



ANALYSIS

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1964, No. 46

**An Act to amend the law relating to Maoris and Maori land,
and for other purposes** *[11 November 1964]*

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 1964.

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. Salaries of Judges—(1) Section 21 of the principal Act (as substituted by section 18 of the Maori Purposes Act 1959, and as amended by section 4 of the Maori Purposes Act 1960) is hereby further amended as follows:

(a) By omitting from subsection (1) the words “three thousand pounds”, and substituting the words “three thousand five hundred pounds”:

(b) By omitting from subsection (2) the words “two thousand eight hundred pounds”, and substituting the words “three thousand three hundred pounds”.

(2) Section 4 of the Maori Purposes Act 1960 is hereby repealed.

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

4. Orders for payment of moneys held in trust—Subsection (1) of section 32 of the principal Act is hereby amended by inserting, after the words “Public Service”, the words “or any body corporate under Part XXII of this Act”.

5. Discharge of receiver—Section 33 of the principal Act is hereby amended by adding the following subsections:

“(6) Where a receiver has performed the functions for which he was appointed or where the Court is satisfied for any other reason that the receiver should be discharged, the Court may make an order for his discharge and may, if necessary, appoint some other person to be a receiver in his place.

“(7) Where an application for discharge is made by the receiver, he shall file his final accounts therewith and, except where the receiver is the Maori Trustee, shall pay into Court any money held by him in respect of the receivership.”

6. Provision relating to trust funds repealed—Subsection (1) of section 116 of the principal Act is hereby amended by omitting the words “or other than an interest in a trust fund to which section four hundred and fifty-six hereof applies”.

7. Family protection—Section 118 of the principal Act (as substituted by section 8 of the Maori Affairs Amendment Act 1962) is hereby amended by adding the following subsections:

“(6) For the purposes of this section the power to appoint an interest in any property of the deceased shall be deemed to include a power to appoint an interest in any real property which has ceased to be part of the real estate of the deceased

by reason of the making of an order under section 136 or section 145 of this Act.

“(7) In any case to which subsection (6) of this section applies, the Court may, without further application, but with such notice to any person who may be affected as the Court deems necessary, either amend its earlier order or cancel the earlier order and substitute therefor such other order under the appropriate section as may be necessary.

“(8) Notwithstanding anything in the Family Protection Act 1955, an appeal shall lie to the Appellate Court in respect of any order made by the Court under this section.”

8. Probate of Maori wills—(1) Section 124 of the principal Act is hereby repealed.

(2) Section 125 of the principal Act (as amended by section 6 of the Maori Purposes Act 1961) is hereby further amended by adding the following subsections:

“(5) Where for the first time application is made to the Court for probate of the will or letters of administration with will annexed or administration of the estate of a deceased Maori more than one year after the death of the deceased, the reason for the delay shall be shown by statutory declaration.

“(6) Where an order under section 136 of this Act has been made in respect of the interests in land of any deceased Maori on the assumption that he had died intestate and subsequently thereto the existence of a will becomes known to the Court and the Court grants probate of the will or letters of administration with will annexed, the Court may, on such conditions as it thinks fit, cancel or amend the order made under the said section 136 and if necessary make another order in substitution therefor.

“(7) No order made under subsection (6) of this section shall affect any alienation or disposition made in good faith after the making of the order under the said section 136 and before the making of the order under subsection (6) of this section, and any such alienation or disposition may be completed as if no such subsequent order had been made.”

9. Maori Trustee may consent to assignment of lease—Section 239A of the principal Act, as inserted by section 23 of the Maori Affairs Amendment Act 1962, is hereby amended as from the commencement thereof by inserting, after the words “any lease”, the words “or to any subletting or other parting with the possession of the land or any part thereof”.

10. Form, custody, and use of seal of body corporate—Section 274 of the principal Act is hereby amended by repealing subsection (2), and by substituting the following subsections:

“(2) Subject to the provisions of subsection (3) of this section, the seal may be affixed to any instrument in the presence of a majority of the members of the committee of management and all the members of the committee present when the seal is affixed shall sign the instrument.

“(3) Pursuant to a resolution passed by the committee of management in that behalf, given either in specific or general terms, the seal may be affixed to any instrument in the presence of any two members of the committee. In any such case, the two members of the committee shall sign the instrument and there shall be an endorsement on the instrument stipulating the date and substance of the resolution passed by the committee of management as aforesaid.

“(4) Except as provided by this section the seal shall not be affixed to any instrument.”

11. Vesting orders for stopped roads—Subsection (1) of section 426 of the principal Act is hereby amended by inserting, after the words “Minister of Works”, the words “or of the local authority having control of the road or street at the time of closure”.

12. Amalgamation of titles—Section 435 of the principal Act, as heretofore amended, is hereby further amended by adding the following subsection:

“(8) With the consent of the Board of Maori Affairs, the Court may exercise the powers conferred on it by this section so as to include in its order any Crown land which is for the time being subject to Part XXIV of this Act.”

13. Provision of finance for roading and other services—Section 447A of the principal Act, as inserted by section 33 of the Maori Affairs Amendment Act 1962, is hereby amended as follows:

(a) By inserting in subsection (6), after the words “Rating Act 1925”, the words “or any other body or person”:

(b) By adding thereto the following subsection—

“(8) Where the Court has issued an order under subsection (6) of this section, it may make such orders as it thinks necessary charging the whole or any portion of the money expended, together with interest thereon at such rate as the Court determines, on the land in respect of which the

expenditure has been applied. Any such charge may be enforced by the appointment of a receiver under section 33 of this Act and the receiver so appointed may, if he is authorised so to do by the Court, sell the land for the purpose of satisfying the charge.”

