



ANALYSIS

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1963, No. 123

**An Act to amend the law relating to Maoris and Maori land,
and for other purposes** [25 October 1963]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Maori Purposes Act 1963.

PART I

AMENDMENTS TO MAORI AFFAIRS ACT 1953

2. This Part to form part of Maori Affairs Act 1953—This Part of this Act shall be read together with and deemed part of the Maori Affairs Act 1953 (in this Part referred to as the principal Act).

3. Dispositions by will of Maori land—Section 114 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) For the purposes of subsection (1) of this section, no descendant of a Maori shall be deemed to be a European.”

4. Disposition of interests of deceased owners of Maori land—Subsection (2) of section 136 of the principal Act (as substituted by section 2 of the *Maori Purposes Act 1957*) is hereby amended by repealing paragraphs (d) and (e), and substituting the following paragraphs:

“(d) Where the value of the interest of a deceased owner in any land does not, in the opinion of the Court, exceed ten pounds, the Court shall, if the Maori Trustee has, pursuant to section 137 of this Act, declined to accept the interest, vest the interest without any payment being required therefor in one of the beneficiaries or in any other person beneficially interested in the land:

“(e) Where the value of the interest of a deceased owner in any land, in the opinion of the Court, exceeds ten pounds, but the value of the share or shares to which any one or more of the beneficiaries would be entitled is less than ten pounds, the Court shall not vest those shares in the beneficiaries who would be entitled but shall, if the Maori Trustee has, pursuant to section 137 of this Act, declined to accept the interests, distribute those shares, without any payment being required therefor, amongst the other beneficiaries who are otherwise entitled to shares of a value of ten pounds or more. If none of the beneficiaries is entitled to an interest of the value of ten pounds or more, the Court may, without any payment being required therefor, vest the interest of the deceased in one or more of the beneficiaries to the exclusion of the others in such a manner that no beneficiary in whom an interest is so vested shall receive an interest of a value of less than ten pounds.”

5. Assignment of proceeds of Maori land—Subsection (2) of section 217 of the principal Act, as amended by section 16 of the *Maori Affairs Amendment Act 1962*, is hereby further amended by omitting the words “such alienation”, and substituting “such alienation, assignment”.

6. Attestation of signatures—(1) Subsections (2), (3), (4), and (5) of section 222 of the principal Act are hereby repealed.

(2) Section 464 of the principal Act is hereby repealed.

(3) Paragraph (c) of regulation 15 of the Family Benefits (Home Ownership) Regulations 1959 is hereby revoked.

7. Trusts for proceeds of alienation—(1) Subsections (3), (4), and (7) of section 231 of the principal Act are hereby repealed.

(2) Subsection (5) of section 231 of the principal Act is hereby amended by omitting the words “Except as provided in the foregoing provisions of this section”.

(3) Section 20 of the Maori Purposes Act 1959 is hereby repealed.

(4) All property held at the commencement of this Act by the Maori Trustee in trust pursuant to any enactment repealed by subsection (1) of this section is hereby freed, released, and discharged from the provisions of the trust and any money so held in trust by the Maori Trustee shall be paid to the persons entitled thereto.

8. Repeal of provisions relating to trust funds—(1) The principal Act is hereby amended as follows:

(a) By repealing subsections (4), (5), and (6) of section 32 (as added by section 3 of the Maori Affairs Amendment Act 1962):

(b) By repealing paragraph (c) of subsection (1) of section 114:

(c) By repealing subsection (4) of section 116:

(d) By repealing subsection (7) of section 433A (as inserted by section 7 of the Maori Purposes Act 1955):

(e) By repealing sections 147, 456 (as inserted by section 34 of the Maori Affairs Amendment Act 1962) and section 456B (as inserted by section 35 of the Maori Affairs Amendment Act 1962).

(2) Sections 3, 34, and 35 of the Maori Affairs Amendment Act 1962 are hereby repealed.

(3) All money deriving from the alienation of Maori freehold land or being compensation paid in respect of any such land and held by the Maori Trustee on a bare trust to pay the same to the person entitled thereto shall, on the death of the person entitled, form part of his personal estate and be dealt with accordingly.

(4) The provisions of subsection (3) of this section shall apply to any such money which on the commencement of this section is held in the manner referred to in that subsection or which was, before the commencement of this section, held upon a specific trust to which section 231 of the principal Act applied, notwithstanding that the person entitled thereto has died at any time before the commencement of this section.

