

Update

Hinde McMorland & Sim

LAND LAW

in New Zealand

Service 86 — June 2022

Commentary

Chapter 8 The Land Transfer System

Commentary has been updated by Professor Struan Scott in the following areas:

- Preparing an electronic instrument: see [8.026].
- By compulsory registration: see [8.013].

Chapter 9 Title by Registration

Commentary has been updated by Jody L Foster in the following areas:

- Indefeasibility and conscience: see [9.056].
- The wider principle: see [9.060].
- Consistency with the objectives of the Torrens system: see [9.061].
- Unconscionable conduct: see [9.062].
- Protection of private trusts under the Land Transfer Act: see [9.113].

Chapter 13 Concurrent Interests in Land

Commentary has been updated by Dr Toni Collins in the following area:

- Orders of division or sale under the Property Law Act 2007: see [13.021].

Chapter 15 Land as Security: Mortgages and Other Charges

Commentary has been updated by Justice N Campbell in the following areas:

- Right to notice after default if the mortgagee has accepted interest: see [15.066].
- The contents of the notice: see [15.095].
- Service of notice of intention to recover deficiency: see [15.100].
- Rights (and liabilities) in respect of chattels left behind on mortgaged land: see new para [15.116A].

Chapter 17 Covenants Affecting Freehold Land

Commentary has been updated by D W McMorland in the following areas:

- The origins of negative covenants as interests in land: see [17.012].
- The jurisdiction of the Court: see [17.038].
- Ground: change of circumstance since the creation of the easement or covenant: see [17.039].
- Ground: continued existence would impede user in a different manner from that foreseen at the time of creation: see [17.040].

- Ground: no substantial injury to benefited owner: see [17.042].
- Ground: in the case of a covenant, the covenant is contrary to public policy or to any enactment or rule of law: see [17.043].
- Exercise of discretion: see [17.046].
- Terms and effect of an order: see [17.047].

Chapter 19 Capacity to Own and to Deal with Land

Commentary has been updated by Professor Struan Scott in the following areas:

- The Protection of Personal and Property Rights Act 1988: see [19.010].
- Ability to own land: see [19.016].

Legislation

The Te Kāhui o Matariki Public Holiday Act 2022 amended the following Acts, effective 12 April 2022:

- the Land Transfer Act 2017;
- the Property Law Act 2007; and
- the Residential Tenancies Act 1986.

Index

This service includes an updated index current to service 85.