



# Ngati Toa Rangatira Claims Settlement Act 2014 registration guideline

LINZG20742

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## Terms and definitions

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### General

- (a) For the purposes of this guideline, the terms and definitions in the Ngati Toa Rangatira Claims Settlement Act 2014 (Act) apply, unless stated otherwise. Refer to ss 11-15, 24, 59, 107, 175 179 183 and 184 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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<b>Term/abbreviation</b>	<b>Definition</b>
Act	Ngati Toa Rangatira Claims Settlement Act 2014
authorised person	an authorised person as defined in ss 84(7), 110(5), 113(4),170(6), or 182(3) as the case may be
Chief Executive	Chief Executive of Land Information New Zealand
cultural redress property	a property listed in s 59 and described in Schedule 3 of the Act
commercial property and commercial redress property	a property defined as commercial redress property in s 12 of the Act
deed of settlement	the deed of settlement for Ngati Toa Rangatira dated 7 December 2012, referred to in s 3 of the Act, and as defined in s 12 of the Act
LINZ	Land Information New Zealand
RFR land	land defined as RFR land in s 184 (right of first refusal)
RGL	Registrar-General of Land appointed under s 4 of the Land Transfer Act 1952
settlement date	settlement date as defined in s 12, being 1 <sup>st</sup> August 2014
trustees and trust	as defined in ss 12 and 13 of the Act

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## Foreword

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- Introduction**
- (a) The Ngati Toa Rangatira Claims Settlement Act 2014 (Act) came into force on 22<sup>nd</sup> April 2014.
  - (b) The land concerned is in the Marlborough, Nelson, and Wellington 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.

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- 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.

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- References**
- The following documents are necessary for the application of this guideline:
- (a) Deed of Settlement for Ngati Toa Rangatira dated 7 December 2012<sup>1</sup>,
  - (b) Ngati Toa Rangatira Claims Settlement Act 2014, and
  - (c) Customer Services Technical Circular 2013.T06 - Registration of Treaty Claims Settlement Dealings.
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<sup>1</sup> 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

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## **Statutory prohibitions restricting dealing with computer**

Sections 91-96 and 211(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.

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## **Follow up action for Landonline**

- (a) When a computer register contains any of the following memorials:
- (i) 'Subject to section 91 of the Ngati Toa Rangatira Claims Settlement Act 2014',
  - (ii) 'Subject to section 92 of the Ngati Toa Rangatira Claims Settlement Act 2014',
  - (iii) 'Subject to section 93 of the Ngati Toa Rangatira Claims Settlement Act 2014',
  - (iv) 'Subject to section 94 of the Ngati Toa Rangatira Claims Settlement Act 2014'
  - (v) 'Subject to section 95 of the Ngati Toa Rangatira Claims Settlement Act 2014'
  - (vi) 'Subject to section 96 of the Ngati Toa Rangatira Claims Settlement Act 2014 (which prohibits mortgaging reserve land)', and
  - (vii) '[*certificate identifier*] Certificate under section 211(1) of the Ngati Toa Rangatira Claims Settlement Act 2014 that the within land is RFR land as defined in section 184 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 if any of the above memorials are noted against the computer freehold register.
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## 2 Removal of memorials

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**Trigger — receipt of a s 19(1) certificate**

A certificate issued under s 19(1) for land in the Wellington Land District or s 19(2) for land in the Nelson or Marlborough Land Districts for the removal of certain memorials from a computer register.

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**Authorised person**

- (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**

- (a) Section 18 provides that certain legislative provisions do not apply to:
  - (i) Land in the Wellington Land District that is:
    - (A) A cultural redress property, or
    - (B) A commercial redress property, or
    - (C) General RFR land, or
    - (D) Disposed early RFR NZTA land; or
  - (ii) A deferred selection property (other than deferred selection RFR land) and a commercial property, in the Wellington Land District subject to the restrictions in s 18(1)(b); or
  - (iii) Deferred selection RFR land in the Wellington Land District subject to the restrictions in s 18(1)(c); or
  - (iv) Land in the Nelson or Marlborough Land Districts; or
  - (v) For the benefit of Ngati Toa Rangatira or a representative entity.
- (b) Section 18(2) lists the legislative provisions as:
  - (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.

**Note:** These legislative provisions, being statutory notations, do not fall within the definition of 'encumbrance' in treaty settlement legislation, so must be brought down onto the computer registers created for the relevant entity or trustees. They are only to be noted as 'cancelled' by the RGL, acting on the certificate issued as below.

