



ANALYSIS

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1953, No. 95

AN ACT to consolidate and amend certain provisions of the law relating to the Maori Trustee. Title.

[26 November 1953

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

1. (1) This Act may be cited as the Maori Trustee Act 1953.

Short Title and commencement.

(2) This Act shall come into force on the first day of April, nineteen hundred and fifty-four.

2. (1) Unless the context otherwise requires, terms and expressions that are defined in the Maori Affairs Act 1953 have, when used in this Act, the meanings that are given thereto by that Act.

This Act to be read with Maori Affairs Act 1953.
1953, No. 94

(2) The powers conferred on the Maori Trustee by this Act are in addition to the powers conferred on him by the Maori Affairs Act 1953, and nothing in either of the said Acts shall be construed to limit the provisions of the other Act.

Maori Trust Office

Maori Trust
Office
continued.
1930, No. 33,
s. 3

3. (1) There shall be an office of the Public Service to be called the Maori Trust Office, which shall be the same office as that existing under the same name at the commencement of this Act.

1953, No. 94

(2) All officers of the Department of Maori Affairs established under the Maori Affairs Act 1953 shall, without further appointment, be officers of the Maori Trust Office.

*Appointment and General Functions of Maori Trustee
and of his Deputy*

Appointment
of Maori
Trustee and
his Deputy.
1930, No. 33,
s. 4

4. (1) For the purposes of this Act there shall be appointed officers of the Department of Maori Affairs to be known respectively as the Maori Trustee and the Deputy Maori Trustee.

(2) The persons holding office respectively as the Maori Trustee and the Deputy Maori Trustee at the commencement of this Act shall be deemed to have been appointed in accordance with this Act and shall continue to hold office accordingly.

Powers and
functions of
Deputy Maori
Trustee.
Ibid., s. 5

5. (1) The Deputy Maori Trustee shall, under the control of the Maori Trustee, perform such duties in respect of the administration of this Act or otherwise in relation to the functions of the Maori Trustee as he is called upon to perform by the Maori Trustee.

(2) On the occurrence from any cause of a vacancy in the office of the Maori Trustee (whether by reason of death, resignation, or otherwise) and in case of the absence from duty of the Maori Trustee (from whatever cause arising), and so long as any such vacancy or absence continues, the Deputy Maori Trustee shall have and may exercise all the powers, duties, and functions of the Maori Trustee.

(3) The fact of the Deputy Maori Trustee exercising or performing any power, duty, or function as aforesaid shall be conclusive evidence of his authority so to do, and no person shall be concerned to inquire whether the occasion has arisen requiring or authorizing him so to do.

Incorporation
of Maori
Trustee.
Ibid., s. 6

6. The Maori Trustee is hereby constituted a corporation sole with perpetual succession and a seal of office.

7. All Courts shall take judicial notice of the appointment of the Maori Trustee and the Deputy Maori Trustee, of their respective signatures, and of the official seal.

Judicial notice of appointment of Maori Trustee, etc. 1930, No. 33, s. 7

8. (1) Any contract which, if made between private persons, must be by deed shall, if made by the Maori Trustee, be in writing signed by him or by some person duly authorized by him in that behalf and sealed with his official seal.

Contracts of Maori Trustee. *Ibid.*, s. 8

(2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, if made by the Maori Trustee, be in writing signed by the Maori Trustee or by some person duly authorized by him in that behalf.

(3) Any contract which, if made between private persons, may be made verbally without writing may be similarly made by or on behalf of the Maori Trustee.

9. (1) The Maori Trustee may from time to time, by writing under his hand and seal, delegate to any officer of the Maori Trust Office any of the powers or functions conferred or imposed upon him by this or any other Act or by any deed, will, or other instrument. The fact that the Maori Trustee has so delegated any of his powers or functions shall not prevent him or the Deputy Maori Trustee from exercising any such powers or functions.

Delegation of powers of Maori Trustee. 1945, No. 42, s. 3
1952, No. 9, s. 12

(2) Any such delegation may be of general application to all the powers or functions of the Maori Trustee, or may be limited in its application to any particular matter or thing, and may at any time be in like manner varied or revoked by the Maori Trustee.

(3) In the exercise or performance of any powers or functions delegated to him pursuant to this section, the delegate shall be subject in all respects to the direction, supervision, and control of the Maori Trustee.

(4) No person to whom any powers or functions of the Maori Trustee have been delegated pursuant to this section shall be personally liable in damages for any act or thing done or omitted to be done by him in good faith and in pursuance and exercise or in the intended pursuance and exercise of any powers or functions delegated to him as aforesaid.

(5) All acts and things done by a delegate in pursuance and exercise or in the intended pursuance and exercise of any powers or functions that have been delegated under this section shall have the same effect and consequences as if they had been done by the Maori Trustee.

(6) Where any declaration, transfer, assurance, consent, or other deed or document is required to be signed by a delegate appointed under this section, he shall sign his personal name, adding the words, "acting for the Maori Trustee pursuant to section nine of the Maori Trustee Act 1953"; and, where the document is required to be sealed, the delegate shall affix thereto the Maori Trustee's seal of office. Any such declaration, transfer, assurance, consent, or other deed or document so executed shall have the same force and effect as if it were executed by the Maori Trustee.

Authorized officer may make declaration on behalf of Maori Trustee. 1930, No. 33, s. 9 (1)

10. (1) Any officer of the Maori Trust Office who is authorized so to do by the Maori Trustee in writing may make and subscribe for the Maori Trustee any oath or declaration required to be made by the Maori Trustee under the rules of any Court or otherwise, unless the matter is peculiarly within the knowledge of the Maori Trustee.

(2) The person subscribing any such oath or declaration shall add to his signature the words "acting for the Maori Trustee pursuant to section ten of the Maori Trustee Act 1953."

(3) Any officer of the Maori Trust Office who is authorized so to do by the Maori Trustee in writing may, for the purposes of proceedings in any Court, attend the Court in place of the Maori Trustee unless the Court requires the personal attendance of the Maori Trustee.

