

Serial Number **1954/46**



THE MAORI TRUST OFFICE REGULATIONS 1954

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 24th day of March 1954

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Maori Trustee 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

1. These regulations may be cited as the Maori Trust Office Regulations 1954.
2. These regulations shall come into force on the 1st day of April 1954.

Commission

3. In these regulations, unless the context otherwise requires, "estate" means the property which the Maori Trustee is entitled to administer as executor or trustee under the will of a deceased Maori or as the administrator in the estate of a Maori dying intestate or the property in respect of which the Maori Trustee is the trustee of a person under disability or the property which the Maori Trustee is authorized to administer under a duly executed power of attorney or as the trustee under any deed of trust or settlement duly executed by the parties entitled to create or make the same.

4. Subject to the provisions of section 48 of the Maori Trustee Act 1953, the Maori Trustee shall be entitled to charge commission in respect of the matters hereinafter specified at the rates prescribed in relation thereto:

- (a) Upon the gross capital of any estate, other than Maori freehold land or any freehold interest in Maori land, realized by the Maori Trustee:

On the first £5,000: $3\frac{3}{4}$ per cent:

On all in excess of £5,000: $2\frac{1}{2}$ per cent:

- (b) Upon such capital sums as are received in terms of a deed of trust or settlement duly executed by the parties entitled to create or make the same:

(i) Where the capital consists of cash which the Maori Trustee is required to, or may, invest in the Common Fund: 1 per cent:

(ii) Where the capital consists of cash which the Maori Trustee is required to invest otherwise than in the Common Fund:

On the first £5,000: $3\frac{3}{4}$ per cent:

On all in excess of £5,000: $2\frac{1}{2}$ per cent:

- (c) Upon the transfer of any money from the account kept by the Maori Trustee in respect of any estate to any other account kept by the Maori Trustee, whether in respect of any other estate or not, or upon the transfer of any money to any account kept by the Maori Trustee in respect of any estate from any other account kept by the Maori Trustee, whether in respect of any other estate or not: 1 per cent:

- (d) Upon any money received as damages, whether by way of compromise or otherwise, under the Deaths by Accidents Compensation Act 1952, or in any cause or matter relating to personal injury:

On so much of the money as is immediately payable to the person entitled: 1 per cent:

On so much of the money as is held and administered in terms of any Court order or otherwise: $2\frac{1}{2}$ per cent:

- (e) Upon the gross value, as determined by the Maori Trustee, of any real or personal property transferred or relinquished or delivered in kind to or retained by any person entitled thereto, whether as a beneficiary, principal, or in any other capacity whatsoever, and whether on the termination of a trust or agency or otherwise:

On the first £5,000: $1\frac{3}{4}$ per cent:

On all in excess of £5,000: $1\frac{1}{4}$ per cent.

- (f) Except as otherwise provided by this regulation, upon the gross income of any estate from whatsoever source: 5 per cent:

Provided that no commission shall be charged under this head on any income which has been subject to commission under paragraph (c) of this regulation:

Provided also that where any income is collected on behalf of the Maori Trustee by any duly authorized person who has charged a commission for so doing, or where income is derived from another estate administered otherwise than by the Maori Trustee and commission has been taken on that income before it comes into the hands of the Maori Trustee, the commission chargeable by the Maori Trustee shall be $2\frac{1}{2}$ per cent:

Provided also that no commission shall be charged by the Maori Trustee in respect of interest earned by an estate from capital belonging to that estate in the Common Fund:

- (g) Upon the gross proceeds of the sale of any land or freehold interest in land or upon the gross amount of any compensation received by the Maori Trustee in any capacity whatsoever in respect of land or any interest in land taken: 5 per cent:

Provided that in respect of the proceeds of the sale or of compensation for the taking of any European land or freehold interest in European land comprised in any estate, the commission shall be that prescribed under paragraph (a) of this regulation:

- (h) Upon the gross rent from any land received by the Maori Trustee in any capacity whatsoever: 6 per cent:

Provided that where the Maori Trustee receives rent from any land or freehold interest in land comprised in any estate directly and otherwise than as the general agent of the owners of that land the commission shall be 5 per cent:

- (i) Upon the gross income from any business carried on by the Maori Trustee in relation to any land or otherwise: 5 per cent:

Provided that in the case of any business carried on in relation to land, the amount of commission shall not be less than £100 per annum:

- (j) Upon those moneys arising from any business carried on by the Maori Trustee in relation to land which are distributed, or appropriated for payment, to the persons beneficially entitled: 5 per cent:

- (k) Upon any moneys (not being moneys in respect of which commission is prescribed by the foregoing provisions of this regulation) received by the Maori Trustee in any capacity whatsoever for payment to the persons beneficially entitled: 5 per cent:

- (l) Upon any moneys disposed of as unclaimed moneys, whether by payment to the persons beneficially entitled or otherwise: 10 per cent.

