Raukawa Claims Settlement Act 2014 registration guideline

LINZG20748

16 May 2014

Table of contents

[Terms and definitions 4](#_Toc387992185)

[General 4](#_Toc387992186)

[Terms and definitions, continued 5](#_Toc387992187)

[Foreword 6](#_Toc387992188)

[Introduction 6](#_Toc387992189)

[Purpose 6](#_Toc387992190)

[Scope 6](#_Toc387992191)

[Intended use of guideline 6](#_Toc387992192)

[References 6](#_Toc387992193)

[1 Noting statutory restrictions on registration 7](#_Toc387992194)

[Statutory prohibitions restricting dealing with computer registers 7](#_Toc387992195)

[Follow up action for Landonline 7](#_Toc387992196)

[2 Removal of memorials 8](#_Toc387992197)

[Trigger 8](#_Toc387992198)

[Authorised person 8](#_Toc387992199)

[Legislation 8](#_Toc387992200)

[Certificate 9](#_Toc387992201)

[Action – (s 18) 9](#_Toc387992202)

[3 Cultural redress properties to vest in trustees 10](#_Toc387992203)

[Vesting of cultural redress properties 10](#_Toc387992204)

[4 Vesting of cultural redress properties 11](#_Toc387992205)

[Trigger 11](#_Toc387992206)

[Action - registration of trustees 11](#_Toc387992207)

[Memorials 12](#_Toc387992208)

[Statutory exemptions (s 77) 12](#_Toc387992209)

[Action - vestings subject to encumbrances 13](#_Toc387992210)

[Action - vestings subject to trustees' encumbrances or covenants 13](#_Toc387992211)

[Action - revocation and reconferring of reserve status 14](#_Toc387992212)

[Action - statutory action 14](#_Toc387992213)

[Trigger - revocation of reserve status for a reserve site s74(3) 15](#_Toc387992214)

[Action - memorials 15](#_Toc387992215)

[Revocation in relation to part of a site 15](#_Toc387992216)

[Trigger - revocation of reserve status (Pureora) where operating easement has been surrendered s 76(1) 15](#_Toc387992217)

[Action - memorials 16](#_Toc387992218)

[Revocation in relation to part of a site s 76(2) 16](#_Toc387992219)

[Trigger - revocation of reserve status (Pureora) where operating easement is not surrendered s 76(3) 16](#_Toc387992220)

[Action - memorials 16](#_Toc387992221)

[Revocation in relation to part of a site s76(4) 17](#_Toc387992222)

[Trigger -surrender of operating easement (Pureora) in full where revocation of reserve status has been revoked (s76(5)) 17](#_Toc387992223)

[Action - memorials 17](#_Toc387992224)

[Revocation in relation to part of a site s 76(6) 17](#_Toc387992225)

[Memorials to remain if reserve not revoked (s 76(8)) 17](#_Toc387992226)

[Trigger 18](#_Toc387992227)

[Action - transfer of reserve land (s 80) 18](#_Toc387992228)

[Action – transfer of reserve land to new trustees of same administering body (s 81) 18](#_Toc387992229)

[Prohibition against mortgage of reserve land 19](#_Toc387992230)

[Action - memorial 19](#_Toc387992231)

[5 Vesting of commercial redress and deferred selection properties 20](#_Toc387992232)

[Revocation and conferring of reserve status for Tokoroa Golf Club site (s 88) 20](#_Toc387992233)

[Trigger 20](#_Toc387992234)

[Action – create computer freehold register 20](#_Toc387992235)

[Trigger - licensed land subject to single Crown forestry licence 21](#_Toc387992236)

[Action – create computer freehold register 21](#_Toc387992237)

[Statutory exemption 21](#_Toc387992238)

[Trigger 21](#_Toc387992239)

[Statutory directive 21](#_Toc387992240)

[Action -application of other enactments 22](#_Toc387992241)

[Transfer 22](#_Toc387992242)

[Action - Transfer of Waikeria Prison subject to lease (s 93) 22](#_Toc387992243)

[Trigger termination of leases (s 95) 23](#_Toc387992244)

[Termination or expiry as to part only 23](#_Toc387992245)

[Statutory directive 23](#_Toc387992246)

[6 Access to protected sites 24](#_Toc387992247)

[Trigger 24](#_Toc387992248)

[Action – notation on computer freehold register 24](#_Toc387992249)

[Memorial 24](#_Toc387992250)

[7 Right of first refusal 25](#_Toc387992251)

