



Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 registration guideline

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Terms and definitions

General

- (a) For the purposes of this guideline, the terms and definitions in the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 (Act) apply, unless stated otherwise. Refer to ss 18, 19, 20, 21, 29 72 157 162 and 163 of the Act for interpretation.
 - (b) Terms and abbreviations used in this guideline that are not defined in the Act are defined below.
 - (c) 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 Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014
authorised person	an authorised person as defined in ss 101(7), 147(6), or 160(3), as the case may be
Chief Executive	Chief Executive of Land Information New Zealand
cultural redress property	a property listed in s 72 and described in Schedule 3 of the Act
commercial property	a property defined as commercial property in s 18 of the Act
deed of settlement	Each of the following three deeds of settlement: <ul style="list-style-type: none">(a) The deed of settlement for Ngāti Apa ki te Rā Tō dated 29 October 2010,(b) The deed of settlement for Ngāti Kuia dated 23 October 2010,(c) The deed of settlement for Rangitāne o Wairau dated 4 December 2010, referred to in s 3 of the Act and as defined in s 18(1) of the Act Also refer to paragraph (b) under deed of settlement in section 18(1) for related settlement and Ngati Toa Rangitira
deferred selection property	A property listed in part 3.6 or 3.7 of a deed of settlement (including licensed land) defined in s 18.
LINZ	Land Information New Zealand
RFR land	land defined as RFR land in ss 162 and 163 (right of first refusal)
RGL	Registrar-General of Land appointed under s 4 of the Land Transfer Act 1952

settlement date	Settlement date being 1 st August 2014
trustees	trustees from time to time of a trust acting in their capacity as trustees for the various trusts defined in s 18, 19 and 20 of the Act

Foreword

- Introduction**
- (a) The Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 (Act) came into force on 23rd April 2014.
 - (b) The land concerned is in the Marlborough and Nelson Land Registration Districts.
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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.

- Scope**
- (a) This document contains guidelines for compliance with the Act. It covers:
 - (i) the requirements for certificates, applications, and other transactions to be lodged for registration with the RGL, and
 - (ii) registration requirements and memorial formats.
 - (b) 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.

- References**
- The following documents are necessary for the application of this guideline:
- (a) Deeds of Settlement for Ngāti Apa ki te Rā Tō dated 29 October 2010, Ngāti Kuia dated 23rd October 2010 and Rangitāne o Wairau dated 4 December 2010¹.
 - (b) Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014.
 - (c) Customer Services Technical Circular 2013.T06 - Registration of Treaty Claims Settlement Dealings.
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¹ Refer to the Office of Treaty Settlements website for a copy of the deed of settlement and its amendments

1 Noting statutory restrictions on registration

Statutory prohibitions restricting dealing with computer registers

Sections 107, 108, 109 and 186(1) 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

- (a) When a computer register contains the following memorials:
 - (i) 'Subject to section 107 of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014'.
 - (ii) 'Subject to section 108 of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014'.
 - (iii) 'Subject to section 109 of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 (which prohibits mortgaging reserve land)'.
 - (iv) '[certificate identifier] Certificate under section 186(1) of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 that the within land is RFR land as defined in section 162 of that Act and is subject to subpart 4 of Part 3 of the Act (which restricts disposal, including leasing, of the land) [date and time]'.
 - (b) Ensure the 'prevents registration' flag has been set for each of the memorials.
-

2 Removal of memorials

Trigger	Receipt of a certificate under s 25 for the removal of certain memorials from a computer register.
Authorised person	<ul style="list-style-type: none">(a) 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.(b) A template certificate has been approved by the RGL and is set out in Technical Circular 2013.T06.
Legislation	<ul style="list-style-type: none">(a) Section 24 provides that certain legislative provisions do not apply to certain land affected by the Act in the Nelson Land District or Marlborough Land District, or for the benefit of the settlement Iwi or a representative entity.(b) Section 24(2) lists the legislative provisions as:<ul style="list-style-type: none">(i) sections 8A to 8HJ of the Treaty of Waitangi Act 1975,(ii) sections 27A to 27C of the State Owned Enterprises Act 1986,(iii) sections 211 to 213 of the Education Act 1989,(iv) Part 3 of the Crown Forest Assets Act 1989, and(v) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990. <p>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 24(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.</p>

