



# Ngāti Manawa Claims Settlement Act 2012 registration guideline

LINZG20735

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# 1. Terms and definitions

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- General**
- (a) For the purposes of this guideline, the terms and definitions in the Ngāti Manawa Claims Settlement Act 2012 (Act) apply, unless stated otherwise. Refer to s 10 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>
Act	Ngāti Manawa Claims Claims Settlement Act 2012
authorised Person	an authorised person as defined in s 10 of the Act
Chief Executive	Chief Executive of Land Information New Zealand
Deed of Settlement	the Deed of Settlement for Ngāti Manawa dated 12 December 2009
LINZ	Land Information New Zealand
RGL	Registrar-General of Land
trustees	Te Rūnanga Ngāti Manawa
Tangiharuru	the most prominent ancestor of Ngāti Manawa

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## 2. Foreword

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**Introduction** The Act came into force on 6 April 2012.

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**Purpose** The Registrar-General of Land (RGL) has issued this guideline to ensure that applications received by Land Information New Zealand (LINZ) under the Act are dealt with correctly.

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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,
  - (ii) actions which trigger the registration process, and
  - (iii) registration requirements and memorial formats.
- (b) The guideline focuses primarily on the provisions of the Act that impact on the registration process.

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**Intended use of guideline** The RGL has issued this guideline for employees of LINZ with delegated authority to exercise registration functions under the Land Transfer Act 1952.

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**Provisions** Section 94 of the Act provides that if a provision in the Act has the same effect for a jointly vested site as a provision in the Ngāti Whare Claims Settlement Act 2012, the provisions must be given effect to only once as if they were one provision.

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**References** The following documents are necessary for the application of this guideline:

- (a) Deed of Settlement for Ngāti Manawa dated 12 December 2009 <sup>1</sup>
- (b) Ngāti Manawa Claims Settlement Act 2012

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<sup>1</sup> Refer to the Office of Treaty Settlements' website [www.ots.govt.nz](http://www.ots.govt.nz) for a copy of the Deed of Settlement.

### 3. Removal of memorials

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**Trigger** Receipt of a certificate under s 16 for the removal of certain memorials from a computer register.

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**Legislation** The RGL is required to register a certificate against the affected registers, and cancel each memorial that is entered in accordance with the following enactments:

- (a) ss 8A to 8HJ of the Treaty of Waitangi Act 1975,
  - (b) ss 27A to 27C of the State-Owned Enterprises Act 1986,
  - (c) ss 211 to 213 of the Education Act 1989,
  - (d) Part 3 of the Crown Forest Assets Act 1989,
  - (e) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990.
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**Format for certificate**

The certificate must:

- (a) be issued by the Chief Executive of LINZ (Chief Executive) (s 16(1));
  - (b) identify each allotment, which is all, or part of, a settlement property and computer register which contains such a memorial (s 16(1)) and
  - (c) state that it is issued under s 16 (s 16(3)).
- 

**Action**

When a certificate under s 16 is presented for registration:

- (a) any memorial on the current view of the computer register which relates to an enactment referred to in s 15(2) should be removed,
- (b) the following memorial should be recorded on the historic view of that register:

*'(instrument number) Certificate under section 16 of the Ngāti Manawa Claims Settlement Act 2012 cancelling (memorial to be cancelled) (date and time)'*

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## 4. Properties vested in the name of the trustees of Te Rūnanga o Ngāti Manawa

### Properties vested

Applications for issue of a computer freehold register in the name of the trustees of Te Rūnanga o Ngāti Manawa (trustees) will be lodged for the following properties:

Site	Land description
Ōruatewehi Pā site	South Auckland Land District - 167.9347 hectares, more or less, being Section 1 SO 431659. Part computer freehold register 507550.
Kiorenui site	South Auckland Land District - 237.9971 hectares, more or less, being Sections 1 and 2 SO 431945. Part computer freehold register 507533 and part computer freehold register 512595.
Kakarāhonui Kāinga site	South Auckland Land District - 1.9999 hectares, more or less, being Section 1 SO 432443. Part computer freehold register SA86/152.
Kāramuramu	South Auckland Land District - (i) 6.9839 hectares, more or less, being Sections 4 and 5 SO 431616. (ii) CNI forests site - 38.6050 hectares, more or less, being Section 1 SO 431616. Part computer freehold register 507550. (iii) Galatea Stewardship Area - 72.2663 hectares, more or less, being Sections 2 and 6 SO 431616. (Part GN S385769). 4.9999 hectares, more or less, being Section 7 SO 431616. (Part GN S385769). (iv) Fort Galatea Historic Reserve Area - 8.0655 hectares, more or less, being Section 3 SO 431616. (GN 262705).
Motumako site	South Auckland Land District - 201.9991 hectares, more or less, being Section 2 SO 431659. Part computer freehold register 507550.
Te Ana a Maru Rock Art site	South Auckland Land District - 19.9998 hectares, more or less, being Section 1 SO 433212. Part computer freehold register 512595.
Tūtūtarata Papakainga site	South Auckland Land District - 4.9999 hectares, more or less, being Section 1 432635. Part computer freehold register 507554.
Pekepeke Pā site	South Auckland Land District: 4.9972 hectares, more or less, being Section 3 SO 431945. Part computer freehold register 507533 and part computer freehold register 512595.
Puketapu Pā site	South Auckland Land District - 4.9996 hectares, more or less, being Section 3 SO 431659. Part computer freehold register 507550.

