

# **Te Atiawa Claims Settlement Act 2016 registration guideline**

**LINZG 20764**

**23 February 2017**



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**NOTE:**

This Specific Guideline should be read in conjunction with the *Treaty Claims Settlement Acts general guideline – LINZG20701*

## Revision History

Date	Version	Revision	Author	Description
23/02/17	1			

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# 1 Background

## 1.1 Introduction

A Treaty Settlement is an agreement between the Crown and a Māori claimant group to settle that claimant group's historical claims against the Crown. The process of settling claims is led by the Office of Treaty Settlements (OTS), and results in an Act for each settlement.

Summary of this settlement can be found in the Deed of Settlement Summary <https://www.govt.nz/treaty-settlement-documents/te-atiawa-taranaki/te-atiawa-deed-of-settlement-summary-9-aug-2014/>

Te Atiawa is one of eight Taranaki iwi. In 2010, the Crown recommenced negotiations with Te Atiawa. Te Atiawa Iwi Authority was the mandated entity representing Te Atiawa in negotiations. On 17 March 2010 the Crown and Te Atiawa signed terms of negotiation. On 22 December 2012 the Crown signed an Agreement in Principle with Te Atiawa.

The Te Atiawa Deed of Settlement was initialled on 4 June 2014 and signed on 9 August 2014.

Further information can be found on the OTS website, <https://www.govt.nz/organisations/office-of-treaty-settlements/> under the tab 'Find out about the Treaty Settlement Process'.

## 1.2 Purpose, scope and use

Treaty settlements have a range of common elements. A *Treaty Claims Settlement Acts General Guideline (General Guideline)* is available to ensure that applications received by Land Information New Zealand (LINZ) under the *Specific Acts* are dealt with correctly (see LINZG20701).

A *Specific Guideline* is developed for each *Specific Act*.

This *Specific Guideline* covers the Te Atiawa Claims Settlement Act 2016 (the Act). It contains detailed information about that settlement and is designed to be read in conjunction with the *General Guideline*. A summary of the provisions that relate to the initial vesting of *Cultural Redress Properties* and the transfer of *Commercial Redress Properties* are set out in Tables 1 and 2.

A glossary of terms used in this guideline is attached. When used, a glossary term appears in *italics*. In some cases, *Specific Guidelines* may also contain more detailed explanations in relation to the same terms (for example *Cultural Redress Properties*).

References to the Act are in **bold text**.

