



## Native Reserves Act Amendment Act 1895

1895

**Citation:** 59 V. No 53  
**Date of Assent:** 31 October, 1895  
**Commencement:** Date of Assent

**Repeal:** Repealed 1 January, 1956 by 1955, No 38  
**Amendments:** 1896, No 41: See separate record.  
s12 amends s3.  
1899, No 21: ss2 and 3 amend s7  
s4 gives interpretation of term "lessee" in ss6 and 7  
s5 amends s7(5).

**Type of Legislation:** Public  
**Subject:** Reserved Land  
Public/Native/Maori Trustee  
Leased Land  
Validation

**Relevant Sections:** s2: No land vested in the Public Trustee may be disposed of by the owner. This is not to prevent the Public Trustee exercising his powers of disposal.  
s3: Restriction on jurisdiction of NLCt over Public Reserves,  
(1) NLCt to only have jurisdiction to ascertain beneficial owners and respective rights and interests. No power to give owners the right to dispose of the land,  
(2) NLCt orders must have consent of Public Trustee,  
(3) Certificates of Title issued by the NLCt before this Act deemed not to give any power of alienation, except that any alienations already made shall be valid and cases before any Court shall not be affected.  
s4: Public Trustee not liable if, contrary to the original Act, land was disposed of by an authority other than the Public Trustee.  
s5: If a question arises, it is the Governor in Council who may declare that land is vested in the Public Trustee. Order in Council to be final and conclusive.  
s6: Public Trustee may grant new lease of certain lands now leased.  
s7: Provision to apply to every new lease.  
s8: Sections 6 & 7 not to apply to confirmed leases under West Coast Settlement Reserves Act 1892.  
s9: Native over 16 years old may give discharge for money received from the Public Trustee.  
s10: Amends ss8 & 10 West Coast Settlement Reserves Act 1892.

*Commentary and Cross Reference continued over page*



**Native Reserves Act Amendment Act 1895** *continued*

**Commentary:** This Act strongly restricts the power of the Native Land Court over reserves which are under the control of the Public Trustee. The Court can only issue orders with the consent of the Public Trustee and it only has jurisdiction to ascertain the beneficial owners. Sections 6 & 7 give the Public Trustee power to renew leases without the consent of the owners so that the current lessees do not have to compete with others when the lease term expires.

**Cross Reference:** NZPD vol 91 (1895) 542 - 545

**Reported Court Case:**

*In re Purakau Block* (1897) (s.3): 16 N.Z.L.R. 507.