Maori Trustee may accept special trusts. *Ibid.*, s. 15

11. (1) The Maori Trustee may accept and hold in trust for any specified persons, being Maoris or the descendants of Maoris, or in trust for Maoris or the descendants of Maoris of any specified class or group, any land or other property that may be transferred to or vested in him for the purpose by or on behalf of the owners or other persons lawfully entitled to create the trust.

(2) No alienation of Maori land to the Maori Trustee made for the purposes of this section shall require confirmation under Part XIX of the Maori Affairs Act 1953.

(3) Where any land or other property is held, otherwise than by the Maori Trustee, in trust for any Maoris or for any persons being descendants of Maoris, or in trust for Maoris or the descendants of Maoris of any specified group or class, the trustees may, with the consent of the Maori Trustee, vacate their office and appoint him to be the sole trustee in their place. The powers conferred on trustees by this subsection may be exercised without requiring the consent or approval of any Court or Judge, but shall not in any case be exercised in contravention of any express provision contained in the statute or other instrument creating the trust.

(4) On the application of the Maori Trustee or of any person beneficially entitled to any property held by the Maori Trustee in trust pursuant to this section the Court may vary the terms of the trust or may terminate the trust and vest the trust property in the persons found by it to be equitably entitled thereto.

(5) On the application of the Maori Trustee the Court may make a vesting order vesting in the Maori Trustee any Maori land or any European land owned by Maoris to which subsection one or subsection three hereof relates.

12. (1) On the death of any Maori, whether testate or intestate, the Maori Trustee may elect to administer the estate of the deceased pending the grant of probate or of letters of administration, and, on the filing of an election as hereinafter provided, may exercise with respect to the estate of the deceased all such powers and authorities and do all such acts and things as he would have or could exercise or do if the deceased had died intestate and the Maori Trustee had obtained administration of his estate:

Pending grant of probate or administration, Maori Trustee may administer estates of deceased Maoris.
1930, No. 33, s. 13

Provided that the Maori Trustee while exercising authority under this section shall not have power to alienate any land or interest in land forming part of the estate of the deceased.

(2) The Maori Trustee shall not exercise any powers under this section with respect to any land unless and until he has filed in the office of the Court for the district in which the land is situated an election to administer the estate, and shall not exercise any powers with respect to any other property unless and until he has filed such an election in the office of the Court for the district in which the deceased was resident.

(3) All costs, charges, and expenses incurred by the Maori Trustee under this section shall be a first charge upon the property of the deceased. Any person who afterwards obtains a grant of probate or letters of administration of the estate shall, before acting thereon, pay all costs, charges, commissions, and expenses incurred by or payable to the Maori Trustee under this section.

(4) The Maori Trustee, acting under this section, shall not be deemed to be or to be liable as an executor or administrator *de son tort*.

(5) On the grant of probate or of letters of administration to any person other than the Maori Trustee, the Maori Trustee shall furnish to the executor or administrator a statement in writing of his administration of the estate of the deceased pursuant to this section, with such particulars as the executor or administrator may properly require.

13. (1) The Maori Trustee may, in his discretion, accept appointment as the executor, administrator, or trustee of any Maori or any descendant of a Maori, or as the agent or attorney of any Maori or any descendant of a Maori, or as trustee under any trust created for the benefit of Maoris or the descendants of Maoris, or in any other representative capacity where the rights or interests of Maoris or the descendants of Maoris are involved or affected.

(2) Nothing in this section shall be construed to limit or affect the provisions of this or any other Act relating to any duties, powers, or functions of the Maori Trustee.

(3) A certificate under the hand and seal of the Maori Trustee to the effect that he has been appointed or has authority to act as the executor or administrator of the estate of any person, or as the trustee, agent, or attorney of any person, or as the trustee of any fund

General
authority for
Maori Trustee
to act as agent
or trustee or
in other
representative
capacity.

Cf. 1930, No. 33,
ss. 19, 23

or other property, or in any other capacity, shall be sufficient evidence of his authority so to act and of all such relevant particulars as may be set forth in the certificate.

(4) Where the Maori Trustee has been granted probate of the will or letters of administration of the estate of a deceased Maori or descendant of a Maori a certificate under this section shall be sufficient authority for the District Land Registrar or any other official to register the Maori Trustee as the proprietor of any estate or interest in any land under the Land Transfer Act 1952 (other than Maori freehold land) or in any shares, stock, or other property.

1952, No. 52

14. (1) Where by or pursuant to any Act, deed, will, or other instrument the fee simple of any land or the control thereof has been vested in or conferred on the Maori Trustee he may, subject to the provisions of this section, acquire any other land which in his opinion it is necessary or expedient to acquire for the purpose of providing access to the land administered by him, or for an adjustment of the boundaries thereof, or for any other purpose in relation to that land that may be approved by the Court.

Maori Trustee
may use
revenues
of land
administered
by him in
acquisition of
other land
required for
incidental
purposes.
1930, No. 33,
s. 20

(2) Any land acquired by the Maori Trustee under this section may be so acquired by way of exchange, or by purchase or otherwise, and all moneys payable in respect of the acquisition of any such land, whether by way of equality of exchange or purchase money or otherwise, may be paid by the Maori Trustee out of the revenues of the land for the benefit of which any such other land has been acquired.

(3) Where any land has been acquired by the Maori Trustee under this section for the purpose of providing access to other land he may dedicate the land so acquired or any part thereof as a road or street as if he were the absolute owner thereof.

(4) Except as provided in subsection three hereof, all land acquired by the Maori Trustee pursuant to this section shall be held by him on the trusts for which he holds the land for the benefit of which the first mentioned land was acquired.

(5) If the revenues available for the acquisition of any land pursuant to this section are not sufficient for the purpose, the Maori Trustee may, in accordance with the provisions of section thirty-eight hereof, advance the amount required out of the General Purposes Fund of the Maori Trustee's Account.

Maori Trustee
may grant
easements
over land
administered
by him.