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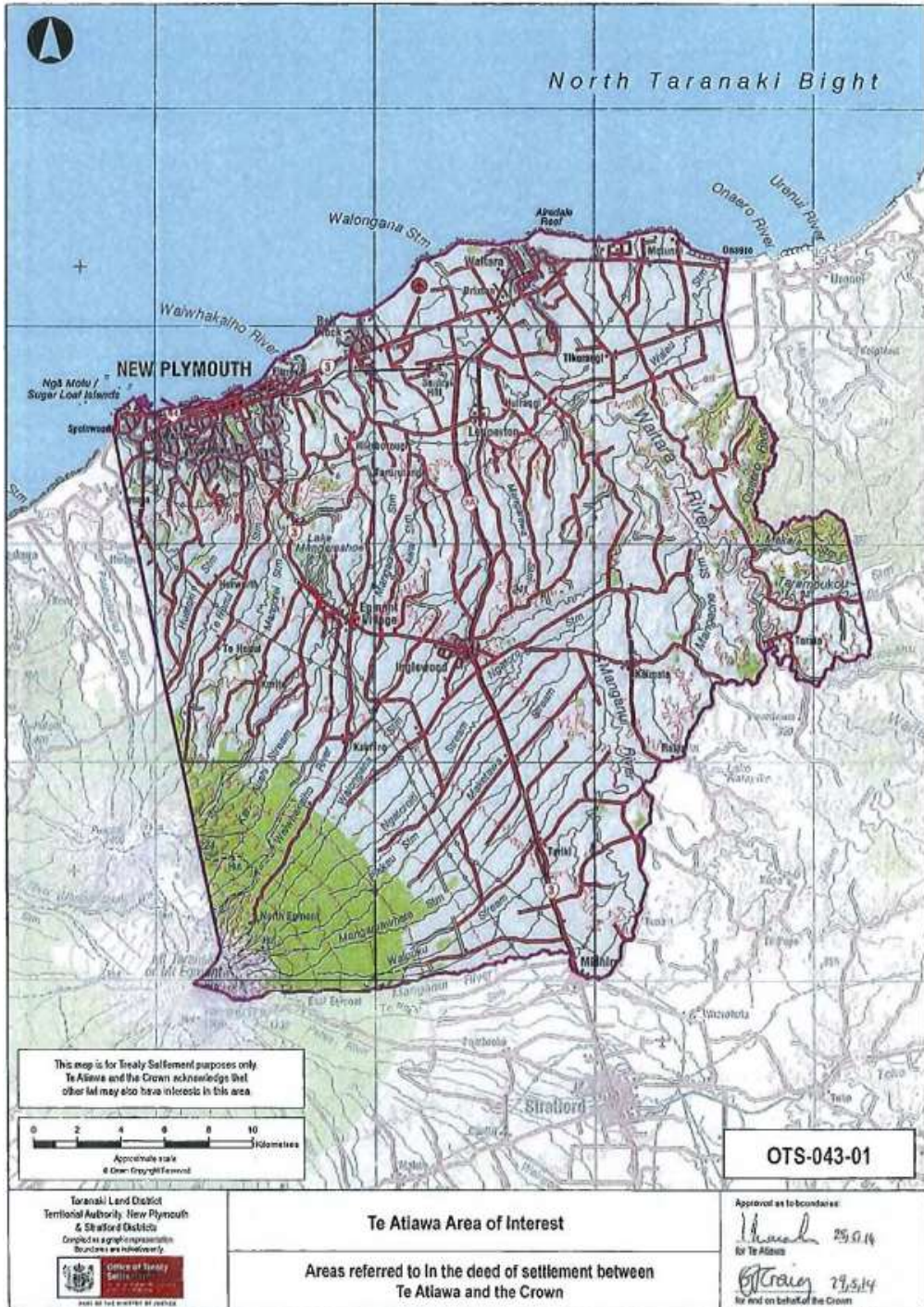
You will need to refer to the following resources:

- the Te Atiawa Claims Settlement Act 2016  
<http://www.legislation.govt.nz/act/public/2016/0094/latest/DLM6460002.html#DLM6460015>
- the *Deed* (including Schedules) relating to the *Specific Act*:  
<https://www.govt.nz/treaty-settlement-documents/te-atiawa-taranaki/>
- *Treaty Claims Settlement Acts General Guideline LINZG20701*
- Customer Services Technical Circular 2013.T06 – Registration of Treaty Claims Settlement Dealings

The *General Guideline* applies to a *Specific Act*, unless a *Specific Guideline* states otherwise.

The Registrar-General of Land (RGL) has issued this guideline for employees of LINZ with delegated authority to exercise registration functions under the Land Transfer Act 1952.

### 1.3 Map of area of interest



(Source: Te Atiawa (Taranaki) Deed of Settlement - Attachments)

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## 2 Landonline settings to prevent auto-registration

The *General Guideline* applies.

Where a *Specific Act* prohibits certain transactions with land, memorials of the prohibitions will be put on the computer register (CR) for the land as outlined in this guideline.

It is important to ensure the Landonline setting that prohibits these transactions is set against those memorials. This mitigates the risk of auto-registration of the prohibited transaction.

At the end of processing any application relating to the Act, you must check whether it includes a memorial of one of the following restrictions:

**section 74** Restrictions on subsequent transfers of Ngā Motu

**section 111** *Right of First Refusal* (RFR) Memorial

If one of these memorials apply, make sure the Landonline setting prohibiting registration is set.

## 3 Removing resumptive memorials

The *General Guideline* applies.

**Section 18(1)** describes the properties with resumptive memorials that can be removed on receipt of a certificate issued under **s18**.

