

# Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 Registration Guideline 2023

**LINZ OP G 01291**

Office of the Registrar-General of Land

**13 March 2023**



## Authority and regulatory attributes

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28/08/2023	1	Added the Crown Minerals Act 1991 memorial for the Whareama property in Appendix B.

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# Introduction

This is a guideline for effecting registration under the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 (the Act) which came into force on 17 December 2022.

## Purpose, scope and use

The Registrar-General of Land has issued this guideline to ensure that applications received by Toitū Te Whenua Land Information New Zealand under the Act are dealt with correctly.

This guideline is for our people of Toitū Te Whenua with delegated authority to exercise registration functions under s233 of the Land Transfer Act 2017.

The Treaty Claims Settlement Acts General Guideline 2018 sets out further information applicable to all Treaty settlements.

[Treaty Claims Settlement Acts General Guideline 2018 - LINZG 20786](#)

## References

The following documents are relevant to this guideline:

- [Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022](#)
- [Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Deed of Settlement documents](#)
- Customer Services Technical Circular 2013.T06 – Registration of Treaty Claims Settlement Dealings

## Terms and definitions

Terms used in this guideline that are defined in the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 have the meaning given to them in that Act unless otherwise stated. See the interpretation sections set out in ss 12, 45, 92 and 109.

Terms	Definitions
Act	Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022
RT	Record of Title
Settlement date	The settlement date as defined in s12, being 7 March 2023.
Statutory Board	The Wairarapa Statutory Board established by s44 of Te Rohe o Rongokako Joint Redress Act 2022.
Trustees	The trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust.

# 1 Removing resumptive memorials

- 1 Upon receipt of a certificate issued in accordance with s18(1):
  - a) register the certificate against each RT identified, and
  - b) cancel the resumptive memorial recorded under an enactment listed in s17 but only in respect of each allotment described in the certificate – s18(4).
- 2 A suitable memorial to record the certificate is:

*“[certificate identifier] Certificate under section 18 of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Act 2022 cancelling [resumptive memorial identifier] – date and time”*

## 2 Cultural redress properties

- 1 Cultural redress properties are listed in Subpart 5 of Part 2 and Schedule 3 of the Act:
  - a) s45 – Interpretation relating to cultural redress properties
  - b) ss 46-49 – Properties vested in fee simple
  - c) ss 50-71 – Properties vested in fee simple to be administered as reserves, and
  - d) s72 – Property vested in fee simple subject to conservation covenant.
- 2 The Pounui lagoon property and the Ruamahanga Cutoff property exclude the 'Crown Stratum', which remains owned by the Crown, that being the space occupied by:
  - a) the waters of any body of water that is above the property, and
  - b) the air above the property – ss 45, 59 and 62.

### 2.1 Initial vesting

- 1 The following provisions of the Act apply:
  - a) s75 describes the requirements for registration of ownership
  - b) s76 provides for the application of Part 4A of the Conservation Act 1987
  - c) s77 sets out the matters to be recorded on the RTs, and
  - d) s78 provides for the application of other enactments.

#### 2.1.1 Properties that are all the land in a RT

- 1 Upon receipt of an application under s75(3):
  - a) register the trustees as the owner of the fee simple estate,
  - b) where applicable (i.e. for the properties vested under ss50-71):
    - i record the revocation of the existing reserve status
    - ii record in the 'purpose' field of the RT the new reserve status, and
  - c) record the memorials set out in Appendix A.

## 2.1.2 Properties that are not all of the land in a RT

- 1 Upon receipt of an application under s75(5) to vest property that has no RT or is part of the land in a RT:
  - a) create a RT for the fee simple estate in the name of the trustees, and
  - b) record on the RT:
    - i where applicable (i.e. for the properties vested under ss50-71), in the 'purpose' field of the RT, the new reserve status
    - ii any existing interests to be brought forward
    - iii the memorials set out in Appendix A, and
    - iv any registrable interests that are set out in the application and Schedule 3.
- 2 The creation of the RT is subject to survey, and must be created no later than 24 months after the settlement date unless a later date is agreed – s75(7).
- 3 For the Pounui lagoon property and the Ruamahanga Cutoff property, record on:
  - a) the existing RT WN424/136 and GN B513385.2, and
  - b) the new RTs in the name of the trustees,

that the land vested excludes the Crown Stratum – see section 2(2) above.

