

**Reprint
as at 30 July 1985**



Maori Purposes Act 1985

Public Act 1985 No 113
Date of assent 30 July 1985
Commencement 30 July 1985

Contents

	Page
Title	1
1 Short Title	1
2 Ownership of certain land in Parish of Awhitu settled	1
3 Correction of text of Maori Purposes Act (No 2) 1973	4

An Act to amend the law relating to Maoris and Maori land, and for other purposes

1 Short Title

This Act may be cited as the Maori Purposes Act 1985.

2 Ownership of certain land in Parish of Awhitu settled

Whereas by Deed of Sale dated 22 October 1857 certain members of Ngati Te Ata agreed to sell to the Crown an area of land

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by Te Puni Kōkiri.

known as Puketapu and Kauritutai, situated near Manukau Harbour:

And whereas in the preceding negotiations it has been agreed that a certain block of the land at Parairai would be reserved for Ihaia Te Manga and a certain block of the land at Whakarongo would be reserved for Ahipene Kaihau and reference is made to these arrangements in the said Deed of Sale:

And whereas, following survey, a Crown grant was issued in respect of the Whakarongo block to Ahipene Kaihau, but it appears that no grant was then issued to Ihaia Te Manga:

And whereas Ahipene Kaihau sold the Whakarongo block to one Samuel Fleming who then sold it to one John Williams:

And whereas, on the sale to the said John Williams, the Whakarongo block was brought under the Land Transfer system and certificate of title Volume 7, folio 10 was issued in his name on 15 October 1872:

And whereas it is thought that the said John Williams abandoned the land and there is no record of either Mr Williams or any of his successors in title laying any claim to the block since the issue of the certificate of title:

And whereas on 1 January 1896 the Crown issued new Crown grants in respect of the Whakarongo block to Ihaia Te Manga and in respect of the Parairai block to Ahipene Kaihau, and antevested the former to the date of the said Deed of Sale:

And whereas on 8 February 1896 an application was made to the Maori Land Court to determine succession to the Whakarongo block through Ihaia Te Manga, and thereafter a number of succession orders to that land have been made by that court:

And whereas in 1908 part of the Whakarongo block was taken by proclamation for roading purposes and the District Land Registrar, apparently unaware that a certificate of title had been issued, set up a Deeds Index to record the proclamation:

And whereas in 1950 the District Land Registrar purported to give compulsory Land Transfer registration to the balance of the land in that index and on 12 April 1950 issued certificate of title Volume 945, folio 199 in the name of Ihaia Te Manga so

that there are now 2 certificates of title in existence in respect of substantially the same parcel of land:

And whereas for many years an adjoining farmer has used the Whakarongo block in connection with his farming operations and has claimed a prescriptive title to the land under and in accordance with the Land Transfer Amendment Act 1963:

And whereas certain legal proceedings were begun by the various claimants to establish their respective interests in the Whakarongo block:

And whereas agreements have been reached in compromise and settlement of such proceedings, some terms of which can only be given effect by legislation:

Be it therefore enacted as follows:

- (1) The following Crown grants issued in respect of the land now known as Allotment 112, Parish of Awhitu, in the North Auckland Land District are hereby cancelled:
 - (a) the Crown grant issued in the name of Ahipene Kaihau on 19 May 1864:
 - (b) the Crown grant issued in the name of Ihaia Te Manga on 1 January 1896.
- (2) The following certificates of title under the Land Transfer Act 1952 are hereby cancelled:
 - (a) certificate of title Volume 7, folio 10, North Auckland Land Registry, relating to the land now known as Allotment 112, Parish of Awhitu, and issued in the name of John Williams on 15 October 1872:
 - (b) certificate of title Volume 945, folio 199, North Auckland Land Registry, relating to part Allotment 112, Parish of Awhitu, and issued in the name of Ihaia Te Manga on 12 April 1950.
- (3) The land to which this section applies is hereby declared to be Maori freehold land within the meaning of the Maori Affairs Act 1953 and to belong to such of the descendants of Ihaia Te Manga as may be determined by the Maori Land Court on an application made to it under and in accordance with that Act.
- (4) Every person who, but for the passing of this section, would be entitled to be registered as proprietor of an estate in fee simple in the land to which this section applies as successor to John

Williams (the original registered proprietor of the land) shall, notwithstanding section 178(b) of the Land Transfer Act 1952, be entitled to bring an action against the Crown for recovery of damages under and in accordance with the provisions of Part 11 of that Act as if that person had been deprived of his interest in the land in any of the circumstances described in section 172 of that Act, and not by this section.

- (5) The Registrar of Deeds for the Auckland provincial district shall cancel every entry in his books relating to the Crown grants cancelled by subsection (1) by writing opposite to the entry, or across the face of the entry, a memorandum in the words “Cancelled by authority of section 2(5) of the Maori Purposes Act 1985”.
- (6) Without limiting anything in section 99A of the Land Transfer Act 1952, the District Land Registrar for the North Auckland Land Registration District shall make such entries in the register and generally do all such things as may be necessary to give full effect to the provisions of this section.
- (7) This section applies to all that parcel of land in the North Auckland Land Registration District, containing 96 acres 1 rood 35 perches, more or less, being part Allotment 112, Parish of Awhitu, and being the whole of the land comprised and described in certificate of title, Volume 945, folio 199, North Auckland Registry.

3 Correction of text of Maori Purposes Act (No 2) 1973

- (1) Section 21 of the Maori Purposes Act (No 2) 1973 is hereby repealed.
 - (2) The repeal by subsection (1) of section 21 of the Maori Purposes Act (No 2) 1973 shall not affect the amendment of section 28(2) of the Maori Trust Boards Act 1955 effected by paragraph (b) of the said section 21.
-

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Maori Purposes Act 1985. The reprint incorporates all the amendments to the Act as at 30 July 1985, as specified in the list of amendments at the end of these notes. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
