Ngāti Hauā Claims Settlement Act 2014 registration guideline

LINZG20750

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Terms and definitions

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| General | 1. For the purposes of this guideline, the terms and definitions in the Ngāti Hauā Claims Settlement Act 2014 (Act) apply, unless stated otherwise. Refer to ss 11 to 14, 59, 103, 108 and 109, of the Act for interpretation. 2. Terms and abbreviations used in this guideline that are not defined in the Act are defined below. 3. 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 | Ngāti Hauā Claims Settlement Act 2014 |
| authorised person | an authorised person as defined in ss 73(8), and 105(5) as the case may be |
| CFR | computer freehold register, as defined in s 2 of the Land Transfer Act 1952 |
| Chief Executive | Chief Executive of Land Information New Zealand |
| commercial redress property | a property defined as commercial redress property in ss 12 and 103 |
| cultural redress property | a property listed in s 59 and described in Schedule 3 of the Act |
| deed of settlement | the Ngāti Hauā Deed of Settlement dated 18th July 2013 referred to in s 3 and defined in s 12 |
| Deferred selection property | a property defined as deferred selection property in ss 12 and 103 |
| LINZ | Land Information New Zealand |
| resumptive memorials | Memorials entered under any enactment referred to in s 17 |
| RFR land | land defined as RFR land in s 109 (right of first refusal) |
| RGL | Registrar-General of Land appointed under s 4 of the Land Transfer Act 1952 |
| Second right of deferred purchase property | a property described in part 6 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied as defined in s 103 |
| settlement date | Settlement date is 20 days after the date on which the Act came into force being 9th February 2015 |
| trustees | Trustees, from time to time, of Ngāti Hauā Iwi Trust acting in their capacity as trustees of Ngāti Hauā Iwi Trust as defined in s 12 |

Foreword

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| Introduction | 1. The Ngāti Hauā Claims Settlement Act 2014 (Act) came into force on 16th December 2014. 2. The land concerned is in the South Auckland Land Registration District. |

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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 | 1. This document contains guidelines for compliance with the Act. It covers:    1. the requirements for certificates, applications, and other transactions to be lodged for registration with the RGL, and    2. registration requirements and memorial formats. 2. 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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| References | The following documents are necessary for the application of this guideline:   1. Deed of Settlement for Ngāti Hauā dated 18th July 2013[[1]](#footnote-1) 2. Ngāti Hauā Claims Settlement Act 2014 3. Customer Services Technical Circular 2013.T06 - Registration of Treaty Claims Settlement Dealings. |

# Noting statutory restrictions and directions on registration

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| Statutory prohibitions restricting dealing with computer registers | Sections 80, 83 and 132 contain restrictions against dealing with land held in computer registers. In each case a memorial of the statutory restrictions on registration must be entered on the relevant computer register. and a 'prevents registration' flag must be created in Landonline – refer to Table 1 - Description of Cultural redress properties, Vesting, Reserve status, Interests and Memorials and s 6 of this guideline - Right of first refusal. |

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| Follow up action for Landonline | 1. When a computer register contains the following memorials:   'Subject to section 80 of the Ngāti Hauā Claims Settlement Act 2014'  'Subject to section 83 of the Ngāti Hauā Claims Settlement Act 2014 (which prohibits mortgaging reserve land)'  '[*certificate identifier*] Certificate under section 132(1) of the Ngāti Hauā Claims Settlement Act 2014 that the within land is RFR land as defined in section 109 and is subject to Subpart 2 of Part 3 of the Act (which restricts disposal, including leasing, of the land) [date and time]'   1. Ensure the 'prevents registration' flag has been set for each of the memorials. |

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| Statutory direction to record memorials on CFRs for Waharoa Aerodrome s 101 | 1. Section 101 directs the RGL to note on certain CFRs that subpart 6 of Part 4 of the Act applies to those CFRs. 2. Those CFRs as listed in schedule 4 of the Act are SA10C/459, SA23C/1294 and 20651. |

