

1993/175



THE MAORI LAND COURT FEES REGULATIONS 1993

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 14th day of June 1993

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 96 of Te Ture Whenua Maori Act 1993, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| 1. Title and commencement | 6. Power to refund, remit, or reduce fees |
| 2. Interpretation | 7. Witnesses' allowances and expenses |
| 3. Application | 8. Goods and services tax included |
| 4. Fees | 9. Revocations |
| 5. Matters in respect of which no fee is payable | 10. Transitional provision
Schedule |

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Maori Land Court Fees Regulations 1993.

(2) These regulations shall come into force on the 1st day of July 1993.

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

“Applicant” means the person by whom or on whose behalf a proceeding is brought:

“Court” means, as the case may require, the Maori Land Court or the Maori Appellate Court or both:

“Proceeding” means any proceeding in the Court; and includes—

(a) Any application made under Te Ture Whenua Maori Act 1993 to the Court or to the Registrar for any purpose; and

(b) Any action or matter referred to in any of Parts I to IV of the Schedule to these regulations:

“Registrar” includes a Deputy Registrar.

3. Application—These regulations apply to all proceedings.

4. Fees—(1) The fees specified in Parts I to III of the Schedule to these regulations are the fees to be paid in respect of the proceedings specified in those Parts of that Schedule.

(2) Subject to regulations 5 and 6 (1) of these regulations, no application initiating a proceeding shall be received by the Court or by the Registrar unless the fee prescribed in relation to that proceeding has been paid.

5. Matters in respect of which no fee is payable—(1) No fee is payable in respect of the inspection, by any member of the public, of any register kept by the Court in relation to a Maori incorporation or of any documents required to be filed with the Court by any Maori incorporation.

(2) No fee is payable in respect of the proceedings referred to in Part IV of the Schedule to these regulations.

6. Power to refund, remit, or reduce fees—(1) A Judge or Registrar of the Court may, in respect of any proceeding,—

(a) Remit, refund, or reduce any fee payable under these regulations in respect of that proceeding; or

(b) Remit (in whole or in part) any outstanding fee incurred before the commencement of these regulations in respect of that proceeding,—

if the Judge or Registrar is satisfied that the applicant is unable to pay or ought not be called upon to pay, the fee or by reason of lapse of time or for any other reason the fee has become irrecoverable.

(2) Any exercise of the power given by subclause (1) of this regulation shall be noted in the minute book, or upon the application or other document affected.

(3) The Court or any Judge or Registrar may decline to hear or consider any proceeding in respect of which there are outstanding fees, whether such fees were incurred by the applicant or by any other person and whether such fees were incurred before the commencement of these regulations or not.

7. Witnesses’ allowances and expenses—Every person attending the Court upon a witness summons and every other person attending the Court and giving evidence in any proceeding shall be entitled, as against the party summoning him or her or calling him or her as a witness, to payment of allowances and expenses in accordance with the Witnesses and Interpreters Fees Regulations 1974*.

*S.R. 1974/124

Amendment No. 1: (Revoked by S.R. 1984/268)

Amendment No. 2: (Revoked by S.R. 1987/193)

Amendment No. 3: (Revoked by S.R. 1987/193)

Amendment No. 4: (Revoked by S.R. 1988/147)

Amendment No. 5: S.R. 1988/147

8. Goods and services tax included—The fees fixed by these regulations are inclusive of any goods and services tax payable under the Goods and Services Tax Act 1985.

9. Revocations—(1) Rules 132 and 133 of, and the Second Schedule to, the Maori Land Court Rules 1958* are hereby revoked.

(2) The Maori Land Court Rules 1958, Amendment No. 5 and the Maori Land Court Rules 1958, Amendment No. 7 are hereby consequentially revoked.

10. Transitional provision—No further fee shall be payable under the Maori Land Court Rules 1958 in respect of any proceeding commenced before the 1st day of July 1993 and the appropriate fees, if any, specified in the Parts I to III of the Schedule to these regulations shall be payable in respect of any step in any such proceeding taken on or after that date.

