



Maori Reserved Land Act 1955

1955

- Citation:** No 38
Date of Assent: 20 October, 1955
Commencement: 1 January, 1956
- Repeal:** Still in Force
- Amendments:** 1960, No 120: s22 amends s10.
1962, No 119: See separate record.
1967, No 124: See separate record.
s130 repeals ss19, 21, 22
s153 repeals and replaces s10
s154 inserts new s10A – registration of security.
s155 inserts new s9A – sale of reserved land to lessees.
s156 inserts new s9B – powers of Maori Trustee in respect of leases.
1970, No 120: s13 amends s9B
s14 amends s10.
1971, No 151: s4 amends s89.
1972, No 135: s13 amends s17.
1975, No 135: s9 repeals ss9A, 9B, 10(1)(c)
s10 amends s14
s11 inserts new s15A – constitution of Maori Incorporations to administer reserved land.
1976, No 148: s24 repeals ss10 and 23.
1978, No 70: s7 amends s15A.
1979, No 136: s18 inserts new s88A.
1980, No 67: s6 inserts new s42A – surrender of leases.
1987, No 65.
- Type of Legislation:** Public
Subject: Reserved Land
Leased Land
Public/Native/Maori Trustee
Status of Land
Compulsory Acquis & Transfer of Control
Maori Land Court: Structures & Jurisdiction
- Relevant Sections:** s3: All lands subject to Maori Reserves Act 1882 or the Westland and Nelson Reserves Act 1887 subject to this Act. Also all lands referred to in the first schedule.
s4: Gov-Gen may declare land to be a Maori reserve.
s7: All reserved land shall be deemed Maori freehold land.

Relevant Sections continued over page



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s9: Except in certain circumstances the Maori Trustee to have no power to sell reserved land.

s11: MLCt may determine beneficial owners of reserved land.

s19: Definition of uneconomic interests in reserved land.

s20: On succession, relative interests of beneficiaries defined, then MLCt vests uneconomic interests in Maori Trustee and other interests in beneficiaries.

s21: Maori Trustee may acquire uneconomic interests.

s22: Maori Trustee may purchase any interests in reserved land.

s23: Maori Trustee payments from the Conversion Fund.

s24: Application of revenue from acquired interests for benefit of descendants of those from whom they were acquired.

s26: Maori Trustee may lease unleased Maori reserve or township land.

s28: Notwithstanding the terms relating to the perpetual renewal of any subsisting lease in Maori Reserve land, the Maori Trustee may offer to grant a prescribed lease to the lessee rather than a renewal of a subsisting lease.

s34: (1) Annual rent payable for urban land shall be 4% of unimproved value. (2) Annual rent payable for rural land shall be 5% of unimproved value.

s38: Procedure when lessee does not accept renewal of a lease which is renewable in perpetuity.

ss43 - 56: Jurisdiction of Land Valuation Court.

s59: Maori Trustee may lease unleased settlement reserves.

s61: Every lease of a settlement reserve subsisting at the time of this Act and which confers a right of renewal shall be renewable for 21 year periods in perpetuity.

s77: Lands held in trust for different owners may be comprised in one lease.

ss85 - 87: Disposition of township land.

s89: Auckland & Onehunga Hostels trust.

s90: Nelson Tenths Benefit Fund.

s91: Motueka reserves.

First schedule: Lands to be brought under this Act. Ellesmere Reserve. Taumutu Maori Commonage. Paepaetahi Block. Poukawa Maori Reserve. Reserve 4078, Block VII, Arowhenua SD. Sec 401 and 412, Town of Port Chalmers. Rotorua Township reserves.

Second Schedule: Memorandum of Lease forms.

Commentary and Cross Reference continued next page



Commentary: This Act is a consolidation of Maori Reserves legislation with amendments designed to prevent any further fragmentation of interests and to standardise leases. The new standardised (prescribed) leases are optional. Uneconomic interests (£25 or less) are to be purchased by the Maori Trustee using the Conversion Fund, and those interests are vested in the Maori Trustee to prevent further partitioning upon succession orders. This was supported by the Maori members as the rights of those whose interests are sold are to be protected by the residual income being applied for their benefit. Both the Maori Reserved Land Commission 1975 and the Waitangi Tribunal (Ngai Tahu Report) were critical of the rental rates fixed under s34 without any provision for review.

Cross Reference: NZPD vol 307 (1955) 2171 - 2173, 2946 - 2953
AJHR (1956) G - 9 pp.8 - 11
(*Maori Affairs Department*)
AJHR (1975) H - 3
(*Maori Reserved Land Commission*)
Butterworth G & Butterworth S *The Maori Trustee*
(Maori Trustee, Wellington, 1991) 84 - 86
Waitangi Tribunal *The Ngai Tahu Report* Wai 27
(Brooker & Friend, Wellington, 1991) 135 - 142.