14. Attestation of signatures—The following enactments are hereby repealed:

- (a) Sections 223, subsection (5) of section 286, and subsection (11) of section 438 of the principal Act:
- (b) Paragraph (d) of subsection (3) of section 59 of the Maori Purposes Act 1931:
- (c) Paragraph (d) of subsection (5) of section 49 of the Maori Purposes Act 1947:
- (d) Subsection (4) of section 16 of the Maori Purposes Act 1948.

PART II

AMENDMENTS OF OTHER ACTS AND MISCELLANEOUS PROVISIONS

15. Subdivision of Opawa Rangitoto No. 2c Block—Whereas the land firstly described in subsection (3) of this section is owned by the proprietors of Opawa Rangitoto No. 2c Block (a body incorporated under Part XXII of the Maori Affairs Act 1953); And whereas the said body corporate proposes to purchase the land secondly described in subsection (3) of this section from the Crown: And whereas the body corporate has authorised certain persons to enter into possession of portions of the said lands and dwellinghouses and other structures have been erected on those portions and roadways have been constructed to provide access thereto: And whereas the said body corporate desires to subdivide the said lands and has prepared a scheme of subdivision in substantial conformity with the present occupation thereof: And whereas the scheme of subdivision cannot be approved by the local authority or be otherwise proceeded with as it does not comply with the provision of section 24 of the Counties Amendment Act 1961 as to widths of roads in subdivisions: And whereas it is expedient to make special provision for the laying off of underwidth roads within the said lands as hereinafter provided: Be it therefore enacted as follows:

(1) Notwithstanding the provisions of subsection (4) of section 24 of the Counties Amendment Act 1961 or any

other Act, it shall be lawful for the Taupo County Council to approve a scheme plan of subdivision of the lands described in subsection (3) of this section, or any part or parts of those lands, notwithstanding that any new or proposed road shown on the scheme plan is of a width less than sixty-six feet measured at right angles to its course, or does not conform with any other requirement of the said section 24:

Provided that no such new or proposed road shall be of a width less than forty feet measured as aforesaid.

(2) Any approval given by the Taupo County Council under subsection (1) of this section shall be deemed for all purposes to have been given under the provisions of Part II of the Counties Amendment Act 1961.

(3) The lands to which this section relates are particularly described as follows:

Firstly, all that area in the South Auckland Land District containing twenty-nine acres and eleven perches, more or less, being the Opawa Rangitoto No. 2c Block situated in Block I, Waitahanui Survey District, and being all the land comprised and described in provisional register Volume 243, folio 82, South Auckland Registry (S.O. Plan 42783).

Secondly, all that area in the South Auckland Land District containing one acre three roods five perches, more or less, being part of Opawa Rangitoto No. 1 Block and being part of the land comprised and described in provisional register Volume 185, folio 6, South Auckland Registry (S.O. Plan 42783).

16. Disposition of equitable interests in Palmerston North Maori Reserve—Section 20 of the Maori Purposes Act 1963 is hereby amended by adding the following subsections:

“(7) Notwithstanding anything in the foregoing provisions of this section, the Maori Trustee may sell any land to the lessee thereof in accordance with the following requirements, that is to say—

“(a) A lessee may give notice to the Maori Trustee that he desires to acquire the freehold of the land comprised in his lease at a price to be stated in the notice, being a sum not less than the amount of the unimproved value of the land as determined by a special valuation to be made for the purposes of this subsection by the Valuer-General, at the expense of the lessee, not earlier than six months before the date of the notice, with the addition of ten per cent thereof:

- “(b) Any such notice shall be deemed to be an offer open for acceptance by the Maori Trustee for a period of one year and shall be accompanied by a deposit equal to ten per cent of the price offered by the lessee; but any such deposit shall be refunded to the lessee if the Maori Trustee is, for any reason, unable to accept his offer:
- “(c) Where any such notice has been given, the Maori Trustee may, out of the Conversion Fund established by Part XIII of the Maori Affairs Act 1953 and in accordance with that Part, purchase from one or more of the beneficial owners in the land shares equivalent to the proportion of the total shares in the land which the unimproved value of the land referred to in the notice, as appearing in the district valuation roll then in force under the Valuation of Land Act 1951, bears to the total of all unimproved values of all the lots comprised in the land as appearing in that roll:
- “(d) The price to be paid to the beneficial owners shall be equal to their proper proportion of the sum offered by the lessee less the Maori Trustee’s commission which shall be fixed by him at not more than five per cent of the price offered by the lessee:
- “(e) If at any time while the lessee’s offer remains open for acceptance, the Maori Trustee is satisfied that he is unable to purchase sufficient interests from the beneficial owners to enable him to sell the freehold to the lessee under this subsection, he may reject the offer made by the lessee:
- “(f) Nothing in this subsection shall apply to any lessee whose lease does not contain a provision under which he is entitled to a perpetual right of renewal.
- “(8) Upon the purchase by the Maori Trustee of the shares of any beneficial owners in the land, the Maori Trustee shall reduce the total number of shares of the beneficial owners in the land by the number of shares so purchased and shall remove the names of the beneficial owners whose shares have been purchased from the list of beneficial owners. The Registrar shall make corresponding entries in the records of the Court.”