Ngāti Whātua o Kaipara Claims Settlement Act 2013 registration guideline

LINZG20739

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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 Whātua o Kaipara Claims Settlement Act 2013 apply, unless stated otherwise. Refer to ss 10, 11, 12, 13, 20, 82, 91, and 95 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 Whātua o Kaipara Claims Settlement Act 2013 |
| authorised person | an authorised person as defined in ss 31(6)(a) and (b), 85(7), or 94(4) of the Act, as the case may be |
| Chief Executive | Chief Executive of Land Information New Zealand |
| cultural redress property | a property listed in s 20 and described in Part A of Schedule 1 of the Act |
| commercial redress property | a property defined as commercial redress property in s 82 of the Act |
| deed of settlement | the deed of settlement made between Ngāti Whātua o Kaipara and the Crown dated 9 September 2011 referred to in s 3 of the Act and as defined in s 11 of the Act |
| LINZ | Land Information New Zealand |
| land holding agency | the land holding agency defined in s 82 of the Act |
| RFR land | land defined as RFR land in s 95 of the Act(right of first refusal) |
| RGL | Registrar-General of Land appointed under s 4 of the Land Transfer Act 1952 |
| trustees and trustees of the development trust | trustees from time to time of Ngā Maunga Whakahii o Kaipara Development Trust as defined in s 11 of the Act |
| trustees of the Tari Pupuritaonga Trust | the trustees from time to time of the Tari Pupuritaonga Trust as defined in s 11 of the Act |

Foreword

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| Introduction | 1. The Ngāti Whātua o Kaipara Claims Settlement Act 2013 (Act) came into force on 13 June 2013. 2. The land concerned is in the North 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: 2. the requirements for certificates, applications, and other transactions to be lodged for registration with the RGL, and 3. registration requirements and memorial formats. 4. 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. Ngāti Whātua o Kaipara Claims Settlement Act 2013 2. deed of settlement for Ngāti Whātua o Kaipara dated 9 September 2011[[1]](#footnote-1). |

# Noting Statutory restrictions on registration

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| Statutory prohibitions restricting dealing with computer registers | Sections 36, 39, 45 and 122 of the Act contain restrictions against dealing with land held in computer registers. In each case a memorial of the statutory restrictions on registration should be entered on the relevant computer register. |

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| Follow up action for Landonline | When a computer register contains the following memorials:  Subject to (any of) sections 36, 39, and 45 of the Ngāti Whātua o Kaipara Claims Settlement Act 2013.  [*certificate identifier*] Certificate under s 122(1) of the Ngāti Whātua o Kaipara Claims Settlement Act 2013 that the within land is RFR land as defined in s 110 and is subject to Subpart 4 of Part 3 of the Act (which restricts disposal, including leasing, of the land) [*date and time*]  a 'prevents registration' flag should be created. |

# Removal of memorials

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| Trigger | Receipt of a certificate under s 17 for the removal of certain memorials from a computer register. |

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| Authorised person | 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. |

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| Legislation | 1. Section 16 provides that certain legislative provisions do not apply to: 2. a cultural redress property, 3. a commercial redress property, 4. RFR land, 5. a purchased non-forest commercial property if its purchase is effected under the deed of settlement, 6. a purchased Riverhead Forest property, if it is not commercial redress property but its purchase is effected under the deed of settlement, 7. the Housing Block, if it is purchased and its purchase is effected under the deed of settlement, or 8. for the benefit of Ngāti Whātua o Kaipara or a representative entity. 9. Section 16(2) lists the legislative provisions as: 10. sections 8A to 8HJ of the Treaty of Waitangi Act 1975, 11. sections 27A to 27C of the State Owned Enterprises Act 1986, 12. sections 211 to 213 of the Education Act 1989, 13. Part 3 of the Crown Forest Assets Act 1989, and 14. Part 3 of the New Zealand Railways Corporation Restructuring Act 1990.   **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. |

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Removal of memorials, continued

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| Certificate | Section 17(4) requires the RGL to register a certificate against the affected registers, cancelling any relevant memorial referred to in s 16. The certificate must:   1. be issued by the Chief Executive (s 17(1)) as soon as reasonably practicable after the settlement date or actual deferred settlement date, 2. identify each allotment, which is all, or part, of a settlement property, and computer register which contains such a memorial (s 17(1)), and   (c) state that it is issued under s 17(3). |