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Removal of memorials, continued

Certificate

Section 25(4) requires the RGL to register a certificate against the affected registers, cancelling any relevant memorial referred to in s 24. The certificate must:

- (a) be issued by the Chief Executive as soon as reasonably practicable after the settlement date, or actual deferred settlement date,[s25(2)]
 - (b) identify each allotment, which is all, or part, of a settlement property, and computer register which contains such a memorial (s 25(1)), and
 - (c) state that it is issued under s 25(3).
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Action – certificate for registration under s 25

When a certificate under s 25 is presented for registration:

- (a) any memorial on the current view of the computer register which relates to an enactment referred to in s 24(2) should be removed,
- (b) the following memorial should be recorded on the historic view of that register:

'[instrument number] Certificate under section 25 of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 cancelling [memorial identifier] [date and time]'

- (c) the Landonline registration code is [RRSM],(see TO6 2013 Technical circular), 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 24(2)) does not apply'.

3 Cultural redress properties to vest in trustees

Vesting of cultural redress properties

The properties set out in Schedule 3 of the Act vest in the names of the trustees specified in the Act.

4 Vesting of cultural redress properties

**Trigger – receipt
of written
application
under s 101**

Receipt of a written application under s 101 by an authorised person to register the trustees as proprietors of the fee simple estate.

Authorised person means an authorised person as defined in s 101(7) of the Act.

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Vesting of cultural redress properties, continued

Action – registration of trustees

- (a) To the extent that a cultural redress property (other than Waikutakuta/Robin Hood Bay Tuamatene Marae, Grovetown, or a jointly vested site) is all of the land contained in a computer freehold register, the RGL must:
 - (i) register the trustees in whom the property is vested as the proprietors of the fee simple, and
 - (ii) 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 101(2)).
- (b) In the case of:
 - (i) Waikutakuta / Robin Hood Bay Tuamatene Marae, Grovetown, or
 - (ii) if a cultural redress property is not all of the land in a computer freehold register and s 101(2) does not apply (other than a jointly vested site), or
 - (iii) there is no computer freehold register for all or part of the property, then
 - (iv) the RGL must create one or more computer freehold registers in the name of the trustees and enter any encumbrances described in the application (s 101(3)).
- (c) In the case of a jointly vested site the RGL must create one or more computer freehold registers for each undivided equal share of the fee simple estate in the property in the names of the trustees in whom the share is vested under subpart 4 and enter any encumbrances described in the application (s 101(4)).
- (d) Creation of the above computer registers is subject to the completion of any necessary survey.
- (e) The standard registration fee is payable.

Note: The resumptive memorials must be brought down onto the computer registers created for the relevant entity or trustees. They cannot be noted as 'cancelled' until a certificate by the Chief Executive under s 25 authorising the removal of the memorials is lodged for registration. The standard registration fee is payable.

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Vesting of cultural redress properties, continued

Action – memorials

The following are examples of suitable memorials to record the vesting on an existing computer freehold register (upon registration of an application under s 101) and to reflect the requirements of s 103 in regard to Part IV of the Conservation Act 1987.

(a) On all cultural redress properties:

'[registration number] Application under section 101 of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 vesting the within land in [names of the trustees set out in [Action – revocation and reconfering of reserve status](#) below] [date and time]'

(b) In addition the following must also be recorded:

(i) on any cultural redress property except for reserve sites and jointly vested sites:

'Subject to Part 4A of the Conservation Act 1987'.

'Subject to section 11 of the Crown Minerals Act 1991'.

(c) On reserve sites (other than a jointly vested site) being Aorere Scenic Reserve; Cullen Point (Havelock); Moenui; Tarakaipa Island ūrupa; Te Pokohiwi, Robin Hood Bay (Waikutakuta) Ngakuta Bay; Momorangi; Endeavour Inlet site; Matangi Awhio (Nelson); Pukatea (Whites Bay); Horahora Kakahu:

(i) 'Subject to Part 4A of the Conservation Act 1987 (but section 24 of that Act does not apply)'.

(ii) 'Subject to sections 102(3) and 107 of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014.

(iii) 'Subject to section 11 of the Crown Minerals Act 1991'.

