



## ANALYSIS

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## 1955, No. 106

Title.

AN ACT to amend the law relating to Maoris and Maori land, to confer jurisdiction upon the Maori Land Court, and for other purposes. [28 October 1955]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

Short Title.

1. This Act may be cited as the Maori Purposes Act 1955.

2. Words and expressions used in this Act shall, unless the contrary intention appears, have the same meaning as in the Maori Affairs Act 1953 (hereinafter referred to as the principal Act), and the provisions of the principal Act, as far as they are applicable, shall extend and apply to the cases provided for in this Act in as full and ample a manner as if this Act had been incorporated with and formed part of the principal Act.

Provisions of  
Maori Affairs  
Act 1953 to  
apply to this  
Act.  
1953, No. 94

*Amendments to Principal Act*

3. (1) Section one hundred and thirty-one of the principal Act is hereby amended by omitting from paragraph (b) of subsection two the words "or in a Maori reserve".

Special  
succession fee  
instead of  
Maori  
succession duty.

(2) Section one hundred and thirty-one of the principal Act is hereby further amended by repealing subsections three and four, and substituting the following subsections:

"(3) Upon the making of a vesting order pursuant to subsection four of section one hundred and thirty-six hereof or pursuant to subsection four of section one hundred and forty-five hereof, the Court shall determine the value of the land or interest in land comprised therein, and the value so determined shall for the purposes of this section be final and conclusive.

"(4) Where the value of the land or interest in land comprised in any such vesting order is not less than one thousand pounds, there shall be payable in respect of the order, in addition to any fee prescribed by Rules of Court, a special succession fee equal to two per cent of the value of the land or interest in land comprised in the order:

"Provided that the amount of the succession fee payable as aforesaid shall not in any case exceed the amount by which the value of the land or interest in land exceeds one thousand pounds.

"(5) No vesting order in respect of which a special succession fee is payable pursuant to subsection four of this section shall issue from the Court until the special succession fee has been paid."

(3) Sections eighty-seven and eighty-eight of the Estate and Gift Duties Act 1955 are hereby repealed.

1955, No. 105

(4) The provisions repealed by subsection three of this section, in so far as they relate to Maori succession duty, shall continue to apply to all succession orders within the meaning of those provisions made before the commencement of this section.

(5) This section shall come into force on the first day of January, nineteen hundred and fifty-six.

Court's  
jurisdiction  
to deal with  
interest of  
deceased  
owners of  
Maori land.

4. (1) Section one hundred and thirty-three of the principal Act is hereby amended by omitting from subsection four the word "dies", and substituting the words "has died, whether before or after the commencement of this Act,".

(2) Section one hundred and thirty-three of the principal Act is hereby further amended by adding the following subsection:

"(7) On application made by the executor or administrator of any person, being the descendant of a Maori, but not being a Maori within the meaning of this Act, who has died before the commencement of this Act possessed of a beneficial freehold interest in any Maori land, and in respect of whose estate a grant of letters of administration or a grant of probate has been made, the Court may make an order vesting that interest in the executor or administrator or in the person entitled to succeed thereto under the will or on the intestacy of the deceased owner. The provisions of subsections five and six of this section shall apply to any application under this subsection and to the making of any order thereunder."

Disposal of  
interests in  
Maori land  
of deceased  
owner.

REP. 19

N. s.

5. (1) Section one hundred and thirty-six of the principal Act is hereby amended by inserting, after subsection three, the following subsections:

"(3A) Where, in the opinion of the Court, any projected arrangement for the purposes of subsection three of this section is fair and equitable and is not contrary to the interests of the beneficiaries or other persons concerned, it may dispense with the consent of any beneficiary or other person to the arrangement and may give effect to the arrangement, notwithstanding that any person affected objects thereto.

