



# Registrar-General of Land

## *e-dealing* Compliance Review

[www.landonline.govt.nz](http://www.landonline.govt.nz)

### Introduction

This document explains:

- > the *e-dealing* compliance review process and
- > the evidence to be retained to support the certifications made when registering the following instruments:
  - > discharge/withdrawal
  - > mortgage
  - > transfer.

### Statutory Authority for the Review

The statutory authority is set out in Sections 164-164C of the Land Transfer Act 1952 and specifies that:

- > The Registrar-General of Land is authorised to undertake a compliance review of *e-dealing* certifications provided by conveyancers.
- > Conveyancers must hold supporting evidence showing the truth of their certifications and retain the evidence for 10 years.
- > The RGL is authorised to request production of supporting evidence for review purposes.

### The Review Process

An initial compliance review is undertaken after a conveyancer has commenced using the *e-dealing* system.

The process is:

- > A small sample of *e-dealings* are selected for review.
- > The conveyancer is requested to complete a questionnaire and supply supporting evidence for the certifications given in the *e-dealings* selected for review.
- > The supporting evidence must be supplied to the RGL **within ten working days** of the request being received.
- > The RGL will issue a compliance certificate at the end of the review.

Further reviews may be conducted depending on the result of the previous review.

Law firms and practitioners can make a valuable contribution to the review process, and minimise the impact on their own time, by:

- > Setting up protocols to ensure that supporting evidence is retained and can be easily accessed.
- > Ensuring that all relevant authorities and other necessary evidence are returned to the RGL with the review questionnaire.

The New Zealand Law Society ([www.lawyers.org.nz](http://www.lawyers.org.nz)) has prepared a set of guidelines for lawyers to follow to ensure that *e-dealing* documentation is completed correctly.

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# Registrar-General of Land *e-dealing* Compliance Review cont...

## Evidence for Discharge/Withdrawal

The supporting evidence to be retained should include the following:

### For a Bank or Institutional Chargeholder:

- > A copy of the completed Discharge/Withdrawal;

or

- > All pages of the signed letter from the chargeholder.

### For a Crown Agency:

*E.g. Govt dept, Court Registrars, Crown Owned Entities (Incl. Legal Services Board or Agency), SOE's.*

- > A copy of the completed Discharge/Withdrawal.

### For a Private Chargeholder:

- > Authority & Instruction form(s)

Including a copy of a Power of Attorney and certificate of non-revocation, photo ID and consents etc as appropriate.

## Evidence for Mortgage

The evidence to be retained should include the following:

- > Authority & Instruction form(s) – registered proprietor(s)/mortgagor(s)

and;

- > For a Bank or Institutional Mortgagee:

All pages of the signed letter of instruction (if the mortgagor and/or property identifier is not mentioned in the letter, other relevant documentation should be supplied).

- > For a Private Mortgagee:

Authority & Instruction form(s) completed by a private mortgagee(s)

Including a copy of a Power of Attorney and certificate of non-revocation, photo ID and

consents etc as appropriate.

If a conveyancer is acting for both the mortgagor and mortgagee (as is the normal case), the certification states that they have authority to act for the mortgagor and for the mortgagee, so both authorities will need to be produced.

## Evidence for Transfer

The supporting evidence to be retained should include the following:

- > Authority & Instruction form(s) – transferor(s) (if acting for)
- > Authority & Instruction form(s) – transferee(s) (if acting for)

Including a copy of a Power of Attorney and certificate of non-revocation, photo ID and consents etc as appropriate.

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