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## Properties vested in the name of the trustees of Te Rūnanga o Ngāti Manawa, continued

### Properties vested, continued

Site	Land description
Pukemoremore site	South Auckland Land District - 4.9999 hectares, more or less, being Section 1 SO 433291. Part computer freehold register 507547.
Ngātamawahine Nohoanga site	South Auckland Land District - 1.9992 hectares, more or less, being Section 4 SO 431659. Part computer freehold register 507550.
Kaiwhatiwhati Pā site	South Auckland Land District - 4.9777 hectares, more or less, being Section 5 SO 431659. Part computer freehold register 507550.
Ahiweka Pā site	South Auckland Land District - 4.9999 hectares, more or less, being Section 2 SO 433291. Part computer freehold register 507547.
Ahiwhakamura Kāinga site	South Auckland Land District - 4.9999 hectares, more or less, being Section 3 SO 433291. Part computer freehold register 507547.
Galatea School site	South Auckland Land District - 1.5934 hectares, more or less, being Section 52 Township of Galatea. All Gazette 1938 page 960. 0.7117 hectares, more or less, being Sections 43, 44, 45, 46, 47, 48 and 49 Township of Galatea. All Gazette 1957 page 750.
Murupara School site	South Auckland Land District - 2.8900 hectares, more or less, being Lot 1 DPS 5003. All Proclamation S.173510.
Te Kura Kaupapa Motuhake o Tāwhiuau site	South Auckland Land District - 2.3065 hectares, more or less, being Part Section 18 Block XIII Galatea Survey District. All Proclamation S.207385.
Kani Rangi Park site	South Auckland Land District: 7.7570 hectares, more or less, being Lots 1, 2, 3 and 4 DP 408130. Part computer freehold register SA39C/765.



## 5. Registration of ownership in the trustees of Te Rūnanga o Ngāti Manawa

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**Scope** This part applies to the fee simple estate in property (other than a jointly vested property) vested in the trustees under the Act.

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**Trigger** Receipt of a written application under s 90(2) of the Act for creation of a computer freehold register in the name of the trustees under s 90(3) or s 90(4) of the Act.

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**Action**

- (a) If the land described in the application is all of the land contained in a computer freehold register:
  - (i) register the trustees as the proprietors of the fee simple estate in the land, and
  - (ii) enter on the register any encumbrances, restrictions, and interests that are described in the application.
- (b) If the land described in the application is not all of the land contained in a computer freehold register, or there is no computer freehold register for all or part of the land:
  - (i) create one or more computer freehold registers for the fee simple estate in the land in the names of the trustees, and
  - (ii) enter on the register any encumbrances, restrictions, and interests that are described in the application.

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## Registration of ownership in the trustees of Te Rūnanga o Ngāti Manawa, continued

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### Memorials

The following memorials are to be recorded upon registration of a vesting application under s 90 and to reflect the requirements of s 92 and 93 in regard to Part 4 of the Conservation Act 1987 and the Crown Minerals Act 1991.

- (a) '[registration number] Application under section 90 of the Ngāti Manawa Claims Settlement Act 2012 vesting the within land in the trustees of Te Rūnanga o Ngāti Manawa [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'
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## 6. Registration of Te Ana a Maru Rock Art site as Reserve

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**Legislation** Within the time specified in s 69, the Minister of Conservation must publish a Gazette notice that declares the Te Ana a Maru Rock Art site a reserve and classifies it as an historic reserve, named Te Ana a Maru Historic Reserve, subject to s 18 of the Reserves Act 1977.

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**Trigger** Receipt of a written notice from the Director-General that the Te Ana a Maru Rock Art site has been declared a reserve and classified as an historic reserve subject to s 18 of the Reserves Act 1977.