(iv) 'Subject to section 109 of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 (which prohibits mortgaging reserve land)'.

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Vesting of cultural redress properties, continued

- (d) On jointly vested sites:
 - (i) 'Subject to Part 4A of the Conservation Act 1987 (but section 24 of that Act does not apply)'.
 - (ii) 'Subject to section 11 of the Crown Minerals Act 1991'.
 - (iii) 'Subject to sections 99(3) 102(3) and 108 of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014'.
 - (iv) 'Subject to section 109 of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 (which prohibits mortgaging reserve land)'.
 - (e) Ensure the 'prevents registration' flag has been set for the section 107, 108 and 109 memorials.
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Statutory exemptions under s 104

Cultural redress properties are not subject to:

- (a) The subdivision requirements of the Resource Management Act 1991, or
 - (b) The Council's requirements for consent under s 348 of the Local Government Act 1974.
-

Action – vestings subject to encumbrances

- (a) The cultural redress properties are vested subject to the encumbrances set out in the third column in Schedule 3 of the Act (s 98).
 - (b) The encumbrances may include unregistered instruments.
 - (c) Only the encumbrances referred to in the application are required to be entered on the computer register.
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Vesting of cultural redress properties, continued

Action – vestings subject to trustees' encumbrances or covenants

- (a) The cultural redress properties set out in the table below are vested subject to the trustees creating the encumbrances or covenants as stated.
- (i) The applications in respect of these sites must be accompanied by the instruments creating the encumbrances or covenants referred to.
- (ii) Rights of way are not subject to s 348 of the Local Government Act 1974 s 104(4).

Property	Encumbrance or covenants the trustees must create (register)	Refer to
Titiraukawa (Pelorus Bridge)	<ul style="list-style-type: none"> a right of way easement over the area marked 'A' on SO plan 427361 in favour of section 3 SO plan 427361 and section 64 block VIII Heringa Survey District (part computer freehold register MB50/234). a right to convey water in gross over the area marked 'B' on SO 427361 in favour of the Minister of Conservation. 	s 76(3)
Waimea Pā (Appleby School) and Te Hora (Canvastown School)	Registrable leases of Waimea Pā (Appleby School) and Te Hora (Canvastown School) to the Crown	ss 78(2) and 79(5)
Titirangi Bay site	<ul style="list-style-type: none"> A registrable conservation covenant over the Titirangi Bay site in favour of the Crown for the purposes of: <ul style="list-style-type: none"> Section 77 of the Reserves Act 1977, and Section 27 of the Conservation Act 1987. 	s 84(3)
Moenui	<ul style="list-style-type: none"> A right of way easement in gross over the area marked 'A', 'B', and 'C' on SO 433118 in favour of Moenui Community Association Incorporated; and A right to convey water in gross over the areas marked 'A', 'C' and 'D' on SO 433118 and A on SO 436369 in favour of Moenui Community Association Incorporated; and A right to convey electricity in gross over the area shown as 'A' on SO 436369 in favour of Moenui Community Association Incorporated. 	s 87(5)
Te Pokohiwi	A right of way in gross in favour of the Crown over the area shown as 'A' on SO 437606.	s 90(5)

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Vesting of cultural redress properties, continued

Crown must provide easement over Titirangi Bay site under s 84

The Minister of Conservation must provide the trustees a right or way easement over the area shown as 'A' on SO 433149 in favour of the Titirangi site.

