

**Version
as at 28 October 2021**

**Maori Land Amendment and Maori Land Claims
Adjustment Act 1926**

Public Act 1926 No 64
Date of assent 11 September 1926

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Note

Changes authorised by subpart 2 of Part 3 of the Legislation Act 2019 have been made in this consolidation. See the notes at the end of this consolidation for further details.

This Act is administered by Te Puni Kōkiri.

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Schedule 1 11

[Repealed]

Schedule 2

11

[Repealed]

An Act to further amend the laws relating to Maori lands, and to determine certain claims and disputes in relation to Maori lands, and to confer jurisdiction upon the Maori Land Court and the Maori Appellate Court and for other purposes

1 Short Title

This Act may be cited as the Maori Land Amendment and Maori Land Claims Adjustment Act 1926.

2 Interpretation

[Repealed]

Section 2: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).

3 Amendment of principal Act

[Repealed]

Section 3: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).

4 Amendment of section 7 of the Native Land Amendment Claims Adjustment Act 1925

[Repealed]

Section 4: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).

5 Authorizing variation of terms of payment of rent

[Repealed]

Section 5: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).

6 Authorizing execution by Maori Land Board of renewed leases

[Repealed]

Section 6: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).

7 Amending section 17 of the Native Land Amendment and Native Land Claims Adjustment Act 1922

[Repealed]

Section 7: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).

8 Authorizing Maori Land Board to make advances

[Repealed]

Section 8: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).

9 Making provision for Board moneys to be a common fund

[Repealed]

Section 9: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).

10 Amendment of section 417 of the principal Act

[Repealed]

Section 10: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).

11 Authorizing the provisional registration of mortgages to State loan Department

[Repealed]

Section 11: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).

12 Board may be empowered to administer land when rates in default

[Repealed]

Section 12: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).

13 Amending section 140 of the Native Land Act 1909

[Repealed]

Section 13: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).

*Taupo waters***14 Bed of Lake Taupo vested in Crown**

For the purpose of giving effect to an agreement entered into under the provisions of section 29 of the Maori Land Amendment and Maori Land Claims Adjustment Act 1924, it is hereby enacted as follows:

- (1) The bed of the lake known as Lake Taupo, and the bed of the Waikato River extending from Lake Taupo to and inclusive of the Huka Falls, together with the right to use the respective waters, are hereby declared to be the property of the Crown, freed and discharged from the Maori customary title (if any) or any other Maori freehold title thereto:

provided that there shall be reserved to the Maoris all islands situate in the said lake and not heretofore specifically alienated by the Maoris, together with the right of ingress, egress, and regress over the waters of such lake to any island:

provided further that the Governor-General may reserve any portion of the bed of the lake or any Crown lands on the border thereof for the use of Maoris, and may vest the management and control thereof in the Board hereinafter mentioned or in any trustee.

- (2) There shall be reserved to the members of the Tuwharetoa tribe the right to fish for and catch for their own use any fish in the said lake that are indigenous to the said lake, but no such fish shall be sold except with the consent of the Board hereinafter mentioned. The sale of any such fish without consent shall

be deemed to be unlawful, and any person who commits any such offence shall be liable on conviction to a penalty not exceeding 5 pounds.

- (3) Subject as herein mentioned, there shall be reserved to the public a right of way over a strip of land not exceeding 20 metres in width around the margin of the said lake. Should any dispute arise as to the position or location of such right of way the matter shall be referred to the Surveyor-General, whose decision thereon shall be final:

provided that the Governor-General may from time to time, by Proclamation, exempt any portion thereof from public use, or restrict or limit the right of such public user in such manner as he may think fit, and thereupon the public right of user over the portion specified shall cease or be limited accordingly.

- (3A) For the purposes of subsection (3), the margin of the said lake shall be the 358.378 metres contour in terms of Taupo Datum (which is the same as 357.015 metres in terms of Moturiki Datum), whether or not that contour is for the time being covered by the waters of the said lake, or such other margin as may from time to time be defined by the Governor-General by Proclamation.