## 4 Cultural Redress Properties - Initial Vesting

The *General Guideline* applies, and specific detail is set out in **Table 1**. Please note:

**Taumata:** The land known as Taumata is described in **Schedule 3** of the Act. The area of land to be vested depends upon whether an unconditional agreement for sale and purchase between the Crown and the registered proprietor of CFR TNG2/1258 that relates to Sections 1 and 2 SO 483482 exists on settlement date. If it does, then Taumata is defined in Part 1 of **Schedule 3** and **s63** applies to the vesting. If it does not, then Taumata is defined in Part 2 of **Schedule 3** and **s64** applies to the vesting. In either case, the vesting provisions do not take effect unless the *Trustees* have provided the Crown with a registrable easement in gross for a right to locate, access and maintain monuments on the terms and conditions set out in part 7 of the Documents Schedule to the Deed.

**Ngā Motu:** The three Ngā Motu properties described in **Schedule 3** of the Act are subject to joint vesting as to a ½ share in the *Trustees* and as to the other ½ share in the *Trustees* to be held in trust for the trustees of Te Kāhui o Taranaki.

The Cultural Redress Properties vest subject to the interests listed in the third column of the table in **Schedule 3 (s68)**.

This Act is one of two that apply to the Ngā Motu properties. The Taranaki Iwi Claims Settlement Act refers to this Act at ss76-79. The vesting of a specified share

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of a Cultural Redress Property in the trustees of Te Kāhui o Taranaki occurs under that Act.

Under this Act, the Ngā Motu properties are the only Cultural Redress Properties that vest in joint owners (as tenants in common – see **ss65-67** and **s69**).

**Section 69** provides that upon application by an Authorised Person, in this case a person authorised by the Chief Executive of the Ministry of Justice, the RGL must create a CFR for an undivided ½ share in the Ngā Motu properties in the names of the *Trustees* and a CFR for the other undivided ½ share in the Ngā Motu properties in the names of the *Trustees* to be held in trust for the trustees of Te Kāhui o Taranaki.

## 5 Cultural Redress Properties - Ongoing restrictions

The *General Guideline* applies, and specific detail is set out in **Table 1**. Please note that **s71** provides for the following matters to be recorded on the CFRs for the Cultural Redress Properties:

- For Taumata, that the land is subject to Part 4A of the Conservation Act 1987.
- For the Ngā Motu Properties, that the land is subject to Part 4A of the Conservation Act 1987, but that s24 of that Act does not apply.
- For the Ngā Motu properties, that the land is subject to **s70(3)** and **s74**. **Section 70(3)** specifies that if a Ngā Motu property ceases to be a conservation area under Subpart 5 of **Part 2**, the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 for all or part of that property. **Section 74** specifies the restrictions on subsequent transfers of Ngā Motu properties.
- For each of the Ngā Motu properties, that the land is subject to certain restrictions pursuant to **ss65-67**. **Sections 65(7)(b)**, **66(5)(b)** and **67(5)(b)** specify, in respect of each group of Ngā Motu Properties, that any interests in land that affect each respective group must be dealt with for the purposes of registration as if the Crown were the registered proprietor.
- The RGL must note on each CFR created under **s69(3)(b)** that the property is vested in the *Trustees* to be held in trust for the trustees of Te Kāhui o Taranaki.

## 6 Cultural Redress Properties - Subsequent dealings

The *General Guideline* applies, and suitable memorials are set out in **Table 1**. Please also note:

**Section 70(3)** - revocation of conservation area status – marginal strip exemption no longer applies.

**Section 71(4)(a)** - removal of notifications where revocation of conservation area status for all property.

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**Section 71(4)(b)** - removal of notifications where revocation of conservation area status for part of property.

**Section 74** - restrictions on transfers of Ngā Motu.

## 7 Commercial Redress- Initial transfer

The provisions of the *General Guideline* apply, and suitable memorials are set out in **Table 2**. Please also note:

**Deferred Selection Properties** are included in the Act – refer **s83**

**Covenants for the later creation of CRs** are provided for – refer **s84**

**Application of other enactments** is dealt with in **s85**

## 8 Commercial Redress - Other property-related rights

### 8.1 Rights of first refusal

The provisions of the *General Guideline* apply.