9. Meetings of incorporated owners—Section 300 of the principal Act is hereby amended by inserting, after subsection (3), the following subsections:

“(3A) Subject to any regulations under this Act, any owner may attend and vote at any meeting of the incorporated owners either personally or by a proxy appointed by him in writing.

“(3B) Any owner who is under disability and for whom a trustee is in office under Part X of this Act shall, for the purposes of this section, be represented by his trustee, who may attend, vote, and act at any meeting either personally or by a proxy, in the same manner and on the same conditions as if the trustee were an owner.”

10. Declarations as to Maori land—Section 433 of the principal Act is hereby amended by omitting the words “the Appellate Court”, and substituting the words “the Maori Land Court”.

11. Exemption orders—Subsection (1) of section 433A of the principal Act (as inserted by section 7 of the Maori Purposes Act 1955) is hereby amended by omitting the words “The Maori Appellate Court”, and substituting the words “The Maori Land Court”.

12. Court orders in respect of trustees—(1) Section 438 of the principal Act is hereby amended by repealing subsection (7), and substituting the following subsections:

“(7) Any order under this section may confer on the trustees such powers, and make such provisions as to the keeping, filing, inspection, and auditing of the accounts of the trustees, as the Court deems necessary or desirable for the proper administration of the property.

“(7A) In any such order the Court may apply the provisions of section 83B of the Trustee Act 1956 (as inserted by section 10 of the Trustee Amendment Act 1957) and any regulations thereunder to the trustees and, in any such case,

the said section 83B and the said regulations shall apply accordingly and shall be read and construed as if references therein to the Supreme Court or the Public Trustee were references to the Maori Land Court or the Maori Trustee, as the case may require."

(2) Any order made under section 438 of the principal Act and subsisting at the commencement of this section may from time to time be amended by the Court in accordance with subsections (7) and (7A) of that section (as substituted by this section) and no such amendment shall require the approval of the Minister.

13. Relief in cases of mistake as to boundaries or identity of land—(1) Subsection (1) of section 453A of the principal Act (as inserted by section 27 of the Maori Purposes Act 1959) is hereby amended by adding the words "or by section 129A of the Property Law Act 1952 (as inserted by section 3 of the Property Law Amendment Act 1963) excepting subsection (7) of that section".

(2) Section 453A of the principal Act is hereby further amended by inserting, after subsection (1), the following subsection:

"(1A) Instead of awarding damages to the owner of the land encroached or wrongly built upon, the Court may, in its discretion, award to the owner such portion of the encroaching owner's land or of the original land as in the Court's opinion will be reasonable recompense to the owner whose land has been encroached or wrongly built upon, and the Court may make a vesting order accordingly."

(3) Subsections (2) and (3) of section 453A of the principal Act are hereby repealed.

14. Certain Maori land to become European land—The principal Act is hereby amended by inserting, after section 454, the following section:

"454A. (1) This section applies to any Maori freehold land which—

"(a) Is beneficially owned in severalty or by two or more persons as joint tenants for a legal estate in fee simple; and

"(b) Is half an acre or less in area; and

"(c) Has erected thereon a dwellinghouse used exclusively or principally as a home by the owner or one of the owners; and

“(d) Is not used by the owner or one of the owners in conjunction with other Maori freehold land owned by him in such a way as to form part of a farm.

“(2) Where it is shown to the Judge or the Registrar of the Court, whether on application made or otherwise, that any land is land to which this section applies, the Judge or Registrar shall issue a certificate, under the seal of the Court, to that effect; and there shall be included in the certificate so issued a statement that the land to which the certificate relates is European land.

“(3) Any such certificate shall be conclusive evidence that the land to which it relates is European land, and the certificate may be registered under the Land Transfer Act 1952.

“(4) Where any such certificate has been so registered, and the land to which it relates was owned, at the time when the certificate was issued, by a husband and wife jointly or by a husband or wife in severalty, those owners or that owner may, notwithstanding anything in the Joint Family Homes Act 1950, make application to the District Land Registrar to have the land settled as a joint family home subject only to the following requirements, that is to say—

“(a) That the application is accompanied by a certificate by the Judge or the Registrar, under the seal of the Court, that the land is owned by husband and wife jointly or by a husband or wife in severalty, and that neither the husband nor his wife is the owner of any other joint family home registered as such under the Joint Family Homes Act 1950:

“(b) That, where the land is owned by one spouse in severalty, the consent in writing of the other spouse is endorsed on or attached to and identified with the application.