# Vesting of cultural redress properties

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| Properties vesting in trustees of Ngāti Hauā Iwi Trust under s 59 | 1. Reserve property means each of the cultural redress properties. 2. Cultural redress property means each of the following properties that are vested in the trustees of the Ngāti Hauā Iwi Trust:    1. Gordon Gow Scenic Reserve,    2. Maungakawa,    3. Pukemako site A,    4. Pukemako site B, and    5. properties listed in schedule 3 of the Act. 3. Schedule 3 of the Act shows the legal descriptions and interests affecting the cultural redress land to vest in the trustees. |

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| Trigger – receipt of written application under s 73(3) | Receipt of a written application under s 73(3) by an authorised person to register the trustees as proprietors of the fee simple estate.  Authorised person is an authorised person defined in s 73(8) of the Act as a person authorised by the Director-General of Conservation. |

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| Action - registration of trustees and creation of CFR under s 73 | When an application under s 73(3) is presented for registration   1. If a cultural redress property is all of the land contained in a CFR, the RGL must:    1. register the trustees as the proprietors of the fee simple and    2. record any entry and do all things necessary to give effect to Part 2 subpart 4 of the Act and part 5 of the deed of settlement (s 73(3)). Refer to Table 1 - Description of Cultural redress properties, Vesting, Reserve status, Interests and Memorials.   **Note:** Part 5 of the deed of settlement relates to the vesting of cultural redress land and other related matters that are covered in the Act. There is nothing in Part 5 that requires the RGL to do anything more than is required under the Act   1. If a cultural redress property is not all of the land in a CFR or there is no CFR for all or part of the property, the RGL must:    1. create a CFR in the name of the trustees, and    2. enter any encumbrances or interests described in the application (s 73(5)). Refer to Table 1 - Description of Cultural redress properties, Vesting, Reserve status, Interests and Memorials.   continued on next page  Vesting of cultural redress properties, continued   1. Creation of the above CFR is subject to completion of any necessary survey. 2. The standard registration and new title fees apply.   **Note**: The resumptive memorials must be brought down onto the computer registers created for the relevant entity or trustees. They cannot be noted as 'cancelled' until a certificate by the Chief Executive under s 18 authorising the removal of the memorials is lodged for registration. |
| Memorials | 1. The following are examples of suitable memorials to record the vesting on an existing CFR (upon registration of an application under s 73) and to reflect the requirements of s 74 in regard to Part IV of the Conservation Act 1987:   '[*registration number*] Application under section 73 of the Ngāti Hauā Claims Settlement Act 2014 vesting the within land in [*names of the trustees*] [*date and time*]'   1. In addition the following must also be recorded:   'Subject to Part 4A of the Conservation Act 1987' but section 24 of that Act does not apply',  'Subject to section 11 of the Crown Minerals Act 1991'  Subject to the Reserves Act 1977  'Subject to sections 74(3) and 80 of the Ngāti Hauā Claims Settlement Act 2014'  **Note:** Section 80 prohibits registration except in accordance with ss 81 or 82 of the Act. A warning flag is required to be created in Landonline to prevent registration.  Refer also to Table 1 - Description of Cultural redress properties, Vesting, Reserve status, Interests and Memorials. |
| Additional memorial for land that is reserve land | 1. To ensure that the prohibition against mortgaging reserve land in s 83 is upheld The following memorial should be added to the CFR for reserve land:   'Subject to section 83 of the Ngāti Hauā claims settlement Act 2014 (which prohibits mortgaging reserve land)'   1. Ensure the 'prevents registration' flag has been set. 2. See the paragraph headed 'Statutory prohibition against mortgage of reserve land' below. Refer to Table 1 - Description of Cultural redress properties, Vesting, Reserve status, Interests and Memorials. |

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Vesting of cultural redress properties, continued

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| RMA/LGA statutory exemptions under s 76 | 1. The vesting of the fee simple in cultural redress properties in the trustees under Part 2 of the Act do not require subdivision approval, because they are not subject to section 11 and Part 10 of the Resource Management Act 1991. 2. Creation of rights of way to fulfil the terms of the deed of settlement in relation to a cultural redress property do not require Council consent under s 348 of the Local Government Act 1974. |

