

# Ahuriri Hapū claims settlement right of first refusal

Learn about the key aspects of the Ahuriri Hapū claims settlement right of first refusal (RFR). Note: this is a guide only and agencies must comply with the requirements of the Deed of Settlement, legislation and any relevant LINZ standards.

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The following has been developed in collaboration with Te Arawhiti.

Te Arawhiti website: <https://www.tearawhiti.govt.nz/>

## The Ahuriri Hapū area of interest

Ahuriri Hapū are based in and around Napier, in the Hawke's Bay region. The seven Ahuriri Hapū are: Ngāti Hinepare, Ngāti Māhu, Ngāti Matepū, Ngāti Paarau (which includes Ngāi Tahu Ahi), Ngāi Tāwhao, Ngāti Tū and Ngāi Te Ruruku.

The map below provides an indication of the area of interest for Ahuriri Hapū, but is **not** a depiction of any RFR area.



Map showing the area of interest referred to in the Deed of Settlement between Ahuriri Hapū and the Crown.

## Settlement Summary

Ahuriri Hapū received redress through its Treaty settlement with the Crown.

<b>Iwi</b>	Ahuriri Hapū
	2 November 2016
<b>Deed of Settlement signed</b>	The Deed was amended during the settlement process.  Ahuriri Hapū Deed of Settlement: <a href="https://www.govt.nz/treaty-settlement-documents/ahuriri-hapu/">https://www.govt.nz/treaty-settlement-documents/ahuriri-hapu/</a>
<b>Settlement date</b>	3 March 2022
<b>Legislation</b>	Ahuriri Hapū Claims Settlement Act 2021 ("the Act")  Ahuriri Hapū Claims Settlement Act 2021: <a href="https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300286.html?search=qs_act%40bill%40regulation%40deemedreg_ahuriri+hapu_resel_25_h&amp;p=1&amp;sr=1">https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300286.html?search=qs_act%40bill%40regulation%40deemedreg_ahuriri+hapu_resel_25_h&amp;p=1&amp;sr=1</a>
<b>RFR provisions</b>	The RFR provisions are covered by sections 112-140 and Schedule 5 of the Act.  Sections 112-140 of the Act: <a href="https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300680.html?search=qs_act%40bill%40regulation%40deemedreg_ahuriri+hapu_resel_25_h&amp;p=1">https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300680.html?search=qs_act%40bill%40regulation%40deemedreg_ahuriri+hapu_resel_25_h&amp;p=1</a>  Schedule 5 of the Act: <a href="https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300709.html?search=qs_act%40bill%40regulation%40deemedreg_ahuriri+hapu_resel_25_h&amp;p=1">https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300709.html?search=qs_act%40bill%40regulation%40deemedreg_ahuriri+hapu_resel_25_h&amp;p=1</a>
<b>Offer made to</b>	The RFR offer is in favour of the trustees of the Mana Ahuriri Trust ("the <b>trustees</b> ")
<b>RFR period</b>	174 years on and from the settlement date (expires in 2196)
<b>RFR memorials</b>	Yes

## Definition of RFR land

Section 113 of the Act defines RFR land included in the settlement. It includes all the land listed in Part 3 of the Attachments to the Deed that, on settlement date, was vested in or held in fee simple by the Crown.

RFR land also includes land obtained in exchange for a disposal of RFR land under specified sections. This is set out in section 113(1)(b) of the Act.

Section 113 of the Act:

[https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300639.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_ahuriri+hapu\\_resel\\_25\\_h&p=1](https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300639.html?search=qs_act%40bill%40regulation%40deemedreg_ahuriri+hapu_resel_25_h&p=1)

Deed of Settlement – Attachments:

<https://www.govt.nz/assets/Documents/OTS/Ahuriri-Hapu/Ahuriri-Hapu-Deed-of-Settlement-Attachments.pdf>

## Disposals

The RFR obligation arises for any disposal that:

- transfers or vests the fee simple estate in the land, or
- grants a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), 50 years or longer.

## Preliminary notice

There is no requirement to give preliminary notice of a disposal in this settlement.

## Offering the land

The RFR offer to the trustees needs to include the terms of the offer, including:

- the expiry date
- the legal description and street address of the land
- any interests affecting the land
- contact details for the trustees to respond to.