15. (1) Where any land is vested in or administered by the Maori Trustee in any manner referred to in section fourteen hereof he may, if he thinks fit, from time to time grant rights of way or other easements over the land, or dedicate any part thereof for the purposes of a road or street, as if he were the absolute owner thereof, and, with the approval of the Court, may sell any such land or may exchange any part thereof for any other land.

(2) The powers conferred by this section are in addition to any powers conferred on the Maori Trustee by the Act or by the deed, will, or other instrument by which the land or the control thereof is vested in or conferred on the Maori Trustee and, with the approval of the Court, may be exercised notwithstanding any prohibitions or restrictions imposed by any such Act or instrument.

(3) All moneys received by the Maori Trustee as purchase money, compensation, or otherwise in respect of the exercise by him of any powers conferred by this section shall be held by him as if they were revenues derived from the land administered by him as aforesaid.

Maori Trustee
may sell
personal
property.
1930, No. 33,
s. 24

16. Where the Maori Trustee in his capacity as executor or administrator of any estate, or as agent of the owners or otherwise, has possession or control of any personal property, he may, unless prohibited from so doing by the terms of any will or other instrument, sell that property or any part thereof, and, in the exercise of his power of sale he may, subject to the terms of any such will or other instrument as aforesaid, sell or concur with any other person in selling any such property by public auction or private contract, altogether or in lots, and on such terms and conditions as he thinks proper.

Maori Trustee's Account

17. (1) An account to be called the Maori Trustee's Account shall be kept at the Reserve Bank of New Zealand at Wellington.

Maori Trustee's Account.

1930, No. 33, s. 40 (1), (3)

(2) All moneys payable into the Maori Trustee's Account are hereby declared to be public moneys within the meaning of the Public Revenues Act 1953 and shall be subject to the provisions of Part IX of that Act accordingly.

1953, No. 73

(3) Moneys may, without further appropriation than this Act, be paid out of the Maori Trustee's Account for all or any of the following purposes:

- (a) For the purposes for which any moneys in the Conversion Fund established under Part XIII of the Maori Affairs Act 1953, may be applied:
- (b) For the purposes of advances made pursuant to sections two hundred and forty-eight, four hundred and two, and four hundred and twenty-eight of the Maori Affairs Act 1953:
- (c) For the purposes to or for which moneys in the Maori Trustee's Common Fund or in any Special Investment Account are expended, invested, or applied:
- (d) For the purposes of paragraphs (a) and (b) of subsection one of section thirty-two, sections thirty-four, thirty-eight, thirty-nine, forty, and forty-four of this Act.

1953, No. 94

18. If the Maori Trustee considers it necessary or convenient so to do for the conduct of the business of his office he may cause branch accounts of the Maori Trustee's Account to be kept at the Reserve Bank in Wellington or elsewhere, or at any bank elsewhere than in Wellington that has authority to act as agent of the Reserve Bank.

Branch accounts.

1952, No. 9, s. 12 and Schedule.

19. (1) The Maori Trustee's Account shall be operated on only by cheque signed and countersigned as hereinafter provided.

Cheques drawn on Maori Trustee's Account.

(2) Any cheque drawn on the Maori Trustee's Account may be signed by the Maori Trustee or the Deputy Maori Trustee, or may be signed by any other officer of the Maori Trust Office who is for the time being authorized in that behalf by the Maori Trustee.

Ibid.

(3) Every cheque drawn on the Maori Trustee's Account and signed as hereinbefore provided shall be countersigned by an officer of the Maori Trust Office who is for the time being authorized in that behalf by the Maori Trustee.

Cheques drawn on branch account. 1952, No. 9, s. 12 and Schedule

20. (1) Any cheque drawn on a branch account of the Maori Trustee's Account may be signed by any officer of the Maori Trust Office who is for the time being authorized in that behalf by the Maori Trustee.

(2) Every cheque drawn on any such branch account and signed as hereinbefore provided shall be countersigned by an officer of the Maori Trust Office who is for the time being authorized in that behalf by the Maori Trustee.

Authority to sign or countersign cheques. Ibid.

21. (1) Every authority given by the Maori Trustee to any officer to sign or countersign cheques drawn on the Maori Trustee's Account or on any branch account shall be in writing signed by the Maori Trustee.

(2) Any such authority may be of general application or may be limited to cheques referred to in the authority or may be otherwise limited in such manner as may be specified therein.

(3) Notwithstanding that by the terms of his authority any officer may be authorized both to sign and to countersign cheques, no cheque may be validly signed and countersigned by the same person.

Imprest accounts.

22. (1) The Maori Trustee may, as and when he thinks fit so to do, establish at the Reserve Bank or at any other bank having authority to act as the agent of the Reserve Bank, such imprest accounts as he thinks necessary for the convenient administration of the Maori Trust Office.

(2) Any imprest account established under this section may be operated on by such officer of the Maori Trust Office or such other person as may from time to time be authorized in that behalf by writing under the hand of the Maori Trustee.

Separate Funds within Maori Trustee's Account

Accounts within the Maori Trustee's Account.

23. (1) The Maori Trustee's Account shall comprise the following separate funds or accounts, namely:

(a) Such Special Investment Accounts as may be required for the purposes of section twenty-four hereof:

(b) The Common Fund:

(c) The General Purposes Fund:

(d) The Conversion Fund established under Part XIII of the Maori Affairs Act 1953.

1953, No. 94

(2) All moneys received by the Maori Trustee for investment pursuant to section twenty-four hereof shall be credited to a Special Investment Account in the name of the person or body for whose benefit the moneys are received for investment.

(3) All moneys held by the Maori Trustee in trust for any person or persons, whether defined or not, or for any special purpose, not being moneys required as hereinbefore provided to be credited to a Special Investment Account, and not being moneys required by the Maori Affairs Act 1953 to be paid into the Conversion Fund established under Part XIII of that Act, shall be credited to the Common Fund.

(4) All moneys received by the Maori Trustee for the purposes of the Conversion Fund established under Part XIII of the Maori Affairs Act 1953 shall be paid into that Fund and shall be dealt with in manner provided by that Act.

(5) All other moneys for the time being in the Maori Trustee's Account shall be credited to the General Purposes Fund.