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| Action - vestings subject to interests under s 71 | 1. Cultural redress properties are vested subject to the interests set out in the third column in Schedule 3 of the Act (s 71 ) refer to Table 1 - Description of Cultural redress properties, Vesting, Reserve status, Interests and Memorials for details. 2. The interests in Schedule 3 of the Act may include unregistered instruments. Only the interests referred to in the application are required to be entered on the computer register. |

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| Action - vestings subject to trustees’ encumbrances or covenants | 1. The cultural redress properties set out in the table below are vested subject to the trustees creating the encumbrances or covenants as stated. 2. The applications in respect of these sites must be accompanied by the instruments creating the encumbrances or covenants referred to. 3. The right of way is not subject to s 348 of the Local Government Act 1974 for the vesting of the fee simple estate in a cultural redress property under subpart 4 of Part 2 of the Act (s76(2)).  |  |  |  | | --- | --- | --- | | Property | Encumbrance or covenants the trustees must create (register) | Refer to … | | Maungakawa | * A right of way easement in gross in favour of the Minister of Conservation. * The right of way easement is not subject to s 348 of the Local Government Act 1974 (s 76(2)). | Section 61(5) | |

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| Action - revocation and reconferring of reserve status under ss 60 to 63 | The reserve status of cultural redress properties is either revoked and/or new reserve status conferred. Please refer to Table 1 - Description of Cultural redress properties, Vesting, Reserve status, Interests and Memorials for details. |

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Vesting of cultural redress properties, continued

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| Action - statutory action revoking and creating reserve | 1. 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. 2. If the statutory action requires updating the cadastre survey system in any way, survey staff should be notified and requested to update the cadastre. 3. 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 – refer to table 1. |
| Revocation of reserve under Part 2 | If the reservation of all or part of a reserve property under subpart 4 of Part 2 is revoked, the Director-General of Conservation will apply under s 75(3) to remove notifications that s 24 of the Conservation Act 1987 does not apply |
| Trigger – registration action on receipt of an application under s 75(3) | Receipt of an application from the Director-General of Conservation, under s 75(3), to cancel memorials recording that s 24 of the Conservation Act 1987 does not apply, if the reservation of a reserve property, under subpart 4 of Part 2 of the Act is revoked, in whole or in part.  **Note:** The application must be preceded by the relevant documentation revoking the reservation in terms of the Reserves Act 1977. |
| Memorial format | The approved format for the memorial which must record the cancellation is:  '[application identifier] Application under section 75(3) of the Ngāti Hauā Claims Settlement Act 2014 [date and time]'. |
| Action – removal of memorials | The following notifications must be modified accordingly:   1. From the memorial 'subject to Part 4A of the Conservation Act 1987 (but section 24 of that Act does not apply) 'delete the words '(but section 24 of that Act does not apply)'. 2. delete the memorial 'Subject to sections 74(3) and 80 of The Ngāti Hauā Claims Settlement Act 2014'. |

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Vesting of cultural redress properties, continued

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| Revocation in relation to part of a site | If a reservation under subpart 4 of Part 2 of the Act is revoked as to part of the site, the memorials remain only on those CFRs, or part CFRs that remain a reserve. |

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| Statutory prohibition against mortgage of reserve land | The registered proprietors are prohibited from registering a mortgage or any other security interest (charge) in any land or part of the land so long as it remains a reserve under the Reserves Act 1977 (s 83). |

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| Action - memorials | 1. To ensure that the prohibition against mortgaging reserve land in s 83 is upheld the following memorial should be added to the CFR for reserve land:   'Subject to section 83 of the Ngāti Hauā claims settlement Act 2014 (which prohibits mortgaging reserve land)'   1. Ensure the 'prevents registration' flag has been set. Refer to Table 1 - Description of Cultural redress properties, Vesting, Reserve status, Interests and Memorials. |

# Transfer of reserve land

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| Subsequent transfer of Reserve land under s 80 | The fee simple estate in reserve land may only be transferred to any other person in accordance with s 81 or s 82. |

