

1976/273



THE MAORI LAND COURT RULES 1958, AMENDMENT NO. 3

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 18th day of October 1976

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 rules.

RULES

1. Title and commencement—(1) These rules may be cited as the Maori Land Court Rules 1958, Amendment No. 3, and shall be read together with and deemed part of the Maori Land Court Rules 1958* (hereinafter referred to as the principal rules).

(2) These rules shall come into force on the 1st day of January 1977.

2. New scale of fees substituted—(1) The principal rules are hereby amended by revoking the Second Schedule, and substituting the Second Schedule set out in the Schedule to these rules.

(2) The following rules are hereby consequentially revoked:

(a) Rule 11 (4) of the Maori Land Court Rules 1958, Amendment No. 1:

(b) Rule 4 of the Maori Land Courts Rules 1958, Amendment No. 2.

*S.R. 1958/162
Amendment No. 1: S.R. 1969/144
Amendment No. 2: S.R. 1971/78

SCHEDULE
NEW SECOND SCHEDULE SUBSTITUTED
“SECOND SCHEDULE

Reg. 2

Reg. 132

Fees

PART I—FEES PAYABLE IN RESPECT OF PROCEEDINGS SET OUT BELOW, SUCH FEES BEING PAYABLE UPON FILING OF APPLICATION

NOTE—The references to sections are, save where otherwise indicated, references to sections of the Maori Affairs Act 1953.

Nature of Proceedings	Form No. (if any)	Fee
		\$
Rehearing	9	10
Claim for damages for trespass	11	15
Claim under Fencing Act 1908	11	15
Determination of relative interests	12	15
Interlocutory injunction under section 30 (1) (d)	15	15
Interlocutory injunction under section 30 (1) (f)	16	15
Final injunction	17	15
Determination of status of person	22	10
Determination of status of land	24	10
Easement	26	10
Payment of money held in trust	29	5
Appointment of receiver to enforce a charge ..	32	10
Appointment of receiver of property in dispute ..	33	10
Leave for receiver to lease	36	5
Case stated for opinion of Supreme Court ..	41	15
Appointment of trustee or new trustee, per block ..	42	1
Remuneration of trustee for person under disability	50	5
Vesting interest of deceased European in Maori land	84	No Fee
Determination of persons legally entitled to succeed (any number of blocks or interests)	86	5
Consent to purchase by Maori Trustee of interest of person under disability	105	No Fee
Investigation of title	111	25
Partition	114	15
Partition (combined areas)	115	20
Exchange	136	10
Exchange between Maoris and Crown	137 or 138	No Fee
Vesting under section 213, per block .. .. .	..	5
Vesting under section 213 A	157	5
Confirmation of alienations	161	
Purchase money up to \$2,000 .. .. .	..	15
For each additional \$2,000 or part of purchase money, an additional fee of .. .. .	..	5
(For the purpose of these fees money advanced on mortgage and timber royalties shall be deemed to be purchase money.)		

SCHEDULE—continued

Nature of Proceedings	Form No. (if any)	Fee
		\$
Exemption from requirement to furnish special valuation	167	5
Leave to surrender lease and grant new lease ..	175	5
Authorising Maori Trustee to accept surrender of lease	177	5
Directing Maori Trustee to execute renewal of lease	179	5
Vesting under section 267	186	No Fee
Incorporation	188 or 189	25
Amalgamation of bodies corporate	194	20
Inclusion of additional area in incorporation ..	197	20
Extension of order of incorporation	200	20
Excluding land from order of incorporation ..	202	20
Appointment of committee of management or members thereof	206	5
Winding up body corporate	211	20
Summoning meeting of assembled owners ..	216	30
(If the Court dismisses the application to summon the meeting the applicant shall be entitled to a refund of \$20 of the fee on application in writing to the Registrar.)		
Confirmation of resolution of assembled owners ..	223	No Fee
Charging order evidencing amount of charge ..	226	No Fee
Charging order for survey under section 411 ..	237	5
Roadway order (access to Maori land)	241	10
Roadway order (access to General land)	242	10
Roadway order (access to Crown land)	243	No Fee
Amalgamation of titles	247	10
Revesting land acquired for a public work ..	249	5
Recommendation for a Maori reservation	250	5
Vesting of housing site	253	5
Road or tramway for removal of timber	255	25
Appointment of new trustees under section 443 ..	257	5
Vesting on fulfilment of trust	259	5
Consolidated order	262	No Fee
Injunction prohibiting cutting, removal, or disposal of timber	265	10
Authority to seize timber	268 or 269	10
To Chief Judge for amendment of order, etc. ..	273	20
Charging order for rates	294	5
Order evidencing charge under Maori Housing Amendment Act 1938, section 21 (2)	297	No Fee
Charging order under Maori Housing Amendment Act 1938, section 21 (3)	299	No Fee

SCHEDULE—continued

Nature of Proceedings	Form No. (if any)	Fee
		\$
Registration of memorandum of assignment of equitable and beneficial interest in Maori vested land or Maori reserved land	300A	5
Notice of Appeal	304 or 305	25
Dismissal of appeal	307	No Fee
Declaring Maori land shall cease to be Maori land	311	10
Vesting land in trustees under section 438 .. .. .	..	15
Restoration of effect of lost instrument of alienation under section 446 .. .. .	..	15
Authority for Maori Trustee to execute instrument of alienation for absent owner under section 447	..	5
Appointment of Maori Trustee as receiver in respect of rates on General land owned by Maoris .. .. .	..	5
Ascertainment of equitable owners under section 170 .. .. .	..	15
Any other proceeding not herein specified .. .. .	..	5

PART II—MISCELLANEOUS FEES

	\$
Any certificate by a Judge, Commissioner, or Registrar ..	5.00
Issuing supplementary notice for setting down application (including cost of printing and distributing)	20.00
Transmitting case stated to Supreme Court	5.00
Typing copies of any record—\$1 plus 50 cents per 100 words or part thereof for all words in excess of the first 200 words:	
Supplying the addresses of owners for the purposes of a meeting of owners—20 cents per address up to a total maximum a total fee of \$5.00.”	

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the rules, but is intended to indicate their general effect.
The rules substitute a new and, in general, increased scale of fees payable in respect of various proceedings of the Maori Land Court.
The rules come into force on 1 January 1977.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 21 October 1976.
These rules are administered in the Maori Affairs Department.