



Ngāti Manuhiri Claims Settlement Act 2012 registration guideline

LINZG20730

18 December 2012

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1 Terms and definitions

- General**
- (a) For the purposes of this guideline, the terms and definitions in the Ngāti Manuhiri Claims Settlement Act 2012 apply, unless stated otherwise. Refer to ss 10, 11, 12, 13, 61, 107, and 111 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 Manuhiri Claims Settlement Act 2012
authorised person	an authorised person as defined in ss 69, 103, and 110 of the Act, as the case may be
Chief Executive	Chief Executive of Land Information New Zealand
commercial redress property	a property defined as commercial redress property in s 11 of the Act
cultural redress property	a property listed in s 61 and described in Schedule 3 of the Act
deed of settlement	deed of settlement for Ngāti Manuhiri dated 21 May 2011, as defined in s 11 of the Act
LINZ	Land Information New Zealand
resumptive memorials	memorials entered under any enactment referred to in s 16(2) of the Act
RFR land	land defined as RFR land under s 111 (right of first refusal)
RGL	Registrar-General of Land appointed under s 4 of the Land Transfer Act 1952
trustees	trustees of the Ngāti Manuhiri Settlement Trust as defined in s 11 of the Act.

2 Foreword

- Introduction**
- (a) The Ngāti Manuhiri Claims Settlement Act 2012 (Act) came into force on 20 November 2012.
 - (b) All the land concerned is in the North Auckland Land Registration District.
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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) This 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 Ngāti Manuhiri dated 21 May 2011
 - (b) Ngāti Manuhiri Claims Settlement Act 2012.
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3 Removal of memorials

Trigger A certificate under s 17 for the removal of certain memorials from a computer register.

- Legislation**
- (a) Section 1 provides that certain legislative provisions do not apply to a cultural redress property, a commercial redress property, or right of first refusal (RFR) land, or for the benefit of Ngāti Manuhiri, or a representative entity.
 - (b) Section 16(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,
 - (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.

- Certificate** Section 17(4) requires the RGL to register a certificate against the affected registers, cancelling any memorial referred to in s 16. The certificate must:
- (a) be issued by the Chief Executive of LINZ (Chief Executive) (s 17(1)), as soon as reasonably practicable after the settlement date, or actual deferred settlement date,
 - (b) identify each allotment, which is all, or part, of a settlement property and computer register which contains such a memorial (s 17(1)), and
 - (c) state that it is issued under s 17(3).
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Removal of memorials, continued

Action

When a certificate under s 17 is presented for registration:

- (a) any memorial on the current view of the computer register which relates to an enactment referred to in s 16 should be removed,
- (b) the following memorial should be recorded on the historic view of that register:

`[*instrument number*] Certificate under section 17 of the Ngāti Manuhiri Claims Settlement Act 2012 cancelling [*memorial to be cancelled*] [*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 15(2)) does not apply'.

4 Vesting of cultural redress properties

Trigger Receipt of a written application under s 69(2) by an authorised person to register the trustees as proprietors of the fee simple estate.

Legal description of land to vest The following properties will vest upon applications for issue of a computer freehold register in the name of the trustees.

Site	Land description	Subject to
Mount Tamahunga summit site	North Auckland Land District— Auckland Council 10.1590 hectares, more or less, being Section 1 SO 440010. Part Gazette 1982, p 4108.	Subject to a scientific reserve subject to section 21 of the Reserves Act 1977.
Leigh Recreation Reserve site	North Auckland Land District— Auckland Council 5.4640 hectares, more or less, being Section 1 SO 440975. Part computer freehold register NA57B/517. Excluding an undivided one-half share in all shell, sand, and shingle lying on the land within, upon, or along the northern boundary, conveyed by deed 333272 (R431/603). 0.1354 hectares, more or less, being Section 2 SO 440975. All Gazette 1998, p 1049.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to the easement created by deed 333272 (R431/603), which affects Section 1 SO 440975.