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| Trigger –transfer of reserve land under s 81 | Transfer instrument transferring a reserve site to new owners pursuant to s 81. |

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| Action - transfer of reserve land (s 81) | 1. The written consent of the Minister of Conservation must accompany the transfer instrument. 2. The transfer instrument must contain a statement that the new owners hold the land for the same reserve purpose as the previous owners held it. 3. If any other documents are required for registration of the transfer they must be registered or lodged 4. Upon receipt of the transfer, consent and any other document required to facilitate registration of the transfer, the RGL must register the transfer 5. The RGL must record on the CFR the purpose that the new owners own the land.   **Note:** The above does not apply in certain circumstances where the land is held in a trust and the affect of the transfer is to change the trustees. A certificate accompanying a subsequent transfer is sufficient proof that s 81(3) to (5) do not apply (s 82). |

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| Action – transfer of reserve land if trustees change under s 82 | The registered proprietor of reserve land may transfer the fee simple estate in the reserve land if the:   1. transferors of the reserve land are or were the trustees of a trust; and 2. transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust; and 3. the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees’ solicitor, verifying that ss 82(a) and 82(b) apply. |

# Waharoa Aerodrome

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| Statutory authority if land not required for Waharoa Aerodrome | 1. Section 95 contains power for the Minister of Conservation or the administering body to revoke the reservation of the Waharoa Aerodrome land and vest that land in the trustees in certain circumstances 2. On revocation of the reserve status under s95(1)(b) the affected part of the Waharoa Aerodrome land vests in the trustees 3. There are three CFRs for Waharoa aerodrome SA10C/459, SA23C/1294 and 20651 listed in schedule 4 of the Act |

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| Statutory direction under s 101 | The RGL must record the following memorial onto CFRs SA10C/459 SA23C/1294 and 20651 as soon as practicable after settlement date (9th February 2015):  'Subject to subpart 6 of Part 2 of the Ngāti Hauā Claims Settlement Act 2014'. |

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| Trigger -application to amend CFR where revocation affects all the land in the CFR under s 99 | 1. Receipt of an application under s 99 by a person authorised by the Director General of Conservation to revoke the reserve status under s 95 of the Act. 2. The application must be accompanied by a copy of the Gazette Notice that revoked the reservation. |

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| Action registration of trustees and removal of memorials | Upon receipt of an application under s 99 the RGL must:   1. remove from the CFR any restrictions or encumbrances or interests that are not specified in the Gazette notice that revoked the reservation, 2. remove the notation 'Subject to subpart 6 of Part 2 of the Ngāti Hauā Claims Settlement Act 2014 referred to in s 101', and 3. register the trustees as registered proprietors of the fee simple estate in the land. |

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Waharoa Aerodrome, continued

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| Trigger -application to amend CFR where there is no CFR or the affected land comprises only part of a CFR under s 100 | 1. Receipt of a written application under s 100 for the creation of a CFR by a person authorised by the Director General of Conservation where the revocation of the reserve status under s 95:    1. does not comprise all of the land in a CFR, or    2. there is no CFR for all or part of the land. 2. The application must be accompanied by a copy of the Gazette Notice that revoked the reservation. |

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| Action creation of CFR in the name of the trustees | 1. Upon receipt of an application under s 100 the Registrar must create a CFR in the name of the trustees and ensure that the CFR does not contain:    1. any restriction encumbrance or interest that is not specified in the Gazette notice that revoked the reservation, or    2. the notation 'Subject to subpart 6 of Part 2 of the Ngāti Hauā Claims Settlement Act 2014' referred to in s 101, and    3. for the balance of the land, ensure that the CFR contains the same restrictions and interests to which the land was subject before the Gazette notice was issued (including the notation referred to in s 101). 2. Creation of the above CFR is subject to completion of any necessary survey. |