The Act describes three types of *RFR Land*: “exclusive *RFR Land*”, “*RFR Land*” (**s86**), or land obtained in exchange (**s87**). Exclusive *RFR Land* is described in pp63-73 of the Attachments to the Deed and Non-exclusive *RFR Land* is depicted on the map on p75 of the Attachments to the Deed.

Land ceases to be *RFR Land* in the circumstances described in **s87(2)**, with applications to remove the *RFR* memorial governed by sections **112** and **113**.

**Section 88** records that the trustees of Te Kāhui o Taranaki are eligible to participate as an offer trust in relation to non-exclusive land, but only on and from the settlement date defined in the legislation that settles the historical claims of Taranaki Iwi.

Note: any instruments that dispose of *RFR Land* which are lodged for registration on a computer register containing an *RFR* memorial on the basis that it has ceased to be *RFR Land*, must be accompanied by a **s112** Certificate (see below).

### 8.2 Ongoing restrictions

An *RFR* memorial prevents the registration of any subsequent disposal such as a transfer, unless there is an exemption in the *Specific Act*, or the *RFR* memorial has been removed.

Note:

**S86** defines **dispose of** in relation to *RFR Land*.

**S87** section defining *RFR Land* used in *RFR* memorial.



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**S88** records that the trustees of Te Kāhui o Taranaki are eligible to participate as an offer trust in relation to non-exclusive land, but only on and from the settlement date defined in the legislation that settles the historical claims of Taranaki Iwi.

**S89** restrictions on disposal of RFR Land.

**S111** Chief Executive (CE) Certificates for recording *RFR* used in *RFR* memorial.

**S112** CE certificate *RFR land* transferred or vested, triggering RGL to remove *RFR* memorial.

**S113** CE Certificate RFR period ends, triggers RGL to remove *RFR* memorial.

## Glossary

**Use of this Glossary** – For terms that are not defined in the *General Guideline* or this guideline, refer to the *Specific Act*. Please note, the *Specific Act* may have several "interpretation" sections", these are referenced below.

**Defined terms:** terms used in this guideline which are explained in either this guideline and/or the *General Guideline*, are indicated by italics. They may repeat terms used in the glossary to the *General Guideline*, to provide a more detailed explanation eg *Cultural Redress Properties* below lists the relevant properties in relation to the Te Atiawa Claims Settlement Act 2016.

**Defined terms** – in interpretation sections **12, 62, 80** and **86**.

**Cultural Redress Properties (s62)** means **Taumata** and **Ngā Motu**

**Deed of settlement** means the deed of settlement dated 9 August 2014

**Deferred Selection Properties (s80)** means the properties described in part 3 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied.

**Exclusive RFR land** means land that is described in part 3 of the attachments and that is, on the settlement date,—

- (a) vested in the Crown; or
- (b) held in fee simple by the Crown

**Non-exclusive RFR area** means the area shown on SO 477762

**Non-exclusive RFR Land** means the land that is within the non-exclusive RFR area and that is, on the settlement date,—

- (a) vested in the Crown; or
- (b) held in fee simple by the Crown; or
- (c) a reserve vested in an administering body that derived title to the reserve from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revert in the Crown

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**Representative Entity** means the Trustees

**RFR** means the right of first refusal provided for by subpart 2 of **Part 3 (ss86-116)**

**RFR land** means—

(a) exclusive RFR land; and

(b) non-exclusive RFR land; and

(c) any land obtained in exchange for a disposal of RFR land under section 101(1)(c) or 102

**RFR period** means,—

(a) for exclusive RFR land, the period of 172 years on and from the settlement date:

(b) for non-exclusive RFR land, the period of 172 years on and from the settlement date