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| Action | When a certificate under s 17 is presented for registration:   1. any memorial on the current view of the computer register which relates to an enactment referred to in s 16(2) should be removed, 2. the following memorial should be recorded on the historic view of that register:   '*[instrument number]* Certificate under section 17 of Ngāti Whātua o Kaipara Claims Settlement Act 2013 cancelling *[memorial identifier] [date and time]*',  (c) the Landonline registration code is RRSM, and  (d) 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 16(2)) does not apply'. |

# Cultural redress properties - legislation

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| Legislation | Each cultural redress property vests in the relevant trustees subject to, or together with, any encumbrances listed in relation to the property in Schedule 1 of the Act. The details are set out below.   |  |  |  |  | | --- | --- | --- | --- | | Site | Land description (all North Auckland Land District) | | Subject to and together with | | Property vesting in fee simple | | | | | Makarau | 5.0862 hectares, more or less, being Section 1 SO 444818 and Section 36 Block II Kaipara Survey District |  | | | Properties vesting in fee simple to be administered as reserves | | | | | Atuanui Scenic Reserve | 625.6540 hectares, more or less, being Section 1 SO 440005. All Gazette C465246.1 and parts Gazette D376064.1 and Gazette D376064.2. | Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. | | | Makarau Bridge Reserve | 4.1644 hectares, more or less, being Section 1 SO 446489. Part Gazette 1973, p 895 | Local purpose (estuarine habitat) reserve subject to section 23 of the Reserves Act 1977.  Subject to right of way easement referred to in section 23(4). | | | Parakai | 26.2754 hectares, more or less, being Sections 1 to 189 SO 441418. | Local purpose (estuarine habitat) reserve subject to section 23 of the Reserves Act 1977. | | | Ten Acre Block Recreation Reserve | 0.0195 hectares, more or less, being Section 37 Block XIV Kaipara Survey District. All Gazette 16275 | Recreation reserve subject to section 17 of the Reserves Act 1977 | | | Properties vesting in fee simple subject to conservation covenant | | | | | Mairetahi Landing | 4.3250 hectares, more or less, being Section 1 SO 439996. Part Gazette 1936, p 1530 | Subject to the conservation covenant referred to in section 26(3). | | | Mauiniu Island | 2.1868 hectares, more or less, being Section 1 SO 440002. All computer freehold register NA98D/745 | Subject to the conservation covenant referred to in section 27(3).  Together with a right to enter into and upon and use the lakes on the land created by Transfer 306110.  The within land to be added to a water area (Crosland Farm Settlement) for the purposes of section 50 of the Land Act 1948 created by Gazette A187922.  Resolution pursuant to section 321(3)(b) of the Local Government Act 1974 created by C709584.3. | | | Moturemu Island | 5.0500 hectares, more or less, being Section 1 SO 440003. All computer freehold register NA23/186 | Subject to the conservation covenant referred to in section 28(3) | | | Tīpare | 2.3300 hectares, more or less, being Section 1 SO 440004. Part Gazette notice C465397.2 | Subject to the conservation covenant referred to in section 29(3) | | |

# Cultural redress properties – registration of ownership

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| Trigger | Receipt of a written application under s 31 by an authorised person to register the trustees specified in the application as proprietors of the fee simple estate. |

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| Action - registration of trustees | 1. In the case of Makarau, create a computer freehold register in the name of the trustees of the Development Trust. 2. If any other cultural redress property (other than Mauiniu Island) is all of the land contained in a computer freehold register: 3. register the trustees of the Tari Pupuritaonga Trust as the proprietors of the fee simple, and 4. record any entry on the computer freehold register and do anything else that is necessary to give effect to Part 2, subpart 1 of the Act and Part 5 of the deed of settlement (s 31(2)(b)). 5. If any other cultural redress property is not all of the land in a computer freehold register, or there is no computer freehold register for all or part of the property, and, in the case of Mauiniu Island: 6. create a computer freehold register for the fee simple estate in the name of the trustees of the Tari Pupuritaonga Trust, and 7. record on the computer freehold register any interests that are registered, notified, or notifiable, and that are described in the application (s 31(3)(b)). 8. Creation of the above computer registers is subject to completion of any necessary survey. 9. The standard registration fee is payable. |

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Cultural redress properties – registration of ownership, continued