(6) The Maori Trustee shall, as at the commencement of this Act, apportion to the several separate funds or accounts to be kept in accordance with the foregoing provisions of this section the existing assets and liabilities of the Maori Trustee's Account.

Special Investment Accounts

24. (1) The Maori Trustee may in his discretion receive moneys for investment on behalf of any Maori or any descendant of a Maori or on behalf of the owners of any Maori land incorporated under Part XXII of the Maori Affairs Act 1953, subject to an express direction given by or on behalf of the depositor that they shall be invested otherwise than in the Common Fund.

Maori Trustee may receive moneys for investment otherwise than in Common Fund.

1930, No. 33, s. 53

(2) If directions are given by or on behalf of the depositor that any moneys received by the Maori Trustee under this section be invested in any specified securities

or in securities of a specified kind, the Maori Trustee shall forthwith endeavour to invest those moneys in accordance with those directions.

(3) If no directions are given as to the kind of investments in which any such moneys shall be invested, the Maori Trustee may invest the same in such manner as in the circumstances he thinks proper, otherwise than in the Common Fund.

(4) If the said moneys or any part thereof cannot be invested as aforesaid within one month after the date of the receipt thereof by the Maori Trustee he shall, until the moneys can be so invested, temporarily invest those moneys in the Common Fund.

Common Fund

Deposits in
Common Fund.
1930, No. 33,
s. 16 (1)

25. (1) The Maori Trustee may at any time accept from any Maori or any descendant of a Maori any moneys for deposit in the Common Fund.

(2) Any such moneys shall be held by the Maori Trustee on fixed deposit for such period as may be agreed on between the Maori Trustee and the depositor. If no period is so agreed on, or on the expiration of an agreed period, moneys deposited in the Common Fund shall be repayable to the depositor at call.

Moneys in
Common Fund
deemed to
be invested
therein.
Ibid., s. 41

26. (1) All moneys forming part of the Common Fund shall be deemed to be invested therein, and, except as may be otherwise provided in regulations made for the purposes of this section, shall bear interest at a rate to be prescribed from time to time by the Governor-General in Council.

(2) In any regulations made for the purposes of this section the Governor-General may provide that interest shall not be payable in such special circumstances as may be defined therein, or may give to the Maori Trustee authority to determine that interest shall not be payable in cases to be defined by him.

(3) All interest payable on investments in the Common Fund shall be paid out of the General Purposes Fund.

Guarantee of
Common Fund.
Ibid., s. 42

27. (1) If at any time the moneys in the Common Fund are insufficient to meet the lawful claims thereon, and if sufficient other moneys in the Maori Trustee's Account are not available to meet the deficiency, the

Minister of Finance shall, without further appropriation than this Act, pay into the Common Fund out of the Consolidated Fund such sums as may be necessary to meet the deficiency.

(2) If at any time after payment to the Common Fund out of the Consolidated Fund of any moneys pursuant to this section the moneys standing to the credit of the Common Fund or otherwise available in the Maori Trustee's Account are more than sufficient to meet all outstanding claims on the Common Fund, the Minister of Finance, by writing under his hand directed to the Maori Trustee, may require the repayment, in whole or in part, of any moneys so paid by him into the Common Fund, without interest or with interest at a rate to be fixed by the said Minister.

28. (1) Any moneys in the Common Fund may, with the approval of the Board of Maori Affairs, be invested in any securities in which trust funds may be invested by trustees in accordance with the Trustee Act 1908 or in accordance with any other statutory authority:

Investment of
Common Fund.
Cf. 1930,
No. 33, s. 47
See Reprint
of Statutes,
Vol. VIII,
p. 873

Provided that no moneys shall be invested under the authority of this section on the security of an undivided interest in Maori freehold land.

(2) No investment made pursuant to this section shall be deemed to be an investment on behalf of any particular person or persons, and no person having a beneficial interest in moneys held in trust in the Common Fund shall have any interest in any such investment.

(3) All interest received from the investment of moneys in the Common Fund shall be paid into the General Purposes Fund.

29. No moneys in the Common Fund shall be invested on the security of a freehold interest in land in excess of an amount equal to three-fifths of the estimated value of the security as approved for the purposes of the investment by the Board of Maori Affairs.

Margin of
security.
Cf. 1930,
No. 33, s. 47 (c)

30. (1) For the purposes of this section any moneys in the Common Fund at the commencement of this Act shall be deemed to be unclaimed moneys if:

Unclaimed
moneys in
Common Fund.

(a) They have been in the possession or under the control of the Maori Trustee for ten years or upwards; and

(b) No claim in respect thereof has been established by or on behalf of the person beneficially entitled thereto within the period of ten years immediately prior to the commencement of this Act.

(2) In computing for the purposes of paragraph (a) of subsection one hereof, the period during which any moneys have been in the possession or under the control of the Maori Trustee, the period during which any such moneys were in the possession or under the control of a Maori Land Board shall be taken into account.

(3) Any moneys for the time being in the Common Fund (not being unclaimed moneys as defined in subsection one hereof), shall become unclaimed moneys for the purposes of this section on the expiration of any period of ten years during which no claim in respect thereof has been established by or on behalf of the person beneficially entitled thereto.

(4) Notwithstanding anything in the foregoing provisions of this section no moneys in the Common Fund shall be deemed to be unclaimed moneys before the expiration of ten years from the date when they have been allocated or credited to the account of the person beneficially entitled thereto.

(5) The Maori Trustee may at any time compile for any Maori Land Court district a list of any unclaimed moneys that have been derived from that district, showing in respect of each amount specified therein:

- (a) The name of the beneficiary, as appearing in the records of the Maori Trust Office:
- (b) The amount held on account of each beneficiary:
- (c) The source or the principal source from which the moneys were derived:
- (d) Any other relevant particulars that he thinks fit.

(6) Where the total amount held on behalf of any beneficiary is less than one pound, it shall be sufficient compliance with the requirements of paragraph (b) of subsection five hereof, if the list discloses that fact and in any such case it shall not be necessary to disclose the source from which such moneys were derived.