**Settlement date** means 23 February 2017

**Specific Act** means Te Atiawa Claims Settlement Act 2016

**Trustees** means the trustees of Te Kotahitanga o Te Atiawa Trust

**Table 1: Summary of registration provisions - Cultural Redress**

Trigger: an application to vest <b>s69(2)</b> for Taumata and <b>s69(3)</b> for Ngā Motu	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
<p><b>Taumata S63</b> (if Crown and owner of CFR TNG2/1258 have agreement) see Part 1 of Schedule 3 for legal description</p> <p><b>Taumata S64</b> (if Crown and owner of CFR TNG2/1258 do not have agreement) see Part 2 of Schedule 3 for legal description</p>	Cultural Redress	A person authorised by the Chief Executive of the Ministry of Justice <b>s69(6)</b>	<p><b>Preconditions:</b> If not met, registration prohibited:</p> <p>The trustees must provide the Crown with a registrable easement in gross for a right to locate, access, and maintain monuments on the terms and conditions set out in part 7 of the documents schedule. <b>S63(8) and s64(5)</b></p> <p>Subject to the completion of any survey necessary to create a computer freehold register. <b>s69(4)</b></p>	<p>See <a href="#">Schedule 3</a> and refer to application.</p> <p>Note: Some interests in Schedule 3 may be unregistered – only register those that are registerable and referred to in the application <b>s69(2)(b)</b></p> <p>An area of Taumata forms part of the Taumata Historic Reserve <b>s63(7) or s64(4)</b></p>	<p>Sections 1 and 3 SO 483482 (<b>s63(2)</b>) or Section 3 on SO 483482 only (<b>s64(2)</b>) cease to be a historic reserve subject to the Reserves Act 1977 <b>s63(2) or s64(2)</b></p> <p>Road shown as section 4 SO 483482 is stopped and vests in Crown as Crown Land subject to Land Act 1948 <b>s63(3) or s64(3)</b></p> <p><b>Either:</b></p> <p>Fee Simple in Section 1 SO 483482 vests in Registered Proprietors of CFR TNG2/1258 (<b>s63(5)</b>) and fee simple in Sections 2, 3 and 4 vests in Trustees <b>s63(7)</b></p> <p><b>or:</b></p> <p>Fee simple in sections 3 and 4 vests in Trustees (<b>s64(4)</b>)</p>	<p><a href="#">Conservation Act 1987</a></p> <p><i>Subject to Part 4A of the Conservation Act 1987 s71(1)</i></p> <p><a href="#">Crown Minerals Act 1991</a></p> <p><i>Subject to section 11 of the Crown Minerals Act 1991</i></p> <p><a href="#">Local Government Act 1974</a></p> <p>The permission of a council under s348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private road, private way or right of way required to fulfil the terms of the deed of settlement in relation to a cultural redress property.</p> <p><a href="#">Reserves Act 1977</a></p> <p>Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of the reserve status of a cultural redress property.</p> <p><a href="#">Resource Management Act 1991</a></p> <p>Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—</p> <p>(a) the vesting of the fee simple estate in a cultural redress property under subpart 5; or</p> <p>(b) any matter incidental to, or required for the purpose of, the vesting.</p>

