

1955/194

**THE MAORI INCORPORATED OWNERS REGULATIONS
1955**

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 16th day of November
1955

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Maori Affairs Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

Preliminary

1. (1) These regulations may be cited as the Maori Incorporated Owners Regulations 1955.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. In these regulations, unless the context otherwise requires,—

“The Act” means the Maori Affairs Act 1953:

“Court” means the Maori Land Court:

“Committee” means a committee of management duly appointed for a body corporate under Part XXII of the Act.

Election of Committee of Management

3. (1) Upon the making of an order of incorporation pursuant to Part XXII of the Act, or as soon thereafter as conveniently may be, the Court shall fix a time and place for the holding of a general meeting of the incorporated owners for the purpose of determining the number of members to comprise the committee and of electing a committee accordingly and shall fix a quorum for that meeting and other meetings of the incorporated owners.

(2) The Registrar of the Court shall summon the meeting by sending written notice thereof to those incorporated owners of whose postal address he is apprised.

4. The incorporated owners present at any meeting referred to in regulation 3 hereof shall appoint some person to be chairman, and the person so appointed shall preside at the meeting. The person so appointed as chairman need not be one of the incorporated owners, but, unless he is an incorporated owner, a trustee for an incorporated owner, or a proxy for an incorporated owner or trustee, he shall not be entitled to vote at the meeting.

5. At any time before the time appointed for the holding of any such meeting a Judge of the Court may postpone the meeting to some other time, or may order that the meeting be held at some other place, as he may deem expedient.

6. If at the time and place appointed for any such meeting, or within one hour thereafter, there is not a quorum present, or if for any other reason the meeting cannot be held, it shall stand adjourned from day to day at the same hour and place for not longer than fourteen days till a quorum is present. If on the expiration of fourteen days there has not been a quorum present the meeting shall lapse. A quorum, if present, may by resolution adjourn the meeting to some other time or to some other place.

7. The meeting shall, before proceeding with the election, determine the number of persons (being not less than three and not more than eleven) to be elected.

8. The chairman shall then call for nominations of persons (not being persons excluded from election or appointment by reason of the provisions of subsection (7) of section 292 or subsection (7) of section 300 of the Act) whom it is desired to elect. Each person so nominated shall be proposed by one member of the body corporate, and seconded by another member thereof.

9. If the number of persons nominated is not more than the number required to be elected, the chairman shall declare the persons nominated to be elected.

10. (1) If the number of persons nominated exceeds the number required to be elected, the chairman shall call upon the meeting to elect from the persons nominated the number required, and may appoint one or more scrutineers for the purpose of counting the votes recorded.

(2) No person nominated for election shall be appointed as a scrutineer, but a scrutineer need not be one of the incorporated owners.

(3) Each voter shall record his votes in writing.

(4) The voting powers of the persons present or represented by proxy at the meeting shall be determined in accordance with section 300 of the Act.

11. The chairman shall declare those persons (not being more than the number of persons required to be elected) who have received the highest number of votes to be elected as the committee of management.

12. A list of the persons so elected shall forthwith be prepared by the chairman. The list shall be signed by him and countersigned by some member of the body corporate or persons present at the meeting, and shall be forwarded to the Registrar of the Court.

13. The election of members of a committee to fill vacancies therein shall be conducted at the annual general meeting or at a special general meeting of the incorporated owners, and the provisions of regulations 8, 9, 10, 11, and 12 of these regulations shall apply to every such election.

14. The incorporated owners, at the annual general meeting or at a special general meeting, may resolve that the number of members of the committee be increased or reduced to any number not less than three and not exceeding eleven:

Provided that no member shall be added to the committee except a person elected in accordance with these regulations and duly appointed by the Court, and no member shall be removed from the committee unless he retires, resigns, or is removed from office by the Court or becomes ineligible to continue in office by reason of subsection (7) of section 292 of the Act.

Committee of Management

15. Subject to the provisions of the Act and of these regulations and subject to any conditions imposed by resolution of a general meeting of incorporated owners, the members of a committee of management may meet together for the despatch of business, adjourn, and otherwise regulate their meetings as they think fit. A quorum shall be deemed to exist if a majority of the members for the time being in office are present:

Provided that in no circumstances shall a quorum be less than three members.

16. At the first meeting after their appointment the members of the committee shall elect one of their number to be chairman, and shall determine the period for which he is to hold office.

17. All meetings of the committee shall be called by the chairman, but any two members may at any time require the chairman to summon a meeting. Not less than three days' notice of any meeting shall be given to every member of the committee.

18. If at any meeting the chairman is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman, and the person so chosen shall have and may exercise at that meeting all the powers of the chairman.