(7) On the compilation of a list of unclaimed moneys for any Maori Land Court district, a copy of that list shall be filed in the office of every Registrar of the Maori Land Court and shall be open for inspection during office hours without payment of any fee.

(8) Notice of the filing of a list of unclaimed moneys for any district shall be published in the *Gazette* and shall also be given in such other manner as the Maori Trustee thinks adequate in the circumstances.

(9) Any unclaimed moneys in respect of which a claim is not established within twelve months after the publication in the *Gazette* of a notice of the filing of a list thereof may be disposed of as follows:

- (a) An amount equal to ten per cent thereof may be paid to the credit of the Maori Purposes Fund Account established under the Maori Purposes Fund Act 1934-35; and
- (b) The residue may be disposed of in accordance with a scheme of distribution approved by the Minister and confirmed by the Court in accordance with the following provisions of this section.

(10) On the application of the Maori Trustee the Court may authorize him, without complying with any of the foregoing provisions of this section, to dispose of moneys of either of the classes hereinafter specified as if they were unclaimed moneys (whether or not they are unclaimed moneys within the meaning of this section). The moneys to which this subsection relates are:

- (a) Any moneys held by the Maori Trustee in a separate account in the Common Fund in respect of which the records of the Maori Trust Office do not disclose the persons on whose behalf the moneys were paid or are held:
- (b) Any moneys held as aforesaid which, by reason of the smallness of the amount, cannot, in the Court's opinion, be distributed to the persons beneficially entitled thereto without undue expense or trouble.

(11) The Minister may from time to time as occasion requires appoint for each Maori Land Court district an advisory committee to prepare and submit to the Minister a scheme for the distribution of unclaimed moneys derived from that district, and available for distribution in accordance with paragraph (b) of subsection nine of this section. Any such scheme may provide for the making of payments:

(a) To a Tribal Executive or Tribal Committee appointed under the Maori Social and Economic Advancement Act 1945:

(b) To any organization operating in the district and having for its object or one of its objects the welfare of women and children of the Maori race:

(c) For the education, training, recreation, social and moral welfare, or generally for the benefit of Maoris or descendants of Maoris:

(d) For any other specified purpose.

(12) On receipt by the Minister of a scheme prepared in accordance with the foregoing provisions of this section he may approve the same in whole or in part or may make such alterations therein or additions thereto as he thinks fit and shall submit the scheme, as finally approved by him, to the Court for confirmation or otherwise as the Court thinks fit.

(13) The Court may confirm any such scheme, in whole or in part, and with or without alteration, and the scheme, as confirmed by the Court, shall be sufficient authority for the payment of any unclaimed moneys in accordance therewith.

(14) Any scheme confirmed by the Court may from time to time be altered by the Court on the application of the Minister.

(15) If in respect of any unclaimed moneys disposed of in accordance with the foregoing provisions of this section, a claim is lawfully established, the amount of that claim shall be paid out of the General Purposes Fund which may at any time thereafter be reimbursed out of other unclaimed moneys.

General Purposes Fund

31. Any moneys in the General Purposes Fund may, with the approval of the Board of Maori Affairs, be invested in the same manner and subject to the same conditions as moneys in the Common Fund may be invested.

Investment of moneys in General Purposes Fund.

32. (1) The Maori Trustee may, with the approval of the Board of Maori Affairs, use any moneys in the General Purposes Fund for the purposes and subject to the conditions herein prescribed, that is to say:

Special purposes for which moneys in General Purposes Fund may be used.

(a) He may advance moneys for the benefit of Maoris or descendants of Maoris on the security of a mortgage of any freehold or leasehold interest in land (including an undivided share in Maori freehold land); or on the security of any chattels or other property:

(b) He may advance moneys secured by way of a floating charge or otherwise in respect of the undertaking of any co-operative dairy company or other co-operative company of which a majority of the shares is held by Maoris or descendants of Maoris:

Cf. 1930, No. 33, s. 47 (g)

(c) He may in any year, upon the requisition of the Minister, pay to the Maori Purposes Fund Account established under the Maori Purposes Fund Act 1934-35 a sum not exceeding ten thousand pounds:

Cf. 1931, No. 31, s. 95
1934, No. 45

(2) Interest on advances made pursuant to this section shall be charged at such rate as the Maori Trustee, with the approval of the Board of Maori Affairs, may determine.

(3) All moneys advanced or expended by the Maori Trustee pursuant to this section in respect of any freehold interest in land shall be a charge on that land in favour of the Maori Trustee.

33. (1) All moneys which on the commencement of this Act are standing to the credit of the Maori Hostels Fund established by section seven of the Maori Purposes Act 1946 shall thereupon be transferred to the General Purposes Fund.

Authorizing establishment and maintenance of Maori hostels out of General Purposes Fund.
1946, No. 37, s. 7

(2) The Maori Trustee, with the approval of the Minister, may from time to time purchase, take on lease, or otherwise acquire any land or premises for the

purpose of providing and maintaining hostels for the accommodation of Maoris and descendants of Maoris, and may from time to time, with the like approval, do all things necessary for the erection, replacement, repair, upkeep, maintenance, furnishing, and equipment of any building or premises on any land acquired under this section:

Provided that the approval of the Minister shall not be required under this subsection in respect of any item of expenditure that does not exceed the sum of two hundred and fifty pounds.

(3) Any land or premises acquired by the Maori Trustee under this section may be sold, leased, or otherwise disposed of by him upon such terms and conditions as he thinks fit:

Provided that no such land or premises shall be sold without the consent of the Minister.

(4) In respect of any accommodation provided by the Maori Trustee in pursuance of this section, he may from time to time impose such charges as he thinks fit and may from time to time prescribe such rules as he thinks necessary for regulating the management and control of any hostel or the conduct of the inmates thereof.

(5) All expenditure incurred by the Maori Trustee under this section shall be defrayed out of moneys in the General Purposes Fund, and all income derived by him under this section shall be paid into the General Purposes Fund.

Assurance
Fund.

Cf. 1930,
No. 33, s. 49

34. (1) All moneys and investments which on the commencement of this Act are standing to the credit of the Assurance and Reserve Fund established under section forty-nine of the Maori Trustee Act 1930 shall thereupon be transferred to the General Purposes Fund.

