

Update

Hinde McMorland & Sim

LAND LAW

in New Zealand

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Commentary

Chapter 8 The Land Transfer System

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

- Correlation of the Land Transfer Act 2017 and the Property Law Act 2007: see [8.007].
- The register: see [8.018].

Chapter 9 Title by Registration

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

- Meaning of fraud: see [9.015].
- Fraud against a registered owner: see [9.018].
- Conclusions: see [9.020].
- 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 areas:

- “No survivorship”: see [13.009].
- Orders of division or sale under the Property Law Act 2007: see [13.021].

Chapter 14 Unit Titles and Cross-Leases

The chapter has been updated by Thomas Gibbons with commentary on the changes to be introduced by the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022, which has passed but is not yet in force. The following areas have been updated:

- Ownership of defined spaces: see [14.001].
- The Unit Titles Act 2010: see [14.006].
- Relationship to other legislation: see [14.009].
- Common Property and Unit Property: see [14.014A].
- Future development units: see [14.017].
- Requirements common to all unit plans: see [14.019].
- Utility interest: see [14.028].
- Reassessment of ownership and utility interests: see [14.029].
- Establishment and constitution of body corporate: see [14.039].

- Rights and responsibilities of owners of principal units: see [14.040].
- Powers and duties of a body corporate: see [14.041].
- Body corporate chairperson: see [14.041A].
- Body corporate committee: see [14.042].
- Delegation of powers and duties: see [14.043].
- Body corporate manager: see [14.044].
- General meetings: see [14.045].
- Voting at general meetings: eligibility: see [14.046].
- Voting in person, by proxy or by post: see [14.047].
- Ordinary resolutions and special resolutions: see [14.048].
- Counting votes on an ordinary or a special resolution: see [14.049].
- Minority and majority relief: see [14.052].
- Objections to designated resolutions: see [14.053].
- Amendments or additions to the operational: see [14.058].
- Plans and funds: see [14.061].
- Contributions by unit owners: see [14.062].
- Service contracts and signage agreements: see [14.066].
- Appointment of administrator: see [14.067].
- Disclosure of information by seller of unit: see [14.069].
- Powers and duties of the body corporate in respect of the lease: see [14.073].
- Cancellation of unit plan by the High Court: see [14.077].
- Unit title disputes: see [14.083].
- Governmental powers, pecuniary penalties, and improvement notices: see new para [14.083A].

Chapter 16 Easements and Profits

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

- By the Court in cases of landlocked land: see [16.030].
- Enforcement of positive covenants in easements: see [16.072].
- Statutory rights analogous to easements which override the register: see [16.075].
- By the parties: see [16.091].
- Modification of easements by the court: see [16.092].

Legislation

The Property Law Act 2007 has been amended by the Reserve Bank of New Zealand Act 2021, effective 1 July 2022.

The Land Transfer Act 2017 has been amended by the Data and Statistics Act 2022, effective 1 September 2022.