## Removal of memorials, continued

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**Certificate under s 19** Section 19(6) requires the RGL to register one or more certificates against the affected registers, cancelling any relevant memorial referred to in s 18(2). The certificate or certificates must:

- (a) be issued by the Chief Executive (s 19(4)) as soon as reasonably practicable after the settlement date,
  - (b) identify each allotment, which is all, or part, of a settlement property, and computer register which contains a memorial listed in s 18(2) (s 19(1) and (2)), and
  - (c) state that it is issued under s 19(5).
- 

**Action – memorial**

When a certificate under s 19 is presented for registration:

- (a) any memorial on the current view of the computer register which relates to an enactment referred to in s 18(2) should be removed,
- (b) the following memorial should be recorded on the historic view of that register:

'[instrument number] Certificate under section 19 of the Ngati Toa Rangatira Claims Settlement Act 2014 cancelling [memorial identifier] [date and time]',

- (c) the Landonline registration code is RRSM, and
- (d) the standard registration fee is payable.

**Note:** If the existing memorial on the title refers to an Act in general, such as 'subject to the Crown Forest Assets Act 1989', the original notation remains on the computer register, but it should be recorded on the computer register that 'Part 3 of the Crown Forest Assets Act 1989 (or any other relevant section mentioned in s 18(2) does not apply'.

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### 3 Vesting of Cultural redress properties

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**Cultural redress properties under s 81** The properties set out in Schedule 3 of the Act vest in the trustees of the Toa Rangatira Trust under subpart 3 of Part 2 of the Act.

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**Trigger — Receipt of application under s 84(2)** Receipt of a written application under s 84(2) 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 84(7).

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**Action — registration of trustees**

(a) If a cultural redress property (other than the former Tuamarina school house, Taputeranga Island or a jointly vested site) is all of the land contained in a computer freehold register, the RGL must:

- (i) register the trustees of the Toa Rangatira Trust as the proprietors of the fee simple, and
- (ii) make any entry and do all things necessary to give effect to subpart 3 of Part 2 the Act (s 84(2)(b)).

(b) If:

- (i) a cultural redress property is not all of the land in a computer freehold register (other than for a jointly vested site), or
- (ii) there is no computer freehold register for all or part of the property, or
- (iii) in the case of former Tuamarina school house or Taputeranga Island

the RGL must create one or more computer freehold registers in the name of the trustees of the Toa Rangatira Trust and enter any encumbrances described in the application (s 84(3)(b)).

(c) For a jointly vested site the RGL must

- (i) create one or more computer freehold registers for an undivided equal share of the fee simple in the name of the trustees of the Toa Rangatira Trust (in whom they are vested under subpart 3 of Part 2 of the Act), and
- (ii) enter any encumbrances described in the application (s 84(4)(b)).

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## Vesting of Cultural redress properties, continued

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- (d) Creation of the above computer register is subject to 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 under s 19(1) by the Chief Executive authorising the removal of the memorials is lodged for registration.

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## Vesting of Cultural redress properties, continued

### Memorials

- (a) The following is an example of a suitable memorial to record the vesting on an existing computer freehold register:

'[registration number] Application under section 84 of the Ngati Toa Rangatira Claims Settlement Act 2014 vesting the within land in [names of the trustees] [date and time]'.

- (b) The following must also be recorded on computer registers:

Whitianga site, Wainui or Te Arai o Wairau	<ul style="list-style-type: none"> <li>• 'Subject to Part 4A of the Conservation Act 1987 but section 24 does not apply'</li> <li>• 'Subject to section 11 of the Crown Minerals Act 1991'</li> <li>• 'Subject to sections 85(3) and 91 of the Ngati Toa Rangatira Claims Settlement Act 2014'</li> </ul>
Te Mana a Kupe	<ul style="list-style-type: none"> <li>• 'Subject to Part 4A of the Conservation Act 1987 but section 24 does not apply'</li> <li>• 'Subject to section 11 of the Crown Minerals Act 1991'</li> <li>• 'Subject to sections 70(9), 85(3) and 92 of the Ngati Toa Rangatira Claims Settlement Act 2014'</li> </ul>
Taputeranga Island	<ul style="list-style-type: none"> <li>• 'Subject to Part 4A of the Conservation Act 1987 but section 24 does not apply'</li> <li>• 'Subject to section 11 of the Crown Minerals Act 1991'</li> <li>• 'Subject to sections 82(4), 85(3) and 93 of the Ngati Toa Rangatira Claims Settlement Act 2014'.</li> </ul>
Onehunga Bay or Te Onepoto Bay	<ul style="list-style-type: none"> <li>• 'Subject to Part 4A of the Conservation Act 1987 but section 24 does not apply'</li> <li>• 'Subject to section 11 of the Crown Minerals Act 1991'</li> <li>• 'Subject to sections 85(3) and 94 of the Ngati Toa Rangatira Claims Settlement Act 2014'.</li> </ul>
Jointly vested sites	<ul style="list-style-type: none"> <li>• 'Subject to Part 4A of the Conservation Act 1987 but section 24 does not apply'</li> <li>• 'Subject to section 11 of the Crown Minerals Act 1991'</li> <li>• 'Subject to section 82(4), 85(3) and 95 of the Ngati Toa Rangatira Claims Settlement Act 2014'.</li> </ul>
Any other cultural redress property	<ul style="list-style-type: none"> <li>• 'Subject to Part 4A of the Conservation Act 1987'</li> <li>• 'Subject to section 11 of the Crown Minerals Act 1991'</li> </ul>

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## Vesting of Cultural redress properties, continued

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### **Statutory exemptions under s 87**

Cultural redress properties are not subject to:

- (a) the subdivision requirements of the Resource Management Act 1991, or
  - (b) any 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 Schedule 3 of the Act (s 81).
  - (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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### **Action – vestings subject to trustees' encumbrances or covenants**

- (a) The cultural redress properties set out in the '[Table – cultural redress properties](#)' below are vested subject to the trustees creating the encumbrances or covenants as stated.
  - (b) The applications in respect of these sites must be accompanied by the instruments creating the encumbrances or covenants referred to.
  - (c) The legal descriptions affecting any easements, encumbrances, or covenants are set out in Schedule 3 of the Act.
  - (d) Rights of way are not subject to s 348 of the Local Government Act 1974 (s 87(4)).
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## Vesting of Cultural redress properties, continued

**Table – cultural redress properties**

Property	Encumbrance or covenants the trustees must create register	Refer to ...
Titahi Bay Road site B	<ul style="list-style-type: none"> <li>Easements in gross in favour of Porirua City Council for the following rights: <ul style="list-style-type: none"> <li>a right to drain sewage over the areas shown as B, D, G, H, J, K, M, N, and O on SO 446371,</li> <li>a right to drain stormwater and water over the areas shown as A, B, F, H, I, K, L, N, Q, and R on SO 446371, and</li> <li>a right to convey water over the area shown as P on SO 446371.</li> </ul> </li> <li>A right of way and a right to park over the areas shown as C, D, and E on SO 446371 in favour of Section 99 Block 1 Belmont Survey District, and</li> <li>The right of way easement is not subject to s 348 of the Local Government Act 1974 (s 66).</li> </ul>	s 66(2)
Waikutakuta/ Robin Hood Bay	Conservation covenants to the Crown to be treated as conservation covenants for the purposes of s 77 of the Reserves Act 1977 and s 27 of the Conservation Act 1987.	s 67(4)
Elaine Bay	Conservation covenants to the Crown to be treated as conservation covenants for the purposes of s 77 of the Reserves Act 1977 and s 27 of the Conservation Act 1987.	s 68(4)
Whitianga site	<ul style="list-style-type: none"> <li>An easement in gross in favour of the Porirua City Council for a right to drain sewage over the area shown as A on SO 446636, and</li> <li>a right to drain stormwater over the areas shown as B and C on SO 446636.</li> </ul> <p><b>Note:</b> Despite the provisions of the Reserves Act 1977, this easement is enforceable and is to be treated as having been granted in accordance with that Act.</p>	s 69(5)
Onehunga Bay	<p>A right to convey water in favour of the Crown over the area shown as A on SO 446704 in favour of Section 4 SO 446704.</p> <p><b>Note:</b> Despite the provisions of the Reserves Act 1977, this easement is enforceable and is to be treated as having been granted in accordance with that Act</p>	s 72(6)

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## Vesting of Cultural redress properties, continued