# Vesting of commercial redress properties

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| Crown may transfer properties under s 104 | 1. Section 104 gives the Crown the authority to transfer the fee simple estate in:    1. a commercial redress property,    2. a deferred selection property, or    3. a second right of deferred purchase property   to the trustees and sign a transfer or other document to give effect to such a transfer.   1. The relevant properties are described in Parts 4, 5 and 6 of the Property Redress Schedule in the Deed of Settlement. See weblink:   [*http://nz01.terabyte.co.nz/ots/DocumentLibrary/NgatiHauaDOSPropertyRedress.pdf*](http://nz01.terabyte.co.nz/ots/DocumentLibrary/NgatiHauaDOSPropertyRedress.pdf)   1. A transfer lodged for registration pursuant to s 104 must contain a statement that it is authorised under s 104. |

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| Trigger – written application to create CFR under s 105 | 1. A written application by an authorised person under s 105(3) to create a CFR for    1. a commercial redress property,    2. a deferred selection property, or    3. a second right of deferred selection property   which is being transferred to the trustees.   1. Authorised person means a person authorised by the Chief Executive of the relevant land holding agency (s 105 (5)). |

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Vesting of commercial redress properties, continued

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| Action – create computer freehold register | 1. Upon receipt of an application under s 105, the RGL must create one CFR in the name of the Crown:    1. subject to and together with any encumbrances that are registered or described in the application, but    2. without any statement of purpose. 2. Creation of the above CFR is subject to completion of any necessary survey. 3. Standard registration and new title fees apply.   **Note**: The resumptive memorials must be brought down onto the computer registers created for the relevant entity or trustees. They cannot be noted as 'cancelled' until a certificate by the Chief Executive authorising the removal of the memorials is lodged for registration. |
| Memorials to be recorded on CFR upon transfer to trustees under s 107 | Upon the transfer from the Crown to the trustees of a commercial redress property, deferred selection property or a second right of deferred purchase property, the following memorials must be recorded to give effect to s 107:  'subject to Part 4A of the Conservation Act 1987 but section 24(2A), 24A and 24AA of that Act does not apply',  'subject to section 11 of the Crown Minerals Act 1991'. |

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| Trigger – receipt of covenant for later creation of CFR under s 106 | 1. Under s 106 the Crown may defer creating a CFR and instead lodge a covenant for the later creation of a CFR. In the meantime a computer interest register is created. 2. Receipt of a covenant by an authorised person for the later creation of a CFR under s 106(1) for any commercial redress property, deferred selection property, or a second right of deferred selection property. 3. Authorised person means a person authorised by the Chief Executive of the relevant land holding agency (s 105(5)). |

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Vesting of commercial redress properties, continued

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| Statutory directive | Notwithstanding anything to the contrary in the Land Transfer Act 1952, the covenant must be registered and a computer interest register created. |

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| Statutory exemptions under s 107 | 1. The permission of a council under s 348 of the Local Government Act 1974 is not required for a right of way required to fulfil the terms of the deed of settlement in relation to a transfer to the trustees of the fee simple estate in a commercial redress property, a deferred selection property or a second right of deferred purchase property, under s 104. 2. Section 11 and Part 10 of the Resource Management Act 1991 do not apply to a transfer under s 104 or to any matter incidental to or required for the purpose of that transfer. |

# Right of first refusal

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| Trigger – receipt of RFR certificate under s 132 | Receipt of a certificate from the Chief Executive under s 132 that identifies one or more computer registers for RFR land. |

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| Action—memorials record RFR land | 1. Upon receipt of a s 132 certificate the RGL must add the following memorial to the current view of the computer register identified in the s 132 certificate:   '[*certificate identifier*] Certificate under section 132(1) of the Ngāti Hauā Claims Settlement Act 2014 that the within land is RFR land as defined in section 109 and is subject to Subpart 2 of Part 3 of the Act (which restricts disposal, including leasing, of the land) [date and time]'   1. The standard registration fee is payable. 2. Create a 'prevents registration flag' in Landonline. |

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| Trigger –certificate to remove RFR memorial under s 133 | Receipt of a certificate from the Chief Executive under s 133(1) for the removal of s 132 memorials from a CFR on land being transferred or vested. |