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| Action - memorials | 1. The following is a suitable memorial to record the vesting on an existing computer register on registration of an application under s 31:   '[registration number] Application under section 31 of the Ngāti Whātua o Kaipara Claims Settlement Act 2013 vesting the within land in [names of the trustees] [date and time]'.   1. The following memorials must be recorded to reflect the requirements of ss 32, 33, and 34: 2. on the computer register for the Atuanui Scenic Reserve, Makarau Bridge Reserve, Parakai, and Ten Acre Block Recreation Reserve (reserve property (s 20)):   '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 section 32(3) and 36 of the Ngāti Whātua o Kaipara Claims Settlement Act 2013.   1. on the computer register for Mauiniu Island, Moturemu Island, and Tipare:   'Subject to Part 4A of the Conservation Act 1987 but the marginal strip is reduced to 3 metres”  'Subject to section 11 of the Crown Minerals Act 1991'   1. On the computer register for Mairetahi landing:   'Subject to Part 4A of the Conservation Act 1987'  'Subject to section 11 of the Crown Minerals Act 1991'.   1. On the computer register for Makarau:   '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' |

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| Statutory exemptions | Cultural redress properties are not subject to:   1. the subdivision requirements of the Resource Management Act 1991, or 2. Auckland Council's requirements for consent under s 348 of the Local Government Act 1974. |

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Cultural redress properties – registration of ownership, continued

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| Action - vestings subject to encumbrances | 1. The cultural redress properties are vested subject to, or together with, the encumbrances or interests set out in the third column of the table in Part A of Schedule 1 of the Act (s 30). 2. The encumbrances may include unregistered instruments. 3. Only the encumbrances 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. Rights of way are not subject to s 348 of the Local Government Act 1974 (s 34(2).  |  |  |  | | --- | --- | --- | | Property | Encumbrance or covenants the trustees must create (register) | Refer to … | | Makarau Bridge Reserve | The trustees must provide Auckland Council with a registrable right of way easement in gross on the terms and conditions set out in part 7 of the documents schedule of the Deed of Settlement. | 23(4) | | Mairetahi Landing | Conservation covenants to the Crown to be treated as conservation covenants for the purposes of s 77 of the Reserves Act 1977 and s 27 of the Conservation Act 1987. | s 26(3) | | Mauiniu Island | Conservation covenants to the Crown to be treated as conservation covenants for the purposes of s 77 of the Reserves Act 1977 and s 27 of the Conservation Act 1987. | s 27(3) | | Moturemu Island | Conservation covenants to the Crown to be treated as conservation covenants for the purposes of s 77 of the Reserves Act 1977. | s 28(3) | | Tīpare | Conservation covenants to the Crown to be treated as conservation covenants for the purposes of s 77 of the Reserves Act 1977 and s 27 of the Conservation Act 1987. | s 29(3) | |

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Cultural redress properties – registration of ownership, continued

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| Action - revocation and reconferring of reserve status | The reserve status of the following sites is revoked and/or new reserve status or no reserve status conferred.   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | Property | Revoked status | Section | Trustees/ estate | New status/ purpose | Section | | Makarau | conservation area | 21(1) | Trustees of the Development Trust  fee simple | no specified purpose | 21(2) | | Atuanui Scenic Reserve | scenic reserve | 22(1) | trustees of the Tari Pupuritaonga Trust  fee simple | scenic reserve for the purpose specified in section 19(1)(a) of the Reserves Act 1977. | 22(3) | | Makarau Bridge Reserve | recreation reserve | 23(1) | trustees of the Tari Pupuritaonga Trust  fee simple | local purpose (estuarine habitat) reserve subject to section23 of the Reserves Act 1977. | 23(3) | | Parakai | conservation area | 24(1) | trustees of the Tari Pupuritaonga Trust  fee simple | local purpose (estuarine habitat) reserve subject to section 23 of the Reserves Act 1977. | 24(3) | | Ten Acre Block Recreation Reserve | recreation reserve | 25(1) | trustees of the Tari Pupuritaonga Trust  fee simple | recreation reserve subject to section 17 of the Reserves Act 1977. | 25(3) | | Mairetahi Landing | local purpose reserve | 26(1) | trustees of the Tari Pupuritaonga Trust  fee simple | no specified purpose | 26(2) | | Mauiniu Island | local purpose reserve | 27(1) | trustees of the Tari Pupuritaonga Trust  fee simple | no specified purpose | 27(2) | | Moturemu Island | scenic reserve | 28(1) | trustees of the Tari Pupuritaonga Trust  fee simple | no specified purpose | 28(2) | | Tīpare | conservation area | 29(1) | trustees of the Tari Pupuritaonga Trust  fee simple | no specified purpose | 29(2) | |