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**Action** As soon as practicable after receiving the written notice from the Director-General:

- (a) make entries on the computer freehold register for the Te Ana a Maru Rock Art site that the Te Ana a Maru Rock Art site has been declared a reserve and classified as an historic reserve, named Te Ana a Maru Historic Reserve, subject to section 18 of the Reserves Act 1977, and
  - (b) cancel the protective covenant B239828.2 in respect of the land.
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## 7. Properties vested in the name of Tangiharuru for an undivided half share

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### Scope

Applications for issue of separate computer freehold registers in the name of **Tangiharuru** for an **undivided half share** for the fee simple estate will be lodged for the following properties:

Site	Land description
Hinamoki Pā	South Auckland Land District: 1.0882 hectares, more or less, being Section 1 SO 428393. Part Gazette 1984 page 643.
Okārea Pā site	South Auckland Land District - 4.9999 hectares, more or less, being Section 1 SO 431558. Part Gazette 1983 page 2029.
Te Rake Pā site	South Auckland Land District - 4.9997 hectares, more or less, being Section 5 SO 433101. Part computer freehold register 507554.
Te Tāpiri Pā site	South Auckland Land District - 1.2219 hectares, more or less, being Section 1 SO 433064. Part Gazette 1976 page 2865 and part computer freehold register SA86/152.

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## Properties vested in the name of Tangiharuru for an undivided half share, continued

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**Trigger** Receipt of a written application by an authorised person under under s 88(1)(a) of the Act for creation of a computer freehold register in the name of Tangiharuru for an undivided half share for the fee simple estate in the land described in the application.

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**Memorials** The following memorials are to be recorded on a CFR created upon registration of an application under s 88, and to reflect the requirements of s 92 and s 93 in regard to Part IV of the Conservation Act 1987 and the Crown Minerals Act 1991.

- (a) '*[registration number]* Application under s 88 of the Ngāti Manawa Claims Settlement Act 2012 vesting the within land in Tangiharuru *[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'
- 

**Action** Create a separate computer freehold register for the **undivided half share** in the land described in the application and

- (a) enter Tangiharuru on the register as the registered proprietor, and
  - (b) enter on the register any encumbrances, restrictions, and interests that are described in the application, and
  - (c) make a notation on the register that the land is a Māori reservation created under s 86; and is subject to s 87 of the Ngāti Manawa Claims Settlement Act 2012.
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## 8. Registration in either the name of the trustees of Te Rūnanga o Ngāti Manawa or in name of Tangiharuru

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### Trigger

The trustees may give the RGL a written notice requiring that the fee simple estate in land that is registrable or registered under the Land Transfer Act 1952 in the name of the trustees:

- (a) be registered in the name of Tangiharuru, rather than in the name of the trustees, or
- (b) be no longer registered in the name of Tangiharuru, and instead be registered in the name of the trustees.

*[This provision does not apply to land vested in Tangiharuru for an undivided half share under s88].*

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### Notice requirements

- (a) The written notice will:
    - (i) contain a recital that the direction is given under s 100(2)(a) or s 100(2)(b) of the Act,
    - (ii) be executed or purport to be executed by the trustees, and
    - (iii) relate to land registrable or registered in the name of the trustees or in the name of Tangiharuru.
  - (b) In the absence of evidence to the contrary, the direction is sufficient evidence that the direction has been given under s 100(2) 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.
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## Registration in either the name of the trustees of Te Rūnanga o Ngāti Manawa or in name of Tangiharuru, continued

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### Action

- (a) Upon receiving a direction by the trustees that contains a recital that the direction is given under s 100(2)(a), the RGL must:
    - (i) record Tangiharuru as the registered proprietor on the relevant CFR, and
    - (ii) note the land as subject to s 100(3) of the Act.
  - (b) Upon receiving a direction by the trustees that contains a recital that the direction is given under s 100(2)(b), the RGL must:
    - (i) record the trustees as the registered proprietor on the relevant CFR, and
    - (ii) remove the memorial that the land is subject to s 100(3) of the Act.
- 

### **Te Rūnanga o Ngāti Manawa have rights of a registered proprietor**

In respect of the land registered in the name of Tangiharuru, the trustees:

- (a) have all the duties, powers, and rights of the registered proprietor of the land, and
- (b) carry out every such duty and exercise every such power or right in their own name and not in the name of Tangiharuru.

The RGL is bound by this arrangement.

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## 9. Applications for Reserve Sites

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### **Issue of computer freehold register for a reserve site**

The RGL must record on the computer freehold register for The Fort Galatea historic reserve area and the Te Ana a Maru Rock Art site that:

- (a) the land is subject to Part 4A of the Conservation Act 1987, but that s 24 of that Act does not apply, and
  - (b) the land is subject to ss 91(4) and 97 of the Act.
- 

### **Statutory actions**

- (a) When an application is made in respect of a reserve site, the statutory action revoking the reserve must be captured before the registration of the trustees as registered proprietors.
  - (b) When the vesting in the trustees has been registered, the new reserve status (if any) must, where applicable, be noted on the current view of the relevant computer register.
- 