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| Action – registration requirements | 1. Upon receipt of the s 133 certificate together with the relevant transfer or vesting application the RGL must record the following memorial on the historic view of the register:   '[*certificate identifier*] Certificate under section 133(1) of the Ngāti Hauā Claims Settlement Act 2014 removing [*memorial identifier*] entered under section 132 [*date and time*]'   1. The transfer or vesting must be registered. 2. The standard registration fee is payable. |

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Right of first refusal, continued

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| Trigger – certificate to remove RFR at end of RFR period under s 134 | Receipt of a certificate from the Chief Executive under s 134(1) for the removal of s 132 memorials from a computer register at the end of the RFR period. |

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| Action – registration requirements | 1. Upon receipt of the s 134 certificate the RGL must record the following memorial on the historic view of the register:   '[*certificate identifier*] Certificate under section 134(1) of the Ngāti Hauā Claims Settlement Act 2014 removing [*memorial identifier*] entered under section 132 [*date and time*]'.   1. The standard registration fee is payable. |

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| Action - ongoing monitoring of RFR land | A transfer or vesting of the fee simple estate, or grant of a lease for 50 years or more (including any rights of renewal or extensions), in a computer register that has a memorial recorded on it under s 132, cannot be registered unless:   1. a certificate from the Chief Executive has been received under s 133, or 2. at the end of the RFR period, a certificate from the Chief Executive has been received under s 134 for the removal of the memorial under s 132, or 3. the dealing is in favour of the Crown or a Crown Body as defined in s 108 (s 109(2)(b)).   **Note**: Transfers of RFR land without a preceding s 133 or s 134 certificate should only be accepted if it is absolutely clear that the transferee is the Crown or a Crown Body (as defined in s 109) If there is any doubt, these matters should be escalated to a senior officer (eg Titles Advisor) for resolution.  **Note**: Where land is disposed of to the Crown or a Crown body (as defined in s 109) in terms of s 110, the RFR will remain on the title and must continue to be monitored and enforced by LINZ until it is removed under s 133 or s 134. |

# Removal of resumptive memorials

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| Trigger – receipt of certificate under s 18 | Receipt of a certificate under s 18(1) for the removal of certain memorials from a computer register. |

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| Authorised person | 1. A statement in the certificate that the signatory is acting on delegation or authority of the Chief Executive shall be taken as evidence of the authority of the person to execute the certificate on behalf of the Chief Executive. 2. A template certificate has been approved by the RGL and is set out in Technical Circular 2013.T06. |

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| Legislation | 1. Section 17(1) provides that certain legislative provisions do not apply:    1. to a cultural redress property, or    2. to a commercial redress property, or    3. to a deferred selection property on and from the date of its transfer to the trustees, or    4. to a second right of deferred selection property on and from the date of its transfer to the trustees, or    5. to an early release cultural property, or    6. to the RFR land, or    7. for the benefit of Ngāti Hauā or a representative entity. 2. Section 17(2) lists the legislative provisions as:    1. Part 3 of the Crown Forest Assets Act 1989,    2. sections 211 to 213 of the Education Act 1989,    3. Part 3 of the New Zealand Railways Corporation Restructuring Act 1990,    4. sections 27A to 27C of the State Owned Enterprises Act 1986, and    5. sections 8A to 8HJ of the Treaty of Waitangi Act 1975.   **Note**: These legislative provisions, being statutory notations, do not fall within the definition of 'encumbrance' in treaty settlement legislation, so must be brought down onto the computer registers created for the relevant entity or trustees. They are only to be noted as 'cancelled' by the RGL, acting on the certificate issued as below.  *continued on next page* |

Removal of resumptive memorials, continued

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| Action registration of Certificate under s 18 | Section 18(4) requires the RGL to register a certificate against the affected registers, cancelling any relevant memorial referred to in s 17(2). The certificate must:   1. be issued by the Chief Executive (s 18(2)), as soon as reasonably practicable after:    1. the settlement date, (9th February 2015) for a cultural redress property, an early release cultural property, a commercial redress property, or the RFR land or    2. the date of transfer of the property to the trustees, for a deferred selection property or a second right of deferred purchase property. 2. identify each allotment, which is all, or part, of:    1. a cultural redress property,    2. a commercial redress property,    3. a deferred selection property,    4. a second right of deferred purchase property,    5. an early release cultural property,    6. the RFR land, and    7. is subject to a resumptive memorial recorded under any enactment listed in s 17(2)   and state that it is issued under s 18 (s 18(3)). |

