

# Central North Island Forests Land Collective Settlement Act 2008 registration guideline

**LINZG20717**

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# 1 TERMS AND DEFINITIONS

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- Introduction**
- (a) For the purposes of this guideline, the terms and definitions in the Central North Island Forests Land Collective Settlement Act 2008 (the Act) apply, unless stated otherwise below. Refer to ss 4 and 26 of the Act for interpretation.
  - (b) Terms and abbreviations used in this guideline that are not defined in the Act are defined below.
  - (c) Any reference to a section in this guideline is a reference to that section of the Act.
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<b>Term/Abbreviation</b>	<b>Definition</b>
the Act	Central North Island Forests Land Collective Settlement Act 2008
Collective	CNI Collective
Collective Mechanism	each of the deferred selection procedures referred to in clauses 8.1 to 8.18 of the Deed of Settlement and the right of first refusal provided to the CNI pursuant to the RFR Deed defined in clause 8.19 of the Deed of Settlement
Commercial Redress	the Collective Mechanisms
company	CNI Iwi Holdings Limited
Deed of Settlement	Deed of Settlement of the historical claims of the CNI (Central North Island) Forests Iwi Collective
DSP property	deferred selection procedure property; property that is Crown-owned land; and is subject to the deferred selection procedure referred to in clauses 8.1 to 8.18 of the Deed of Settlement
RGL	the Registrar-General of Land appointed under s 4 of the Land Transfer Act 1952

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## 2 FOREWORD

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- Introduction**
- (a) The Act came into force on 30 September 2008, other than the provisions relating to Ngāti Rangitihi joining the Collective, which came into force on 31 December 2008. The final settlement date for the passing of title to the land involved is 1 July 2009.
  - (b) The Act essentially settles the historical CNI forests land claims. It does so by vesting the Crown forests land in the company, and transferring accumulated rentals in relation to that land to the company. The company will allocate those assets to the Collective and to any other CNI claimants in settlement of their historical claims.
  - (c) All the land concerned, except for the Taurewa forest, is in the South Auckland Land Registration District. The Taurewa forest is in the Wellington Land Registration District.
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**Purpose** This guideline has been issued by the Registrar-General of Land (RGL) to ensure that applications received by Land Information New Zealand (LINZ) under the Act are dealt with correctly.

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## Foreword, Continued

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- Scope**
- (a) This document contains guidelines for compliance with the Act. It covers:
    - (i) the requirements for certificates, applications, and other transactions to be lodged for registration with the RGL, and
    - (ii) registration requirements and memorial formats.
  - (b) The guidelines focus primarily on the provisions of the Act that impact on the registration process.
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**Intended use of guideline** This guideline has been issued by the RGL for employees of LINZ with delegated authority to exercise registration functions under the Land Transfer Act 1952.

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- References** The following documents are necessary for the application of this guideline:
- Deed of Settlement (and Schedules) of the historical claims of the Central North Island Forests Iwi Collective<sup>1</sup>
  - Central North Island Forests Land Collective Settlement Act 2008.
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<sup>1</sup> Refer to the Office of Treaty Settlements' website for a copy of the Deed of Settlement.

### 3 CNI FORESTS LAND AND SELECTED DSP PROPERTY

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- Legislation**
- (a) Section 30 specifies the enactments that do not apply to any CNI forests land or any selected DSP property.
  - (b) This links to s 31, which requires the removal of memorials entered under any of the enactments referred to in s 30.
  - (c) See guideline 4 below for more on the removal of memorials.
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**CNI forests land** The CNI forests land are set out in Schedule 1 of the Act (s 4).