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Cultural redress properties – registration of ownership, continued

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| Action - statutory action | 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 as per the above table. |

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| Trigger | Receipt of an application from the Director-General of Conservation under s 33(3)(a), to cancel memorials recording that s 24 of the Conservation Act 1987 does not apply if the reservation of a reserve site 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. |

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| Action - memorial | The approved format for the memorial on the historic view of the computer freehold register which must record the cancellation is:  '[application identifier] Application under section 33(3) of the Ngāti Whātua o Kaipara Claims Settlement Act 2013 [date and time]' |

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| Action - removal of memorials | The following notifications must be modified accordingly:   1. Delete from the memorial 'Subject to Part 4A of the Conservation Act 1987 (but section 24 of that Act does not apply)' the words '(but section 24 of that Act does not apply)'. 2. Delete the memorial 'Subject to sections 32(3) and 36 of the Ngāti Whātua o Kaipara Claims Settlement Act 2013'. |

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Cultural redress properties – registration of ownership, continued

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| Trigger | Receipt of a transfer instrument transferring reserve land to new owners. |

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| Action - transfer of reserve land | 1. Despite the Reserves Act 1977 and RGL circular 2005/08, the fee simple estate in reserve land may only be transferred to any other person in accordance with s 36(2). 2. The written consent of the Minister of Conservation must accompany the transfer instrument along with the notification required by s 37(2)(a) and (b) and any other relevant documents. 3. On receipt of the transfer instrument and consent, the RGL must register the transfer. 4. The transfer memorial must contain a statement that the new owners hold the land for the same reserve purpose as the previous administering body held it. 5. The above does not apply in certain circumstances where the land is held in a trust and the effect of the transfer is to change the trustees. A certificate given by the transferees (or their solicitor) in terms of s 38(d) must accompany the transfer and is sufficient proof that ss 36 and 37 do not apply. |

# Parakai Recreation Reserve

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| Trigger | Receipt of a written application under s 44 by the Director-General of Conservation to register the trustees and the Auckland Council as proprietors of the fee simple estate as tenants in common as to an undivided half share each. |

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| Legal description of Parakai Recreation Reserve | |  |  |  | | --- | --- | --- | | Site | Land description | Encumbrances | | Parakai Recreation Reserve | 18.4140 hectares, more or less, being Sections 1 and 2 SO 439999. All computer freehold register NA75C/241 and Part Gazette 1918, p 1240. | 1. Recreation reserve subject to section 17 of the Reserves Act 1977 2. Subject to an unregistered lease to Parakai Springs Complex Limited commencing 1 January 1996. (this should only be recorded if it is included as an interest in the written application under section 44. 3. Subject to a lease to Aquatic Parks NZ Limited created by CO55727.1. | |

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| Action – registration of trustees and Auckland Council | 1. Create a computer freehold freehold register for undivided half shares of the fee simple in the name of the trustees and the Auckland Council and enter any encumbrances described in the application (s 44(b)). 2. The following must also be recorded:   'subject to sections 45(1) – (4), 46, 48, and 52 of the Ngāti Whātua o Kaipara Claims Settlement Act 2013'. |

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Parakai Recreation Reserve, continued

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| Application of Reserves Act 1977 and other enactments | 1. The Parakai Recreation Reserve remains a recreation reserve under the Reserves Act 1977. 2. The Parakai Recreation Reserve must not be: 3. exchanged for other land under s 15 of the Reserves Act 1977; or 4. united with another reserve (or with part of another reserve) under s 52 of that Act; or 5. transferred (except as provided in s 48), mortgaged, or the subject of a grant of a security interest. 6. The vesting of an undivided half share of the fee simple estate in the Parakai Recreation Reserve by s 43(2) does not limit ss 10 or 11 of the Crown Minerals Act 1991 or affect other rights to subsurface minerals. 7. 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 in relation to the Parakai Recreation Reserve. 8. Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the vesting of an undivided half share of the fee simple estate in the Parakai Recreation Reserve by s 43(2) or any matter incidental to, or required for the purpose of, that vesting. |

