



Te Urewera Act 2014 registration guideline

LINZG20751

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Terms and definitions

General

- (a) For the purposes of this guideline, the terms and definitions in the Te Urewera Act 2014 (Act) apply, unless stated otherwise. Refer to ss 6, 7, 88, and 129 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	Te Urewera Act 2014
Board	Board means the Te Urewera Board, as defined in s 7 of the Act.
CFR	computer freehold register as defined in s 2 of the Land Transfer Act 1952
deed of settlement	the Deed of Settlement for Tuhoe dated 4 June 2013 and defined in s 7 of the Act
LINZ	Land Information New Zealand
RGL	Registrar-General of Land appointed under s 4 of the Land Transfer Act 1952
Te Urewera	the legal entity defined in s 7 and created by s 11 of the Act
Tangiharuru	the Ngāti Manawa ancestor of that name

Foreword

- Introduction**
- (a) The Te Urewera Act 2014 (Act) takes effect on the settlement date which is 40 days after the date it came into force (28 July 2014). See s 8.
 - (b) The land concerned is in the South Auckland and Gisborne 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) the 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) Deed of Settlement for Tuhoe dated 4 June 2013¹,
 - (b) Te Urewera Act 2014,
 - (c) Customer Services Technical Circular 2013.T06 - Registration of Treaty Claims Settlement Dealings, and
 - (d) Ngāti Manawa Claims Settlement Act 2012 of which s 100 ceases to apply to Tāwhiua Maunga after the date of registration of Tāwhiua Maunga in the name of Tangiharuru (s 132).
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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 Vesting of Te Urewera

Te Urewera constituted a legal entity under s 11

Te Urewera is constituted as a legal entity with all the rights of a legal person.

Vesting of Te Urewera established land under s 12

Any prior designation or status affecting the area defined as Te Urewera establishment land under the following Acts are removed and the fee simple in the established land vests in Te Urewera:

- (a) the Conservation Act 1987,
 - (b) the Land Act 1948,
 - (c) the National Parks Act 1980, or
 - (d) the Reserves Act 1977
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Part IVA of the Conservation Act 1987 s 93

- (a) Part IVA of the Conservation Act 1987 does not apply to the vesting of the fee simple in Te Urewera land.
 - (b) Section 93 sets out how other enactments apply to this vesting. Notably, Part IVA of the Conservation Act 1987 does not apply.
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2 Noting statutory restrictions on registration

Statutory prohibitions restricting dealing with computer registers

- (a) The Act contains various restrictions against dealing with land held in computer freehold registers (CFR) issued in the name of Te Urewera or Tangiharuru under this legislation.
 - (b) CFRs must be endorsed with a memorial indicating the land is 'subject to Te Urewera Act 2014'.
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Follow up action for Landonline

When a CFR is endorsed with the memorial 'subject to Te Urewera Act 2014', the 'prevents registration' flag must be set.

3 Registration relating to Te Urewera land

**Te Urewera
establishment
land**

Te Urewera establishment land is set out in Part 1 of Schedule 1 to the Act.

**Trigger – receipt
of application
under s 89**

Receipt of application by the Director-General of Conservation.

Action

- (a) The RGL must:
 - (i) create one CFR in the name of Te Urewera, and
 - (ii) enter any encumbrances or interests described in the application under s89(1)(b)(i).
- (b) The following must also be recorded:
 - (i) 'Subject to Te Urewera Act 2014',
Note: Ensure that the 'prevents registration' flag, see s 13.
 - (ii) 'The within land is limited as to parcels for the purpose of section 91 of Te Urewera Act 2014', and
 - (iii) 'Subject to section 11 of the Crown Minerals Act 1991'.
- (c) The RGL must have regard to s 89(2) which relates to the performance of duties by the Board.

Note: Part IVA of the Conservation Act 1987 does not apply, see s 93.

**Statutory
directive under
s 89(5)**

The RGL must issue one CFR in the name of Te Urewera despite anything in the Land Transfer Act 1952 and despite Te Urewera established land being contained in two land registration districts.

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Registration relating to Te Urewera land, continued

Resumptive memorials not to be entered against Te Urewera established land under s 90

- (a) Section 90 provides that certain legislative provisions do not apply to Te Urewera land.
 - (b) Section 90(1) 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.
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Statutory directive to the RGL under s 90(2)

The RGL is directed to ensure that no resumptive memorial listed in s 90(1) is entered onto the CFR for Te Urewera land.

Land adjacent to Te Urewera land under s 91

The CFR for Te Urewera land does not adversely affect or in any way limit the title of a registered proprietor of land adjacent to Te Urewera land.