**Table – cultural redress properties continued**

Property	Encumbrance or covenants the trustees must create register	Refer to ...
Te Arai o Wairau	<p>An easement in gross in favour of Marlborough District Council for a right to place a monument over the area shown as A on SO 446375.</p> <p><b>Note:</b></p> <p>Despite the provisions of the Reserves Act 1977, this easement is enforceable and is to be treated as having been granted in accordance with that Act.</p>	s 75(7)
Tokomaru/ Mount Robertson	<ul style="list-style-type: none"> <li>• A right of way in gross in favour of the Crown over the area shown as A on SO 426595.</li> <li>• The right of way easement is not subject to s 348 of the Local Government Act 1974 (s 66).</li> </ul> <p><b>Note:</b></p> <p>Despite the provisions of the Reserves Act 1977, this easement is enforceable and is to be treated as having been granted in accordance with that Act</p>	s 78(7)

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## Vesting of Cultural redress properties, continued

### Action – revocation and reconfering 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
Rarangi (Ngati Toa Rangatira)	Conservation area	60(1)	Fee simple	No specified purpose	
Akatarawa Road conservation area	Conservation area	61(1)	Fee simple	No specified purpose	
Rangihaeata	Conservation area	63(1)	Fee simple	No specified purpose	
Pelorus Bridge (being part of Pelorus Bridge Recreation Reserve)	Recreation reserve	64(1)	Fee simple	No specified purpose	
Waikutakuta/Robin Hood Bay	Recreation reserve	67(1)	Fee simple	No specified purpose	
Elaine Bay	Scenic reserve subject to the Reserves Act 1977	68(1)	Fee simple	No specified purpose	
Whitianga site	Conservation area	69(1)	Fee simple	Historic reserve subject to section 18 of the Reserves Act 1977.	69(3)
Te Mana a Kupe	Scientific reserve subject to the Reserves Act 1977	70(1)	Fee simple	Scientific reserve subject to section 21 of the Reserves Act 1977.	70(3)
Taputeranga Island	Wellington City Empowering and Amendment Act 1927	71(1)	Fee simple	Historic reserve subject to section 18 of the Reserves Act 1977.	71(4)
Onehunga Bay	Recreation reserve subject to the Reserves Act 1977	72(1)	Fee simple	Historic reserve subject to section 18 of the Reserves Act 1977	72(3)
Wainui	Recreation reserve subject to the Reserves Act 1977	73(1)	Fee simple	Recreation reserve subject to section 17 of the Reserves Act 1977	73(3)

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## Vesting of Cultural redress properties, continued

### Action – revocation and reconferring of reserve status continued

Te Onepoto Bay	Recreation reserve subject to the Reserves Act 1977	74(1)	Fee simple	Recreation reserve subject to section 17 of the Reserves Act 1977.	74(3)
Te Arai o Wairau	The road comprising Te Arai o Wairau is stopped.	75(1)	Fee simple	Historic reserve subject to section 18 of the Reserves Act 1977.	75(3)
Pukatea/Whites Bay	Recreation reserve subject to the Reserves Act 1977	76(1)	Fee simple	Recreation reserve subject to section 17 of the Reserves Act 1977	76(3)
Horahora-kākahu	Historic reserve subject to the Reserves Act 1977	77(1)	Fee simple	Historic reserve subject to section 18 of the Reserves Act 1977.	77(3)
Tokomaru/Mount Robertson (being part of Robertson Range Scenic Reserve)	Scenic reserve subject to the Reserves Act 1977	78(1)	Fee simple	Scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977	78(3)
Taupo urupa	Local purpose reserve subject to the Reserves Act 1977	79(1)	Fee simple	Maori reservation, as if it were set apart under section 338(1) of Te Ture Whenua Maori Act 1993	79(4)
Whitireia urupa (being part of Whitireia Recreation Reserve)	Recreation reserve subject to the Reserves Act 1977	80(1)	Fee simple	Maori reservation, as if it were set apart under section 338(1) of Te Ture Whenua Maori Act 1993	80(4)

### Action – 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.

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## Vesting of Cultural redress properties, continued

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### Trigger — revocation of reserve status for a reserve site other than a jointly vested site

Receipt of an application from the Director-General of Conservation, under s 86(8)(a), to cancel memorials recording that:

- (a) 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
- (b) the notifications that the site is subject to ss 70(9) or 82(4) (if either applies), ss 85(3), and 91, 92, 93, or 94 (whichever applies) of the Act.

**Note:** The application must be preceded by the relevant documentation revoking the reservation in terms of the Reserves Act 1977.