"(3B) On the disposition of any beneficial freehold interest in accordance with this section the Court may vest the interest, or the share of any beneficiary in the interest,

in any other person or persons who are beneficially interested in the same land, subject to the payment of such a price as may be fixed in that behalf by the Court:

“Provided that any interest or share of which the value is, in the Court’s opinion, less than five shillings may be vested without any payment being required.

“(3c) Where in accordance with the foregoing provisions of this section any payment is required to be made to any person, the Court may make a charging order, constituting the sum to be paid a charge on any land or interest in land owned by the person or persons by whom the sum is payable.”

(2) Subsection one of section one hundred and thirty-seven of the principal Act is hereby amended by omitting the words “in section”, and substituting the words “in subsection four of section”.

6. Section two hundred and ninety-four of the principal Act is hereby repealed.

Section 294 of principal Act repealed.

7. The principal Act is hereby amended by inserting, after section four hundred and thirty-three, the following section:

Exemption order may be made in respect of Maori.

“433A. (1) The Maori Appellate Court shall, subject to the provisions of this section, have power on the application of any Maori within the meaning of this Act, to make in respect of that Maori an order for the purposes of this section (in this section referred to as an exemption order).

“(2) No exemption order shall be made by the Court in respect of any Maori unless the Court is satisfied that:

“(a) He has a knowledge of the English language adequate for all business purposes;

“(b) He is reasonably capable of conducting his affairs to his advantage, and is unlikely, by reason of the making of the exemption order, to dissipate his estate to the detriment of himself and of those persons dependent on him; and

“(c) He is fully aware of the legal consequences of the making of the exemption order.

“(3) If the Court is satisfied as to the matters referred to in subsection two of this section, it shall make an exemption order.

“(4) Upon the making of an exemption order in respect of a Maori, he shall thereupon cease to be subject to any provisions of this Act or of any other enactment requiring the observance of special formalities in the execution by a Maori of any deed, instrument, conveyance, will, or other document, or in the attestation of any such execution, and the validity of the execution by the Maori of any deed, instrument, conveyance, will, or other document shall thenceforth be determined as if he were a European executing the same document in the same circumstances.

“(5) Any Maori land held by a Maori in severalty for a legal estate of freehold in fee simple shall, on the making of an exemption order in respect of that Maori, cease to be Maori land and shall become European land and shall at all times thereafter and for all purposes be deemed to be European land accordingly.

“(6) Any Maori land to which a Maori becomes entitled in severalty for a legal estate of freehold in fee simple subsequent to the making of an exemption order in respect of that Maori shall cease to be Maori land and shall become European land and shall at all times thereafter and for all purposes be deemed to be European land.

“(7) The provisions of section four hundred and fifty-six of this Act shall not apply to any money or investments in the possession of the Public Trustee or the Maori Trustee on behalf of a Maori in respect of whom an exemption order has been made under this section.

“(8) No exemption order made under this section shall be capable of cancellation or revocation.

“(9) An exemption order under this section may be registered under the Land Transfer Act 1952.”

8. Section four hundred and fifty-nine of the principal Act is hereby amended by adding the following subsection:

“(6) Notwithstanding the provisions of section fifty of the Justices of the Peace Act 1927, any proceedings for an offence constituted by this section, or for the recovery of any penalty, fine, or forfeiture imposed thereunder, may be commenced at any time within twelve months after the time of the discovery of the offence.”

1952, No. 52

Amending provisions as to prevention of waste on Maori land.

See Reprint of Statutes, Vol. II, p. 365

*Amendment of Other Acts Relating to Maoris*

9. The Maori Social and Economic Advancement Act 1945 is hereby amended by inserting, after section four, the following section:

Appointment  
of honorary  
Welfare  
Officers.

1945, No. 43

“4A. (1) For the purposes of this Act the Minister may from time to time appoint such honorary Welfare Officers as he thinks fit and, subject to the provisions of this section, all persons so appointed shall be deemed to be Welfare Officers.

