

Te Ture Whenua Maori Amendment Act 2001 Maori Land Amendment 2001

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is both—
 - (a) Te Ture Whenua Maori Amendment Act 2001; and
 - (b) the Maori Land Amendment Act 2001.
- (2) In this Act, Te Ture Whenua Maori Act 1993 is called “the principal Act”.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Interpretation of English terms

- (1) Section 4 of the principal Act is amended by inserting in paragraph (c)(iv) of the definition of the term **alienation**, after the word “years”, the words “(including any term or terms of renewal)”.
- (2) Section 4 of the principal Act is amended by repealing the definition of the term **order**, and substituting the following definition:

“**order**, in relation to the Court,—

“(a) means—

“(i) an order, judgment, decision, or determination of the Maori Land Court or the Maori Appellate Court; and

“(ii) an order made by a Registrar in the exercise of a jurisdiction or power pursuant to section 39(1); and

“(iii) an order made by the Chief Judge under section 44; and

“(b) includes a refusal to make an order, judgment, decision, or determination of a kind referred to in paragraph (a)(i) or paragraph (a)(ii) or paragraph (a)(iii)”.

4 New section 24A inserted

The principal Act is amended by inserting, after section 24, the following section:

“24A Powers of Court under Contracts (Privity) Act 1982 and Contractual Remedies Act 1979

- “(1) Subject to subsection (2), the Court may exercise any power conferred on the High Court—
- “(a) by the Contracts (Privity) Act 1982; or
 - “(b) by any of the provisions of sections 4, 7(6), 7(7), and 9 of the Contractual Remedies Act 1979.
- “(2) A power conferred on the Court by subsection (1) may be exercised only if the occasion for the exercise of that power arises in the course of proceedings (other than an application made for the purposes of section 7(1) of the Contracts (Privity) Act 1982 or section 7(6) or section 9 of the Contractual Remedies Act 1979) properly before the Court under section 18(1)(d) of this Act.”

5 Power of Court to make order to restore effect of lost instruments of alienation

Section 25 of the principal Act is amended by repealing subsection (3), and substituting the following subsection:

- “(3) Instead of or in addition to making an order declaring the nature and effect of the instrument, the Court may, on an application under this section, make an order vesting land or an interest in land to which the instrument related in—
- “(a) any person or persons claiming under the instrument; or
 - “(b) any other person or persons claiming under or through the person or persons specified in paragraph (a).”

6 New section 30A inserted

[Repealed]

Section 6 was repealed, as from 1 July 2002, by section 59(2) Te Ture Whenua Maori Amendment Act 2002/Maori Land Amendment Act 2002 (2002 No 16).

7 Chief Judge may correct mistakes and omissions

- (1) Section 44(1) of the principal Act is amended by inserting, after the words “the Court” where they first appear, the words

“or a Registrar (including an order made by a Registrar before the commencement of this Act)”.

- (2) Section 44(4) of the principal Act is amended by omitting the expression “Part V”, and substituting the expression “Part VI”.

8 Appointment of receiver to enforce charges, etc

Section 83(6) of the principal Act is amended by inserting, after the word “years”, the words “(including any term or terms of renewal)”.

9 Court not to grant confirmation unless satisfied of certain matters

Section 152(1)(g) of the principal Act is amended by inserting, after the word “longer”, the words “(including any term or terms of renewal)”.

10 New section 228 substituted

- (1) The principal Act is amended by repealing section 228, and substituting the following section:

“228 Trustees’ powers of alienation

- “(1) Despite anything in the trust order, but subject to subsection (2) and to section 243(7), the trustees of a trust constituted under this Part of this Act have no power to sell any land (being Maori freehold land or land that ceased to be Maori land by reason of the registration of a status declaration issued under section 6 of the Maori Affairs Amendment Act 1967) vested in them for the purposes of the trust unless the proposal to sell has the consent of—

“(a) at least three-quarters of the owners, where no owner has a defined share in the land; or

“(b) the persons who together own at least 75% of the beneficial freehold interest in the land.

- “(2) Subsection (1) and section 147(2) do not apply in any case where the Court is satisfied that it is necessary for the trustees to sell, for the purpose of effecting minor boundary adjustments, part of the land vested in the trustees for the purposes of the trust.

- “(3) Every alienation of any land (being Maori freehold land or land that ceased to be Maori land by reason of the registration of a status declaration issued under section 6 of the Maori Affairs Amendment Act 1967) by way of sale or gift by the trustees of a trust constituted under this Part of this Act is of no force or effect unless and until it is confirmed by the Court under Part VIII.”
- (2) Section 13 of Te Ture Whenua Maori Amendment Act 1994 is consequentially repealed.

11 Acquisition of land by trustees

Section 243(7) of the principal Act is amended by inserting, after the word “land,” the words “(other than Maori freehold land or land that ceased to be Maori land by reason of the registration of a status declaration issued under section 6 of the Maori Affairs Amendment Act 1967)”.

12 Incorporation’s powers of alienation

Section 254(1)(a)(ii) of the principal Act is amended by inserting, after the word “years”, the words “(including any term or terms of renewal)”.

13 Certain instruments require noting by Registrar

Section 255(b)(i) of the principal Act is amended by inserting, after the word “years”, the words “(including any term or terms of renewal)”.