## 2.2 Ongoing restrictions

- 1 The Act prohibits or restricts the following dealings with cultural redress reserve properties:
  - a) The fee simple estate in the reserve land in any other property may be transferred only in accordance with ss83, 84 or 85.
  - b) That reserve land is not to be mortgaged or made subject to a security interest – s86.

- 2 A suitable memorial for s86 is:

***“Subject to section 86 of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Act 2022 (which prohibits reserve land from being mortgaged or charged for security)”***

- 3 To ensure subsequent dealings comply with the above restrictions, set the Landonline “prevents registration” flag against the relevant memorial, as specified in Appendix A.



## 2.3 Subsequent dealings

### 2.3.1 Revoking the reserve status of a reserve property – s77

- 1 Upon receipt of an application under s77(3):
  - a) remove or alter the notations as set out in s77(3) of the Act, and
  - b) remove or amend any other notations that relate to the reserve status (including the memorial relating to the reserve land not being mortgaged).

### 2.3.2 Transfer of reserve land to new administering body – s83

- 1 Upon receipt of:
  - a) a transfer instrument that includes a notification that the new owners are to hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer
  - b) the written consent of the Minister of Conservation to transfer the land, and
  - c) any other documents required for the registration of the transfer instrument,

record the transferees as the owners of the fee simple estate in the reserve land.

**Note** – s83 does not apply in the case of a Wairarapa Moana reserve property, which may only be transferred in accordance with s85 – s82(2). See 3.3.4 below.

### 2.3.3 Transfer of reserve land if trustees change - s84

- 1 Upon receipt of:
  - a) a transfer instrument,
  - b) together with a certificate by the transferees or the transferee’s lawyer verifying the matters set out in s84(a) and (b) apply,

record the transferees as the owners of the fee simple estate in the reserve land.

## 2.3.4 Transfer of Wairarapa Moana reserve land – s85

- 1 Upon receipt of:
  - a) a transfer instrument,
  - b) together with a certificate by the transferees or the transferee's lawyer that the transferees are the Trustees or the custodian trustee as provided in s85(1)(a),

record the transferees as the owners of the fee simple estate in the reserve land.

## 3 Commercial redress

### 3.1 Crown transfer of properties – s93

- 1 Upon receipt of a transfer instrument under s93:
  - a) affecting a commercial redress or deferred selection property that is all of the land in a RT,
  - b) executed by the Chief Executive of the landholding agency,

register the transfer on the RT recording trustees as the register owners, subject to:

- c) Part 4A of the Conservation Act 1987 (but section 24(2A), 24A and 24AA do not apply) – noting that in the case of the Wharemea property the marginal strip reserved under these provisions is reduced to a width of 5 metres
- d) sections 10 and 11 of the Crown Minerals Act 1991.

#### 3.1.1 Record of title for commercial redress and deferred selection properties – s95

- 1 If the property is not all the land contained in a RT for a fee simple estate, or there is no RT for the fee simple estate in all or part of the property, the transfer instrument must be preceded by an application to create a new RT.
- 2 Upon receipt of the application:
  - a) subject to survey, create a RT for the fee simple estate in the property in the name of His Majesty the King without a statement of purpose, and
  - b) upon registration of the transfer from the Crown to the trustees, record on the new RT:
    - i the trustee as the registered owners
    - ii the memorials set out in Appendix B, and
    - iii any registrable interests that are described in the application.

### 3.1.2 Record of title for licensed land – s96

- 1 Upon receipt of the application under s96(2), and subject to survey:
  - a) create a RT for the fee simple estate in the property in the name of His Majesty the King without a statement of purpose, and
  - b) record on the new RT any registrable interests described in the application.
- 2 Upon receipt of the transfer executed by the Chief Executive of the landholding agency under s93:
  - a) register the transfer and record the trustees as the registered owners
  - b) record the memorials set out in Appendix B, and
  - c) record that the land is subject to a right of access to protected sites on the land as provided in s108(3) (note: the transfer must include a statement that the land is subject to this right of access – see s108(2)).