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	Estate	New status/purpose	Refer to
St Arnaud	Conservation area s 73(1)	Fee Simple	None. Vests in trustees of the Ngati Apa Ki te Ra To Trust.	73(2)
Te Tai Tapu (Tombstone)	Conservation area s 74(1)	Fee Simple	None. Vests in trustees of the Ngati Apa Ki te Ra To Trust.	74(2)
Port Gore (Titirangi farm park recreation reserve)	Recreation reserve subject to the Reserves Act 1977 - s 75 (1)	Fee Simple	None. Vests in trustees of the Ngati Apa Ki te Ra To Trust.	75(2)
Titiruakawa (Pelorus Bridge)	Recreation reserve subject to the Reserves Act 1977 - s 76(1)	Fee Simple	None. Vests in trustees of the Te Runanga o Ngāti Kuia Trust.	76(2)
Nga Tai Whakaū (Kawai, World's End)	Scenic reserve subject to the Reserves Act 1977 - s 77(4)	Fee Simple	None. Vests in the trustees of the Te Runanga o Ngāti Kuia Trust.	77(5)
Picton Recreation Reserve	Recreation reserve subject to the Reserves Act 1977 - s 80(1)	Fee Simple	None. Vests in the trustees of the Rangitāne o Wairau Settlement Trust.	80(2)
Rārangi	Conservation area s 82(1)	Fee Simple	None. Vests in trustees of the Rangitāne o Wairau Settlement Trust.	82(2)
Wairau Lagoons (reinterment)	Government purpose reserve for wetland management purposes subject to the Reserves Act 1977 - s 83(1)	Fee Simple	None. Vests in the trustees of the Rangitāne o Wairau Settlement Trust.	83(2)
Titirangi Bay site	Recreation reserve subject to the Reserves Act 1977 - s 84(1)	Fee Simple	None. Vests in the trustees of the Te Runanga o Ngāti Kuia Trust.	84(2)
Aorere Scenic Reserve	Scenic reserve subject to the Reserves Act 1977 - s 85(1)	Fee Simple	None vests in the trustees of the Ngāti Apa Ki te Rā Tō Trust.	85(2)

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Vesting of cultural redress properties, continued

Cullen Point (Havelock)	Scenic reserve subject to the Reserves Act 1977 - s 86(1)	Fee Simple	Vests in the trustees of the Te Runanga o Ngāti Kuia Trust. Then classified as scenic reserve for the purposes set out in s 19(1) Reserves Act 1977.	86(3)
Moenui	Recreation reserve subject to the Reserves Act 1977 - s 87(1)	Fee Simple	Vests in the trustees of the Te Runanga o Ngāti Kuia Trust. Then classified as recreation reserve for subject to s 17 of the Reserves Act 1977	87(3)
Tarakaipa Island ūrupa	Scenic reserve subject to the Reserves Act 1977 - s 88(1)	Fee Simple	Vests in the trustees of the Te Runanga o Ngāti Kuia Trust. Then classified as a scenic reserve for the purposes set out in s 19(1)(a) Reserves Act 1977.	88(3)
Te Pokohiwa being part of Wairau Lagoons Wetland Management Reserve	Government reserve for wetland management purposes subject to the Reserves Act 1977 - s 90(1)	Fee Simple	Vests in the trustees of the Rangitāne o Wairau Settlement Trust. Then classified as an historic reserve subject to section 18 of the Reserves Act 1977.	90(3)
Waikutakuta/ Robin Hood Bay	Recreation reserve subject to the Reserves Act 1977 - s 91(1)	Fee Simple	Vests in the trustees of the Rangitāne o Wairau Settlement Trust. Then classified as a recreation reserve subject to s 17 of the Reserves Act 1977.	91(3)
Ngākuta Bay	Recreation reserve subject to the Reserves Act 1977 - s 92(1)	Fee Simple	Vests in the trustees of the Rangitāne o Wairau Settlement Trust. Then classified as a recreation reserve subject to s 17 of the Reserves Act 1977.	92(3)
Momorangi	Scenic reserve subject to the Reserves Act 1977 - s 93(1)	Fee Simple	Vests in the trustees of the Rangitāne o Wairau Settlement Trust. Then classified as a recreation reserve subject to s 17 of the Reserves Act 1977.	93(3)
Endeavour Inlet site	Conservation area subject to the Conservation Act 1987 - s 94(1)	Fee Simple	Vests in the trustees of the Rangitāne o Wairau Settlement Trust. Then classified as a scenic reserve for the purposes set out in s 19(1)(a) Reserves Act 1977.	94(3)

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Vesting of cultural redress properties, continued

