



This legislation is administered by Toitū Te Whenua Land Information New Zealand. For more information please see:

Website: <https://www.linz.govt.nz>

Contact phone: 0064 4 460 0110

Contact address: PO Box 5501, Wellington 6145

Authority and Identity Requirements for E-Dealing Standard 2024

This Standard is made under section 236 of the Land Transfer Act 2017 by the Registrar-General of Land.

Contents

	Page
1 Title	2
2 Commencement	2
3 Purpose	2
4 Interpretation	2

Practitioner's Obligations

5 Authority and legal capacity	3
6 Identity	4
7 Delegates	4
8 Reasonable steps to confirm identity	4
9 Statutory declaration as to identity	4
10 Connecting document	5
11 Reconciling name discrepancies	5
12 High risk transactions	5

Authority and Identity Requirements for E-Dealing Standard 2024

1 Title

This is the Authority and Identity Requirements for E-Dealing Standard 2024.

2 Commencement

This Standard comes into force on 23 October 2024.

3 Purpose

To set requirements under section 236(1)(b) and (e) of the Land Transfer Act 2017 which, if met, will satisfy a practitioner's obligations under regulation 7 of the Land Transfer Regulations 2018 as to:

- (a) a party's authority and legal capacity, and
- (b) confirming a party's identity.

4 Interpretation

In this standard, the definitions in the Act and Regulations apply, and unless the context otherwise requires, —

Act means the Land Transfer Act 2017.

Acceptable photo identification means:

- (a) a passport
- (b) New Zealand government-issued photo identification, or
- (c) any other form of photo identification the Registrar-General of Land has confirmed is acceptable.

Change/correction of name means an application under regulation 17(3) of the Regulations.

Conveyancing practitioner means a conveyancing practitioner as defined in section 6 of the Lawyers and Conveyancers Act 2006.

Delegate means a person:

- (a) who is aged 18 years or over
- (b) who is independent of the party
- (c) who is not a party to the transaction, and
- (d) whom the practitioner can reasonably rely on to carry out identity confirmation on the practitioner's behalf.

High risk transaction means a transfer, mortgage or change/correction of name that may present an increased risk of improper dealing or identity fraud.

Independent verifier means a person:

- (a) who is aged 18 years or over
- (b) who is independent of the party
- (c) who is not a party to the transaction
- (d) who holds acceptable photo identification, and
- (e) whom the practitioner can reasonably rely on.

Lawyer means a lawyer as defined in in section 6 of the Lawyers and Conveyancers Act 2006.

Practitioner means a lawyer or a conveyancing practitioner as defined in s6 of the Lawyer and Conveyancers Act 2006 who certifies an electronic instrument for registration under the Land Transfer Act 2017.

Regulations means the Land Transfer Regulations 2018.

Registered legal executive means a person who is a currently registered member of the Legal Executives New Zealand Incorporated Rāngai Hāpai Ture o Aotearoa as an Affiliate, Associate or Fellow.

Transfer means a transfer of an estate or interest in land under section 73 of the Act.

Trusted colleague means a person:

- (a) who is aged 18 years or over
- (b) who works for the same firm or organisation as the practitioner, and
- (c) whom the practitioner can reasonably rely on to obtain authority and confirm identity.

Practitioner's Obligations

5 Authority and legal capacity

- (1) Before certifying an electronic instrument as to the matters set out in regulation 7(3)(a) of the Regulations a practitioner must:
 - (a) obtain written authority from the party, and
 - (b) take reasonable steps to ensure the party has the legal capacity to give that authority.
- (2) For a party who is lodging a caveat or notice of claim, a practitioner may dispense with the requirement in clause 5(1)(a) above and instead record a file note of the party's verbal instructions.
- (3) A practitioner may dispense with the requirements in clause 5(1)(a) and (b) when certifying an electronic instrument on their own behalf.

6 Identity

- (1) Before certifying an electronic instrument as to the matters set out in regulation 7(3)(b) on behalf of a party, a practitioner must:
 - (a) take reasonable steps to confirm the party's identity, and
 - (b) where applicable, seek further evidence and make further inquiries as required.
- (2) A practitioner may rely on a trusted colleague or delegate to confirm the identity of a party.

7 Delegates

- (1) A practitioner can reasonably rely on the following delegates to carry out identity confirmation on the practitioner's behalf:
 - (a) a lawyer
 - (b) a conveyancing practitioner
 - (c) a registered legal executive
 - (d) any other person the Registrar-General of Land has confirmed is acceptable.
- (2) If a practitioner delegates confirmation of identity to any other person, the practitioner must record a file note confirming the steps they took to satisfy themselves that the person meets the requirements to act as a delegate as defined in clause 4.

8 Reasonable steps to confirm identity

- (1) For the purposes of clause 6(1)(a), reasonable steps include:
 - (a) having the party present:
 - (i) face to face with the practitioner, trusted colleague, or delegate, or
 - (ii) by audio-visual link to the practitioner or their trusted colleague, and
 - (b) identifying the party by:
 - (i) the party providing acceptable photo identification that is satisfactory to the practitioner, or
 - (ii) statutory declaration as set out in clause 9,
 - (c) obtaining a connecting document as set out in clause 10 as necessary
 - (d) reconciling any name discrepancies as set out in clause 11 as necessary
 - (e) making further enquiries to confirm the veracity of the transaction as set out in clause 12.

9 Statutory declaration as to identity

- (1) Where a party's identity cannot be confirmed by using acceptable photo identification that is satisfactory to the practitioner, the party's identity may be confirmed by statutory declaration given by the practitioner, trusted colleague, or an independent verifier, provided they know the party personally and are able to confirm their identity.

10 Connecting document

- (1) Where the instrument being authorised is a transfer, mortgage or change/correction of name, the practitioner acting for the transferor, mortgagor or applicant must be satisfied that the party owns the property by obtaining a connecting document that evidences the party's ownership of the property.
- (2) A practitioner may dispense with the requirement in clause 10(1) where:
 - (a) the mortgagor is granting a mortgage upon the acquisition of a new property, or
 - (b) the practitioner or trusted colleague has personal knowledge of the party's ownership of the property, and instead record a file note confirming that knowledge.

11 Reconciling name discrepancies

- (1) Any discrepancy between the name recorded on the record of title, acceptable photo identification, connecting document and the name presently used by the party must be reconciled.

12 High risk transactions

- (1) In a high risk transaction, a practitioner must:
 - (a) make such further inquiries as may be reasonable in the circumstances to confirm the veracity of the transaction, and
 - (b) record a file note documenting the steps taken to independently confirm the identity of the client.

Made at Wellington on 23 October 2024.

Robbie Muir
Registrar-General of Land

Explanatory note

This note is not part of the legislation but is intended to indicate its general effect.

The Authority and Identity Requirements for E-Dealing Standard 2024 does not add direct costs to transactions under the Act. The standard sets minimum requirements for practitioners to mitigate against potentially significant impacts of wrongful or fraudulent transactions. These requirements have "de minimis" business impacts.