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Vesting of cultural redress properties, continued

Site	Land description	Subject to
Pākiri Domain Recreation Reserve site	North Auckland Land District— Auckland Council 2.0148 hectares, more or less, being Section 1 SO 440006. All Gazette 1979, p 1393.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to an unregistered grazing licence to Pākiri Hall Advisory Committee.
Pākiri Block conservation area	North Auckland Land District— Auckland Council 47.3836 hectares, more or less, being Section 43 Block VI Pākiri Survey District.	Subject to the conservation covenant referred to in section 65(3).of the Act
Pākiri riverbed site	North Auckland Land District— Auckland Council 4.8700 hectares, more or less, being Sections 1, 2, and 3 SO 442817.	Subject to the conservation covenant referred to in section 66(2). Subject to a deed of lease to Ngāti Wai Trust Board dated 1 August 1996 as renewed by an unregistered deed of renewal of lease dated 2006.
Te Maraeroa Note this property vests in the name of Rahui Te Kiri (s 69(3)(a))	North Auckland Land District— Auckland Council 1.2370 hectares, more or less, being Section 1 SO 440008. Part Gazette notice 631196.1	Subject to the conservation covenant referred to in section 67(3)(a). Subject to the right of way easement referred to in section 67(3)(b). Subject to the easement for a right to convey water, electricity, telecommunications, and computer media, and to drain sewage and waste water, referred to in section 67(3)(c). Subject to the easement for a right to drain sewage and waste water referred to in section 67(3)(d).

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Vesting of cultural redress properties, continued

Action – registration of trustees

- (a) To the extent that a cultural redress property is all of the land contained in a computer freehold register, the RGL must:
 - (i) register the trustees as proprietors of the fee simple, and
 - (ii) record anything in the register and do anything else necessary to give affect to subpart 6 of Part 2 of the Act.
- (b) If:
 - (i) a cultural redress property is not all of the land in a computer freehold register, or
 - (ii) there is no computer freehold register for all or part of the property, then
 - (A) the RGL must create one or more of the computer freehold registers in the name of the trustees or for Te Maraeroa in the name of Rahui Te Kiri and enter any encumbrances described in the application (s 69(3)),
 - (B) creation of the above computer registers is subject to the completion of any necessary survey,
 - (C) the standard registration and new title fees are 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 authorising the removal of the memorials is lodged for registration.

Action – vesting subject to encumbrances

- (a) The cultural redress properties are vested subject to the encumbrances set out in Schedule 3 of the Act (s 68).
 - (b) A number of the encumbrances are 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 – vesting subject to trustees' encumbrances, covenants, or easements

- (a) The cultural redress properties set out below are subject to the trustees creating the encumbrances or covenants as stated.
- (b) The applications in respect of these sites must be accompanied in the same dealing by the instruments creating the encumbrances, easements, or covenants referred to.

Property	Encumbrance, easement, or covenants to be created and registered	Refer to
Pakiri Block conservation area	Trustee to provide Crown with registrable covenants (treated as conservation covenants for the purposes of s 77 of the Reserves Act 1977 and s 27 of the Conservation Act 1987)	s 65(2)
Pakiri Block conservation area	Trustee to provide Crown with registrable covenants (treated as conservation covenants for the purposes of s 77 of the Reserves Act 1977 and s 27 of the Conservation Act 1987)	s 65(2)
Pakiri riverbed site		s 66(2)
Te Maraeroa	<ul style="list-style-type: none"> • Trustee to provide Crown with registrable covenants (treated as conservation covenants for the purposes of s 77 of the Reserves Act 1977 and s 27 of the Conservation Act 1987) • Trustees to provide Crown with a registrable right of way easement as provided in s 67(3)(b) <ul style="list-style-type: none"> – Section 348 of the Local Government Act 1974 does not apply to the right of way – s 72 (4) • Trustees to provide Crown with a registrable easement for a right to convey water, electricity, telecommunications and computer media and to drain sewage and waste water as provided in s 67(3)(c). • Trustees to provide Crown with a registrable easement for the right to drain sewage and waste water as provided in s 67(3)(d). 	s 67

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Vesting of cultural redress properties, continued