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Removal of resumptive memorials, continued

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| Action | When a certificate under s 18(1) is presented for registration:   1. any memorial on the current view of the computer register which relates to an enactment referred to in s 17(2) should be removed, 2. the following memorial should be recorded on the historic view of that register:   '[instrument number] Certificate under section 18(1) of the Ngāti Hauā Settlement Act 2014 cancelling [memorial identifier] [date and time]',   1. the Landonline registration code is RRSM (see T06 2013 Technical Circular), and 2. the standard registration fee is payable.   **Note**: If the existing memorial on the title refers to an Act in general, such as 'subject to the Crown Forest Assets Act 1989', the original notation remains on the computer register, but it should be recorded on the computer register that 'Part 3 of the Crown Forest Assets Act 1989 (or any other relevant section mentioned in s 17(2)) does not apply'. |

# Table 1 - Description of Cultural redress properties, Vesting, Reserve status, Interests and Memorials

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| Property Name & Description | Vesting in fee simple/Reserve Status | Existing Interests and Covenants that must be registered | Spatial statutory action | Memorials to be recorded  (as specified in the Act and application to vest) |
| **Gordon Gow Scenic Reserve**  *South Auckland Land District—Matamata–Piako District*  7.3982 hectares, more or less, being Section 23 Block VIII Wairere Survey District. All *Gazette* notice S166494 | Vests in the trustees in fee simple.  The reservation of Gordon Gow Scenic Reserve as a scenic reserve subject to the Reserves Act 1977 is revoked  Gordon Gow Scenic Reserve is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.  S60  CFR must show that the land is held as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977  S60 | Existing Interests:  Subject to *Gazette* notice B366111 declaring adjoining State Highway 27 to be limited access road.  Subject to a notice pursuant to section 91 of the Transit New Zealand Act 1989 created by instrument B378006. | Revoked reserve status.  Declared reserve | *'Subject to Part 4A of the Conservation Act 1987' but section 24 of that Act does not apply',*  *'Subject to section 11 of the Crown Minerals Act 1991'*  *Subject to the Reserve Act 1977*  *'Subject to sections 74(3) and 80 of the Ngāti Hauā Claims Settlement Act 2014'*  *'Subject to section 83 of the Ngāti Hauā claims settlement Act 2014 ( which prohibits mortgaging reserve land )*  *(Note: the memorials relating to ss80 and 83 of the Ngāti Hauā Claims Settlement Act 2014' require the 'prevents registration' flag to be set)* |
| **Maungakawa**  *South Auckland Land District—Matamata–Piako District*  629.3100 hectares, more or less, being Section 1 SO 471146. Part computer freehold register SA48C/398 | Vests in the trustees in fee simple.  The reservation of Maungakawa (being part of Te Tapui scenic reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked  Maungakawa is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.  S61  CFR must show that the land is held as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977  S61 | Subject to the right of way easement in gross referred to in section 61(5).  Subject to the water supply easement created by transfer B022069.8. | Revoked reserve status.  Declared reserve | *'Subject to Part 4A of the Conservation Act 1987' but section 24 of that Act does not apply',*  *'Subject to section 11 of the Crown Minerals Act 1991'*  *Subject to the Reserve Act 1977*  *'Subject to sections 74(3) and 80 of the Ngāti Hauā Claims Settlement Act 2014'*  *'Subject to section 83 of the Ngāti Hauā claims settlement Act 2014 ( which prohibits mortgaging reserve land )*  (Note: the memorials relating to ss80 and 83 of the Ngāti Hauā Claims Settlement Act 2014' require the 'prevents registration' flag to be set) |
