



Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 registration guideline

LINZG20722

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Table of contents

1. TERMS AND DEFINITIONS	4
Introduction	4
2. FOREWORD	5
Introduction	5
Purpose	5
Scope	5
Intended use of guideline	5
3. SITES OF SIGNIFICANCE AND RESERVE SITES	6
Background	6
Registration for sites of significance	6
Memorial Formats	7
Registration for reserve sites	7
Reserve Purpose to be noted	7
Memorial Formats	8
Effect of other legislation on sites of significance	8
Other Registration action	8
4. REGISTRATION IN EITHER THE NAME OF THE TRUST OR IN THE NAME OF POOTATAU TE WHEROWHERO	9
Background	9
Registration action	9
5. HOW THE CONSERVATION ACT 1987 AND RESERVES ACT 1977 AFFECT RESERVE SITES	10
Classification as local purpose reserve	10
Effect of revocation of reserve status	10
6. MANAGED PROPERTIES	11
Background	11
Registration for managed properties	11
Notation made under section 13(3) of the Waikato Raupatu Claims Settlement Act 1995	12
Registration action	12
7. LEASEHOLD ESTATE IN HUNTLY POWER STATION (CIR 74694)	13
Registration for Huntly Power Station	13
8. REMOVAL OF MEMORIALS FROM SETTLEMENT PROPERTIES	14
Certificate for cancellation of memorials	14
Registration action	14
9. FEES AND FORMAT FOR MEMORIALS	15
Fees and format for memorials	15

APPENDIX A: EXAMPLE OF NOTICE OF APPLICATION UNDER S 67(2)	16
Example notice – s 67(2)	16
APPENDIX B: EXAMPLE OF NOTICE OF APPLICATION UNDER S 68(2)	17
Example notice – s 68(2)	17
APPENDIX C: EXAMPLE OF NOTICE OF APPLICATION UNDER S 75(2)	18
Example notice – s 75(2)	18
APPENDIX D: EXAMPLE OF NOTICE OF APPLICATION UNDER S 75(2) – CREATION OF CFR REQUIRED).....	19
Example notice – s 75(2)	19

1. Terms and definitions

- Introduction**
- (a) The terms and definitions in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (Act) apply to this guideline. Additional terms and abbreviations are defined below.
 - (b) Any reference to a section in this guideline is a reference to that section of the Act.
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Term/abbreviation	Definition
Act	The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010
CE of LINZ	Chief Executive of LINZ
CFR	Computer Freehold Register
CIR	Computer Interest register
CR	Computer Register (includes Computer Freehold Register and Computer Interest Register)
LINZ	Land Information New Zealand
RGL	Registrar-General of Land
settlement date	the date that is 20 business days after the date of the last Order in Council bringing the provisions of the Act into force
the Trust	means the Waikato Raupatu River Trust established by deed of trust dated 29 August 2008

2. Foreword

- Introduction**
- (a) The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (Act) was enacted on 6 May 2010 (the assent date is 7 May 2010) and, except for ss 22 to 34, 88 to 91, and 96 and Schedules 4 to 6, and Schedule 8, came into force on 24 September 2010 pursuant to the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act Commencement Order 2010.
 - (b) The provisions that did not come into force on 24 September 2010 came into force on 25 November 2010 pursuant to the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act and Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act Commencement Order 2010.
 - (c) The 'settlement date' for the purposes of the Act is 14 January 2011.
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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) for registration under the Act are dealt with correctly.

Scope This guideline only relates to those parts of the Act that impact on the registration process, but where necessary for understanding that process, background information has been given.

Intended use of guideline This guideline is intended for use by persons lodging applications and written directions under the Act for registration, and employees of LINZ with delegated authority to exercise registration functions under the Land Transfer Act 1952.

3. Sites of significance and reserve sites

Background On the settlement date, the fee simple estates in the sites of significance and reserve sites identified by Waikato Tainui vest in the Waikato Raupatu River Trust (the Trust) under s 66 of the Act. Each reserve site and site of significance vests in the Trust subject to, or together with, its encumbrances.

