



New Zealand Native Reserves Act 1856

Citation: 19 & 20 V. No 10
Date of Assent: 6 August, 1856
Commencement: Date of Assent

Repeal: Repealed 1882, No 52
Amendments: 1858, No 47: To enable Commissioners of Native Reserves to sue and to be sued.
 1862, No 14: See separate record.
 Commissioners' power cancelled and vested in Governor.

Type of Legislation: Public

Subject: Reserved Land
 Gifts/Alienations for Schools, Churches etc

Relevant Sections: *s1:* Governor may appoint Commissioners of Native Reserves.
s6: Commissioners to have full powers of management.
s7: No alienation, except lease of not more than 21 years, without Governor's written assent.
s8: Lands may be set apart for churches, burial grounds and as endowments for schools, hospitals.
s14: Extends provisions of Act to land over which Native title has not been extinguished with the assent of the aboriginal inhabitants.
s16: Governor may grant to Trustees (with assent of Natives) land set apart by aboriginal inhabitants for churches, burial grounds etc or for the endowment of schools and hospitals.
s17: Person appointed to ascertain assent of Natives.

Commentary: This Act was passed "*for the management of lands set apart for the benefit of the Aboriginal Inhabitants of New Zealand*". It sets up Native Commissioners who had power to manage and dispose of Native Reserves over which Maori customary title had been extinguished. Provisions of the Act are extended to lands over which Native title is not extinguished if there is assent from the Maori owners. These provisions were used in the case of gifts to schools etc. Butterworth says that the Commissioners were usually local settlers and this sometimes resulted in the reserves not being managed in the best interests of Maori.

Cross Reference continued next page



Cross Reference: BPP NZ10: 1860 [2719] 356 - 359

AJHR (1867) A - 17
(*Native Reserves Acts*)

AJHR (1880) G - 3b
(*Native Reserves in North Island*)

AJHR (1975) H - 3 pp.212, 219
(*Maori Reserved Land Commission*)

Ward A A *Show of Justice*
(AUP, Canberra, 1974) 93, 151

Butterworth G & Butterworth S *The Maori Trustee*
(Maori Trustee, Wellington, 1991) 10 - 11

Waitangi Tribunal *The Ngai Tahu Report* Wai 27
(Brooker & Friend, Wellington, 1991) 133.