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### Action — 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 86(8) of the Ngati Toa Rangatira Claims Settlement Act 2014' revoking the reserve status of [part of] the within land [date and time]'.*

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### Action — removal of memorials

The following notifications must be removed:

- (a) 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) the notifications that the site is subject to ss 70(9) or 82(4) (if either applies), ss 85(3), and 91, 92, 93, or 94 (whichever applies) and 96 of the Act.

**Note:** See reference to s 96 memorial below under '[Statutory prohibition against mortgage of reserve land](#)'.

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### Trigger — revocation of reserve status for a reserve site which is a jointly vested site

Receipt of an application from the Director-General of Conservation, under s 86(9)(a), to cancel memorials recording that:

- (a) 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
- (b) the notification that the site is subject to sections 82(4), 85(3), 95 and 96 of the Act.

**Note:** The application must be preceded by the relevant documentation revoking the reservation in terms of the Reserves Act 1977.

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## Vesting of Cultural redress properties, continued

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### 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 86(9) of the Ngati Toa Rangatira Claims Settlement Act 2014 revoking the reserve status of [part of] the within land [date and time]'*

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### Action – removal of memorials

The following notifications must be removed:

- (a) 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) the notifications that the site is subject to ss 82(4), 85(3),95 of the Act.

**Note:** See reference to s 96 memorial below under '[Statutory prohibition against mortgage of reserve land](#)'.

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### 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.[s86(9)(b)]

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### Trigger – transfer instrument pursuant to s 91

Transfer instrument pursuant to s 91 transferring reserve sites Whitianga site, Wainui, or Te Arai o Wairau to new owners.

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## Vesting of Cultural redress properties, continued

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**Action —  
transfer of  
reserve land  
under s 91**

- (a) The fee simple estate in Whitianga site, Wainui, or Te Arai o Wairau reserve sites may be transferred to any other person only in accordance with s 91.
  - (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 and consent the RGL must register the transfer.
  - (e) 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.
  - (f) The RGL must record on the computer freehold register the purpose that the new owners own the land.
  - (g) 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 s 91(3) to (7) do not apply (s 91(8)).
- 

**Trigger —  
transfer  
instrument  
pursuant to s 92**

Transfer instrument pursuant to s 92 transferring the reserve site Te Mana a Kupe to new owners.

---

**Action —  
transfer of  
reserve land  
under s 92**

- (a) The fee simple estate in Te Mana a Kupe reserve site may be transferred to any other person only in accordance with s 92.
  - (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 and consent the RGL must register the transfer.
  - (e) 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 s 92(2) to (5) do not apply.
- 

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## Vesting of Cultural redress properties, continued

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**Trigger —  
transfer  
instrument  
pursuant to s 93**

Transfer instrument pursuant to s 93 transferring part of Taputeranga Island to new owners.

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**Action —  
transfer of  
Taputeranga  
Island under  
s 93**

- (a) The fee simple estate in Taputeranga Island may be transferred to a Ngati Toa entity only and only in accordance with s 93.
  - (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 and consent the RGL must register the transfer.
  - (e) 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 s 93(2) to (5) do not apply (s 93(6)).
- 

**Trigger —  
transfer  
instrument  
pursuant to s 94**

Transfer instrument pursuant to s 94 transferring all or part of Onehunga Bay or Te Onepoto Bay reserve sites to new owners.

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*continued on next page*

## Vesting of Cultural redress properties, continued

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### **Action – transfer of Onehunga Bay or Te Onepoto Bay under s 94**

- (a) The fee simple estate in Onehunga Bay or Te Onepoto Bay may be transferred to a Ngati Toa entity or any other person only in accordance with s 94.
  - (b) The written consent of the Minister of Conservation under either s 94(4) or (5) as the case may be must accompany the transfer instrument.
  - (c) If the transfer is to anyone other than a Ngati Toa entity the transfer must contain a statement that the new owners hold the land for the same reserve purpose as the previous owners held it.
  - (d) If any other documents are required for registration they must be registered or lodged.
  - (e) Upon receipt of the transfer and consent the RGL must register the transfer.
  - (f) 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 94(3) to (8) do not apply (s 94(10)).
- 

### **Trigger – transfer instrument pursuant to s 95**

Transfer instrument pursuant to s 95 transferring all or part of a jointly vested site which is still a reserve to new owners.

