

Version
as at 1 February 2022



Cadastral Survey (Fees) Regulations 2003 (SR 2003/123)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 26th day of May 2003

Present:

Her Excellency the Governor-General in Council

Pursuant to section 48 of the Cadastral Survey Act 2002, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by Land Information New Zealand.

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Regulations

1 Title

These regulations are the Cadastral Survey (Fees) Regulations 2003.

2 Commencement

These regulations come into force on 1 July 2003.

3 Interpretation

- (1) In these regulations, unless the context requires another meaning,—

Act means the Cadastral Survey Act 2002

survey information means non-boundary marks and related vectors.

- (2) A term or expression that is defined in rules made under section 49 of the Act and used in these regulations, but not defined in the Act or these regulations, has the meaning given by the rules.

Regulation 3: substituted, on 1 July 2010, by regulation 4 of the Cadastral Survey (Fees) Amendment Regulations 2010 (SR 2010/109).

3A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

Regulation 3A: inserted, on 1 February 2022, by regulation 4 of the Cadastral Survey (Fees) Amendment Regulations 2021 (LI 2021/276).

4 Fees

- (1) The fees specified in Schedule 2 are payable for—

- (a) determining under section 9(a) of the Act whether cadastral survey datasets and cadastral surveys comply with standards set under section 49 of the Act; and
- (aa) integrating new cadastral surveys into the cadastre under section 9(d) of the Act; and
- (b) auditing compliance with those standards where the standards provide for the production of records or information for the purposes of section 7(1)(j) of the Act.

- (2) The chief executive may permit a person to pay fees in accordance with a credit arrangement.

- (3) A party to a credit arrangement who fails to pay a fee in accordance with the arrangement is liable to pay interest on the fee—
 - (a) calculated in accordance with Schedule 2 of the Interest on Money Claims Act 2016; and
 - (b) from the date on which the fee should have been paid to the date on which it is paid.
- (4) If there is no credit arrangement, a fee in respect of a requested matter is payable before the request is met.
- (5) The fees specified in Schedule 2 include components of both operational processing costs and costs of provision and maintenance of associated facilities, including electronic facilities.

Regulation 4(1): amended, on 1 February 2022, by regulation 5(1) of the Cadastral Survey (Fees) Amendment Regulations 2021 (LI 2021/276).

Regulation 4(1)(aa): inserted, on 1 July 2010, by regulation 5 of the Cadastral Survey (Fees) Amendment Regulations 2010 (SR 2010/109).

Regulation 4(3)(a): replaced, on 1 January 2018, by section 29 of the Interest on Money Claims Act 2016 (2016 No 51).

Regulation 4(5): inserted, on 1 February 2022, by regulation 5(2) of the Cadastral Survey (Fees) Amendment Regulations 2021 (LI 2021/276).

5 Refund or waiver of fees

The chief executive may authorise the refund or waiver of a fee, or part of a fee, payable under these regulations—

- (a) if the fee is payable during, and in relation to, the introduction of a new system or change to the system for processing matters in respect of which fees are payable under these regulations; or
- (b) if the cost of the work involved in a particular case is substantially lower than the fee payable in that case; or
- (c) to encourage the lodgement of digital cadastral survey datasets; or
- (d) to recognise any over-recovery of fees in previous financial years.

Regulation 5: amended, on 5 July 2004, by regulation 3(1) of the Cadastral Survey (Fees) Amendment Regulations 2004 (SR 2004/159).

Regulation 5(c): added, on 5 July 2004, by regulation 3(2) of the Cadastral Survey (Fees) Amendment Regulations 2004 (SR 2004/159).

Regulation 5(d): added, on 5 July 2004, by regulation 3(2) of the Cadastral Survey (Fees) Amendment Regulations 2004 (SR 2004/159).

6 Fees inclusive of GST

The fees prescribed or fixed by these regulations are inclusive of goods and services tax.

7 Revocation

The Cadastral Survey (Fees) Regulations 2002 (SR 2002/217) are revoked.

Schedule 1

Transitional, savings, and related provisions

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Schedule 1: inserted, on 1 February 2022, by regulation 6 of the Cadastral Survey (Fees) Amendment Regulations 2021 (LI 2021/276).

Part 1

Provisions relating to Cadastral Survey (Fees) Amendment Regulations 2021

Schedule 1 Part 1: inserted, on 1 February 2022, by regulation 6 of the Cadastral Survey (Fees) Amendment Regulations 2021 (LI 2021/276).

1 Fee for cadastral survey dataset that places boundary mark and does not create parcel payable until 25 February 2022

The fee payable under these regulations immediately before 1 February 2022 for a cadastral survey dataset that places a boundary mark and does not create a parcel continues to be payable until 25 February 2022 as if the Cadastral Survey (Fees) Amendment Regulations 2021 had not been made.

Schedule 1 clause 1: inserted, on 1 February 2022, by regulation 6 of the Cadastral Survey (Fees) Amendment Regulations 2021 (LI 2021/276).

Schedule 2

Fees

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Schedule 2: replaced, on 1 February 2022, by regulation 7 of the Cadastral Survey (Fees) Amendment Regulations 2021 (LI 2021/276).

Schedule 2 schedule number: inserted, on 1 February 2022, by regulation 7 of the Cadastral Survey (Fees) Amendment Regulations 2021 (LI 2021/276).

Part 1

Determining compliance with standards and integrating new cadastral surveys into cadastre

For determining compliance with standards and for integration into cadastre under section 9(a) and (d) of Act		Fee (\$)
1	Cadastral survey dataset with survey information (including for a unit title development) that creates 1 or more parcels	850
2	Cadastral survey dataset without survey information (other than for a unit title development) that creates 1 or more parcels	550
3	Cadastral survey dataset without survey information for a unit title development	310
4	Cadastral survey dataset for a cross-lease	230
5	Cadastral survey dataset for a simple boundary reinstatement survey	105
6	Cadastral survey dataset for a complex boundary reinstatement survey	850
7	Cadastral survey dataset of survey information that does not place a boundary mark or create a parcel	No fee
8	Each parcel that is—	100
	(a) a primary parcel (other than a balance or residue parcel); or	
	(b) a parcel for a lease that is not defined by permanent structure boundaries	
9	Each non-primary parcel (other than a parcel for a lease) not defined by permanent structure boundaries	60
10	Each non-primary parcel (other than a parcel for a cross-lease) defined by permanent structure boundaries	75

Part 2

Auditing compliance with standards

	Fee (\$)
For subsequent auditing (under section 7(1)(j) of the Act) of compliance with standards set under section 49 of the Act after an initial audit has found non-compliance	161 per hour or part of an hour

Martin Bell,
Acting for Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 29 May 2003.

Notes

1 *General*

This is a consolidation of the Cadastral Survey (Fees) Regulations 2003 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Cadastral Survey (Fees) Amendment Regulations 2021 (LI 2021/276)
Interest on Money Claims Act 2016 (2016 No 51): section 29
Cadastral Survey (Fees) Amendment Regulations 2010 (SR 2010/109)
Cadastral Survey (Fees) Amendment Regulations 2004 (SR 2004/159)