14 Disposal of land on winding up of incorporation

Section 283(2) of the principal Act is amended by inserting, after the word “years”, the words “(including any term or terms of renewal)”.

15 Aggregation orders

- (1) Section 308(4) of the principal Act is amended by omitting the word “The”, and substituting the words “Subject to subsection (5), the”.
- (2) Section 308 of the principal Act is amended by adding the following subsections:

- “(5) Despite subsection (4), but subject to subsections (6) and (7), the provisions of section 293 relating to the Court’s power to award, in a partition order, compensation for improvements effected on the land to which the order relates apply, with any necessary modifications, to the cancellation of any aggregation order under this section.
- “(6) Where land that will be affected by the cancellation of an aggregation order is—
- “(a) land in respect of which a trust is constituted under Part XII; or
 - “(b) land vested in a Maori incorporation,—
the Court may not exercise the power conferred on the Court by subsection (5) unless it has first consulted the trustees or the management committee of the incorporation, as the case may require.
- “(7) The Court may not, under section 293(1) (as applied by subsection (5)), award additional land to any owner unless it is satisfied that the owner of the additional land has been given a reasonable opportunity of recompensing the owner who effected the improvements that would be the basis for the award of additional land.”

16 Maori reservations for communal purposes

- (1) Section 338(12) of the principal Act is amended by inserting, after the word “years”, the words “(including any term or terms of renewal)”.
- (2) Section 338(14) of the principal Act is amended by inserting, after the word “years”, the words “(including any term or terms of renewal)”.

17 Maori reservations for communal purposes

- (1) Section 338(8) of the principal Act is amended by inserting, after the words “in accordance with”, the words “, and be subject to,”.
- (2) Section 338 of the principal Act is amended by repealing subsection (17), and substituting the following subsection:

“(17) Where any Maori reservation (set apart under any Act repealed by this Act or the corresponding provisions of any former Act)

is subsisting at the commencement of this Act, this Act, and any regulations made under this Act, have effect,—

- “(a) in relation to the Maori reservation, as if it were a Maori reservation set apart under this section; and
- “(b) in relation to any vesting order made in respect of the Maori reservation (under any Act repealed by this Act or the corresponding provisions of any former Act), as if that vesting order were a vesting order made under this section.”

18 New section 338A inserted

The principal Act is amended by inserting, after section 338, the following section:

“338A Regulations relating to trustees of Maori reservations

- “(1) Regulations made under section 338(15) may, in relation to the trustees of Maori reservations generally or in relation to the trustees of any specified Maori reservation or of any specified class of Maori reservations,—
 - “(a) specify—
 - “(i) terms for which those trustees or any of them are to be appointed:
 - “(ii) circumstances in which those trustees or any of them cease to hold office:
 - “(iii) circumstances in which those trustees or any of them may be removed from office by the Court:
 - “(iv) powers, authorities, and discretions that may be exercised by those trustees (in addition to those conferred on them by this Act) and the manner in which those trustees or any of them may exercise their powers, authorities, and discretions (including those conferred on them by this Act or the Trustee Act 1956 or both):
 - “(v) powers, authorities, and discretions conferred by the Trustee Act 1956 that may not be exercised by those trustees:
 - “(vi) conditions that must be complied with by those trustees:
 - “(b) authorise the Court to exercise in relation to those trustees (but not to the exclusion of the High Court) any

of the powers and authorities conferred on the High Court by the Trustee Act 1956.

- “(2) Nothing in subsection (1) limits—
“(a) the powers of the Court under section 338(8); or
“(b) the generality of section 338(15).”

19 Maori Reservations Regulations 1994

- (1) Subject to subsections (2) to (4), the Maori Reservations Regulations 1994 (SR 1994/57) are deemed to be, and to have always been, valid.
- (2) Regulation 3 of the Maori Reservations Regulations 1994 is amended, as from the commencement of those regulations, by revoking paragraph (d).
- (3) Despite subsection (2),—
 - (a) the action of any person, in vacating office before the commencement of this Act, in accordance with regulation 3(d) of the Maori Reservations Regulations 1994, is deemed to be, and to have always been, valid:
 - (b) the action of any person, in declining to vacate office in accordance with regulation 3(d) of the Maori Reservations Regulations 1994, is deemed to be, and to have always been, valid:
 - (c) the action of the Court, in appointing any person as a trustee of a Maori reservation in the place of a person who has, before the commencement of this Act, vacated office in accordance with regulation 3(d) of the Maori Reservations Regulations 1994, is deemed to be, and to have always been, valid.
- (4) Despite subsections (2) and (3), a trustee of a Maori reservation who has, before the commencement of this Act, vacated office in accordance with regulation 3(d) of the Maori Reservations Regulations 1994 is not entitled, and is deemed never to have been entitled,—
 - (a) to be reinstated in office; or
 - (b) to receive any compensation for loss of office by reason of his or her vacation of office in accordance with regulation 3(d).

2001 No 11

**Te Ture Whenua Maori Amendment Act
2001 Maori Land Amendment 2001**

Legislative history

3 April 2001

Divided from the Maori Purposes Bill (Part 1) (Bill
306-3A)

4 April 2001

Third reading

10 April 2001

Royal assent