Mātangi Āwhio (Nelson)	Recreation reserve subject to the Reserves Act 1977 - s 95(1)	Fee Simple	<p>Vests as follows under section 95(2)(a):</p> <ul style="list-style-type: none"> • A share in the trustees of the Ngāti Apa ki te Rā Tō Trust; and • A share in the trustees of the Te Runanga o Ngāti Kuia Trust; and • A share in the trustees of the Rangitāne o Wairau Settlement Trust. <p>Vests as follows under s 95(2)(b):</p> <ul style="list-style-type: none"> • A share in the trustees of the Te Pakata a Ngati Koata; and • A share in the trustees of the Ngati Rarua Settlement Trust; and • A share in the trustees of the Ngati Tama ki Te Waipounamu Trust; and • A share in the trustees of the Te Atiawa o Te Waka a Maui Trust. <p>Then classified as recreation reserve subject to s 17 of the Reserves Act 1977.</p>	95(3)
Pukatea (Whites Bay)	Recreation reserve subject to the Reserves Act 1977 - s 96(1)	Fee Simple	<p>Vests as follows:</p> <ul style="list-style-type: none"> • a share in the trustees of the Rangitāne o Wairau Settlement Trust; and • a share in the trustees of the Ngati Rarua Settlement Trust; and • a share in the trustees of the Toa Rangatira Trust. <p>Then classified as Recreation reserve subject to s 17 of the Reserves Act 1977.</p>	96(2) 96(3)
Horahora-kākahuha	Historic reserve subject to the Reserves Act 1977 - s 97(1)	Fee Simple	<p>Vests as follows:</p> <ul style="list-style-type: none"> • a share in the trustees of the Rangitāne o Wairau Settlement Trust; and • a share in the trustees of the Ngati Rarua Settlement Trust; and • a share in the trustees of the Toa Rangatira Trust. <p>Then classified as an historic reserve subject to section 18 of the Reserves Act 1977.</p>	97(3)

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Vesting of cultural redress properties, continued

Recording of classification of a reserve for the Boulder Bank site under s 90(7)

RGL will as soon as is reasonably practicable after receipt of an application under s 101 confirming the actions in s 90(7) record on any affected computer register that the Boulder Bank site is classified as an historic reserve subject to s 18 or the Reserves Act 1977.

Statutory action

- (a) 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.
 - (b) If the statutory action requires updating the cadastre survey system in any way, survey staff should be notified and requested to update the cadastre.
 - (c) 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.
-

Trigger – revocation of a reserve status over a reserve site (other than a jointly vested site) under s 103(5)

Receipt of an application from the Director-General of Conservation, under s 103(5), 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.

Memorial format

The approved format for the memorial which must record the cancellation is:

'[application identifier] Application under section 103(5) of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 revoking the reserve status of [part of] the within land [date and time]'.

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Vesting of cultural redress properties, continued

Action – removal of memorials

The following notifications must be modified accordingly:

- (a) 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)', and
- (b) delete the memorials 'Subject to sections 102(3) and 107 of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014'.

Note: See reference to s 109 memorial below under '[Statutory prohibition against mortgage of reserve land under s 109](#)'.

Trigger – revocation of reserve status over a jointly vested site under s 103(6)

Receipt of an application from the Director-General of Conservation, under s 103(6), 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

Memorial format

The approved format for the memorial which must record the cancellation is:

'[application identifier] Application under section 103(6) of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 revoking the reserve status of [part of] the within land [date and time]'

Action – removal of memorials

The following notifications must be modified accordingly:

- (a) 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)', and
- (b) delete the memorials 'Subject to sections 99(3), 102(3) and 108 of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014'.

Note: See reference to s 109 memorial below under '[Statutory prohibition against mortgage of reserve land under s 109](#)'.

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Vesting of cultural redress properties, continued

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.

Trigger – subsequent transfer of reserve site under s 107

Receipt of a transfer instrument under s 107 transferring reserve sites (other than jointly vested sites) to new owners.

Transfer of reserve site except jointly vested sites

- (a) The fee simple estate in reserve land may only be transferred to any other person in accordance with s 107.
 - (b) The written consent of the Minister of Conservation must accompany the transfer instrument.
 - (c) If any other documents are required for registration they must be registered or lodged.
 - (d) Upon receipt of the transfer instrument and consent the RGL must register the transfer.
 - (e) The transfer memorial must contain a statement that the new owners hold the land for the same purpose as the previous owners held it. 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 accompanying a subsequent transfer is sufficient proof that ss 107(3) to 107(7) do not apply.
-

Trigger – receipt of transfer of jointly vested sites under s 108

Receipt of a transfer instrument under s 108 transferring jointly vested sites to new owners.