---

### **Action – transfer of jointly vested sites under s 95**

- (a) The fee simple estate in jointly vested sites that remain a reserve site may be transferred in certain circumstances where the land is held in a trust and the affect of the transfer is to change the trustees.
  - (b) A certificate accompanying a subsequent transfer by the transferees or the transferees solicitor verifying that s 95(2)(a) and (b) applies is sufficient proof that s 95(2)(a) and (b) applies.
- 

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## Vesting of Cultural redress properties, continued

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### **Statutory 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 96.

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### **Action memorial and flag**

- (a) The following memorial should be added to the computer register:  
'Subject to section 96 of the Ngati Toa Rangatira 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**

- (a) Although not provided for in the Act, if a reserve is revoked under s 86(8) or (9) the following notification should be modified as follows:  
  
Delete the memorial 'Subject to section 96 of the Ngati Toa Rangatira 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 the computer freehold registers or part computer freehold registers that remain a reserve.
-

## 4 Kapiti Island redress

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**Trigger — Kapiti Island site under s110**

Receipt of a written application under s 110(1) by an authorised person.  
Authorised person mean a person authorised by the Director General of Conservation (s110(5)).

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**Action — registration of trustees and creation of computer register**

- (a) The RGL must create a computer freehold register in the name of the trustees of the Toa Rangatira Trust and enter any encumbrances described in the application and record that:
- (i) 'Subject to Part 4A of the Conservation Act 1987', and
  - (ii) 'The computer register has the benefit of section 109 of the Ngati Toa Rangatira Claims Settlement Act 2014', and
  - (iii) 'Subject to section 2 of the Kapiti Island Public Reserve Act 1897', and
  - (iv) 'The computer register has the benefit of section 111(5) of the Ngati Toa Rangatira Claims Settlement Act 2014', and
  - (v) 'Subject to section 11 of the Crown Minerals Act 1991'.
- (b) Creation of the above computer register is subject to completion of any necessary survey.
- (c) The standard registration fee is payable.
- 

**Legal description of Kapiti Island site**

The legal description of Kapiti Island together with encumbrances is set out in Schedule 4 of the Act

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**Statutory exemption under s 111**

- Kapiti Island site is 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.
- 

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## Kapiti Island redress, continued

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### Action – transfer of Kapiti Island site under s 111(5)

- (a) The fee simple estate in the site may be transferred in certain circumstances where the land is held in a trust and the affect of the transfer is to change the trustees.
  - (b) A certificate accompanying a subsequent transfer by the transferees or the transferees solicitor verifying that s 111(5)(a) and (b) applies is sufficient proof that s 111(5)(a) and (b) applies.
- 

### Kapiti Island North Nature Reserve site under s 112

The Kapiti Island North Nature Reserve site is declared a reserve and classified as a nature reserve subject to s 20 of the Reserves Act 1977.

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### Kapiti Island North Nature Reserve site legal description

The legal description for Kapiti Island North Nature Reserve site is set out in Schedule 4 to the Act

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### Statutory prohibitions

- (a) The Crown is prohibited from granting any lease over any part of the Kapiti Island North Nature Reserve (s 112(7)).
- (b) Any interest in land that affects the Kapiti Island North Nature Reserve site must be dealt with for the purposes of registration as if the Crown were the registered proprietor of the site.
- (c) The trustees of the Toa Rangatira Trust must not dispose of, or grant, or create any legal or equitable right or interest over, the Kapiti Island North Nature Reserve site (s 114(4)).

**Note:** The above does not apply in certain circumstances set out in s 114(5) and 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 114(5)(b) applies.

- (d) The right of way referred to in MLC B444342.1 is cancelled by s 112(11) and the RGL must remove any memorial relating to the cancelled easement from any relevant computer register (s 113(13)).
- 

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## Kapiti Island redress, continued

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**Trigger – receipt of written application under s 113(1)**

Receipt of a written application under s 113(1) by an authorised person.  
Authorised person means the Director General of Conservation (s 113(4)).

---

**Action – registration of trustees and creation of computer register**

- (a) The RGL must create a computer freehold register for the fee simple estate of the Kapiti Island North Nature Reserve in the name of the trustees of the Toa Rangatira Trust and enter any encumbrances described in the application and record on the computer freehold register that the land:
- (i) is 'subject to sections 109, 112(8), and 114(4) of the Ngati Toa Rangatira Claims Settlement Act 2014', and
  - (ii) is 'subject to section 2 of the Kapiti Island Public Reserve Act 1897', and
  - (iii) 'Has the benefit of section 114(5) of of the Ngati Toa Rangatira Claims Settlement Act 2014', and
  - (iv) is 'subject to section 11 of the Crown Minerals Act 1991'.
- (b) Creation of the above computer register is subject to completion of any necessary survey.
- (c) The standard registration fee is payable.
- 

**Statutory exemptions under s 114(2)**

Kapiti Island North Nature Reserve is not subject to the subdivision requirements of the Resource Management Act 1991.

