

*Mr Peters*

**PEHIAWERI MAORI CHURCH AND MARAE SITE  
VESTING**

[PRIVATE]

ANALYSIS

Title	2. Interpretation
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A BILL INTITULED

**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  
5 Marae Incorporated a society duly incorporated under the  
Incorporated Societies Act 1908**

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  
10 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  
15 generally and a church and vicarage were erected thereon;  
And whereas by an order made on the 9th day of March 1932  
under reference number WH 16/318 the Tokerau Native  
Land Court vested the said land in trust in the General Trust  
Board of the Diocese of Auckland of the Anglican Church for  
20 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 order WH 16/318 of the Tokerau Native Land 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**—The land described in the Schedule to this Act vested in fee simple in the Board is hereby vested in fee simple in the Incorporation free from the restrictions imposed by the Tokerau Native Land Court by order  
5 number WH 16/318 but to be held by the Incorporation subject to the objects for which it was incorporated.

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

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SCHEDULE

Section 3

All that parcel of land containing 3.2 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.