Trigger: an application to vest <b>s69(2)</b> for Taumata and <b>s69(3)</b> for Ngā Motu	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
<p><b>Ngā Motu: Mataora (Round Rock), Motuotamatea (Snapper Rock), Pararaki (Seagull Rock)</b></p>	Cultural Redress	A person authorised by the Chief Executive of the Ministry of Justice <b>s69(6)</b>	<p>Subject to the completion of any survey necessary to create a computer freehold register. <b>s69(4)</b></p> <p>Mataora, Motuotamatea and Pararaki are wildlife refuges under s14 of the Wildlife Act 1953 and are subject to s7(1) and (3) of the Sugar Loaf Islands Marine Protected Area Act 1991</p> <p><b>S65(6)</b></p>	<p>See Schedule 3 and refer to application.</p> <p>Note: Some interests in Schedule 3 may be unregistered – only register those that are registerable and referred to in the application <b>s69(3)(c)</b></p>	<p>Paritutu Centennial Park Act 1968 ceases to apply <b>s65(1)</b></p> <p>½ share in Fee simple vests in trustees and ½ share vests in trustees on trust for the trustees of Te Kāhui o Taranaki <b>s65(5) s69(3)</b></p> <p>Subject to <b>s70(3)</b> of the Te Atiawa Claims Settlement Act 2016 <b>s71(2)(b)</b></p> <p>Subject to <b>s74</b> of the Te Atiawa Claims Settlement Act 2016 <b>s71(2)(b)</b></p> <p><b>Ensure the “prevents registration” flag is set against this memorial</b></p> <p>Subject to s65(7)(b) of the Act <b>(s71(3)(a))</b></p> <p>On each CFR created under s69(3)(b) RGL must note that the property is vested in the Trustees to be held in trust for the trustees of Te Kāhui o Taranaki <b>(s71(3)(d))</b></p> <p>Suitable memorials:</p> <p><i>Subject to sections 70(3) and 74 of the Te Atiawa Claims Settlement Act 2016</i></p> <p><i>Subject to section 65(7)(b) of the Te Atiawa Claims Settlement Act 2016</i></p> <p><i>Vested in the Trustees of Te Kotahitanga o Te Atiawa Trust to be held on trust for the trustees of Te Kāhui o Taranaki</i></p>	<p><u>Conservation Act 1987</u></p> <p><i>Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply <b>s71(2)(a)</b></i></p> <p>If the reservation under this Act is revoked for all or part prior to vesting, the vesting is no longer exempt from s24 (except subsection (2A)).</p> <p><u>Crown Minerals Act 1991</u></p> <p><i>Subject to section 11 of the Crown Minerals Act 1991</i></p> <p><u>Wildlife Act 1953</u></p> <p><i>Subject to section 14 of the Wildlife Act 1953</i></p> <p><u>Sugar Loaf Islands Marine Protected Area Act 1991</u></p> <p><i>Subject to section 7(1) and (3) of the Sugar Loaf Islands Marine Protected Area Act 1991</i></p> <p><u>Local Government Act 1974</u></p> <p>The permission of a council under s348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private road, private way or right of way required to fulfil the terms of the deed of settlement in relation to a cultural redress property.</p> <p><u>Reserves Act 1977</u></p> <p>Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of the reserve status of a cultural redress property.</p> <p><u>Resource Management Act 1991</u></p> <p>Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—</p> <p>(a) the vesting of the fee simple estate in a cultural redress property under subpart 5; or</p> <p>(b) any matter incidental to, or required for the purpose of, the vesting.</p>