“(2) Every person appointed under this section shall be appointed for such term, not exceeding three years, as the Minister thinks fit, and may from time to time be reappointed:

“Provided that any such person may be at any time removed from office by the Minister for incapacity, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

“(3) The provisions of the Public Service Act 1912 shall not apply with respect to any person appointed under this section.”

See Reprint  
of Statutes,  
Vol. VII,  
p. 522

10. Section thirty-eight of the Maori Trustee Act 1953 is hereby amended by adding to subsection four the words “and for the purposes of exercising any rights under section two hundred and thirty-nine of the Maori Affairs Act 1953”.

Section 38,  
Maori Trustee  
Act 1953  
amended.

1953, No. 95  
1953, No. 94

11. (1) The Maori Vested Lands Administration Act 1954 is hereby amended by repealing section seventy-five, and substituting the following section:

Restrictions  
on removal of  
timber by  
lessees under  
Maori Vested  
Lands  
Administration  
Act 1954.

1954, No. 60

“75. No lessee under any lease to which section nineteen of this Act applies shall, after the commencement of this Act, and no lessee holding under any other subsisting lease of vested land shall, after the expiry of his lease, cut or remove, or authorize or permit any other person to cut or remove, from the land comprised in the lease any timber or timber trees; and, if any lessee cuts or removes or authorizes or permits any timber or timber trees to be cut or removed in contravention of the provisions of this section, the Maori Trustee may exercise in respect of the lease and the lessee the same remedies as he could have exercised if it had been a term of the lease that the lessee should not cut or remove or authorize or permit any timber or timber trees to be cut or removed and that he should be liable, at the suit of the lessor, for damages in respect of the timber or timber trees so cut or removed:

“Provided that nothing in this section shall be construed to prevent or restrict any lessee, during the subsistence of his lease, from cutting or removing, or authorizing the cutting or removal of any timber trees planted by the lessee or by any former lessee, or of any timber derived from any timber trees so planted.”

(2) This section shall be deemed to have come into force on the twenty-ninth day of September, nineteen hundred and fifty-four.

Election of members of committee of management of the proprietors of the Mangatu Nos. 1, 3, and 4 Blocks (Incorporated).  
1953, No. 112  
1947, No. 59

12. Section twenty-three of the Maori Purposes Act 1953 is hereby amended by repealing subsection three, and substituting the following subsections:

“(3) The members of the committee of management established under Part III of the Maori Purposes Act 1947 in office on the commencement of this section shall remain in office as the committee of management of the body corporate until a new committee of management is appointed pursuant to this section and, on the appointment of that committee, the term of office of the persons theretofore in office shall cease and determine.

“(3A) The Court shall, not later than the thirty-first day of December, nineteen hundred and fifty-five, fix a time and place for the holding of a general meeting of the incorporated owners, which meeting shall be held for the purpose of determining the number of members to comprise the committee of management of the body corporate (being not less than three and not more than eleven), and of electing a new committee accordingly. The Court shall also appoint some person to act as chairman of the meeting and shall give such directions as in its opinion are necessary for the effective and convenient summoning and conduct of the meeting.

“(3B) The members of the committee of management of the body corporate for the time being in office shall cause public notice to be given, in accordance with any direction issued by the Court pursuant to subsection three A of this section, of the time, place, and purpose of the meeting, and shall make available to the Registrar any records of the body corporate showing the names and postal addresses of the incorporated owners.

“(3C) The Registrar shall forward to the incorporated owners whose addresses are made known to him, written notice of the meeting, and a sum, to be fixed by the Court,

shall be paid to him by the body corporate to meet the expenses of the preparation and forwarding of the notices.

“(3D) The validity of the meeting or of any proceedings thereat shall not be affected by the circumstance that any incorporated owner has not, in fact, received notice of the meeting.

“(3E) Subject to the provisions of this section, all the provisions of Part XXII of the Maori Affairs Act 1953 and of the regulations under that Act relating to bodies corporate shall apply to the meeting and the proceedings thereat and to the appointment of members of the committee of management pursuant thereto.”

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