(2) As soon as conveniently may be after the commencement of this Act the Maori Trustee shall, out of the General Purposes Fund, invest in bonds or stock of the New Zealand Government the sum of forty thousand pounds. The Minister of Finance may from time to time direct that further sums from the General Purposes Fund be invested for the purposes of this section, or he may from time to time direct that any bonds or stocks shall be realized and the proceeds used for the ordinary purposes of the General Purposes Fund.

(3) All investments made under this section shall constitute an Assurance Fund to maintain the stability of the Common Fund of the Maori Trustee's Account, and may from time to time as required be used for the purposes of that Fund.

(4) Interest on investments under this section shall from time to time be invested in bonds or stock of the New Zealand Government for the purposes of the Assurance Fund.

35. (1) The Maori Trustee may from time to time in accordance with this section expend or apply moneys from the General Purposes Fund for any of the following purposes, namely:

- (a) The promotion of the health, education, or social or economic welfare of Maoris or descendants of Maoris:
- (b) The relief of distress in New Zealand or elsewhere:
- (c) The establishment or maintenance of memorials of national or local achievement:
- (d) The suitable celebration of functions of national or local significance:
- (e) The proper conduct of the funeral rites of distinguished Maoris or descendants of Maoris:
- (f) Any other purpose which, in the opinion of the Maori Trustee, is a proper purpose for the expenditure of money under this section.

(2) The total amount to be expended under this section in any year shall not exceed the sum of five hundred pounds, and an amount exceeding twenty pounds shall not be expended for any one purpose without the consent of the Minister.

(3) Any payment under this section may be made by way of donation to the funds of any club, society, or other organization having within its objects the purpose for which the payment is made.

36. (1) The Maori Trustee, with the approval of the Minister, may expend moneys out of the General Purposes Fund in the acquisition, by purchase, lease, or otherwise, of premises intended to be used as office premises in connection with the work of the Maori Trust Office.

Limited authority to make donations out of General Purposes Fund for philanthropic or other purposes.
Cf. 1942, No. 15, s. 4
1947, No. 59, s. 20

Maori Trustee may acquire premises and equipment for departmental use.
Cf. 1930, No. 33, s. 49
(2) (b)

(2) With the like approval the Maori Trustee may, out of the General Purposes Fund, expend such moneys as may be necessary for the furnishing and equipment of any premises acquired under this section or of other premises for the time being used for the purposes of the Maori Trust Office or may, out of the said Fund, purchase or pay for any equipment, goods, materials, or services that may be required for the purposes of the said Office:

Provided that the approval of the Minister shall not be required under this subsection in respect of any item of expenditure that does not exceed the sum of two hundred and fifty pounds.

Maori Trustee
may provide
housing
accommodation
for officers of
Department.
Cf. 1950,
No. 98, s. 4

37. (1) In order that suitable residential accommodation may be made available for officers of the Department, the Maori Trustee, with the approval of the Board of Maori Affairs, may from time to time expend moneys out of the General Purposes Fund for all or any of the following purposes:

- (a) The acquisition by purchase or otherwise of any land having a dwelling thereon:
- (b) The acquisition by purchase or otherwise of any land and the erection of a dwelling thereon:
- (c) The alteration, repair, improvement, rebuilding, or maintenance of any such dwelling:
- (d) The improvement of any such land.

(2) The Maori Trustee may let any dwelling so purchased or erected, or any part thereof, to any officer of the Department for such term and at such rent and otherwise upon such terms and conditions as, with the approval of the Board of Maori Affairs, he thinks fit.

(3) If any person to whom any dwelling is let under the foregoing provisions of this section ceases to be an officer of the Department his tenancy of the dwelling shall thereupon be deemed to have been determined, but nothing in this subsection shall be construed to prevent the Maori Trustee from granting him a new tenancy under subsection four hereof.

(4) In the event of any dwelling acquired or erected under this section being no longer required as a residence for any officer of the Department, the Maori Trustee, with the approval of the Board of Maori Affairs, may let it to any other person or may sell, exchange, or otherwise dispose of it in such manner and on such terms as he thinks fit.

38. (1) If in respect of any land or other property that is vested in or is otherwise under the control of the Maori Trustee, whether as the statutory or appointed agent of the owners or otherwise howsoever, there are not available in the hands of the Maori Trustee the moneys for the time being required for the development, improvement, maintenance, or protection of that property, or for any purpose incidental thereto or incidental to any purpose for which the ownership or control of the property has been vested in the Maori Trustee, he may, with the approval of the Board of Maori Affairs, expend out of the General Purposes Fund such moneys as may be required for any of the specified or incidental purposes aforesaid:

Maori Trustee may apply money in General Purposes Fund for purposes of property vested in or controlled by him.
Cf. 1930, No. 33, s. 50

Provided that the approval of the Board of Maori Affairs shall not be required under this section in respect of any item of expenditure that does not exceed the sum of two hundred and fifty pounds.

(2) All moneys expended under this section shall be deemed to be an advance made by the Maori Trustee on the security of the property in respect of which the payment is made, and may bear interest at a rate to be fixed by the Maori Trustee, not exceeding the rate for the time being chargeable on advances made from the Common Fund on the security of Maori land.

(3) Every such advance shall be a charge on the land or other property in respect of which it is made.

(4) The foregoing provisions of this section shall apply, with any necessary modifications, to empower the Maori Trustee to make advances out of the General Purposes Fund for purposes relating to the due administration by him of any estate.

39. (1) The Maori Trustee, with the approval of the Board of Maori Affairs, may, on application by or on behalf of any Maoris or of a body corporate of owners incorporated under Part XXII of the Maori Affairs Act 1953, acquire by purchase or otherwise any land or interest in land for and on behalf of any such Maoris or body corporate.

Maori Trustee may acquire land on behalf of Maoris.
Cf. 1931, No. 31, s. 106
1953, No. 94

(2) The purchase money or other costs of or incidental to the acquisition of any land or interest in land pursuant to this section shall be paid out of the General Purposes Fund.