### 3.1.3 Grant of covenant for the later creation of RT

- 1 Upon receipt of a request under s97(2)(a):
  - a) register the covenant, and
  - b) create a RT in the name of the trustees for the covenant interest.

### 3.1.4 Transfer of properties subject to lease – s100

- 1 If the transfer instrument includes a statement that the land is to become subject to s101 upon registration, record on any RT for the property the memorials set out in Appendix B.
- 2 Upon receipt of an application under s101 that the lease has terminated or expired:
  - a) remove the notations from the RT, or
  - b) amend the notations on the RT to show that they apply to the leased part only.

## 3.2 Right of first refusal over RFR land

### 3.2.1 Recording a right of first refusal on RT for RFR land

- 1 Upon receiving a certificate under s133, record on the RT that the land is RFR land and is subject to Subpart 4 of Part 3 of the Act.
- 2 A suitable memorial to record the certificate in 1 above is:

*“[certificate identifier] Certificate under section 133 of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 that the within land is RFR land as defined in section 110 and is subject to Subpart 4 of Part 3 of the Act (which restricts disposal, including leasing, of the land) - [date and time]”*

- 3 Set the Landonline “prevents registration” flag against the memorial.

### 3.2.2 Removal of right of first refusal notation

- 1 Upon receipt of a certificate under s134 to remove an RFR notation:
  - a) record the certificate on the RT for the land, and
  - b) remove the notation from the current view of the RT.
- 2 A suitable memorial to record the certificate in 1 above is:

*“[certificate identifier] Certificate under section 134 of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 for removal of RFR notation - [date and time]”*

- 3 Upon receipt of a certificate under s135 to remove a notation after the RFR period ends:
  - a) record the certificate on the RT for the land, and
  - b) remove the notation from the current view of the RT.
- 4 A suitable memorial to record the certificate in 3 above is:

*“[certificate identifier] Certificate under section 135 of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 for removal of RFR notation after the RFR period ends - [date and time]”*

## Appendix A: Cultural redress properties

The following are triggered by the lodgement of an application under s75(3) or (5) of the Act.

Each cultural redress property vests subject to or together with the interests listed in column 3 of Schedule 3 to the Act.

### Properties vested in fee simple

Property	Authorised person	Memorials to be recorded on the RT
See the properties listed in ss 46 to 49, 72 and Schedule 3 of the Act	CE Toitū Te Whenua LINZ, or CE Māori Crown Relations - Te Arawhiti, or the Director-General of Conservation	Memorials to be added: <ul style="list-style-type: none"><li>• Subject to Part 4A of the Conservation Act 1987</li><li>• Subject to sections 10 and 11 of the Crown Minerals Act 1991</li></ul>

### Properties vested in fee simple to be administered as reserves

Property	Authorised person	Memorials to be recorded on the RT
See the properties listed in ss 50 to 71 and Schedule 3 of the Act (excluding the property/properties listed below)	Director-General of Conservation	Memorials to be added: <ul style="list-style-type: none"><li>• Subject to the Reserves Act 1977</li><li>• Subject to Part 4A of the Conservation Act 1987, but section 24 of that Act does not apply</li><li>• Subject to sections 10 and 11 of the Crown Minerals Act 1991</li><li>• Subject to section 76(4) of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022</li></ul>

Memorials to be added, that require the Landonline 'prevents registration' flag to be set against the memorial:

- Subject to section 82(3) of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022
- Subject to section 86 of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 (which prohibits reserve land from being mortgaged or charged for security)

The Wairarapa Moana reserve properties (other than the Pounui Lagoon property and Ruamahanga Cutoff property) defined in s45

Memorials to be added:

- Subject to the Reserves Act 1977
- Subject to Part 4A of the Conservation Act 1987, but section 24 of that Act does not apply
- Subject to sections 10 and 11 of the Crown Minerals Act 1991
- Subject to section 76(4) of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022
- Subject to section 108(2) of Te Rohe o Rongokako Joint Redress Act 2022

Memorials to be added, that require the Landonline 'prevents registration' flag to be set against the memorial:

- Subject to section 82(2) of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022
- Subject to section 86 of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 (which prohibits reserve land from being mortgaged or charged for security)

Property	Authorised person	Memorials to be recorded on the RT
Pounui Lagoon property		<p>Memorials to be added:</p> <ul style="list-style-type: none"> <li>• The within land excludes the Crown Stratum as defined in section 45 of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022</li> <li>• Subject to the Reserves Act 1977</li> <li>• Part 4A of the Conservation Act 1987 does not apply</li> <li>• Subject to sections 10 and 11 of the Crown Minerals Act 1991</li> <li>• Subject to section 108(2) of Te Rohe o Rongokako Joint Redress Act 2022</li> </ul> <p>Memorials to be added, that require the <u>Landonline 'prevents registration' flag to be set against the memorial:</u></p> <ul style="list-style-type: none"> <li>• Subject to section 82(2) of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022</li> <li>• Subject to section 86 of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 (which prohibits reserve land from being mortgaged or charged for security)</li> </ul>
Ruamahanga Cutoff property		<p>Memorials to be added:</p> <ul style="list-style-type: none"> <li>• The within land excludes the Crown Stratum as defined in section 45 of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022</li> <li>• Subject to the Reserves Act 1977</li> <li>• Subject to Part 4A of the Conservation Act 1987, but section 24 of that Act does not apply</li> <li>• Subject to sections 10 and 11 of the Crown Minerals Act 1991</li> <li>• Subject to section 76(4) of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022</li> </ul>



- Subject to section 108(2) of Te Rohe o Rongokako Joint Redress Act 2022 Memorials to be added, that require the Landonline 'prevents registration' flag to be set against the memorial:
- Subject to section 82(2) of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022
- Subject to section 86 of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 (which prohibits reserve land from being mortgaged or charged for security)

# Appendix B: Commercial redress

## Transfer of commercial redress properties, licensed land and deferred selection properties

Trigger	Memorials to be recorded on the RT
Transfer to the trustees under s93 of the Act	Memorials to be added: <ul style="list-style-type: none"><li>• Subject to Part 4A of the Conservation Act 1987, but sections 24(2A), 24A and 24AA of that Act do not apply</li><li>• Subject to sections 10 and 11 of the Crown Minerals Act 1991</li></ul>
Transfer of properties subject to lease - s100	Memorials to be added: <ul style="list-style-type: none"><li>• Subject to Part 4A of the Conservation Act 1987, but section 24 of the Act does not apply</li><li>• Subject to sections 10 and 11 of the Crown Minerals Act 1991</li><li>• Subject to section 101 of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022</li></ul>
Whareama property	Memorials to be added: <ul style="list-style-type: none"><li>• Subject to Part 4A of the Conservation Act 1987 but sections 24(2A), 24A and 24AA of that Act do not apply</li><li>• Subject to sections 10 and 11 of the Crown Minerals Act 1991</li><li>• Subject to section 98(2)(b) of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 (which reduces the marginal strip reserved by section 24 of the Conservation Act 1987 to a width of 5 metres)</li></ul>

## Transfer of licensed land

Trigger	Memorials to be recorded on the RT
<p>Transfer under s93 of the Act</p>	<p>Memorials to be added:</p> <ul style="list-style-type: none"> <li>• Subject to Part 4A of the Conservation Act 1987 but sections 24(2A), 24A and 24AA of that Act do not apply</li> <li>• Subject to sections 10 and 11 of the Crown Minerals Act 1991</li> </ul>
<p>Transfer that includes a statement that the land is subject to a right of access to any protected sites over licensed land – s108</p>	<p>Memorial to be added:</p> <ul style="list-style-type: none"> <li>• Subject to a right of access under section 108 of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 – see Transfer [number]</li> </ul>