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- Selected DSP properties**
- (a) “Selected DSP property” is defined in s 26 of the Act as any DSP property that the DSP entity has identified and elected to purchase in accordance with the Deed of Settlement.
  - (b) Note that “DSP entity” is defined in s 26 of the Act as either the company or any other entity that the Collective nominates to identify, select, and purchase DSP properties on behalf of the Collective.
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## 4 REMOVAL OF MEMORIALS

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### Legislation

- (a) Section 31 provides for removal of certain memorials from computer registers for CNI forests land and part or all of a selected DSP property and for a certificate to be registered on those computer registers.
  - (b) See guideline 3 above for more on the CNI forests land.
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### Format for certificate

Section 31 requires the RGL to register a certificate against the affected registers. The certificate must:

- (a) be issued by the Chief Executive of LINZ (s 31(1));
  - (b) state that it is issued under s 31 (s 31(3)); and
  - (c) identify the relevant allotments by reference to relevant legal description, certificate of title, or computer register (s 31(1)).
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### Registration requirements and memorial formats

When a certificate under s 31 is presented for registration:

- (a) the standard registration fee is payable;
- (b) any memorial on the current view of the computer register for the relevant property which relates to an enactment referred to in s 30 should be removed; and
- (c) the following memorial should be recorded on the historic view of that register:

***“[Reference for or wording of memorial being removed] CANCELLED. See [Registration number of certificate under section 31(4) of the Central North Island Forests Land Collective Settlement Act 2008]”***

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## 5 VESTING OF CNI FORESTS LAND

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**Legislation** (a) Section 6 of the Act authorises the Crown to vest 23 CNI forests in the company on the settlement date.

(b) The CNI forests are described in Schedule 1 of the Act.

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**Application of other enactments** Section 8 sets out how certain other enactments apply to the vesting of the CNI forests land.

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**Vesting and change of status** On and from the settlement date, the CNI forests land:

(a) ceases to be Crown forest land; and

(b) vests in the company.

(s 6(1) of the Act)

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**Authorised applicants** (a) Only an authorised person is able under the Act to apply for the creation of computer freehold registers in relation to the CNI forests land properties.

(b) As LINZ currently manages all CNI forests land properties, the application will come from the Manager of Crown Property Management at LINZ, via delegation from the Chief Executive of LINZ.

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## Vesting of CNI forests land, Continued

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### Registration of new owners

- (a) Section 6 authorises the RGL, in accordance with an application, to register the company the proprietor of the fee simple estate in the land, and to do all things necessary to comply with the Act.
  - (b) This includes the creation of a register where there is not one, subject to completion of a survey.
  - (c) The register created in accordance with (b) above must exclude the Moerangi and Kakapiko sites (s 6(8)), which are defined in clause 13.3 of the Deed of Settlement.
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### Registration requirements and memorial formats

- (a) When an application is presented for registration under s 6(4), the standard registration fee is payable.
  - (b) Examples of suitable memorials to record the vesting on an existing computer freehold register are as follows:
    - “[*Registration number*] Application vesting the within land in CNI Iwi Holdings Limited under section 6 of Central North Island Forests Land Collective Settlement Act 2008 [*date and time*]”
    - “Subject to Part IVA of the Conservation Act 1987”
    - “Subject to Section 11 of the Crown Minerals Act 1991”.
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## Vesting of CNI forests land, Continued

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### Section 16(1) memorial

- (a) The CNI forests land properties are vested subject to:
  - (i) the Crown forestry licences listed in the third column of Schedule 1 of the Act (s 6(2)(d);
  - (ii) continuing public access (s 10).

- (b) Section 10(1) states that:

“Despite clause 16.5 of each Crown forestry licence, clause 6.2 of each Crown forestry licence (which relates to public entry for recreational purposes) must continue to apply even though the Crown is no longer the licensor under the licence because the CNI forests land has been vested in the company under section 6(1)(b).”

- (c) Section 10(2) provides that a notification to that effect must be recorded against the register, and removed on the expiry of the Crown forest licence.

- (d) An example of a suitable memorial to record the notification is:

**“*[Registration number]* Despite clause 16.5 of Crown forestry licence *[insert CFL number]*, clause 6.2 of Crown forestry licence *[insert CFL number]* (which relates to public entry for recreational purposes) must continue to apply even though the Crown is no longer the licensor under the licence because the CNI forests land has been vested in CNI Iwi Holdings Limited under section 6(1)(b) Central North Island Forests Land Collective Settlement Act 2008 – refer section 10(2) Central North Island Forests Land Collective Settlement Act 2008”.**

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## 6 TRANSFER OF CNI FORESTS LAND

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### Legislation

Part 2, subpart 3 of the Act, requires the company to transfer an area of CNI forests land to any iwi or iwīs (jointly) of the Collective or their nominees upon request, provided it complies with the terms of a s 14 allocation agreement and the deed of trust.

