



Land Transfer (Land Information and Offshore Persons Information) Exemption Regulations 2015

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 28th day of September 2015

Present:

The Hon Bill English presiding in Council

Pursuant to section 236 of the Land Transfer Act 1952, His Excellency the Governor-General makes the following regulations, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Land Information after being satisfied that the requirements of section 236(4) have been met.

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Regulations

1 Title

These regulations are the Land Transfer (Land Information and Offshore Persons Information) Exemption Regulations 2015.

2 Commencement

These regulations come into force on 1 October 2015.

3 Interpretation

In these regulations, unless the context otherwise requires, **Act** means the Land Transfer Act 1952.

4 Exempt transfers

- (1) A transfer of a specified estate in land is exempt from the requirements of section 156B of the Act if—
 - (a) the land is Maori land; or
 - (b) the transfer is a transfer of property by the Crown under a Treaty settlement Act that expressly authorises the Crown to—
 - (i) transfer the fee simple estate in the property; and
 - (ii) sign a transfer instrument or other document, or do anything else, as necessary to effect the transfer.

- (2) In this regulation, unless the context otherwise requires,—

Crown has the meaning given in section 2(1) of the Public Finance Act 1989

Maori land has the meaning given in section 4 of Te Ture Whenua Maori Act 1993

Treaty settlement Act means an Act to give effect to a deed between the Crown and any group of Māori claimants or a representative of any group of Māori claimants in relation to the historical Treaty of Waitangi claims of that group.

5 Non-notifiable transfers

- (1) The following transfers of a specified estate in land are non-notifiable transfers in relation to a transferor:
 - (a) a transfer by a public authority or a local authority;
 - (b) a transfer on a distribution by an executor, administrator, or trustee of a deceased person's estate to a beneficiary who is beneficially entitled to receive the property under the will or the rules governing intestacy;
 - (c) a transfer of mortgaged land by the mortgagee;
 - (d) a transfer by rating sale under the Local Government (Rating) Act 2002;
 - (e) a transfer giving effect to an order of a court.
- (2) A transfer of a specified estate in land to a public authority or a local authority is a non-notifiable transfer in relation to the transferee.
- (3) In this regulation,—

local authority has the meaning given to it in section YA 1 of the Income Tax Act 2007

public authority—

- (a) means every department or instrument of the Executive Government of New Zealand; and
- (b) includes the Māori Trustee; and
- (c) includes the Reserve Bank; but
- (d) does not include—
 - (i) Crown Research Institutes (as defined in section 2 of the Crown Research Institutes Act 1992);
 - (ii) mixed-ownership enterprises (as defined in section YA 1 of the Income Tax Act 2007);
 - (iii) Public Trust;
 - (iv) State enterprises (as defined in section YA 1 of the Income Tax Act 2007).

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations come into force on 1 October 2015. They specify transfers of specified estates in land that are—

- exempt from the requirements of section 156B of the Land Transfer Act 1952; and
- non-notifiable in relation to the transferor; and
- non-notifiable in relation to the transferee.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 30 September 2015.

These regulations are administered by Land Information New Zealand.