[Trigger 25](#_Toc387992252)

[Action—memorials record RFR land (s 131) 25](#_Toc387992253)

[Trigger – s 132 certificate 25](#_Toc387992254)

[Action – registration requirements 25](#_Toc387992255)

[Trigger – s 133 certificate 26](#_Toc387992256)

[Action – registration requirements 26](#_Toc387992257)

[Action - ongoing monitoring of RFR land 26](#_Toc387992258)

Terms and definitions

|  |  |
| --- | --- |
| General | 1. For the purposes of this guideline, the terms and definitions in the Raukawa Claims Settlement Act 2014 (Act) apply, unless stated otherwise. Refer to ss 11, 12, 13, 14, 21, 60, 86, 105 and 106 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. |

|  |  |
| --- | --- |
| Term/abbreviation | Definition |
| Act | Raukawa Claims Settlement Act 2014 |
| authorised person | an authorised person as defined in ss 71(8) and 90(5) |
| Chief Executive | Chief Executive of Land Information New Zealand |
| cultural redress property | a property listed in s 60 and described in Schedule 4 of the Act |
| commercial property | a property defined as commercial property (specifically Licensed land) in s 86. The legal descriptions of which are set out in s 3 of the property redress schedule in the deed of settlement |
| deed of settlement | Raukawa and the Raukawa Settlement Trust Deed of Settlement dated 2 June 2012 referred to in s 3 and as defined in s 12. |
| Deferred selection property | Deferred selection property defined in section 86 and described in Part 5 of the property redress schedule in the deed of settlement |
| LINZ | Land Information New Zealand |
| Licensed land | Licensed land defined as Licensed land in section 86 and described in Part 3 of the property redress schedule in the deed of settlement |
| operating easement | the operating easement defined in s 60 |
| reserve property | reserve property means each of the properties named in paragraphs (d) to (h) of the definition of cultural redress property s 60. |
| resumptive memorials | memorials entered under any enactment referred to in s 17(2). |

continued on next page

Terms and definitions, continued

|  |  |
| --- | --- |
| RFR land | land defined as RFR land in s 106 |
| RGL | Registrar-General of Land appointed under s 4 of the Land Transfer Act 1952 |
| Trustees | trustees, acting in their capacity as trustees, of the Raukawa Settlement Trust established by the trust deed of Raukawa Settlement Trust as defined in s 12. |
| settlement date | Settlement date as defined in s 12, being 17th April 2014. |

Foreword

|  |  |
| --- | --- |
| Introduction | 1. The Raukawa Claims Settlement Act 2014 (Act) came into force on 20 March 2014. 2. The land concerned is in the South Auckland Land Registration District. |

|  |  |
| --- | --- |
| 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. |

|  |  |
| --- | --- |
| 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. |

|  |  |
| --- | --- |
| 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. |

|  |  |
| --- | --- |
| References | The following documents are necessary for the application of this guideline:   * Raukawa Claims Settlement Act 2014 * Deed of Settlement for Raukawa and the Raukawa Settlement Trust dated 2 June 2012[[1]](#footnote-1) * Customer Services Technical Circular 2013.T06 - Registration of Treaty Claims Settlement Dealings. |

# Noting statutory restrictions on registration

|  |  |
| --- | --- |
| Statutory prohibitions restricting dealing with computer registers | Sections 79, 82, and 131 of the Act 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. |
| Follow up action for Landonline | When a computer register contains the following memorials:  'Subject to section 79 of the Raukawa Claims Settlement Act 2014'  'Subject to section 82 of the Raukawa Claims Settlement Act 2014'  '[*certificate identifier*] Certificate under section 131(1) of the Raukawa Claims Settlement Act 2014 that the within land is RFR land as defined in section 105 of that Act and is subject to Subpart 5 of Part 3 of the Act (which restricts disposal, including leasing, of the land) [*date and time*]'  Ensure the 'prevents registration' flag has been set. |