“(5) On the production to him of the application referred to in subsection (4) of this section, and on his being satisfied that it conforms with the requirements of that subsection the District Land Registrar shall forthwith endorse on the certificate of title to the land and on the corresponding folio of the register a memorial to the effect that the land is settled as a joint family home within the meaning of the Joint Family Homes Act 1950 on the husband and wife as joint tenants subject to that Act.

“(6) The endorsement of a memorial in accordance with subsection (5) of this section shall have the same effect as the registration of a Joint Family Home Certificate under the

Joint Family Homes Act 1950 and the provisions of that Act, as far as they are applicable and with the necessary modifications, shall apply accordingly:

“Provided that, for the purposes of that Act, on the endorsement of a memorial as aforesaid a notice under subsection (2) of section 4 of that Act shall be deemed to have been given by the District Land Registrar and the time limited by subsection (1) of section 5 of that Act for the lodging of a caveat shall be deemed to have expired.”

15. Advances to Maori Incorporations—Section 460 of the principal Act is hereby amended by adding the following subsection:

“(6) The authority conferred on the Board of Maori Affairs under this section to make advances may be exercised by it in respect of any body corporate constituted under Part XXII of this Act, and all the provisions of this section shall, with the necessary modifications, extend and apply to any advance so made.”

PART II

AMENDMENTS TO OTHER ACTS AND MISCELLANEOUS PROVISIONS

16. Expenditure by Maori Trustee from General Purposes Fund—Section 33 of the Maori Trustee Act 1953 is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) The Maori Trustee, with the approval of the Minister, may from time to time—

“(a) Purchase, take on lease, or otherwise acquire any land or premises for the purpose of providing or maintaining hostels for the accommodation of Maoris or the descendants of Maoris:

“(b) Establish and maintain training centres or farms for the care and instruction of Maoris or the descendants of Maoris and, for any such purpose, purchase, take on lease, or otherwise acquire any real or personal property:

“(c) Do all things necessary for the erection, replacement, repair, upkeep, improvement, maintenance, operation, furnishing, and equipment of any building or premises on any land to which paragraph (a) or paragraph (b) of this subsection applies:

“(d) Employ such persons and pay such remuneration or wages as the Maori Trustee thinks fit to any person employed at any such hostel, training centre, or farm:

“(e) Make grants or loans, with or without interest, to any person for the purpose of providing residential accommodation for Maoris or the descendants of Maoris who, in the opinion of the Maori Trustee, are in need of special care or instruction, whether at a training centre, farm, or otherwise.

“(2A) Notwithstanding the provisions of subsection (2) of this section, the approval of the Minister shall not be required under that subsection in respect of any item of expenditure that does not exceed two hundred and fifty pounds or in respect of the employment of or the payment of remuneration or wages to any person.”

17. Uneconomic interest in West Coast Settlement Reserves—(1) Subsection (1) of section 4 of the Maori Purposes Act 1962 is hereby amended by omitting the words “the value of an uneconomic interest in the reserve shall be ten pounds”, and substituting the words “an uneconomic interest in the reserve shall be an interest the value of which does not exceed ten pounds”.

(2) Section 4 of the Maori Purposes Act 1962 is hereby further amended by repealing subsection (2), and substituting the following subsections:

“(2) The Court may, notwithstanding anything in the principal Act, give effect to any arrangement or agreement made between or on behalf of the beneficiaries and which the Court considers to be sufficient for the purpose of the disposition of the interest of any deceased owner in the reserve:

“Provided that no person shall take under any such arrangement or agreement any interest which, by itself, is an uneconomic interest.

“(3) Except so far as any uneconomic interest to which a beneficiary is legally entitled has not been disposed of pursuant to an arrangement or agreement as aforesaid, any such interest shall be vested in the Taranaki Maori Trust Board.”

(3) This section shall be deemed to have come into force on the fourteenth day of December, nineteen hundred and sixty-two.

*Miscellaneous Provisions***18. Maori land development scheme notices revoked—**

(1) The notices specified in the Schedule to this Act whereby the Minister of Maori Affairs gave notice of an intention to apply the provisions of section 23 of the Maori Land Amendment and Maori Land Claims Adjustment Act 1929 or of section 522 of the Maori Land Act 1931 to the lands mentioned in any such notice, or whereby the lands mentioned in any such notice were notified as being subject to the said section 522, or whereby any such notice was varied, are hereby revoked.

(2) The revocation of any notice by subsection (1) of this section shall not affect any other notice whereby any of the lands mentioned in any notice so revoked became subject to any of the enactments specified in the said subsection (1), or to Part I of the Maori Land Amendment Act 1936, or to Part XXIV of the Maori Affairs Act 1953.