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Vesting of cultural redress properties, continued

Transfer of jointly vested sites

- (a) The fee simple estate in reserve land may only be transferred to any other person in accordance with s 108.
 - (b) Jointly vested land may only be transferred where the land is held in a trust and the effect of the transfer is to change the trustees. A certificate accompanying a subsequent transfer is sufficient proof that s 108(2) applies.
-

Statutory prohibition against mortgage of reserve land under s 109

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.

Action – memorial

- (a) The following memorial should be added to the computer register:

'Subject to section 109 of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 (which prohibits mortgaging reserve land)'.
 - (b) Ensure the 'prevents registration' flag has been set.
-

Affect of revocation of reserve on prohibition under s 109

- (a) Although not provided for in the Act, if a reserve is revoked under section 103(5) or (6) the following notification should be modified as follows:

Delete the memorial 'Subject to section 109 of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 (which prohibits mortgaging reserve land)'
 - (b) If a reserve is revoked as to part of the site the memorial remains only on those computer freehold registers or part computer freehold registers that remain a reserve
-

5 Vesting of commercial redress properties

Commercial property	Commercial property and deferred selection property are defined in s 18.
Crown authorised to transfer commercial redress properties under s 146	Under s 146, in order to give effect to Part 6 of a deed of settlement the Crown is authorised to transfer the fee simple estate in a commercial property, deferred selection property or any Woodbourne land to the trustees of a settlement trust.
Trigger – written application under s 147	<p>A written application by an authorised person under s 147(1) to create a computer freehold register.</p> <p>Authorised person means an authorised person as defined in s 147(6) of the Act.</p>
Authorised person	A statement in the application that a person is an authorised person for the purpose of s 147 is sufficient evidence for the RGL that the person is so authorised.
Action – create computer freehold register under s 147(1)	(a) The RGL must create one computer freehold register in the name of the Crown subject to and together with any encumbrances that are registered or described in the application but without any statement of purpose.
(except for Woodbourne land being transferred under s 147(2))	(b) Creation of the above computer register is subject to completion of any necessary survey.
	(c) Standard registration fees apply.

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Vesting of commercial redress properties, continued

**Action –
Woodbourne
land being
transferred to
the trustee of 2
or more
settlement
trusts s 147(2)**

- (a) The RGL must create one computer freehold register for each undivided share of the fee simple estate in the name of the Crown subject to and together with any encumbrances that are registered or described in the application but without any statement of purpose.
 - (b) Creation of the above computer register is subject to completion of any necessary survey.
 - (c) Standard registration fees apply.
-

**Trigger –
covenant for the
later creation of
a computer
freehold register**

Receipt of a covenant for the later creation of a computer register under s 147(5).

**Statutory
directive**

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

**Statutory
exemption under
s 148**

Commercial redress properties are not subject to:

- (a) the subdivision requirements of the Resource Management Act 1991, or
 - (b) the Council's requirements for consent under s 348 of the Local Government Act 1974.
-

**Trigger –
transfer of
certain deferred
selection
properties under
s 150**

Transfer of Nelson High/District Court site from the Crown to the trustees of Ngāti Apa Ki te Ra To Trust under s 150.

continued on next page

Vesting of commercial redress properties, continued

Revocation and reclassification of reserve under s 150

- (a) Immediately before the transfer the reservation of the Courthouse site as any class of reserve subject to the Reserves Act 1977 is revoked (s150(2)).
 - (b) Immediately after the transfer the Courthouse site is declared a reserve and classified as an historic reserve subject to s 18 of the Reserves Act 1977.
-

Action – memorial

Upon the registration of the transfer the RGL must record on any computer register for the site:

- (a) 'Subject to section 150(8)(d) of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014', and
 - (b) 'Subject to section 11 of the Crown Minerals Act 1991'.
-

Trigger – revocation of reserve under s 150(10)

Receipt of an application from the Director-General of Conservation, under s 150(10), to cancel memorials recording 'section 150(8)(d) of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014' 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.

Memorial format

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 150(10) of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 [date and time]'.

Removal of memorials

The following notifications must be modified as follows:

Delete the memorial 'Subject to section 150(8)(d) of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014'.