# Removal of memorials

|  |  |
| --- | --- |
| Trigger | Receipt of a certificate under s 18 for the removal of certain memorials from a computer register. |

|  |  |
| --- | --- |
| 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. |

|  |  |
| --- | --- |
| Legislation | 1. Section 17 provides that certain legislative provisions do not apply to certain properties which are listed therein. 2. Section 17(2) lists the legislative provisions as:    1. sections 8A to 8HJ of the Treaty of Waitangi Act 1975,    2. sections 27A to 27C of the State Owned Enterprises Act 1986,    3. sections 211 to 213 of the Education Act 1989,    4. Part 3 of the Crown Forest Assets Act 1989, and    5. 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 if any of the memorials in s 17(2) are shown on an existing head title, then they should 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 memorials, continued

|  |  |
| --- | --- |
| Certificate | 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 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 18(1)), and 3. state that it is issued under s 18.   A template certificate has been approved by the RGL and is set out in Technical Circular 2013.T06. |

|  |  |
| --- | --- |
| Action – (s 18) | When a certificate under s 18 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 of the Raukawa Claims Settlement Act 2014 cancelling [*memorial identifier*] [*date and time*]',   1. the Landonline registration code is [RRSM],(see TO6 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'. |

# Cultural redress properties to vest in trustees

|  |  |
| --- | --- |
| Vesting of cultural redress properties | The properties set out in schedule 4 of the Act vest in the trustees as provided in ss 60 to 69. |

# Vesting of cultural redress properties

|  |  |
| --- | --- |
| Trigger | Receipt of a written application under s 71(3) by an authorised person to register the trustees as proprietors of the fee simple estate.  **authorised person** means, in relation to—   1. Whakakahonui and Whakamaru Hydro Village site, a person authorised by the chief executive of LINZ, and 2. each other cultural redress property, a person authorised by the Director-General. |

|  |  |
| --- | --- |
| Action - registration of trustees | 1. If a cultural redress property is all of the land contained in a computer freehold register, the RGL must:    1. register the trustees as the proprietors of the fee simple, and    2. make 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 71(3)(b)). 2. The RGL must create a computer freehold register in the name of the trustees and enter any encumbrances described in the application (s 71(5)) if:    1. a cultural redress property is not all of the land in a computer freehold register, or    2. there is no computer freehold register for all or part of the property, 3. Creation of the above computer freehold register is subject to completion of any necessary survey. 4. The standard registration fee is payable.   **Note:** Any resumptive memorials shown on a prior computer freehold register must be brought down onto the computer freehold 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. |

continued on next page

Vesting of cultural redress properties, continued

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Memorials | 1. The following is an example of a suitable memorial to record the vesting on an existing computer freehold register.   '[registration number] Application under section 71 of the Raukawa Claims Settlement Act 2014 vesting the within land in [names of the trustees] [date and time]'.   1. The following matters must also be recorded on computer freehold registers as provided in s 74:  |  |  | | --- | --- | | For a reserve property (being Korakonui, Whakamaru (Site A), Whakamaru (Site B), and Whenua ā-kura) | Subject to Part 4A of the Conservation Act 1977 but section 24 of that Act does not apply'  'Subject to section 11 of the Crown Minerals Act 1991'  'Subject to sections 73(3) and 79 of the Raukawa Claims Settlement Act 2014' | | For Pureora | 'Subject to Part 4A of the Conservation Act 1977 but section 24 of that Act does not apply'  'Subject to section 11 of the Crown Minerals Act 1991'  'Subject to sections 75 and 79 of the Raukawa Claims Settlement Act 2014' | | For all other cultural redress sites | 'Subject to Part 4A of the Conservation Act 1977'  'Subject to section 11 of the Crown Minerals Act 1991' | |

|  |  |
| --- | --- |
| Statutory exemptions (s 77) | Cultural redress properties are not subject to:   1. the subdivision requirements of the Resource Management Act 1991, or 2. the Council's requirements for consent under s 348 of the Local Government Act 1974. |

continued on next page

Vesting of cultural redress properties, continued

|  |  |
| --- | --- |
| Action - vestings subject to encumbrances | 1. The cultural redress properties are vested subject to the encumbrances set out in the third column of the table in Schedule 4 of the Act (s 69). 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. |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 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 77(2)).  |  |  |  | | --- | --- | --- | | Property | Encumbrance or covenants the trustees must create (register) | Refer to | | Te Tuki | A right of way easement in gross in favour of the Minister of Conservation. Over the area shown as A on SO plan 464201. | s 63(3) | | Pureora | A deed of covenant to give effect to clause 20.2(b) of the operating easement. | s 65(5) | |