Registration for sites of significance Upon receipt of notice of application by The Secretary for the Environment under s 67(2) of the Act the following registration actions must be completed:

- (a) If a fee simple site of significance is all of the land contained in a computer freehold register (CFR), the following actions are required:
 - (i) register the trustee of the Waikato Raupatu River Trust as the proprietor of the fee simple estate in the land, and
 - (ii) record on the CFR the necessary memorials to give effect to the provisions of the Act relating to a vesting application under s 67, and
 - (iii) make any entries in the register and do all other things necessary to give effect to the application.
- (b) If a fee simple site of significance is not all of the land contained in a CFR, or if there is no CFR for all or part of the site, the following actions are required:
 - (i) create one or more CFRs for the fee simple estate in the site in the name of the trustee of the Waikato Raupatu River Trust, and
 - (ii) record on the CFR the necessary memorials to give effect to the provisions of the Act relating to a vesting application under s 67 , and
 - (iii) enter on the register encumbrances that are registered, notified, or notifiable and described in the application, and
 - (iv) make any entries in the register and do all other things necessary to give effect to the application.

A suitable form of notice of application under s 67(2) is attached as [Appendix A](#).

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Sites of significance and reserve sites, continued

Memorial Formats

The following memorials are to be recorded upon registration of a vesting application under s 67, and to reflect the requirements of s 71(2) and (3) in regard to Part IV of the Conservation Act 1987 and the Crown Minerals Act 1991.

- (a) '[*registration number*] Application under section 67 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 vesting the within land in [*the trustee of Waikato Raupatu River Trust*] [*date and time*]'
 - (b) 'Subject to Part 4A of the Conservation Act 1987 (but section 24 of that Act does not apply)
 - (c) 'Subject to section 11 of the Crown Minerals Act 1991'
 - (d) 'Subject to the rights of the Waikato Regional Council under s 70 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010'
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Registration for reserve sites

Upon receipt of notice of application by the Chief Executive of LINZ (CE of LINZ) under s 68(2) of the Act, the following registration actions must be completed:

- (a) create a CFR for the fee simple estate in the reserve site(s) specified in the application in the name of the trustee of the Waikato Raupatu River Trust, and
- (b) enter on the register any encumbrances that are registered, notified, or notifiable and described in the application, and
- (c) record on the CFR the necessary memorials to give effect to the provisions of the Act relating to a vesting application under s 68, and
- (d) make any entry in the register and do all other things necessary to give effect to the application.

A suitable form of notice of application under s 68(2) is attached as [Appendix B](#).

Reserve purpose to be noted

Each CFR created for reserve site under s 68 must show the reserve status as "Local Purpose Reserve" as provided in s 66(3).

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Sites of significance and reserve sites, continued

Memorial formats

The following memorials are to be recorded on a CFR created upon registration of an application under s 68, and to reflect the requirements of s 71(2) and (3) in regard to Part IV of the Conservation Act 1987 and the Crown Minerals Act 1991.

- (a) '[*registration number*] Application under s 68 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 vesting the within land in [*the trustee of Waikato Raupatu River Trust*] [*date and time*]'
 - (b) 'Subject to the Reserves Act 1977'
 - (c) 'Subject to Part 4A of the Conservation Act 1987 (but section 24 of that Act does not apply)
 - (d) 'Subject to section 11 of the Crown Minerals Act 1991'
 - (e) 'Subject to the rights of the Waikato Regional Council under s 70 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010'
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Effect of other legislation on sites of significance

Section 71 of the Act provides that ss 11 and 12 of the Waikato Raupatu Claims Settlement Act 1995 cease to apply to the sites of significance on the settlement date.

Other Registration action

When a vesting application is registered under s 67 or s 68 it is also necessary to delete from the CFRs any notation made under s 13(3) of the Waikato Raupatu Claims Settlement Act 1995.

4. Registration in either the name of the Trust or in the name of Pootatau Te Wherowhero

- Background**
- (a) The Trust may give the RGL a written or electronic direction that the sites of significance be registered in the name of Pootatau Te Wherowhero, rather than in the name of the Trust; or be no longer registered in the name of Pootatau Te Wherowhero, and instead be registered in the name of the Trust.
 - (b) The direction will:
 - (i) contain a recital that the direction is given under s 69 (1)(a) or (b) of the Act,
 - (ii) be executed or purport to be executed by the Trust, and
 - (iii) relate to land registrable or registered in the name of the Trust or in the name of Pootatau Te Wherowhero.
 - (c) In the absence of evidence to the contrary, the direction is sufficient evidence that the direction has been given under s 69 (1)(a) or (b) of the Act. The RGL must give effect to the direction, notwithstanding the Land Transfer Act 1952 or any other enactment or rule of law.
 - (d) If the sites of significance are registered in the name of Pootatau Te Wherowhero, the Trust has all the duties, powers, and rights of the registered proprietor of the land; and the Trust carries out every such duty and exercises every such power or right in its own name and not in the name of Pootatau Te Wherowhero. The RGL is bound by this arrangement.
-