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**Change of name of registered proprietor under s 115**

The trustee is authorised by s 115 to provide written notice specifying the name of a tupuna of Ngati Toa Rangatira who is to be the registered proprietor instead of the trustee

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**Trigger – written application under s 115**

Written application under s 115 to change the name of the trustees.

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## Kapiti Island redress, continued

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**Action — RGL to register fee simple site under s 115(2)**

The RGL must register the fee simple site in the name of a tupuna of Ngati Toa Rangatira specified in the written application

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**Trustee authorised to divest Kapiti Island North Nature Reserve under s 116(1)**

The trustee may, by written notice to the Minister of Conservation, divest all or part of the Kapiti Island North Nature Reserve

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**Trigger —receipt of a Gazette notice under s 116(2)**

Receipt of a notice published in the *Gazette* under s 116(2) specifying part of the site to be vested in the Crown.

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**Action — RGL to give effect to Gazette notice under s 116(3)**

The RGL must do anything required to give effect to the notice published in the *Gazette* (s 116(3)).

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## 5 Vesting of commercial redress, commercial and deferred selection properties

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### Statutory authority for Crown to transfer land

Section 169 authorises the Crown to transfer the fee simple estate in a commercial redress property a commercial property or deferred selection property to the trustee of the Toa Rangatira trust

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### Trigger – written application under s 170

A written application by an authorised person under s 170 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 (s170(6)).

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### Action – create computer freehold register

(a) If a commercial redress property (other than a licensed property), a commercial property, or a deferred selection property:

- (i) is not all the land in a computer freehold register, or
- (ii) there is no computer freehold register for all or part of the property,

the RGL must create a computer freehold register in the name of the Crown.

(iii) Creation of the above computer register is subject to and has the benefit of:

- (A) any encumbrances that are registered or described in the application but without any statement of purpose, and
- (B) completion of any necessary survey.

(iv) Standard registration fees apply.

**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 authorising the removal of the memorials is lodged for registration.

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## Vesting of commercial redress, commercial and deferred selection properties, continued

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### **Action —licensed property, create computer freehold register**

- (a) For a licensed property, 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.
  - (b) Creation of the above computer register is subject to completion of any necessary survey.
  - (c) Standard registration fees apply.
- 

### **Minister of Conservation may grant easements**

The Minister of Conservation may grant any easement to fulfil the terms of the deed of settlement in relation to a commercial redress property, commercial property or deferred selection property over a conservation area (under the Conservation Act 1987) or a reserve (under the Reserves Act 1977) (s 171).

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### **Statutory exemption under s 172**

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 — receipt of a covenant under s 170(4)**

Receipt of a covenant for the later creation of a computer register under s 170(4).

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### **Statutory directive**

- (a) Notwithstanding anything to the contrary in the Land Transfer Act 1952, the covenant must be registered and a computer interest register created.
  - (b) The standard registration fee is payable.
- 

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## Vesting of commercial redress, commercial and deferred selection properties, continued

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### Action — application of other enactments

- (a) Section 172 sets out how certain other enactments apply to commercial redress properties upon registration of a transfer from the Crown.
  - (b) In addition to the standard transfer memorial recording the details of the transferee, the following memorials must be added:
    - (i) 'Subject to Part 4A of the Conservation Act 1987 but sections 24(2A), 24A, and 24AA of that Act do not apply', and
    - (ii) 'Subject to section 11 of the Crown Minerals Act 1991'.
  - (c) Under s 172(6), if a right of way easement is registered, s 348 of the Local Government Act 1974 does not apply.
  - (d) Section 11 and Part 10 of the Resource Management Act do not apply to the transfer of a relevant property as defined in s 588(1).
- 

### Trigger — transfer under s 174

Transfer pursuant to s 174 of commercial redress property or deferred selection property that is to be subject to a lease back to the Crown.