*S.R. 1958/162

Amendment No. 1: S.R. 1969/144

Amendment No. 2: S.R. 1971/78

Amendment No. 3: (*Revoked by S.R. 1982/124*)

Amendment No. 4: S.R. 1977/140

Amendment No. 5: S.R. 1982/124

Amendment No. 6: (*Revoked by S.R. 1985/36*)

Amendment No. 7: S.R. 1985/36

SCHEDULE

Regs. 4, 5

FEES

Part I

A fee of \$25 is payable in respect of each of the following proceedings:

Nature of Proceeding	Section of Te Ture Whenua Maori Act 1993
Determination of whether any person is a Maori or the descendant of a Maori	18 (1) (e)
Amendment of Court ownership records	87
Confirmation or noting by Registrar	160, 161, 255
Empowering whanau trustees to apply trust income for Maori community purposes	214 (4)
Empowering ahu whenua trustees to apply trust income for Maori community purposes	215 (6)
Empowering whenua topu trustees to hold land, money, and other assets for Maori community purposes specified by Court	216 (5)
Order deeming specified interests vested in whenua topu trustees to be held for the persons named in the order	216 (7)
Constitution of a kai tiaki trust	217
Approval for trustees to apply funds for specified purpose	218 (2) (d)
Order for payment of money held in trust	242
Vesting order to provide dwelling site	296
Registration of memorial of assignment under the Maori Vested Lands Administration Act 1954 or the Maori Reserved Land Act 1955	-
Any certificate, other than a certificate of confirmation, given by a Judge or Registrar	105 (5), 181 (2), 183 (2)

Part II

A fee of \$122 is payable in respect of each of the following proceedings:

Nature of Proceeding	Section of Te Ture Whenua Maori Act 1993
Claim for damages for trespass or other injury to Maori freehold land	18 (1) (c)
Proceeding founded on contract or on tort where the debt, demand, or damage relates to Maori freehold land	18 (1) (d)
Application for issue of order by way of injunction	19
Proceeding for recovery of Maori freehold land	20
Relief against forfeiture	21
Relief against refusal to grant renewal	22
Authority to enter Maori freehold land to erect or repair buildings	23
Relief in cases of encroachment	24
Order to restore effect of lost instrument of alienation	25

SCHEDULE—*continued*FEES—*continued*Part II—*continued*

Nature of Proceeding	Section of Te Ture Whenua Maori Act 1993
Proceeding under the Fencing Act 1978	26
Application for a rehearing	43
Application to Chief Judge to correct mistake or omission in Court Order	44, 45
Appeal from Maori Land Court to Maori Appellate Court	58
Appointment of a receiver	83
Investigation of title to Maori customary land ..	132
Vesting order declaring that land shall become Maori freehold land	134
Application to Court for confirmation of alienation ..	151
Application to Court for calling of meeting of assembled owners	173, 196 (3)
Application to Court for confirmation of resolution of assembled owners	175, 176
Application to Registrar for certificate	181 (2)
Application to Court for appointment of an agent for owners	183, 184, 185
Establishment of a Maori incorporation	247
Inclusion in Maori incorporation of owners of additional land	251
Amalgamation of Maori incorporations	252
Removal from office of member of committee of management	269 (4)
Investigation of conduct of election of any member of committee of management	269 (6)
Order directing special general meeting of shareholders	275 (2)
Appointment of examining officer	280
Winding up of Maori incorporation	282
Application by liquidator to Court for directions ..	282 (6)
Partition order	289
Partition of combined areas	298
Cancellation of partition order	306
Amalgamation order	307
Aggregation order	308
Exchange order	310
Easement	315
Laying out of roadway	316
Variation or cancellation of a roadway order	322

SCHEDULE—*continued*FEES—*continued**Part III*

A fee of \$61 is payable in respect of any proceeding not mentioned in Part I or Part II or Part IV of this Schedule.

Part IV

No fee is payable in respect of the following proceedings:

Nature of Proceeding	Section of Te Ture Whenua Maori Act 1993
Reference of matter to Court for inquiry and report Request to Maori Land Court for advice or determination as to persons who are the most appropriate representatives of class or group of Maori	29
Status order	30
Discharge of agent	133
Review of trust	191 (1) (c)
Review of kai tiaki trust	231
Lease of land by liquidator	234
Cancellation of vesting order	283 (2)
Survey order	296 (4)
Application for a Maori reservation	332 (1) (b)
Review of section 438 trust	339
	351

BOB MACFARLANE,
Acting for 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, which come into force on 1 July 1993, prescribe a new scale of Court fees in respect of matters before the Maori Land Court or the Maori Appellate Court.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 17 June 1993.
These regulations are administered in the Department of Justice.