| **Pukemako site A**  *South Auckland Land District—Waipa District*  63.9108 hectares, more or less, being Lots 1 and 2 DP 467321 and Parts Section 3 Block VI Cambridge Survey District. All computer freehold register 637892. | Vests in the trustees in fee simple.  The reservation of Pukemako site A (being Maungakawa scenic reserve ) as a scenic reserve subject to the Reserves Act 1977 is revoked  Pukemako site A is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.  S62  The CFR must show that the land is held as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977  S62 | Subject to a right of way easement created by deed of easement 7798890.9 and held in computer interest register 420420.  The easement created by deed of easement 7798890.9 is subject to [section 243(a)](http://www.legislation.govt.nz/act/public/2014/0075/latest/link.aspx?search=ts_act%40bill%40regulation%40deemedreg_ngati+Haua_resel_25_a&p=1&id=DLM237620) of the Resource Management Act 1991.  Subject to [section 59](http://www.legislation.govt.nz/act/public/2014/0075/latest/link.aspx?search=ts_act%40bill%40regulation%40deemedreg_ngati+Haua_resel_25_a&p=1&id=DLM251726) of the Land Act 1948 (affects Lot 1 DP 467321).  Subject to [section 241(2)](http://www.legislation.govt.nz/act/public/2014/0075/latest/link.aspx?search=ts_act%40bill%40regulation%40deemedreg_ngati+Haua_resel_25_a&p=1&id=DLM237612) of the Resource Management Act 1991 (affects DP 467321).  Together with a right to convey electricity created by easement instrument 7798890.8 (affects Lot 1 DP 467321).  The easements created by easement instrument 7798890.8 are subject to [section 243(a)](http://www.legislation.govt.nz/act/public/2014/0075/latest/link.aspx?search=ts_act%40bill%40regulation%40deemedreg_ngati+Haua_resel_25_a&p=1&id=DLM237620) of the Resource Management Act 1991.  Together with a right to convey electricity, telecommunications, and computer media created by easement instrument 8013322.5 (affects Lot 1 DP 467321  The easements created by easement instrument 8013322.5 are subject to [section 243(a)](http://www.legislation.govt.nz/act/public/2014/0075/latest/link.aspx?search=ts_act%40bill%40regulation%40deemedreg_ngati+Haua_resel_25_a&p=1&id=DLM237620) of the Resource Management Act 1991. | Revoked reserve status.  Declared reserve | *'Subject to Part 4A of the Conservation Act 1987' but section 24 of that Act does not apply',*  *'Subject to section 11 of the Crown Minerals Act 1991'*  *Subject to the Reserve Act 1977*  *'Subject to sections 74(3) and 80 of the Ngāti Hauā Claims Settlement Act 2014'*  *'Subject to section 83 of the Ngāti Hauā claims settlement Act 2014 ( which prohibits mortgaging reserve land )*  (Note: the memorials relating to ss80 and 83 of the Ngāti Hauā Claims Settlement Act 2014' require the 'prevents registration' flag to be set) |
| **Pukemako site B** | Vests in the trustees in fee simple.  The reservation of Pukemako site B (being Gudex memorial park Historic Reserve ) as a historic reserve subject to the Reserves Act 1977 is revoked  Pukemako site A is declared a reserve and classified as a historic reserve subject to s18 of the Reserves Act 1977.  S64  The CFR must show that the land is held as a historic reserve subject to s18 of the Reserves Act 1977.  S63 |  | Revoked reserve status.  Declared reserve | *'Subject to Part 4A of the Conservation Act 1987' but section 24 of that Act does not apply',*  *'Subject to section 11 of the Crown Minerals Act 1991'*  *'Subject to the Reserve Act 1977'*  *'Subject to sections 74(3) and 80 of the Ngāti Hauā Claims Settlement Act 2014'*  *'Subject to section 83 of the Ngāti Hauā claims settlement Act 2014 (which prohibits mortgaging reserve land)*  (Note: the memorial relating to ss80 and 83 of the Ngāti Hauā Claims Settlement Act 2014' require the 'prevents registration' flag to be set) |

1. Refer to the Office of Treaty Settlements website for a copy of the deed of settlement and its amendments [↑](#footnote-ref-1)