Memorials

- (a) The following are examples of suitable memorials to record the vesting on an existing computer freehold register (upon registration of an application under s 69) and to reflect the requirements of s 70 in regard to Part IV of the Conservation Act 1987.
- (b) Any cultural redress property as defined in s 61:
- (i) '[*registration number*] Application under section 69 of the Ngāti Manuhiri Claims Settlement Act 2012 vesting the within land in [*names of the trustees of Ngāti Manuhiri*] [*date and time*]'
 - (ii) 'Subject to Part 4A of the Conservation Act 1987'
 - (iii) 'Subject to section 11 of the Crown Minerals Act 1991'
- (c) Any Reserve sites being the Mount Tamahunga summit site, the Leigh Recreation Reserve site, and the Pakiri Domain Recreation Reserve site:
- (i) '[*registration number*] Application under section 69 of the Ngāti Manuhiri Claims Settlement Act 2012 vesting the within land in [*names of the trustees of o Ngāti Manuhiri*] [*date and time*]'.
 - (ii) 'Subject to Part 4A of the Conservation Act 1987 (but section 24 of that Act does not apply)'.
 - (iii) 'Subject to sections 70(3) and 74 of the Ngāti Manuhiri Claims Settlement Act 2012.'
 - (iv) 'Subject to section 11 of the Crown Minerals Act 1991'.

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	Section	Estate	New status/purpose	Section
Mount Tamahunga summit site	conservation area	62(1)	fee simple	Scientific reserve subject to s 21 of the Reserves Act 1977	62(3)
Leigh Recreation Reserve site	recreation reserve	63(1)	fee simple	Recreation Reserve subject to s 17 of the Reserves Act 1977	63(3)
Pakiri Domain Recreation Reserve site	recreation reserve	64(1)	fee simple	Recreation Reserve subject to s 17 of the Reserves Act 1977	64(3)
Pakiri Block conservation area	conservation area	65(1)	fee simple	no specified purpose	65(2)
Pakiri riverbed site	N/A	66(1)	fee simple	no specified purpose	66(1)
Te Maraeroa	nature reserve	67(1)	fee simple	no specified purpose	67(2)

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Vesting of cultural redress properties, Continued

Action – statutory actions

- (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) 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

Receipt of an application from the Director-General of Conservation, under s 71(4)(a), 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 on the historic view of the computer register is:

'[application *identifier*] Application under section 71(4) of the Ngāti Manuhiri Claims Settlement Act 2012 [*date and time*]'

Action – removal of memorials

The relevant notifications must be modified accordingly:

- (a) Delete from the memorial 'Subject to Part 4A of the Conservation Act 1987 (but section 24 of the Act does not apply)' the words '(but section 24 of that Act does not apply)'.
 - (b) Delete the memorial 'Subject to sections 70(3) and 74 of the Ngāti Manuhiri Claims Settlement Act 2012.'
-

Trigger

Receipt of a transfer instrument transferring all or part of a reserve site to new owners.

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Vesting of cultural redress properties, continued

Action – transfer of reserve land

- (a) The fee simple estate in reserve land may only be transferred to any other person in accordance with s 74.
 - (b) The written consent of the Minister of Conservation must accompany the transfer instrument along with the notification required by s 74(6)(a) and any other relevant documents.
 - (c) On receipt of the transfer instrument and consent, the RGL must register the transfer.
 - (d) If the transfer affects part of the land, a survey plan may need to be deposited prior to registration [s 74(6)(c)].
 - (e) The transfer memorial must contain a statement that the new owners hold the land for the same reserve purpose as the previous administering body held it [s 74(6)(a)].
 - (f) 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 (s 74(8)). A certificate given by the transferees (or their solicitor) in terms of s 74(8) must accompany the transfer and is sufficient proof that ss 74(8)(a) and 74(8)(b) apply.
-

5 Vesting of commercial redress property

Trigger Receipt of a written application from an authorised person (as defined in s 103(5)) to create a computer freehold register under s 103(1).

Action – commercial redress property

- (a) If:
- (i) a commercial redress property 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 one computer freehold register in the name of the Crown.
- (b) Creation of the above computer register is subject to, and together with, any encumbrances that are registered, or described in the application, but without any statement of purpose.
- (c) Creation of the above computer register is subject to the completion of any necessary survey.
- (d) The standard registration fee is payable.

Note: The resumptive memorials must be brought down onto the computer registers created for the relevant commercial redress properties. They cannot be noted as 'cancelled' until a certificate by the Chief Executive authorising the removal of the memorials is lodged for registration.