19. Questions arising at any meeting shall be decided by a majority of the members present, but three members at least shall concur in every act of the committee. In the case of an equality of votes, the chairman shall, in addition to his deliberative vote, have a casting vote.

20. Minutes of the proceedings of the committee shall be recorded in a minute book, and the minutes of any meeting shall be read and confirmed at the next succeeding meeting.

21. The committee may appoint a secretary, who shall be paid such remuneration as the committee thinks fit. The chairman or any member of the committee shall be eligible for appointment as secretary.

22. The committee shall appoint any place it thinks fit as the office of the body corporate, and may from time to time remove that office to some other place. The committee shall notify the Registrar of the Court of the address of the office and of any change in the address thereof.

23. The books and records of the body corporate and of the committee shall be kept in the custody of the chairman or such other person as the committee may appoint, and shall be open to inspection by the owners at the office of the body corporate at all reasonable times. The Court or a Judge thereof may direct that an owner or someone on his behalf shall be permitted to take copies of any account or accounts of the committee.

Register of Incorporated Owners

24. The committee shall keep or cause to be kept a register showing in respect of each block of land subject to the order of incorporation—

- (a) The names and sexes of the equitable owners;
- (b) If any owner is under disability, the nature of the disability and the name of any trustee appointed in respect of his interest;
- (c) The relative interests of the equitable owners in that land;
- (d) The postal addresses of the equitable owners so far as the addresses are known to the committee.

25. (1) Where two or more areas of land held under separate titles are subject to the order of incorporation, the register shall further disclose—

(a) The aggregate voting powers exercisable at a general meeting of the incorporated owners by the equitable owners under any one title; and

(b) The voting power exercisable at a general meeting of the incorporated owners by each individual incorporated owner.

(2) The particulars required to be disclosed by this regulation shall be determined pursuant to the provisions of section 300 of the Act.

26. The committee shall ensure that the information contained in the register is at all times correct, and for this purpose the Registrar of the Court, on application and on payment of the prescribed fee, shall forward to the secretary or to the office of the body corporate, a copy of any order of the Court affecting the equitable title to any land subject to the order of incorporation.

27. The auditor duly appointed to audit the accounts of the body corporate shall, as a part of his audit, check and examine the register and the particulars entered therein in accordance with regulations 24 and 25 hereof, and shall, if he deems it necessary, append to his report on the annual accounts any comments on the form and contents of the register and on the system of keeping the register.

28. The register shall, without charge, be open to inspection by any incorporated owner at the office of the body corporate at all reasonable times.

General Meetings of Incorporated Owners

29. An annual general meeting of the incorporated owners shall be held within six months after the termination of the financial year of the body corporate at a time and place to be fixed by the committee, having regard to the convenience of the majority of the owners. To each such annual general meeting the audited statement of accounts for the last preceding financial year shall be submitted by the committee and the statement shall be considered by the meeting in addition to any other business that may properly be brought forward.

30. (1) A special general meeting of the incorporated owners may be convened at any time by the committee and shall be so convened—

- (a) Upon a direction by the Court; or
- (b) Upon a requisition in writing signed by not less than three of the incorporated owners.

(2) Any requisition for the calling of a special general meeting shall state the purpose for which the meeting is required and shall be served on the chairman or the secretary of the committee, who shall lay the same before the committee.

(3) On receipt of any requisition or direction by the Court for the calling of a special general meeting, the committee shall fix a time and place therefor and convene a general meeting accordingly.

31. Written notice of the time and place at which any meeting of the incorporated owners is to be held, stating, in the case of a special meeting, the business to be brought forward, shall be despatched, at least ten days before the date of the meeting, to each incorporated owner whose postal address is known to the committee.

32. At every meeting of the incorporated owners the chairman of the committee, if present, shall preside, or, in his absence, the meeting shall appoint one of the incorporated owners present to be chairman of the meeting.

33. At any time before the time fixed for the holding of any such meeting the chairman of the committee may postpone the meeting to some other time, or may appoint some other place of meeting, as he may deem expedient, and notice of any such altered time or place shall be duly given.

34. (1) If at the time and place appointed for any such meeting or within one hour thereafter, there is not a quorum present, or if for any other reason the meeting cannot be held, it shall stand adjourned from day to day at the same time and place for not longer than fourteen days till a quorum is present. If on the expiration of fourteen days there has not been a quorum present the meeting shall lapse.

(2) Where any annual general meeting lapses as aforesaid, the certified balance sheet and statement hereinbefore referred to shall forthwith be transmitted by the chairman to the Registrar.