- Registration action**
- (a) Upon receiving a direction by the Trust that contains a recital that the direction is given under s 69 (1)(a):
 - (i) Pootatau Te Wherowhero must be recorded as the registered proprietor on the relevant CFR.
 - (b) Upon receiving a direction by the Trust that contains a recital that the direction is given under s 69 (1)(b):
 - (i) the trustee of the Waikato Raupatu River Trust must be recorded as the registered proprietor on the relevant CFR.
-

5. How the Conservation Act 1987 and Reserves Act 1977 affect reserve sites

Classification as local purpose reserve The reserve sites are together declared a single reserve and classified as a local purpose reserve. Section 72 of the Act provides that the reservation of land as a reserve under s 66(3) is a disposition for the purposes of Part 4A of the Conservation Act 1987, but ss 24, 24A, and 24AA do not apply to the disposition.

Effect of revocation of reserve status If the whole or part of the reservation of land as a reserve under s 66(3) is revoked under s 24 of the Reserves Act 1977:

- (a) section 25(2) of the Reserves Act 1977 applies to the revocation but no other provision of s 25 applies,
- (b) section 24 of the Conservation Act 1987, except s 24(2A), applies to the land to which the revocation applies and ss 24A and 24AA of that Act do not apply to the land to which the revocation applies.

6. Managed properties

- Background**
- (a) On settlement date, the fee simple estates in the managed properties vest in the Trust under s 74 of the Act.
 - (b) The fee simple estates in the managed properties then immediately vest in the Waikato Regional Council.
-

Registration for managed properties

Upon receipt of a notice of application by the Secretary for the Environment under s 75(2) of the Act to register the vesting in the Trust and then vesting in the Waikato Regional Council, the following registration actions must be completed:

- (a) if a fee simple managed property is all of the land contained in a CFR, the following actions are required:
 - (i) register the trustee of the Waikato Raupatu River Trust as a proprietor of the fee simple estate in the land, and
 - (ii) then enter a memorial vesting the Waikato Regional Council as the proprietor of the fee simple estate in the land, and
 - (iii) make any entries in the register and do all other things necessary to give effect to the Application.
- (b) If a fee simple managed property is not all of the land contained in a CFR, or if there is no CFR for all or part of the site, the following actions are required:
 - (i) create one or more CFRs for the fee simple estate in the site in the name of the trustee of the Waikato Raupatu River Trust, and
 - (ii) enter a memorial vesting the Waikato Regional Council as the proprietor of the fee simple estate in the land, and
 - (iii) enter on the register encumbrances that are registered, notified, or notifiable and described in the application, and
 - (iv) make any entry in the register and do all other things necessary to give effect to the application.

Suitable forms of notice of application under s 75(2) are attached as [Appendix C](#) and [Appendix D](#) (CFR to be created).

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Managed properties, continued

**Notation
made under
section
13(3) of the
Waikato
Raupatu
Claims
Settlement
Act 1995**

Sections 78 of the Act provides that ss 11 and 12 of the Waikato Raupatu Claims Settlement Act 1995 cease to apply to the managed properties on the settlement date.

**Registration
action**

Delete from the CFRs for the managed properties any notation made under s 13(3) of the Waikato Raupatu Claims Settlement Act 1995. This should be done as soon as reasonably practicable after the settlement date.

7. Leasehold estate in Huntly power station (CIR 74694)

Registration for Huntly Power Station

- (a) Enter on the Computer Interest Register (CIR) for the Huntly Power Station (CIR 74694), the words 'Subject to s 82 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (which provides for the interest to be offered for transfer to the Trust in certain circumstances)' [the s 82 certificate]. This should be done as soon as reasonably practicable after the settlement date.
 - (b) Where the land in CIR 74694, or any part of it, is to be transferred to any person other than a Crown body, the CE of LINZ will issue to the RGL a certificate stating that the land is to be so transferred. Upon receiving such notification, a copy of the certificate must be sent by the relevant LINZ Processing Centre to the Trust and the s 82 certificate deleted from the CIR.
-

8. Removal of memorials from settlement properties

Certificate for cancellation of memorials

As soon as reasonably practicable after the settlement date, the CE of LINZ will issue to the RGL one or more certificates under s 91 of the Act that identify each Computer Register (CR) that contains memorialised lands.