continued on next page

Vesting of cultural redress properties, continued

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 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 | Estate | New status/purpose | Section | | Te Tuki | Conservation area | 63(1) | fee simple | no specified purpose | 63(2) | | Whenua ā-kura | Conservation area | 64(1) | fee simple | historic reserve subject to s 18 of the Reserves Act 1977. | 64(4) | | Pureora | Conservation area | 65(1) | fee simple | historic reserve subject to s 18 of the Reserves Act 1977. | 65(3) | | Whakamaru (Site A) | Conservation area | 66(1) | fee simple | recreation reserve subject to s 17 of the Reserves Act 1977. | 66(3) | | Whakamaru (Site B) | conservation area | 67(1) | fee simple | historic reserve subject to s 18 of the Reserves Act 1977 | 67(3) | | Korakonui | Local purpose (community use) | 68(1) | fee simple | local purpose (community use) reserve subject to s 23 of the Reserves Act 1977. | 68(3) | |

|  |  |
| --- | --- |
| 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 must 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. |

continued on next page

Vesting of cultural redress properties, continued

|  |  |
| --- | --- |
| Trigger - revocation of reserve status for a reserve site s74(3) | Receipt of an application from the Director-General of Conservation, under s 74(3)(a), to cancel memorials recording:   1. section 24 of the Conservation Act 1987 does not apply if the reservation of a reserve site is revoked, in whole or in part, and 2. notifications that the site is subject to ss 73(3) and 79 of the Act.   **Note:** The application must be preceded by the relevant documentation revoking the reservation in terms of the Reserves Act 1977. |

|  |  |
| --- | --- |
| Action - memorials | 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 74(3) of the Raukawa Claims Settlement Act 2014 revoking the reserve status of [part of] the within land [*date and time*]'  The following memorials must be removed:  'Subject to Part 4A of the Conservation Act 1977 but section 24 of that Act does not apply' the words 'but section 24 of that act does not apply'.  'Subject to sections 73(3) and 79 of the Raukawa Claims Settlement Act 2014'. |

|  |  |
| --- | --- |
| Revocation in relation to part of a site | If a reserve is revoked as to part of the site the memorials remain only on those computer freehold registers or part computer freehold registers that remain a reserve.(s 74(3)(b)). |

|  |  |
| --- | --- |
| Trigger - revocation of reserve status (Pureora) where operating easement has been surrendered s 76(1) | Receipt of an application from the Director-General of Conservation, under s 76(1), to cancel memorials recording:   1. section 24 of the Conservation Act 1987 does not apply 2. that the site is subject to ss 75 and 79, of the Act.   **Note:** The application must be preceded by the relevant documentation revoking the reservation in terms of the Reserves Act 1977. |

continued on next page

Vesting of cultural redress properties, continued

|  |  |
| --- | --- |
| Action - memorials | 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 76(1) of. the Raukawa Claims Settlement Act 2014 revoking the reserve status of [part of] the within land [*date and time*]'  The following memorials must be removed  'Subject to Part 4A of the Conservation Act 1977 but section 24 of that Act does not apply' the words 'but section 24 of that act does not apply'  'Subject to sections 75 and 79 of the Raukawa Claims Settlement Act 2014' |

|  |  |
| --- | --- |
| Revocation in relation to part of a site s 76(2) | If a reserve is revoked as to part of the site and the operating easement has already been surrendered from that part, the memorials remain only on those computer freehold registers or part computer freehold registers that remain a reserve. |

|  |  |
| --- | --- |
| Trigger - revocation of reserve status (Pureora) where operating easement is not surrendered s 76(3) | Receipt of an application from the Director-General of Conservation, under s 76(3), if the reservation is revoked and the operating easement has not been surrendered, to cancel memorials recording:   1. the notifications that the site is subject to s 79 of the Act   **Note:** The application must be preceded by the relevant documentation revoking the reservation in terms of the Reserves Act 1977. |

|  |  |
| --- | --- |
| Action - memorials | 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 76(3) of. the Raukawa Claims Settlement Act 2014 revoking the reserve status of [part of] the within land [*date and time*]'  The following memorials must be removed  'Subject to section 79 of the Raukawa Claims Settlement Act 2013' |

continued on next page

Vesting of cultural redress properties, continued

|  |  |
| --- | --- |
| Revocation in relation to part of a site s76(4) | If a reserve affecting Pureora is revoked as to part of the site and the operating easement has not already been surrendered from that part, the memorials remain only on those computer freehold registers or part computer freehold registers that remain a reserve or subject to the operating easement as the case may be. |