(4)

- (a) The Governor-General may from time to time, by Proclamation, declare the bed of any river or stream flowing into the said lake, or such portion of such bed as may be described in the Proclamation, to be Crown land, and thereupon the land so proclaimed shall become Crown land freed from the customary or other title of Maoris, and the Crown shall have the right to use and control the waters flowing over such bed.

- (b) The Governor-General may from time to time, by Proclamation, reserve to holders of special licences a right of way over a strip of land not exceeding 20 metres in width along the banks of the beds of rivers or streams so vested in the Crown, and such holders shall be deemed to have the right of access accordingly:

provided that the Governor-General may from time to time, by Proclamation, exempt any defined portion thereof from use by the holders of special licences, or may restrict or limit the right of user thereof in such manner or to such persons or class of persons as he thinks fit, and the right of user on the portion specified shall cease or be limited accordingly.

- (c) The Crown shall have the exclusive right to let for camping sites any part of the land over which a right of way is so reserved, and it shall not be lawful for any person owning an interest in the land over which a right of way is reserved to alienate or deal with the land comprised in such right of way except with the consent of the Governor-General in Council:

provided that if any person having an estate or interest in such land, or being possessed of any valid rights of camping or fishing thereon, is

- injuriously affected or suffers damage through the exercise of any powers conferred by this subsection he shall be entitled to compensation for such injury.
- (d) Any person claiming compensation as aforesaid (herein called the **claimant**) must, within 3 months from the date of the publication of the Proclamation in respect of which the claim arises, make and lodge with the Director-General of Conservation a claim therefor, giving full particulars of the amount and nature of his claim, the grounds of such claim, and the name and address of the claimant.
- (e) All claims for compensation shall be determined by a Commissioner to be appointed from time to time by the Governor-General. Such Commissioner shall have all the powers and jurisdiction conferred upon Compensation Courts by Part 5 of the Public Works Act 1981, and shall be deemed to be a Compensation Court accordingly. It shall not be necessary that assessors be appointed, but the Court may appoint one or more assessors to assist it in its deliberations.
- (f) All sums of money found to be due hereunder by the award of the Compensation Court shall be paid out of the Consolidated Account to the person entitled without further appropriation than this Act.
- (4A) The Governor-General may from time to time, by Proclamation, define any area of land over which a right of way for the time being exists under subsection (3) or subsection (4)(b), being land which on 26 September 1926 was Maori customary land or Maori freehold land. Every Proclamation under this subsection shall have effect according to its tenor.
- (5) Any Proclamation made under this section shall be conclusive of its own validity, but may from time to time be amended, varied, or revoked as the Governor-General may think fit.
- (6) No person owning an estate or interest in any land over which a right of way is granted pursuant to this section shall be deemed to obstruct any such right of way by reason only of the erection of fences over or upon it if reasonable and ready access by gates or otherwise is provided for foot passengers through or over such fence:
- provided that no fence or building shall be erected upon any place let or laid out by the Crown as a camping site without the consent of the Minister of Conservation.
- (7) The Crown may expend such sums as may from time to time be appropriated by Parliament for the purpose in providing and laying out sites for camping grounds for anglers, and in the erection thereon of necessary buildings for their accommodation, and in otherwise providing for their convenience. Such sites may be laid out upon the rights of way granted or proclaimed under this section, or upon Crown land, or upon any other land acquired for the purpose.

- (8) For the purpose of regulating fishing and other use of the waters in this section referred to, the Governor-General may, by Order in Council, define a district (herein called the **said district**) in which the provisions of this section shall apply.
- (9) The operation of the Fisheries Act 1908, so far as it applies to the said district, shall be modified as follows:
- (a) paragraph (e) of section 88 and section 90 of the said Act shall have no force within such district:
 - (b) no licence issued by or on behalf of any acclimatisation society, and no licence issued under the regulations regarding trout fishing in the Rotorua Acclimatisation District, shall have any force or effect within the district defined under this section:
 - (c) such members of the Tuwharetoa Tribe as are nominated by the Board hereinafter referred to shall be entitled to have issued to them, free of charge, licences to fish for imported fish in accordance with the regulations:

provided that not more than 200 such licences shall be issued in any one year without the consent of the Governor-General in Council:
 - (d) the Governor-General may, by Order in Council, make special regulations as to any matter or thing relating to or that is in any manner deemed necessary for the due administration of this section. Sections 98 and 99 of the Fisheries Act 1908 shall apply to such regulations as fully and effectually as if they were regulations made under that Act. The power to make regulations shall include the power, in so far as there may not be provision for doing so under the Harbours Act 1950 to license boats and vessels plying for hire over or upon the waters herein referred to, with power to impose such conditions as may be deemed necessary or prudent for the safety and convenience of passengers, to prescribe fees therefor, to declare the grounds upon which a licence may be revoked or suspended, and to restrain any person from plying for hire with unlicensed boats or vessels. It shall also include the power to prescribe the fees to be paid for fishing licences and camping sites within such district. The said fees need not be uniform, but may differentiate between such classes of persons as are defined by the regulations, and any class or classes may include divisions of age, or of residence or non-residence within such district, or by reference to fishermen from overseas and those permanently resident within the Dominion of New Zealand, or in any other manner that the Governor-General in Council may see fit. Such licence fees may be made payable in respect of a whole season or any lesser part thereof, and a licence may limit the rights of the holder thereof to be exercised only within the said district or at some particular place or locality within the said district:

- (e) where there is a conflict in any respect between the general regulations under the Fisheries Act 1908 and the special regulations made in accordance with the provisions of this section, the provisions of the special regulations shall prevail within the said district.
- (10) With the exception of the provisions of subsection (9), none of the provisions of this section shall affect the rights of any owner of General land within the said district at the date of the passing of this Act, but any person hereafter acquiring any Maori land within the said district shall be deemed to acquire it subject to the rights reserved to the Crown by this section, and it shall be so subject.
- (11) Notwithstanding anything in this section, the Minister of Conservation may with the concurrence of the Tuwharetoa Maori Trust Board, by notice,—
- (a) fix the forms and classes of fishing licences:
- (b) fix the scope and effect of fishing licences or any specified class of fishing licences:
- (c) fix the fees payable for any fishing licence.
- (12) The following are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements):
- (a) orders under subsection (8):
- (b) regulations under subsection (9)(d):
- (c) notices under subsection (11).

Legislation Act 2019 requirements for secondary legislation made under this section

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|---------------------|--|-------------------------------|
| Publication | PCO must publish it on the legislation website and notify it in the <i>Gazette</i> | LA19 s 69(1)(c) |
| Presentation | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| Disallowance | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

This note is not part of the Act.

Section 14(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 14(2): amended, on 23 October 1981, by section 10 of the Maori Purposes Act 1981 (1981 No 112).

Section 14(3): amended, on 8 November 1974, by section 11(3)(a) of the Maori Purposes Act 1974 (1974 No 144).

Section 14(3A): inserted, on 8 November 1974, by section 11(1) of the Maori Purposes Act 1974 (1974 No 144).

Section 14(4)(b): amended, on 8 November 1974, by section 11(3)(b) of the Maori Purposes Act 1974 (1974 No 144).

Section 14(4)(c): amended, on 12 October 1946, by section 8(1) of the Maori Purposes Act 1946 (1946 No 37).

Section 14(4)(d): amended, on 8 November 1974, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 14(4)(e): amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

Section 14(4)(f): amended, on 1 April 1978, pursuant to section 114(6) of the Public Finance Act 1977 (1977 No 65).

Section 14(4A): inserted, on 8 November 1974, by section 11(2) of the Maori Purposes Act 1974 (1974 No 144).

Section 14(6): amended, on 8 November 1974, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 14(9)(c): amended, on 10 April 2003, by section 3 of the Maori Land Amendment and Maori Land Claims Adjustment Amendment Act 2003 (2003 No 15).

Section 14(9)(d): amended, on 1 September 1978, by section 86 of the Human Rights Commission Act 1977 (1977 No 49).

Section 14(9)(d): amended, on 15 October 1950, pursuant to section 269(1) of the Harbours Act 1950 (1950 No 34).

