

Reprint
as at 1 July 2009

Maori Trust Office Regulations
1954

(SR 1954/46)

Maori Trust Office Regulations 1954: revoked, on 1 July 2009, by regulation 11 of the Māori Trustee Regulations 2009 (SR 2009/169).

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.

Contents

	Page
<i>Commission</i>	
<i>Fees</i>	
5	Fees on filing or sealing election to administer 5
5A	Fees payable to Maori Trustee 5
<i>Interest on Common Fund moneys</i>	
8	Common Fund Interest 7
9	Calculation of interest 7
10	Capitalisation of income 7

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

These regulations are administered in the Department of Maori Affairs.

Schedule
Regulations revoked

8

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.

3

Commission

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 value of any estate realised by the Maori Trustee, and 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 or principal or in any other capacity, and whether on the termination of a trust or agency or otherwise:

- On the first \$10,000: 3 3/4 percent:
- On all in excess of \$10,000: 2 1/2 percent.

- (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: 2 percent:
 - (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 3/4 per cent:
 - On all in excess of £5,000: 2 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: 2 percent:
- (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 1/2 per cent:
- (e)

- (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 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: 5 per cent:
Provided that, where the Maori Trustee acts as an administrator or a trustee under Part 10 of the Maori Affairs Act 1953 or as a manager under the Mental Health Act 1969, the Commission shall be that prescribed by paragraph (a) of this regulation.
- (h) Upon the gross rent from any land received by the Maori Trustee capacity whatsoever: 7 1/2 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 no case shall commission under this paragraph be less than \$300 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.

Regulation 4(a): substituted, on 30 June 1977, by regulation 2(1) of the Maori Trust Office Regulations 1954, Amendment No 7 (SR 1977/148).

Regulation 4(b)(i): amended, on 30 June 1977, by regulation 2(2) of the Maori Trust Office Regulations 1954, Amendment No 7 (SR 1977/148).

Regulation 4(c): amended, on 30 June 1977, by regulation 2(3) of the Maori Trust Office Regulations 1954, Amendment No 7 (SR 1977/148).

Regulation 4(e): revoked, on 30 June 1977, by regulation 2(4) of the Maori Trust Office Regulations 1954, Amendment No 7 (SR 1977/148).

Regulation 4(g): substituted, on 30 June 1977, by regulation 2(5) of the Maori Trust Office Regulations 1954, Amendment No 7 (SR 1977/148).

Regulation 4(h): amended, on 30 June 1977, by regulation 2(6) of the Maori Trust Office Regulations 1954, Amendment No 7 (SR 1977/148).

Regulation 4(i) proviso: amended, on 30 June 1977, by regulation 2(7) of the Maori Trust Office Regulations 1954, Amendment No 7 (SR 1977/148)

Fees

5 Fees on filing or sealing election to administer

- (1) The fee payable by the Maori Trustee to the Registrar of the High Court for the filing of any election under section 12A or section 12B of the Maori Trustee Act 1953 shall be \$7.
- (2) The sealing fee for a copy of any such election certified as a correct copy under the seal of the High Court shall be \$3.

Regulation 5: substituted, on 1 July 1992, by regulation 2 of the Maori Trust Office Regulations 1954, Amendment No 14 (SR 1992/130).

5A Fees payable to Maori Trustee

Subject to the provisions of section 48 of the Maori Trustee Act 1953, in respect of the matters specified in this regulation the Maori Trustee shall be entitled to charge such reasonable fee as he considers appropriate in the circumstances having regard to the nature of the work and the time involved in it:

- (a) conveyancing work performed by solicitors employed in the Maori Trust Office:
- (b) the execution by the Maori Trustee of a memorial of charge or the discharge thereof:
- (c) the production of titles:
- (d) the giving of consent by the Maori Trustee to any plan of subdivision:
- (e) the giving of consent by the Maori Trustee as lessor or mortgage in relation to leasehold transactions:
- (f) the services of the Maori Trustee in clearing or otherwise putting in order the title to any land:
Provided that no fee shall be payable in any case where the Maori Trustee is acting as the agent of the owners under Part 23 of the Maori Affairs Act 1953 in the disposition of the land by way of sale:
- (g) the administration of any sinking fund created for the purposes of meeting compensation for improvements, the fee to be taken on the termination of the sinking fund:
- (h) 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.

Regulation 5A: inserted, on 28 November 1985, by regulation 2(1) of the Maori Trust Office Regulations 1954, Amendment No 10 (SR 1985/291).

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.

7

Interest on Common Fund moneys

- (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 Common Fund Interest

Except as provided in regulation 7 of these regulations, any money held in the Common Fund to the credit of a particular account shall bear interest at the following rate:

- (a) while the amount standing to the credit of that account is less than \$5,000, 3 percent:
- (b) while the amount standing to the credit of that account equals or exceeds \$5,000 but is less than \$50,000, 4 percent:
- (c) while the amount standing to the credit of that account equals or exceeds \$50,000, 5 percent.

Regulation 8: substituted, on 1 October 1992, by regulation 2 of the Maori Trust Office Regulations 1954, Amendment No 15 (SR 1992/264).

9 Calculation of interest

Interest payable in terms of regulation 8 hereof shall, in respect of each account, be computed on the minimum balance of funds held in that account during each month.

Regulation 9: substituted, on 1 October 1975, by regulation 2 of the Maori Trust Office Regulations 1954, Amendment No 5 (SR 1975/230).

10 Capitalisation of income

For the purpose of these regulations, 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.

Regulation 10: amended, on 1 October 1975, by regulation 3 of the Maori Trust Office Regulations 1954, Amendment No 5 (SR 1975/230).

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 an 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

Reprinted as at
1 July 2009

Maori Trust Office Regulations 1954

Title	Published in <i>Gazette</i>	
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	1937/174	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.

Contents

- 1 General
 - 2 About this eprint
 - 3 List of amendments incorporated in this eprint (most recent first)
-

Notes**1 General**

This is an eprint of the Maori Trust Office Regulations 1954. It incorporates all the amendments to the regulations as at 1 July 2009. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

3 List of amendments incorporated in this eprint (most recent first)

Māori Trustee Regulations 2009 (SR 2009/169): regulation 11
