



West Coast Settlement Reserves Act 1892

1892

- Citation:** 56 V. No 22
- Date of Assent:** 24 September, 1892
- Commencement:** 1 November, 1892, but ss14 - 16, 24 and 26 commence at the date of assent.
- Repeal:** Repealed 1955, No 38
- Amendments:** **1895, No 58:** s10 amends s8(3) and s10.
1900, No 30: s2 amends s12.
ss3 and 4 amend s22.
1902, No 36: See separate record.
s9 amends s2 – definition of reserves.
1913, No 59: See separate record.
Deals with compensation to lessees for improvements made to Native land leased by them.
1922, No 54: s7 amends s12.
1948, No 75: See separate record.
- Type of Legislation:** Public
- Subject:** Public/Native/Maori Trustee
Reserved Land
Leased Land
Alienation of Maori Land
Maori Land Court: Structures & Jurisdiction
Validation
- Relevant Sections:** **s4:** All reserves to be vested in the Public Trustee in trust for the Native owners but managed under the provisions of this Act.
s5: Restrictions and limitations on leasing in the Crown Grants removed.
s6: Reserves may be leased, at discretion of Public Trustee, with the right of perpetual renewal.
s7: Leases with rent reductions granted by Public Trustee validated.
s8: Conditions by which lessees under leases granted by the Public trustee, may obtain a new lease. Procedure for obtaining new lease including meeting between lessee and Native owners, fixing of rent etc. Provides for Public Trustee to regulate the procedure of such meetings.
s10: 640 acre limit and no right for lessees to freehold. Leases to be for 21 years, renewable on terms set out in Schedule.
s12: Powers of the Public Trustee. Includes... (1) to recover possession of reserves, (2) to give time for payment of rents, (5) to let reserves to
- Relevant Sections, Commentary and Cross Reference continued over page*



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any person, Native or not, upon a tenancy from year to year.

ss14 - 15: Lists of Native owners to comprise “the register” and entitlement to receive rents. NLCT jurisdiction to determine relative interests on “the register”.

s20: Except by will in favour of a Native, no Native to alienate.

s23: Natives over 16 may authorise any other Native to receive moneys payable to the Native owner.

s29: Licenses may be granted to Native owners to occupy reserves.

Schedule contains terms of leases relating to valuation for improvements, compensation and arbitration, and renewals.

Commentary: Ballance said the object of the Act was to validate certain leases, end litigation, and re-establish friendly relations between lessees and Maori. In regard to the confirmed leases the Maori owners are going to be given the value of improvements which was the case under the original leases. The rent would be assessed on the unimproved value and the lessees would pay the owners the value of improvements. Although the procedure for setting terms by a public meeting is set up, the Public Trustee is given complete control over the land and, moreover, can lease it under a perpetually renewable lease. The leases for which the Public Trustee had reduced the rent illegally are validated. This Act was consequential upon a Court of Appeal decision granting an injunction to Maori owners which had held invalid rent reductions and 30 year leases granted by the Public Trustee. See *Te Moauroa v Public Trustee* (1891) 10 NZLR 281.

Cross Reference: NZPD vol 75 (1892) 363 - 378
 NZPD vol 77 (1892) 399 - 402, 478 - 485
 AJHR (1891) G - 6
(Te Moauroa v Public Trustee)
 AJHR (1892) G - 2
(West Coast Settlement Reserves)
 AJHR (1895) I - 5a
(Waste Lands Committee)
 AJHR (1906) Sess II G - 2
(Royal Commission on Complaints Against the Public Trustee)
 AJHR (1907) G - 2
(Native Reserves Vested In Public Trustee).