Section 14(10): amended, on 1 September 1978, pursuant to section 16(2) of the Maori Purposes Act 1975 (1975 No 135).

Section 14(11): inserted, on 2 September 1996, by section 2 of the Maori Land Amendment and Maori Land Claims Adjustment Amendment Act 1996 (1996 No 152).

Section 14(11): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 14(12): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

15 Payment of annual sum to Tuwharetoa Trust Board authorised

[Repealed]

Section 15: repealed, on 1 January 1932, by section 118(1) of the Maori Purposes Act 1931 (1931 No 32).

16 Tuwharetoa Trust Board constituted

[Repealed]

Section 16: repealed, on 1 January 1932, by section 118(1) of the Maori Purposes Act 1931 (1931 No 32).

17 Repeals

[Repealed]

Section 17: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).

18 Reopening investigation of Raumatangi Block

[Repealed]

Section 18: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).

19 Authorizing amendment of title of Puketotara Block

[Repealed]

Section 19: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).

- 20 Providing for amended description of Rotoiti Scenic Reserve**
[Repealed]
Section 20: repealed, on 1 January 1932, by section 118(1) of the Maori Purposes Act 1931 (1931 No 32).
- 21 Authorizing readjustment of shares between Hone Tuari’s family**
[Repealed]
Section 21: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).
- 22 Authorizing issue of title for Lots 20 and 75, Tahawai Parish**
[Repealed]
Section 22: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).
- 23 Crown may accept gift of Te Koru Pa**
[Repealed]
Section 23: repealed, on 1 January 1932, by section 118(1) of the Maori Purposes Act 1931 (1931 No 32).
- 24 Enabling rectification of Marangairoa 1D titles**
[Repealed]
Section 24: repealed, on 1 January 1932, by section 118(1) of the Maori Purposes Act 1931 (1931 No 32).
- 25 Authorizing issue of title for Section 890, Block XI, Bruce Bay Survey District**
[Repealed]
Section 25: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).
- 26 Enabling confirmation of sale of Akura 8C 1 Block.**
[Repealed]
Section 26: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).
- 27 Permitting appeals to be lodged in respect of Tarawera Block**
[Repealed]
Section 27: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).
- 28 Permitting adjustments with regard to the successors to Te Mahuri Rauroha, deceased**
[Repealed]
Section 28: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).
- 29 Enabling further owners to be admitted into title to Kopuni Block**
[Repealed]
Section 29: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).

30 Extending time for appeal regarding sheep on Wharekauri 1G Block

[Repealed]

Section 30: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).

31 Enabling Court to exercise jurisdiction with regard to Ohinemutu and Whakarewarewa Villages

[Repealed]

Section 31: repealed, on 1 January 1932, by section 118(1) of the Maori Purposes Act 1931 (1931 No 32).

32 Enabling rehearing of application to succeed to interest of Waaka te Koi, deceased, in Te Akau A No 5 Block

[Repealed]

Section 32: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).

33 Enabling Tapuinikau A and Tapuinikau B2 to be created a scenic reserve

[Repealed]

Section 33: repealed, on 1 January 1932, by section 118(1) of the Maori Purposes Act 1931 (1931 No 32).

34 Enabling exemption of Native land from liability for rates

[Repealed]

Section 34: repealed, on 1 January 1932, by section 118(1) of the Maori Purposes Act 1931 (1931 No 32).

35 Chief Judge may refer matters in Schedule for report

[Repealed]

Section 35: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).

Schedule 1

[Repealed]

Schedule 1: repealed, on 1 January 1932, by section 558 of the Maori Land Act 1931 (1931 No 31).

Schedule 2

[Repealed]

Schedule 2: repealed, on 1 January 1932, by section 118(1) of the Maori Purposes Act 1931 (1931 No 32).

Consolidation notes**1 *General***

This is a consolidation of the Maori Land Amendment and Maori Land Claims Adjustment Act 1926 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this consolidation*

This consolidation is not an official version of the legislation under section 78 of the Legislation Act 2019.

3 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Criminal Procedure Act 2011 (2011 No 81): section 413