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Vesting of commercial redress properties, continued

Trigger – transfer of properties subject to lease

- (c) Receipt of a transfer pursuant to s 151.
 - (d) The transfer must include a statement that the land is subject to ss 151(7) and (8).
-

Action – memorial

Upon registration of the transfer the following must be recorded on the computer register:

- (a) 'Subject to Part 4A of the Conservation Act 1977 (but s 24 of that Act does not apply)'.
 - (b) 'Subject to section 151(7) and (8) of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014'.
 - (c) 'Subject to section 11 of the Crown Minerals Act 1991'
-

Trigger – lease or renewal terminates or expires under s 151(8)

Receipt of an application, under s 151(8), to cancel memorials recording that s 24 of the Conservation Act 1987 does not apply if the lease terminates or expires without being renewed in whole or part.

Memorial format

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 151(8) of Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 [date and time]'.

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Vesting of commercial redress properties, continued

Action – removal of memorials

- (a) The following notifications must be modified as follows:
 - (i) 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)',
 - (ii) delete the memorial 'Subject to sections 151(7) and (8) of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014’.
 - (b) If part of the property remains subject to a lease the notifications as to s 24 of the Conservation Act 1987 and s 151(7) and (8) of the Act remain on the computer register to the part still subject to the lease.
-

Statutory directive under s 151(9)

A modification of any computer register pursuant to an application under s 151(8) of the Act is free of charge (s 151(9)).

6 Access to protected sites

Right of access under s 158 Section 158 allows a right of access to protected sites for any person holding an interest in or right of occupancy specified in s 158 to have access across the land to each protected site

Trigger – right of access to protected sites under s 160 Written application by an authorised person under s 160(1) to note a right of access.
Authorised person means an authorised person as defined in s 160(3) of the Act.

Action – notation on computer freehold register The RGL must make a notation on the computer freehold register that the land is subject to a right of access under subpart 3 of Part 3 of the Act.

Memorial format A suitable memorial would be:

'[part of] the within land is subject to a right of access under subpart 3 of Part 3 of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014. See application [registration number] [date and time]'.

7 Right of first refusal

Trigger – receipt of certificate under s 186 (1)

Receipt of a certificate from the Chief Executive under s 186(1) that identifies one or more computer registers for RFR land.

Action— memorials record RFR land

- (a) Add the following memorial to the current view of the computer register identified in the s 186 certificate:

'[certificate identifier] Certificate under s 186(1) of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 that the within land is RFR land as defined in s 162 and is subject to Subpart 4 of Part 3 of the Act (which restricts disposal, including leasing, of the land) [date and time]'.

- (b) The standard registration fee is payable.
(c) Ensure the 'prevents registration' flag has been set.
-

Trigger – land ceasing to be RFR land under s 187

Receipt of a certificate from the Chief Executive under s 187(1) for the removal of s 186 memorials from a computer register on land ceasing to be RFR land.

Action – registration requirements

- (a) The RGL must record the following memorial on the historic view of the register:

'[certificate identifier] Certificate under s 187(1) of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 removing [memorial identifier] entered under s 186 [date and time]'

- (b) The transfer or vesting must be registered.
(c) The standard registration fee is payable.
-

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Right of first refusal, continued

Trigger – end of RFR period under s 188

Receipt of a certificate from the Chief Executive under s 188(1) for the removal of s 186 memorials from a computer register at the end of the RFR period.

Action – registration requirements

(a) The RGL must record the following memorial on the historic view of the register:

'[certificate identifier] Certificate under s 188(1) of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 removing [memorial identifier] entered under s 186 [*date and time*]'.

(b) 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 186, cannot be registered unless:

- (a) the dealing is in favour of the trustees, the Crown, or a Crown Body s 169(1), or
- (b) a certificate from the Chief Executive has been received under s 187(1), or
- (c) at the end of the RFR period, a certificate from the Chief Executive has been received under s 188(1) for the removal of the memorial under s 186(1).

Notes:

- Transfers of RFR land without a preceding (ss 187 or 188) 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.
 - Where land is disposed of to the Crown or a Crown body in terms of s 191, the RFR will remain on the title and must continue to be monitored and enforced by LINZ until it is removed under ss 212 or 213.
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