Trigger: an application to vest <b>s69(2)</b> for Taumata and <b>s69(3)</b> for Ngā Motu	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
<p><b>Ngā Motu: Motumahanga (Saddleback), Moturoa, Waikaranga (Seal Rocks), and Whareumu (Lion Rock)</b></p>	Cultural Redress	<p>A person authorised by the Chief Executive of the Ministry of Justice</p> <p>s69(6)</p>	<p>Subject to the completion of any survey necessary to create a computer freehold register. <b>s69(4)</b></p> <p>Motumahanga, Moturoa, Waikaranga and Whareumu are subject to s7(1) and (3) of the Sugar Loaf Islands Marine Protected Area Act 1991</p> <p><b>S66(4)</b></p>	<p>See Schedule 3 and refer to application.</p> <p>Note: Some interests in Schedule 3 may be unregistered – only register those that are registerable and referred to in the application <b>s69(3)(c)</b></p>	<p>The Harbour Boards Dry Land Endowment Revesting Act 1991 ceases to apply <b>s66(1)</b></p> <p>½ share in Fee simple vests in trustees and ½ share vests in trustees on trust for the trustees of Te Kāhui o Taranaki <b>s66(3)</b></p> <p>Subject to <b>s70(3)</b> of the Te Atiawa Claims Settlement Act 2016 <b>s71(2)(b)</b></p> <p>Subject to <b>s74</b> of the Te Atiawa Claims Settlement Act 2016 <b>s71(2)(b)</b></p> <p><b>Ensure the “prevents registration” flag is set against this memorial</b></p> <p>Subject to s66(5)(b) of the Act <b>(s71(3)(b))</b></p> <p>On each CFR created under s69(3)(b) RGL must note that the property is vested in the Trustees to be held in trust for the trustees of Te Kāhui o Taranaki <b>(s71(3)(d))</b></p> <p>Suitable memorials:</p> <p><i>Subject to sections 70(3) and 74 of the Te Atiawa Claims Settlement Act 2016</i></p> <p><i>Subject to section 66(5)(b) of the Te Atiawa Claims Settlement Act 2016</i></p> <p><i>Vested in the Trustees of Te Kotahitanga o Te Atiawa Trust to be held on trust for the trustees of Te Kāhui o Taranaki</i></p>	<p><u>Conservation Act 1987</u></p> <p><i>Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply <b>s71(2)(a)</b></i></p> <p>If the reservation under this Act is revoked for all or part prior to vesting, the vesting is no longer exempt from s24 (except subsection (2A)).</p> <p><u>Crown Minerals Act 1991</u></p> <p><i>Subject to section 11 of the Crown Minerals Act 1991</i></p> <p><u>Sugar Loaf Islands Marine Protected Area Act 1991</u></p> <p><i>Subject to section 7(1) and (3) of the Sugar Loaf Islands Marine Protected Area Act 1991</i></p> <p><u>Local Government Act 1974</u></p> <p>The permission of a council under s348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private road, private way or right of way required to fulfil the terms of the deed of settlement in relation to a cultural redress property.</p> <p>Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of the reserve status of a cultural redress property.</p> <p><u>Resource Management Act 1991</u></p> <p>Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—</p> <p>(a) the vesting of the fee simple estate in a cultural redress property under subpart 5; or</p> <p>(b) any matter incidental to, or required for the purpose of, the vesting.</p>

Trigger: an application to vest <b>s69(2)</b> for Taumata and <b>s69(3)</b> for Ngā Motu	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status changes, Estate that vests, owner, and statutory restrictions	Application of other Statutory Provisions - initial vesting
<b>Ngā Motu: Koruanga/Motukuku and Tokatapu</b>	Cultural Redress	A person authorised by the Chief Executive of the Ministry of Justice <b>s69(6)</b>	Subject to the completion of any survey necessary to create a computer freehold register. <b>s69(4)</b>  Koruanga/Motukuku and Tokatapu are subject to s7(1) and (3) of the Sugar Loaf Islands Marine Protected Area Act 1991  <b>S67(4)</b>	See Schedule 3 and refer to application.  Note: Some interests in Schedule 3 may be unregistered – only register those that are registerable and referred to in the application <b>s69(3)(c)</b>	The Harbour Boards Dry Land Endowment Revesting Act 1991 ceases to apply  <b>s67(1)</b>  ½ share in Fee simple vests in trustees and ½ share vests in trustees on trust for the trustees of Te Kāhui o Taranaki <b>s66(3)</b>  Subject to <b>s70(3)</b> of the Te Atiawa Claims Settlement Act 2016 <b>s71(2)(b)</b>  Subject to <b>s74</b> of the Te Atiawa Claims Settlement Act 2016 <b>s71(2)(b)</b>  <b>Ensure the “prevents registration” flag is set against this memorial</b>  Subject to s67(5)(b) of the Act ( <b>s71(3)(b)</b> )  On each CFR created under s69(3)(b) RGL must note that the property is vested in the Trustees to be held in trust for the trustees of Te Kāhui o Taranaki ( <b>s71(3)(d)</b> )  Suitable memorials:  <i>Subject to sections 70(3) and 74 of the Te Atiawa Claims Settlement Act 2016</i>  <i>Subject to section 67(5)(b) of the Te Atiawa Claims Settlement Act 2016</i>  <i>Vested in the Trustees of Te Kotahitanga o Te Atiawa Trust to be held on trust for the trustees of Te Kāhui o Taranaki</i>	<u>Conservation Act 1987</u>  <i>Subject to Part 4A of the Conservation Act 1987 but section 24 of that Act does not apply s71(2)(a)</i>  If the reservation under this Act is revoked for all or part prior to vesting, the vesting is no longer exempt from s24 (except subsection (2A)).  <u>Crown Minerals Act 1991</u>  <i>Subject to section 11 of the Crown Minerals Act 1991</i>  <u>Sugar Loaf Islands Marine Protected Area Act 1991</u>  <i>Subject to section 7(1) and (3) of the Sugar Loaf Islands Marine Protected Area Act 1991</i>  <u>Local Government Act 1974</u>  The permission of a council under s348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private road, private way or right of way required to fulfil the terms of the deed of settlement in relation to a cultural redress property.  Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of the reserve status of a cultural redress property.  <u>Resource Management Act 1991</u>  Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—  (a) the vesting of the fee simple estate in a cultural redress property under subpart 5; or  (b) any matter incidental to, or required for the purpose of, the vesting.