Section 115 of the Act:

[https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300642.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_ahuriri+hapu\\_resel\\_25\\_h&p=1](https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300642.html?search=qs_act%40bill%40regulation%40deemedreg_ahuriri+hapu_resel_25_h&p=1)

## Expiry date of offer

The RFR offer expires on or after 20 working days after the day the trustees receive the offer. However, a shorter expiry date of on or after 10 working days after the day on which an offer is received applies for any subsequent offers where the expiry date of the earlier offer was not more than 6 months before the expiry date of the later offer.

Section 116 of the Act:

[https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300644.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_ahuriri+hapu\\_resel\\_25\\_h&p=1](https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300644.html?search=qs_act%40bill%40regulation%40deemedreg_ahuriri+hapu_resel_25_h&p=1)

## Subsequent disposal process

If the trustees do not accept an offer, or the offer period expires, the RFR landowner can dispose of the land provided that:

- the subsequent disposal is not on more favourable terms than those offered to the trustees,
- the land is being disposed of within 2 years after expiry of the RFR offer and
- the trustees are notified of the proposed disposal at least 20 working days before the disposal occurs.

This notification must provide details of the disposal, including the name of the person to whom the land is being disposed of and an explanation of how the disposal complies with section 114 of the Act, and a copy of the written contract to demonstrate that the subsequent disposal is not on more favourable terms than the RFR offer.

Section 114 of the Act:

[https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300641.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_ahuriri+hapu\\_resel\\_25\\_h&p=1](https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300641.html?search=qs_act%40bill%40regulation%40deemedreg_ahuriri+hapu_resel_25_h&p=1)

Section 132 of the Act:

[https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300665.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_ahuriri+hapu\\_resel\\_25\\_h&p=1](https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300665.html?search=qs_act%40bill%40regulation%40deemedreg_ahuriri+hapu_resel_25_h&p=1)

## Exempted disposals

Certain disposals can occur without making an RFR offer to the trustees. These exempted disposals are set out in sections 120-130 of the Act.

Sections 120-130 of the Act:

[https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300650.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_ahuriri+hapu\\_resel\\_25\\_h&p=1](https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300650.html?search=qs_act%40bill%40regulation%40deemedreg_ahuriri+hapu_resel_25_h&p=1)

The trustees must be notified of the proposed exempted disposal at least 20 working days before the disposal occurs, including an explanation of why the disposal is exempted under the settlement.

Section 132 of the Act:

[https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300665.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_ahuriri+hapu\\_resel\\_25\\_h&p=1](https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300665.html?search=qs_act%40bill%40regulation%40deemedreg_ahuriri+hapu_resel_25_h&p=1)

## RFR Memorials

All records of title for RFR land must be noted with a memorial protecting the Trust's interest.

If an RFR landowner creates a new record of title for an RFR property, the landowner must advise LINZ as soon as possible so LINZ can place a memorial noting the RFR on the title.

Section 132 of the Act:

[https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300664.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_ahuriri+hapu\\_resel\\_25\\_h&p=1](https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300664.html?search=qs_act%40bill%40regulation%40deemedreg_ahuriri+hapu_resel_25_h&p=1)

In certain cases, the RFR landowner must seek a certificate from LINZ requesting the removal of the RFR memorial, before a transfer can occur.

Section 133 of the Act:

[https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300666.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_ahuriri+hapu\\_resel\\_25\\_h&p=1](https://www.legislation.govt.nz/act/public/2021/0054/latest/LMS300666.html?search=qs_act%40bill%40regulation%40deemedreg_ahuriri+hapu_resel_25_h&p=1)

## Contact details

For more information about the Ahuriri Hapū claims settlement contact:

### Mana Ahuriri Trust

PO Box 12076

AHURIRI 4144

Mana Ahuriri Trust website: <http://www.manaahuritrust.com/>

## **Toitū Te Whenua Land Information New Zealand**

PO Box 5501

WELLINGTON 6145

Toitū Te Whenua Land Information New Zealand website: <https://www.linz.govt.nz/>

## **Te Arawhiti – The Office for Māori Crown Relations**

SX10111

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