|  |  |
| --- | --- |
| Trigger -surrender of operating easement (Pureora) in full where revocation of reserve status has been revoked (s76(5)) | Receipt of an application from the Director-General of Conservation, under s 76(5), to cancel memorials recording:   1. section 24 of the Conservation Act 1987 does not apply if the reservation of a reserve site is revoked, in whole or in part 2. the notifications that the site is subject to s 75 of the Act   **Note:** The application must be preceded by the relevant documentation revoking the reservation in terms of the Reserves Act 1977. |

|  |  |
| --- | --- |
| Action - memorials | 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 76(5) of. the Raukawa Claims Settlement Act 2014 revoking the reserve status of [part of] the within land [*date and time*]'  The following memorials must be removed  'Subject to Part 4A of the Conservation Act 1977 but section 24 of that Act does not apply' the words 'but section 24 of that act does not apply'  'Subject to sections 75 of the Raukawa Claims Settlement Act 2014' |

|  |  |
| --- | --- |
| Revocation in relation to part of a site s 76(6) | If the operating easement is surrendered in part and the reservation of Pureora has already been revoked , the memorials remain only on those computer freehold registers or part computer freehold registers that remain subject to the operating easement. |
| Memorials to remain if reserve not revoked (s 76(8)) | If the operating easement is surrendered (in full or as to part) and the reservation (of all or part) of Pureora has not been revoked, no memorial may be removed from the computer freehold register for the property. |

continued on next page

Vesting of cultural redress properties, continued

|  |  |
| --- | --- |
| Trigger | Transfer instrument under s 80 transferring reserve sites to new owners. |

|  |  |
| --- | --- |
| Action - transfer of reserve land (s 80) | 1. The written consent of the Minister of Conservation must accompany the transfer instrument. 2. If any other documents are required for registration they must be registered or lodged. 3. Upon receipt of the transfer and consent the RGL must register the transfer. 4. 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. 5. The RGL must record on the computer freehold register 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 80(3) to (5) do not apply. |
| Action – transfer of reserve land to new trustees of same administering body (s 81) | 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. instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees’ solicitor, verifying that paragraphs (a) and (b) apply. |

continued on next page

Vesting of cultural redress properties, continued

|  |  |
| --- | --- |
| 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 82). |

|  |  |
| --- | --- |
| Action - memorial | The following memorial should be added to the computer register:  'Subject to section 82 of the Raukawa Claims Settlement Act 2014 (which prohibits reserve land from being mortgaged or charged for security)'  Ensure the 'prevents registration' flag has been set. |

# Vesting of commercial redress and deferred selection properties

|  |  |
| --- | --- |
| Revocation and conferring of reserve status for Tokoroa Golf Club site (s 88) | Immediately before the transfer of the site to the trustees, the reserve status of the Tokoroa Golf Club site as a recreation reserve is revoked and a new reserve status as a recreation reserve subject to s 17 of the Reserves Act 1977 status conferred. |

|  |  |
| --- | --- |
| Trigger | A written application by an authorised person under s 90(3) to create a computer freehold register.  **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property. |

|  |  |
| --- | --- |
| Action – create computer freehold register | 1. The RGL must create one computer freehold register 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 computer register is subject to completion of any necessary survey. 3. Standard registration fees apply.   **Note**: Any resumptive memorials shown on a prior computer register must be brought down onto the computer registers created for the relevant trustees. They cannot be noted as 'cancelled' until a certificate by the Chief Executive authorising the removal of the memorials is lodged for registration. |

continued on next page

Vesting of commercial redress and deferred selection properties, continued

|  |  |
| --- | --- |
| Trigger - licensed land subject to single Crown forestry licence | A written application by an authorised person under s 91(2) to create a computer freehold register, subject to a single Crown forestry licence.  **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property. |

|  |  |
| --- | --- |
| Action – create computer freehold register | 1. The RGL must create one computer freehold register 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 computer register is subject to completion of any necessary survey. 3. Standard registration fees apply. |

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

|  |  |
| --- | --- |
| Trigger | Receipt of a covenant for the later creation of a computer register under s 91(2). |