1953, No. 94

(3) Notwithstanding anything in Part XIX of the Maori Affairs Act 1953, no instrument of alienation for the acquisition by the Maori Trustee of any Maori land or interest therein pursuant to this section shall require to be confirmed by the Court.

(4) All land acquired by the Maori Trustee under this section shall be held by him in trust for the persons or body corporate on whose behalf the land was acquired.

(5) On application by the Maori Trustee the Maori Land Court may make a vesting order vesting any land or interest in land acquired under this section in the persons or body corporate beneficially interested therein, subject to any lease, licence, mortgage, charge, or other encumbrance affecting the same. Every such vesting order shall constitute, without any transfer or other instrument of assurance, the title to the land included therein.

(6) If any land to which a vesting order under this section relates is not Maori land, it shall, on the taking effect of the vesting order, become and be deemed for all purposes to be Maori freehold land.

(7) The costs and charges incurred by the Maori Trustee in respect of the acquisition of any land or interest in land under this section and all costs of or incidental to the administration thereof by the Maori Trustee shall be a charge on the land or interest in land so acquired.

40. (1) The Maori Trustee, with the approval of the Board of Maori Affairs, may acquire, by purchase or otherwise, any land in order to provide sites for dwellings for occupation by Maoris or descendants of Maoris.

(2) Any land acquired by the Maori Trustee under this section may be disposed of by him by sale for cash or on deferred payments, or by way of lease for a term of thirty-three years (with a perpetual right of renewal for the same term and with a right to acquire the fee simple at any time during the currency of the lease) to any Maori or descendant of a Maori who satisfies the Maori Trustee that he intends to erect thereon a dwelling for occupation by him or by any other Maori or descendant of a Maori.

Maori Trustee
may acquire
land to provide
sites for Maori
dwellings.

(3) Any land acquired by the Maori Trustee and disposed of under the foregoing provisions of this section shall be disposed of, as nearly as may be, as if it was Crown land disposed of in accordance with section sixty-three, section sixty-four, or section sixty-five of the Land Act 1948, and the provisions of those sections, as far as they are applicable, shall apply with respect thereto accordingly. 1948, No. 64

(4) If it is found that any land acquired by the Maori Trustee under this section is not required or is not immediately required for the purpose for which it was so acquired, the Maori Trustee, with the approval of the Board of Maori Affairs, may dispose of the same by sale or lease or in such other manner as he thinks fit.

(5) All moneys expended by the Maori Trustee for the purposes of this section shall be paid out of the General Purposes Fund of the Maori Trustee's Account, and all purchase money, rents, or other moneys received by him in respect of any land acquired under this section shall be paid into that Fund.

41. The Maori Trustee shall, out of the General Purposes Fund, pay into the Consolidated Fund such sum or sums as may from time to time be requisitioned by the Minister of Finance, by writing under his hand directed to the Maori Trustee, for the purpose of recouping the Consolidated Fund in respect of moneys paid out of the Consolidated Fund for salaries or other expenses of the Maori Trust Office. Contribution to Consolidated Fund towards expenses of Maori Trust Office. Cf. 1930, No. 33, s. 43

Miscellaneous Provisions

42. (1) As security or collateral security for any moneys advanced by or payable to the Maori Trustee, he may, if he thinks fit, accept any mortgage, sub-mortgage, assignment of rent or purchase money, chattel security, promissory note, or bill of exchange, and in respect thereof may exercise all the powers, authorities, and remedies conferred thereby on the person for the time being entitled to the benefit of any such security. Maori Trustee may accept chattel security, etc. 1930, No. 33, s. 51

(2) Nothing in the foregoing provisions of this section shall be construed to limit the requirements of this Act or any other Act as to the kinds of security to be given in respect of any moneys invested or advanced

by the Maori Trustee, or to extend the authority of the Maori Trustee to make advances to any person or for any purpose.

Assignment of rents to Maori Trustee.
1930, No. 33,
s. 52

43. Nothing in this or any other Act shall prevent the making or giving of or shall invalidate any assignment, charge, or other disposition in favour of the Maori Trustee (whether by way of anticipation or otherwise) of any rent, purchase money, or compensation or other money which is, or may become, receivable in respect of any interest, legal or equitable, in any Maori reserve or other Maori land, or in respect of any alienation thereof.

Maori Trustee may apply moneys held by him on behalf of Maori in satisfaction of moneys payable to Maori Trustee by that Maori.
Cf. 1931,
No. 31, s. 98

44. (1) If any Maori or any descendant of a Maori (hereinafter referred to as the debtor) has made default in the payment of any moneys payable by him to the Maori Trustee, the Maori Trustee may, if he thinks fit, apply any moneys then or thereafter standing to the credit of the debtor in the Maori Trustee's Account in satisfaction to the extent thereof of the moneys so payable by the debtor to the Maori Trustee.

(2) For the purposes of this section the Maori Trustee may convert into money any securities held by him on behalf of the debtor.

Maori Trustee may accept payment and give discharge for moneys payable to Maoris.
Cf. *ibid.*, s. 110

45. (1) The Maori Trustee may, if he thinks fit, accept payment of any moneys for the time being held by any person on behalf of or for the time being owing by any person to any Maori or any descendant of a Maori or the owners of any Maori freehold land.

(2) Before accepting payment of any moneys under this section the Maori Trustee may require payment of any commission chargeable by him in respect of the receipt and distribution of such moneys.

(3) A receipt given by the Maori Trustee for any moneys paid to him under this section shall to the extent thereof be a good discharge.

Court may direct that rents in respect of Maori land be paid to Maori Trustee.
Cf. *ibid.*,
s. 530 (3)

46. (1) Where the rent payable under any lease or other tenancy of Maori freehold land is not required otherwise than by this section to be paid to the Maori Trustee the Court, on application by the Registrar or by the lessee or other person by whom the rent is payable, or by any other person interested, may make an order directing the payment of the rent to the Maori Trustee for distribution to the persons entitled thereto.

