required by the foregoing provisions of this section, the Registrar may, on application in writing by any pro-

prietor of the land affected by the charge, cause a release or partial release of the charge to be registered.

Section 7: replaced, on 13 January 1981, by section 2 of the Statutory Land Charges Registration Amendment Act 1980 (1980 No 143).

8 Saving of existing provisions as to registration

Where provision for the registration of any charge is made by the Act by virtue of which such charge is created or arises, or is made by any Act other than this Act, the provisions of such other Act as to registration, including any provisions thereof as to the payment of fees or as to exemption from the payment of fees, or as to the cancellation of registration, shall continue in force, and compliance therewith shall be deemed to be sufficient compliance with the provisions of this Act.

9 Instruments required for purposes of this Act not liable to stamp duty

[Repealed]

Section 9: replaced, on 1 January 1972, by section 101(1) of the Stamp and Cheque Duties Act 1971 (1971 No 51).

10 Application to Crown

The provisions of this Act shall bind the Crown, but nothing in this Act shall be construed as rendering land owned by or occupied for the purposes of the Crown subject to any charge to which independently of this Act it would not be subject.

11 Protection of Registrar

- (1) The Registrar shall not be concerned to inquire as to the truth of the statements contained in any notice of charge deposited for registration under this Act, or in any certificate of satisfaction presented for the release of any such charge; and no action shall lie against the Crown or against the Registrar or any other person on behalf of the Crown in respect of any such registration or release.
- (2) No person shall have any claim against the Land Assurance Fund by reason of any omission, mistake, or misfeasance of any person other than the Registrar, his officers or clerks, in relation to the registration or release of a charge under this Act.

12 Regulations

The Governor-General may from time to time by Order in Council make all such regulations as may in his opinion be necessary for the purpose of giving full effect to this Act.

Schedule

Section 6(1)

Form No 1

NOTICE OF STATUTORY LAND CHARGE

To the District Land Registrar,

[or Registrar of Deeds, or Mining Registrar,]

..... Land Registration District.

[or Deeds Registration District or Mining District.]

TAKE notice that the land hereinafter described is subject to a charge for [Specify amount of charge] on account of [Here specify the nature of the charge and the authority under which it arises or has been created], and that you are hereby directed and required to register the same pursuant to the Statutory Land Charges Registration Act 1928.

DESCRIPTION OF LAND AFFECTED BY CHARGE

Name of proprietor:

Situation:

Area:

Description by reference to Section number, etc:

[If under Land Transfer Act] Reference to Certificate of Title:

Vol ; Fol .

Dated at , this day of , 19 .

.....

.....

[Name and description of applicant.]

NOTE—A plan of the land affected must be endorsed if the land is not under the Land Transfer Act, or, where the land is under that Act, if portion only of the land included in a certificate of title is affected by the charge.

Schedule form No 1: amended, on 22 October 1959, by section 2(5)(a) of the Statutory Land Charges Registration Amendment Act 1959 (1959 No 82).

Schedule form No 1: amended, on 22 October 1959, by section 2(5)(b) of the Statutory Land Charges Registration Amendment Act 1959 (1959 No 82).

Eprint notes**1 *General***

This is an eprint of the Statutory Land Charges Registration Act 1928 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 248(2)