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

continued on next page

Vesting of commercial redress and deferred selection properties, continued

|  |  |
| --- | --- |
| Action -application of other enactments | 1. Section 93 sets out how certain other enactments apply to commercial redress properties upon 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'   1. Under s 92(4), if a right of way easement is registered, s 348 of the Local Government Act 1974 does not apply. 2. Section 11 and Part 10 of the Resource Management Act do not apply to the transfer of a relevant property as defined in s 92(5). |

|  |  |
| --- | --- |
| Transfer | Transfer instrument pursuant to s 94 transferring Waikeria Prison subject to lease to the trustees. |

|  |  |
| --- | --- |
| Action - Transfer of Waikeria Prison subject to lease (s 93) | 1. The written consent of the Minister of Conservation must accompany the transfer instrument. 2. If any other documents are required for registration they must be registered or lodged. 3. Upon receipt of the transfer and consent, the RGL must register the transfer. 4. The transfer instrument must contain a statement that the land is to become subject to s 95. 5. The RGL must record on the computer freehold register:   'Subject to Part 4A of the Conservation Act 1987 but sections 24 of that Act does not apply'  'Subject to section 95 of the Raukawa Claims Settlement Act 2014'  'Subject to section 11 of the Crown Minerals Act 1991' |

continued on next page

Vesting of commercial redress and deferred selection properties, continued

|  |  |
| --- | --- |
| Trigger termination of leases (s 95) | Receipt of an application from the registered proprietor, under s 95(3), to cancel memorials recording:   1. Section 24 of the Conservation Act 1987 does not apply if the lease has terminated or expired in whole or in part 2. the notifications that the site is subject to s 94 of the Act.   **Note:** The application must be preceded by the relevant documentation evidencing the termination or expiry of the lease. |

|  |  |
| --- | --- |
| Termination or expiry as to part only | If a lease is terminated or expires as to part of the site the memorials remain only on those computer freehold registers or part computer freehold registers that remain subject to the lease. |

|  |  |
| --- | --- |
| Statutory directive | An application under s 95(3) is free of charge (s 95(4)). |

# Access to protected sites

|  |  |
| --- | --- |
| Trigger | Any transfer of licensed or unlicensed land (s 104). |

|  |  |
| --- | --- |
| Action – notation on computer freehold register | 1. The transfer must include a statement that the land is subject to a right of access to any protected sites on the land. 2. The RGL must make a notation on the computer freehold register that the land is subject to a right of access set out in subpart 4 of part 3 of the Act. |

|  |  |
| --- | --- |
| Memorial | A suitable memorial would be:  '[part of] the within land is subject to a right of access to protected sites under Subpart 4 of Part 3 of the Raukawa Claims Settlement Act 2014 See application [registration number] [*date and time*]' |

# Right of first refusal

|  |  |
| --- | --- |
| Trigger | 1. Receipt of a certificate from the Chief Executive under s 131 that identifies one or more computer registers for RFR land. 2. A template certificate has been approved by the RGL and is set out in Technical Circular 2013.T06. |

|  |  |
| --- | --- |
| Action—memorials record RFR land (s 131) | 1. Add the following memorial to the current view of the computer register identified in the s 131 certificate:   '[*certificate identifier*] Certificate under section 131 of the Raukawa Claims Settlement Act 2014 that the within land is RFR land as defined in section 106 of that Act and is subject to Subpart 5 of Part 3 of the Act (which restricts disposal, including leasing, of the land) [*date and time*]'   1. The standard registration fee is payable. |

|  |  |
| --- | --- |
| Trigger – s 132 certificate | Receipt of a certificate from the Chief Executive under s 132(1) for the removal of s 131 memorials from a computer register on land ceasing to be RFR land. |

|  |  |
| --- | --- |
| Action – registration requirements | 1. The RGL must record the following memorial on the historic view of the register:   '[*certificate identifier*] Certificate under section 132(1) of the Raukawa Claims Settlement Act 2014 removing [*memorial identifier*] entered under section 131 [*date and time*]'   1. The standard registration fee is payable. |

continued on next page

Right of first refusal, continued

|  |  |
| --- | --- |
| Trigger – s 133 certificate | Receipt of a certificate from the Chief Executive under s 133(2) for the removal of s 131 memorials from a computer register at the end of the RFR period. |

|  |  |
| --- | --- |
| Action – registration requirements | 1. The RGL must record the following memorial on the historic view of the register:   '[certificate identifier] Certificate under section 133(2) of the the Raukawa Claims Settlement Act 2014 removing [memorial identifier] entered under section 131 [*date and time*]'   1. The standard registration fee is payable. |

|  |  |
| --- | --- |
| 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 131, cannot be registered unless:   1. the dealing is in favour of the Crown or a Crown Body as defined in ss 105, or 2. a certificate from the Chief Executive has been received under s 132, or 3. at the end of the RFR period, a certificate from the Chief Executive has been received under s 133 for the removal of the memorial under s 130.   **Note**: Transfers of RFR land without a preceding (s 132 or s 133) 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 132 or 133). |

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