

# Update Adams' Land Transfer

## Service 100 — March 2021

### Legislation

#### Residential Tenancies Act 1986

Residential Tenancies Act 1986 has been amended by:

- Privacy Act 2020 No 31
- Residential Tenancies Amendment Act 2020 No 59

#### Property Law Act 2007

Property Law Act 2007 has been amended by:

- Trusts Act 2019 No 38

#### Te Ture Whenua Maori Act 1993

Te Ture Whenua Maori Act 1993 (Maori Land Act 1993) has been amended by:

- Trusts Act 2019 No 38
- Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 No 51

#### Unit Titles Act 2010

Unit Titles Act 2010 has been amended by:

- Residential Tenancies Amendment Act 2020 No 59

### Commentary

Commentary has been updated in the following areas:

#### Land Transfer Act 2017

S 6 meaning of fraud

- Incorporation of *Kinara Trustee Limited v Infinity Enterprises NZ Limited* [2020] NZSC 131 — see [S6.2], [S6.4], [S6.4.4]

S 27 Certification of electronic instruments

- Verification of identity has been updated — see [S27.8]

S 51 Title by registration

- Incorporation of *Kinara Trustee Limited v Infinity Enterprises NZ Limited* [2020] NZSC 131 — see [S51.5]

S 47 Registration of persons as joint tenants

- Incorporation of *Anderson v Anderson* [2020] NZHC 788 — see [S47.10.2]

S 87 Transmission instrument required to register transmission

- Acquisition of title as a trustee — see [S87.4]

S 89 Vesting of land by court order

- When vesting orders take effect — see [S89.4]

- Examples of vesting orders — see [S89.9]

S 108 Registration and surrender of easements and profits à prendre

- What is not an easement in futuro. Rule against perpetuities — see [S108.7]
- Legal easement not to be created by implication — see [S108.10]

S 142 Removal of caveat against dealings

- Grounds for removal — see [S142.6]

S 143 Lapse of caveat against dealings

- Comment: No power to amend caveat — see [S143.5]

Subpart 2 Leases

- Incorporation of *Zhou v Pacific Pearl Accommodation* [2020] NZHC 3133 — see [LEASE.INTRO8]
- Incorporation of *Taste of Asia Ltd v Hillcrest Properties Ltd* [2020] NZHC 2081; (2020) 21 NZCPR 291 (relief against cancellation) and [2020] NZHC 3245 (costs) within commentary — see [LEASE.INTRO9.2]

Subpart 3 — Mortgages

- Incorporation of *Remarkables Hotel Limited v Pearlfisher Trustee Limited* [2020] NZHC 3090; service of PLA notice upon a company through an email — see [MORTGAGES.INTRO4.4]