Trigger Receipt of a written request by an authorised person of the land holding agency under s 103(4)(a) to register a covenant (where that request includes the covenant for registration).

Action - covenant for later creation of computer freehold register

- (a) If:
- (i) no computer freehold register exists, and
 - (ii) an authorised person requests the RGL to register a covenant in accordance with s 103(4),
- the RGL must register the covenant and create a computer interest register.
- (b) The standard registration fee is payable.
-

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Vesting of commercial redress property, continued

Statutory exemptions

- (a) The subdivisional requirements of the Resource Management Act 1991 do not apply to the transfer of commercial redress property (s 104(1)).
 - (b) Section 348 of the Local Government Act 1974 does not apply to commercial redress property (s 104(6)).
-

Trigger

Registration of a transfer of commercial redress property from the Crown.

Action

- (a) Section 104 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)' (s 104(3))
 - (ii) 'Subject to section 11 of the Crown Minerals Act 1991' (s 104(2)).
-

6 Licensed land

- Section 84**
- (a) Licensed land ceases to be Crown forest land on the registration of the transfer of the fee simple estate to the trustees (s 105).
 - (b) However, nothing can be registered or noted that would be consistent with the Crown Forests Assets Act 1989 but inconsistent with the deed of settlement.
-

Trigger Receipt of written application by an authorised person under s 110(1) to note a right of access.

- Action – right of access**
- (a) The RGL must make a notation on the computer freehold register that the land is subject to the right of access set out in s 108. If there is no computer freehold register for the land then application must first be made for it (s 110(2)(b)).
 - (b) Standard registration fees apply.
-

Memorial An example of 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 Manuhiri) Claims Settlement Act 2012, see application [*registration number*] [*date and time*]]'

7 Right of first refusal

- Trigger**
- (a) Receipt of a certificate from the Chief Executive under s 135 that identifies a computer register for RFR land.
 - (b) The certificate must state that it is issued under s 135 of the Act (s 135(3)).
-

- Action –
memorials
record RFR
land**
- (a) Add the following memorial to the current view of the computer register identified in the s 135 certificate:

'[*certificate identifier*] Certificate under section 135(2) of the Ngāti Manuhiri Claims Settlement Act 2012 that the within land is RFR land as defined in section 112 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 –
s 136
certificate**
- Receipt of a certificate from the Chief Executive under s 136(1) for the removal of s 135 memorials from a computer register, on land ceasing to be RFR land.
-

- Certificate**
- The certificate must:
- (c) state that it is issued under s 136(1) of the Act (s 136 (1)(c)),
 - (d) include a copy of the notice given under s 113 (s 136(2)(b)), and
 - (e) be coded as RRSM.
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Right of first refusal, Continued

Action – registration requirements

- (a) The RGL must
 - (i) register the s 136 certificate immediately before the transfer or vesting described in the certificate (s 136(4)).
 - (ii) record the following memorial on the historic view of the computer register:

'[certificate identifier] Certificate under section 136(1) of the Ngāti Manuhiri Claims Settlement Act 2012 stating that the within land ceases to be RFR land and removing [memorial identifier] entered under section 135 [date and time]'
 - (b) The standard registration fee is payable.
-

Trigger – s 137(2) certificate

Receipt of a certificate from the Chief Executive under s 137(2) for the removal of s 135 memorials from a computer register, on land ceasing to be RFR land.

Certificate

- The certificate must:
- (a) state that it is issued under s 137(1) of the Act (s 137(1)(b)).
 - (b) be coded as RRSM.
-

Action – registration requirements

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

'[certificate identifier] Certificate under section 137(1) of the Ngāti Manuhiri Claims Settlement Act 2012 stating that the within land ceases to be RFR land and removing [memorial identifier] entered under section 135 [date and time]'
 - (b) The standard registration fee is payable.
-

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Right of first refusal, continued

**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 135(2), cannot be registered, unless:

- (a) the dealing is in favour of the trustees, the Crown, or a Crown body (s 120), or
 - (b) a certificate from the Chief Executive has been received under s 136, or
 - (c) at the end of the RFR period, a certificate from the Chief Executive has been received under s 137(1) for the removal of the memorial under s 135.
-