**Table 2: Summary of registration provisions - Commercial Redress**

Trigger:	Type of Property:	Authorised Person:	Conditions	Existing Interests	Status Changes, Estate that Vests, Owner, and Statutory Restrictions	Application of Other Statutory Provisions – initial vesting
<p><b>Transfer:</b> where existing CFR</p> <p><b>S81(1)</b></p> <p><b>Application:</b> to create a CFR for a property which is part of a CFR or has no CFR</p> <p><b>S83(3)</b></p>	<p>Commercial Redress – Deferred Selection</p>	<p>The Chief Executive of the land holding agency</p>	<p>Subject to the completion of any survey necessary to create a computer freehold register. <b>s83(4)</b></p> <p>The Minister of Conservation may grant any easement over a conservation area or reserve that is required to fulfil the terms of the deed of settlement in relation to a deferred selection property <b>s82</b></p>	<p>Must record any interests that are registered, notified or notifiable and that are described in the application <b>s83(3)(b)</b></p>	<p>Must omit any statement of purpose from the CFR</p> <p><b>s83(3)(c)</b></p> <p>Fee Simple</p>	<p><u>Conservation Act 1987</u></p> <p><i>Subject to Part 4A of the Conservation Act 1987 but sections 24(2A), 24A, and 24AA of that Act do not apply <b>s85(2)</b></i></p> <p><u>Crown Minerals Act 1991</u></p> <p><i>Subject to section 11 of the Crown Minerals Act 1991</i></p> <p><u>Local Government Act 1974</u></p> <p>The permission of a council under s348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private road, private way or right of way required to fulfil the terms of the deed of settlement in relation to the transfer.</p> <p><u>Resource Management Act 1991</u></p> <p>Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the transfer or to any matter incidental to, or required for the purpose of, the transfer.</p>
<p><b>Application:</b> register a covenant for the later creation of a CFR for any deferred selection property</p> <p><b>s84(2)</b></p>	<p>Commercial Redress – Deferred Selection</p>	<p>A person authorised by the Chief Executive of the land holding agency</p>			<p>Computer Interest Register</p> <p><b>s84(2)(a)</b></p>	

Right of First refusal		
Trigger for noting RFR memorial:	Property	Memorial for noting RFR
CE certificate <b>s111(1)</b> Or Notice (if CIR created after Settlement Date) <b>s106(1)</b> or Notice (If CR becomes RFR after Settlement Date) <b>s106(2)</b>	Exclusive RFR land is described in part 3 of the attachments schedule  Non-exclusive RFR land is land situated within the area shown on SO 477762 and meets the requirements of <b>s86</b>	<i>"[certificate identifier] Certificate under section 111 of the Te Atiawa Claims Settlement Act 2016 that the within land is RFR land as defined in section 87 and is subject to Subpart 2 of Part 3 of the Act (which restricts disposal, including leasing, of the land)."</i>  <b>Ensure the "prevents registration" flag is set against this memorial</b>
Trigger for removal RFR memorial:		
CE certificate (when land transferred or vested) <b>s112</b> or CE certificate (when RFR period ends) <b>s113</b>		