Statutory exemptions under s 93

Te Urewera land 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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Registration relating to Te Urewera land, continued

Easement required by statute under ss 98 and 99

The Board must grant and register the following easements:

- (a) an easement in gross for a right to locate, access, and maintain headstones on former Kainaha historic reserve in favour of the Crown (The Minister of Arts Culture and Heritage) on the terms and conditions set out in Part 8.2 of the document's schedule of the deed of settlement, and
 - (b) any easements in perpetuity for the operation of the Waikaremoana power station in favour of The Crown on the terms and conditions set out in s 99 of the Act. The granting of easements is subject to s 99(3).
-

Definition of 'Board'

Board means the Te Urewera Board, as defined in s 7 of the Act.

4 Land added to or removed from Te Urewera or interests acquired

Adding land under s 100

Section 100 stipulates that any area of land outside the boundaries of Te Urewera may be added to Te Urewera under subpart 2 of Part 3 of the Act, but only in accordance with s 101 and ss 104 to 107.

Interests may be acquired under s 102

Section 102 authorises the Board to acquire interests in other land described in s 102(3), but only if it meets the criteria set out in s 102(2). The interests include:

- (a) a lease or licence over private land,
 - (b) an easement over private land,
 - (c) an interest of a licensee or lessee in private land, and
 - (d) accepting an easement lease or licence or the interest of a licensee or lessee as a gift.
-

Registration of land added to Te Urewera under s 108

If land is added to Te Urewera by Order in Council under s 105 (which relates to the addition of private land) or s 107 (which relates to the addition of public conservation land) the Board or a person authorised by the Board must apply in writing to the RGL to create a new CFR for Te Urewera land once the relevant Order in Council has come into effect.

Trigger – written application under s 108(2)

- (a) Written application for land to be added or a new CFR under s 108(2).
 - (b) The written application must be accompanied by an Order in Council made under ss 105 or 107.
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Land added to or removed from Te Urewera or interests acquired, continued

Action – cancellation of existing CFR and creation of a new CFR under s 108

- (a) The RGL must:
 - (i) register the Order in Council against any CFR referred to in the Order,
 - (ii) cancel the existing CFR for Te Urewera,
 - (iii) create one new CFR in the name of Te Urewera in Te Urewera land (being the land described in the Order in Council and the land in the CFR in the name of Te Urewera immediately before that register is cancelled under paragraph (ii)), and
 - (iv) record on the new CFR:
 - (A) any encumbrances or interests that are registered or described in the application, and
 - (B) 'subject to Te Urewera Act 2014' and,
 - (C) 'for the purpose of section 91 of Te Urewera Act 2014, the within land is limited as to parcels', and
 - (v) ensure that the 'prevents registration' flag is set, see s 13.
- (b) Creation of the above CFR is subject to completion of any necessary survey.
- (c) Standard registration fees apply.
- (d) The creation of the new CFR mentioned above applies despite anything in the Land Transfer Act 1952 or any other enactment and despite Te Urewera land being in two land registration districts (s 108(6)).
- (e) The RGL must have regard to s 108(4) which relates to the performance of duties by the Board.

Note: Part IVA of the Conservation Act 1987 does not apply, see s 93.

Added land to Te Urewera if unformed road stopped under s 109

Section 109 stipulates that if a local authority stops an unformed road that adjoins Te Urewera, the road ceases to be a road and the land vests in Te Urewera and becomes Te Urewera land.

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Land added to or removed from Te Urewera or interests acquired, continued

Registration of land added to Te Urewera s110

When an unformed road adjoining Te Urewera is stopped pursuant to s 109, the Board or a person authorised by the Board must apply in writing to the RGL to create a new CFR for Te Urewera land.

Trigger – Written application under s 110

- (a) Written application for land to be added or a new CFR under s 110.
 - (b) The application should include a copy of the public notice declaring the road to be stopped as per s 109(1)(b).
-

Action – cancellation of existing CFR and creation of a new CFR under s 110

- (a) The RGL must:
 - (i) cancel the existing CFR for Te Urewera and
 - (ii) create one new CFR in the name of Te Urewera in Te Urewera land (being the stopped road and the land in the CFR in the name of Te Urewera immediately before that register was cancelled under paragraph (i)), and
 - (iii) Record on the new CFR:
 - (A) any encumbrances or interests that are registered or described in the application,
 - (B) 'subject to Te Urewera Act 2014', and
 - (C) 'for the purpose of section 91 of Te Urewera Act 2014 the within land is limited as to parcels'.
 - (iv) Ensure the 'prevents registration' flag is set. as s 111 of Te Urewera Act 2014 prohibits any land being removed from Te Urewera without an Act of Parliament.
 - (b) Creation of the above CFR is subject to completion of any necessary survey.
 - (c) Standard registration fees apply.
 - (d) The creation of the new CFR mentioned above applies despite anything in the Land Transfer Act 1952 or any other enactment and despite Te Urewera land being in two land registration districts (s 110(5)).
 - (e) The RGL must have regard to s 110(3) which relates to the performance of duties by the Board.
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Land added to or removed from Te Urewera or interests acquired, continued

Land may be removed under s 111

- (a) Section 111 directs that no land be removed from Te Urewera except by an Act of Parliament enacted after the commencement of Te Urewera Act 2014.
 - (b) Land removed from Te Urewera in this manner ceases to be Te Urewera land and is no longer subject to the Act.
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Registration of land removed from Te Urewera under s 112

Once any legislation removing land from Te Urewera comes into force, the Board or a person authorised by the Board must apply in writing to the RGL to create a new CFR for Te Urewera land.