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| Transfer to other trustees | Despite s 45(2)(c) (which prohibits transfer of the Parakai Recreation Reserve), the trustees may transfer their undivided half share in the fee simple estate in the reserve to:   1. transferees who are trustees after: 2. a new trustee has been appointed, or 3. a transferor has ceased to be a trustee; or 4. the Development Trust custodian trustee. |

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Parakai Recreation Reserve, continued

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| Trigger | Receipt of a transfer instrument transferring the Reserve land to new trustees. |

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| Action – register transfer | Register the transfer, provided the transfer instrument is accompanied by a certificate under s 48(2) given by the transferees, or their solicitor, verifying that the transferees are the trustees or the Development Trust custodian trustee. |

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| Revocation of reserve status | The Director-General of Conservation may apply under s 53 to:   1. remove the notation 'subject to sections 45(1) – (4), 46, 48, and 52 of the Ngāti Whātua o Kaipara Claims Settlement Act 2013' from the computer register, or 2. do any other matter set out in s 53. |

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| Action – comply with s 53 | Comply with a written application from the Director-General of Conservation under s 53 for removal of the notation or any other matter specified in the application. |

# Vesting of commercial redress properties

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| Trigger | A written application by an authorised person under s 85(2) to create a computer freehold register for the fee simple estate in the name of the Crown. |

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| Action – create computer freehold register | 1. Create the following computer freehold registers: 2. one computer freehold register for the fee simple estate in the name of the Crown if the transferred property is:    * 1. licensed land subject to a single Crown Forestry Licence,      2. not all of the land contained in a computer freehold register, or      3. there is no computer freehold register for all or part of the property; 3. in the case of the Housing Block, if so required, two computer freehold registers in the name of the Crown, each for an undivided specified share of the fee simple estate in the Housing Block   subject to and together with any interests and encumbrances that are registered or described in the application, but without any statement of purpose.   1. Creation of the above computer registers is subject to completion of any necessary survey. 2. Standard registration fees apply.   **Note:** The resumptive memorials referred to in s 16(2) must be brought down onto the computer registers created for the relevant commercial redress properties. They cannot be noted as 'cancelled' until a certificate by the Chief Executive authorising the removal of the memorials is lodged for registration. |

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| Statutory exemption | Commercial redress properties are not subject to:   1. the subdivision requirements of the Resource Management Act 1991 (s 11 and Part 10), or 2. the Auckland Council's requirements for consent under s 348 of the Local Government Act 1974. |

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Vesting of commercial redress properties, continued

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| Trigger | Receipt of a covenant for the later creation of a computer register under s 85 (5). |

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| Action –register covenant and create computer interest register | Despite anything to the contrary in the Land Transfer Act 1952, register the covenant in accordance with the request under s 86(6)(a) and create a computer interest register. |

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| Trigger | Registration of a transfer of commercial redress property from the Crown (s 83). |

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| Action -application of other enactments | 1. Section 86 sets out how certain other enactments apply to commercial redress properties on registration of a transfer from the Crown. 2. In addition to the standard transfer memorial recording the details of the transferee, the following memorials must be added:   'Subject to Part 4A of the Conservation Act 1987 but sections 24(2A), 24A, and 24AA of that Act do not apply'  'Subject to section 11 of the Crown Minerals Act 1991' |

# Access to protected sites

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| Trigger | Written application by an authorised person under s 94 to note a right of access. |

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| Action – notation on computer freehold register | Make a notation on the computer freehold register that the land is, or may at any future time, be subject to the right of access set out in s 92. |

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| Memorial | A suitable memorial would be:  '[part of] the within land is or may at any future time be subject to a right of access under section 92 of the Ngāti Whātua o Kaipara Claims Settlement Act 2013. See application [registration number] [date and time]' |

# Licensed land

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| Actions between settlement date and date of registration of transfer | 1. Licensed land ceases to be Crown forest land on the registration of the transfer of the fee simple estate to the trustees (s 87). 2. However, although licensed land does not cease to be Crown forest land until the transfer of the fee simple estate in the land to the trustees is registered, neither the Crown nor any court or tribunal may do any thing or omit to do any thing between the settlement date and the date of registration if that act or omission would be consistent with the Crown Forests Assets Act 1989, but inconsistent with the Deed of Settlement. |

# Right of first refusal

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| Trigger | Receipt of a certificate from the Chief Executive under s 122 that identifies one or more computer registers for RFR land. |