Fees

5. Subject to the provisions of section 48 of the Maori Trustee Act 1953, the Maori Trustee shall be entitled to charge, in respect of the several matters hereinafter specified, the fees prescribed in relation thereto:

- (a) In respect of conveyancing work performed by solicitors employed in the Maori Trust Office: According to the scale of conveyancing charges approved by the Council of the New Zealand Law Society:

- (b) In respect of the execution by the Maori Trustee of a memorial of charge or the discharge thereof: According to the scale of conveyancing charges approved by the Council of the New Zealand Law Society, so far as it relates to mortgages, reduced by one-third:
- (c) In respect of the production of titles: According to the scale of conveyancing charges approved by the Council of the New Zealand Law Society, so far as it relates to the production of titles:
- (d) In respect of the Maori Trustee's consent as lessor or mortgagee in relation to leasehold transactions: £1 1s.:
- (e) In respect of the services of the Maori Trustee in clearing or otherwise putting in order the title to any land: £5 5s.:

Provided that no such fee shall be payable in any case where the Maori Trustee is acting as the agent of the owners under Part XXIII of the Maori Affairs Act 1953 in the disposition of the land by way of sale:

- (f) In respect of the services of the Maori Trustee on the grant of a lease or the execution of a transfer of any land pursuant to an order made under Part XXV of the Maori Affairs Act 1953, in addition to commission, a fee according to the following scale:

Where annual rent is under £50: £2 11s. 6d.:

Where annual rent is £50 or over but under £100: £5 5s.

Where annual rent is £100 or over: £7 17s. 6d.:

- (g) In respect of the administration of any sinking fund created for the purposes of meeting compensation for improvements, to be taken on the termination of the sinking fund: £2 2s.:
- (h) In respect of the preparation and filing of any record touching the state and condition of any land subject to a lease and of the particulars of any improvement made or to be made thereon: £10 10s.:
- (i) In respect of the inspection of any leasehold or of any land subject to a mortgage other than a mortgage to the Maori Trustee for moneys advanced from the Common Fund or the General Purposes Fund: £5 5s.:
- (j) In respect of the Maori Trustee's consent to any plan of subdivision: £1 1s.:
- (k) In respect of survey work performed by registered surveyors or survey staff employed in the Maori Trust Office: According to the scale of charges prescribed by the New Zealand Institute of Surveyors.

6. Nothing in these regulations shall be so construed as to limit the authority of the Maori Trustee to impose, in addition to any commission or fees prescribed by these regulations, a reasonable charge for any special or additional service performed by him in relation to any estate, trust, agency, receivership, or property otherwise within his control or disposition.

Interest on Common Fund Moneys

7. (1) Moneys held in the Common Fund on terms that they are payable on demand to the person beneficially entitled shall not bear any interest.

(2) Any sum of money under £10 howsoever held in the Common Fund shall not bear any interest.

8. (1) Except as provided in regulation 7 hereof, moneys held in the Common Fund shall bear interest at the following annual rates:

Moneys held otherwise than on terms that they are payable on demand to the person beneficially entitled: $3\frac{1}{4}$ per cent:

Moneys held on deposit under section 25 of the Maori Trustee Act 1953 for an agreed period of not less than one year: $3\frac{1}{4}$ per cent:

Provided that in any case where the moneys are held in the Common Fund after the expiry of an agreed period, being not less than one year, the moneys shall bear interest at a proportionate part of the annual rate for each complete month during which they are held.

(2) Moneys held in the Common Fund to the credit of the following accounts shall bear interest at the annual rate set opposite the name of the account:

Maori Purposes Fund Account: $3\frac{1}{4}$ per cent:

Ngarimu Scholarship Fund Account: $3\frac{1}{4}$ per cent:

Maori Soldiers Fund Account: $3\frac{1}{4}$ per cent:

Aorangi Compensation Fund Account: $3\frac{1}{4}$ per cent:

Special Maori Housing Fund Account: 1 per cent.

9. Interest payable in terms of regulation 8 hereof shall be computed on the monthly balance of capital held.

10. For the purpose of these regulations, income received by the Maori Trustee and any interest payable by the Maori Trustee in respect of moneys in the Common Fund shall, if it is to be capitalized, be capitalized annually on the 1st day of April.

11. (1) The regulations specified in the 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.

SCHEDULE

REGULATIONS REVOKED

Title	Published in <i>Gazette</i>	
Regulations Relating to Maori Land Board	1914, Vol. II, p. 3269	
Additional Regulations Relating to Maori Land Boards	1915, Vol. II, p. 2175	
Amending Regulations Relating to Maori Land Boards	1918, Vol. III, p. 3699	
Amending Regulations Relating to Maori Land Boards	1920, Vol. III, p. 2683	
Regulations Under the Native Trustee Act 1920 ----	1922, Vol. III, p. 2902	
Amending Regulations Under the Native Trustee Act 1920	1923, Vol. III, p. 2474	
Additional Regulations Relating to Maori Land Boards	1926, Vol. III, p. 3413	
Additional Regulation Relating to Maori Land Boards	1927, Vol. II, p. 1429	
Amending Regulations Relating to Maori Land Boards	1931, Vol. I, p. 853	
Amending Regulations Under the Maori Trustee Act 1930	1932, Vol. I, p. 1145	
Amending Regulations in Force Under the Maori Trustee Act 1930	1933, Vol. III, p. 2394	
	Published in Statutory Regulations	
	Serial Number	Page
The Maori Trustee Regulations 1922, Amendment No. 4	174/1937	659
The Maori Trustee Regulations 1922, Amendment No. 5	1950/130	435

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 rates of commission and fees chargeable by the Maori Trustee and the rates of interest payable in respect of moneys held by him in his Common Fund.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 25 March 1954.

These regulations are administered in the Department of Maori Affairs.