Registration action

When a certificate under s 91 is lodged for registration it must be recorded on the relevant CR and each memorial under ss 27A to 27C of the State Owned Enterprises Act 1986 that is entered on a CR and identified in the certificate must be cancelled.

9. Fees and format for memorials

Fees and format for memorials

When applications under the Act are presented for registration:

- (a) the standard registration fee is payable,
 - (b) LINZ's memorial format as specified in the LINZS20004: *Standard for Memorials* should be recorded on the relevant registers.
-

Appendix A: Example of notice of application under s 67(2)

Example notice – s 67(2)

To: Registrar-General of Land: Christchurch Processing Centre

Application under section 67(2) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (“the Act”) for registration of ownership and creation of a computer freehold register under section 67(4) of the Act.

I apply for registration of ownership and the creation of one computer freehold register in the name of _____

for the fee simple estate in the land described below.

Land description:

Insert details [*Land District; area; Lot number; survey plan number; Computer register reference*]

Subject to:

Part 4A Conservation Act 1987

Section 11 Crown Minerals Act 1991

NOTES:

Pursuant to Section 71(2) of the Act, Sections 24(2A), 24A and 24AA of the Conservation Act 1987 do not apply to these dispositions.

Dated at _____ this _____ day of 2011]

Person Authorised by the Secretary for the Environment

Appendix B: Example of notice of application under s 68(2)

Example notice – s 68(2)

To: Registrar-General of Land: Christchurch Processing Centre

Application under section 68(2) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (“the Act”) for registration of ownership and creation of a computer freehold register under section 68(3) of the Act.

I apply for registration of ownership and the creation of one computer freehold register in the name of _____

for the fee simple estate in the lands described below.

Land description:

Insert details [*Land District; area; Lot number; survey plan number; computer register reference*]

Subject to:

Part 4A Conservation Act 1987

Section 11 Crown Minerals Act 1991

NOTES:

Pursuant to Section 71(2) of the Act, Sections 24(2A), 24A and 24AA of the Conservation Act 1987 do not apply to these dispositions

Dated at _____ this _____ day of 2011

Manager Crown Property Management pursuant to a delegation from the Chief Executive of Land Information New Zealand

Appendix C: Example of notice of application under s 75(2)

Example notice – s 75(2)

To: Registrar-General of Land: Christchurch Processing Centre

1. Application under section 75(2) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (“the Act”) for registration of ownership under section 75(3) of the Act.

Pursuant to section 74(1) of the Act I apply for registration of ownership in the name of [¹] for the fee simple estate in the land described below.

Land description: North Auckland Land District

Insert details [*Land District; area; Lot number; survey plan number; computer register reference*]

Subject to:

Part 4A Conservation Act 1987

Section 11 Crown Minerals Act 1991

NOTES: Pursuant to Section 71(2) of the Act, Sections 24(2A), 24A and 24AA of the Conservation Act 1987 do not apply to these dispositions.

2. Application under section 75(2) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (“the Act”) for registration of ownership under section 75(3) of the Act.

Pursuant to section 74(2) of the Act I apply for registration of ownership in the name of Waikato Regional Council for the fee simple estate in the land described above.

Dated at _____ this _____ day of 2011]

Person Authorised by the Secretary for the Environment

¹ Insert name of trustee of the Waikato Raupatu River Trust

Appendix D: Example of notice of application under s 75(2) – creation of CFR required

Example notice – s 75(2)

To: Registrar-General of Land: Christchurch Processing Centre

- (a) Application under section 75(2) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (“the Act”) for registration of ownership and creation of a computer freehold register under section 75(4) of the Act.

Pursuant to section 74(1) of the Act I apply for registration of ownership and the creation of one computer freehold register in the name of [²] for the fee simple estate in the land described below.

Land description:

Insert details [*Land District; area; Lot number; survey plan number*]

Subject to:

Part 4A Conservation Act 1987 [*Refer to notes below*]

Section 11 Crown Minerals Act 1991

- (b) Application under section 75(2) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (“the Act”) for registration of ownership under section 74(2) of the Act.

I apply for registration of ownership in the name of Waikato Regional Council for the fee simple estate in the land described above.

NOTES: Pursuant to Section 71(2) of the Act, Sections 24(2A), 24A and 24AA of the Conservation Act 1987 do not apply to these dispositions.

Dated at _____ this _____ day of 2011]

Person Authorised by the Secretary for the Environment

² Insert name of trustee of the Waikato Raupatu River Trust