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| Action—memorials record RFR land | 1. Add the following memorial to the current view of the computer register identified in the s 122 certificate:   '*[certificate identifier]* Certificate under section 122 of the Ngāti Whātua o Kaipara Claims Settlement Act 2013 that the within land is RFR land as defined in section 96 and is subject to Subpart 4 of Part 3 of the Act (which restricts disposal, including leasing, of the land) *[date and time]*'   1. The standard registration fee is payable. |

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| Trigger –s 123 certificate | Receipt of a certificate from the Chief Executive under s 123 for the removal of s 122 memorials from a computer register on land ceasing to be RFR land. |

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| Action – registration requirements | 1. Remove the s 122 memorial and record the following memorial on the historic view of the register:   '*[certificate identifier]* Certificate under section 123 of the Ngāti Whātua o Kaipara Claims Settlement Act 2013 removing [memorial identifier] entered under section 122 *[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 –s 124 certificate | Receipt of a certificate from the Chief Executive under s 124 for the removal of s 122 memorials from a computer register at the end of the RFR period. |

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| Action – registration requirements | 1. Remove the s 122 memorial and record the following memorial on the historic view of the register:   '*[certificate identifier]* Certificate under section 124 of the Ngāti Whātua o Kaipara Claims Settlement Act 2013 removing [memorial identifier] entered under section 122 *[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 122, cannot be registered unless:   1. a certificate from the Chief Executive has been received under s 123, or 2. at the end of the RFR period, a certificate from the Chief Executive has been received under s 124 for the removal of the memorial under s 122, or 3. the dealing is in favour of the Crown or a Crown Body (s 105), or   **Note**: Transfers of RFR land without a preceding s 123 or s 124 certificate should only be accepted if it is absolutely clear that the transferee is the Crown or a Crown Body. 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 in terms of s 105, the RFR will remain on the title and must continue to be monitored and enforced by LINZ until it is removed under ss 123 or 124. |

# Vesting of land under s 128(2) of Part 4 of the Act

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| Legislation | Under s 128(2) of the Act, the fee simple estate in the land at 24 Commercial Road, Helensville, in the North Auckland Land District, 0.1878 hectares, more or less, being Lot 1 DP 441007, vests in the trustees of the Development Trust. |

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| Trigger | Receipt of a written application under s 31(3) to register the trustees of the Development Trust as the proprietors. |

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| Action – register trustees as the proprietors | Register the trustees of the Development Trust as the proprietors of the fee simple estate subject to and together with any encumbrances that are registered or described in the application. |

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| Action – registration memorials | The following are suitable memorials to record the above vesting on an existing computer freehold register (on registration of an application under s 31), and to reflect the requirements of s 32 in regard to Part 4A of the Conservation Act 1987:  '[registration number] Application under section 31 of the Ngāti Whātua o Kaipara Claims Settlement Act 2013 vesting the within land in [names of the trustees] [date and time]'  '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' |

# Vesting of land under s 129(3) of Part 4 of the Act

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| Legislation | Under s 129(3), the fee simple estate in the land at 23 Commercial Road/1 Rata Street and 3 Rata Street in the North Auckland Land District (all computer freehold register NA171/281 and balance computer freehold register NA958/23) vests in the trustees of the Development Trust. |

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| Trigger | Receipt of a written application under s 129(6) to register the trustees of the Development Trust as the proprietors. |

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| Action – register trustees of the Development Trust as the proprietors | Register the trustees of the Development Trust as the proprietors of the fee simple estate in the land described in the application subject to and together with any encumbrances that are registered or described in the application |

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| Action – registration memorials | The following are suitable memorials to record the above vesting on an existing computer freehold register (on registration of an application under s 129(6)), and to reflect the requirements of s 32 in regard to Part 4A of the Conservation Act 1987:  '[registration number] Application under section 129(6) of the Ngāti Whātua o Kaipara Claims Settlement Act 2013 vesting the within land in [names of the trustees] [date and time]'  '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' |

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| Revocation of Reserves Act 1977 status | Pursuant to s 129(2), the reservation of the part of the land at 23  Commercial Road/1 Rata Street and 3 Rata Street that is reserved:   1. as a park, public garden, and recreation ground subject to the Reserves Act 1977 is revoked; and 2. as a library site subject to the Reserves Act 1977 is revoked. |

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