



Public Works Acts Amendment Act 1887

1887

Citation: 51 V. No 36

Date of Assent: 23 December, 1887

Commencement: Date of Assent

Repeal: Repealed 24 October, 1894 by 1894, No 42

Amendments: 1889, No 19: See separate record.
s16 amends s14.

Type of Legislation: Public

Subject: Public Works

Maori Land Court: Structures & Jurisdiction
Survey Issues

Relevant Sections: *s13:* Repeals and replaces *ss23, 24* and *25* of the Public Works Act 1882. Notwithstanding any other law, Governor may take for any railway or other public work any Native land and any land owned/occupied by Natives under Crown grant, Certificate of Title, or Memorial of ownership.

- (1) Where title is not derived from Crown, an Order in Council may take land for public work other than a railway, and authorise surveys without giving notice to owners other than by that Order in Council;
- (2) where title is derived from Crown, land may be taken for other than a railway under Part II of Public Works Act 1882,
- (3) any Native land, whether title derived from the Crown or not, taken for any railway may be taken under Part VI of Public Works Act 1882.

s14: Amends *s26(1)(b)*, Native Land Court to ascertain to whom compensation should be paid and how much should be paid for Native land and for Native-owned land under Crown grant, Certificate of Title or Memorial of ownership.

Commentary: The Native Land Court is now given jurisdiction to determine compensation for all Maori-owned land, not just for unextinguished customary land as under the Public Works Act 1882. Land that has been through the Native Land Court is to now be taken under Part II of the 1882 Act, and land for railways is to be taken under the special procedure for railways. This means that, except for customary land, Maori land is now to be taken using the same procedures as for general land, but the method of determining compensation remains different.

Cross Reference: –