



ANALYSIS

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 1981, No. 2—*Private*

An Act to provide for the transfer of certain land from the General Trust Board of the Diocese of Auckland of the Anglican Church to the Pehiaweri Maori Church and Marae Incorporated a society duly incorporated under the Incorporated Societies Act 1908 [6 October 1981]

WHEREAS land containing 3.2 hectares more or less being part of the Pehiaweri Block situated in Block V of the Whangarei Survey District was by a deed dated the 25th day of November 1885 (registered in the Auckland District Land Registry under number 102114) conveyed by the Maori owners thereof to trustees as joint tenants upon trust as a site for a church and parsonage or either for the Anglican Church and for religious charitable and educational purposes generally and a church and vicarage were erected thereon: And whereas by an order made on the 9th day of March 1932 the Maori Land Court vested the said land in trust in the General Trust Board of the Diocese of Auckland of the Anglican Church for a church and vicarage and burial ground purposes: And whereas on the 28th day of January 1946 the said land was registered in the Land Registration District of Auckland under the provisions of the Land Transfer Act 1915 and the District Land Registrar issued in respect thereof certificate of title, Volume 769, folio 82 limited as to Parcels and

Title and entered a caveat number A225386 thereon to prevent the use of the said land except as a church and vicarage and for burial ground purposes of the Anglican Church in accordance with the said order of the Court: And whereas pursuant to section 204 of the Land Transfer Act 1952 the limitation as to title has now expired but caveat number A225386 still affects the said land: And whereas the Pehiaweri Maori Church and Marae Incorporated was incorporated on the 8th day of June 1973 under the Incorporated Societies Act 1908 by elders of the Ngatihau tribe of the Maori people resident at Pehiaweri among whom are descendants of the original Maori owners with the objects *inter alia* of maintaining the said land and the church and vicarage buildings thereon and it has done so: And whereas the General Trust Board of the Diocese of Auckland is now desirous of transferring the said land to the people of the district and the Pehiaweri Maori Church and Marae Incorporated is desirous of holding the said land for the objects for which it was incorporated but doubt exists as to whether the transfer of the said land can be effected otherwise than by legislation:

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

1. Short Title—This Act may be cited as the Pehiaweri Maori Church and Marae Site Vesting Act 1981.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Board” means the General Trust Board of the Diocese of Auckland of the Anglican Church;

“The Incorporation” means the Pehiaweri Maori Church and Marae Incorporated, a society duly incorporated under the Incorporated Societies Act 1908.

3. Vesting of land—(1) The estate in fee simple in the land described in the First Schedule to this Act, which immediately before the passing of this Act was vested in the Board, is hereby vested in the Incorporation for the purposes set out in the Second Schedule to this Act, but free from the restrictions imposed by the Maori Land Court by an order made on the 9th day of March 1932; and caveat number

A225386 lodged against the certificate of title to the land in respect of those restrictions shall be deemed to be withdrawn.

(2) Without limiting section 99A of the Land Transfer Act 1952, the Registrar, on making all such entries in the register as may be necessary to give full effect to the vesting of the land effected by subsection (1) of this section, shall also make an appropriate entry to show the said caveat as having been withdrawn.

4. Private Act—This Act is hereby declared to be a private Act.

SCHEDULES

Section 3 (1)

FIRST SCHEDULE

LAND VESTED IN THE INCORPORATION

All that parcel of land containing 3.2374 hectares, more or less, being part of the Pehiaweri Block situated in Block V of the Whangarei Survey District, and being all of the land comprised and described in certificate of title, Volume 769, folio 82, limited as to parcels.

Section 3 (1)

SECOND SCHEDULE

PURPOSES FOR WHICH THE LAND IS VESTED IN THE INCORPORATION

1. To preserve and maintain the church property based on traditional Maori Anglican custom, for use in—

(a) Religious activities:

(b) Hui:

(c) Tangi:

(d) Meetings for educational activities:

(e) Maori culture:

(f) Recreational purposes:

(g) Generally, any other gatherings associated with Maori national life.

2. To seek to ensure that the church building is used more often for the sacred purposes for which it was built, namely:

(a) The holding of Divine Services:

(b) As a centre for Gospel Witness and Christian Fellowship.

3. To seek to ensure that the burial ground (urupa) is maintained as a permanent burial ground for the descendants of the original owners, and others.

4. To promote Christian and spiritual fellowship between the members of the Incorporation and the Maori population as a whole.

5. Generally, to do all such things as are incidental or conducive to the fulfilment of the above purposes, and for the furtherance of the Kingdom of God.
