

**Reprint
as at 26 April 2005**



**Property (Relationships) Forms
Regulations 2001**
(SR 2001/379)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 10th day of December 2001

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 53 of the Property (Relationships) Act 1976, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Justice.

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Regulations

- 1 Title**

These regulations are the Property (Relationships) Forms Regulations 2001.
- 2 Commencement**

These regulations come into force on 1 February 2002.
- 3 Interpretation**

In these regulations,—

Act means the Property (Relationships) Act 1976

option A means the option set out in section 61(2) of the Act (that is, to elect to make an application under the Act for a division of the relationship property)

option B means the option set out in section 61(3) of the Act (that is,—

 - (a) to elect not to make an application under the Act for a division of the relationship property; and
 - (b) if the surviving spouse, civil union partner, or de facto partner is a beneficiary under the will of the deceased spouse, civil union partner, or de facto partner, to receive that property; and

- (c) if the surviving spouse, civil union partner, or de facto partner is entitled to a beneficial interest on the intestacy or partial intestacy of the deceased spouse, civil union partner, or de facto partner, to receive that interest).

Regulation 3 **option B** paragraph (b): amended, on 26 April 2005, by section 9 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 3 **option B** paragraph (c): amended, on 26 April 2005, by section 9 of the Relationships (Statutory References) Act 2005 (2005 No 3).

4 Form of notice of claim to interest, under Act, in certain land

A notice of a claim, under section 42(1) of the Act, to an interest, under the Act, in land subject to the Land Transfer Act 1952, must be in the form set out in Schedule 1.

5 Form of notice of choice of option A or option B by surviving spouse, civil union partner, or de facto partner

A written notice indicating a choice by a surviving spouse, civil union partner, or de facto partner, under section 61 of the Act, of option A or option B, must be in the form set out in Schedule 2.

Regulation 5 heading: amended, on 26 April 2005, by section 10 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 5: amended, on 26 April 2005, by section 10 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 1

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**Notice of claim to interest, under Act, in
certain land***Section 42(2), Property (Relationships) Act 1976*Schedule 1: substituted, on 26 April 2005, by section 11 of the Relationships (Statutory
References) Act 2005 (2005 No 3).Notice of claim, under section 42(1) of the
Property (Relationships) Act 1976, to an interest
in certain land

To the Registrar

..... Land Registration District

Take notice that—

- 1 I, [*claimant*], of [*address*], [*occupation*], am the spouse, civil union partner, or de facto partner of [*spouse, civil union partner, or de facto partner*], of [*address*], [*occupation*], who is—
*registered as a proprietor of [*nature of estate or interest*] in the land described below.
*entitled to, or beneficially interested [*nature of estate or interest under Land Transfer Act 1952*] in, the land described below, by virtue of an unregistered agreement or other instrument or transmission, or an express or implied trust, or by virtue of some other circumstances.
- *2 My marriage to [*spouse*] took place on [*date*] at [*place*].
- or**
- *2 I entered into a civil union with [*civil union partner*] on [*date*] at [*place*].
- or**
- *2 I have been (*or* I am) in a de facto relationship with [*de facto partner*]. The relationship lasted (*or* has to date lasted) for [*duration*].
- 3 Under the Property (Relationships) Act 1976, I claim an interest in that estate or interest by virtue of my marriage to [*spouse*] (*or* my civil union with [*civil union partner*] *or* my de facto relationship with [*de facto partner*]).

4 I designate [*address*] as the place where notices relating to this notice of claim may be served.

* Delete if inapplicable.

Date: [*date*]

Signed by [*name*], the [*claimant or claimant's agent or attorney*]:

.....
Signature of [*claimant or
claimant's agent or attorney*]

In the presence of:

Signature of [*witness*]
[*full name of witness*]
[*address*]
[*occupation*]

Description of land

[*describe land*]

Schedule 2

r 5

**Notice of choice of option A or option B
by surviving spouse, civil union partner,
or de facto partner**Section 65(2)(a), *Property (Relationships) Act 1976*

Schedule 2: substituted, on 26 April 2005, by section 11 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Notice of choice of option by surviving spouse,
civil union partner, or de facto partner, under
section 61 of the Property (Relationships) Act
1976**Take notice that—**

1 I, [name], of [address], [occupation], am the spouse, civil union partner, or de facto partner of [spouse, civil union partner, or de facto partner], who died on [date] and, at that time, resided at [address].

*2 My marriage to [spouse] took place on [date] at [place].

or

*2 I entered into a civil union with [civil union partner] on [date] at [place].

or

*2 My de facto relationship with [de facto partner] lasted for [duration].

3 Under section 61 of the Property (Relationships) Act 1976, I choose—

*option A—to elect to make an application under that Act for a division of the relationship property.

or

*option B—

- to elect *not* to make an application under that Act for a division of the relationship property; and
- to receive—

- any property to which I am entitled as a beneficiary under the will of [*spouse, civil union partner, or de facto partner*]; and
- any beneficial interest to which I am entitled on his or her intestacy or partial intestacy.

4 Communications with me on matters arising from this notice may be sent to [*address*].

*Delete if inapplicable.

.....
Signature of [*name*]

.....
Date

Certificate [*either to be included in notice, or to accompany it*]

I, [*lawyer*], of [*address*], lawyer, certify here that I have explained to [*name*] the effect and implications of this notice.

.....
Signature of [*lawyer*]

.....
Date

Heading [*insert at top, but only if the notice is, under section 65(2)(c) of the Act, to be lodged in a registry of the High Court*]

In the High Court
of New Zealand
[*place*] Registry

P No

In the matter of section 61 of the Property (Relationships) Act 1976 and in the estate of [*spouse, civil union partner, or de facto partner*] of [*place*], [*occupation*], deceased.

Notes

- If given by a minor, this notice has effect as if the minor were of full age (*see* section 65(3) of the Act).
- Under section 65(4) of the Act, a choice of option is effective when a notice indicating the choice is lodged in accordance with section 65(2)(c) of the Act, either by lodging the notice with the administrator of the estate or, if the administration of the estate has not been granted in New Zealand, in the registry of the High Court in which an application for a grant of administration of that estate would, under the High Court Rules, be required to be filed.
- Once a surviving spouse, civil union partner, or de facto partner has chosen option A or option B, that choice cannot be revoked.
- However, under section 69 of the Act, the court may, if satisfied of the matters stated in section 69(2) of the Act, set aside a choice of option A or option B, on an application made by the surviving spouse, civil union partner, or de facto partner before the final distribution of the estate of the deceased spouse, civil union partner, or de facto partner.

Marie Shroff,
Clerk of the Executive Council.

Reprinted as at
26 April 2005

**Property (Relationships) Forms
Regulations 2001**

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 13 December 2001.

Contents

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Notes**1 General**

This is a reprint of the Property (Relationships) Forms Regulations 2001. The reprint incorporates all the amendments to the regulations as at 26 April 2005, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions,

see <http://www.pco.parliament.govt.nz/editorial-conventions/>
or Part 8 of the *Tables of New Zealand Acts and Ordinances
and Statutory Regulations and Deemed Regulations in Force*.

**4 *Changes made under section 17C of the Acts and
Regulations Publication Act 1989***

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)

- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Relationships (Statutory References) Act 2005 (2005 No 3): sections 9, 10, 11
