



# Te Ture Whenua Maori Amendment Act 2011

Public Act 2011 No 76  
Date of assent 15 September 2011  
Commencement see section 2

## Contents

	Page
1 Title	2
2 Commencement	2
3 Principal Act amended	2
4 New section 24B inserted	2
24B Power to award interest on debt or damages	2
5 New heading inserted above section 27	2
6 Enforcement of orders for payment of money	2
7 Special provisions relating to testamentary promises and family protection	2
8 Alienation by trustees	3
9 Alienation by Maori incorporation	3
10 Alienation by other owners	4
11 Maori incorporations to have constitution	4
12 Minor amendments	4
13 Amendments to Maori Incorporations Constitution Regulations 1994	4
<b>Schedule</b>	<b>5</b>
<b>Minor amendments to Te Ture Whenua Maori Act 1993</b>	

**The Parliament of New Zealand enacts as follows:****1 Title**

This Act is—

- (a) Te Ture Whenua Maori Amendment Act 2011; or
- (b) the Maori Land Amendment Act 2011.

**2 Commencement**

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

**3 Principal Act amended**

This Act amends Te Ture Whenua Maori Act 1993.

**4 New section 24B inserted**

The following section is inserted after section 24A:

**“24B Power to award interest on debt or damages**

The Court, in its proceedings, has the same powers to award interest on any debt or damages as the District Court has under section 62B of the District Courts Act 1947 in its own proceedings.”

**5 New heading inserted above section 27**

The following heading is inserted above section 27:

*“Other provisions about jurisdiction and powers”.*

**6 Enforcement of orders for payment of money**

Section 81(2) is amended by omitting “in accordance with the practice of that Court” and substituting “as if the order had been made in a proceeding of the District Court”.

**7 Special provisions relating to testamentary promises and family protection**

Section 106(1) and (2) are amended by omitting “of any person” and substituting in each case “to any person”.

**8 Alienation by trustees**

- (1) Section 150A(3)(b) is amended by omitting “lease, licence, or forestry right, for a term of more than 21 years (including any term or terms of renewal), or mortgage” and substituting “any of the following things”.
- (2) Section 150A(3)(b) is amended by adding the following subparagraphs:
  - “(i) a mortgage:
  - “(ii) an alienation other than a sale, gift, or mortgage (for example, a lease, licence, forestry right, easement, profit, or any other charge or encumbrance), for a term of more than 21 years, including any term or terms of renewal, or without a limited term.”
- (3) Section 150A is amended by adding the following subsection:
  - “(4) The trustees of a trust constituted under Part 12 who execute or obtain a transfer, variation, discharge, or surrender of anything to which subsection (3)(b) applies must send a copy of the instrument to the Registrar for noting, and the Registrar must note the contents of the instrument.”

**9 Alienation by Maori incorporation**

- (1) Section 150B(3)(b) is amended by omitting “lease, licence, or forestry right, for a term of more than 21 years (including any term or terms of renewal), or mortgage” and substituting “any of the following things”.
- (2) Section 150B(3)(b) is amended by adding the following subparagraphs:
  - “(i) a mortgage:
  - “(ii) an alienation other than a sale, gift, or mortgage (for example, a lease, licence, forestry right, easement, profit, or any other charge or encumbrance), for a term of more than 21 years, including any term or terms of renewal, or without a limited term.”
- (3) Section 150B is amended by adding the following subsection:
  - “(4) A Maori incorporation that executes or obtains a transfer, variation, discharge, or surrender of anything to which subsection

(3)(b) applies must send a copy of the instrument to the Registrar for noting, and the Registrar must note the contents of the instrument.”

#### **10 Alienation by other owners**

- (1) Section 150C(3)(b) is amended by omitting “if the alienation is by way of lease, licence, forestry right, profit, mortgage, charge, or encumbrance” and substituting “for any other alienation (for example, a lease, licence, forestry right, easement, profit, mortgage, charge, or encumbrance, or a transfer or variation of any of those things)”.
- (2) Section 150C is amended by adding the following subsection:
  - “(4) A person referred to in section 147(1)(a), (b), or (c) who executes or obtains any of the following instruments must send a copy of the instrument to the Registrar for noting, and the Registrar must note the contents of the instrument:
    - “(a) a transfer of anything to which subsection (3)(b) applies, if the transfer is not itself an instrument of alienation:
    - “(b) a discharge or surrender of anything to which subsection (3)(b) applies.”

#### **11 Maori incorporations to have constitution**

Section 268(3) is amended by omitting “in accordance” and substituting “in any way that is not inconsistent”.

#### **12 Minor amendments**

The principal Act is also amended as set out in the Schedule.

#### **13 Amendments to Maori Incorporations Constitution Regulations 1994**

- (1) This section amends the Maori Incorporations Constitution Regulations 1994.
- (2) Regulation 2 is amended by omitting “section 253A” and substituting “sections 253A and 268(3)”.
- (3) Rule 4(1)(h) of Schedule 1 is amended by inserting “or 268(3)” after “section 253A”.

**Schedule**

s 12

**Minor amendments to Te Ture Whenua  
Maori Act 1993****Section 30I(6)**

Omit “of the principal Act before this Act” and substitute “before Te Ture Whenua Maori Amendment Act 2002 (the Maori Land Amendment Act 2002)”.

**Section 95(3)(b)**

Omit “on” and substitute “in”.

**Section 193(2)(a)**

Omit “the it be served” and substitute “it be served”.

**Compare note for section 201**

Repeal and substitute “Compare: 1953 No 94 s 249A; 1959 No 90 s 21; 1975 No 135 s 4”.

**Section 222(1)(e)**

Add “; or”.

**Section 249(3)**

Omit “incorporating” and substitute “incorporating”.

**Section 268(5)**

Omit “Maori Land District” and substitute “Maori Land Court district”.

**Section 295(2)**

Omit “covenants” and substitute “covenants”.

**Section 313(1)**

Omit “has” and substitute “had”.

---

**Legislative history**

13 September 2011	Divided from Māori Purposes Bill (Bill 234–1), third reading
15 September 2011	Royal assent

---

This Act is administered by Te Puni Kōkiri.

---