(2) A receipt given by the Maori Trustee for any rent paid to him under this section shall to the extent thereof be a good discharge.

(3) All rent payable to the Maori Trustee pursuant to an order made under this section shall, as it becomes due and payable in terms of the lease or other tenancy, constitute a debt due to the Maori Trustee by the lessee or tenant, recoverable in the same manner as if it were rent due to the Maori Trustee for land demised by him.

47. (1) Notwithstanding anything to the contrary in Part IV of the Public Works Act 1928, the Court, in the exercise of its jurisdiction under that Part, may direct that any compensation payable in respect of any land shall be paid, in whole or in part, to the Maori Trustee.

Court may direct payment to Maori Trustee of compensation for land taken under Part IV of Public Works Act 1928.

(2) Where any moneys payable to a Maori or the descendant of a Maori are directed to be paid to the Maori Trustee pursuant to this section, the Court may exercise in respect thereof the same jurisdiction as if those moneys were purchase moneys paid to the Maori Trustee pursuant to section two hundred and thirty-one of the Maori Affairs Act 1953, in respect of the alienation of Maori land.

See Reprint of Statutes, Vol. VII, p. 664

1953, No. 94

48. (1) The Maori Trustee, in accordance with regulations made under this Act, shall be entitled in respect of services rendered by him in the administration of any property or otherwise in the course of his official duties, whether under this Act or any other Act, to charge such commission or fees as may be prescribed in addition to any expenses actually incurred by him in the course of his duties.

Maori Trustee may charge commission in respect of his services.

(2) Where in respect of any services rendered by the Maori Trustee as aforesaid no commission or fees are prescribed, he may make a reasonable charge therefor.

(3) Where, for the purposes of this Act or any other Act, any professional services are rendered by an officer of the Maori Trust Office, the Maori Trustee may, subject to any regulations made for the purposes of this Act, make the same charges in respect thereof as if they had been rendered by any other person.

(4) The Maori Trustee may, in his discretion, remit or reduce any commission or fees to which he would be entitled in accordance with this section.

Maori Trustee may register memorial of charge against land.

49. (1) Where by this or any other Act any moneys advanced by the Maori Trustee out of the General Purposes Fund or any other moneys are created a charge in favour of the Maori Trustee on any land, the Maori Trustee may sign and seal a memorial of charge against the land affected.

1953, No. 94

(2) The provisions of subsections four to six of section two hundred and forty-eight of the Maori Affairs Act 1953 shall, as far as applicable, extend and apply to every memorial of charge under this section as if it were a memorial of charge under that section.

(3) The foregoing provisions of this section shall apply notwithstanding that the land in respect of which any charge is created may be vested in the Maori Trustee.

Memorandum of extension of lease.

50. (1) In this section, unless the context otherwise requires, "lessee" includes the successors, executors, administrators, and assigns of the lessee.

(2) Where any lessee is entitled to a renewal of his lease (whether by way of the grant of a new lease, or by way of the extension of an existing lease, or otherwise) and the lease is one in respect of which the Maori Trustee is for the time being authorized to grant a renewal or execute an extension, the Maori Trustee and the lessee may, notwithstanding anything contained in any other Act, execute a memorandum of extension of the lease in accordance with the provisions of this section.

1952, No. 52

(3) The memorandum of extension shall be in Form L in the Second Schedule to the Land Transfer Act 1952, and the provisions of section one hundred and sixteen of that Act shall, as far as applicable and with any necessary modifications, apply to any memorandum of extension executed as aforesaid.

(4) The provisions of this section shall extend and apply to any such lease notwithstanding that the lease has expired, whether before or after the commencement of this Act, before the execution of any such memorandum of extension and notwithstanding that the lease was not originally granted by the Maori Trustee.

Maori Trustee to furnish annual balance sheet.

Cf. 1930,
No. 33, s. 48

51. (1) The Maori Trustee shall, within sixty days after the close of each financial year ending on the thirty-first day of March, prepare in respect of the Maori Trustee's Account:

- (a) A balance sheet showing the total assets and liabilities as at the end of that financial year; and
- (b) A Revenue Account for that year.

(2) On the completion of the preparation of a balance sheet and Revenue Account as aforesaid the Maori Trustee shall send the same to the Controller and Auditor-General, who shall within sixty days transmit them, together with such report thereon as he thinks fit, to the Minister.

(3) The said accounts and report shall be laid before Parliament within twenty-eight days after the date of the receipt thereof by the Minister if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the commencement of the next ensuing session.

52. (1) In addition to any power to make regulations expressly conferred on him by any of the foregoing provisions of this Act, the Governor-General may from time to time, by Order in Council, make all such regulations as he deems necessary for the purpose of giving full effect thereto.

Regulations.

(2) All regulations under this Act shall be laid before Parliament within twenty-eight days after the date of the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the commencement of the next ensuing session.

53. (1) The enactments specified in the Schedule to this Act are hereby repealed.

Repeals and savings.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

See Reprint of Statutes, Vol. VIII, p. 568

Schedule.

SCHEDULE

Section 53 (1)

ENACTMENTS REPEALED

1930, No. 33—

The Maori Trustee Act 1930: Sections 3 to 10, 14 to 20,
22 to 26, 40 to 55, and the First and Second Schedules.
(Reprint of Statutes, Vol. VI, p. 373.)

1931, No. 32—

The Maori Purposes Act 1931: Section 114. (Reprint of
Statutes, Vol. VI, p. 419.)

1933, No. 50—

The Maori Purposes Act 1933: Section 8.

1945, No. 42—

The Maori Purposes Act 1945: Section 3.

1946, No. 37—

The Maori Purposes Act 1946: Section 7.

1947, No. 59—

The Maori Purposes Act 1947: Sections 5 and 20.

1948, No. 69—

The Maori Purposes Act 1948: Section 3.

1950, No. 98—

The Maori Purposes Act 1950: Sections 4 and 7.

1951, No. 75—

The Maori Purposes Act 1951: Section 4.

1952, No. 70—

The Maori Purposes Act 1952: Section 5.

1953, No. 34—

The Maori Trust Leases Renewal Act 1953.
