



THE MAORI LAND COURT (JURISDICTION) ORDER 1996

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 11th day of November 1996

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

WHEREAS the Conversion Fund within the Maori Trustee's Account was abolished, as from the 1st day of April 1987, by Part XIII of the Maori Affairs Act 1953 (as enacted by section 2 of the Maori Affairs Amendment Act 1987) and any of the Fund's shares in any block of land that were compulsorily acquired by the Maori Trustee were required by Part XIII of the Maori Affairs Act 1953 (as so enacted) to be vested in the persons in whom, but for their being compulsorily acquired by the Maori Trustee, they would have been vested: And whereas some re-vesting certificates filed by the Maori Trustee with the Maori Land Court under Part XIII of the Maori Affairs Act 1953 (as so enacted) have been found to be incorrect as also have some certificates filed with Maori incorporations under that Part of that Act (as so enacted): And whereas the Maori Affairs Act 1953 was repealed by Te Ture Whenua Maori Act 1993: And whereas it is desirable to confer special jurisdiction on the Maori Land Court to make appropriate amendments to the Court records and the share register of any Maori incorporation affected:

NOW THEREFORE, pursuant to section 27 of Te Ture Whenua Maori Act 1993, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. Title and commencement—(1) This order may be cited as the Maori Land Court (Jurisdiction) Order 1996.

(2) This order shall come into force on the 28th day after the date of its notification in the *Gazette*.

2. Jurisdiction of Maori Land Court—(1) The Maori Land Court shall, on the application of the Maori Trustee, have jurisdiction to investigate and determine whether—

(a) Any certificate filed by the Maori Trustee with the Registrar of the Maori Land Court under section 151 or section 153 or section 154 of the Maori Affairs Act 1953 (as enacted by section 2 of the Maori Affairs Amendment Act 1987); or

(b) Any certificate filed by the Maori Trustee with a Maori incorporation under section 154C of the Maori Affairs Act 1953 (as enacted by section 2 of the Maori Affairs Amendment Act 1987),—
vests in the wrong person shares in any block of land or in any Maori incorporation that were compulsorily acquired by the Maori Trustee within the meaning of section 151 (2) of the Maori Affairs Act 1953 (as enacted by section 2 of the Maori Affairs Amendment Act 1987).

(2) If the Maori Land Court determines under subclause (1) of this clause that shares in any block of land or in any Maori incorporation have been vested in the wrong person, the Court shall have jurisdiction—

(a) To make such orders as it thinks fit; and

(b) To direct the Registrar of the Maori Land Court to amend the Court records relating to the shares in that block of land accordingly; and

(c) Where appropriate, to direct the Registrar of the Maori Land Court to send a copy of the order relating to the shares in that Maori incorporation to the secretary of the incorporation.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order gives the Maori Land Court jurisdiction to investigate and determine, on the application of the Maori Trustee, whether certain certificates filed by the Maori Trustee under Part XIII of the Maori Affairs Act 1953 (as enacted by section 2 of the Maori Affairs Amendment Act 1987) have vested shares in blocks of land or in Maori incorporations in the wrong persons. Those certificates relate to land or shares in Maori incorporations that were compulsorily acquired by the Maori Trustee within the meaning of section 151 (2) of the Maori Affairs Act 1953.

If the Maori Land Court determines that any shares in any such blocks or incorporations have been vested in the wrong persons, the Court is given jurisdiction to make such orders as it thinks fit and to direct the Registrar of the Maori Land Court to amend the Court records. The Maori Land Court may, where appropriate, direct the Registrar to send a copy of the order to the secretary of a Maori incorporation.

This order comes into force on the 28th day after the date of its notification in the *Gazette*.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 14 November 1996.
This order is administered in the Ministry of Maori Development.