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### Registration requirements, application of other enactments, and memorial format

- (a) If a transfer is presented for registration under s 16(1), the standard registration fee is payable.
  - (b) Section 17 applies to a transfer of any CNI forests land under s 16 which is completed during the specified transfer period, ie the period of seven years beginning on the settlement date (s 4). It sets out how certain other enactments apply to the vesting of the CNI forests land.
  - (c) Examples of suitable memorials to the record are as follows:
    - **“Transfer to [*name of iwi or nominee*] under s16 of the Central North Island Forests Land Collective Settlement Act 2008 [*date and time*]”**
    - **“Subject to Part IVA of the Conservation Act 1987”**
    - **“Subject to Section 11 of the Crown Minerals Act 1991”.**
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## 7 TRANSFER OF SELECTED DSP PROPERTY

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### Legislation

- (a) These properties are not identified in the Deed of Settlement or the Act, but s 26 of the Act defines DSP property as property that is Crown-owned and subject to the deferred selection procedure referred to in clauses 8.1-8.18 of the Deed of Settlement. These clauses set out a process for identification of both DSP property, and Collective RFR property and Future RFR property.
  - (b) Section 27 of the Act authorises the Crown (acting through the chief executive of the relevant land holding agency) to:
    - (i) transfer the fee simple estate in a selected DSP property to the DSP entity in accordance with the Deed of Settlement; and/or
    - (ii) sign a transfer instrument.
  - (c) The Deed of Settlement and the Act do not identify actual properties.
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### Application of other enactments

Section 29 sets out how certain other enactments apply to the vesting of the DSP property. This is linked to s 30 (removal of resumptive memorials) discussed in guidelines 3 and 4 above.

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### Authorised applicants

- (a) Section 28 applies to the extent that the property is not all the land in a register or where there is no register for it. It deals with the creation of a computer freehold register for a selected DSP property. Alternatively, it deals with the grant by an authorised person of a covenant to arrange for the later creation of one or more computer freehold registers for a selected DSP property.
  - (b) Only an authorised person is able under the Act to apply for the creation of a computer freehold register or grant such a covenant in relation to the selected DSP property.
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## Transfer of selected DSP property, Continued

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### Creation of computer freehold registers or grant of covenant

- (a) Section 28 authorises the RGL, in accordance with an application, to create a computer freehold register in the name of the Crown without any statement of purpose.
- (b) The register is to be created together with any encumbrances that are registered, notifiable, or notified, and that are described in the written application.
- (c) The creation of a register is subject to completion of any survey necessary to facilitate the creation of the computer freehold register.
- (d) Section 28 also requires the RGL, in accordance with a request from an authorised person, to register any covenants, of the type referred to in “Authorised applicants” on page 12 of this guideline, by creating a CIR.
- (e) If there is no computer register for the property, a CIR should be created and the covenant scanned and incorporated into that CIR.
- (f) If there is a computer register for only some of the land contained in the property, a CIR should be created as described in (e) above, and that CIR should also be noted on the computer register. An example of a suitable memorial to reflect the applicability of the covenant (as embodied in the CIR) is:

**“Subject to covenant in [document number for CIR] time and date”.**

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### Registration requirements and memorial formats

- (a) When an application is presented for registration under s 28, the standard registration fee is payable.
  - (b) Examples of suitable memorials to reflect the transfer and the application of enactments, as described in s 29 and in “Application of other enactments” on page 12 of this guideline, are as follows:
    - **“Transfer to [*name of DSP Entity*] under section 27 of the Central North Island Forests Land Collective Settlement Act 2008 [*date and time*]”**
    - **“Subject to Part IVA of the Conservation Act 1987”**
    - **“Subject to Section 11 Crown Minerals Act 1991”.**
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