

**From:** Robert Muir

**Sent:** Thursday, 4 October 2018 9:58 a.m.

**To:** 'Brent George' <[sec@ics.org.nz](mailto:sec@ics.org.nz)>

**Subject:** RE: Land Transfer Act 2017 - Factsheet for Surveyors

Dear Pat

Thank you for your email. On the points raised in your letter, I'm able to provide the following clarification:

**Memorandum of Easement Template and Schedule**

Yes, the intention is that the terms "Burdened Land" and "Benefitted Land" may be shown in addition to and not in place of "Servient Tenement" and "Dominant Tenement" in memoranda and schedules

**Qualified Titles**

The provisions for making a title qualified where land is not adequately defined by survey are intended to replace s167(2) of the LTA 1952 which allowed for the issue of limited titles in similar circumstances (see s17(1)(a) LTA 2017). This happened only rarely under the LTA 1952 and that is not expected to change given the importance of proper survey definition to the land title system. There is also specific authority to make title qualified in circumstances where section 124 of Te Ture Whenua Maori Act 1993 applies (see s17(1)(d)).

These provisions will not be used as a basis to qualify title which is otherwise fully guaranteed and are not intended to be applied in that way. There is no intention to use qualified titles in areas of earthquake deformation or to reduce Crown liability where survey errors are disclosed. As we have seen in the case of Canterbury, earthquake deformation which materially impacts on title boundaries may be addressed by bespoke legislation such as the Canterbury Property Boundaries and Related Matters Act 2016.

**Limited Titles**

I can confirm that new "balance" records of title will continue to be created where limitations are not being uplifted for the balance of the land where allowed by the Rules for Cadastral Survey 2010. Such titles will fall within the ambit of Subpart 4 of Part 4 of the Land Transfer Act 2017 which provides for the ongoing administration of land already subject to title limitations.

**New standards and guidelines**

The guidelines are in the final stages of drafting so we'll be in a position to share them with you within the next few weeks.

**Seminars on the new Act**

We are running a seminar series on the new Act in conjunction with the New Zealand Law Society CLE later this month. There will also be a webinar for those who are unable to attend in person. Information about the seminars, including the relevant dates and venues, can be found here:

<https://www.lawyerseducation.co.nz/shop/Seminars%2B2018/19LTA.html>

We would also be happy to present on the new Act for your members if you have any upcoming meetings or events planned.

Thank you for raising these matters. If there are any other points of clarification or we can be of any further assistance please let me know.

Kind regards

**Robbie Muir**

**Registrar-General of Land  
Strategy and Stewardship Group  
Land information New Zealand**