Action – cancellation of existing CFR and creation of a new CFR under s 112

- (a) The RGL must:
 - (i) cancel the existing CFR for Te Urewera,
 - (ii) Create one new CFR in the name of Te Urewera in Te Urewera land (being the land in the CFR in the name of Te Urewera immediately before that register was cancelled under paragraph (i), but excluding the land removed in accordance with section 111, and
 - (iii) record on the new CFR:
 - (A) any encumbrances or interests that are registered or described in the application,
 - (B) 'Subject to Te Urewera Act 2014', and
 - (C) 'For the purpose of section 91 of Te Urewera Act 2014 the within land is limited as to parcels'.
 - (iv) Ensure the 'prevents registration' flag has been set as s 111 of Te Urewera Act 2014 prohibits any land being removed from Te Urewera without an Act of Parliament.
- (b) Creation of the above CFR is subject to completion of any necessary survey.
- (c) Standard registration fees may apply.
- (d) The creation of the new CFR mentioned above applies despite anything in the Land Transfer Act 1952 or any other enactment and despite Te Urewera land being in two land registration districts (s 112(5)).
- (e) The RGL must have regard to s 112(3) which relates to the performance of duties by the Board.

5 Power to covenant land

Board may enter into covenants under s 122

Section 122 enables the Board to enter into a covenant with the owner of private land outside Te Urewera land for the purpose of protecting relevant land in a manner that contributes to achieve the purposes of the Act.

Registration of covenant s 125

- (a) The Board or a person authorised by the Board must lodge the covenant for registration with the RGL.
 - (b) The RGL must record on the CFR that the land is subject to a covenant under ss 122 to 124 of Te Urewera Act 2014 (s 125(3)).
 - (c) The covenant runs with, and binds the covenanted land with the burden of the covenant. It is deemed to be an interest in land for the purposes of the Land Transfer Act 1952 (s 125(1) and (2)).
 - (d) Registration of the covenant is subject to the completion of any necessary survey.
 - (e) Standard registration fees apply.
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6 Vesting of Tāwhiuau Maunga in the name of Tangiharuru

Tāwhiuau Maunga

Tāwhiuau Maunga land is set out in Part 2 of Schedule 1 of the Act.

Vesting of Tāwhiuau Maunga under s 130

Under s 130, Tāwhiuau Maunga:

- (a) ceases to be part of Te Urewera National Park and held under the National Parks Act 1980, and
 - (b) is not part of Te Urewera, and
 - (c) the fee simple estate in Tāwhiuau Maunga is vested in the name of Tangiharuru.
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Prohibition against mortgage or disposal under s 130(3)

The land vested by section 130(2) must not be alienated, mortgaged, charged, or otherwise disposed of, other than by the grant of a lease or an easement by the Board under s 62(1).

Trigger – Written application under s 131(1)

Written application under s 131(1) by the Director-General of Conservation for a CFR for Tāwhiuau Maunga in the name of Tangiharuru.

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Vesting of Tāwhiua Maunga in the name of Tangiharuru, continued

Action - Creation of a CFR

- (a) The RGL must:
 - (i) create one new CFR in the name of Tangiharuru, and
 - (ii) record on the new CFR:
 - (A) Any interests that are registered or described in the application,
Note: If any of the interests in the written application are concessions by the Board under s 62(1), the application must be accompanied by the written consent of the trustees of Te Rūnanga o Ngāti Manawa, (s 131(5)).
 - (B) 'Subject to Te Urewera Act 2014', and
 - (C) 'For the purpose of section 91 of Te Urewera Act 2014 the land is limited as to parcels'.
 - (iii) Ensure the 'prevents registration' flag is set. (See s 130).
- (b) Standard registration fees apply.
- (c) The RGL must have regard to s 132 which relates to the performance of duties by the trustees of Te Rūnanga o Ngāti Manawa.

Note: Part IVA of the Conservation Act 1987 does not apply, see ss 93 and 135.

Board may grant concessions under s 62 – s 130(3)

Notwithstanding the prohibition under s 130, the Board may grant concessions in the form of a lease, licence, permit, or easement in relation to Tāwhiua Maunga, but only if the activity to which the concession relates is not inconsistent with the management plan.

Registration of any matter relating to a concession under s 130(5)

For the purposes of any registration matter relating to a concession granted by the Board under s 62(1), the RGL may only register the interest if the document presented for registration is accompanied by the written consent of the trustees of Te Rūnanga o Ngāti Manawa.