35. The chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place.

36. No person claiming to be entitled to any share of the interest of a deceased incorporated owner in the assets of the body corporate shall be entitled to attend or vote at any meeting until and unless a vesting order in respect of his interest has been made by the Court in his favour.

37. Unless a poll is demanded by not less than two incorporated owners, a declaration by the chairman that a resolution has been carried, and an entry to that effect in the minute book of the body corporate, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the resolution.

38. In the event of a poll being demanded by two or more persons, the chairman shall require each person present and entitled to vote to declare that his vote is cast for or against the resolution before the meeting, and the secretary or some person appointed by the chairman and approved by the meeting shall record the voting accordingly and shall compute, by reference to the register, the aggregate value of votes cast for and against the resolution and report the result to the chairman. The chairman shall declare the resolution to be carried or to be lost accordingly.

39. The proceedings of every meeting of incorporated owners shall be recorded in a minute book, which shall be kept in the custody of the chairman or secretary of the committee. The minutes of every meeting shall be read and confirmed at the next succeeding meeting.

Proxies

40. Any incorporated owner who is a person under disability within the meaning of the Act and for whom a trustee is in office under Part X of the Act may be represented at any meeting by a trustee who may attend, vote, and act at any meeting, either personally or by proxy, in the same manner and on the same conditions as if he were an incorporated owner.

41. (1) Subject to the provisions of section 300 of the Act and to the provisions of this regulation, any incorporated owner may attend, vote, and act at any meeting by proxy.

(2) No person other than an incorporated owner or the wife or husband of an incorporated owner shall be qualified to act as a proxy at any meeting, otherwise than as proxy of the trustee of a person under disability within the meaning of the Act.

(3) No person shall act as a proxy at any meeting after the death of the person who has given the proxy.

(4) An instrument appointing a proxy shall be in the form in the first Schedule hereto, or to the like effect, and shall be signed in the presence either of a solicitor of the Supreme Court, a Justice of the Peace, a Stipendiary Magistrate, a registered medical practitioner, an Officiating Minister under the Marriage Act 1908, a licensed interpreter, a Postmaster, a teacher engaged in a Maori school under the Education Act 1914, or a nurse registered under the Nurses and Midwives Act 1945.

(5) Every such instrument shall be lodged with the chairman of the meeting at any time before a vote is given under it.

Miscellaneous

42. (1) The name of the body corporate, either in English or Maori, shall be engraved or impressed in legible characters on the seal of the body corporate.

(2) The seal shall be kept in the custody of the secretary of the committee, or of the chairman if no secretary has been appointed.

43. No meeting of incorporated owners and no proceedings or election at any such meeting shall be invalid by reason of any irregularity in the summoning or the conduct of the meeting or in the proceedings at the meeting or by reason of any failure to comply with the directions contained in the Act or in these regulations, if it appears that the meeting was summoned and the proceedings or election conducted in accordance with the principles laid down in the Act and in these regulations and that the irregularity or failure did not affect the result of the proceedings or election.

44. (1) The regulations specified in the Second Schedule hereto are hereby revoked.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any document made or any thing whatsoever done under the provision so revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the revocation, and could have been made or done under these regulations, shall continue to have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the document was made or the thing was done.

SCHEDULES

FIRST SCHEDULE

MEETING OF INCORPORATED OWNERS

APPOINTMENT OF PROXY

Maori Affairs Act 1953

Reg. 41

I, , being an owner, or trustee for , an owner of the land called , do hereby appoint , of , my proxy to attend and vote on my behalf at the meeting of the incorporated owners of the said land, to be held at , on the day of next, and at any adjournment thereof.

As witness my hand, this day of 19.....

Witness to the signature of the said

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- Solicitor.
- Justice of the Peace.
- Stipendiary Magistrate.
- Registered Medical Practitioner.
- Officiating Minister under the Marriage Act 1908.
- Licensed Interpreter.
- Postmaster.
- Teacher engaged in a Maori School under the Education Act 1914.
- Nurse registered under the Nurses and Midwives Act 1945.

SECOND SCHEDULE

REGULATIONS REVOKED

Reg. 44 (1)

Title	Published in <i>Gazette</i>
Regulations as to Incorporated Owners under Part XVII of the Native Land Act 1909	1910, Vol. I, p. 1415

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

[This note is not part of the regulations, but is intended to indicate their general effect.]

These regulations prescribe the procedure to be followed at elections of committees of management of bodies corporate consisting of the owners of Maori freehold land, and constituted under Part XXII of the Maori Affairs Act 1953.

The regulations also prescribe rules to be followed at meetings of incorporated owners and of committees of management.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 November 1955.

These regulations are administered in the Department of Maori Affairs.