### **Revocation of reserve status**

- (a) If the reservation of a reserve site is revoked in relation to all of the site, then the Director-General must apply in writing to the RGL to remove from the computer freehold register for the site the notifications that:
    - (i) s 24 of the Conservation Act 1987 does not apply to the site, and
    - (ii) the site is subject to ss 91(4) and 97.
  - (b) If the reservation of a reserve site is revoked in relation to part of the site, then the RGL must ensure that the notifications referred to in paragraph (a) remain only on the computer freehold register for the part of the site that remains a reserve.
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## 10. Removal of Crown forestry licence memorials

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### Trigger

A written application to the RGL by the registered proprietor of a Central North Island (CNI) forests site containing the following:

- (a) confirmation that all of the land contained in the computer freehold register or registers for the site was returned on the 'return date' specified in the Act, and
  - (b) a statement from the relevant licensee under the Crown forestry licence endorsing the above confirmation.
- 

### Action

When an application under s 99 is presented for registration:

- (a) any memorial on the current view of the computer register which relates to the Crown forestry licence should be removed,
- (b) the following memorial should be recorded on the historic view of that register:

*'(instrument number) Application under section 99 of the Ngāti Manawa Claims Settlement Act 2012 cancelling (memorial to be cancelled) (date and time)'*

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## 11. Registration of transfer of deferred selection properties

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**Background** The Crown (acting by and through the chief executive of the land holding agency) is authorised by s 130 of the Act to do one or both of the following:

- (a) transfer the fee simple estate in a deferred selection property to the trustees,
  - (b) sign a transfer instrument or other document, or do any other thing, to effect the transfer.
- 

**Trigger** Receipt of a written application or transfer by an authorised person under s 130 of the Act.

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**Action**

- (a) If the land described in the application or transfer is all of the land contained in a computer freehold register:
  - (i) register the trustees as the proprietors of the fee simple estate in the land, and
  - (ii) enter on the register any encumbrances, restrictions, and interests that are described in the application.
- (b) If the land described in the application is not all of the land contained in a computer freehold register, or there is no computer freehold register for all or part of the land:
  - (i) create one or more computer freehold registers for the fee simple estate in the land in the name of the Crown; subject to, and together with, any encumbrances that are described in the written application, but **without any statement of purpose**, and
  - (ii) note the land as 'Subject to Part 4A of the Conservation Act 1987 (but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition)', and 'Subject to section 11 of the Crown Minerals Act 1991'.

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## Registration of transfer of deferred selection properties, continued

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### **Registration of covenant**

The authorised person may:

- (a) grant a covenant to arrange for the later creation of a computer freehold register for any land that is transferred under s 130, and
  - (b) request the Registrar-General to register such covenant under the Land Transfer Act 1952 by creating a computer interest register and the Registrar-General must register the covenant.
- 

### **Application of other enactments to transfer of a deferred selection property.**

- (a) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the transfer of a deferred selection property to the trustees, or a matter incidental to, or required for the purpose of, that transfer.
  - (b) In exercising the powers conferred by s 130, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a deferred selection property.
  - (c) The permission of a council under s 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way that may be required to fulfil the terms of Part 7 of the deed of settlement in relation to the transfer of a deferred selection property.
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## 12. Removal of easement relating to Te Rake Pā Forest Site

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### **Vesting provisions**

- (a) The CNI forests sites were vested in CNI Iwi Holdings Limited under the Central North Island Forest Land Collective Settlement Act 2008.
  - (b) Section 98 (4) of the Act provides that, upon the vesting of the undivided one half share in the Te Rake Pā site, s 10 of the Central North Island Forests Land Collective Settlement Act 2008 ceases to apply.
- 

### **Trigger**

Receipt of a written application from an authorised person specifying the right of way easement to be extinguished and the relevant computer interest register for the easement.

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### **Action**

Record the extinguishment of the public right of way easement over the former Crown forest land on:

- (a) whichever relevant computer freehold register or registers exist at the time the application is made for that area of land known as the Kaingaroa Whirinaki Block currently contained in computer freehold register 507554, and
  - (b) the relevant computer register for the public right of way easement.
-

## 13. Application of other enactments to land vested under the Act

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### Relevant enactments

- (a) The land is vested subject to Part 4A of the Conservation Act 1987.
  - (b) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to:
    - (i) the vesting of the fee simple estate (or a share of the fee simple estate), or
    - (ii) any matter incidental to, or required for the purpose of, the vesting.
  - (c) The vesting of the fee simple estate (or a share of the fee simple estate) does not:
    - (i) limit ss 10 or 11 of the Crown Minerals Act 1991, or
    - (ii) affect other rights to subsurface minerals.
  - (d) The permission of a council under s 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement.
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## 14. Fees

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**Fees payable** The standard registration fees are payable for all lodgements under the Act.

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## 15. Definition of land for issue of computer registers

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**Survey definition** Applications to the RGL under the Act to create a computer freehold register are subject to the completion of any survey necessary for adequate definition of the affected land.

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