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### Registration of the transfer

- (a) The transfer must include a statement that the land is to become subject to s 174(6) and (7) of the Ngati Toa Rangatira Claims Settlement Act 2014.
  - (b) In addition to the standard transfer memorial the following memorials must be added:
    - (i) 'Subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply',
    - (ii) 'Subject to section 174(6) and (7) of the Ngati Toa Rangatira Claims Settlement Act 2014', and
    - (iii) 'Subject to section 11 of the Crown Minerals Act 1991'.
- 

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## Vesting of commercial redress, commercial and deferred selection properties, continued

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### **Background**

If the lease (or a renewal of the lease) terminates or expires without being renewed the registered proprietor must apply to the RGL for the removal of the notifications that:

- (a) 'Section 24 of the Conservation Act 1987 does not apply', and
  - (b) 'Subject to section 174(6) and (7) of the Ngati Toa Rangatira Claims Settlement Act 2014'.
- 

### **Trigger – written application under s 174(7)**

Written application pursuant to s 174(7) for the removal of memorials on expiration of lease.

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### **Action – removal of memorials**

- (a) If none of the land remains subject to the lease the RGL must remove the following memorials from the computer register:
    - (i) From 'Subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply', the words 'but that section 24 of that Act does not apply' and
    - (ii) 'Subject to section 174(6) and (7) of the Ngati Toa Rangatira Claims Settlement Act 2014'.
  - (b) If only part of the property remains subject to the lease the memorials should be removed only as to the part no longer subject to the lease and the computer register modified accordingly.
  - (c) Registration fees are not applicable in this instance s 174(8).
-

## 6 Licensed land

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- Licensed land**
- (a) Licensed land ceases to be Crown forest land on the registration of the transfer of the fee simple estate to the trustees (s 176(1)).
  - (b) However, nothing can be registered or noted that would be consistent with the Crown Forests Assets Act 1989, but inconsistent with Part 6 of the deed of settlement.
- 

**Right of access to protected site under s 180**

The owner of the land on which a protected site is situated and any person holding an interest in or a right of occupancy to the land must allow the people referred to in s 180(2) to have access across the land to each protected site (s180(1)).

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**Trigger – written application under s 182(1)**

Written application by an authorised person under s 182(1) to note a right of access.

An authorised person means a person authorised by the Chief Executive of LINZ (s 182(3)).

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**Action – right of access**

The RGL must make a notation on the computer freehold register that the land is. subject to Subpart 3 of Part 3 of the Ngati Toa Rangatira Claims Settlement Act 2014 which relates to access to protected sites.

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**Memorial**

A suitable memorial would be

'[part of] the within land is be subject to a right of access under Subpart 3 of Part 3 of the Ngati Toa Rangatira Claims Settlement Act 2014 [*registration number*] [*date and time*]'

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## 7 Right of first refusal

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**Trigger —  
receipt of  
certificate under  
s 211**

Receipt of a certificate from the Chief Executive under s 211(1) that identifies one or more computer registers for RFR land.

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**Action —  
memorials  
record RFR land**

- (a) Add the following memorial to the current view of the computer register identified in the s 211 certificate:

*'[certificate identifier] Certificate under section 211(1) of the Ngati Toa Rangatira Claims Settlement Act 2014 that the within land is RFR land as defined in section 184 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.
- 

**Trigger —  
receipt of  
certificate under  
s 212**

- (a) Receipt of a certificate from the Chief Executive under s 212(1) for the removal of s 211 memorials from a computer register on land to be transferred or vested and ceasing to be RFR land.

- (b) The certificate must be presented either with a transfer or before a transfer or vesting takes place.
- 

**Action —  
registration  
requirements**

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

*'[certificate identifier] Certificate under section 212 of the Ngati Toa Rangatira Claims Settlement Act 2014 removing [memorial identifier] entered under section 211 [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

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**Trigger – receipt of certificate under s 213** Receipt of a certificate from the Chief Executive under s 213(1) for the removal of s 211 memorials from a computer register at the end of the RFR period.

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**Action – registration requirements**

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

'[*certificate identifier*] Certificate under section 213(1) of the Ngati Toa Rangatira Claims Settlement Act 2014 removing [*memorial identifier*] entered under section 211 [*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 211, cannot be registered unless:

- (a) the dealing is in favour of the Crown or a Crown Body (s 191), or
- (b) a certificate from the Chief Executive has been received under s 212, or
- (c) at the end of the RFR period, a certificate from the Chief Executive has been received under s 213 for the removal of the memorial under s 211.

**Note:** Transfers of RFR land without a preceding (s 212 or s 213) 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 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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