(3) The District Land Registrar is hereby authorised and directed to make all such amendments to the register as are necessary to give effect to this section.

(4) This section shall come into force on the first day of January, nineteen hundred and sixty-four.

19. Pukepuke Tangiora Estate—For the purpose of giving effect to the recommendation of the Maori Affairs Committee of the House of Representatives on Petition numbered 42 of 1962 of Tahatera Tomlins and others: Be it enacted as follows:

(1) Upon the commencement of this Act, the land known as Kakiraawa 2b 2f 3 balance, situated in Block III, Te Mata Survey District, containing one acre two roods twenty-nine perches and two-tenths of a perch, more or less, and being the whole of the land comprised and described in certificate of title, Volume 127, folio 230, Hawke's Bay Registry, shall, without any transfer or other instrument of assurance, vest in the trustees of the estate of Pukepuke Tangiora, deceased, appointed pursuant to section 17 of the Maori Purposes Act 1943 free from the right, title, estate or interest of any other person.

(2) The District Land Registrar shall, on the application of the aforesaid trustees, make such amendments to the register as are necessary to give effect to this section.

(3) The aforesaid trustees may use any money coming into their hands in the course of administration of the said estate for the purpose of repairing, restoring, and maintaining

any of the buildings on the said land, and may apportion the money so spent as between capital and income as in their absolute discretion they see fit.

(4) Nothing in subsection (7) of section 17 of the Maori Purposes Act 1943 shall apply to the land to which this section relates.

20. Disposition of equitable interests in Palmerston North Maori Reserve—(1) Notwithstanding anything in the Maori Reserved Land Act 1955 or in any other Act, the provisions of this section shall apply to the disposition of the beneficial freehold interests in the reserved land known as the Palmerston North Maori Reserve (in this section referred to as the land).

(2) Any beneficial owner in the land may notify the Maori Trustee in writing that he desires to sell his interest; and where the Maori Trustee is of the opinion that the number of shares of the owners who desire to sell their interests justifies his doing so, he may apply to the Maori Land Court to partition the land among those owners and the other owners thereof; and the Court shall, subject to the provisions of this section, have jurisdiction to make partition orders accordingly.

(3) In the exercise of its jurisdiction under this section the Court—

(a) Shall not partition the land otherwise than into parcels the boundaries of which are co-extensive and conterminous with one or more lots comprised in the leases to which the land is subject:

(b) May, in fixing the relative values of the respective parcels, adopt the unimproved values of the several lots comprised in the said land as appearing in the district valuation roll in force under the Valuation of Land Act 1951:

(c) May, with the consent of the Maori Trustee, treat the Maori Trustee, in respect of any equitable interests acquired by him, as an owner who desires to sell his interest.

(4) Every partition order made by the Court under this section shall affect only the equitable estate of the beneficial owners.

(5) Where any partition order has been made as aforesaid in favour of the owners who desire to sell, the Maori Trustee may sell the land comprised in the partition order to the lessee thereof at such price as the owners aforesaid stipulate in writing, or the Maori Trustee may sell the land to the lessee thereof in pursuance of a resolution of the assembled owners

under Part XXIII of the Maori Affairs Act 1953. Where any such sale is effected pursuant to the resolution of the assembled owners, all the provisions of the said Part XXIII shall, as far as they are applicable and with the necessary modifications, apply thereto.

(6) The Maori Trustee may sell any equitable interest acquired by him in the said land, whether before or after the commencement of this section, in accordance with the provisions thereof in the same manner as any other beneficial owner, and, for the purpose of Part XXIII of the Maori Affairs Act 1953, he shall be an owner within the meaning of section 305 of that Act.

SCHEDULE

Section 18

NOTICES RELATING TO MAORI LAND DEVELOPMENT REVOKED

Development Scheme	No.	Date	<i>Gazette</i>	Page
Mangonui	48	26	June 1930	2053
	66	25	September 1930	2850
	62	22	September 1932	2046
Bay of Islands	48	26	June 1930	2054
	66	25	September 1930	2851
	72	19	October 1933	2563
Hokianga	66	25	September 1930	2850
	67	17	September 1931	2822
	62	22	September 1932	2046
	42	8	June 1933	1538
	54	13	August 1936	1586
North Hokianga	48	26	June 1930	2054
South Hokianga	48	26	June 1930	2055
Kaipara	45	19	June 1930	1983
	62	22	September 1932	2046
	30	4	April 1940	656

This Act is administered in the Department of Maori Affairs.
